FEASIBILITIES AND VULNERABILITIES IN MINING ACTIVITIES

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ABSTRACT

Purpose: Review the concepts of “environmental management” and “sustainable management”, considering the fundamental indices, highlighting euphemisms in attempts to conciliate measures that are irreconcilable with community ways of life.

Theoretical Framework: We emphasize terms such as "responsible mining" and "sustainable development", highlighting conscious calculations of the viability of undertaking undertakings that make use of a rhetoric of "environmental management" and "sustainable management", but are permeated by variants that change from directions and, in principle, one of its main purposes is convincing.

Method: Of critical, literary review, which seeks to consider and highlight qualitative aspects, exposing concepts and theoretical concepts essential to the study.

Results and conclusion: We conclude that the viability and vulnerabilities in mining activities demonstrate the contradictions of legal precepts, laws and norms. Certain legal measures prove to be incompatible with the well-being of communities, and some of them prove to be irreconcilable with the countless forms of life and with the balance of ecosystems.

Research implications: Through the results, the effectiveness and inefficiency of measures that propose to meet the real needs of communities that live in the contexts of large enterprises can be observed.

Originality/value: Legitimate demystifications and contestations of legal measures those are incompatible with the well-being of communities. Norms those are totally irreconcilable and intolerant of the supreme precepts of fraternal conscience and true respect for all kinds of life.

Keywords: Mining, Feasibility, Vulnerabilities, Sustainability, Management.

VIABILIDADES E VULNERABILIDADES NAS ATIVIDADES DE MINERAÇÕES

RESUMO

Objetivo: Revisar os conceitos de “gestão ambiental” e de “gerenciamento sustentável”, considerando os índices fundamentais, evidenciando eufemismos em tentativas de conciliações com medidas irreconciliáveis com os modos de vidas comunitários.

Estrutura teórica: Enfatizamos termos como “mineração responsável” e “desenvolvimento sustentável”, destacando cálculos, conscientes, de viabilidades de instaurações dos empreendimentos que fazem uso de uma retórica de “gestão ambiental” e de “gerenciamento sustentável”, mas estão permeados por variantes que mudam de direções e, em princípio, um dos seus principais escopos é o convencimento.

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Método: De revisão crítica, literária, que procura considerar e destacar aspectos qualitativos, expondo conceitos e concepções teóricas essenciais ao estudo.

Resultados e conclusões: Concluímos que as viabilidades e as vulnerabilidades nas atividades de minerações constatam as contradições de preceitos jurídicos, de leis e normas. Certas medidas jurídicas se revelam incompatíveis com o bem-estar das comunidades, e algumas delas se mostram inconciliáveis com as inúmeras formas de vida e com os equilíbrios dos ecossistemas.

Implicações da pesquisa: Observam-se, através dos resultados, eficácias e ineficácias de medidas que propõem atender às necessidades reais das comunidades que vivem nos contextos dos grandes empreendimentos minerários.

Originalidade/valor: Desmistificações e contestações, legítimas, de medidas jurídicas que entram em incompatibilidades com o bem-estar das comunidades. Normas que se mostram totalmente inconciliáveis e intolerantes aos preceitos supremos da consciência fraterna e do verdadeiro respeito a toda forma de vida.

Palavras-chave: Mineração, Viabilidades, Vulnerabilidades, Sustentabilidade, Gestão.

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1 INTRODUCTION

Mining activities in Latin America, and especially in Bahia, encompass a huge diffuse complexity of economic interests. In addition, in these spheres, regarding environmental issues, we need to pay attention to the immaterial flows of international capital, as Schlesinger (2001) pointed out. This diffuse complexity is of interest to several researchers from the most diverse fields of study.

The excessive amount of capital invested, the aspects of work, production, human activities, mobility, the movement of commodities and other peculiarities of socio-environmental dynamics are not only in the interests of Human Ecology, but also of researchers from the most diverse fields of epistemology. In this perspective, we highlight the concept of "proteiform epistemology" - which changes forms, in the broad sense, as a general theory of knowledge and, in the narrow sense, which refers to the genesis and structures of the sciences in the process of being formed, that is, of being formed, according to Japiassú and Marcondes (2001).

