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Brazil's 'land-grabbers law' threatens Amazonia (commentary)

Commentary by **Philip M. Fearnside** on 25 May 2020



- *“Land grabbers” are large operators who illegally claim government land in Amazonia and usually later subdivide it for sale to ranchers. This is an important factor in Brazil’s rapid deforestation.*
- *Illegal invasion of government land by both small and large actors has been stimulated by two previous “land-grabbers’ laws.” Now a vote is imminent on a proposed third law that goes even farther, granting titles on the strength of mere “self-declarations.”*
- *The coronavirus pandemic is being used as cover to allow measures such as this to be put into effect without question. This is a strategy for gutting environmental controls that Bolsonaro’s environment minister put forth explicitly in a ministerial meeting, a recording of which was released by court order on 22 May.*
- *This post is a commentary. The views expressed are those of the author, not necessarily Mongabay.*



Brazilian President Jair Bolsonaro. Even as his popularity with the public plunges, Bolsonaro continues trying to force destructive environmental legislation through Congress. Photo credit: jeso.carneiro on Visualhunt.com / CC BY-NC.

Brazil's Amazon forest faces yet another imminent threat, this time in the form of a proposed new "land-grabbers' law" that could be enacted within the next few days. Proposed law [PL-2633/20](#) has just replaced what was, until it expired on 19 May, provisional measure [MP-910](#).

The new bill is currently pending in the Chamber of Deputies under an "urgent" regime, and its approval would be another setback for efforts to contain Amazon deforestation. The bill would facilitate legalization of illegally occupied government land, and even allows titling on the basis of mere "self-declarations."

Brazil differs significantly from most of the world, including other tropical-forest countries such as those in Africa and Southeast Asia. In most countries the idea would not even enter anyone's head that a person could simply invade an area of government land, start cutting down the forest, and wind up rewarded with a land title.

In North America a somewhat similar situation persisted through part of the "Wild West" period, and in the Old World such actions ended many hundreds of years ago. On frontiers in Brazil this has been the *de facto* practice ever since Europeans arrived 520 years ago. Ending this system by means of a government decision, as opposed to letting it continue until the last tree is cut, has [long been a conservation priority](#). Instead, successive government

decisions have facilitated legalizing illegal claims, both by small squatters (*posseiros*) and by large “land grabbers” (*grileiros*). The first “land grabbers’ law” in recent history was in [Law 11,952](#) in 2009, the second was [Law 13,465](#) in 2017, and now the forest is threatened by a third in 2020.

The rush for approval of the proposed law under the “urgent” regime limits the possibility of a public debate, which is needed due to the dangerous changes contained in the bill. In fact, the only reason the bill was not presented for a plenary vote the very next day after MP-910 expired on 19 May was because the Bolsonaro administration [insists on restoring](#) some of the measures in MP-910 that had been softened in the version of the bill as it stood at that time.



Brazilian rainforest abutting cattle pasture. Image by Rhett A. Butler / Mongabay.

The [committee process](#) that transformed MP-910 into PL-2633/20 had reduced the area that each proponent could legalize without any kind of inspection from 15 to 6 fiscal modules (1650 to 650 hectares; 4077 acres to 1606 acres), as indicated in the current version of the bill ([Article 13, Paragraph IV, clause 3](#)). With an inspection, the bill still allows 15 modules to be legalized for each proponent. Note that a family with a husband, wife and children with their own taxpayer identification numbers (CPFs) can effectively put together a claim several times this size. The “self-declarations” and an amnesty up to 2018 were maintained in the bill.

In Brazil’s National Congress almost all proposed laws that are presented for a plenary vote are simply passed in a perfunctory manner. The real decisions are taken in committees, where proposed laws are also rarely rejected outright but instead can be allowed to languish for years. Once a proposed law emerges from the committees, the key decision is that of the

president of the chamber (in this case Rodrigo Maia, president of the Chamber of Deputies), who is then subject to political pressures from all sides. Despite [pressure from ruralists](#), Rodrigo Maia [maintained the decision](#) he had been pressured into adopting by opponents of the bill and did not permit MP-910 to be voted in plenary, thus allowing it to expire after the 120 days of validity it had had based on President Bolsonaro's signature. Maia has signaled his support for approval of the content of MP-910 in the form of the pending bill.

