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Abstract

The recent world “rush for farmland” has targeted Latin America in general and Brazil in particular, with a huge increase in foreign investments on land purchase, including the financial enterprises of the last decade. Even with a very illiquid market, land deals and foreign investments in agribusiness are not new in Brazil, but they have increased considerably after 2002. According to some field researches, the most recent investments are related to the production of grains (especially soybean) and sugarcane (to obtain sugar and ethanol), resulting among other consequences in a great increase of land value in some regions of Brazil. Such land rush has led the Brazilian government to reestablish a legal mechanism to “control” foreign investment in land deals. But the National Institute for Colonization and Agrarian Reform (in the Brazilian acronym, INCRA) has registered a large number of land titles in the name of Brazilian companies, and it seems that there is an ongoing cheating process in these land deals.

Thus, based on data of INCRA’s registration files, this article discusses the recent process of foreign investment in land purchase in Brazil, looking especially for the main causes of the investments and their main consequences, including land value and social impacts. The research will analyze the appreciation of land value in some regions, relating it with the recent investments in agricultural production in these regions.

It is important to acknowledge that the land value impacts directly on several public policies, such as the agrarian policies, as it is a determinant element in the governmental budget. It also deepens the land conflicts and is becoming a new cause for blocking the governmental policies and action in the process of recognition of the territorial rights of Indigenous peoples and communities of former African-descendant slaves. The article then reflects about the limitations and problems of the legal path taken by the Brazilian government and some popular proposals, such as the recent mobilization to set a ceiling (“limite máximo”) for land ownership in Brazil.

Introduction

Recently, there has been an increase in the interest and search for land in the entire world, especially due to the demand for food, agro-energy sources and raw materials. According to a World Bank study of 2010, the world demand for land has been huge, especially starting in 2008, thus turning the “territorial dispute” for land into a global

¹ This text rebuilds and updates the previous contributions of the authors in the theme, especially Leite and Wesz Jr. (2010), Sauer (2011), and Sauer and Leite (2010).

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phenomenon (WORLD BANK, 2010). The transfer of cultivable land (or cultivated land) was around four million hectares per year before 2008. From October 2008 to August 2009 alone, more than 45 million hectares have been traded. 75% of this land was traded in Africa, and an additional 3.6 million hectares were traded in Brazil and Argentina, thus propelling the phenomenon dubbed “*land grabbing*”⁴.

A crucial finding of the World Bank study is that the increase in the agricultural production, and, consequently, in the demand and purchase of land is currently concentrated in expanding only eight commodities: corn, soybean, sugarcane, palm oil, rice, rapessed, sunflower and planted forest. The Brazilian participation takes place mostly in the three first products. Better prices of agrofuels and governmental subsidies led to the expansion of these crops (WORLD BANK, 2010). In 2008, the world estimate of the total cultivated area with raw materials for agrofuels was of 36 million hectares, that is, twice the 2004 area. Of this total, 8.3 million hectares are located in the European Union (with rapessed crops), 7.5 million in the United States (with corn) and 6.4 million hectares in Latin America (basically with sugarcane crops in Brazil).

According to the same document, around 23% of the increase of the world agricultural production took place due to the expansion of the “agricultural frontiers”, in spite of the fact that the most expressive increase (estimated at 70%) in the production is the result of an increment in the productivity. The reasons for such expansion in the production (and also in the amount of land transactions) were: a) demand for food, feed, cellulose and other industrial inputs, due to the increase of the population and of the income; b) demand for raw materials for agrofuels (reflecting the policies and the demand by the main consumer countries); and c) shifts in the production of commodities to regions with abundant land, cheaper prices and good prospects of increase in the productivity (WORLD BANK, 2010).

One of the most significant data pieces in the World Bank study is the characterization of the current land demanders in the world: a) governments concerned with the internal consumption and with their inability to produce sufficient food for the population, especially after the food crisis of 2008; b) financial entities that, in the present context, find comparative advantages in the purchase of land; and c) companies of the agro-industrial sector, that, due to the high concentration level of trade and processing, seek to expand their businesses.

After the crisis of the food prices in 2008, and with the outlooks of future demand, it is not surprising to see the increasing interest by the governments – spearheaded by China and by several Arab countries – in the purchase of land to produce food for domestic consumption. But what called the attention were the investments of the financial sector, which had been historically averse to capital immobilization, especially in the purchase of land, as this market is characterized by low liquidity.

The global interest for (the relatively abundant) land of Latin America (with a special highlight for Brazil, Argentina and Uruguay) and Sub-Saharan Africa has led to an

⁴ This expression has been used in the studies of the field, characterizing a process of appropriation of large sections of land by foreign capital. As Merlet (2010) properly recalled, this process cannot be reduced only to the mechanism of “purchasing” land, which presupposes the working of a land market marked by purchase and sale of rural estates. According to the study requested by the *Comité Technique Foncier et Développement*, we are facing a movement of “appropriation and concentration of land – and natural resources – in large scale” (MERLET, 2010). Other institutions, such as the *International Land Coalition* (ILC, 2009; TAYLOR and BENDING, 2009) use the expression “commercial pressures on land”, which may also restrict the comprehension of what we are currently observing.

increase in its price. The increase in the price of Brazilian land was confirmed by the above-mentioned World Bank study and has been regularly announced by the press. However, there are still no systematic studies able to provide a nation-wide – or even a regional – panorama of the transactions and prices, while the news are illustrated with surveys of exemplary cases and local, municipal or regional data.

In order to contribute to this discussion, the present article approaches five aspects that seem essential to us – some of them, containing elements that have not been dealt with in detail by the specialized literature. Thus, the first item describes the historical demand for land in the country, calling attention to the persistence of the concentration of land all the way into the 21st century. The second topic examines the process of expanding the Brazilian agribusiness, focusing particularly in the territorial movements of the plantations of sugarcane and soybean, and their effects on the regions of “agricultural frontiers”. A part of this process, which has guided especially investments in the area of biomass production, is supported by the participation of international capital and its investments in land assets, a theme that is the object of the following item. The fourth point of the article approaches the repercussion of these aspects on the behavior of the land market, particularly in some regions notably known for the expansion of monocultures and commodities. Finally, preceding the final considerations of this work, we go over the governmental measures that have been recently adopted by the Brazilian State on access to land by foreign companies and individuals, and we examine the dimensions of the conflicts and issues at stake in the dispute and in terms of territorial acknowledgment by actors who are not linked to the above-mentioned movements.

1. Land Dynamics: the Historical Demand for Land in Brazil

It is not something new that Brazil has a highly concentrated land-ownership structure. Such concentration started in the colonial days, though it has been aggravated starting in the 1960s with the implementation of the Green Revolution and of the current model of agriculture and livestock farming, based on the modernization of large estates. According to Dias et al. (2001, p.12), “the Brazilian land legislation has [historically] stimulated occupation with the facilities that were offered for regularizing property (the basic signs of occupation were enough in order to secure the legal ownership), and the actual absence of limits to the size of estates”.

However, the Land Act of 1850 had the goal of preventing the occupation of free lands, thus restricting access to purchase, which excluded the mass of poor individuals and the African slaves who had been freed after owning lands. The historical land concentration is associated to other important (and complementary) characteristics of the Brazilian countryside, such as, for instance, the total lack of taxation on land, the illegal private encroachment on public lands (vacant lands and secured lands), and the absence of official data on the real situation of the rural estates of the country⁵.

⁵ We must call attention to the fact that the rural areas are the object of systematic measurement by two distinct public institutions, each one of them using a type of category of analysis: the National Institute of Colonization and Agrarian Reform (INCRA), which, through the National Database of Rural Registration (SNCR), accounts for the *rural estates* (located in the rural environment independently of their use or end activity); and the Brazilian Institute of Geography and Statistics (IBGE), which accounts for *agricultural and livestock establishments* (areas under one same administration, totally or partially dedicated to some type of exploitation activity linked to the agricultural and livestock sector) through the Agricultural and Livestock Census. The SNCR and the Census collect their data along with proprietors, titleholders and/or

Brazil's continental size includes 850 million hectares of land. Half of that land (436.60 million hectares, or 51.35%) is registered in the National Database of Rural Registration (SNCR) of the National Institute of Land Occupation and Agrarian Reform (INCRA) as rural property. Excluding the units of environmental conservation (102.06 million hectares of national parks, extractivism reserves, national forests, etc.), the Indigenous areas (128.47 million hectares), the formalized public lands (4.20 million hectares), the urban perimeters and infrastructure perimeters (roads, hydroelectric plants, etc.), there is still a gap of 172.95 million hectares (SAMPAIO et al., 2003)⁶. This gap is confirmed by the official version of the 2nd National Plan of Agrarian Reform (PNRA), as it affirmed that "50.86% of the total area of the Brazilian territory is yet to be registered" (BRASIL, 2005, p. 22). This means that there are no formal registers in any of the official instruments of land ownership for approximately 20% of the Brazilian territory (SAMPAIO et al., 2003).⁷

If we take the land situation of the Legal Amazon, these figures are even more alarming. From a total of 509 million hectares, 178 million or 35% of the registered total are privately occupied in the Amazon. But from these 178 million hectares declared

...as private property, 100 million hectares can be based on fraudulent documents. Other 42 million hectares of this area are categorized from the registry declarations as owned, and may or not be liable to a process of land regularization – depending, once more, on the circumstances of size, history and location. Thus, 30% of the area can be legally uncertain and/or become object of dispute (WILKINSON et al., 2010, p. 15).

One of the results of this scene is found in the "cases of legal appropriation of vacant lands, or even of collected lands, and irregularities in the Registry, leading to situations in which landed estates are registered with an area that is larger than the total area of the state itself" (BRASIL, 2005, p. 22).

Along with the registry fragilities and to illegal appropriation, one finds the classical concentration of land ownership in Brazil, a situation that is also favored by the total absence of rural taxation⁸. The data of the latest Agricultural and Livestock Census, of 2006 (BRASIL, 2009), undertaken by the IBGE, confirmed that the land concentration in estates with an agricultural and livestock production larger than a thousand hectares did not change in the past twenty years, as evidenced by the data of the three latest censuses, undertaken in 1985, 1995 and 2006. The Gini Coefficient, which is used to measure the distribution of land use, has been practically the same in the period, and Brazil still presents a strong concentration of land, expressed by 0.857, in 1995/96, and 0.856, in 2006 (HOFFMANN and NEY, 2010).

individuals responsible for the estate or productive unit – therefore, they are self-declaratory (SAMPAIO et al., 2003).

⁶ According to the set of categories provided by the project of the 2nd National Plan of Agrarian Reform (PNRA), created in 2003 (SAMPAIO et al., 2003), this immense area must be considered as vacant land ["terras devolutas"], that is, public land (therefore, without any legal possibility of private appropriation) that has not yet been legalized.

⁷ According to Wilkinson et al. (2010, p.15), this level climbs to 24% if one considers only the lands of the Amazon, where many estates are not registered in any category, and "therefore, are technically considered as unallocated public lands". However, no official data is available on their real situation.

⁸ Brazil has the Rural Territorial Tax (ITR), but its levy is absolutely insignificant, as it represented, for instance, 0.01% of the total tax collection in 1996. According to Sabbato (2008), the reform of this tax in 1996 did not produce the desired effect of coupling this instrument of fiscal policy with the agrarian-reform program – quite to the opposite. An estimation presented by the author indicated that the tax evasion of the ITR in 1997 reached 90.3% (SABBATO, 2008, p. 121).

**Table 1 – Number and area of agricultural and livestock estates
by groups of total area – Brazil – 2006**

Groups of total area	Number of estates (units)	%	Area of the estates (hectares)	%
Less than 10 hectares	2,477,071	47.86	7,798,607	2.36
10 to less than 100 hectares	1,971,577	38.09	62,893,091	19.06
100 to less than 1000 ha	424,906	8.21	112,696,478	34.16
1000 ha and beyond	46,911	0.91	146,553,218	44.42
Total	5,175,489	100.00	329,941,393	100.00

Source: IBGE, Censo Agropecuário 2006 (BRASIL, 2009, p. 107).