Among the interests of Human Ecology, stemming from Pierson's vision (1945), we highlight the relationships between men, the imbalances of nature, the precariousness of work activities, the possibilities of highlighting material and mental blemishes and involuntary segregations.

In this work, we propose to review and describe the concepts of "environmental management" and "sustainable management", considering, above all, indices, historical facts and socio-environmental factors that were fundamental for the research. We show euphemisms in attempts to reconcile irreconcilable measures with the ways of life of the community. Therefore, we asked what would be the essential viability and vulnerabilities in mining activities. This inquiry and the research itself are justified not only by the worrying warmongering situations generated by mining activities, but, above all, by the multiplicity of enormous ruptures and triggering factors, caused by the policies and by anti-ecological, generalized actions that threaten various forms of life.
2 THEORETICAL FRAME

The power of persuasion that imposes beliefs and values, often in arbitrary ways, in Bourdieu and Delsaut (2008), characterizes an "ontological promotion". In it, certain legitimacies depend on a cycle of consecration that is strengthened by economic and symbolic investments. Enforced legitimacy is symbolic violence that transforms the ethos of a group into a universal ethic, in which legitimate habits are imposed - legitimate needs and practices.

With regard to the "customs progress", cited by IBRAM, in Almeida (2020), we can imagine this category of utterance, linked to the "geometrization metaphors" of the globalizing policies that apply contemporary speeches of neo-colonialism. The author presents a profusion of meanings that incorporate definitions and redefinitions of infrastructure logistics - airports, ports, highways, railways that are used for the transport of commodities. LAPSSET is just an early stage of these planned corridors. Since the 19th century, it has been characterized by a second stage in the configuration of political and economic controls. In this second stage, according to Ferro (2017), the "sign of progress" took the place of the insignia of evangelization. Political, socio-economic and cultural control has been taken over by some countries that intend to bring "civilization" to societies classified as less advanced.

In the case of mining, the current forms of controls involve not only the possession of land, a sign of economic and political power, which was much more forceful in the past, however, in contemporaneity they encompass strong ties of economic interests. In the very concept of "neo-colonization", the term "lap", in the semantic plane, as Bosi (1992) observed, means "occupation of the land". The occupied space and the subjection of the people characterize the "Plus structural of the domain" that meets the designs of the occupier of the land. Thus, new forms of domination of men over men occur by occupying large swathes of land.

With regard to "modern benefits", for analytical purposes, FDI - "Foreign Direct Investment" can be considered as one of the aspects of these "benefits". Alonso and Sánchez (2015) understand FDI as a key element in identifying the presence of foreign companies in mining activities in a given country. Both noted that companies' valorization and stimulation of FDI aim for high tax exemptions, on the one hand, and the permissiveness of governments that drive the exploitation of endogenous and exogenous developments from the abusive exploitation of "natural resources". According to Campbell (1983), the "natural resources" of the environment and the abilities of individuals constitute the primary determinants of human adaptation.

We can observe that Campbell (1983) had already understood as naiveté the idea of allowing the continuous exploitation of the physical environment, finite, to meet a population in uninterrupted growth.

Regarding mining in the state of Bahia, in the Northeast of Brazil, we raised a succession of problems. In relation to the "movement of the economy", in July 2021, the State Government of Bahia disclosed the sum of the exports of the State, in the amount of US$ 925 million. This amount would have exceeded, according to a state website, the percentage of 55.4%, the values of the previous month, reaching the highest result since 2011.

The commodities of minerals and soybeans were the greatest instigators of these exports. It is calculated that, in one half-year, the values of Bahia exports totaled US$ 4.42 billion, exceeding by 20% the values of the previous year. The main importers include China, the United States and Europe.

