

Overview of Laws for Urban Agriculture in Brazil: Association with Urban Planning

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Abstract: The growing interest in urban agriculture (UA) over the past decades is followed by increase in regulations. Yet, there has been no systematic documentation and featuring of several UA laws that have emerged in Brazil, or of their association with urban planning. We developed a framework to understand the profile of federal and state UA laws in order to shine light on this gap in the literature. Therefore, we cataloged and analyzed the laws we have found. Based on the results, there is still no coordinated national policy to it. We also found that these laws cover several production practices under UA's wide umbrella. They only vaguely mention their interfaces with urban-policy legal frameworks, and they do not clearly address territorial challenges to UA implementation.

Keywords: Urban agriculture, urban planning, law, regulation, regulatory instruments, public policy.

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1. Introduction

Urban agriculture (UA) is a constant topic in debates about sustainable urban development in Brazil (ALMEIDA, 2016) and abroad (SARKER et al., 2019). Its rise has demanded integration to planning practices (MEENAR et al., 2017) and to the creation and update of laws¹ focused on regulating UA (POLLANS; ROBERTS, 2014). According to the literature, legal conditions can limit UA's development (SARKER et al., 2019; ZAAR, 2015) due to mandatory rules and unclear regulations (CASTILLO et al. 2013) or, yet, to lack of communication between legal frameworks and public policies at different governmental scopes (ZAAR, 2015). Furthermore, the normative void in and disputes for urban land are the source of conflicts among UA practitioners, lawmakers and politicians (MEENAR et al., 2017).

The present literature review suggested that the regulation process takes place unevenly in different countries, and, sometimes, between regions and cities in the same country (MEENAR et al., 2017; SARKER et al., 2019). Research carried out by Santandreu and Lovo (2007), in Brazil – one of the widest researches on this topic in the country -, stated that laws are determining to UA promotion.

Almost one decade after the aforementioned research was published, searches in official legislative state and federal websites showed significant increase in the number of approved Bills and in the number of Bills that remain under analysis. However, none of them has the same broad profile of that conducted by Santandreu and Lovo (2007).

Therefore, the aims of the present article were to make a review on UA laws in Brazil, at state and federal scope, and to identify their theoretical and operational implication in urban planning (UP). It is worth highlighting that there was no intention in making a legal analysis of the documents, such as the case of analyzing case laws, conflict between legal standards, among others. The secondary goal of this article lied on developing an analytical structure based on the literature to jointly and comparatively analyze laws' contents.

It is known that municipalities in Brazil are in charge of both promoting territorial ordering and planning urban-soil use (BRASIL, 1988); thus, the study focus on state and federal laws presents a partial view from UA regulation at local scope. This restriction is justified by the fact that the federal government has the duty of issuing guidelines for urban development and sectoral urban policies, as well as of legislating, along with the Federative Units (FUs), about urbanistic right and topics linked to UA. In other words, those are governmental scopes that must organize planning strategies by articulating topics specific to a broader goal. Thus, the present article focuses on these strategic laws, which regulate policies and reflect on how UA has been institutionally understood at supra-local spheres.

The present study can contribute to broaden, refine and adjust specific UA laws

1 - We herein adopted the term 'law' in a broad way, given the whole variety of internationally applied similar names that encompass bills, decrees, ordinances, among others. However, the object of study was limited to state and national laws and decrees.

and policies, and to improve their connection to urban policies, such as master plans, as well as to subsidize the actions by organizations that deal with UA and by several agents involved in UP practices.

2. Agriculture and urban planning: articulating concepts and regulating practices

Agricultural practices always encompassed urban landscape, although with different names and features, overtime (ZAAR, 2017a). The countryside/city relation also changed deeply throughout history (LEFEBVRE, 1991). These concepts, in the contemporary context, no longer express concrete and recognizable realities in the social space, because geographic location and landscape no longer work as factors setting what is rural or urban (LIMONAD; MONTE-MÓR, 2012).

Processes that were previously understood as belonging to the city or to the countryside now take place in both environments due to the flexible accumulation model (LIMONAD; MONTE-MÓR, 2012). Their articulations are more intense than ever, and they are expressed in spatial forms that get entangled and overlap each other, not just at local scope, but at multiple scales (SPOSITO, 2011). It regards several dynamics that imply in losing references that, in their turn, set the limits of spatial units (ZAAR, 2017b).

Practices nowadays understood as UA add new elements to this debate, since their apparent contradictory condition is linked to location, shape and function, and to their global profile; at the same time, they are intrinsically local (ZAAR, 2017b).

Even if concepts concerning UA are not sufficiently developed (ZAAR, 2017b), it is possible observing that this process seeks to be different from the agriculture performed in the countryside, which is the focus of specific public policies (ROSA, 2011). Accordingly, Mougeot (2000) states the need of interpreting the definition of UA to allow understanding its distinct profile, either in theoretical or operational terms. He says that to understand its manifestation forms, one must split UA into the following analysis categories:

- a) Intra-urban or peri-urban location;
- b) Area types where it is practiced;
- c) Production scale and system;
- d) Products' destination;
- e) Products' categories and sub-categories;
- f) Economic activity types.

Another form of featuring used by the *Food and Agriculture Organization of the United Nations* - FAO (CABANNES, 2012) refers to goals of different UA initiatives and acknowledges the existence of three main UA typologies.

The first typology focuses on the social dimension and encompasses initiatives

driven to the subsistence of both urban poor populations and the middle class, at times of crisis. They include home, community and institutional gardens, as well as other plantation forms at micro scale, with low investment levels. They aim at having impact on social inclusion, poverty reduction and community development; overall, they show low direct profitability (CABANNES, 2012).

