



Linking Land Tenure and Use for Shared Prosperity

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 23-27, 2015



Land grab in Brazil caused by lack of land governance

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Paper prepared for presentation at the
“2015 WORLD BANK CONFERENCE ON LAND AND POVERTY”
The World Bank - Washington DC, March 23-27, 2015

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Abstract

Brazil has the fifth largest national land area of the world and this land resource represents a critical asset for the country's urban, agricultural and economic development, also providing essential environmental services. Nevertheless, it has an historical lack of governance over its lands, failing to provide secure land rights and to control the extensive frauds resulting in public and private land grabs. The objective of this study is to depict evidences of this land grabs and propose a typology for analyzing them. Last, we will use this evidences and typology to point to a way forward through some policy propositions aimed at tackling these fraudulent land grabs.

Key Words: land grab, Amazon region, Land Administration, cerrado

Introduction

Brazil has the fifth largest national land area of the world and this land resource represents a critical asset for the country's urban, agricultural and economic development, also providing essential environmental services. Nevertheless, it has an historical lack of governance over its lands, failing to provide secure land rights and to control the extensive frauds resulting in large processes of land grabs.

The objective of this study is to depict evidences of land grab process in different moments and regions to understand its main features. The study will mainly compare the processes of land grab in the states of the Amazon biomes that occurred mainly at the end of last century, with cases of the cerrado biome that is occurring in the beginning of this century. But this latest land grabbing is happening at the cerrado, mostly at the states of the MATOPIBA¹ with the plantation of soya bean. And as the difference in revenues from the previous subsistence agriculture to the modern soya bean plantation is so large the conflicts are very strong.

¹ MATOPIBA – is the shortening of the name of the four states where this process is happening: Maranhão, Tocantins, Piauí and Bahia.

Even though in the Amazon region the land grab was for the occupation of new areas and the recent land grab is for soya plantation both mechanisms are mainly the same, and are caused by lack of land governance in the country. The absence of a landownership cadastre and a trustful land registration system are the main characteristics of the absence of land governance in Brazil.

The cases of the Amazonian bioma will be studies based on literature review and the LGAF application in Mato Grosso, and the cases cerrado are based on the field studies done recently in Piauí.

Last, we will use this evidences and typology to point to a way forward through some policy propositions aimed at tackling these fraudulent land grabs.

1. The lack of land governance and consequent insecure property rights related to land in Brazil.

The legal and institutional mechanisms developed in the 21st century to deal with the critical agrarian situation in Brazil have been based on the historical pattern of occupation and development in Brazil, and seem to be insufficient to improve this situation. Formal regulations, which have never been completely enforced, make land access in Brazil both fragile and inchoate (Reydon et al, 2014:510).

A huge body of Constitutional law, land law, civil property law, environmental law and planning law, operating at national, state and local levels, governs land relations and land institutions in Brazil. A large set of agencies are involved in the establishment and regularization of land rights, their recording and documentation, processes for establishing allowable uses, managing special use areas, planning overall land use, and conflict resolution. This body of law and these institutions embody a number of characteristics that have created wide gaps between the reality of land relations on the ground and the legally mandated requirements for landholdings and landholders. This confusing institutional framework creates gaps that contribute to some of Brazil's most pressing social, economic and environmental problems.

The absence of mechanisms that regulate the ownership, use and occupation of rural and urban land is one of country's major land problems. And this lack of regulation, effective rather than rules, results from and is determined by the possibilities to speculate on land, that is, to make money with the purchase, maintenance, transformation and subsequent resale of land in any of its form.

It is also known that the rules that were aimed at the effective regulation of these markets through laws always ended up being circumvented or not enforced, creating more favorable conditions to speculation for some people. Therefore, the ideal regulation would be the one in which society had governance and could define the proper use of the land, either from the production point of view or for homes, simultaneously preserving the environment.

This lack of land governance can also be found systematically in the results of the four stages of the Land Governance Assessment Framework (LGAF) applied to Brazil in the last years, showing that:

- Lack of control over public lands;
- Private land property registry is not reliable;
- The registry coverage is incomplete and not up to date;
- Lack of spatial information (georeferencing) on the registry of private land properties;
- Lack of a reliable and integrated registry of public and private land;
- Low level of land property taxation;
- Supply, land use planning and regularization of urban land are not in line with the demand;
- Neglectful governance over large scale land and forest acquisitions

2. Land grab evidences

The effects of this lack of land governance can be seen especially in illegal or informal appropriation of public and private lands that abound in Brazilian history. With this in mind we chose some major case examples found in academic researches (Treccani, 2006; Holston, 1991; Oliveira, 2005; Fernandes (2014) and government reports (Ipam, 2006; Brazil, 2001; INCRA,

1999) as to collect a body of evidences on frauds and other illegal or informal procedures that lead to land grabs in the last decades.

In recent decades the Congress² and some Legislative Assemblies investigated the grabbing crime. In 2001, the CPI to investigate the occupation of public lands in the Amazon region recognized: "At the national level, land grabbing must resolve with ease, the sum of 100 million hectares."

