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## Land-grabbing in and by Brazil: victim and buyer

### *Land-grabbing no e pelo Brasil: vítima e comprador*

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### **Abstract**

This article intends to analyse the dual role of the Brazil in the phenomenon of Land Grabbing. This paper addresses, in the first chapter, a definition of Land Grabbing, which helps in the delineation of the discourse, then in the second, gives a general analysis about the issue of Land Grabbing; in the third chapter, the study analyses the role of the Brazil as a victim, particularly in the areas of Cerrado and Amazonia; in the fourth chapter the role of Lula's government in the attempt to stem the Land Grabbing and, in the final part the Brazilian' role as a buyer, particularly focusing on the presence of Brazilian investors in Mozambique.

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**Keywords:** Land Grabbing; Brazil; Mozambique; Cerrado; Amazonia; Nacala.

### **Resumo**

*Este artigo pretende analisar o duplo papel do Brasil no fenômeno da apropriação de terras. O estudo aborda, no primeiro capítulo, a definição de apropriação de terras (Land Grabbing), que ajuda na delimitação do discurso, depois no segundo capítulo, oferece uma análise geral sobre a questão da apropriação de terras; no terceiro capítulo, o estudo analisa o papel do Brasil como vítima, particularmente nas áreas de Cerrado e Amazônia; no quarto capítulo, o papel do governo Lula na tentativa de deter a apropriação de terras e, na parte final, o papel do Brasil como comprador, com foco especial na presença de investidores brasileiros em Moçambique.*

**Palavras-chave:** Land Grabbing; Brasil; Moçambique; Cerrado; Amazônia; Nacala.

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## **1. Introduction**

Land grabbing is not a new thing, but a phenomenon that has always been present in human history. For example, in pre-colonial land seizures were linked with territorial wars, European enclosures in the North and dispossession of native people in North America and Australasia. In many regions of the global South, land was first grabbed by pre-colonial leaders in chronic territorial wars, then by colonial governments and, a second time, by foreign or domestic corporations.

In the late-colonial and post-colonial decades, both governments and civil society groups in many countries tried to correct some of these historical distortions by land reforms or by other means to stimulate the land redistribution to smallholders.

Some of these initiatives were modest reformist tentatively intended to stem the radicalization of the rural poor as a political force, as in Kenya's Swynnerton Plan of 1954, while others were adopted by newly independent post-colonial states engaged in projects of indigenization,

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creating a stable and productive mass of relatively homogeneous 'family farms' or socialist collectivisation (GHOSE, 1983).

This phase was also characterised by low prices of agricultural products, surplus production in OECD countries<sup>1</sup> and barriers imposed on their marketing, which had made agriculture an unattractive sector for investments (VIOLI, 2015, p.19).

Today, all these policies are being overturned as governments and international development organisations support the acquisition of great areas of land by large corporations, foreign and domestic, usually in the form of long-term concessions or leases rather than outright purchase, in the name of development and supporting a large-scale capitalist farming idea.

Nowaday, the Land Grabbing phenomenon is the result of a complex combination of factors motivated by price volatility in global markets, the global food and financial crisis and high levels of speculative activity that exploded in the 2008 economic crisis.

However, the main factor driving the development of this phenomenon is the food security: in 2007, the absolute number of people living in urban centres worldwide surpassed the number of people living in the countryside for the first time, but the absolute number of rural dwellers has continued to grow. Poverty is often associated with hunger, and in 2008, there were an estimated one billion hungry people in the world (FAO, 2008), and this stimulated the FAO to announce that food production would have to double by 2050, with the required increase mainly in developing countries where the majority of the world's rural poor live, and where 95 per cent of the population increase during this period is expected to occur.

Many factors concerning food security, such as the rapid increase of food prices in 2008, severe climatic conditions and scarce land and water, combined with economic and demographic growth, have led many nations, particularly in the middle east and Asia, to review their domestic food security policies. Governments are looking to stabilise supplies by acquiring foreign lands for food production in the hopes of averting domestic social conflict and political instability over food price and supply (SHEPPARD; MITTAL, 2009).

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<sup>1</sup> The Organization for Economic Cooperation and Development is a forum where the governments of more than 30 democracies with market economies work with each other, as well as with more than 70 non-member economies to promote economic growth, sustainable development and prosperity. The OECD provides a setting where governments can compare policy experiences, research solutions to common problems, identify good practice and coordinate international and domestic policies.

The corporate investment in food crops is concerned with the production of human foods, and with the growing livestock industry, because this situation is caused also because of the changing diet of fast growing large economies, such as China and India: the ‘meatification’, the increase of meat consume, has profound impact on the feed complex, which has direct consequences on land use (WHITE, BORRAS, SCOONES, WOLFORD, 2012).

Brazil is in a unique situation in the phenomenon of Land Grabbing, because the general trends identified are “land-poor/capital-rich” sovereign funds and associated agribusiness corporations and financiers making large purchases of agricultural land and other agribusiness-for-export investments in “land rich/capital-poor” countries, mostly in Africa but also in Asia and Latin America (GRAIN, 2008). Instead, in Brazil there are extensive agricultural lands, exploited by foreign corporations and state institutions, but also capital-rich agribusiness corporations and financiers who exploit the local environment and the foreign ones.

In Brazil, the world’s sixth largest economy and second largest agricultural producer, Land Grabbing is not a new phenomenon. Land grabs and land theft (grilagem) have been crucial in the creation of a highly concentrated system of land ownership where, today, just 1.5 percent of rural landowners occupy 52.6 percent of all agricultural lands (DATALUTA, 2010). With the modernization of agriculture in the 60s foreign investors have started to focus their interests in the fertile Brazilian land. Contemporary forms of foreign land occupation have emerged with transnational agribusinesses and international capital playing a central role, especially for the production of soybeans and sugarcane (CLEMENTS; FERNANDES, 2013).