The second typology focuses on the economic dimension and concerns market-driven initiatives to have economic impact and profitability. They are carried out by small-scale family businesses or by producers' cooperatives and associations. However, it is possible to include larger-scale farming businesses managed by private investors in this group (CABANNES, 2012).

The third typology focuses on the ecological dimension and encompasses initiatives aimed at leisure, recreation and environmental management. Their goals are to bond urban citizens to nature, to sensitize people about environmental issues and to provide environmental services, such as composting, grey water treatment and landscape management (multi-functional green areas). This UA typology often adopts agro-ecological production methods; it is more common in developed countries than in developing ones (CABANNES, 2012).

There were studies seeking to analyze UA legislation at municipal scope and to identify their implications in UP in the review of the international literature. Studies were conducted according to different methods: analysis of legal UA documents or of documents that interfere with its practices (MEENAR et al, 2017, DIEHL et al, 2020), literature review to gather individual studies (POLLANS; ROBERTS, 2014) and the identification of the perception from interested parts, among them urban planners and UA practitioners (CASTILLO et al, 2013; DIEHL et al, 2020). Sarker et al (2019) analyzed planning policies and proposed a new UA integration structure for Australian cities. However, the bibliographic review about laws at supra-local scope only led to a specific result (CABANNES, 2012), which did not take into account the laws/UP interface.

The present authors only found two small indexed research that have analyzed UA presence in the Brazilian legislation. The widest one focused on the municipal legislation in 11 metropolitan regions, because it only located one state law (SANTANDREU; LOVO, 2007). However, this research did not encompass the most recent legal changes. The second indexed study only analyzed two urban-policy legal frameworks (LEMOS et al, 2015), namely: Statute of the Cities (BRASIL 2001) and the Urban-Soil Sharing Bill (BRASIL, 1979).

So far, there is no systematic featuring and quantification of UA-related laws approved at state and federal scope, in Brazil. These research did not follow an analytical design that allowed comparing laws and understanding them as a set in discussions found in the literature about AU's reflex on UP. Therefore, the present article can contribute to fulfill this gap in the literature by aiming the existing laws in Brazil, at state and federal scope, based on the proposed analysis design.

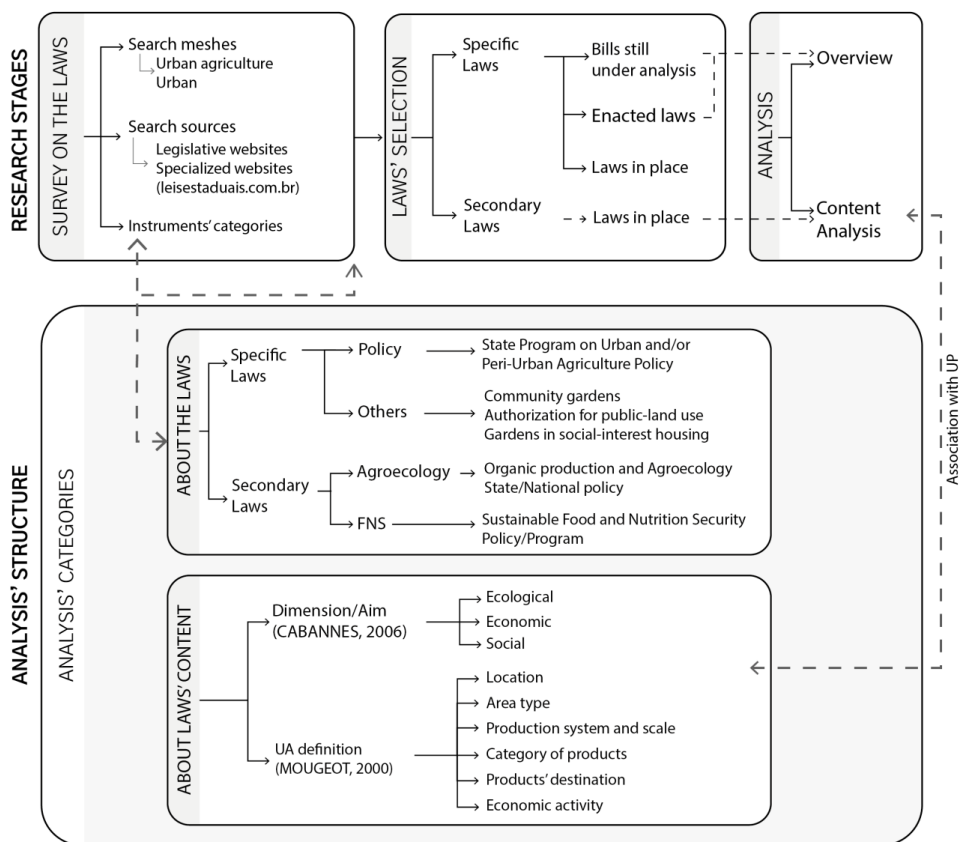
3. Method

The research covered three stages: (a) legislation assessment, (b) selection of laws

to be analyzed, (c) quantitative and chronological overview and content analysis. Figure 1 depicts the association between research stages and the established analysis categories.

Two law categories were defined: (a) specific laws that have UA as their main goal and, (b) secondary laws that provide and reflect on UA, but that do not have it as its main goal, such as those focused on Agroecology and Food and Nutrition Security (FNS). This definition resulted from an adjustment in the classification by Santandreu and Lovo (2007) for municipal laws, as well as from the features of laws found at the search stage.

Figure 1 – Research stages and structure of the adopted analysis



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The survey was carried out in January 2020, and updated in 2021. The search was conducted in the websites of both the Federal Senate² and the National Congress³, at federal scope. When it comes to state laws, the search was performed on the website of

2 - <https://www25.senado.leg.br/web/atividade/materias>

3 - <https://www.camara.leg.br/buscaProposicoesWeb/pesquisaAvancada>

the Legislative Assembly of each FU⁴. Search mesh was “urban agriculture”. Whenever the website did not accept Boolean search operators, it was based on the word “urban”; selection was manually done. Whenever possible, the search was carried out in advanced search for legislative propositions, which encompassed either Bills or enacted laws. Whenever this option was not available, it was directly done based on legislation type (that only provides the approved laws), in field ‘subject’.