However, the spread of the cult of export growth antagonizes and diverges with the picture of average per capita income of the State of Bahia, which according to data from the

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4 We refer to the website: http://www.bahia.ba.gov.br/.
IBGE - "Brazilian Institute of Geography and Statistics", in 2020, were R$ 912.81, leaving the State in 20th place in the national scenario. Bahia fell behind the states of Rondônia, Roraima, Sergipe, Pernambuco, Ceará and Paraíba. According to this data, the State of Bahia has become the fourth lowest income in the Northeast Region. With a per capita income lower than the national average, which was 1,380, the "Correio 24 hours", in turn, showed the State of Bahia in 18th place in the list of Brazilian States, with R$ 965.00.

Even in view of the importance of the data we present, we believe that some "research sequences" are also indispensable. Due to the susceptibilities of the doubts, we inevitably make references to the rational perspectives of experiments, proposed by Bachelard (2008). He pointed out that one should not rely, a priori, on the information provided by the immediate data. The immediate data, referenced by this theoretical and philosophical perspective, would act as the "accused", who, sooner or later, will be guilty of certain lies.

With regard to financial speculation, wealth and income inequalities at national and international levels, Schlesinger (2001) states that even if there is economic growth it will not be distributed in benefits to a large part of the population. This growth will not necessarily translate into an improvement in the quality of life, but almost always, into increases in superfluous consumption in the wealthier layers. For him, economic growth has little or nothing to do with quality of life, much less with sustainable development. Schlesinger (2001) believes that it is impossible to achieve sustainability stages without the logic of competitiveness being replaced by the logic of cooperation.

Leite et al. (2016) sought to investigate the indices of "multidimensional poverty" in the state of Bahia, between 2006 and 2013. "Multidimensional poverty" presents, in this conception, much more complex and wider problems, in the areas of health, education, living standards, income shortages, job insecurity and susceptibility to violence.

For a more comprehensive measure of poverty, the authors applied the methodological support of Bourguignon and Chakravarty (2003). This method does not only take into account income, but also considers the various income indicators. In it, incomes do not appear as the only sources of analysis of the phenomena of poverty. Rents are only one of the multiple perspectives of analysis. On the other hand, the exclusive analysis, for per capita income, makes it impossible to see many factors concerning social benefits.

Even with advances in decreases in incidences, regarding the gap of privations and "multidimensional poverty", presented in the study by Leite et al. (2016), the innumerable discrepancies in many indicators of the parts analyzed by the researchers are evident. The indicators of shortages are worrying, as far as access to drinking water, food varieties, items essential for survival, various types of information, the media and leisure are concerned. Furthermore, we would stress that these successions of problems, often in the rural sectors, are more aggravating.

In short, despite the finding of a small proportional reduction of poverty in Bahia, in a coherent way, Leite et al. (2016) do not ignore a concern about the abyssal distance of poverty from the most favored sectors.

In relation to "reconciling development with sustainability", we indicate a reflection from the "open cycles" and "closed cycles", cited by Cancila et al. (2018). They mention the human consumption of products and resources that exceed the enormous quantities produced today. These are activities based on "open cycles" that reach situations of imbalances that are potentially harmful for men and the environment. In this conception, there is consent and an inevitable acceptance of the asymmetry based on the exploitation of raw materials. The production and accumulation of waste are being incessantly promoted by imposing ‘open cycles’ on the environment.

5 Cf. "Organic research sequence" in "Number and microphysics", in Bachelard (2008).

Cancila et al. (2018) have shown that there is a huge disproportionality between resource extraction capacities and waste disposal. In this case, we know where the problems begin, but most of the time, we do not know for sure about the ends of these problems (in the air, in the water or on the land). This phase of the "open cycles", in Cancila et al. (2018), implies a phase of rapid development, however, this development favors only a small portion of society.

The inaccessibility of most of the world's population to development has been alarmingly growing, as demonstrated by Cancila et al. (2018). Some concerns have given rise to new cycles. These are 'complex cycles', which, according to Cancila et al. (2018), include 'recycling' and 'reuse'. These would be secondary cycles that derived from the "main cycle", extending a little more the material life of certain products. In spite of the importance of the measures taken by these "secondary cycles", it does not imply that they are perfect solutions, as the authors rightly point out, since, in the general ambit, the exaggerated consumption remains. Therefore, the model - "resources - consumptions - waste" is configured. Indeed, faced with this extremely important approach, we must irrevocably establish a historical reflection on our "consumption" and on the consumption of others.

