Executive Summary of the Study "On the edge of (il)legality: deforestation and land grabbing in Matopiba"

Introduction

This study, elaborated by the Lawyers' Association in Defense of Rural Workers in the state of Bahia (AATR), delves into the issues of deforestation and land grabbing in Matopiba - an institutionally delimited region of the Brazilian Cerrado in the states of Maranhão, Tocantins, Piauí, and Bahia - through the analysis of four cases representative of such dynamics in the region: Travessia do Mirador in south-central Maranhão, Gleba Tauá in Tocantins' cerrado, Melancias territory in the south of Piauí, and the *Fechos de Pasto* communities Capão do Modesto, Porcos-Guará-Pombas, Cupim, and Vereda da Felicidade de Pasto do Rio Corrente in western Bahia. In order to do that, a broad cartographic work as well as the gathering and systematization of legal documents were conducted in partnership with IFBaiano[1], Valença campus.

The first section of the document traces Matopiba's history as an agricultural and permanent frontier, pointing out the impacts, limits, and repercussions of its institutionalization. The second one deals with tenure issues in the region, establishing patterns of deforestation and land grabbing. The following section approaches the institutional treatment of Matopiba's tenure issues. Finally, the fourth section brings about summaries of the four analyzed cases of deforestation and land grabbing.

1) Matopiba as a permanent frontier

The Brazilian Agricultural Research Corporation (Embrapa)[2] delimited Matopiba as encompassing 31 geographic microregions of approximatelly 73 million hectares, following as a demarcation criteria the Cerrado within the four states, as

[1] Bahia's Federal Institute of Education, Science, and Technology.
[2] Evaristo Eduardo de Miranda, Lucíola Alves Magalhães e Carlos Alberto de Carvalho. Technical Report 1. Proposal for MATOPIBA's territorial demarcation. Campinas: Embrapa-GITE, 2014. Available at: https://ainfo.cnptia.embrapa.br/digital/bitstream/item/139202/1/NT1-DelimitacaoMatopiba.pdf

well as the dynamics of farming and forestry production and logistic infrastructure. The Federal Decree No. 8.447 from 2015 institutionalized an agricultural frontier with about four decades of ongoing expansion.

The maps systematized in the study enables the analysis of the deforestation expansion at the Cerrado within Matopiba, which corresponds to 91% of the region, in three different timeframes: until 2000, around 10.76 million hectares had been devastated (16.18% of Matobipa's Cerrado total area); until 2010, about 18.9 million hectares; and until 2020, 23.47 million hectares (35.28% of the area). The soybean monoculture and cattle farming are responsible for approximately 80% of the accumulated deforestation until 2020. The preserved areas correspond mostly to traditionally occupied public lands that were already demarcated, either as Conservation Units or Indigenous Territories. In this sense, Matopiba is also configured as a *permanent frontier*, as a space of violent and conflicting encounters: on one hand, the agricultural modernization and monoculturation of life and, on the other, ways of living and using the land based on sociobiodiversity and co-inhabiting the Cerrado across generations.

2) The imbrication between deforestation and land grabbing in Matopiba's frontier region

The Brazilian Cerrado is the world's most biodiverse savannah and home to indigenous, *quilombolas*, and traditional (*geraizeiras*, *fechos de pasto*, *veredeiras*, *quebradeiras de coco-babaçu*) territories, as well as rural workers who are settled or without land. Thus, the expansion of the agricultural frontier in the region has resulted in intensified disputes over land. The frontier's alterity is racialized and hierarchized - public lands invaders are predominantly white men from the Brazilian south, for whom practices of notary fraud, indiscriminate concessions of water use grants, and vegetation suppression authorizations have been widely and institutionally facilitated. The Cerrado peoples, however, have been made invisible and considered obstacles for the region's development, as the region was for long portrayed as a demographically empty space, whose ecological relevance is disregarded by both public and private agents. Such factors contribute to the almost

insignificant demarcation of traditionally occupied lands, and the slowness or blockage of land tenure titles for indigenous peoples and traditional communities.

This study exposes the mechanisms in place to operationalize the double process of *fraud-invasion* that characterizes grabbing of undemarcated public land in Brazil: the association of, on one hand, invasions "on site", consolidated with deforestation and violence against the communities, with, on the other hand, frauds in both land and environmental registries. After the 2012 Forestry Code[3], new forms of land grabbing, such as "green grabbing", has become increasingly common in traditionally occupied areas, which are the most important remnants of native vegetation in the country, allowing land grabbers to indicate these areas as their "legal reserve" (obligatory native vegetation reserve of a private property) and thus expanding deforestation in sites of large-scale production elsewhere.