The selection of laws to be analyzed (chart 1) was based on two criteria. Enacted laws, Bills under analysis and revoked laws were taken into account to provide an overview of legal frameworks’ evolution. Only approved laws were selected for content analysis, except for analysis at national scope, which analyzed Bills specific for UA.

Chart 1 – Laws found and analyzed at state and federal scope

	SPECIFIC LEGISLATION			SECONDARY LEGISLATION	
	UA POLICIES (1)	DECREES	OTHER LAWS	FNS POLICIES (2)	AGROECOLOGICAL POLICIES (3)
FEDERAL GOVERNMENT	BILL 906/2015 (BRASIL, 2015)		BILL 353/2017 (BRASIL, 2017a) BILL 9025/2017 (BRASIL, 2017b) BILL 303/2019 (BRASIL, 2019)	DEC 7272/2010 (BRASIL, 2010)	
RIO GRANDE DO SUL	LAW 15222/2018 (RIO GRANDE DO SUL, 2018a)	DEC 54459/2018 (RIO GRANDE DO SUL, 2018b)			DEC 51617/2014 (RIO GRANDE DO SUL, 2014)
SANTA CATARINA	LAW 17533/2018 (SANTA CATARINA, 2018)				
SÃO PAULO					LAW 16684/2018 (SÃO PAULO, 2018)
RIO DE JANEIRO	LAW 8366/2019 (RIO DE JANEIRO, 2019b)		LAW 8349/2019 (RIO DE JANEIRO, 2019a)		LAW 8625/2019 (RIO DE JANEIRO, 2019c)
MINAS GERAIS	LAW 15973/2006 (MINAS GERAIS, 2006)	DEC 44720/2008 (MINAS GERAIS, 2008)		LAW 22806/2017 (MINAS GERAIS, 2017)	LAW 21146/2014 (MINAS GERAIS, 2014)
ESPÍRITO SANTO			LAW 7390/2002 (ESPÍRITO SANTO, 2002)		
MATO GROSSO	LAW 10824/2019 (MATO GROSSO, 2019)				LAW 11242/2020 (MATO GROSSO, 2020)

4 - <http://www4.planalto.gov.br/legislacao/portal-legis/legislacao-estadual/legislacoes-estaduais>

MATO GROSSO DO SUL					LAW 5279/2018 (MATO GROSSO DO SUL, 2018)
GOIÁS	LAW 16476/2009 (GOIÁS, 2009)				
DISTRITO FEDERAL (4)	LAW 4772/2012 (DISTRITO FEDERAL, 2012)	DEC 39314/2018 (DISTRITO FEDERAL, 2018)			LAW 5801/2017 (DISTRITO FEDERAL, 2017)
ALAGOAS					LAW 8041/2018 (ALAGOAS, 2018)
PERNAMBUCO				DEC 40009/2013 (PERNAMBUCO, 2013)	LAW 17158/2021 (PERNAMBUCO, 2021)
MARANHÃO					LAW 10986/2018 (MARANHÃO, 2018)
AMAZONAS	LAW 5033/2019 (AMAZONAS, 2019)				LAW 4581/2018 (AMAZONAS, 2018)

- | |
|--|
| <ol style="list-style-type: none"> 1. Policy/Program on Urban and/or Peri-Urban Agriculture 2. State Policy/Program on Sustainable Food and Nutrition Security 3. State/National Policy on Organic Agroecology and Production 4. Law 34952002 was also found; it was revoked in 2021; thus, it was not possible analyzing its content. |
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The following categories were set for each law type, for content analysis purpose (specific and secondary), (Figure 1): (a) adopted definition of UA, which was sub-divided according to the six sub-categories proposed by Mougeot (2000); (b) established goals, which were grouped according to the classes proposed by Cabannes (2012).

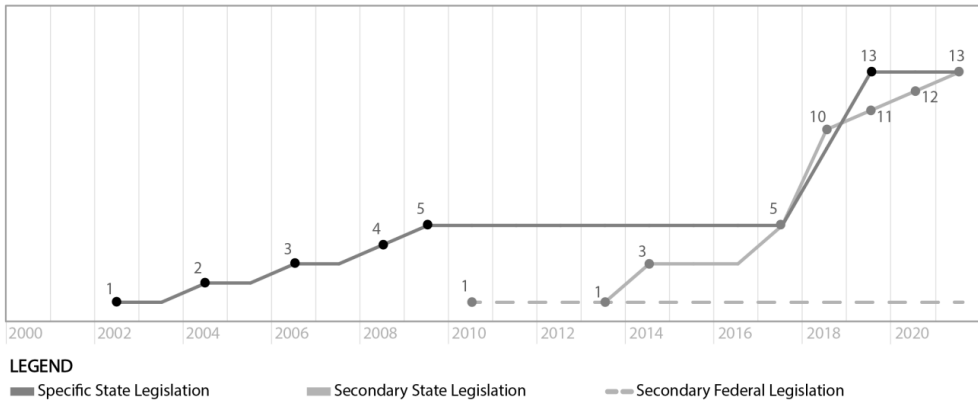
Finally, results were analyzed according to discussions found in the literature about the association between UA and UP.

4. Laws on UA in Brazil

The overview of laws approved in Brazil (Figure 2) has shown that the first of them was a specific state law, which was enacted in 2002. The first secondary laws providing on UA, both federal and state, came out in 2010 and 2013, respectively. Therefore, it was possible observing gradual increase in their approval.

There was no specific UA law approved at federal scope, only Bills. However, there was one approved secondary law.