The hazards of MP-910 and PL-2633/20 are detailed in a series of technical notes by non-governmental organizations, such as the [Socioenvironmental Institute \(ISA\)](#), the [Climate Observatory \(OC\)](#), the [Institute for Environmental Research in Amazonia \(IPAM\)](#), the [Democracy and Sustainability Institute \(IDS\)](#), and the [Climate Policy Initiative \(CPI\)](#). A [technical note](#) providing an extensive list of the illegalities in the bill has been compiled by Brazil's Federal Public Ministry (MPF), a public prosecutor's office charged with defending the rights of the people, including the constitutional right to an "ecologically balanced environment."

Sixty non-governmental organizations in the Brazilian Environmentalist Movement have signed a [manifesto](#) opposing the land-grabbers' law. An [open letter](#) to the National Congress by the Parliamentary Environmentalist Front (FPA) was signed by 137 organizations and by all of the living former ministers of the environment, in addition to signatures of parliamentarians.

The Bolsonaro administration's justifications for the new "land-grabbers' law" are highly misleading. Beneficiaries are not humble small farmers, nor are they the large soy producers whose contribution to GDP is highly valued by the government. The areas in question are on the deforestation frontier in the Amazon where the rainforest is being converted into extensive cattle pasture.



Cattle ranching is the primary driver of forest destruction in the Brazilian Amazon today. Image by Marizilda Cruppe /EVE / Greenpeace.

The impacts of this loss of forests are enormous and clearly contrary to the country's interests. Among other environmental services, recycling water through the forest [maintains the rainfall regime](#) in parts of Brazil outside of the Amazon; the recycled water is essential for the production of hydroelectric power and for supplying water to cities like São Paulo.

The new bill mainly affects the vast “vacant” or “unassigned” lands in the Amazon. On 22 April the threatened areas increased to include the 277 indigenous territories that have not yet had their protection formally confirmed (*homologado*) by a presidential signature. Protection was stripped by Normative Instruction [09/2020](#) of FUNAI, Brazil's indigenous agency. Curtailing indigenous rights has been a high priority of the [Bolsonaro administration](#). The current [head of FUNAI](#) is not exactly a friend of indigenous peoples.

Much of the new bill is simply unnecessary because its provisions have already been dealt with in previous laws. The inclusion of these repetitions serves to allow a discourse claiming that the new law is “needed” to benefit small farmers. The new parts of the law are those that benefit large land-grabbers.

As with past “land-grabbers’ laws,” these policies stimulate further illegal occupation of public lands in the Amazon, as it is clear to deforesters on the Amazon frontier that illegal acts are later forgiven and that invaders, both large and small, are rewarded with land ownership. The amnesty until 2018 would be yet another reward.

Deforestation has increased in every month in 2020 in relation to the rate detected by the [DETER satellite-based monitoring system](#) for the same

month in 2019, increasing by 109% in January, 34% in February, 30% in March and 64% in April. These months are still in the rainy part of the year in the Amazon, when the amount of deforestation is relatively small. Now starting in May, and even more from June onwards, a big increase is expected. The quarantine due to COVID-19 only started on 11 March, and the coronavirus effect should not be confused with the Bolsonaro effect, which is the **biggest factor**.



Brazilian Environment Minister Ricardo Salles whose polices have largely de-toothed the nation's environmental agencies. Image courtesy of Palácio do Planalto..

The pandemic offers an excuse for many things, but the clearest effect is to distract the media and society from any issue other than COVID-19. Thus, actions can arise without due attention, as in the case of the proposed “land-grabbers’ law.”

Ricardo Salles, Brazil's environment minister, explained the opportunity provided by the pandemic during the 22 April meeting of President Bolsonaro with his ministers, the **video recording** of which was made public on 22 May by order of the Federal Supreme Court (STF) as the result of another scandal (President Bolsonaro's now-successful attempt to replace the head of the Federal Police in Rio de Janeiro with a personal friend in order to “interfere” with an ongoing corruption investigation into one of the president's sons, an intent **now confirmed** by Bolsonaro's harangue at the meeting).

The **environment minister's remarks** at the meeting revealed a plan to use the “opportunity” presented by the pandemic to “pass infra-legal regulatory reforms.... while we are in this moment of tranquility in terms of press coverage, because all we talk about is COVID, and go on letting the herd of

cattle pass through, changing all the rules...”. The “cattle” he alludes to refer to the various kinds of executive orders, normative instructions and proposed laws to remove environmental and other regulations. The current bill for a new “land-grabbers’ law” is an example of these.

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Banner image: Amazon rainforest. Image by Rhett A. Butler / Mongabay.