According to data of the Agricultural and Livestock Census of 2006, estates with less than ten hectares represent over 47% of the total number of farm units, but they occupy only 2.7% of the total area of rural establishments, that is, 7.8 million hectares. At the other tip of the land spectrum, farms with an area above one thousand hectares correspond to only 0.91% of the total number of farms, but they encompass more than 43% of the total area and concentrate 146.6 million hectares (cf. Table 1).

From these data, and from the finding that this structure has changed little in the past 20 years, the IBGE itself as a body of the State recognizes the high concentration of land, concluding that “the inequality in the distribution of land reveals at once the past and the contemporary processes of how the natural resources are appropriated in Brazil” (BRASIL, 2009, p. 107).

These data on concentration have another important dimension, namely the historical demand for land in Brazil by segments that, in spite of having centered their expectations of life, production, consumption and attainment of citizenship in the rural environment, have still been excluded from access to them – an access that would have favored a more equitable distribution of the rural estates, along with the processes of social justice and land democratization (LEITE et al., 2004; LEITE and ÁVILA, 2007). According to the estimations of the 2nd PNRA, around three million farms – all of them, with less than ten hectares - have land, but an insufficient area to generate income, to maintain a family and to secure a minimum standard of life quality in the rural environment (BRASIL, 2005, p. 18). The 2nd PNRA estimated that in 1997 there was “a total of 3.1 million families” without land⁹, and this datum corresponds to the “rural workers without access to land, without including small-scale agricultural producers – proprietors, partners or leaseholders” (BRASIL, 2005, p. 17), thus expanding the historical demand for land in Brazil.

On the other hand, according to INCRA data, from 436.60 million hectares registered in the SNCR, 120.4 million hectares have been declared as unproductive (SAMPAIO et al., 2003). This datum led Wilkinson et al. (2010, p. 14) to affirm that “there is a lot of

⁹ According to the 2nd PNRA, the explicit demand for agrarian reform in 2005 could “be identified by the registry resulting from the post-office registrations to ‘Program of Access to Land’, and other registration forms, such as through *Sala do Cidadão* [a State facility] with a total 839,715 registers” (BRASIL, 2005, p. 17), i.e. almost 900 thousand families directly demanding their land.

land that is either idle or has an extremely low intensity of use” in Brazil. In other words, more than 14% of the land registered at the state office could become a reserve (supply) to the demand for land in Brazil by landless workers. But this demand has been suppressed in various ways and due to various reasons, in addition to a situation of juridical insecurity and undue appropriation, especially in the northern region of the country. In reality, as we will see shortly, the search for new areas has been stimulated by the purchase of larger estates, driven by purchases and appropriations of the private sector.

When it comes to access to land, it is still crucial to recognize that Brazil experiences a situation of illegality and juridical instability, leading to what Delgado (2005) has dubbed as “the laxity of agrarian politics”, including its effects on land purchase by foreigners. As mentioned, the Brazilian legislation has never defined any limit to landed property (DIAS et al., 2001), not even for foreign individuals and legal entities.

However, still in the period of the military dictatorship (1964–1985), the Federal Government issued Act 5709 of 1971, regulating “the purchase of rural property either by a foreign individual who lives in the country or a foreign legal entity with a license to operate in Brazil”. This act defined conditions for land purchase in Brazil. Likewise, Act 8629 of 1993, in its article 23, § 1, determined restrictions to the leasehold of land to foreigners. Yet, these restrictions have never had a practical effect, especially due to the lack of supervision and control of land purchase.

But in 1995, the National Congress approved Constitutional Amendment 6, eliminating article 171 from the Brazilian Constitution. The article had made a distinction between national and foreign companies. By analogy, the Informed Opinion issued in 1998 by the Office of the Solicitor General (in the Brazilian acronym, AGU), determined that, once this distinction had been discontinued, “it would eliminate the barrier that blocked the establishment, by force of law, of restrictions to the activities of companies”, thus reinforcing the movement of economic liberalization of that period, in regard to the land market (WILKINSON et al., 2010). Such situation only changed in 2010, as we shall see in the fourth topic of this article. But for now, it is fundamental for us to understand the pieces of this chessboard that inform the land search in the private sector, as well as their reflex on the behavior of the prices of rural property.

2. Expansion of the Brazilian agribusiness: a brief overview

With the international crisis of the early 1980s, the Brazilian rural sector was involved in the effort to produce a surplus in the balance of trade, deepening its capacity to export processed agricultural products and generating revenue, which was channeled to the payment of foreign-debt installments. Agriculture presented an almost always positive performance in the trade balance during the entire period, and agriculture has once more had a relevant role in the “external offensive” of the recent years, especially with the devaluation of the real in 1999.

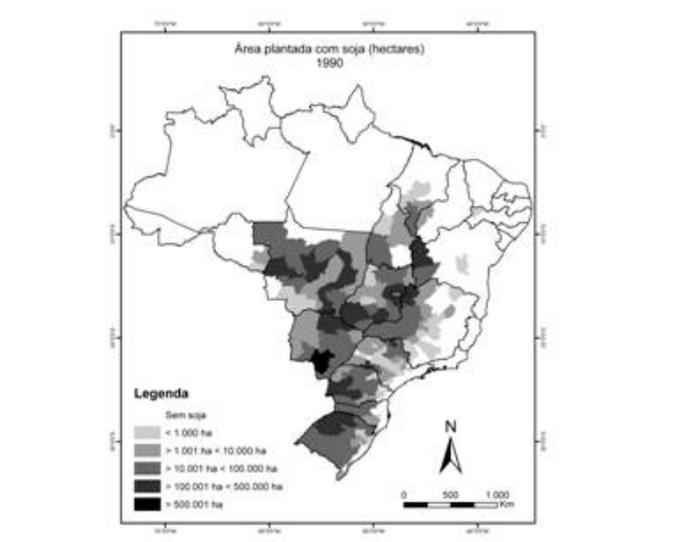
Along the 1980s, the country already experienced an occupation of the Cerrado areas both in the Midwestern Region (states of Goiás, Mato Grosso do Sul and Mato Grosso) and in the states of Minas Gerais and Bahia with the production of grains. In the past decade, a vigorous expansion of the so-called agricultural “frontier” also took place, incorporating areas such as those located in the states of Maranhão, Piauí and Tocantins (well-known as “Mapito”) and other areas in the Amazon region. Nonetheless, we must highlight here the effort undertaken by the Brazilian Company of Agricultural and

Livestock Research (EMBRAPA) in the exploitation of soils previously considered as inappropriate, and in the production of seeds adapted to the edafoclimatic conditions that prevail in these regions (HEREDIA et al., 2010).

In the following maps, we portray the expansion of soybean and sugarcane production, as these crops are widely known as representatives of agribusiness, and as they are two of the eight commodities responsible for the increase in the agricultural production, according to the World Bank Study (2010). The expansion of soybean production, and, to a lesser degree, of sugarcane, did not occur in an isolated way: in many cases, these crops advanced over areas previously used for cattle raising (or else over woodlands and forests, such as in parts of the state of Mato Grosso and in the Amazon region), which were later substituted by the production of rice (in order to “tame the land”), and, later, by the production of soybean.

Figure 1 – Territorial data on the production of soybean in Brazil, 1990

Source: IBGE (PAM)



Figures 1, 2 and 3¹⁰ show the intense process of territorial expansion in the production of soybean in the country between 1990 and 2008, from a previous concentration in the South Region to areas in the Cerrado biome, either in the mid-western states, or towards the Cerrados of Minas Gerais or of the northeast. In the current decade, it is still possible to see its expansion towards the Amazon, especially in the states of Amazonas (in the region of Humaitá) and Pará (in the southeast and, especially, in the west of the state, in the region of Santarém). The color gradations indicate the presence of soybean production in the Brazilian microregions and mesoregions¹¹, and its spread towards the north of the country, with an image that practically resembles the letter “Y”, considering the areas with the strongest productive concentration.

¹⁰ The authors appreciate the kind contribution of Valdemar Wesz Jr. in the creation of the cartograms. A part of the data of these paragraphs is based on the contribution of Heredia, Palmeira and Leite (2010).

¹¹ From light grey, when the local production is low, to dark grey, which reflects a highly concentrated production, taking as reference the scales described in the legend of the figures.

Figure 2 – Territorial data on the production of soybean in Brazil, 2000

Source: IBGE (PAM)

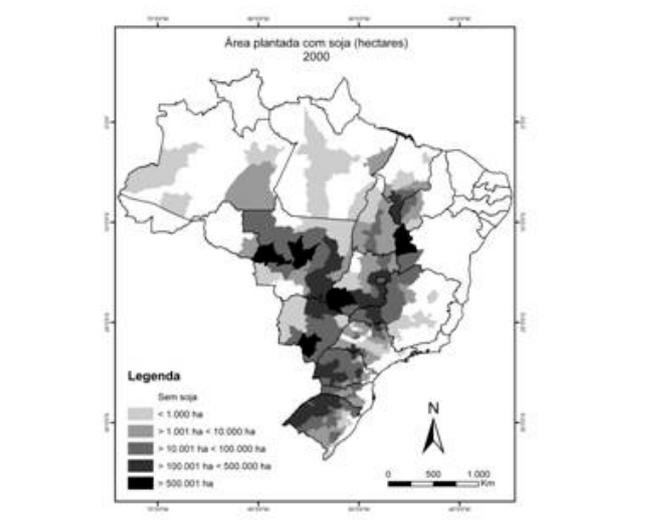
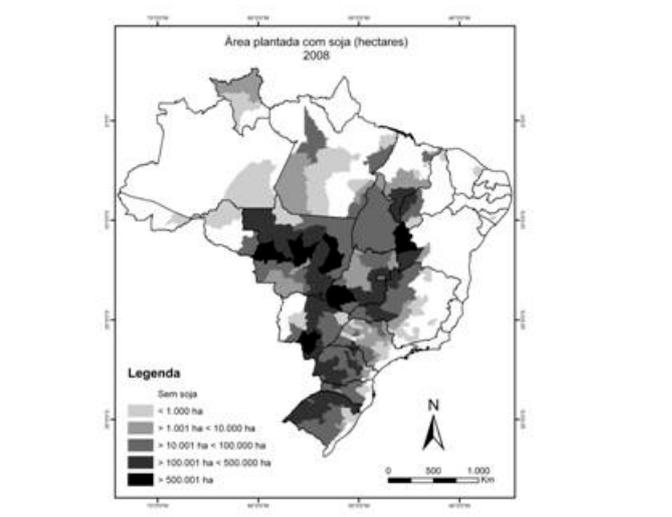


Figure 3 – Territorial data on the production of soybean in Brazil, 2008

Source: IBGE (PAM)



Even though the topic is the object of a strong polemic, it is possible to notice that such expansion has caused protests by environmental organizations and native communities, because a part of the areas occupied by soybean has been taken based on deforestation and/or a forced displacement of small producers or Indigenous groups, as can be seen in the plateaus [“chapadas”] of the state of Piauí. It is not by chance that there is a strong pressure by rural entrepreneurs on the environmental legislation (Forest Code, Areas of Legal Reserve, Areas of Permanent Protection, National System of Conservation Units) and on the legislation aimed at the social rights of native communities based on a collective/traditional form of occupation (Quilombo groups, Indigenous lands, pasture backlands, extractivism areas, and so on), in the attempt to open new expansion fronts, especially in the regions of Cerrado and in the Amazon biome.