As a result of these surveys made by the government, justice initiated some actions to cancel several titles recorded in registries. In the early 2000s were, according to Lima (2002), canceled in 14 counties of the state of Amazonas, the equivalent of 48.5 million hectares of properties registered to the respective property registries, demonstrating the fragility of the registration system of real estate.

In negotiations with the Confederation of Agricultural Workers in June 2014, the Ministry of Agrarian Development - MDA issued a spreadsheet where the related shipping 124,666 documents issued by the federal government. Were presented fifteen different types of securities issued in a special way in the seventies and eighties, with a total area of 15,106,820 hectares.

2.1. The case of land grabbing in Pará (Amazon region)

Since the starting of Brazilian colonization, the internal frontier is in expansion, with more or less intensity throughout the years. Every period of our history brings with it certain geographical loci where this process develops. If at first this expansion occurred near the coast over time the occupation entered the Brazilian backlands. Far from being a linear phenomenon, this expansion has often resulted in initial occupation and later abandonment for long periods in regions that were intensely busy.

We can say loosely that the last of these expansions were mainly directed to the north of Mato Grosso province, and the consolidation of the occupation, as always, ran over several indigenous

² View: CPI from the sale of Brazilian land to foreign natural or legal person (Draft Resolution No. 89 of 12 June 1970, the CPI the Land System (Draft Resolution No. 85 of September 28, 1979) , the CPI Violence in the Countryside (Draft Resolution No. 85 of 19 May 1992), the CPI set to continue the gunmen crime investigations in the Center-West and North, 1994; CPI investigated the occupation of public lands in the Amazon region in 2001.

communities, traditional populations and the environment. The last movement, on the other hand, focuses on expansion into the Brazilian Amazon: both its south and east part. The fight against deforestation government policy laid down certain restrictions and managed to temporarily block the acceleration of the process of expansion into the southern Amazon, creating the so-called Green Arch for this purpose. Thus, the most intense focus of expansion of internal border occurs for at least two decades from the south and east of the Amazon directed to its center, where the extensive state of Pará arises as a privileged locus for the current analysis of this process.

2.1.1. Brief history of land occupation in Pará

From the 20s of last century the provinces of Amazonas and Pará went through economic stagnation. From the rubber crisis Pará becomes the scene of a transfer of public lands to private hands through state laws that allowed the purchase of vacant land in the state and the perpetual tenure. This transfer concerns a particular way on Marabá region, which becomes the basis of the constitution of a landed oligarchy.

During the 1950s, there was a migration process where several people, mainly from São Paulo, have become owners of vast tracts of land in southeastern Pará, in the wake of the Roncador-Xingu expedition. In addition, in 1953 the federal government created the Superintendency of Economic Recovery Plan of the Amazon (SPVEA), later replaced by the Superintendency of Development for the Amazon (SUDAM), which followed the idea of development through occupation with land for speculation, exploitation of forest resources and disorderly migration.

This continues with the military governments and the creation of large projects, strong incentive to the migration of people to the region, construction of infrastructure as federal roads and also the insertion of foreign capital. Thus this intensified environmental degradation, conflicts in the field, the land chaos and land grabbing.

Already at the end of the 50s appears the figure of the "pioneers", new characters in the region were, in general, São Paulo groups that had already appropriated land in other states and came in search of legally free land on the new frontier. (Fernandes, 1999, p. 32)

During the 70s, the federal government intervened in the Amazon in general, editing a Decree Law “federalizing” the vacant land located in the range of one hundred kilometers width of each of the federal roads already built, under construction or planned in the region. In Article 5 it recognized the legal situations already established. With this measure, about 70% of the State of Pará area was federalized (Benatti et al, 2013, p. 6).

With the institutional invention of the Legal Amazon, which covers Pará, the Union is turns itself the sovereign agent, planned and implement its policy of occupation and development going over the interests of the actors in the region. To submit the state and local governments to the interests of the federal government new regional institutions were created and redefined the roles that the federal government and the private sector would then take in their geo-economic and geo-political dimensions. (Carvalho, 2012, 78)

The occupation of the Amazon region during the military governments was based on the National Integration Plan (PIN) under the slogan of "a land without men for men without land" and under the premise that the Amazon was a "demographic vacuum", engendering in 21 years a higher demographic occupation than in five centuries of history. The implementation of settlement projects in series was disjointed and disorganized, did not seek to guarantee the rights of indigenous peoples and had as the main objective to use the expansion of the internal frontier as an escape valve, transferring thousands of zones of families of social tension in the countryside, in the South and Northeast to the Amazon region.

With respect to land regulation, during 1987, the law that federalized the majority of lands in the Legal Amazon was revoked and once again the regulations spread disorder: the new decree provided that the unoccupied lands before federalized were now transferred to provincial management, except for lands that were not vacant and subject to legal situations already established or in process of formation. With this provision, until today none of the land that were once "federalized" effectively returned to the provincial public domain.

