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Marcos A. Pedlowski

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When the State Becomes the Land Grabber: Violence and Dispossession in the Name of ‘Development’ in Brazil

Marcos A. Pedlowski
Laboratório de Estudos do Espaço Antrópico
Centro de Ciências do Homem
Universidade Estadual do Norte Fluminense
Campos dos Goytacazes, Rio de Janeiro

Abstract
To maximize the trade of commodities and to modernize the country’s infrastructure, the Brazilian government has launched the Growth Acceleration Program (PAC). In addition, both federal and state governments have increased public funding for private mega-projects through public/private partnerships. The combination of these initiatives resulted in the encroachment of large corporations (both national and multinational) on territories occupied by Native Brazilians, quilombolas and peasants. Despite the fact that the Brazilian Federal Constitution has several articles stipulating how the State should preserve the rights of landowners and squatters, the law is not being followed and thousands of families are being evicted without due compensation. This paper will discuss a case of “legal” land grab in a coastal area of northern Rio de Janeiro state where hundreds of small farmers’ families are being forcefully removed from their land to allow the construction of the Açú Superport Industrial Complex.
Keywords: PAC, Açú Superport, mega-projects, expropriation, family farmers

Resumo
Para maximizar o comércio de commodities, o governo brasileiro lançou o Programa de Aceleração do Crescimento (PAC) para modernizar a infraestrutura do país. Além disso, ambos os governos federal e estadual têm aumentado o financiamento público para megaemprendimentos privados através de parcerias público/privadas. A combinação dessas iniciativas resultou na invasão de grandes corporações (nacionais e multinacionais) em territórios ocupados por índios, quilombolas e camponeses. Apesar do fato de que a Constituição Federal brasileira têm vários artigos que estipulam medidas a serem tomadas
pelo Estado para preservar os direitos de proprietários de terras, a lei não está sendo seguido, e milhares de famílias estão sendo despejadas sem a devida compensação financeira. Este artigo irá discutir um caso de apropriação “legal” de terras que está acontecendo em uma área costeira do norte do estado do Rio de Janeiro, onde centenas de famílias de pequenos agricultores estão sendo removidos à força de suas terras para permitir a construção do Complexo Industrial do Superporto do Açu.

Palavras-chaves: PAC, Superporto do Açu, megaempreendimentos, desapropriação, agricultores familiares

Introduction

“Land grabbing” has become a catch phrase used to define a myriad of processes involving the massive acquisition of land, mainly in the developing world (Borras Jr and Franco 2012). Different authors have associated land grabbing with globalization and, more specifically, with issues related to food and biofuels production and rent extraction (Cotula 2012; Robertson and Pinstrup-Andersen 2010; Zommers 2010). More importantly, land grabbing has been characterized as a process in which large capitalist groups encroach on territories traditionally occupied by family farmers or/and other traditional communities to make way for large-scale monoculture plantations (Schutter 2011).

In many countries the issue of land grabbing is highly sensitive because of a perceived threat to national sovereignty and the impression that it represents a new wave of imperialism. This is the case in Brazil where the acquisition of large tracts of land by foreign individuals and enterprises, namely for soybean and sugarcane expansion, is perceived by many as a direct threat to national sovereignty (Sauer and Leite 2011). Although there is disagreement about the magnitude of the land grabbing problem (Oliveira 2010), there is wide agreement that large portions of the Brazilian territory are being acquired by foreigners (Alvim 2009; Fernandes 2010; Pretto 2009; Sauer 2010).

This paper, however, is based on the principle that in countries like Brazil, land grabbing is happening in more subtle and seemingly legal ways which have not yet been properly addressed and are not necessarily about increasing agricultural production. In fact, the premise of this paper is that some of the most acute cases of land grabbing are happening as side effects of large infrastructure and industrial projects promoted by the Brazilian State to connect the country’s economy to global markets. This situation resonates with others where entire communities are being displaced in the name of economic development (Badhuri 2007; Brown, Magee and Xu 2008; Hall and Branford 2012). Although the contemporary effort to improve Brazil’s industrial and infrastructure capacities can be traced back to the military government of 1964, a more recent push occurred in President Fernando Henrique Cardoso’s ambitious “Avança Brasil” Program (Fearnside and Laurance 2002). Although Avança Brasil was not fully implemented, it provided a strategic base for the “Programa de Aceleração do Crescimento”, the Growth Acceleration Program (PAC), which was launched by President Lula da Silva with the active help of his successor President Dilma Rousseff to improve Brazil’s agricultural and mineral export capacity (Teixeira 2007). With an initial budget of roughly 250 billion dollars over a period of four
years, PAC was organized to resolve a series of bottlenecks (i.e., logistics, energy, housing, sewage treatment and water resources) seen as hurdles to Brazil’s full participation in global markets (Brasil 2007).