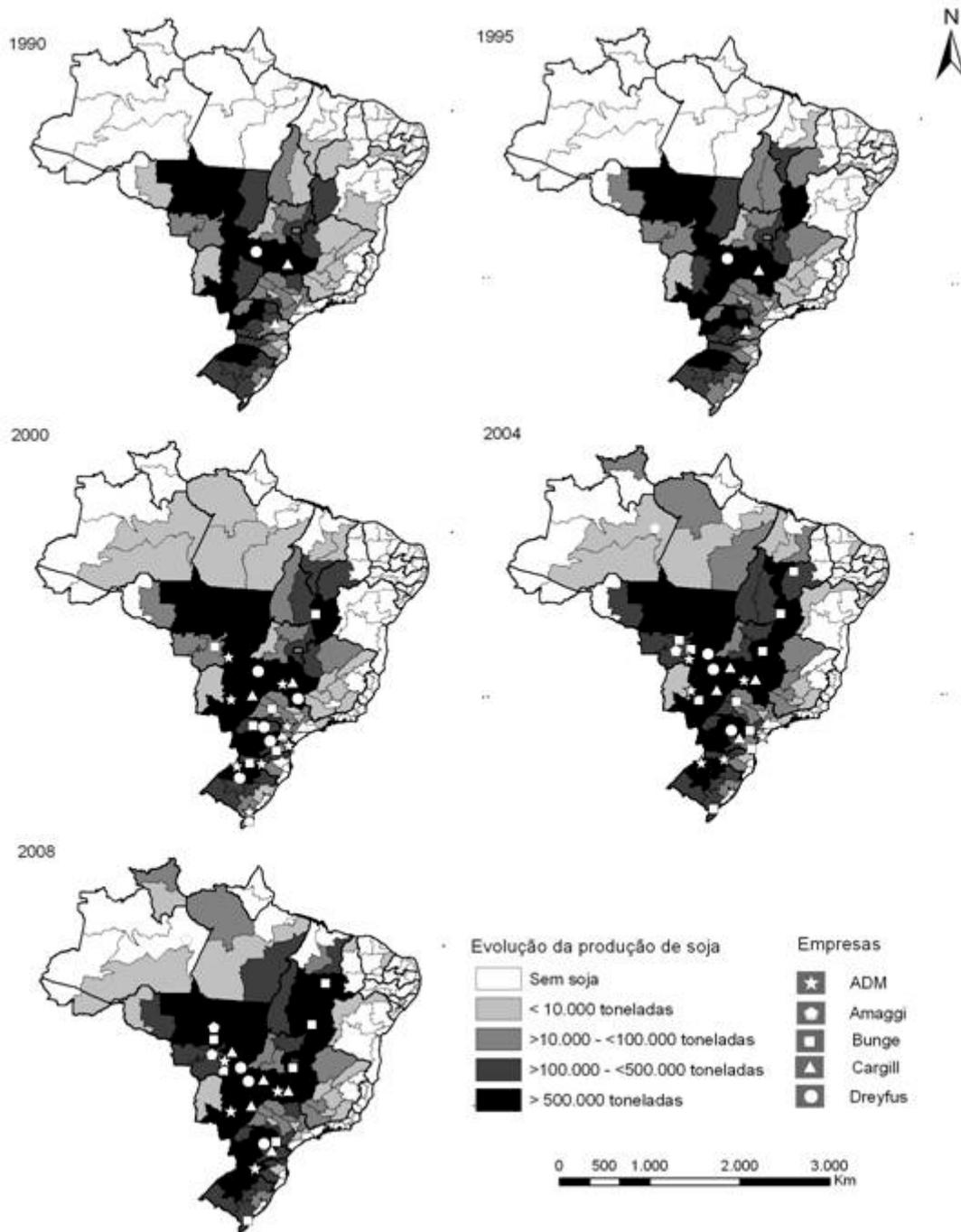
Figure 4 shows the distinct agricultural industries that crush soybean for the production

of bran, oil, feed and other products. The map highlights the location of multinational trading companies, in particular the so-called ABCD-group (ADM, Bunge, Cargill, and Dreyfus). The share of international capital in the total of the agro-industrial sector for crushing the grain was of 16% in 1995 and increased drastically to 57% in 2005, characterizing a strong process of economic concentration and de-nationalization of the sector. In the case of this final period, the first positions belong to the above-mentioned group. Figure 4 also shows the location of the companies of the Maggi (Amaggi) group, connected to the family of former governor of the state of Mato Grosso, Blairo Maggi, who is equally active in the production of soybean. One may see here a geographic shift in the position of these companies, which changed their previous strategy (of up to the late 1990s) of purchasing the units that had belonged to national groups located in the mid-southern region, for the construction of new industrial plants in Cerrado areas in the present decade, with a new ‘big center’ that concentrates 72% of the production value of these units (HEREDIA et al., 2010; WESZ Jr., 2008). According to Wilkinson et al. (2010), with the expansion of this process, one also sees the increasingly frequent emergence of companies specialized in real-estate brokerage connected to “clearing”, preparing and selling new areas for (national and foreign) private groups, both for the sector of grains and of sugarcane and alcohol.

It ought be mentioned, en passant, that the same process of territorial expansion over usable areas (either those that are in use, producing or not food, or those that are still the object of conservation) has taken place with the sector of sugarcane and alcohol, in particular with the strong increase of the areas with sugarcane plantations in the states of São Paulo, Minas Gerais, Mato Grosso do Sul, Goiás and Paraná. Such expansion is largely oriented to the production of ethanol, which is an important component of the National Program of Agricultural Energy (by the Ministry of Agriculture, Livestock and Supply – MAPA), thus rivaling with – or complementing, depending on the perspective – another program to foster the production of biodiesel, namely the National Program of Production and Use of Biodiesel (PNPB). The evolution in the expansion of sugarcane production can be seen at Figures 5, 6 and 7 below. They show the concentration in the Southeast Region (in particular, in São Paulo and Minas Gerais), and its expansion towards Mato Grosso do Sul, Goiás and Paraná, to the detriment of “traditional” regions in the production of this commodity (the northern state of Rio de Janeiro, the Zona-da-Mata coastal region in Pernambuco, northern Alagoas and southern Paraíba).

Figure 4: Expansion of soybean production and location of main agricultural industries

Source: Wesz Jr. (2008) and Heredia et al. (2010)



Along with the polemic involving the debate on food security versus energetic security, and with the environmental constraints (which have led movements and organizations of distinct types to defend the proposal of sustainable environment), the trend above still generates important issues to the national debate: a) even though they are central and dynamic elements for retaking the process of economic growth, (especially for certain specific regions), some of these initiatives have confronted the absence of attributes that allow them to qualify for an effective process of development (and not only of growth). This would demand an effort of governmental policies in terms of compliance with the

provisions that secure the social rights in the implementation of these strategies; b) part of this process has been marked by the appropriation of wealth by international capital. Either in the purchase of units of agro-industrial processing, and, above all, of vast rural estates, the transference of patrimony to the hands of foreign capital still awaits new and better regulations by the Federal Government. Thus, it would not be incorrect to state that, leading this process of soybean expansion, family-based agriculture has a residual weight, which in a certain way contradicts the initial expectations of social inclusion as sketched by the PNPB in the attempt to link the production of oilseeds (castor oil plant, especially) by family-based producers of semi-arid northeast regions to the national policy of biodiesel production.

Figure 5 – Specialization in the production of sugarcane in Brazil, 1990

Source: IBGE (PAM)

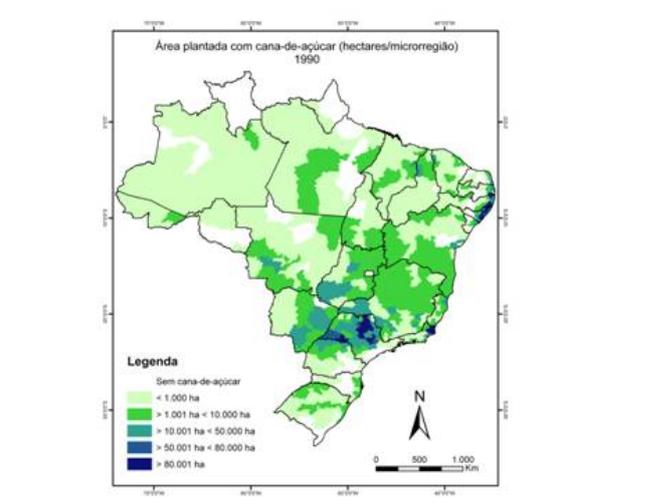


Figure 6 – Territorial data on the production of sugarcane in Brazil, 2000

Source: IBGE (PAM)

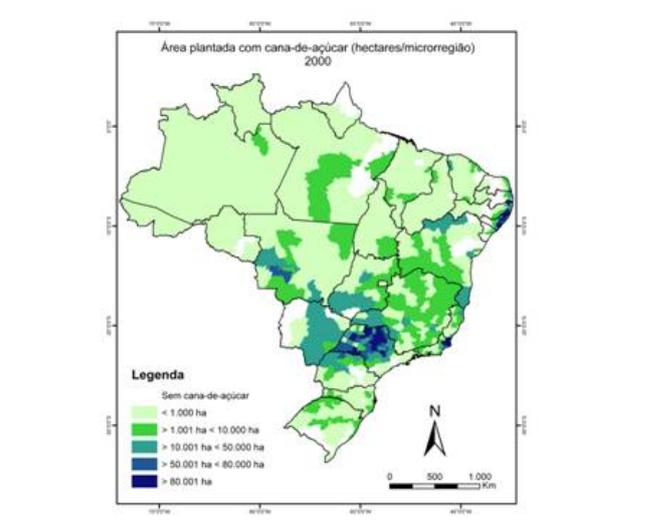
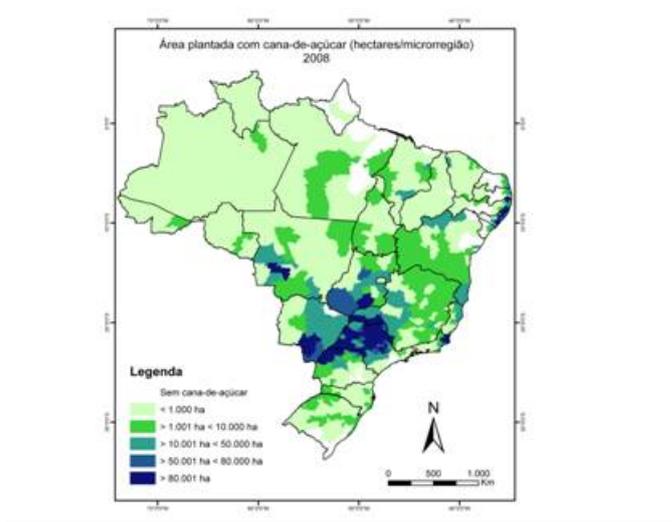


Figure 7 – Territorial data on the production of sugarcane in Brazil, 2008

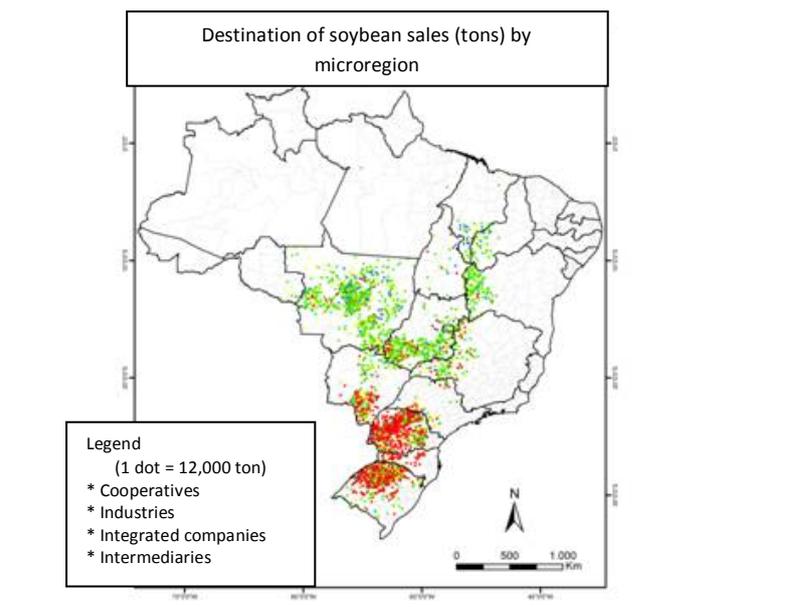
Source: IBGE (PAM)



On its turn, Figure 8 presents the circuits of soybean commerce in the country, taking as reference the data made available by the IBGE. We can verify that the regions with the strongest concentration of soybean production, as previously presented, are those with a predominance of commerce processes mediated by industry, instead of by cooperative groups of intermediate actors, which are respectively concentrated in the South and North Regions of Brazil.