Taking into consideration the socio-economic conditions and cultural aspects of each group and each historical situation, the proposal of Canclini (2006), of a "reconceptualization of consumption", becomes feasible. In it, "consumption" does not consist of mere behaviors that lead us to useless and irrational spending, but rather, it characterizes a space for reflection, organizing a sort of "economic rationality", psychological and socio-political in society. It is worth pointing out that the changeable and ephemeral frameworks of consumptions characterize fields of great disputes for products, for distinctions of classes, of groups, of individuals. Thus, the aesthetic, symbolic and semiotic aspects are reconstructed in their status forms, with specific signs. And Canclini (2006), in turn, will conceive of such behaviors, not as ways or attempts to satisfy individual and collective needs, but rather as a pinnacle of the delights achieved in the assessments of the impossibilities of others to obtain certain goods and certain distinctions.

In quoting the Brundtland report, Cancila et al. (2018) do not ignore that 'sustainable development', by that parameter, is only achieved when present-day societies do not compromise the development of future generations. In summary, one of the proposals that are suggested is the advance to the "closed cycle" model - with emphasis on "resources - uses - regenerations". A cycle model that opposes "open cycles," which also provides tools for measuring the degree of sustainability of human communities. Indeed, "reconstructions" or "resociabilities" seek to preserve resources and move closer to "sustainability".

With regard to 'environmental education programs and minimization of environmental impacts', this new form of 'nature protection' is highlighted. This is a "protectionism of nature" that, according to Almeida (2012), there is a commitment to the identification and the outlets of natural resources, subject to the installation of major infrastructure works. Even observing several studies that trace impacts generated in the long term, such as those of Narayanan Pandala et al. (2023), with possibilities of longitudinal studies in specific units, has been taking place, according to Almeida (2012), a process of "protectionist rhetoric", introduced by the WTO - "World Trade Organization", which, in essence, has been opposing real environmental protection and turning to mercantilist strategies.

The "economic responsibility of the extractive industry" has before it a plethora of contradictions that have not been resolved and are often mitigated. Thomas (2012) stressed the "resource curse" that spreads, giving prominence to the contradictions of poor communities surviving in areas rich in natural and mineral resources. Thomas (2012) rejects the idea of a "fatal curse" and demonstrates that the antagonism between misery and wealth is one of the witnesses of the link of mining with the colonial model that still remains alive. The author points out that the jobs offered are regularly very low-paid and, in some cases, extremely
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With regard to the negligible and demeaning wages in the mining sectors, Santos (2014) realized that the attractiveness of the workforce is a corollary of investments and lower and insignificant wages are also some of the additional factors for increasing profits.

So, on the one hand, they list the demeanors of workers, the degradations, the weakened and ineffective unions and the insecurities, and on the other, the arrivists who seek incessant profits and pay increasingly insignificant salaries. Thomas (2012) concluded that with the depletion of minerals it is the end of activities, resulting in the total liquidation of natural resources and minerals. At these junctures, the inputs, in great measure, are imported, and the mineral resources are exported. In this way, the minerals are not processed into industrial products in the internal market itself. Indeed, these countries remain, for decades, mere suppliers of raw materials, by means of cheap labor, in an environment fully controlled by a limited number of large transnational groups of economic hegemonies. Some pertinent observations, on the gigantic trends of economic and political lines, were made by Romero (2022): he noted the supremacy of the strength of international big business in societies, aggravating the environment and formal education.

Taking into account the "infrastructure investments", Reed and Miranda (2007) warn that the infrastructure inherent to mining signify threats and substantial damage to forest ecosystems, water sources and the various forms of life. In addition, there are often breaches of basic community rights. They lead to degradation of large areas of protected forests in the most remote locations, which are deforested, causing a series of problems. Campbell (1983) found that increasing deforestation causes a reduction in wildlife diversity. Stability in tropical biomes is due, a priori, to their diversity. The result of the stability are the rainfall patterns and the capacity for recovery of nature: of the soil, of the flora and of the fauna, in the face of some damage from human action.