A particularly important aspect of PAC is related to the assimilation of the Public-Private Partnership (PPP) model in which the State, state-owned companies and private corporations become partners in a broad array of economic initiatives. Another feature of this hybrid development was the return to the traditional industrial location models formulated by Alfred Marshall in the late nineteenth century (Belussi and Caldari 2009; Santos and Sousa 2012). The novelty here was the participation of the state mostly as financier of the projects without a direct involvement in the operational phase. As a result, in different parts of Brazil and particularly along the Atlantic coast, a series of large industrial districts are being showcased by the State, private corporations and the media as a panacea for regional inequities. In many cases these new industrial districts are being created on lands that are already occupied and settled by fisher communities, smallholders, and descendants of African slaves (quilombolas).

Imporantly, the PPP development concept does not represent an attempt to return to past planning strategies where the State played the leading role as both financer and entrepreneur. Instead, in this neo-developmentist paradigm the State acts primarily as an underwriter of funds and champion of corporate interests in sensitive areas such as strategic planning, environmental licensing and adjudication of land rights (Sampaio Jr. 2012; Sassen 2006). Another feature of the neo-developmentalist model is direct involvement of the State and its agencies in evicting individuals and entire communities from territories targeted for economic development (Baletti 2012; Jaichand and Sampaio 2013). That is, the model is based less on market behavior than on aggressive (and often violent) State interventions to disenfranchise and displace the poor as a necessary step towards development (Zhouri and Oliveira 2007). Although State-led violence and aggression is not new in Brazil where previous efforts to secure economic development have inflicted great territorial losses on native Brazilians and peasant communities, it is important to stress that the present phase is being implemented by a democratically elected government.

This paper will address the specific case of the Complexo Industrial do Superporto do Açu, the Açú Superport Industrial Complex, (CISPA) being built on the northern coast of Rio de Janeiro State by the EBX Group. CISPA is owned by Brazilian multi-billionaire, Eike Batista, and enjoys the direct involvement of three different levels of Brazilian government (i.e., municipal, state and federal). CISPA has also become a poster child for federal investments in the PAC Program (AGB, 2011). Thus, the CISPA case offers an excellent opportunity to address crucial theoretical questions raised by Borras and Franco (2012) regarding the nature of the land grabbing process, especially those related to the agencies of land grabbing, the extent of land grabbed, and the cost of land grabbing to different groups and individuals in society? My goals are to unveil some of the key features of State-driven land grabbing in Brazil, and to address the unusual difficulties faced by communities that attempt to resist removal by a State wielding eminent domain against them in the name of economic betterment.
CISPA: An Industrial District Going Global

There is no doubt that CISPA is an ambitious project when viewed on the drawing board. With an initial budget of US$ 40 billion and a declared potential to create 235,000 jobs between 2008 and 2025, CISPA is being presented by the EBX Group as the largest transportation and industrial hub under construction in the Americas. The so-called Industrial District of São João da Barra, where the industrial component of the CISPA is going to be located, will encompass a total area of 7,036 hectares (AGB 2011). One of CISPA’s stated goals is to assure safe passage for high grade pellet feed that will be transported through a 525 km long pipeline that is being built by the steel giant Anglo American from its mines in the state of Minas Gerais to the Açú Superport. From there the pellets will be distributed to consumer markets (Figure 1).

![Figure 1. Location of CISPA in the municipality of São João da Barra and the Anglo American slurry pipeline. (Source: AGB, 2011)](image)

But in addition to being a future export hub, CISPA is expected to host a series of industrial and energy installations, including at least two steel plants, a shipyard and two thermoelectric plants (Figure 2).