Figure 2 – Overview of laws approved at state and federal scope – total accumulated per year



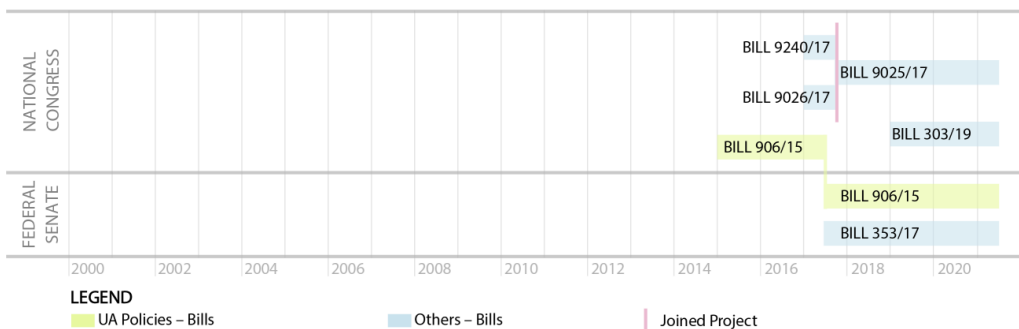
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The following sub-sections will show the analysis of existing laws at state and federal scope.

4.1 Federal Legislation in UA

There were four specific Bills under analysis at federal scope (Figure 3), which are recent in comparison to laws approved at state scope.

Figure 3 – Overview of federal Bills specific for UA that remain under analysis



Font: the authors, 2023.

Bill 906/2015 (BRASIL, 2015) aims at enforcing the National Policy of Urban Agriculture, also known as PNAU. This Bill, just as the other laws, was analyzed based on listed categories. It was possible observing that there is no reference to production in peri-urban areas or specification for areas prone to UA development. This Bill mentions that the federal government must support municipalities on this definition; and that its goal lies on the occupation of idle spaces. Family, associative and community work, as well as solidary economy organizations are encouraged production types, since the destiny proposed for their production is ones' own consumption or small-scale sales. This Bill provides on categories of agricultural and livestock products, but it does not specify any sub-categories of them. There is reference to technical and financial support to economic activities, besides to cultivation itself, including processing, transformation, packing and trading.

The aforementioned Bill presents seven bond goals, mainly two of the three categories identified by Cabannes (2012). The social dimension is expressed by the following goals: broadening the FNS of populations under social vulnerability and articulating UA with institutional programs, such as community restaurants. The ecological dimension is expressed by targets of promoting environmental education and organic food production, and of outspreading the use of both organic waste and urban grey water in agriculture. The economic dimension is expressed by the aim of creating income alternatives and encouraging family, cooperative and community economy works. Thus, it seems to be little focused on macro-economy moves or on stimulating large markets.

This Bill refers to UP, when it provides on governmental actions that must be in compliance with Master Plans (MP) and with local soil-use guidelines. It also guarantees the social function of both property and the city, as expressed in the primary goal of the Statute of the Cities (BRASIL, 2001), which is the main law on the Brazilian urban policy.

The other three Bills under analysis approach punctual issues bond to UA. Bill 353/2017 (BRASIL, 2017a) provides on general standards about sustainable UA; it states that urban farmers can benefit from the National Policy on Family Agriculture (BRASIL, 2006), as long as they practice it in areas up to 5 hectares (in size). This Bill defines sustainable UA as area developed based on the organic production model, in public or private (areas type) urban real estates (it does not mention the peri-urban areas) for food, ornamental and medicinal plants' production, as well as for breeding small animals (products' categories) for producers' own consumption, trade or donation (products' destination). With respect to area-type categories, this Bill aims the productive use of vacant real estates. Other goals encompass social, economic and environmental dimensions, but it seems to emphasize environmental aspects (environmental education; local management of organic waste; combat to irregular solid waste disposal; urban landscape enhancement; use of vacant or under-used real estate). The social goals are not only bond to vulnerable populations; they regard quality of life in cities, residents' integration and the generation of new job positions and income. When it addresses UP, it also states that it is essential respecting what is provided in the MP.