We realized that, in this case, deforestation is exacerbated by means of two major routes - mining activities and monoculture activities. Even though there are effective measures, above all, legislative ones, aimed at the conservation of natural resources, in the state of Bahia, there are still aggravating situations, disturbing ones, devastation, endless conflicts and instabilities in the communities.

The infrastructure provided by the State, according to Santos (2014), also helps to welcome polluting industries, which countries considered more developed no longer accept. In fact, new investment will be needed to clean up the environment, and the incalculable environmental problems will become a 'gulf of investment'. In this conception, infrastructure spending is increased with large investments, while the tiny wages are maintained so as not to make the work more expensive than its cost-opportunity. In the view of Santos (2014), they are out of cogitations to the reductions in the rates of inequalities and the extremely high accumulations of capital, for implying, necessarily, the death of this economic model. Thus, poverty, not being annihilated, will only be masked. And in this phase of modernization, the new form of poverty has been "planned poverty."

In relation to the economic dynamics of the State of Bahia, Pessoti and Pessoti (2008) highlighted the investments of private industries, stipulated for the years 2020 until 2023. Forecasts totaling R$ 14.89 billion were highlighted. Specifying R$ 1.50 billion for the mineral, non-metallic sectors: R$ 1 billion for the mining segments and R$ 9.8 billion for the electricity and gas sectors. According to the authors, the mining sectors appear with a percentage of approximately 6.7% of the investments foreseen for these four years. They emphasized, specifically, that iron ore has gained prominence in the interior of the state due to the railway system that integrates the West with the East of Bahia.

Reed and Miranda (2007) also made it evident that the high demands for commodities, at world level, have made countless companies available for the construction of major
infrastructure works, essential for mining activities. Therefore, an intensification of the purposes of constructions of ports, roads, railways, airports and power plants.

On the African continent, the DRC's great challenge - "Democratic Republic of Congo" - has been, according to Reed and Miranda (2007), to find a balance between this profile of "development" and "conservation of natural resources". The authors point out that the decreases in oil revenues have prompted the DRC governments to seek an increase in revenue through mining activities. According to Reed and Miranda (2007), the DRC has one of the largest expanses of tropical forests in the world, called "ecoregions," which are prioritized for preservation, and have an average of 10,000 plant species, 1,000 species of birds and 400 species of mammals, as well as the potential in diamond, gold, copper and uranium.

The challenges gradually became global and extended, above all, to the countries of Latin America and Africa, with their natural and mineral riches, with their sociocultural diversities, with their peculiarities of contexts and of distinct economic conjunctures. Their "viability" of "hosts" and their vulnerabilities of "second causes", found, essentially, in the phenomena and indicators that drive indispensable studies. According to Russ (1994), the "second cause" results from another cause and is in a state of dependency.

Over the years, many sequential studies have emerged, a series of analyzes and "reflections" focused on the economic models of mining. We consider, essentially in our analyzes, the notion of "reflection", in Bachelard (1971), which determines areas of scientific knowledge. These areas are not in a phenomenology of first appreciation, in which our perspectives are permeated by an "implicit subjectivism". Investigations of the various specific areas provide autonomy, value criticism and self-criticism about past events, mobilizing measures for the present time. Views are usually permeated by an "implicit subjectivism", for this reason there is a need to transcend the "phenomenological descriptions" that tend to submit to chance knowledge - "knowledge occasionalism".

This reflection on extractive industries inevitably also brings us back to the governments and political measures of some countries in Europe, the Americas, especially Canada and the United States. Above all, we emphasize the United States, which, according to Reed and Miranda (2007), claims to be one of the main players in the world's extractive industry.

3 METHODOLOGY

We use a methodology of critical review, literary, which seeks to consider and highlight qualitative aspects, exposing concepts and theoretical concepts essential to the study.

A Regional Study, 2020, in a process of analysis of mining companies operating in the LAC Region - "Latin America and the Caribbean," states that governments should promote "responsible mining." The study also brings a concept of "sustainable development", in the face of threats to the life and livelihoods of communities. However, this study also shows disconnections between the formal commitments made by companies, which have often proved incapable of putting into practice certain measures of socio-environmental responsibilities assumed by them.