Another justification for the location of CISPA is its proximity to the large hydrocarbon reserves located in the Pre-Salt Layer in which the OGX, a subsidiary of the EBX Group, has significant oil rights. In this regard, the CISPA should emerge as a major logistic hub and prove useful to the growing oil industry over the coming decades.
An overarching vision of CISPA is the strengthening of Brazil’s access to and stature in global markets. A recent action of the Brazilian government highlights the importance given to CISPA as a prime location for commodity export— the launching of a new federal program to improve the existing road and railway networks. The so-called “Programa de Logística para Rodovias e Ferrovias (“Logistic Program for Highways and Railways”), was launched by President Dilma Rousseff in August of 2012 with an initial budget of US$ 65 billion. Despite being formally a private enterprise, CISPA was included in this hybrid network, thereby connecting it by railway to soybean and sugarcane production areas located in the Brazilian Midwest. These grandiose plans require an enormous land endowment in a coastal region that already had substantial human occupation in the form of rural communities.

State Land Grabbing and State Coercion

Despite CISPA’s immense footprint, the transition to actual implementation had to overcome the basic fact of prior settlement, some of it extending back for generations. Moreover, the project design expanded over time. The initial project included the construction of a large port to allow the exportation of iron reserves owned by EBX in the state of Minas Gerais. The first piece of legislation relating to the CISPA was the Municipal Law 035/2010 that created the “Zona Industrial do Porto do Açú”, the Açú Port Industrial Zone (ZIPA), with an area of 1,500 hectares. Yet the increase of economic and political influence of Eike Batista following privatization of the Pre-Salt Layer in 2007, combined with the preference of the federal government to invest in the PPP-related initiatives, meant on-going modifications in the CISPA project. These modifications included a much more ambitious amount of land than
the project presently occupies. In order to supply the additional land the EBX Group needed to make CISPA a reality, the Governor of Rio de Janeiro issued Decree 41585/2008 to expropriate land needed to create the Distrito Industrial de São João da Barra, the Industrial District of São João da Barra (DISJB). (Figure 3).

Figure 3. Expropriated and private lands forming CISPA. (Modified from AGB 2011).

This situation cannot be fully understood outside the context in which the neo-developmentism motto was implemented by the government of President Luis Inácio Lula da Silva and his close ally, Sérgio Cabral, the governor of Rio de Janeiro state. A key aspect that has yet to be fully studied was the strategy to choose several Brazilian tycoons to embody the idea that Brazil could fully participate in the global economy as a major player. In this scenario, Eike Batista became because of his personal characteristics the face of Lula’s neo-developmentism and his face was abundantly displayed on front pages of national newspapers and magazines.

The enlargement of the CISPA project faced legal, constitutional and environmental problems. The area selected to build the DISJB was designated as rural in the municipal zoning law of São João da Barra. This legal definition meant that only agricultural and animal husbandry could be conducted in the area. Another layer of difficulty is the fact that landed property in Brazil is protected under Article 184 of the Federal Constitution; stripping land ownership without compensation is not an easy task. Compounding the legal quagmire is the fact that the region contains several sensitive terrestrial and aquatic ecosystems protected under Brazilian environmental laws. In light of
this non-trivial social and environment collateral damage, the CISPA became a negative showcase of swift and ruthless intervention by the Brazilian State to guarantee access to land by private corporations in the name of juggernaut economic development.

The first step to remove obstacles to the implementation of CISPA was taken on the evening of December 31 of 2008. When most Brazilians, including the hundreds of small farmer families of São João da Barra, were celebrating the arrival of the New Year, the Câmara de Vereadores (City Council), held a special session to approve a new zoning ordinance that changed the legal designation of its Fifth District from rural to industrial. In practical terms, Municipal Law 115/2008 opened, by stealth, a way for the Government of Rio de Janeiro State to publish several decrees that expropriated the entire area of the Fifth District using a Federal Law of 1941 (Law 3365/1941), which it is still used by the different levels of government to expropriate private land in the “public interest.” After that a series of decrees were issued by the same state government to progressively increase the area being expropriated for the implementation of CISPA, thus legally placing around 7,200 hectares under the control of the Companhia de Desenvolvimento Industrial do Rio de Janeiro, the Industrial Development Company (CODIN) (AGB 2011). In practical terms, the application of these decrees meant that once local farms were expropriated, they would be passed from CODIN to the EBX Group. Not only was the public sector condemning land and passing it on to private corporate hands, but the decrees were in direct contradiction with Article 185 of the Brazilian Federal Constitution which adamantly forbids the expropriation of private land that is being used productively (AGB, 2011). However, even the fact that the farms in the V District generated the highest rate of annual income per hectare among all the municipalities in the north of Rio de Janeiro was sufficient to spare their land from expropriation (Ribeiro 2012).