It is possible to see how the long process of regulation of Pará’s territorial occupation has always followed the same tone as the rest of the country, permeated with contradictions and structural inefficiencies in the way that repeats this perverse pattern of land regulation, although its effects are amplified in the internal frontier expansion region. We will see in the next section how the

private ownership of vacant lands occurs in more detail, including analysis of the legal uncertainty that permeates this process in the internal border expansion loci.

2.1.2. Appropriation territorial adjustment in Pará: insecurity of legal land grabbing

According to the secondary data used by Oliveira et al (2013: 30-31), in the state of Pará, in 2010, there were 26.7 million hectares occupied by 97,800 properties declared in the INCRA Register that do not have legal property documents. Of these, there are 86,900 land holds (88.8%) which are capable of legitimation, 4900 (5.1%) classified as medium land holds, and 5,700 other properties (5.9%) that are considered large land holds. Small land holds that are prone to legitimize the occupation of 5 million hectares (18.9% of the area), the medium ones occupy 2.8 million hectares (10.5%) and large ones occupy 18.6 million hectares (69.5% of the area), the latter are not capable of participating in the regularization process by the Legal Land Program. This implies that at least 69.5% of the public lands, vacant or not, illegally occupied in Pará cannot be legitimized or even regulated by law.

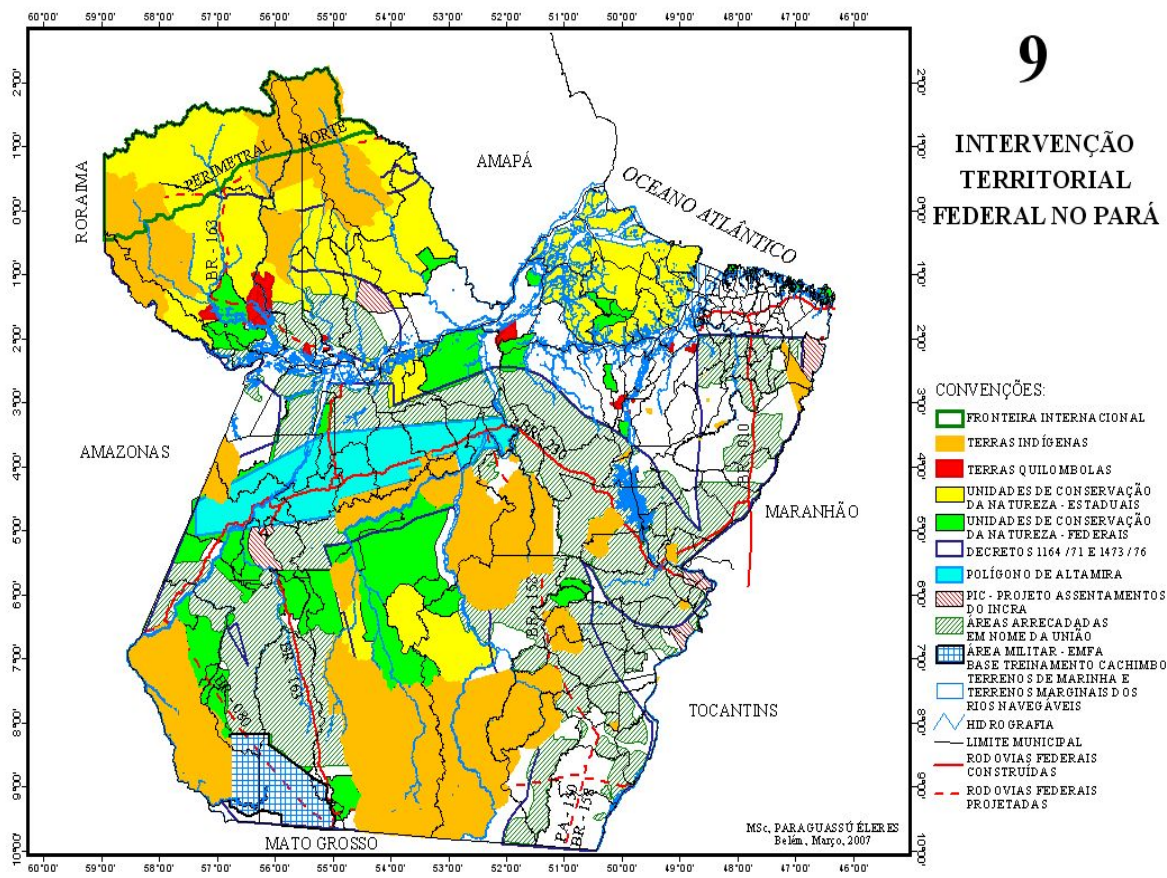
The private land grab of public land dynamics is the same and is repeated in various spheres of analysis, in Brazil, in the state of Pará or in cities like Sao Felix do Xingu:

"The private appropriation of land in Brazil has been done by grabbing of public lands, and they represent about 40% of the territory. [...] Among the 571.7 million hectares registered in INCRA in 2010 there are a total of 5.1 million properties. The average area in large properties is 2,433 hectares, while the small is 29 hectares, ie 83 times less. Among these great properties, INCRA to apply the Law 8629/93 which defined the productivity indexes still with reference to the Agricultural Census 1975 and found 175 million hectares of unproductive land, which amounted to 55% of the total. Ie the largest properties in Brazil are largely unproductive and this is its fundamental character. Land is not appropriated privately to be put productive use, for the land without any production allows its owner to generate wealth. It works as a storage of value (realized on the sale of property) or, more commonly, as an equity reserve (used as assets placed as collateral when borrowing from the financial system). [...] This is present in the Amazon, in Pará and São Félix do Xingu, where the data show, respectively, a total of

123.9; 31.5 and 3.3 million hectares of large farms classified as unproductive by INCRA." (Oliveira et al, 2013, p. 32-33)

For a first idea of the conflict generated by this complex institutional architecture, the map below is extremely illustrative about the changes in different levels of responsibility related to the occupation of Pará space. One can see through it the impact and size of the “federalization” land in Pará.

Figure 1. Federal territorial intervention in Pará



Caption translation - dark yellow: indigenous lands; red : quilombola lands; soft yellow : protected areas (federal); dashed red : federal settlement projects; dashed green : area collected by the union on the federalization of lands besides the federal roads; dashed blue : military areas; red lines : federal roads built; dashed red lines : planned federal roads.

Source: Éleres 2002.

The chaos generated by the lack of land ownership regulation is directly related with public land grabbing, whereas the Pará's case appears as a fruitful area for study.

According to Benatti et al (2013, p. 19-20), there is no reliable survey to state what percentage of public or private land are registered at the notaries. Neither the state nor the federal government have data containing the total of private property in rural areas. Areas titled in recent years by state and federal agencies have been taken to the public records. The authors emphasize that these records, being of social interest, were carried out free of charge. Available data for notary offices registration revenue and Incra have dubious validity and present contradictory data as discussed below.

A compilation of data on the allocation of the State of Pará land is arranged in Benatti et al (2013, p. 61-63) and shows that "approximately 63.5% of Pará is already destined either for the indigenous lands, federal and state conservation units, military reserved areas, projects of federal and state settlements", although the percentage is approximate due to the existence of several overlapping areas.

Table 3 below presents an attempt by Treccani (2010) to systematize the dominion of public lands in Pará. These figures indicate that in theory in 71.78% of the state's surface is made up of federal lands. However, there are many overlaps, especially the cases (i) creation of state protected areas without requesting permission from the federal government and these sometimes focus on border groups and (ii) the lands that were incorporated into private equity.

Table 1. Types of land ownership dominion, public lands in Pará, 2009.

	Área (ha)	% da superfície do Estado do Pará
Terras indígenas (FUNAI)	30.367.029,00	24,33%
Unidades de Conservação federais sem APAs (ICMBio)	18.032.187,00	14,45%
Áreas de Proteção Ambiental federais (ICMBio)	2.081.096,00	1,67%
Áreas militares (Estado Maior das Forças Armadas – EMFA)	2.160.000,00	1,73%
Terrenos de Marinha (Secretaria do Patrimônio da União – SPU)	1.247.689,51	1,00%
Faixa de fronteira	5.768.400,00	4,62%
Terras administradas pelo INCRA	29.923.992,00	23,98%
Total das Terras Federais	89.580.393,51	71,78%
Unidades de conservação estaduais (SEMA)	13.357.075,00	10,70%
Áreas de Proteção Ambiental estaduais (SEMA)	8.343.680,00	6,69%
Terras estaduais (ITERPA)	19.949.328,00	15,99%
Superfície do Estado do Pará (IBGE)	124.795.466,60	100,00%

Fonte: IBGE, 2013; Treccani, 2010:48.

In view of these difficulties already at the level of trying to discern the area and location of both farms with title of property, whether public or private, and possessions, one can imagine the difficulty of correctly specifying the area and location of illegally appropriated land.

A survey of the Committee of Monitoring and Studying Issues Related to Land Grabs, using data from the Land Property Registries' Records regarding blocked records by Judiciary showed that 10,386 blocked records sum up for an area of 494,786,345.3070, ie 3.9 times the size of the Pará State, which has a total territorial area of 124,795,466 ha. The situation is even more serious when one considers that thousands of records with an area less than 2,500 ha were not blocked and are not included in that survey. Besides the 410,247,202.33 ha canceled in 2009 by the CNJ, we would still have 84,539,142.98 ha recorded and blocked. The Commission found that, in Pará there are several municipalities in which the area of the land records summed up are one, two or more times the total territorial area of the municipality. (Benatti et al, 2013, p. 19-20)

Only in Pará, it is estimated that 30 million hectares are in the hands of land grabbers, using false documents, many of them forged in real estate registries, to take possession of public lands. (Benatti et al, 2006, p. 15)

So far we have seen that the state of Pará is no exception regarding the general process that shaped the maintenance of regulatory characteristics governing the territorial occupation during

the Brazilian agrarian history. This means, in other words, that the central features that we list to outline a Brazilian historical pattern of territorial ownership regulation are also shared in Pará - as well as its deleterious effects.