We are questioning two important terms that were highlighted in the above study: 1 - "Responsible mining"; 2 - "Sustainable development". The term "responsible mining" appears ten times, while the term "sustainable development" is mentioned three times. Mensah et al. (2015) also used this term "sustainable mining" and pointed to mining sectors as responsible for "economic development" in studies in West Ghana, Africa. On the other hand, the authors are not unaware of the numerous socio-environmental impacts caused by mining activities and probably by the "processes of minerals". According to Barcelos (2021), the "Minerals Processes" are polygons that define an area of activity of a company that obtains priority and
the right to research, explore and market mineral products with delimited values in the polygonal, established in records by the ANM - Agência Nacional de Mineração.

Almeida (2010) points out that rational and conscious calculations of the feasibility of setting up mining enterprises, even making use of a rhetoric of "environmental management" and "sustainable management", seem not to be taking into account their high destructive powers. We understand, therefore, that there is evidence, in some cases, of a euphemism in the face of attempts to harmonize and reconcile with irreconcilable measures with the ways of life of traditional communities, with the physical environment and with the "biotic balance" - the balance of nature and its possibilities, which are also in the interests of Human Ecology, according to Pierson (1945).

The terms found on the IBRAM website - "Brazilian Mining Institute" are also permeated by tropikos, variants that change direction and, in principle, one of its main scopes is convincing. The Tropikos or tropos - deviation of direction, according to White (2001), are an element contained in many speeches. Their employment will almost always mean that the speech will essentially achieve certain goals.

The terms selected and placed in prominence for our theoretical and methodological analyzes, were: 1 - "customs progress", 2 - "modern benefits", 3 - "movement of the economy", 4 - "reconciliation of development with sustainability", 5 - "environmental education programs with minimization of environmental impacts", 6 - "economic responsibility of the extractive industry", 7 - "infrastructure investments".

4 RESULTS AND DISCUSSION

When it is possible to establish a link between the phenomena, we can achieve a "scientific authenticity", in the conception of Bloch (2001). Because of this reasoning, we believe that certain analyzes of developments in the political and economic aspects, specific to each region, are often necessary. It therefore considers certain ‘historical causalities’ and ‘causal links’ In Gurvitch (1962), "historical causalities" consider closer the relationships between causes and effects. From this perspective, through the "causal threads", it is possible to find, reorganize and highlight situations in more rigorous ways.

It is therefore essential to have a complementary analytical density, referring to the natural resources of specific regions and their problems permeating socio-cultural environments and ecosystems, which are inextricably inseparable.

Ultimately, it should be noted that the so-called ‘viability’, with the determinations, choices and demarcations of regions, prioritized for mining activities, are propagations of a ‘sustainable development’ model, which is too narrow and derives from international and national conventions and legislation. Silvestre (2007) shows, in a more general context, that the concept of "Sustainable Development" was given by the "World Commission on Environment and Development". At the national level, we have a concept of "Sustainable Development" in Brazilian environmental legislation, in Law 6.938/81.

This economic model that "makes viable" receiving areas, according to Schlesinger (2001), generates an infinity of socio-environmental problems and, itself, is accustomed to offering "solutions". It is therefore an 'unsustainable partnership'. For the author, there are no real partnerships with society to redefine a new concept, not static, of "sustainable development". Thus, the concept may remain, for a long time, restricted to a superficial sustainability and unsatisfactory for the maintenance of life, in general, for natural and mineral resources and for the environment.

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6 Here, "traditional communities" comply with Decree 6.040, of 07/02/2007.
According to Schlesinger (2001), the questioning of this development model must include the preservation of cultures, the investigation of job insecurity, the poor quality of life, inequalities, underemployment and unemployment, the extremely unequal distribution of benefits, besides the serious impacts resulting from mining activities. Therefore, from this perspective, "sustainable development" must meet the real needs of the communities involved at a given juncture and in a certain context.