Two Bills propose changes in approved laws. Bill 303/2019 approaches changes in

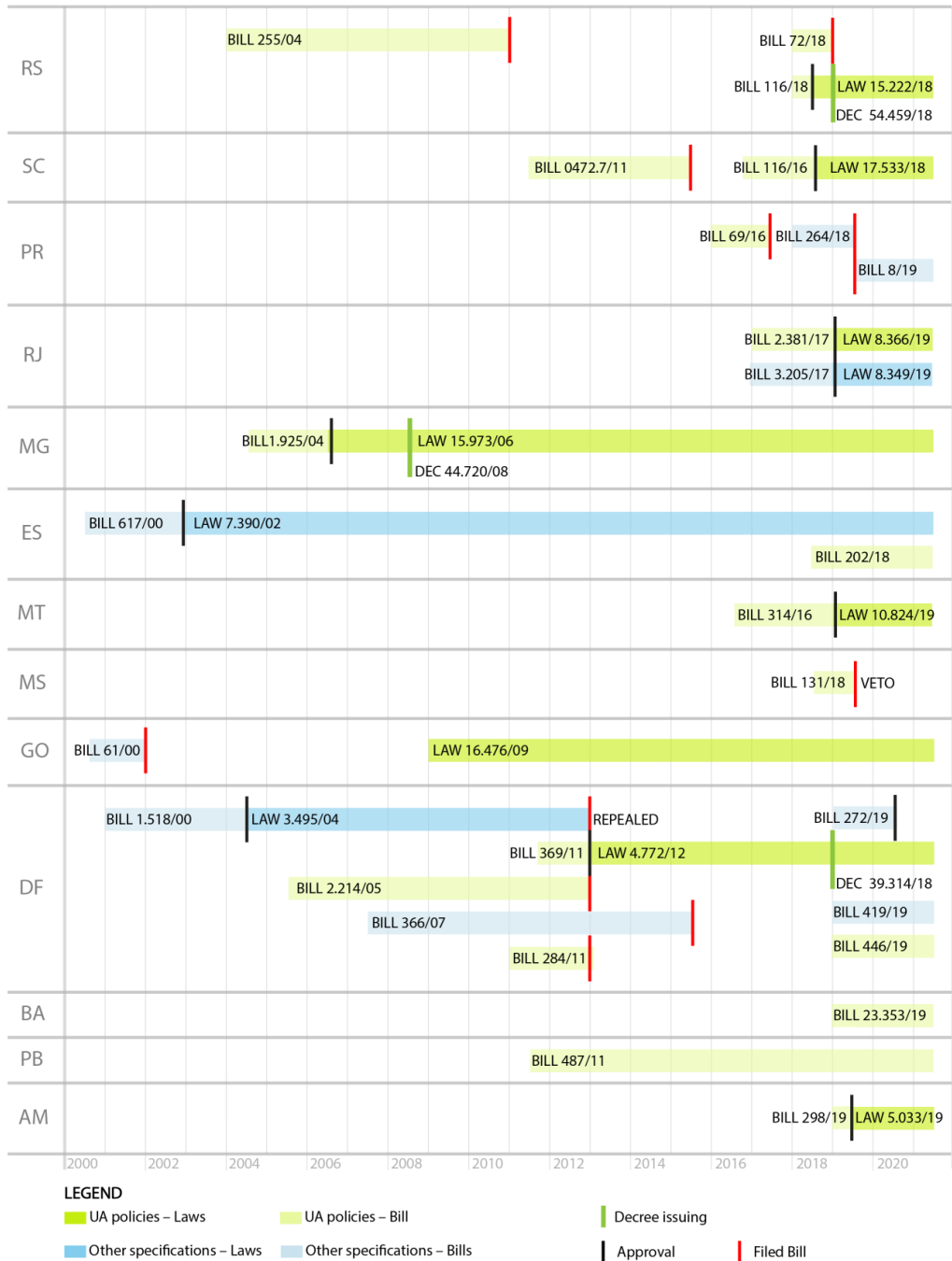
Law 9636/1998 (BRASIL, 1998), which provides on real estate belonging to the federal government; it allows their use for UA practices linked to community gardens operated by low-income families that are organized into association, cooperatives or unions. Bill PL 9.025/2017 (BRASIL, 2017b), in its turn, proposes the inclusion of mechanisms to encourage local food production in the law that provides on the National System of Social Interest Housing, also known as SNHIS (BRASIL, 2005). These Bills do not focus on defining UA or on its goals.

The only law approved at federal scope was secondary, namely: the decree enacting the National Policy on Food and Nutrition Security (PNSAN) (BRASIL, 2010). This decree encompassed UA in a marginal way, since it is not focused on defining it. However, one can make conclusions about its goals: UA is taken as one of the topics that collaborate to FNS achievement. Therefore, it would fit initiatives heading towards social dimensions, mainly vulnerable populations.

4.2 State legislation about UA

The first Bills at state scope started being analyzed in 2000. Some of them were not approved, but new Bills were issued in some states. Most Bills were between 2017 and 2019 (Figure 4).

Figure 4 – Overview of the legislation specific for UA in Brazilian states (approval and analysis)



Font: the authors, 2023.

Only 13 of the 27 FUs had specific Bills under analysis or law on UA. In total, 8 FUs had approved Bills (RS, SC, RJ, MG, GO, DF, MT and AM) and 3 of them (RS, MG and DF) had decrees to regulate them. Yet, there are laws about community gardens in 2 states (RJ and ES). The Northeastern region is the only one where no FU presents any approved specific law.

Minas Gerais was the first state to approve an UA policy, back in 2006. It influenced the content of these policies in other states, since several parts in the text of laws in RJ, GO, MT and AM were similar to those in the law of Minas Gerais State.

It was possible observing similarity in association with UA definitions in almost all states, which seemed to be based on MG's law, except for DF and RS. With respect to category 'location', most states used the expression "urban agriculture"; only RS and DF included the term "peri-urban" in the objective of their laws. However, laws in RJ and AM, mentioned, in some other parts of their texts, that these activities can be developed in city-expansion areas. Yet, MG Decree provided on sub-urban areas.

All laws mentioned real estate, and public and private land, to approach area types where UA can be practiced, except for DF (which mentioned it in a decree). Besides, these policies aimed at (a) occupying idle or under-used real estate and (b) at encouraging concession for real estate using to develop community programs or to fight both starvation and social exclusion (except for RS and DF). Overall, laws do not present specifications about areas. Only laws in RJ, MG, GO, MT and AM have mentioned the use of areas under power transmission lines; RS (and DF, through decree) mentioned the recovery of degraded areas.

MG and DF decrees have advanced in specifications for areas. MG defined that UA activities can happen in urban institutional areas that are not skilled for the construction, in green areas, in environmental protection areas, in areas destined to sewage treatment and in aquatic environments. DF specified and explained what it understands as private (vacant land lots, backyards, among others) and public (squares, parks, gardens, among others) spaces and land. It also mentioned specific production practices and systems that demand areas with different dimensions that, in their turn, take place in the soil or in elevated spaces, such as productive, community gardens and edible gardens; permaculture; agroforestry systems, hydroponic and aquaponic systems; vertical gardens; green roofs; among others.