2.1.3. Cattle, soy and land grabbing

Livestock comes into play as a cause of deforestation in the internal frontier, usually leading to deforestation, land division and resale of land (mostly non regularized and even indigenous lands). This deforestation after extraction of hardwoods causes a high valuation of the land price, very often funding the costs of livestock expansion on illegally occupied land. (Reydon, 2011)

The shift of forested areas to cattle rising usually accompanies the illegal extraction of hardwoods in illegally appropriated land and lends thus the development of productive appearances to a dilapidation process of public land with high social and environmental costs. As the example of São Felix do Xingu shows, it holds 10% of the State of Pará cattle, with a herd growth of 780% in 7 years. (Venturieri et al, 2004: 11)

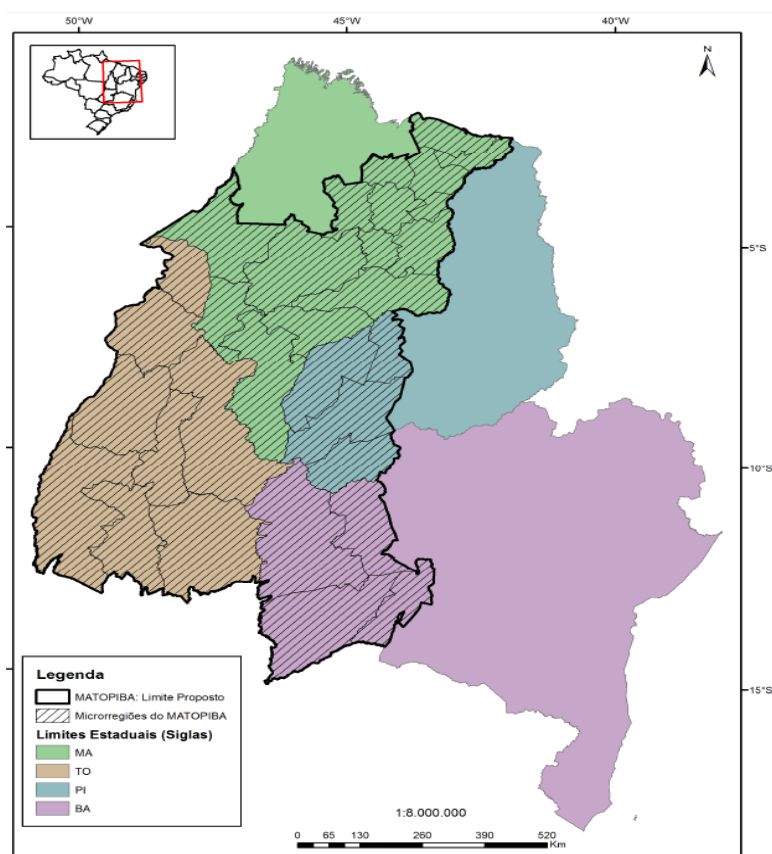
As for soybeans, its entry in the Amazon since 1990 is a powerful threat to traditional populations and biodiversity. The economic dynamics linked to soybean production in Pará is particularly perverse, justifying large transport infrastructure projects that, in turn, initiate a chain of events leading to the destruction of natural habitats to a great extent, beyond the areas planted with soybeans (Fearnside, 2000). In addition to investments in transportation infrastructure, you can also include the tax and credit incentives given by the government, which also add up to the expansion of the economy of land grabbing and speculative land use in general public, which justifies and pays for the illegal land appropriation.

2.2.Recent cases in MATOPIBA

The most recent cases of land grabbing in Brazil is occurring in a part of its cerrado region, called Matopiba that has parts of the NE region and the North regions as can be seen in map 2.

The delimitation of MATOPIBA, proposed jointly by the INCRA and the Embrapa Strategic Territorial Intelligence Group, is located within the area of 4 Brazilian states: Maranhão, Tocantins, Piauí and Bahia and is compound of 31 microregions (337 municipalities) summing 73 million hectares.

Map 2. Proposed territorial delimitation of Matopiba and IBGE micro geographic regions