Figure 8 – Circuits of soybean trade, 2006 – Total Trade

Source: Censo Agropecuário/IBGE



It is therefore evident that a good part of the soybean produced in the Brazilian Cerrados

(Mato Grosso, in particular) is directed to industrial processing (along with the external market). Through Figure 9, we can deduce that a part of this production serves as raw material in the making of biodiesel, considering that a significant part of the already implemented processing and production companies is found over the Midwest Cerrados, led by Mato Grosso¹². This situation partly jeopardizes the drive for making the semi-arid region (almost 80% of the area of Brazil's Northeast) a 'geographic priority' as a target region of the PNPB, in spite of the recent efforts of the company Petrobras Biocombustível to concentrate its processing plants in this area (Flexor et al., 2010).

Figure 9: Map of Biodiesel in Brazil, 2009

Source: Biodiesel.br, 2009



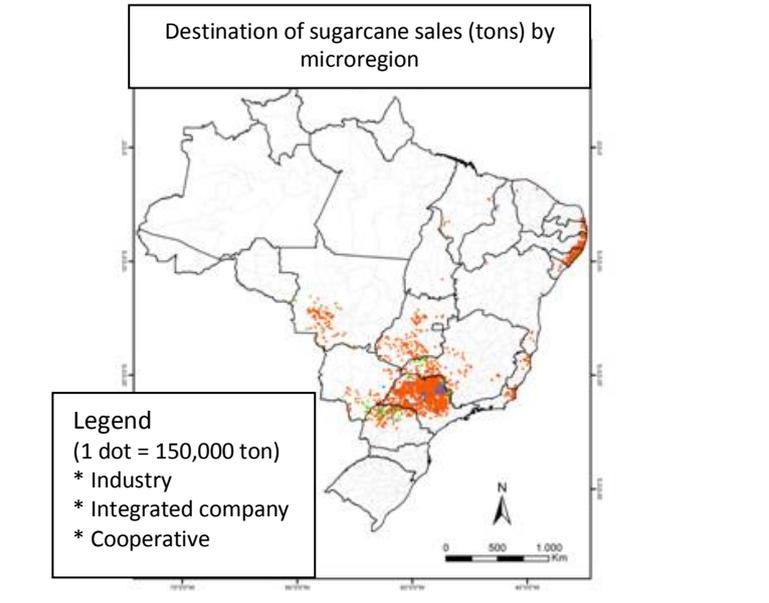
In the specific case of sugarcane, data collected by IBGE (see Figure 10) show that the commerce of the product is strongly linked to its delivery along the processing plants and distilleries, especially those that are related to the production of sugar and ethanol. As it is generally made of short trade circuits (differently from soybean, the product is not exported *in natura*), a territorial concentration is visible for the processes of trade in the regions where most of the plants are located, in particular in the state of São Paulo, as can be seen in the map. The increasing land occupation for sugar-cane plantations, in the wake of the process of stimulating the production of vegetable fuel and the (national and international) investments, has displaced areas that were previously used for food production for the regional market, or for raising cattle. This phenomenon is particularly evident in the state of São Paulo and in the Triângulo-Mineiro region in Minas Gerais. In the case of the expansion directed to the Midwest Region (Goiás and Mato Grosso do Sul), but also in the microregion of Uberlândia in Minas Gerais, the expansion of sugar-cane plantations confronts a large production of grain and agro-industries in the meat

¹² According to the information provided by Odacir Klein, President of the Brazilian Biodiesel Union (UBRABIO), in a public hearing in the Federal Senate in 2007, soybean was responsible for 75% of the national biodiesel production, a datum that has not changed significantly in the recent years.

sector (poultry and swine), which were previously established in these locations (LIMA, 2010). This situation caused to such a strong and fierce territorial dispute that led some municipalities of these regions to attempt to set a limit for sugar-cane plantations.

Figure 10 – Circuits of sugarcane trade, 2006 – Total Trade

Source: Censo Agropecuário/IBGE



Wilkinson et al. (2010, p.32 ff.) proposes that such territorial expansion in the sector be divided according to the type of investors and motives for investment into eight “categories”: i) capital in the agribusiness of the sector of activities itself; ii) capital in the agribusiness of synergic and/or converging sectors; iii) non-traditional capital in the agribusiness as a response to new synergies; iv) rural brokerage companies that emerged as a response to the increase of land value and in the outlook of Brazilian agribusiness; v) states that are wealthy, in terms of capital, but poor in natural resources, attempting to secure their food and energy supply; vi) investment funds attracted by the prospect of price appreciation for agricultural commodities; vii) investments in connection with incentives to environmental services; viii) mining and oil-prospection companies.

In any case, it is possible to infer, based on the specialized news, that a part of this crop-expansion process for products such as soybean and sugarcane has used investments on land assets – directly or indirectly – originated from international capital. Such strategy reinforces the idea already stated by Wilkinson et al. (2010), that international groups (companies, individuals or governments) have directed their resources to the agriculture and livestock sector not only for the activities of processing raw materials, as it used to be in the past, but particularly to mustering rural property (e.g. in the initiatives known as Greenfield Projects). The next topic deals precisely with this theme.

3. The process of foreign appropriation of land in Brazil

Studies requested by the Nucleus of Agrarian Studies and Rural Development (NEAD), of the Brazilian Ministry of Agrarian Development (MDA), show a significant increase in the total foreign direct investment (FDI) in Brazil starting in 2002 (107% between

2002 and 2008, leaping from 4.33 to 8.98 billion dollars in the same period). According to the newspaper *O Globo*, the Institute of Applied Economic Research (IPEA) showed that the FDI in Brazil's primary sector leaped from US\$ 2.4 billion in 2000 to US\$ 13.1 billion in 2007, and that this 445%-increase was led by mining, which has corresponded to 71% of the total investment received in this last year. There was also an increase in the foreign participation in agricultural and cattle-raising activities, such as, for instance, in the sugar-cane and soybean crops, and in the production of alcohol and biofuels, especially through purchases and fusions of previously-existing Brazilian companies (ALVIM, 2009; PRETTO, 2009).

Thus, following the trend of an increment of foreign investment in Brazil in the recent years, there was an increase in the external participation in the agriculture and livestock activities¹³, such as, for instance, in the cultivation of sugarcane and soybean, and in the production of alcohol and biofuels (ALVIM, 2009, p. 53). A significant part of this investment was used for purchases and fusions of already-existing companies (ALVIM, 2009, p. 52), and "the total FDI in the agribusiness sector was of 46.95 billion dollars" between 2002 and 2008 (ALVIM, 2009, p. 47).

According to Alvim,

... the industrial production of biofuel was the activity that presented a clear growth-trend in the absorption of foreign investment in Brazil, and was mostly concentrated in the states of the Southeast Region. The FDI in alcohol and biofuels increased from 4 million dollars in 2002 to 1.64 billion dollars in 2008 (2009, p. 55).

Using distinct sources of information, including researches in the SNCR, but also along with consultancy companies in the field, among other sources, the national newspapers have published data on this process of land purchase by foreigners, without counting on "a due correspondence between the SNCR/INCRA databases" (PRETTO, 2009, p. 4). In mid-2000, the main national newspapers were publishing articles on the process of land appropriation by foreigners (in the Portuguese neologism, "estrangeirização") in Brazil (SCOLESE, 2008; CHADE, 2010).

From the SNCR data, the newspaper *Folha de São Paulo*, for instance, calculated the rhythm of this process of land appropriation by foreigners for a six-month interval. The data published by *Folha* between November 2007 and May 2008 points a figure of 1533 rural estates purchased by foreigners in Brazil, totaling an area of 226,920 hectares. In the same period, there were also property sales, but the balance was of 1372 estates purchased by individuals of other nationalities, totaling an area of 205,320 hectares (SCOLESE, 2008, p. A10).

In 2010, from the analyses of the INCRA Registry, the newspaper *Folha* publicized data on the advancement of foreign capital over Brazilian land. According to this article, "companies and individuals of other countries are purchasing the equivalent to 22 soccer courts of land in Brazil at every hour. In two and a half years, foreigners have purchased 1152 estates, totaling 515.1 thousand hectares" (ODILLA, 2010).

The investment forecast for the Brazilian primary sector, especially in the production of agro-energy forms, was already advertised in the mid-2000s. According to the data made available through the Internet,

¹³ Until 2000, the share of the primary sector was of only 2.3% of the total foreign resources invested in Brazil. But in 2007, this share reached almost 14%, while the expansion of foreign investment in the industrial sector was of 33.4% in the same period (DUARTE, 2008).

Market estimations point that, up to the mid-years of the decade, the sector shall receive something around US\$ 25 billion of foreign investment. At least 40% of this total will be aimed at the sugar and alcohol sector. Along with ethanol and sugarcane, international investors are interested in taking part in reforestation projects, in rubber-tree plantations, and in the purchase of land in Bahia, Mato Grosso and Rondônia, in order to implement agricultural and cattle-raising projects (GUIMARÃES, 2006).

In spite of the inexistence of a more systematic survey, it is possible to conclude that this foreign investment in Brazil's primary sector also results in a wide-scale purchase of land. According to the survey undertaken by the NEAD studies, in the INCRA database there were 34,632 entries of estates in the hands of foreigners in 2008, with a total area of 4,037,667 hectares. These are quite impressive figures, considering that the study did not include the "rush-for-farmland period" after the 2008 crisis (PRETTO, 2009). We also highlight that over 83% of this total refers to landed estates categorized as large farms (larger than 15 fiscal units).

**Table 2: Land Purchase (in Number of Estates and Area)
by Foreigners in Brazil, 1900 – 2000**

BRAZIL – Relative share of registries and areas by decade				
Decade	% registries	Accumulated % of the registries	% of the area	Accumulated % of the área
1900	0.012	0.012	0.0004	0.0004
1910	0.047	0.058	0.064	0.065
1920	0.143	0.202	0.170	0.235
1930	0.415	0.617	0.309	0.544
1940	1.207	1.824	0.971	1.514
1950	4.015	5.839	2.551	4.065
1960	8.773	14.612	6.194	10.259
1970	17.421	32.033	15.040	25.298
1980	29.888	61.921	27.940	53.238
1990	18.201	80.122	25.925	79.163
2000	18.783	98.904	20.152	99.315
No date	1.096		0.685	
Totals		100.000		100.000

Source: SNCR/INCRA – special research 2008.

Apud: Pretto (2009, p.21).

Table 2 was obtained through the study by Pretto (2009, p. 21), and illustrates the historical process of rural-estate purchase by foreigners. As can be seen in the table, the highest number of estates and the highest quantity of land registered by foreign individuals and companies took place in the recent period. Indeed, the 1980s, 1990s and 2000s concentrate this trend, corresponding respectively to 29.9%, 18.2% and 18.8% of the total number of estates registered by foreigners, and to 27.9%, 25.9% and 20.1% of the accounted area.

As a matter of fact, the process of purchase of Brazilian land by foreigners is not recent. An important landmark in this historical course was the Japanese-Brazilian cooperation in the implementation of distinct stages of Program of Japanese-Brazilian Cooperation for the Development of the Cerrados (PRODECER), designed in the mid-1970s and executed in the 70s and 80s in several Cerrado regions, especially in the states of Minas Gerais, Goiás, Bahia and Mato Grosso (BERTRAND et al., 1991; SALIM, 1986).

An update of these figures for 2010, using the same INCRA database, indicates – as can be seen at Table 3 – 34,371 rural estates owned by foreigners, encompassing a total 4,349,074 hectares. By the same table, it is possible to see that the largest part of the number of estates is concentrated in the states of São Paulo (35.7% of the total), Paraná (14.9%), Minas Gerais (7.68%) and Bahia (6.38%). When we consider area, the figures change, and point out to a leading role by the states of Mato Grosso (19.4% of the total area), Minas Gerais and São Paulo (with 11.3% each) and Mato Grosso do Sul (10.9%).