As for the categories of products, the selected laws understand that UAs encompass products resulting from the cultivation of vegetables, be them edible or not, as well as from animals' breeding (small-sized animals in RJ, MG, GO and AM) and fish farming (RJ, MG, GO, MT and AM). Only SC did not mention livestock products as resulting from UA, whereas MT only provided on fish farming. In addition, SC and DF laws mentioned vegetal extractive activities and agro-extractive practices; SC law mentioned input production (seeds) and products from organic-waste management. The RS law was the only one that did not present details of product categories that were taken into consideration.

With regards to production scale, all policies, except for those in DF, used the term "artisanal production/processing" in paragraphs that have defined the objective of that

law. Yet, RS, RJ and AM's laws defined that this production was destined to producers' own consumption or to local, regional or small-scale trading. When it comes to production system, or to the organization system, all laws aimed at promoting association actions (except for SC), and at encouraging community and solidary economy organizations (RS, RJ, MG, GO, MT and AM). Only RS and DF policies encouraged community work; RS encouraged domestic gardens. There were no references to ventures of any other character.

With respect to economic activities, all laws provided on processing/transformation, besides on cultivation and production. All of them, except for DF, mentioned the artisanal system. Similarly, all laws provided on the sales stage, with more or lesser emphasis on "direct sales to consumers". This expression was used in SC, RJ and AM's policies, whereas the RS law mentioned "sales of surpluses within short-chain circuits"; MG, GO and MT laws regarded "encouraging the creation of solidary networks that can articulate urban farmers with consumers' organizations". DF law also mentioned services' supply to generate agricultural products.

All laws were in compliance with activity types and with the production scale taken into consideration. They stated that trading is the destiny of products (except in SC) that regard producers' own consumption. As already mentioned, most citations refer to direct trading. Five laws (RJ, MG, GO, MT and AM) have mentioned the creation of spaces for free fairs and sales in supply centers, among other procedures. There was no reference to destine products to the food industry, or to commercial-establishment networks. Just as other production destinations, RS also provided on the possibility of exchanging products; DF also provided on exchanges and donations.

Five of the eight goals presented similar texts (RJ, MG, GO, MT and AM). All assessed UA state policies showed the relevance of the social dimension, mainly those bond to vulnerable groups. FNS encouragement is literally mentioned in DF law's goals; it is indirectly mentioned in policies of other states. Laws in RS, RJ, MG, GO, MT and AM mentioned the process to broaden conditions to give access to food, and increased food availability as their number one goals, whereas SC's law had "fighting starvation" as its second goal. Laws in RS, RJ, MG, GO, MT and AM also presented other goals and similar texts bond to health promotion and to proper population nutrition status. These policies also mentioned social inclusion, except for that in DF. In addition, these laws show goals that regarded encouraging health-life eating practices and habits focused on the general population.

All laws were in compliance with the aforementioned social goals; all of them pointed out goals with the potential to have economic impacts and the promotion of family and/or community, cooperative and associative work. Seven laws (except for that in RS) included the clear purpose of generating new job positions and income, without specifying what would be the link between worker and production space. However, based on the set of articles – mainly on goals – in the laws, it was possible assuming that there was little, or no, emphasis on encouraging private business' initiatives, at larger scale.

With respect to the ecological dimension (initiatives driven to leisure, recreation and environmental management), one can observe goals bond to the promotion and

encouragement of agro-ecological, sustainable (term used in SC, RJ and MG) cultivation practices (this term is used in RS and DF) of those capable of leading to soil ecological management and to the management of water resources (term used in MT, GO and AM). Laws in RS and DF pointed out the goals of encouraging environmental education and waste reuse (RS laws included grey water and rainwater). These laws mentioned the encouragement of social conviviality and occupational, therapeutic, cultural, recreational and leisure activities.

With respect to the articulation of UA state policies with UP instruments, the social function of cities and urban properties – the goal of the Statute of the Cities (BRASIL, 2001) – was directly mentioned in SC's UA policy and it was indirectly mentioned in the other policies, except for that in DF. All of them have taken into consideration the UA capable of inducing the aforementioned functions. Indirectly, several laws took UA closer to this concept by, among other goals, encouraging the use of idle and/or underused real estate, be it public (mentioned in laws in RS, MG, GO, DF, MT and AM) or private (mentioned in RS' decree and law, and in MG and DF's decrees).

Articulation with local instruments is mentioned by the SC policy, when it defines that UA will be developed in areas defined in the MP. Laws in RJ, MG, GO, MT and AM, in their turn, mentioned the need of meeting other municipal planning instruments, in sections about instruments of the respective policies, mainly MPs or laws about land use or occupation. The same laws mentioned that the UA policy will be part of the agricultural policy, and it must be in line with the urban policy, although they are not established tools or specific forums for such an interlocution.

Regarding the secondary legislation about UA, there were six FNS approved in 25 of the 27 FUs; only two of them (MG and PE) mentioned UA, and understood it as a supplying form. Agroecology laws were approved in 14 FUs; 11 of them mentioned UA (RS, SP, RJ, MG, MT, MS, DF, AL, PE, MA, AM) and understood it as a particular type of agroecological production. Thus, at state scale, UA is more often inserted in the agroecology topic than FNS.

5. Discussion

Based on the results, there was significant increase in the number of specific and UA laws approved in Brazil after the last research on it was identified in the national literature (SANTANDREU; LOVO, 2007). There is one decree bond to FNS in the federal secondary legislation. There were also secondary laws that provide on UA at state scope; however, most of them were bond to agroecology. Yet, at state scope, there was a significant number of specific laws that have been cited by Santandreu and Lovo (2007) as almost inexistent when their study was carried out.