This legal maneuvering to modify zoning designations was a well-designed strategy in at least two key aspects. First, it allowed the creation of a context in which the State and the private partners were fully protected under the law to conduct land grabbing. Second, the process was done in an arena in which farmers were kept uninformed about the impending process of land expropriation almost until the last minute. The lack of disclosure is in direct contradiction with the constitutional directive that grants that any citizen should have full access to information in any actions taken by the Brazilian State. The combination of the two provided a crucial time for the State and the EBX Group to start the legal process required to lawfully (at least in technical terms) remove farmers from their farms. Armed with the necessary legal mandate to execute the process of land expropriation, CODIN started to sue smallholders individually to alienate their land rights. Despite the fact that CODIN had previously made a complete inventory of landowners in the Fifth District, many condemnation proceedings were filed against “absentee or unknown” owners. This strategy was clearly designed to expedite the judicial decision-making constitutionally required of the State when a given piece of land is targeted for expropriation by not giving enough time to the affected landowner or squatter to hire lawyers to defend their rights. But this tactic was not the only perversion of justice used by CODIN to undercut the resistance of local residents.
The method used by the state apparatus to evict people from their land resembled small paramilitary operations. In these orchestrated actions, sometimes in the presence of a court representative and other times not, cadres of police officers and private security personnel hired by the EBX Group were used to intimidate and inhibit resistance to eviction. Moreover, CODIN often sealed all access to targeted farms and parcels and thereafter employed force and physical coercion to persuade residents to leave their farms (Figure 4).

Figure 4. Farmers stand in front of a property that is being expropriated by CODIN.

Once a family was removed from the targeted farm, homes were immediately bulldozed and crops completely destroyed (Alcântara 2012). To complete the land takeover, signs were erected to indicate that the land was now State property (Figure 5).

These forms of illegal State coercion were used in several documented cases and in others farmers were evicted from properties other than those that had been authorized by the courts. In this process, CODIN blatantly disregarded Article 265 of the Rio de Janeiro State Constitution, which requires that expropriation only occur where there is fair compensation for land and for any improvements on a given farm. But in most cases, CODIN managed to conduct evictions without conducting any form of payment through a series of legal maneuvers (e.g., to withhold compensation deposits until the farmer could present a valid land title; to land expropriation without previously notifying the landowner). This situation led to inevitable conflicts between farmers and the State representatives, which will be discussed in the next section.
Force and intimidation were used against farmers who had not yet been stripped of their land rights by the courts. A common practice by the State was to destroy fences and remove cattle from the farms without any prior knowledge from the farmers. In a few cases farmers viewed as leaders of the resistance were called to the police station to render statements in cases in which they were being charged by CODIN or the EBX Group for invading public or private land in the Fifth District. In an interesting twist, in some of these cases farmers went to these hearings with their land titles and fiscal documents, thus proving that they were still legitimate owners paying property taxes to the federal government. But even in these occasional victories, these tactics resulted in lost working time and anxiety for the farmers and their families.

**Fast-Track Environmental Licensing**

Another aspect that makes this case emblematic of the PPP development paradigm applied at the local and regional levels is related to the changes made by the Brazilian federal government in the environmental licensing process. The establishment of environmental regulations in Brazil can be traced to 1974 when the military government created the Special Secretariat of the Environment in response to the pressures created by the United Nations Conference on the Human Environment held in Stockholm two years before. After that Brazil started to adopt environmental legislation intended to regulate
the licensing of economic projects in a way that was very similar to what was already practiced in the United States. CONAMA Resolution 237 of 1997 established the conditions under which the environmental licensing process would occur and the parameters for the emission of licenses.

Effective resistance by corporations towards the full application of the Environmental Impact Assessment (EIA) process for overseeing the authorization of new economic projects remained entrenched, a situation that remained almost unchanged until President Lula came to office in 2003. In an event held at the Parintins Festival, a few weeks after assuming power, Lula made a passionate speech against what he perceived as an unfair burden posed by environmental regulations for Brazil’s economic development, especially in the Amazon region (Pedlowski, 2003). One of the direct consequences of the positions held by Lula was a slow but steady decrease in the importance of the Instituto Brasileiro do Meio Ambiente (IBAMA) in enforcing environmental protection and executing EIAs. The role of IBAMA was further undermined in 2007 by the Medida Provisória No 366 that led to the creation of the Instituto Chico Mendes de Conservação da Biodiversidade (ICMBio), whose specific mandate was to enforce the protection of conservation units. This division of tasks left IBAMA as the only federal agency responsible for the EIA process. As a result of this increased responsibility, there was also an increased political pressure on IBAMA’s staff to accelerate the EIA process of very controversial development projects (Hernandez and Magalhães 2010).