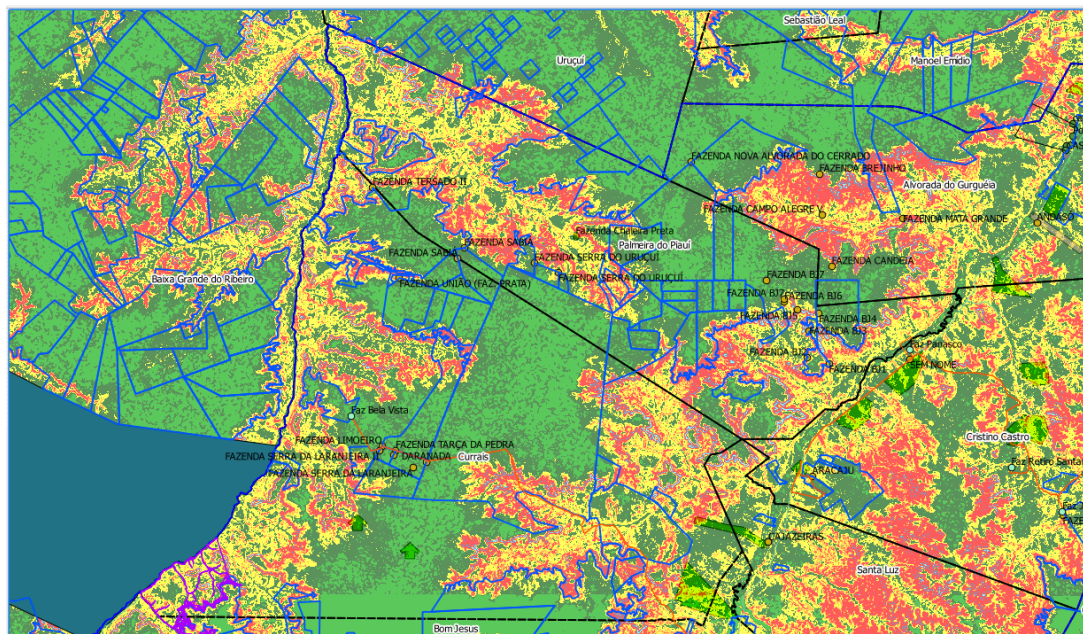
Source: Miranda et al (2014a).

Most of the Matopiba region was occupied with soya bean plantations in very large scale, with much land grabbing, made possible by the development of types of soya technologically adapted to the region during the 90s years of last century.

The region in focus is the southwest region of the state of Piauí, as can be seen in map 1, where until around 2000 most land was under subsistence agriculture, with very low commercial agriculture. The commercial soya bean plantation entered this area of Piauí very recently as

Table X shows through the large increase in area occupied with soya beans at the municipality of Bom Jesus. Between 2000 and 2010 the area with soya increased from 1.440 ha to 28.387 ha.

Map 3– Properties with georeferenced maps in South west Piauí.



Fonte: INCRA/PIAUI, 2014

Table 2. Area production of soya bean and rice in the municipality of Bom Jesus (PI)

Bom Jesus, PI - Produção e Área Colhida de Soja e Arroz								
	1980	1985	1990	1995	2000	2005	2010	
Arroz	Área colhida (ha)	427	1.742	95	1.350	10.242	5.191	2.802
	Produção (ton)	474	2.931	135	2.300	18.277	11.746	3.648
	Produção (mil reais)	538,18	3.390,83	78,41	487,24	3.896,66	2.220,71	1.086,37
Soja	Área colhida (ha)	0	0			1.440	24.429	28.387
	Produção (ton)	0,00	0,00			3.454,00	77.446,00	69.390,00
	Produção (mil reais)	0	0			794	21.962	15.285

Fonte: IPEA/Data

One other municipality analyzed is of Currais, which was extracted from the municipality of Bom Jesus in 1997, that also had an increase in the area of soya beans from 11.350 ha to 15.818 ha in 2010, as can be seen in table .

Table 3. Area production of soya been and rice in the municipality of Currais (PI)

Currais, PI - Produção e Área Colhida de Soja e Arroz				
		2000	2005	2010
Arroz	Área colhida (ha)	780	6.332	1.755
	Produção (ton)	1.328	12.902	966
	Produção (mil reais)	318,72	3.252,30	287,78
Soja	Área colhida (ha)		11.345	15.818
	Produção (ton)		8.169,50	9.324,02
	Produção (mil reais)		28.809	42.328

Fonte: IPEA/Data

This production of soya beans that made the value of land increase very intensively after the year of 2005 as can be observed at table and that is the main reason for the land grabbing that is occurring in this region. As pointed out before this region as had no commercial agriculture had very low land prices and with the entrance of soya as a rentable culture increased land prices very sharply.

Table 4- LAND PRICES IN PIAUI R\$ current							
Uruçuí - Região iFNP 110 (Currais)	2002	2005	2009	2010	2012	2013	2013/2002
Caatinga (Bom Jesus)	50	53	108	125	242	348	695%
Cerrado agrícola (Bom Jesus)	201	563	1.867	1.900	2.150	2.250	1119%
Cerrado agrícola (Uruçuí)	299	563	1.867	2.000	2.300	2.933	981%
Pastagem formada na caatinga (Bom Jesus)	200	227	458	467	601	898	449%
Terra agrícola de alta produtividade (Bom Jesus)	941	1.619	4.050	3.833	4.033	6.633	705%
Terra agrícola de alta produtividade (Uruçuí)	1.272	2.111	4.542	4.375	4.983	8.500	668%
Terra agrícola de baixa produtividade (Bom Jesus)	548	1.056	2.050	1.767	2.217	4.083	745%
Terra agrícola de baixa produtividade (Uruçuí)	870	1.337	1.983	2.017	2.917	5.400	621%

The grabbing of land in the region began in the 90s and since then, the same squatters are recurrently identified. These take possession of the land and recorded in the registry of property fraudulently, often with the help of law enforcement agencies.

The problem is so large that even a specific Agrarian Court was created in 2012 that is in charge of all land conflicts existing in the region³.