Interestingly, there was no enforced national UA policy, neither the construction of a national UA system, as it has happened with other Brazilian sectoral policies, such as those focused on health and education (ABRUCIO, FRASEZE, 2007). The federal government plays the role of coordinating, regulating and encouraging financial

investments, more than of putting them into place, since this is the function embodied by sub-regional governments. The Federal Constitution defines a political-managerial organization model based on competences common to the federal government, states, Federal District and municipalities, as well as establishes, in its article 23, “promoting livestock production [among them] and organizing food supply” (BRASIL, 1988). Common competence matters are understood as those that have local pertinence, but that also are of national collective interest. Because they belong to autonomous spheres, there are no limitations to the existence of state policies that do not have their match at the federal scope (ABRUCIO; FRANZESE, 2007). Nevertheless, assumingly, regional UA policies can become less effective because they do not count on national articulation. According to Zaar (2015) and Cabannes (2012), it is essential establishing coordinated actions among several administrative spheres of both public sector and civil society to keep programs that systematically, and in an organized way, provide continuous technical assistance, financing and credit availability, infrastructure and sales logistics.

Effective policies depend on dialogue among themselves, rather than just on the existence of laws (LIMA et al., 2019). A cross-sectional analysis of the present results suggested that there is partial convergence in the understanding of what forms UA in the herein assessed laws. With respect to category ‘location’, five of the ten state policies encompass peri-urban (PuA) (RS and DF) and sub-urban (MG) agriculture and/or city expansion areas (RJ and AM). However, federal Bills under analysis, among them PNAU, did not refer to practices localized in areas that are not classified as urban.

There is acknowledged difficulty in limiting what is peri-urban (MIGUEL; TEMER, 2017), although it is possible identifying that, overall, these are landscape, socioeconomic and environmental transition areas around cities, where urban and rural logics coexist (PEREIRA, 2013). According to Zaar (2017a), there is an embodiment process in these areas, which is continuous and discontinuous in urban central cores; it is boosted by the need of real estate capital and by new transformation, information and communication infrastructures. This process either expels the agricultural activity or the establishment of residential areas for urban populations avid for life styles closer to nature; although they still count on the intense use of individual transportation.

Although acknowledging the instability of these areas, Pereira (2013) argues that the sense of peri-urban, such as the transition area where urban and rural uses are entangled, implies transforming the space into the one that would have more rural permanence due to changes caused by the city’s logics. According to him, this rural permanence trend would differ from the concept of peri-urban found in “urban expansion areas” featured as space reserved for city growth. According to this logic, the use of this term based on RJ’s policy implies predicting that UA would have transitory profile in these areas; it would open room for rural and urban soil conservation, overtime. The aim of the present study was not to deepen the discussion about these concepts, but to identify how they were found in the analyzed laws and their reflexes on the UA/UP relation. Accordingly, it was possible observing that, not even the RJ Policy, or policies that provide on MP, present objective definitions that would contribute to identify the role played by agriculture in

cities' contiguous areas.

As for the instruments, the literature about the existing UA practices in Brazil (KUHN et al., 2019; LIMA et al., 2019; SANTANDREU; LOVO, 2007) showed that territorial location and classification determined the challenge type faced by UA initiatives. On the other hand, UA faced barriers bond to its location in more densely urbanized areas, such as hard access and formal bond to land, high taxes rates and the obtainment of good-quality water at accessible cost (COUTINHO, 2010). Yet, the MP faced difficulties bond to institutional and legal insecurity these areas have been witnessing, since the soil zoning prevailing in them cannot handle the coexistence of different uses (PEREIRA, 2013). This matter, in Brazil, relates to delimiting urban perimeters that legally set urban and rural zones (ALMEIDA, 2016).

There were the right conditions to discourage agriculture in soils classified as urban (KOZENIESKI; MEDEIROS, 2018; LIMA et al., 2019, ROSA, 2011), namely: (a) hard time getting the environmental license for the urban zone, (b) the high rates paid for Urban Territorial Taxes, also known as IPTU, in comparison to Rural Territorial Taxes (RTT), (c) the minimum installment of a small land lot classified as urban – it can lead to use valuing and transformation, and (d) hard access to public policies focused on family farming. It is so, because law 11326/2006 (BRASIL, 2006) takes family farmers as those who practice their activities in the countryside. As for this last limitation, it was possible identifying that Bill 353/2017 (BRASIL, 2017a) aims at providing urban farmers with the right conditions to access the benefits of this law.

On the other hand, as for transition areas, how can one differentiate UA from rural agriculture when the soil is classified as rural? Mougeot (2000) argues that location is not the element differentiating UA from rural agriculture, but the fact that it is integrated to, and interacts with, the urban ecosystem. PNAU's Bill and some other policies, such as that in RS, expressed a similar understanding when they defined UA. Porto Alegre's case exemplified the different initiatives found in these areas and how they interacted with the urban system. Kozenieski and Medeiros (2018) identified two cultivation types in the capital's peri-urban areas. One of them had business profile and its trading did not involve Ceasa/RS or local markets. The other one had family character and its products were sold in local markets and involved Ceasa/RS, free fairs and other local strategies. According to concepts by Mougeot (2000), it was possible concluding that the second group of initiatives, in this specific case, would be best classified as PuA.

Policies that mentioned PuA did not contribute to an objective definition to identify what are the initiatives to be included in this classification, as well as to what differs it from rural agriculture. Accordingly, the question is: would acknowledging establishing UA typologies, regardless of land classification followed by specific strategies, not be more assertive to promote UA and its articulation with UP instruments?

Similarly, Chandra and Diehl (2019) identified in the Jakarta policies that Brazilian laws seemed to approach several production strategies under the wide UA umbrella. They argued that it is necessary systematically understanding the different typologies, in their form and function, for the government to create effective policies to support UA.

With respect to types of areas where UA is practiced in, according to Diehl et al. (2020), most cases observed in the literature present UA as soil use allowed for lands classified as non-developed or under-used; it meets what was herein assessed. All specific laws and Bills mentioned the occupation of idle spaces as one of their goals. Regarding land property, state laws and Bills (except for the Bill aimed at enacting PNAU) mentioned the use of public (in larger number) and/or private areas. There was also a specific federal Bill (BRASIL, 2019) that approached provisions to allow using federal lands for low-income family initiatives.