Although the official discourse from the Brazilian government to justify this dismemberment was to accelerate the granting of environmental licenses, other practical steps were taken to decentralize the EIA process. As a consequence of this decentralization process, state agencies started to replace IBAMA in the responsibility of issuing environmental licenses. Because of the official discourse towards sustainable development, the most direct consequences of the state agencies in issuing environmental licenses for projects that were previously overseen by IBAMA were twofold: licenses would be issued expeditiously, and the EIA process would be fragmented.

In the case of the state of Rio de Janeiro, new authority to issue environmental licenses was given to the Instituto Estadual de Meio Ambiente, the State Institute of the Environment (INEA), which was created in November of 2007. The development of a state licensing system was solidified by State Law 42159/2009 which created the Sistema de Licenciamento Ambiental, the Rio de Janeiro Licensing System (SLAM) (Valinhas 2010). Coincidence or not, all licenses required by the EBX Group were issued in a very expeditious manner. However, speed was not the only peculiar characteristic of the licensing process used by INEA. The approach used by INEA included the analysis of each project submitted by the EBX Group (or other corporations interested in participating in CISPA) separately. The public hearings were, by law, required to follow the same individual procedure, so that each hearing took place. This strategy of fragmentation favored the interests of the EBX Group because it undermined a more comprehensive evaluation of the social and environmental repercussions attached to the different projects. In addition, the hearings were held mostly at night and none was conducted in the Fifth District, thus precluding broader public participation...

Criticisms of this fast-track environmental licensing increased recently when the federal and Rio de Janeiro state branches of the Ministério Público - an independent body of Brazilian judiciary system - opened
cases against INEA and Ternium (an Italian-Argentinean steel corporation) because of alleged manipulation of expected pollutants emission rates so as to guarantee the fast release of the environmental licenses required for the construction of a steel plant at CISPA.

In summary, the CISPA licensing process embodied a series of changes that followed the adoption of decentralized environmental oversight of large development projects. The most important change was the fragmentation of the EIA process which resulted in the absence of an overall estimate of the synergistic effects that the different projects would have on natural ecosystems and on the local population. And as this occurred, local farmers organized in opposition to juggernaut development.

The Rise of Collective Farmer Resistance

But the community targeted for removal was divided on fundamental issues. Research on three localities in the Fifth District by Pires (2009) demonstrated that economic development expectations were being internalized by the local population. The prospect of individual losses at the local level notwithstanding, the offsetting benefits of economic growth associated with CISPA were sufficient to create an ambiguous situation. Many people believed that the project would improve the region as a whole. These divisions among the local population regarding the overall impacts of CISPA on their lives was amplified by incredulity—surely the state would show restraint in removing farmers from lands which their families had been actively working for several generations. Furthermore, most farmers held land titles or other documents proving their ownership, a fact that was seen by them as an additional assurance against uncompensated expropriation. Finally, the fact that the Fifth District generated most of the agricultural production consumed in São João da Barra was another protective “guarantee”. This perception derived from the widely shared knowledge that productive land is protected from expropriation by the Brazilian Constitution. Despite its predominant sandy soils, the area has been historically a major regional producer of cash crops such as pineapple, okra, pumpkin and maxixe (one of the many varieties of cucumber).

The realization that land expropriation was a real threat was also delayed due to the absence of sophisticated political organization at the community level. Most local farmers conducted their daily routines based on the family blood ties and in semi-isolation and, because of these factors; they did not have a culture of political organization. This changed, however, in August of 2009 after the State government issued Decrees 41915 and 41916. Hundreds of farmers brought food and cattle to a protest in front of the City Hall located in the historical center of São João da Barra. Yet the assurance offered publicly by the city mayor, Carla Machado (from the same political party as the state governor), that she would talk to the government and request a revision of the two decrees, temporarily demobilized the protest. Farmers felt victorious and returned to daily activities in the Fifth District.