Table 3: Number and area of rural estates owned by foreigners in Brazil, May 2010

State	Number of Estates	%	Area (ha)	%
Rondônia	119	0.35	29,242.00	0.67
Acre	26	0.08	13,799.68	0.32
Amazonas	307	0.89	232,021.68	5.33
Roraima	66	0.19	27,729.49	0.64
Pará	1,143	3.33	235,628.39	5.42
Amapá	15	0.04	6,228.00	0.14
Tocantins	181	0.53	109,517.18	2.52
Maranhão	184	0.54	70,135.35	1.61
Piauí	82	0.24	58,770.32	1.35
Ceará	401	1.17	34,734.45	0.80
Rio Gde Norte	128	0.37	20,806.69	0.48
Paraíba	248	0.72	6,828.47	0.16
Pernambuco	368	1.07	9,667.19	0.22
Alagoas	101	0.29	13,577.66	0.31
Sergipe	81	0.24	3,439.45	0.08
Bahia	2,192	6.38	368,888.05	8.48
Minas Gerais	2,639	7.68	491,548.57	11.30
Espírito Santo	304	0.88	19,770.66	0.45
Rio de Janeiro	2,110	6.14	85,284.78	1.96
São Paulo	12,291	35.76	491,437.42	11.30
Paraná	5,130	14.93	299,061.84	6.88
Santa Catarina	1,290	3.75	54,605.77	1.26
Rio Gde Sul	1,895	5.51	113,801.07	2.62
Mato Grosso Sul	781	2.27	473,325.65	10.88
Mato Grosso	1,229	3.58	844,279.92	19.41
Goiás	843	2.45	230,629.91	5.30
Distrito Federal	217	0.63	4,314.36	0.10
Brazil Total	34,371	100.00	4,349,074.00	100.00

Source: INCRA, May 2010. Re-worked by the authors.

Our access to the database did not allow us to identify the dates of purchase/access to these estates, which made difficult a more precise view of the trend of land purchase by foreigners in the recent years. Yet, considering the previously-mentioned World Bank data, there is an intensification of this investment flow starting in 2008. Thus, with the data presented by Pretto (2009), in regard to the position of the registry in 2008, we can make an approximated comparison in order to verify the (absolute and relative) variance along almost two years (2008-2010). The result is displayed by Table 4.

We find an increase in the number of estates (an addition of 153 registers, representing a variance of 0.45% in relation to the data of 2008), but above all, a significant increase in the quantity of land incorporated by foreigners: approximately 312 thousand hectares, representing an estimated variance of 8% in relation to the previous basis – in a short period of time, as our data refer only to May 2010.

Table 4: Absolute and relative variance in the number and area of rural estates owned by foreigners in Brazil, 2008 to 2010

States	Number of Estates	%	Area (ha)	%
Rondônia	-4	-3.25	(5,145.29)	-14.96
Acre	0	0.00	-	0.00
Amazonas	5	1.66	126,725.69	120.35
Roraima	8	13.79	4,069.06	17.20
Pará	5	0.44	(1,062.05)	-0.45
Amapá	-1	-6.25	(200.00)	-3.11
Tocantins	8	4.62	5,041.79	4.83
Maranhão	8	4.55	5,035.44	7.73
Piauí	6	7.89	25,689.82	77.66
Ceará	23	6.08	3,210.69	10.18
Rio Gde Norte	14	12.28	4,428.42	27.04
Paraíba	-1	-0.40	(657.63)	-8.78
Pernambuco	28	8.24	1,209.70	14.30
Alagoas	2	2.02	(46.74)	-0.34
Sergipe	2	2.53	126.25	3.81
Bahia	95	4.53	(12,357.23)	-3.24
Minas Gerais	329	14.24	179,167.43	57.36
Espírito Santo	-1	-0.33	6,032.50	43.91
Rio de Janeiro	(13)	-0.61	9,622.69	12.72
São Paulo	89	0.73	(53,485.25)	-9.82
Paraná	(218)	-4.08	(7,855.38)	-2.56
Santa Catarina	8	0.62	2,462.64	4.72
Rio Gde Sul	(117)	-5.82	(516.37)	-0.45
Mato Grosso Sul	4	0.51	(1,841.83)	-0.39
Mato Grosso	(154)	-11.14	34,164.50	4.22
Goiás	14	1.69	(11,628.49)	-4.80
Distrito Federal	14	6.90	(240.44)	-5.28
Brazil Total	153	0.45	311,949.92	7.73

Source: INCRA, May 2010 and in Pretto (2009) based on INCRA, 2008. Re-worked by the authors.

Through Table 4, we can also see that the strongest positive variation in the number of estates between 2008 and mid-2010 took place in the states of Minas Gerais, Roraima and Rio Grande do Norte. When we consider the area of the incorporated land, a quite different figure appears, indicating Amazonas (with a brutal increase of 120% in the area of registered land), Piauí (77.7%), Minas Gerais (57.4%) and Espírito Santo (43.9%) as the most expressive states. A part of this trend, one may expect, is linked to the expanding agricultural, livestock and agro-industrial activities in the sectors of grain

and sugarcane, and also in the forest sector.

When it comes to arriving at conclusions, a measure of caution is in order in regard to the statistical data, as one may see in the figures on the origin of the capital invested in land assets (in the INCRA registry, around 35% of the data related to this item were either inexistent or invalid). In spite of that, it is possible to reach some considerations on the countries of origin of these land-investment flows, as shown by Tables 5 and 6.

Table 5: Origin of the capital invested in land in Brazil, 2010

Country	Area (ha)	%
Portugal	1,030,119.42	23.68
Japan	432,469.84	9.94
Italy	256,145.06	5.89
Lebanon	172,696.63	3.97
Spain	127,499.12	2.93
Germany	123,667.19	2.84
Netherlands	114,189.29	2.62
Others	530,927.01	12.21
Inexistent Data	1,208,690.22	27.79
Invalid Data	352,598.26	8.11
Total	4,349,002.04	100.00

Source: INCRA, May 2010. Data re-worked by the authors.

**Table 6: Origin of the capital invested in land in Brazil, 2010
(excluding invalid and inexistent data)**

Country	Area (ha)	%
Portugal	1,030,119.42	36.95
Japan	432,469.84	15.51
Italy	256,145.06	9.19
Lebanon	172,696.63	6.19
Spain	127,499.12	4.57
Germany	123,667.19	4.44
Netherlands	114,189.29	4.10
All (all countries)	2,787,713.56	100.00

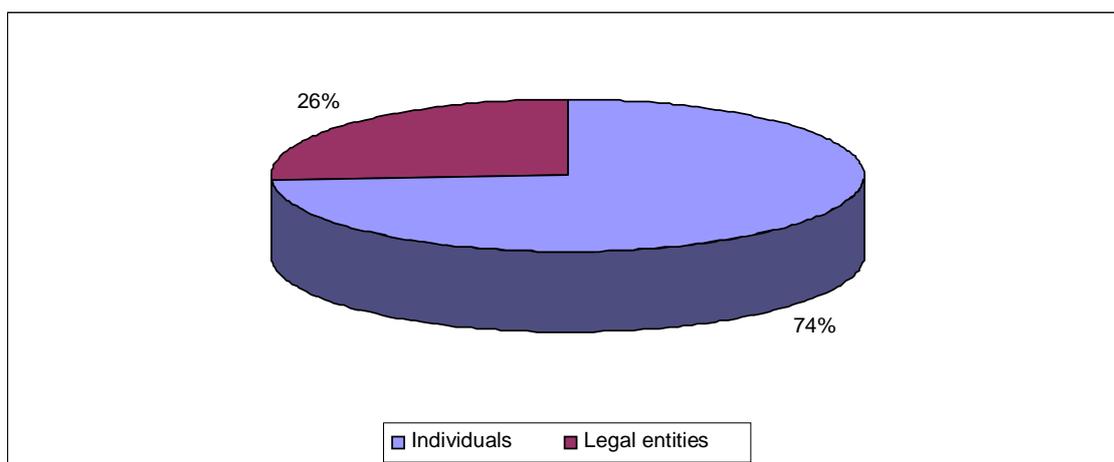
Source: INCRA, May 2010. Data re-worked by the authors.

Table 5 shows all registers, including those with either inexistent or invalid information of origin. The table shows seven countries with the strongest participation in the total of registered estates: Portugal, Japan, Italy, Lebanon, Spain, Germany and Netherlands. This becomes more evident when we discard the problematic registers of the database and extract the participation of these countries in the total land (see Table 6). As the time-reference of the table includes registers since the beginning of the past century, it is evident that there is an expressive presence of countries with a strong participation in the processes of colonization and immigration experienced by Brazil. We count on no other more detailed record that could allow us to make a cross examination on the origin

of the capital, including the purchase dates, the size of the estates and their geographical locations. However, through Figure 11 we can affirm that practically $\frac{3}{4}$ of all real estate registers refer to the occupation or ownership by individuals, while the remaining (26%) refer to legal entities. As Wilkinson et al. (2010) point out, in this latter case, the identification of foreign capital is more complicated, because many investors make use of national companies in order to incorporate these areas.

Figure 11 – Distribution of the rural property of foreigners, according to the type of owner (individuals and legal entities), Brazil, 2010 (%)

Source: INCRA (May 2010).



4. Land market, fluctuations in the prices of estates and the dynamic of land

Another aspect whose discussion seems essential to us is the impact of this expansion trend of agribusiness and the foreign ownership of land on the land market, and on the fluctuation of its prices. According to the newspaper *Valor Econômico*, the projects for sugar and alcohol executed between 2008 and 2010 led to an increase in the land value in the regions of expansion of the sugar-cane crops, especially in the new frontiers that are located mainly in the states of Tocantins, Goiás, Mato Grosso do Sul and Minas Gerais (BATISTA, 2010, p. B12). According to this article, a study by *NAI Commercial Properties*, a North-American multinational company specialized in the real estate market, shows that the land value has strongly increased since 2009, with up to a 33%-leap in the municipality of Pedro Afonso (TO). Also according to the newspaper,

Some regions of Goiás also recorded one of the highest value-increases, pushed by sugarcane. A market study by NAI in the region of the municipality of Edéia found that the hectare, which cost R\$ 8.5 thousand in 2009, is now negotiated at R\$ 10 thousand – a 17%-increase. It is in the municipality of Edéia that we find the project of the Tropical Plant, a partnership by British Petroleum and the Maeda Group – now sold to the Arion Capital fund – and by Santelisa Vale, which is now controlled by the French group Louis Dreyfus (BATISTA, 2010, p. B12).

Such increase in the prices has impacts on other policies (along with the agricultural policy of incentives to the sector), but especially on the agrarian policies. Besides stirring up the territorial disputes, the land policies are harmed because, among other factors, it is more expensive to expropriate and indemnify the estates for the purposes of

an agrarian reform, through the creation of settlements (ADAMS, 2010, p. 2).

On the other hand, it is crucial to consider that a significant part of foreign investments are funded with public resources (SAUER, 2010a), especially resources of the National Bank for Economic and Social Development (BNDES) and of the Constitutional Fund of the Midwest (FCO). These loans and fiscal incentives are now allocated mostly in the region of expansion of sugarcane and ethanol (Midwest), and soybean (Midwest, Amazon, Bahia and Tocantins) (PIETRAFESA, SAUER and SANTOS, 2010).

According to the magazine *O Focus* (2010), the BNDES is the largest credit provider of the sugar and alcohol sector for the production of ethanol. In 2007 and 2008, the bank “funded 59 ethanol projects, and a good part of the funding was used in the purchase of equipment for co-generation of electric energy from bagasse, oftentimes in regions of sugarcane expansion, such as Mato Grosso do Sul and Goiás” (O FOCUS, 2010). In other words, public resources have kept the land market heated, also enabling foreign investments in the production of agricultural commodities.

It is known that in Brazil, land purchase represented for a long time a solid alternative for investment capital (BRANDÃO, 1988), either with a direct-appreciation intention¹⁴ (in an investment type that, in spite of not reaching the highest peaks in terms of earnings, had no depreciation risk), or with the goal of using the land as an access-door to the strong subsidized rural-credit policy of the 1960s and 1970s (DELGADO, 2005).