With respect to category 'scale' and the production type to be encouraged, it seemed to be convergence between the Bill aimed at enacting PNAU (BRASIL, 2015) and state laws focused on family, community, associative or cooperative profiles, whose production destination lies on producers' own consumption or on small-scale sales. It seems that there is the trend of not having incentive to initiatives that involve large-scale production and that can compete or overlap intensive agriculture. Although this position is not explicit, assumingly, the Brazilian legislation seeks to only promote supplementary food supply through UA. This approach is different from that adopted in some contexts, such as the case of Singapore, where the encouraged production modality – intensive and high technology ones – mainly aim at reaching 30% of the city-state's food demand by 2030 (Diehl et al., 2020). This target demanded collaboration between agencies to develop policies focused on solving legal restrictions and to adjust the existing UP instruments.

All the analyzed specific laws and Bills mentioned vegetables and some sort of livestock production among product categories. However, with regard to livestock, Meenar et al (2017) warned that animal breeding is one of the most conflicting topics between UA and municipal UP instruments, mainly zoning.

As for laws' goals, at federal scope, it was possible observing that three Bills that remain under analysis (BRASIL, 2015; 2017b; 2019) aim UA's social dimension, and are driven by fighting starvation and by improvements in the quality of life of the low-income population. Only Bill 353/2017 (BRASIL, 2017a) seemed not to emphasize vulnerable populations. This datum reinforces the understanding by Almeida (2016), according to whom, Brazil has history of bond between UA and FNS policies. On her opinion, UA gained more room at national scope after the implementation of Fome Zero Program. According to the report by FAO (2012) (CABANNES, 2012), from 2005 onwards, it was treated as strong agenda to support the poor population – it was internationally acknowledged.

It was observed that the aims of state UA policies met those established by national Bills. Most of these laws also presented goals aimed at ecological production practices, at environmental management and at the population's quality of life and leisure. Nevertheless, only two FNS policies in the US mentioned UA, whereas 11 agroecology policies referred to them. Thus, UA's ecological dimension seemed more often evident at state than at federal scope.

6. Conclusions

The present article aimed at reviewing UA laws in Brazil at state and federal scope and, in addition, at analyzing them from UP's perspective. It is worth highlighting that the herein introduced debate is limited to laws at supra-local scope, which were the very focus of the present study.

Results have shown that, although there was increase in the number of approved laws and of Bills under analysis in the last few years, there was no approved national policy about UA. This observation, in association with the content analysis applied to the laws' texts, has shown that still there was no national articulated system, as it happened with other Brazilian sectoral policies.

An analytical structure formulated from the literature review allowed interpreting the contents of laws based on categories that disclosed UA's theoretical and operational reflexes on UP. From the theoretical viewpoint, it was possible observing that there was no homogeneity in the set of analyzed laws, and in the definition about what UA actually is. Yet, the analyzed laws seemed to approach several production strategies under the wide UA umbrella. It was observed that several laws mentioned terms linked to urban planning, such as peri-urban and sub-urban, without defining them or taking into consideration their meaning in UA implementation.

From the operational viewpoint, it was possible considering that these laws vaguely mentioned their interfaces with legal milestones of urban policies and agriculture, which have limitations in UA acknowledgement. On the other hand, it was observed that many of them approached strategies to make access to urban land easier, and this is another important challenge.

According to the present study, from the UP perspective, it is essential to develop national UA policies, because they expose and include the need of dealing with antagonisms and contradictions in territorial and multi-actor processes. Thus, it is possible considering that a future outcome of the present study can be the analysis of UA legislations approved at municipal scope. The present results can substantiate the study's expansion, and refine and adjust the formulation of UA policies in Brazil.

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Panorama das Leis de Agricultura Urbana no Brasil: Relações com o Planejamento Urbano

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Resumo: O interesse crescente na agricultura urbana (AU) nas últimas décadas foi seguido pelo aumento de leis que a tomam como objeto. Entretanto, não há, no Brasil, estudos que busquem caracterizar e compreender a sua articulação com o planejamento urbano (PU). Frente a essa lacuna, o objetivo da pesquisa foi construir um panorama das leis federais e estaduais de AU no Brasil e analisar suas implicações no PU. O método envolveu levantamento e seleção de leis, além do desenvolvimento de uma estrutura analítica. Os resultados indicam que, apesar do aumento no número de leis aprovadas, (a) não há uma política nacional articulada, (b) as leis tratam as diversas estratégias de produção de alimentos sob o amplo guarda-chuva da AU, (c) citam as suas interfaces com o PU de forma vaga e (d) não abordam objetivamente os desafios territoriais enfrentados pela AU.

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Panorama de las Leyes de Agricultura Urbana en Brasil: Relaciones con la Planificación Urbana

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Resumen: O interesse crescente na agricultura urbana (AU) nas últimas décadas foi seguido pelo aumento de leis que a tomam como objeto. Entretanto, não há, no Brasil, estudos que busquem caracterizar e compreender a sua articulação com o planejamento urbano (PU). Frente a essa lacuna, o objetivo da pesquisa foi construir um panorama das leis federais e estaduais de AU no Brasil e analisar suas implicações no PU. O método envolveu levantamento e seleção de leis, além do desenvolvimento de uma estrutura analítica. Os resultados indicam que, apesar do aumento no número de leis aprovadas, (a) não há uma política nacional articulada, (b) as leis tratam as diversas estratégias de produção de alimentos sob o amplo guarda-chuva da AU, (c) citam as suas interfaces com o PU de forma vaga e (d) não abordam objetivamente os desafios territoriais enfrentados pela AU.

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