However, a lack of meaningful policy change by the state government forced farmers back to the streets. In August of 2010 another public protest was held in São João da Barra with the support of a political opposition member inside the Assembléia Legislativa do Rio de Janeiro, Paulo Ramos. The congressman made a strident speech attacking the state government, calling for a political
organization among farmers to halt the land expropriation threat. When the state government issued two additional decrees in September of 2010 to increase the size of the area to be expropriated (42675/2010 and 42676/2010), a small group of farmers decided to create the Associação de Proprietários de Imóveis e Agricultores de São João da Barra (Landowners and Farmers Association of São João da Barra, or ASPRIM), to mobilize community resistance. From the start, ASPRIM established two main demands: (1) the revision of the expropriation decrees to exclude areas in which community members were not willing to be resettled, and (2) the establishment of a system of fair prices for the land under expropriation.

But ASPRIM lacked effective political experience not only in its general membership but also among its leaders. Only a few members were formally educated and capable of reading or willing to speak in public. And ASPRIM had few economic resources. Yet its leadership settled on a clever solution. The strategy involved seeking support from faculty and students from three public higher education institutions located in the municipality of Campos dos Goytacazes as well as from two major social movements operating in the Brazilian countryside. These were the Movimento dos Trabalhadores Rurais Sem Terra (the Landless Rural Workers Movement, or MST), and the Movimento dos Pequenos Agricultores (the Movement of Small Farmers, or MAP). ASPRIM also managed to attract the support from respected state chapter of the Brazilian Association of Geographers. The capstone of this external support network came with hiring a lawyer associated with a non-governmental organization, the Instituto de Justiça Ambiental (the Institute of Environmental Justice). This NGO had previously participated in a successful lawsuit against the EBX Group that prevented the construction of a similar project in the state of Santa Catarina.

This networking approach was effective. A first demonstration of force came in April of 2011 when a blockade organized by ASPRIM closed the road leading to the Açú Port and effectively stopped construction activities for two days. This peaceful tactic was more similar to the “empates” made by the rubber tappers in the Amazon and attracted attention in the national press than the road blockades conducted by MST to demand land reform (Figure 6).

In addition to road blockades, ASPRIM was able to organize a series of events held in different parts of the Fifth District to educate the families on their rights and to galvanize support both from inside and outside the community. In one of these events, the participants went to the entrance of the Açú Port construction site to hear a public discussion about the negative social and environmental impact of the project; this took courage and was done under the intense vigilance and surveillance of the same private security firm often called upon in eviction processes (Figure 7).

ASPRIM gained a degree of moral high ground for its reliance on nonviolent means of resistance. Although many farmers felt intimidated and overpowered, their willingness to abide by nonviolence may be related to the religious currents present in the movement’s leadership (ASPRIM initiated many public activities with collective prayers).
Figure 6. Front page of the O GLOBO newspaper of April 26, 2011 with the headline “Fire on the road”.
(Source: http://www.canalbarra.com/blog/?m=201108)

Figure 7. Public lecture on the negative social and environmental impact of CISPA at the entrance of one of the construction sites.
Social media aided the protesters as well. Knowledge dissemination on the ongoing conflicts in the Fifth District was fostered by the use of Facebook, Twitter and blogs. This was possible because of faculty and student involvement from the public universities, and ASPRIM was creative in producing videos for website circulation and Youtube. The diffusion of information via virtual communities once again helped to attract national media attention and a series of articles and reports on the conflict at the national level.

A final layer of resistance materialized within the judicial system. Through its lawyer, ASPRIM filed a lawsuit with a group of supporting organizations in a federal court requesting the suspension of the environmental licenses issued by INEA (Federal Process No. 2012.51.03.000149-3). The key assertion was the claim that IBAMA, and not INEA, should have been in charge of the license approval process regarding the EBX Group. The assertion had to do with scale, arguing that the CISPA operations would impact not only municipalities located in the state of Rio de Janeiro, but others located in Minas Gerais and Espirito Santo as well. Although this lawsuit has not yet been settled by the judiciary, it represents a critical rebuttal to the problematic concept of a decentralized and fragmented environmental licensing process.

The Current Situation

As of this writing, none of ASPRIM’s demands have been met. Yet progress can be seen in the emergence of a small cadre of grassroots leaders and in ASPRIM’s ability to slow the pace of evictions in the Fifth District.