In Brazil, some of the legal measures were imposed, over time, ensuring and "legitimizing" the exploration of minerals from the soil and the subsoil. Antonino and Germani (2021) show some of these legal mechanisms that sanction controls for explorations. Since the Federal Constitution of 1934, emphasizing the distinction between elements of the soil and the underground until the Decree, No. 23,979/34, which engenders the DNPM - "National Department of Mineral Production", the Decree, No. 24,642/34 and the Federal Constitution of 1937, maintaining measures in this direction.

Antonino and Germani (2021) outlined some of these measures that put the minerals of the subsoil in the Brazilian legal status. The prerogatives of exploration of the soil and the subsoil, with the participation of the municipalities and states, by the Federal Constitution of 1988, in Article 20, § 1. Thus, the communities are being submitted to the conditions of limitations, with the surface uses of the soil.

We also highlight the Kandir Law and the complementary laws, with amendments that establish and consolidate a "legitimacy", formal, of consistencies amplified by the legal artifacts that use their own conceptions, such as: "public utility" and "social interest".

The "cautious" and "preventive" actions expressed in the "precautionary principle" of Environmental Law, which should mobilize, in advance, in the present, often convey sensations of "mere abstractions" - ideas or metaphysics, separate from experiences. According to Schöpke (2010), these "abstractions" often remain restricted and empty of senses, like chimeras, without corresponding with realities, when analyzed with a certain rigor and density.

Colombo (2004), highlighting the other basic principle of environmental law, the "polluter pays principle", reinforced that it is determined to attribute responsibility to polluters who cause serious environmental damage, in the face of the unquestionable circumstances of resource depletion. For many years, dissatisfactions with these policies of "protection" and "prevention" of the environment were already prominent, even among some devotees of "legal orthodoxies". But, when one gradually delves into history, one finds some "Hobbesian," supplications, for a modality of "repressive law," tied up, historically, with the interests of the State and capital. The "Hobbesian supplications" are pleas of the popular creed that implore for more laws, more punishments, more judges, more police, more arrests, configured as "panaceas" of the "abstract unity", of the higher order of the State, which carefully conceals with sacralized hierarchies and the injustices of its laws. Suffice it to recall that in Hobbes, the State takes the place of the people, and with that taking over, Colombo (2016) states that, for Hobbes, the "will of the people" turns out to be nothing more than the will of the State.

5 CONCLUSION

It is necessary, a priori, to question deeply this field of "formal legitimacy". To inquire about its genesis, to investigate the holders of coercive and punitive powers and, above all, who are the subjects vulnerable to punishment. In addition, one should investigate the very concept of "punishment" and its nuances.

Any political measure or any legal "legalization" must be submitted to the various processes of analysis, historical-social, critical, above all, when they offer, to minorities, their
prerogatives, and impose on the communities, states of political and economic subjections. The conviction of "legitimacy", even of insolent economic models, can easily be inculcated, adhered to and disseminated, when a state of economic, political and financial subordination is established. This consensus-based conviction will therefore lead to the forgetting and weakening of a critical individual and collective conscience in communities. Then, a hereditary picture of existential and mental misery can be aggravated for various reasons, mainly by the loss of the possibility of survival of the resources threatened or already exhausted, or by the great ruptures generated by compulsory dislocations.

As for forced displacement, Figueiredo (2011) classified it as painful processes of exiles that are too suffocating. The author assimilated these displacements as usurpation of human dignity, which causes countless collective suffering, including suicides.

Among the potential negative impacts of mining, highlighted by Sepe and Salvador (2018), are population displacements and migrations that result in "loss of identities" and "cultural mischaracterizations". Therefore, if on the one hand these forced displacement impacts are embedded in the socioeconomic environment, on the other hand, their negative potentialities have categorically degraded the "species\(^8\) environment".

In short, the "viability" and vulnerabilities in mining activities, especially in the state of Bahia, put in contrast the contradictions of legal precepts, laws, decrees and norms. In the face of these problems, our analyzes sought to highlight some legal measures that come into incompatibility with the well-being of the communities. The work is justified not only by the contribution to critical awareness in the construction of knowledge, but also by the fact that these are norms that are irreconcilable and intolerant to the supreme precepts of fraternal awareness and true respect for every kind of life.

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SITES CONSULTADOS