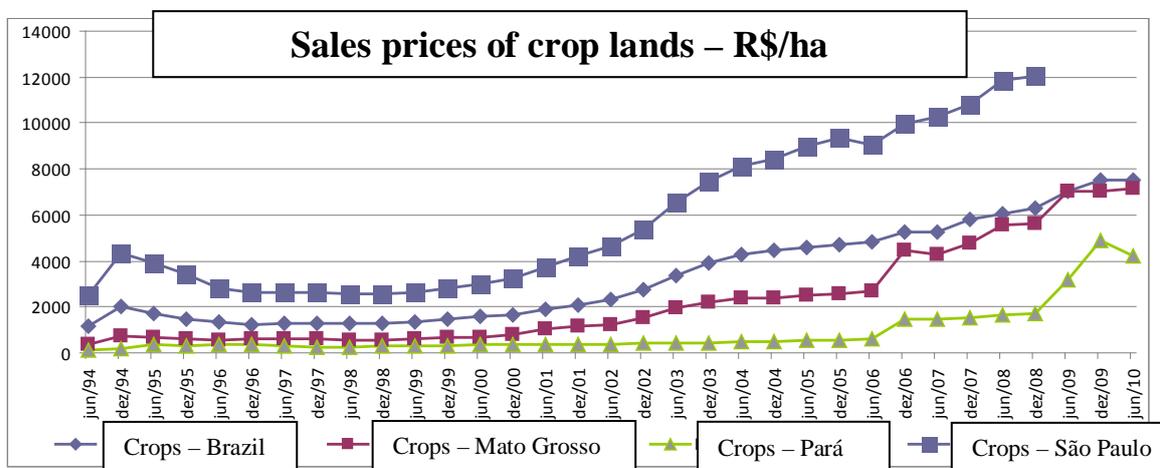
For a brief historical retrospective on the behavior of the prices of purchase and sale for rural estates, Wilkinson et al. (2010, p. 70) present a time-categorization that portrays a market cooling after Brazil’s process of macroeconomic stabilization, with the adoption of Plano Real in 1994, after decades of war on inflation. Thus, in the mid-1990s, the market experienced an ebb in the prices of rural estates, which prompted the minister of agrarian affairs at the time to state that the “structure of large farms in Brazil is finally broken”. However, as Wilkinson et al. (2010) sharply remark, already in the early 2000s, the prices had quickly recovered, in the wake of the good performance of the prices of the main commodities, spearheaded by soybean, until 2004. What followed next was a period of stability in the price of areas with crops, which was then brutally accelerated starting in 2007-2008 – according to the authors, backed by the investments made on the production of ethanol. With the financial crisis of 2008, there was a short-term negative impact on the behavior of prices, which nonetheless did not hit the more strategic regions for the production of commodities, as we shall see shortly.

Thus, it is possible to state that, as a rule, the process of expanding the productive areas based on export-directed monoculture farms, which has been examined so far, had an additional effect on the recent increase in the prices of rural estates of these regions (LEITE and WESZ, 2010). It is first necessary to note that, up to the late 1990s, the price of land areas with crops had significantly leaped in average terms for the Brazilian case, as we can see in Figure 12, which presents data on the total of the country and on a few selected states (São Paulo, Pará and Mato Grosso).

¹⁴ Ignácio Rangel minted the idea of a fourth type of land income (complementary to the existing types of absolute income, and differentiated income I and II), derived from the strong financial appreciation of rural property in Brazil, pointing for the first time to the capacity of landed property to become something close to a financial asset, attracting to itself a type of capital that is fleeing from currency de-indexation, in particular during the economic crisis of the 1980s (RANGEL, 1986).

Figure 12 – Variation in the sale prices of crop land (R\$/ha) in Brazil and selected states, 1994/2010 – current prices

Source: Fundação Getulio Vargas/FGVDados



We can see that the average price per hectare of crop lands, in the Brazilian case, leaped from R\$ 1,188.30 in June 1994 to R\$ 7,490.40 (an increase of more than 430%). It is also possible to verify that such intense increase started in 2000, as a trend that was followed by the state of Mato Grosso (a strong producer of grains), and, at a distance, by Pará, whose increase in the land value is more recent, due to the fact that its process of land occupation took place mostly along the 2000s. A noteworthy contrast is found in the strong increase in the land value in the state of São Paulo, an area that, as we have seen, concentrates the expansion of sugarcane and has the highest average price of land in comparison to the national average (R\$ 12,020.00/ha compared to R\$ 6,283.00/ha in December 2008).

This trend is even more evident in some regions that have experienced an expansion in the commodities, in particular the area seen as the Brazilian Cerrado. Let us once more take as an example the case of Mato Grosso in the Midwest Region of Brazil, illustrated by Figure 13. Along with strong variations in the price of purchase and sale of areas with crops, we can equally see a considerable addition in the areas with pastures, which become new open fields for cultivating soybean and cotton (LEITE and WESZ, 2010).

Figure 13 – Variation of land value (R\$/ha) in Mato Grosso 1994/2006 – current prices

Source: Fundação Getulio Vargas/FGVDados

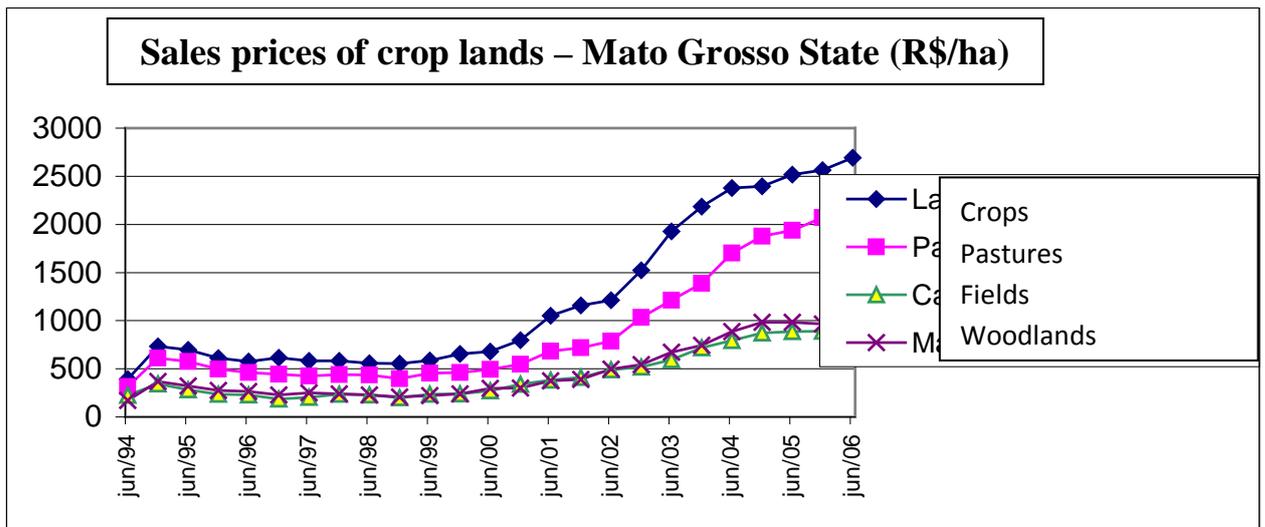
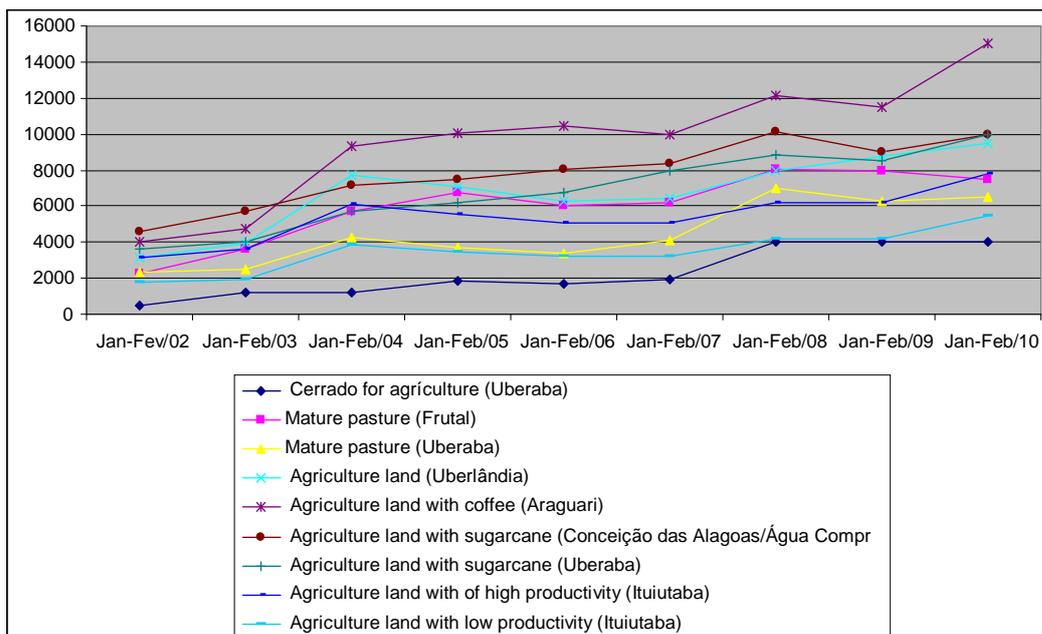


Figure 14 – Variation of land value (R\$/ha) in Minas Gerais, region of Uberlândia, 2002/2010 – current prices for selected municipalities

Source: Instituto FNP

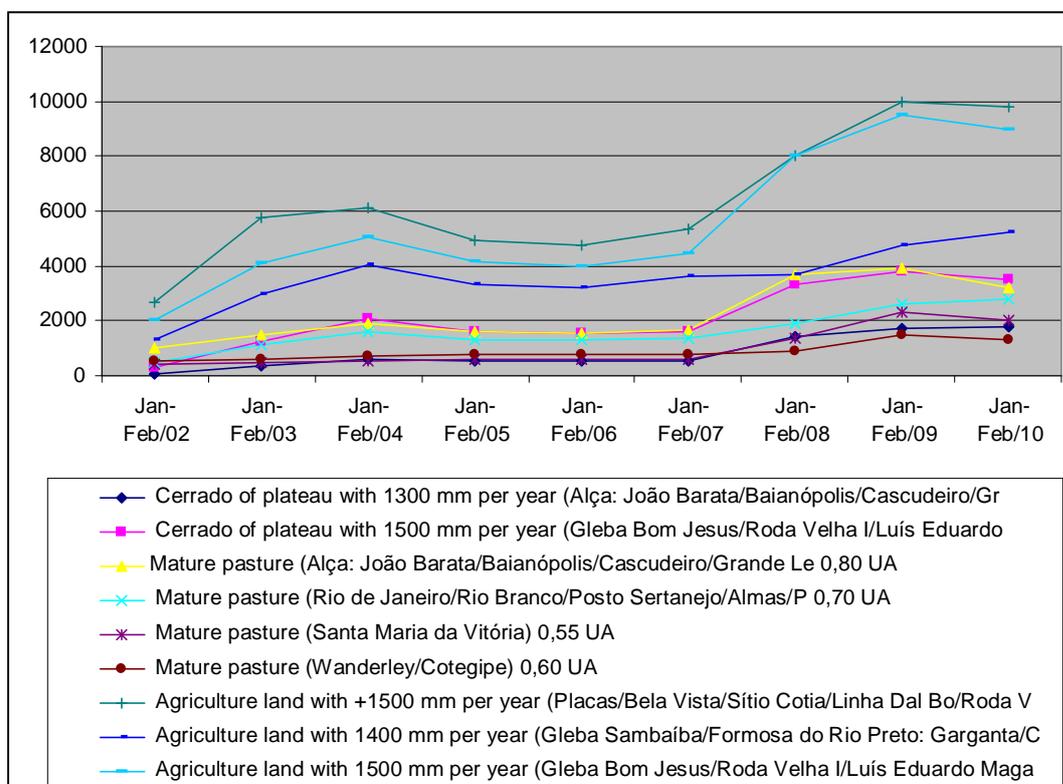


In some other regions, such as the Cerrados of Minas Gerais, Goiás and Bahia, the strong value-increase in the price of land has also been stimulated by the massive wave of new investments in sugarcane plantations, especially in the two first states, aimed at the production of ethanol, in the wake of the emergence of new types of fuel based on natural resources. This can be seen by Figures 14, 15 and 16, which were created based on data collected by Instituto FNP¹⁵.