Another analyzed dynamic is the institutional use of environmental agendas and narratives against communities, associatingting traditional practices of territorial management in the Cerrado to its devastation, so that environmental racism structures land grabbing mechanisms and practices in their classic and new forms.

3) Threats of "governance of tenure" agenda of practices at the service of expanding agricultural frontiers

The 1988 Federal Constitution recognizes indigenous rights to the land (art. 231) and the priority of land allocation for agrarian reform - including the recognition of traditional and *quilombola* territories - and environmental preservation (art. 188, single paragraph). The *legitimization of ownership* (Decree-Law No. 9.769/1946, Land Statute (1964), and Federal Law No. 6.383/1976) also work as instruments for the acknowledgment of occupations executed directly by squatters and their family members.

Nevertheless, in Matopiba, these legal apparatuses have been distorted for the expansion of the agricultural frontier. Mechanisms of public lands transference for private owners have been created through legal changes that instituted the

[3] The Forestry Code allowed the legal reserve of a rural private property to be indicated in an area that is not adjacent to the property itself.

unconstitutional artifice of "domain recognition"[4]. The most alarming aspect of these apparatuses is the absence of limits for properties' dimensions[5]. State-level land institutions and the World Bank have dedicated efforts to "*land ownership regularization"*, which may result in the legalization of public land invasions and deforestation.

Following the phenomenon, the "*marcos temporais*" [temporal marks] have been one of the most important dispositifs for the consolidation of the binome deforestation and land grabbing. The "New Forestry Code" established a concept of "consolidated rural area", amnestying environmental infractors from recomposing the native vegetation in Permanent Preservation Areas and deforested Legal Reserves until 07/22/2008. Another temporal mark, currently on trial at the Supreme Court, is the juridical argument that indigenous traditional lands are only those actually occupied by indigenous peoples at the time of the promulgation of the 1988 Constitution, which does not take into account historical expulsions and forced displacements.

Thus, the position hereby defended is that:

1) Any "land ownership regularization" favouring the unconstitutional private "domain recognition" of public lands - therefore at the service of agribusiness, land grabbers and speculators - be interrupted immediately.
2) The states' efforts, in their branches (executive, legislative, and judiciary), be directed to demarcate and title indigenous, *quilombolas*, and traditional territories, as well as create agrarian reform settlements and conduct the legitimization of peasant communities ownership.
3) All the Conservation Units (UCs) should have a Management Plan built with respect to the right to previous, informed and free consent, based on the 169 Convention of the International Labour Organization (ILO); moreover, the relationship

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[4] For more information on the legislative changes and their unconstitutionality, see: Joice Bonfim, Débora Assumpção, Juliana Borges, Mauricio Correia e Silvia Helena Coelho. Legalizando o ilegal: legislação fundiária e ambiental e a expansão da fronteira agrícola no Matopiba. Salvador: AATR, 2020. Available at: https://www.aatr.org.br/post/matopiba-estudo-sobre-institucionaliza%C3%A7%C3%A3o-da-grilagem-%C3%A9-lan%C3%A7ado

[5] Maranhão's Land Laws are the only ones establishing the limit to 1.000 hectares.

between environmental institutions and traditional communities in these areas must be reviewed in order to promote the dialogue between diverse forms of knowledge and the respect to ways of living and territorialities that keep the Brazilian Cerrado alive. In cases in which UCs have been demarcated in traditionally occupied lands, the UC modality must be reviewed to safeguard rights to ownership, use, and management of the land and the social reproduction of the traditional communities. Besides that, current processes of UCs concession to the private sector must be suspended.

4) On the edge of (il)legality: land grabbing cases analyzed in the four states

Travessia do Mirador, in the state of Maranhão, is an area of traditional occupation inserted in the Legal Amazon, with land conflicts at least since the 1970s, after the arrival of Brazilian southern rural entrepreneurs in the region. In 1978, the state's justice recognized the area as public land, demanding its demarcation and allocation for the Agrarian Reform and land ownership regularization of squatter families. Contrary to judicial decision, the 500 thousand hectares area have been demarcated as a State Park, and land registries - many of which coincide with names of deforesters surrounding the park - overlapping the region amount to 312.772.517 hectares. Four decades later, the traditional communities from Mirador are still waiting for the sentence to be fulfilled.