Since the conflict emerged in the Fifth District, both the state officials and representatives of the EBX Group have adopted tactics to create serious hurdles for the struggle led by ASPRIM. At a first glance, all parties seemed to agree that the EBX Group should be denied any participation or responsibility in the eviction process. The company’s formal position in many press releases was that the land expropriation process was being conducted by the state government and not by the EBX Group. Moreover, any issues or grievances should be addressed directly to the Companhia de Desenvolvimento Industrial do Rio de Janeiro (CODIN). On the other hand, the state secretary of Economic Development, Júlio Bueno, sought to portray ASPRIM’s claims as merely the work of nonlocal politicians who are opposed to the government. Moreover, Secretary Bueno argued that any opposition to the construction of the CISPA would be a loss of a great economic development opportunity. In an interview in the “O Estado de São Paulo” he was quoted as saying that “to produce steel is much more important than planting maxixe” (Torres 2012).

The close affinity between CODIN and the EBX Group further became clear in relation to the resettlement of the displaced families. The official line was and is that all legitimate farmers had been resettled in a brand new rural village built by the EBX Group called Vila da Terra. According to EBX Group publicity, the Vila da Terra adheres to recommended United Nations resettlement model. On the other hand, when confronted by ASPRIM accounts of the homelessness that many farmers were experiencing after being evicted from their farms, CODIN released a note saying that all displaced farmers were resettled in the Vila da Terra under the generous conditions provided by the EBX Group. Despite this, field visits to the Vila da Terra show that only 31 families had been resettled there, a figure much lower than the 250
farms that were already expropriated (Alvarenga, 2013). During the interviews, farmers complained about the complete lack of, or intermittent provision of, basic services such as water and electricity. Farmers complain that they have been moved from farms to which they held titles and placed on a land without any formal documentation. And, in the end, farmers are being prohibited from planting perennial crops or building permanent structures without prior authorization from the EBX Group. This situation leaves the families resettled in the Vila da Terra dependent on a monthly stipend provided by CODIN to survive.

A critical question underlying the land expropriation process in the Fifth District has to do with how much is being paid for the lost land and by whom? Article 184 of the Brazilian Constitution requires that land expropriation is within the power of the Union when based on social interest, for purposes of agrarian reform and when the rural property is not performing its social function. In addition, Article 184 states that all useful and necessary improvements shall be compensated in cash.

Setting aside the fact that the case of the Fifth District does not follow the conditions imposed by the Brazilian Constitution to allow the state to expropriate private owners from their land rights, the economic evaluation essential to fair compensation was carried out by CODIN without participation of farmers, their representatives, or their lawyers. This is a clear breach of Brazilian law. In addition, the estimates given by CODIN are deemed unfair by the farmers in light of the values paid to the EBX Group by companies renting space in areas that were formerly farms and became part of the CISPA through the land expropriation process. Estimates released by Roberto Moraes Pessanha, faculty member of the Federal Fluminense Institute, indicate that while the EBX Group was paying US$ 0.95 per square meter to acquire small farms in the Fifth District, the annual rents inside the CISPA were US$ 12.00 per square meter (Pessanha 2012).

To make matters worse, most expropriated farmers have yet to be paid. CODIN alleges that the compensatory funds were deposited in a judicial fund until the farmers can provide the “proper” land titles. In many cases, although farmers have the proper documentation, they hold titles belonging to their parents or grandparents which, due to a quirk in Brazilian law, do not entitle them to receive compensation. The fact is that the local Cartório de Notas e Registro de Imóveis (the official Real State Registry) has refused to conduct the procedures required by law to issue new land titles until farmers settle their differences with CODIN. This situation creates a legal stalemate which traps farmers and holds them at the mercy of CODIN, the EBX Group and other corporations complicit in the land grab.

Finally, it is important to stress that this case involved, as noted above, a highly controversial and discretionary use of an old of piece of legislation (the Lei Federal No. 3365 of 1941) by the government of Rio de Janeiro state to justify the use of eminent domain to claim land that otherwise would be spared from lawful expropriation by the Brazilian Federal Constitution of 1988. That is, the land grab in question is simultaneously legal and illegal, depending on which law one consults and on which law is more senior. This is something on which Brazilian courts will have to rule. This case may or might require new laws enacted by state and/or federal legislature.
Conclusions

The significance of land grabs is not always a function of magnitude. Smaller expropriations and transfers may have symbolic importance or set legal precedents. The overall impacts of the “smaller scale” land grabbing can be significant for the affected communities; displacement from land, livelihood, and community has enormous cumulative effects without compensation but, because of high transaction costs, these costs would be high even with fair compensation, were it to occur. Loss of means of production is a mortal blow to social reproduction. In spite of a relatively small amount of affected farmland in the present case, the CISPA land expropriation provides initial answers to critical questions raised by Borras Jr and Franco (2012), beyond the matter of scale.