The land tenure problems are due to the legal uncertainties related to the ownership of the land. As most previous owners with mainly subsistence agriculture occupied the area for centuries no much land registration was done. With the introduction of the very intensive and high value crops the demand for land increased very sharply. The ways these new comers obtained land is not very clear, but they were able to register these new properties at the registration offices from different municipalities.

But some evidences are clear as the Judge of Agrarian Court (Mr. Heliomar Rios Ferreira) has, between 2011 and 2015, blocked the registries of properties accounting for 6 million⁴ of ha. And as the Corregedoria de Justiça of Piauí after pressure of the Judge has intervened and cancelled all actions of around 12 Land Registration Offices (Cartórios de Registros de imóveis)⁵ as a result of the pressure of the Judge and other defenders of the small landowners of the region.

The problems with land are not only caused by the land grabbing by the large landowners, the government itself is part of the problem, as the state land companies, CONDEPI and INTERMAT have been giving/selling out plots of land to the newcomers.

³ **The municipalities that are under the jurisdiction of the** Vara Agrária de Bom Jesus **are:** Ribeiro Gonçalves, Santa Filomena, Uruçuí, Antônio Almeida, Bertolândia, Eliseu Martins, Manoel Emídio, Landri Sales, Marcos Parente, Floriano, Guadalupe, Itaueira, Jerumenha, Barreira do Piauí, Gilbués, Monte Alegre do Piauí, Palmeiras do Piauí, Cristino Castro, Baixa Grande do Ribeiro, Santa Luz, Currais, Corrente e Cristalândia do Piauí, Sebastião leal, Canavieira, Redenção do Gurguéia.

⁴ In: <http://oglobo.globo.com/brasil/tribunal-de-justica-diz-que-terras-griladas-no-piaui-chegam-r-195-bilhoes-8444252>

⁵ Municipalities with cartórios under intervention Alagoinha, Ribeiro Gonçalves, Baixa Grande do Ribeiro, Bom Jesus, Gilbués, Uruçuí, Palmeira do Piauí, Parnaguá, Santa Filomena, Morro Cabeça no Tempo, Júlio Borges, Curimatá e Pio IX. Source: <http://www.fraudes.org/clipread.asp?CdClip=28312>

The other question that has to be answered is who are these new comers? From what could be obtained in the region many types of land grabbers are obtaining land in the region: as the Judge said:

“ irregularities in the Cerrado land grabbing involving members of the Judiciary, Legislative and Executive of Piaui, and authorities in Brasilia. The illegally occupied lands were acquired by entrepreneurs from Africa and Asia (especially China), Europe, the United States and other states. Land brokers seek national and foreign investors to obtain the land that was illegally registered with fraud at the registration offices. Land grabbing also involves several multinational companies and foreign investment funds as large areas owners. There are reports of loans in national and international banks in which the land is given as collateral - when, for the most part, the area in question and pledged to the financial institution does not exist”.

The information provided by stakeholders were unanimous in stating that all these problems are affecting very sharply the land markets of the region because property rights are at this point all under suspicion. A very small amount of deals with land has occurred because of these problems related to the clearness of the property rights.

3. Land grab typology for Brazil

After reporting the body of evidences we will show a comprehensive typology of land grabs in Brazil, contemplating the roles played by the notaries, land administration related government institutions, laws and private sector in the land grab frauds.

From these cases a typology that seeks to differentiate between private and public land grabs (the latter being more usual) and also differentiate between the institutions responsible for the fraud (land notaries, provincial land institutes, and county administration).

- a. public land grab by private agents (usually in *terras devolutas*) – called grilagem
- b. expelling of landholders with titles by large ones, using illegal documents and/or force;
- c. expelling of small landholders with no titles by large ones, using illegal documents;

- d. expelling of landowners by large ones using titles given by the state;

4) Policies proposal and way forward

With this preliminary typology it is possible to improve future analyzes on land governance, especially if we pretend to design better land policies to tackle the illegal appropriation of public and private land in Brazil.

The major proposals for improving the Brazilian land governance are:

- 1) Focus on the development of a Land Information System (LIS) that includes capacity to map the land and, especially, organize the land information that is decentralized in different institutions at different levels of the government (federal, provincial and local) to build an up to date consolidated land cadaster.
- 2) Creation of a new institution for Land Administration or, alternatively, centralizing this responsibility on an existing institution.
- 3) Modernize the land property registration system, which usually takes part in the land frauds, especially promoting transparency and creating mechanisms of public monitoring.
- 4) Promote the issuing of land titles for tenants in possession.
- 5) Enforce the land property taxation.

References

Brasil, 2001. Relatório da comissão parlamentar de inquérito destinada a investigar a ocupação de terras públicas na região amazônica. Brasília: 2001.

Reydon, B.P., Telles, T.S., Fernandes, V.B., 2014. Land tenure in Brazil: The question of regulation and governance. *Land Use Policy*, 42 (2015), p. 509-516.

Deininger, K., 2011. Challenges posed by the new wave of farmland investment. *J. Peasant Stud.* 38, 217–247.