In **Tocantins**, ***Gleba Tauá*** **is an area of 20 thousand hectares** registered as Federal public land since 1984, home to traditional and peasant communities who have been fighting for land ownership regularization and agrarian reform. The area stages conflicts linked to land grabbing and illegal deforestation, involving mainly the Binotto family, which currently controls more than 11 thousand hectares, mostly deforested to give way to soy and cattle.

In **Piauí**, the **Melancias traditional territory**, in the headwaters of the Uruçuí-Preto river, has been occupied by successive generations of riverine and *brejeira* communities, which have claimed 22.582 hectares of public undermacated state lands for 30 years. The area has been subjected to **official land grabbing** since 1950 in order to make the illegal registry of latifundia around the territory

viable. Taking official land registries into consideration, 19.923 hectares of frauded registries are overlapped, corresponding to **87% of the reclaimed territory.** After the ban on the traditional use of chapadas (plateaus) by land grabbers, the communities have remained enclosed to the valleys (lower areas), which have now become the target of green grabbing, especially by the groups Bom Jardim (Golin family), Cosmos Agropecuária (Ricardo Tombini and Eduardo Dall'Magro) and the Riachão complex (Fritzen brothers), covering **17.989 hectares (80% of the reclaimed territory).**

In the state of Bahia, **Bacia do Corrente's *fechos de pasto* territories** were gradually fragmented with the arrival of invaders, mostly in the 1960s and 70s. The 40 identified areas of collective use and management totalize around 369.731 hectares in the municipalities of Correntina, Jaborandi, Coribe, Santa Maria da Vitória, and Canápolis. Among these, a total of 258.762 hectares are overlapped with alleged private properties according to official land records. The four analyzed *fechos* - Capão do Modesto, Porcos-Guará-Pombas, Cupim, and Vereda da Felicidade - represent more than 50.000 hectares of traditionally occupied land and illegal records amounting to a 98.383 hectares overlap were found and linked to four "ghost farms". In the municipality of Correntina alone, **236 properties** above 15 fiscal modules (900 hectares) with records in CAR occupy an area of **654.691 hectares**; in other words, **3.75%** of the records correspond to 71% of the total registered area.

The situation systematized in the four cases represents:

1) Total area of Brazilian Cerrado currently protected by traditional communities and allocated public lands: approximately 1.027.314 hectares;
2) Total of grabbed hectares from traditional territories: 492.820;
3) Total of hectares directly deforested in the analyzed traditional territories: at least 66.334;
4) Total of environmental records for green land grabbing in the analyzed traditional territories: 934.267 hectares overlapping the CAR and 278.783 hectares registered as Legal Reserve.

RECOMMENDATIONS:

1. Effective popular participation in the establishment and execution of land ownership and environmental policies, such as guaranteeing informed, previous, free consent for indigenous peoples and traditional communities in all the projects and normative acts that impact their ways of living, making, and creating;
2. Priority in the identification, demarcation, and regularization of public lands overlapping traditional communities and peoples' territories;
3. Identification and special environmental protection to the regions and microregions of Cerrado that have been designated as water sources;
4. Integration of databases for notary, environmental, and land records, in a way that allows for the analysis of the land situation for the environmental regularization of properties, and vice versa;
5. Revoking unconstitutional legal dispositifs favoring land grabbing and the formation of new latifundia, as exemplified by the temporal marks and the titles of "recognition of private domain" over public lands;
6. The careful examination of state land networks, with an active search for presumably public lands and the establishment of appropriate mechanisms to each situation and context, such as total collection, administrative or judicial discriminatory actions, according to the case;
7. The thorough analysis of all registered domain titles with the Real Estate Registry Office, especially those above 2.500 hectares, in order to identify evidence of land grabbing, in view of the limitation in the size of land to be allocated to individuals without legislative authorization, as stated in Federal Constitution since 1946;
8. The non-granting and/or suspension of authorizations for the removal of vegetation and/or environmental licensing in presumably vacant lands, even if the rural property is registered in the CRI or registered in registration platforms of the environmental and land ownership agencies;

9. Improvement, by the the state courts of justice's internal affairs offices, the National Council of Justice, and the Public Prosecutor's Office (state and federal) of the inspection and control mechanisms of the Real Estate Registry Offices and the judicial activity in the districts of the municipalities located in the agricultural frontier region of Matopiba.