First, not all land grabbing is initiated by foreign actors and, relatedly, the state can occupy a key role in conducting land compulsory land alienation. Second, the state has a powerful advantage in grabbing civilian land: it can legally use force and has not hesitated to do so in the CISPA initiative. The perverse use of law combined with the excessive use of force to expropriate land is definitely a trademark of the state-led land grabbing approach being used in Brazil. Third, the motivation and justifications behind land grabbing are not always related to the production of agricultural commodities and biofuels. The main argument for displacing farmers from their land was based on the need of accelerating economic development through expanded industrial districts and transportation hubs for mineral and agricultural commodities produced and performed at the expense of agriculture. We must wonder if this would have transpired had the farmers in question held large holdings and enjoyed potent political connections.

In any case, land grabbing is definitely a more complex enterprise that one can envision at a first glance. Fourth, the novelty in this “small” case resides in the intimate partnership between state and corporate actors made legitimate and untouchable by the PPP approach. The partnership yielded not only in changes made to environment licensing to expedite site approvals, but also in the actions taken to accelerate the displacement of farmers from their land through decrees and the use of police and security forces, and set the stage for more egregious abuses of the system of expropriation for redevelopment further down the line.

At the same time, the present case is instructive regarding how affected communities can rapidly organize in order to resist land grabbing under highly adverse conditions. It suggests that farmers can form alliances with sophisticated urban and social movement actors on issues of land justice. The speed of political awareness was clearly increased by cooperation with people living in the cities with networking capabilities. Social media networks were another “weapon of the weak” by which farmers were able to garner support. In any case, social media in Brazil has yet to show sufficient strength to avert the expulsion of dozens of families from their farms. This outcome is possibly linked to the incapacity of the farmers and their political allies to leverage support from a broader audience.

The CISPA case is not an anomaly in the larger roll-out of Brazilian state plans to strengthen the country’s role as a major supplier of mineral and agricultural commodities to the global economy. There are plenty of other cases in which this form of state-led grabbing is occurring in different parts of the Brazilian territory with similar results in terms of violent displacement.
of entire communities and beyond Brazil (Carvalho and Cidade 2011; Hall and Brandford 2012; Pereira, Becker and Wildhagen 2013; Perez and Gonçalves 2012). Nor is land grabbng in the name of expansionary development limited to rural communities. Similar narratives are being employed to justify the displacement of thousands of families in many Brazilian cities. Behind urban renewal, improved infrastructure, and arenas for international sporting events are often the same patterns of state-led violence being used against the urban poor (Ronquillo 2012). Not all violent land grabs are bloody and, in many cases, are politically difficult to oppose because of their pro-development bias. In this regard, research on land grabs brings us back to the old question of how to balance economic growth initiatives with the rights of the communities living and working on territories targeted for economic development.

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Notes

1 The EBX Group was formed in the 1980s to identify investment opportunities in infrastructure and natural resources. Currently, the EBX Group is formed by the following companies: MMX (mining), LLX (logistics), MPX (energy), OGX (oil and gas) and OSX (offshore industry)


3 Empates (or stand-offs) were peaceful demonstrations by rubber tapper communities against deforestation in their rubber extracting areas. They went to the areas being destroyed and blocked the labor encampment sites before operations began.

4 A good example of the Brazilian State actions to remove poor communities from their traditional territories is occurring in Rio de Janeiro city where thousands of families are being forcefully evicted to clear the way for the construction of sporting infrastructure needed for the FIFA 2014 World Cup and for the 2016 Summer Olympic Games (Gaffney, 2010)

5 The impact of land grabbing on food security cannot be reduced to a problem of how much land is being taken from small farmers. In Brazil, the official statistics (IBGE, 2009) show that national food production is highly dependent on small farms that hold less than 2 percent of the land used for agriculture (more than 70 percent in the case of rice, beans and manioc). As a result, when land grabbing occurs in areas dominated by small but highly productive farms, a significant reduction in the production of food crops is unavoidable.
References


Alvim, A. M. 2009. Investimentos estrangeiros diretos e suas relações com os processos, causas e efeitos da concentração e estrangeirização das terras no Brasil. Projeto de cooperação técnica “Apoio às políticas e à participação social no desenvolvimento rural” (PCT IICA/NEAD). Brasília, NEAD.