Fernandes, V.B., 2014. Passado não resolvido: a histórica falta de regulação na ocupação de terras no Brasil após 1964. Dissertation thesis. Campinas: IE/Unicamp, 2014.

INCRA (Instituto Nacional de Colonização e Reforma Agrária), 1999. Livro branco da superindenação. Brasília: Ministério da Política Fundiária e do Desenvolvimento Agrário, 1999.

IPAM (Instituto de Pesquisa Ambiental da Amazônia), 2006. A grilagem de terras públicas na Amazônia brasileira. Brasília: Ministério do Meio Ambiente, 2006.

Oliveira, A.U., 2005. BR-163 Cuiabá-Santarém: geopolítica, grilagem, violência e mundialização. In: Torres, M. (org.). Amazônia Revelada – Os descaminhos ao longo da BR-163. Brasília: CNPQ, 2005, p. 67-183.

Treccani, G.D., 2006. Violência e Grilagem: instrumentos de aquisição da propriedade da terra no Pará. Belém: UFPA, 2006.

World Bank, 2011. Legalizing Brazil: Brazil's New Push for Land Regularization, Land Governance and Land Management What it Means for Affordable Housing, Urban Development and the Last Frontier of the Amazon. Washington: World Bank, 2011.

BENATTI, José Heder; TRECCANI, Girolamo Domenico; MANSOS, Flávio; CONDURU NETO José Maria; SODRÉ Wilson Melo; FISCHER, Luly Rodrigues da Cunha. *A regularização fundiária como instrumento de ordenar o espaço e democratizar o acesso à terra*, Belém: Governo do Estado do Pará - ITERPA. 2007.

BRASIL. CONGRESSO. CÂMARA DOS DEPUTADOS, COMISSÃO PARLAMENTAR DE INQUÉRITO DESTINADA A INVESTIGAR A OCUPAÇÃO DAS TERRAS PÚBLICAS NA REGIÃO AMAZÔNICA. *Ocupação das Terras Públicas na Região amazônica. Relatório Final da Comissão Parlamentar de Inquérito*, Brasília: Câmara dos Deputados, Coordenação de Publicações. 2002.

_____. Projeto de Resolução nº 85, de 1979 – CPI do Sistema Fundiário. Brasília: Diário do Congresso Nacional, 28 de setembro de 1979.

BRASIL. *Livro Branco da Grilagem de Terras no Brasil*. Brasília: MDA. s/d.

BRASIL. CONSELHO NACIONAL DE JUSTIÇA. *Decisão do Ministro Gilson Dipp, Corregedor Nacional de Justiça*, no Pedido de Providências 0001943-67.2009.2.00.000. Brasília, 16 de junho de 2010.

CASTELLO BRANCO, Humberto. Mensagem n° 556, de 26 de outubro de 1964. In BRASIL. MINISTÉRIO EXTRAORDINÁRIO PARA ASSUNTOS FUNDIÁRIOS. PROGRAMA NACIONAL DE POLÍTICA FUNDIÁRIA. *Coletânea. Legislação Agrária. Legislação de Registros Públicos. Jurisprudência*. Brasília. 1983

COMISSÃO CAMPONESA DA VERDADE. RELATÓRIO FINAL. VIOLAÇÕES DE DIREITOS NO CAMPO. 1946 a 1988. Brasília, dezembro de 2014. Mimeo.

PARÁ. INSTITUTO DE DESENVOLVIMENTO ECONÔMICO, SOCIAL E AMBIENTAL DO PARÁ. DIMENSÃO DO DESENVOLVIMENTO ECONÔMICO. Meio Ambiente, Produção Florestal e Regularização da Posse e Uso dos Recursos Naturais. Belém: IDESP. 2014. Mimeo.

PARÁ. Tribunal de Justiça do Estado do Pará. *Portaria nº 0271*, de 31 de janeiro de 2007, que instituiu, no âmbito do Poder Judiciário, uma Comissão Permanente de Monitoramento, Estudo e Assessoramento das Questões Ligadas à Grilagem.

PARÁ. Tribunal de Justiça do Estado do Pará. Corregedoria de Justiça das Comarcas do Interior. *Provimento nº 013*, de 21 de junho de 2006, que dispõe sobre a averbação de BLOQUEIO de Matrículas de áreas rurais nos Cartórios do Registro de Imóveis nas Comarcas do Interior e dá outras providências.

TRECCANI, Girolamo Domenico. *Violência e grilagem: instrumentos de aquisição da propriedade da terra no Pará*. Belém: UFPA: ITERPA. 2001.

TRECCANI, Girolamo Domenico, *Pará, do caos fundiário à terra de direitos*. In BENATTI, José Heder; TRECCANI Girolamo Domenico; NASCIMENTO Michela Dantas; CHAVES Rogério Arthur Friza; CONDURÚ NETO, José Maria Hesketh e ELIAS, Leila Márcia Sousa de Lima, *Relatório de Gestão 2010 e Análise do Período 2007-2010*. Belém: ITERPA, 2010.