¹⁵ Differently from the Getúlio Vargas Foundation (FGV), which does not make data available on the land market for specific municipalities and regions, and which has specialized itself in the semester-data on the aggregate behavior – according to the type of land – by state and for all the Federation, the FNP Institute

Figure 15 – Variation of land value (R\$/ha) in Bahia – West of Bahia, 2002/2010 – current prices for selected municipalities

Source: Instituto FNP



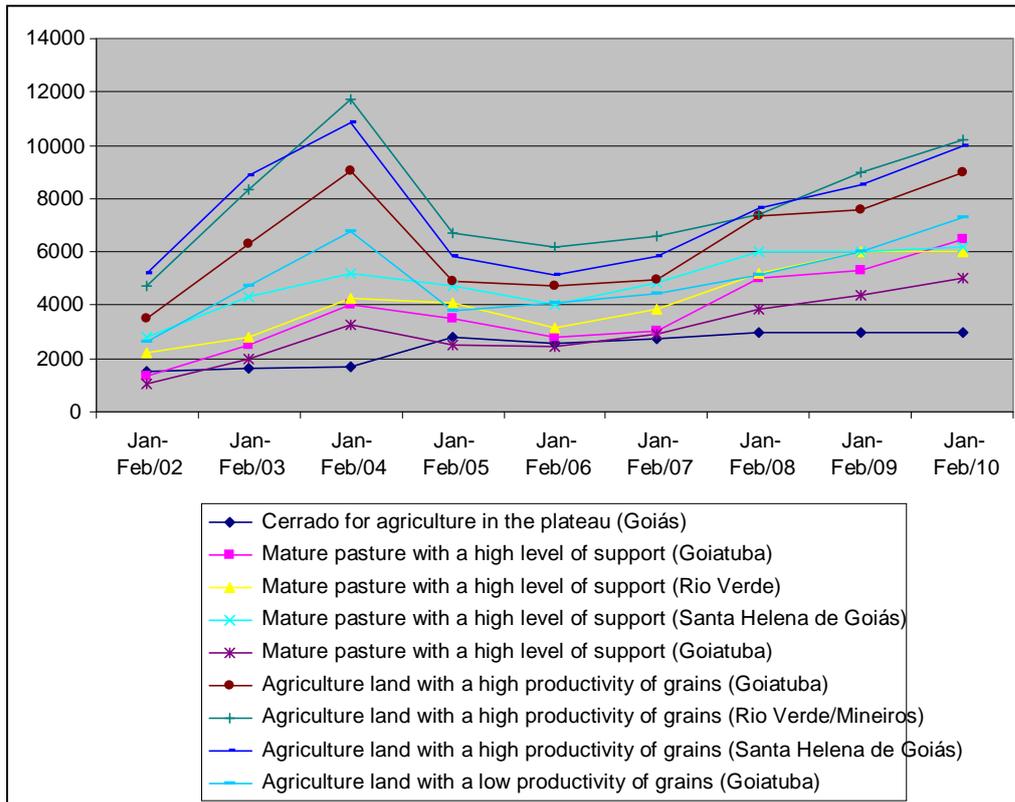
In the case of Minas Gerais, where we observe a trend of strong expansion in the area of sugarcane, there is a significant price-increase in the region of Uberlândia, known as Triângulo Mineiro, after 2007, particularly in the lands that cultivated coffee (the so-called “Cerrado-coffee”) and sugarcane (see Figure 14). In the first case (coffee), prices have leaped from R\$ 4,000.00/ha in January 2002 to R\$ 15,000.00/ha in January 2010 in the municipality of Araguari. In the case of sugarcane (municipality of Uberaba, for instance), there was a variation from R\$ 3,600.00/ha to R\$ 10,000.00/ha in the same time-interval. In the west of Bahia, also known for its vast plateaus, where soybean had arrived in the 1980s and 1990s, and which currently undergo an expansion of cotton and sugarcane crops (with national and international capital), the variations of price are also important. Indeed, after the 2005-2006 ebb, prices have quickly recovered, particularly in the agricultural lands of the municipality of Luis Eduardo Magalhães and surroundings. In spite of last year’s slight decrease, this municipality experienced an increase in its rural estates from R\$ 2,000.00/ha in January 2002 to R\$ 9,000.00/ha in January 2010, after reaching R\$ 9,500.00/ha in January 2009. Finally, in the Goiás area that produced grain and is now confronted with the expansion of sugarcane, known as the southwest of Goiás, variations have not lagged behind, as we see on Figure 16. The municipality of Rio Verde is the pole city of this microregion, with a strong land-price

collects and systematizes at every two months the behavior of prices for distinct situations of estates in the 133 regions defined by the research. However, the recovery of data for this source is limited, in our case, to 2002, whereas the FGV has a much longer historical series.

appreciation in the beginning of the decade, and a leap from R\$ 4,730.00/ha in 2002 to R\$ 11,727.00/ha in 2004. After a two-year recoil, prices began to climb again starting in 2007, reaching R\$ 10,200.00/ha in January 2010.

Figure 16 – Variation of land value (R\$/ha) in Goiás – Southwest of Goiás, 2002/2010 – current prices for selected municipalities

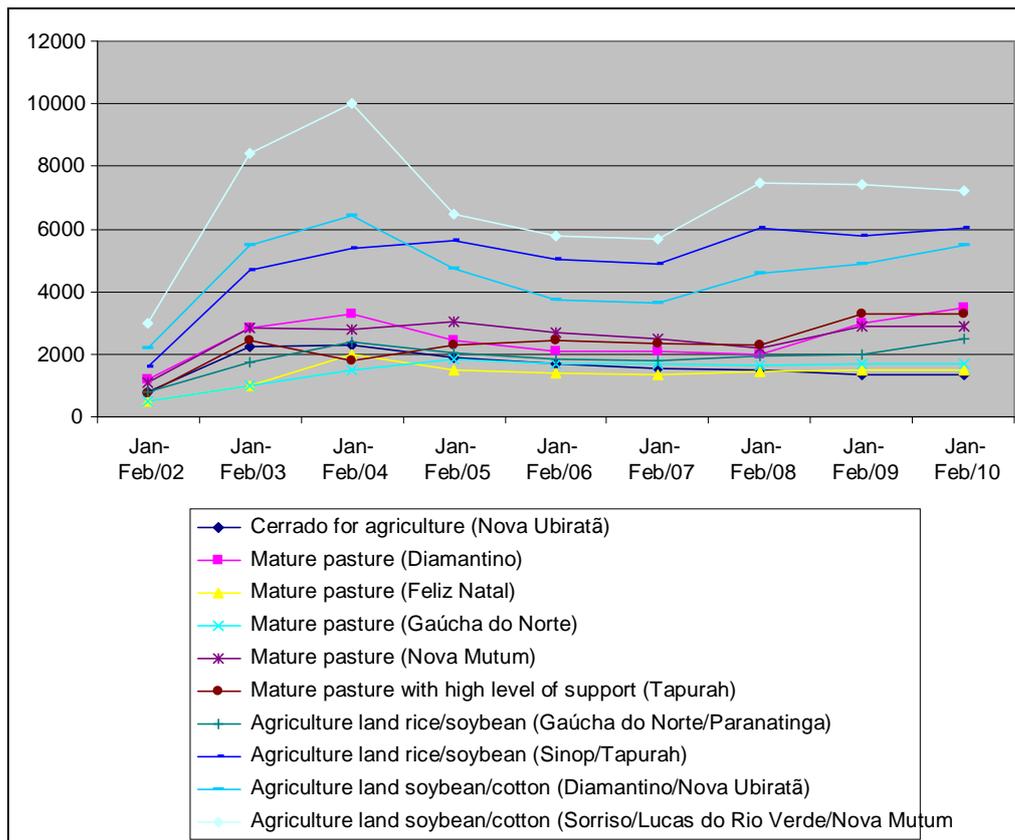
Source: Instituto FNP



Through Figure 17, we also examined the case of the mid-north of Mato Grosso, where a strong expansion has taken place in the grain-cultivated area, as we saw above. As the prices of estates are determined by the behavior of the international commodity-market, (especially soybean), there was a clear ebb-tide in the interregnum 2004/2007, after an extremely strong appreciation. After 2007, the prices of soybean and cotton lands (involving the municipalities of Lucas do Rio Verde and Nova Ubiratã, among others) rose once more, from R\$ 5,500.00 to R\$ 7,200.00 per hectare in January 2010.

Figure 17 – Variation of land value (R\$/ha) in Mato Grosso – Sinop Region, 2002/2010 – current prices for selected municipalities

Source: Instituto FNP



It seems evident to us, therefore, that the expansion of the agribusiness activities, along with the increase in the foreign investment, resulted in a strong process of appreciation in the price of estates, jeopardizing the situation of many segments. Facing such reality, these segments were forced to move towards more distant areas, making the issue of access to land and to the territory quite more complex, as we shall see in the item below.

5. The demand for land: governmental limits and social fights

From the findings that “the demand for land has been enormous” (WORLD BANK, 2010, p. xiv), and that “the ‘land rush’ is unlikely to slow” (WORLD BANK, 2010, p. 14), the World Bank has made a series of recommendations. IBRD sees this demand as “a business opportunity”, so its main concern is to provide sustainability to it, promoting investments in a “responsible” way (WORLD BANK, 2010, p. x). The same is also valid for the Brazilian case.

Analyzing the document of the World Bank, Nassar (2010) corroborates its conclusions, highlighting this increasingly strong demand as an important “window of opportunities” also for Brazil. Using the examples of the sectors of communication and finance, Nassar also defends regulation mechanisms to secure that the foreign investor will contribute

with services in the country¹⁶. According to him,

In the same way, measures can be taken in order to make the land investor produce income and work, not concentrate the possession of the land, fulfill environmental duties above the average of the sector, and promote technology transfer to less prepared producers. With the correct incentives, the foreign investor can become an example for the agricultural sector (NASSAR, 2010).

However, this “rush for farmland” has frightened even representatives of agribusiness, as was the case of Glauber Silveira, President of the Association of Soybean Producers (APEOSOJA). When Silveira took office as APEOSOJA president in May, he estimated that one million hectares of Brazilian land (cultivated with soybean) are in foreign hands. In his words, “even if it is advantageous for the producer with a land leasehold, the foreign thrust is worrisome, as it pushes the Brazilian competitor away from the business and allows the territorial occupation of Brazil” (TAVARES, 2010).

With the same perspective, the editors of the newspaper *O Estado de São Paulo*, in its article entitled “China buys land in Brazil”, affirmed:

Former minister Antônio Delfim Netto is right when he recommends caution with selling of lands to Chinese State-controlled companies, or to companies with a State participation. Foreign investments are welcome as a rule and may make important contributions to the country’s growth. Foreign groups can make good deals while strengthening the Brazilian economy with additional resources, and, occasionally, with technological inputs. But ‘businesses’ undergo a change of meaning when the investments are subordinated to the strategic reasons of a foreign State. In the cases of natural resources and agriculture-land, a proper evaluation of such strategy becomes a security-issue (2010, p. A3).

In spite of a certain consensus that it is necessary to be cautious with the voraciousness of foreign investments, there is no agreement on the concrete measures to be adopted. Even expressing alarm in regard to such voraciousness, positions range from a constant defense of free circulation of capital (including land purchase), through the proposition of institutions and rules in order to restrict profit transfers towards abroad (NASSAR, 2010), all the way to demands for a stronger control by the State (ALFONSIN, 2010).

The fight to diminish the concentration of land led the National Forum for Agrarian Reform to promote in 2010 a national land-limit campaign. The campaign included a plebiscite (popular consultation) and a signed petition (supporting an act on the issue), with the goal of defining a maximum limit of 35 fiscal units for each and every estate, and not only for foreigners.

According to the campaign materials, setting a maximum limit would have two central points that were not meant to threaten private property, but to allow a diminishment of the land concentration: a) defining a clear mechanism of limited use of the common good (the land); b) establishing justice in the rural environment, as all must have the right to the land, and other rights, which become secured starting from access to land.

Also according to these materials, “a limitation of the size of rural estates is justifiable

¹⁶ Analyzing the distinct proposals of “codes of conduct” for land purchase, as proposed by FAO, FIDA and the World Bank, Borrás and Franco point out to a series of dangers, concluding that they are based on the “belief, bereft of all criticism, in the essential benevolence of the measures with a formal and juridical nature, such as clearer contracts, clearer and safer property rights (understood, in general, as private and individual rights), transparent contracts, the existence of a free, previously thought and well-informed consent, and the establishment of partnerships between the State and civil society” (2010, p. 14).

also as a stimulus to an increase in the production of food, in the preservation of the natural resources, in rural employment and in settling people in the countryside, and also to hinder further offenses to the Brazilian territorial sovereignty”.

From the concern with a possible loss of national sovereignty and of positions in the INCRA, the Brazilian Federal Executive asked the Office of Solicitor General (AGU) to produce Informed Opinion GQ181. This Informed Opinion was issued in 1998 and demobilized “any form of effective control on land purchase by foreign companies in Brazil” (PRETTO, 2009, p. 7).

Such loss of control is explicitly mentioned in the new Informed Opinion of the AGU. According to the document, since the previous informed opinions of 1994 and 1998,

... the Brazilian State lost the objective conditions to exert an effective control on the purchase and leasehold of land by Brazilian companies whose stock control and management control are in the hands of foreigners who do not reside in the national territory (ADAMS, 2010, p. 2, item 6).

Facing an increasing demand for land, and the finding that the INCRA had no concrete mechanisms to exert an adequate control on land purchasing, the working group formed to evaluate the situation concluded that it was necessary “to review the informed opinions, in order to provide the Brazilian State with better conditions to supervise the land purchases by Brazilian companies controlled by foreigners” (ADAMS, 2010, p. 3).

In 2010, the AGU issued Informed Opinion LA-01, of August 19, 2010, reestablishing the possibilities of limiting, or better yet, of regulating the process of land appropriation by foreigners in Brazil. This document resumes the provisions of Act 5709, of 1971, affirming that this act must be accepted under the scope of the Constitution of 1988. This act was created to regulate land purchase by foreigners, setting the maximum limit of purchase of 50 units (art. 3), and establishing that the sum-total of the estates of a foreign individual cannot be more than one fourth ($\frac{1}{4}$) of the area of the municipality (art. 12) (ADAMS, 2010, p. 4)¹⁷.

Alfonsin (2010) evaluates the validity and the scope of the AGU’s Informed Opinion and affirms that the Federal Constitution itself underlines “two fundamental rights in connection to the national territory and entrusted by its people: the first of them, quite obvious, is the sovereignty over its land (art. 1, single paragraph of the Constitution); and the second is the necessary reflex of such sovereignty on national security” (2010, p. 4)¹⁸. From this constitutional provision, Alfonsin affirms that “the Informed Opinion approved by the Presidency of the Republic and recently published on August 23 had no function other than acknowledging the efficaciousness of the constitutional norms to defend and protect our territory and our people” (2010, p. 20), therefore the adoption of control measures by the State is of fundamental importance.

Without questioning the juridical and legal importance of this Informed Opinion, we must nonetheless state that the solution of the problem is not reached with it. First, there are problems in the contents of Act 5709/71, such as for instance the limit of 50 units or

¹⁷ It is important to note that Act 5709, in its art. 7, also rules land purchase in frontier areas, which is also an important theme in discussion, especially in the Congress, where there are pressures for reviewing the act that regulates the borders of Brazil.

¹⁸ As anticipated in the first topic of this text, the withdrawal of controls on land purchase in Brazil partly took place through the approval of the Proposal of Constitutional Amendment (PEC) 6, revoking art. 171, Incision I of the Constitution, which defined the concept of national company; but also by the Informed Opinions of 1994 and 1998, which denied the acceptance of Act 5709 of 1971 by the 1988 Constitution.

the restriction to one fourth of a municipality's area, as there are huge municipalities in Brazil, especially in the North and Midwest Regions, which are the main targets of the search for land and of the expansion of agribusiness (see HEREDIA et al., 2010).

Secondly, the land issue widely transcends the problem that became known as "farmland grab" [in Portuguese, "*grilagem de terras*"], a "reaction to the negative effects (NASSAR, 2010) of the farmland rush and of the ensuing appropriation of land by foreigners. It is fundamental not to forget the historical levels of concentration of landed property in Brazil, newly corroborated by the Agriculture and Livestock Census of 2006, as we highlighted above. Such concentration of land will not be reverted with the adoption of mechanisms to control land purchase by foreigners, as the crushing majority of the large areas is in the hands of a few Brazilian individuals.

On the other hand, the State failure to implement the agrarian-reform policy (there have been few expropriations of land in areas that are not fulfilling their social function, few families have been settled in settling projects, and so on), and the sluggishness to acknowledge the territories of Quilombo-communities, and to demarcate Indigenous lands must be considered as parts of this process.

Regarding the territorial rights of Quilombo-communities, for instance, one finds a situation of total neglect by the governmental bodies in charge of the matter (SAUER and FLORÊNCIO, 2010). According to the mission report on human-rights violations in the backcountry [the "sertão" areas] of the state of Pernambuco,

As to the country of the Sertão de São Francisco de Pernambuco, the microregion of Petrolina has 18 Quilombo communities either acknowledged and/or in process of acknowledgment [by Fundação Palmares], totaling 1807 families. None of these families holds a land certificate, and some of them have not even started the legal procedures at INCRA for obtaining one (SAUER and FLORÊNCIO, 2010, p. 6).

Furthermore, there are many cases of violations of territorial rights as a result of public investments in infrastructure works. The most emblematic case in the semi-arid areas of the northeast is that of Quilombo Negros de Gilu (Municipality of Itacuruba), affected by the construction of the Hydroelectric Power Plant Luiz Gonzaga in 1988, when the families lost their land for the Itaparica Lake. After a 22-year wait, these families were not yet indemnified, and the location goes on as a "landless Quilombo" (SAUER and FLORÊNCIO, 2010, p. 7).

At the present, other communities of Quilombos, peasants and Indigenous peoples are threatened by new infrastructure works, such as the transposition project of the São Francisco River and the construction of the Riacho Seco Dam, both funded with federal resources. The transposition canal cuts through the settlement of Jibóia (Municipality of Cabrobó), affecting an entire area of preservation, and, yet, it does not secure water to the settled families. In spite of the promises of compensation works, the families did not even receive the installations for production, that is, the equipment agreed for irrigating 0.5 hectare by drip and 0.5 hectare by micro-spray for each family, according to the Ministry of Integration (SAUER and FLORÊNCIO, 2010, p. 13).

On the other hand, the construction of the Riacho Seco Dam, also in the São Francisco River, will directly affect four Quilombo communities: Serrote, Cupira and Inhanhum, located in the municipality of Santa Maria da Boa Vista (PE), and Nova Jatobá, located in Curaçá (BA). The area of the Quilombo community of Cupira will be totally flooded (SAUER and FLORÊNCIO, 2010, p. 11). According to information of the mission,

The Companhia Hidrelétrica do São Francisco (CHESF), which is responsible for

the works, undertook studies for their execution without the observance of the legal provisions that secure rights to the Quilombo and Indigenous communities... (SAUER and FLORENCIO, 2010, p. 12)¹⁹.

The right to the territory is already a right secured in international treaties, such as the already mentioned Convention 169 of the ILO, ratified by Brazil, as well as in the Brazilian Federal Constitution. However, it is fundamental that this territorial right be effectively secured in the governmental actions, because

... the land has a totally different significance from what the mass-culture of the West understands. It is not only about housing, which can be substituted by the individual with no bigger traumas, but about the link that keeps the group united and allows its continuity in time through successive generations... (SARMENTO, 2008, p. 7).

The same comprehension must be extended to include the other countryside populations that fight for the right of access to land. For them, as much as the territory, the land not only signifies a means of production, but indeed a place for living and constructing an identity (being a rural worker, for instance) (SAUER, 2010). In this sense, it is crucial to deepen the debate on the “right of the family-based, peasant producers” as a key human right for social reproduction and life quality in the countryside.

Final Considerations

The Brazilian countryside has historically been a stage of territorial disputes, not only due to the resistance against expropriation, exploitation, and to the popular actions and demands for land access. The actions and causes of the organizations of employers also made this dispute explicit, ascribing a special value to the territory and materializing the alliance between capital and land. Such alliance has been reinforced and expanded, due to the increasing demand for land, and to the inflow of foreign investments.

In spite of having been seen by some as an opportunity for business, the land cannot be reduced to a mere asset and a means of production. Furthermore, the world demand for land is in direct confrontation with the historical demand for agrarian reform, both in the sense of a direct competition for a finite good, and of a reality that leads to increasing prices and increasing costs for the public policies of access to the land.

On the other hand, to reduce land to a mere means of production is also a product of the introduction of the “productive-land” concept in the 1988 Constitution as a mechanism to block advances in terms of agrarian reform. By restricting the social-function notion to its economic dimension (the single expropriation criterion for the purposes of agrarian reform is the evaluation of the rational use, in terms of production), this constitutional lock increased the distance between the notions of land (means and place of production) and territory (place of identity, self-recognition, historical occupation, and of being and living).

¹⁹ No Previous Consultation was made as demanded by Art. 6 of the ILO Convention 169, according to which “governments shall: a) consult the peoples concerned, through appropriate procedures and in particular through their representative institutions, whenever consideration is being given to legislative or administrative measures which may affect them directly; b) establish means by which these peoples can freely participate, to at least the same extent as other sectors of the population, at all levels of decision-making in elective institutions and administrative and other bodies responsible for policies and programmes which concern them (...)” (BRASIL, 2004).

Besides affecting the fight for land and the historical demand for a place to work and live, the increasing investments in land assets threaten the food security and sovereignty. These investments concentrate the agriculture and livestock production even further in a few commodities, and this concentration – both of products and of their ownership – favor monopolies and the increase in the control of the production of food and agro-energy by a few.

The increasing mass of foreign investment in Brazilian land has met with opposite manifestations, including manifestations by representative segments of Brazil's so-called "agribusiness", as well as by opinion articles in the press. It is interesting to notice that even in these sectors that defend a "pro-market" perspective, there is clearly a position of alertness in regard to the quantity of land purchased by foreigners, thus becoming more distant from the recommendations of the World Bank study, which was more aimed at exploring the windows of opportunities of these new areas through what has been dubbed as "responsible investments".

The above-mentioned Informed Opinion of the AGU of August 19, 2010, reestablished regulatory capacities in this field. Without overlooking the juridical-legal importance of this informed opinion, whose notice caused a good impression in certain international circuits by showing the possibility of an effective action by the State in such a strategic sector, the solution the problem, as we have seen, is not encased in this instrument. Yet, such initiative opens a path so that the discussion may reach further space and breadth in the country.

The land issue widely transcends the *land-grabbing* problem, which may involve from the unlawful occupation or arrest of land to commercial transactions tout court, as a reaction to the negative effects of the land rush and its consequent appropriation by foreigners. It is therefore crucial to remember the historical levels of concentration of land in Brazil, newly corroborated by the Agriculture and Livestock Census of 2006. Such concentration will not be reverted only with the adoption of control mechanisms to land purchase by foreigners, as the crushing majority of large estates is in the hands of a few Brazilian individuals – a situation that increases the urgency for adopting policies of redistribution and territorial ordering, such as, for instance, the agrarian reform and the recognition of areas as belonging to Indigenous and traditional populations.

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