Despite Brazil is a country terribly affected by Land Grabbing, it has become an active promoter of land grabbing practices abroad. After buying lands in Latin America, its purchases have moved to Africa, particularly in Mozambique, that nowadays is the epicenter of Brazilian investments in Africa.

Brazil is currently in the process of exporting its model of agrarian capitalism to Mozambique through the Program for the Development of Agriculture in the Tropical Savannahs in Mozambique – Prosavana (MOCUMBE, 2009). A sister project to Prodecet, Prosavana seeks to

modernize agriculture in the country by transplanting Brazilian agribusinesses and agricultural expertise to the savannahs of Mozambique.

In this recent and rapidly accelerating phenomenon Brazil is both a victim of foreign land grabs and a promoter of such practices – initially in the Latin American continent, and now in Africa.

This article intends to analyze the dual role of the Brazil in the phenomenon of Land Grabbing, because since Brazil does not conform to the global tendency, investigating its internal dynamics is required to understand where and how such land grabbing is in fact taking place.

This paper addresses, in the former chapter, a definition of Land Grabbing, which helps in the delineation of the discourse, then in the second, gives a general analysis about the issue of Land Grabbing; in the third chapter, the study analyses the role of the Brazil as a victim, particularly in the areas of Cerrado and Amazonia; in the fourth chapter the role of Lula's government in the attempt to stem the Land Grabbing and, in the final part the Brazilian' role as a buyer, particularly focusing on the presence of Brazilian investors in Mozambique.

## **2. What's Land Grabbing? The definition of the term**

The term “grabbing” as it is usually found in the media and in the literature is associated to land with a negative connotation, because its use is linked to practices that do not contribute to sustainable development and are generally connected with violations of human and environmental rights.

There is no commonly agreed legal definition of “land grabbing”, but some studies offer the idea of three key interlinked defining features of contemporary land grabbing (BORRAS; FRANCO; GO'MEZ; KAY; SPOOR, 2012):

a) The idea that land grabbing is essentially “control grabbing”, inherently relational and political aspects, because it involves political power relations, and it is only a part of a greater problem, which is manifested in the power to control lands and resources, in order to draw benefits. The phenomenon can occur with green grabbing, mineral grabbing, water grabbing and, of course, land grabbing (TRANSNATIONAL INSTITUTE, 2013). All resources that are essential to ensure the livelihood of local populations in developing countries and fundamental for the preservation of the indigenous cultures, strongly connected with their ancestral lands.

b) The idea that considers land grabbing in relation with the dimension of the phenomenon, where the dominant view that defines “large-scale” land acquisitions as those that pass 1000-ha benchmark (See OXFAM, 2011; DEININGER; BYERLEE; LINDSAY; NORTON; SELOD; STICKLER. 2011), or also with the scale of capital involved (BORRAS; FRANCO; GO´MEZ; KAY; SPOOR, 2012). The acquisition of lands may take place through various instruments, such as contracts of purchase, lease, contract farming, forest conservation.

c) The idea that the first two features are the same characteristics of land grabs that happened worldwide historically, because the distinction from the new phenomenon of land grabbing is the fact that new land grabbing occurs in response to the convergence of multiple crises: food, energy, climate change and financial crises (BORRAS; FRANCO; GO´MEZ; KAY; SPOOR, 2012). This stimulated the development of the growth of “flexible crops”<sup>2</sup> and the creation of alliances: for example, major multinational players such as Cargill and Monsanto are involved in a “feed-fuel alliance” based on genetically modified soy, rapeseed and maize and Cargill, ADM-Kuck-Wilmar and Synergy Drive are involved in the “palm-oil alliance” in Indonesia (WHITE, BORRAS, SCOONES, WOLFORD, 2012).

A possible definition of current land grabbing may be the taking of control of relatively vast tracts of land through a variety of mechanisms and forms that involve large-scale capital that often shifts resource use orientation into extractive character, for international or domestic purposes, as capital’s response to the convergence of food, energy and financial crises and climate change mitigation imperatives (BORRAS; FRANCO; GO´MEZ; KAY; SPOOR, 2012).

We can distinguish between “direct” and “indirect” land grabbing: the first occurs when the subject entitled to a natural resource, such as land, is illegally deprived of it, for example because the land is obtained as a consequence of a violation of the property rights of the owner or without the respect of the applicable procedural requirements. This is the case for lands accessed without the consent of indigenous peoples who legitimately own them.

The “indirect” land grabbing relates to the unsustainable management of the resources, which caused negative effects on the local populations’ fundamental rights, the environment and on the other stakeholders involved. A type of “indirect” land grabbing can be qualified as

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<sup>2</sup> Crops that have multiple uses (food, fuel, feed, industrial material), such as soy and sugarcane.

de facto, and occurs when States are bounded by conventional obligations that limit their regulatory powers to follow legitimate public objectives, and when they can't react against land grabbing situations, because their public policy space is limited by international trades (ROMANIN JACUR; BONFANTI; SEATZU, 2015).

Currently, the main investors are from, China, South Korea and the Gulf States (FAO, 2009). Modern land grabbing is characterised by the variety of investors, mainly States, sovereign funds and private sector investors. They have primarily targeted low-income States in Africa, but also South Eastern Asia and South America.

The major international players attempted to control the explosion of this phenomenon especially with non-binding instruments but the phenomenon was also fed by others, particularly the World Bank, who emphasises the opportunities connected with foreign investments in the agricultural sectors of the Global South that are characterised by under-investments in the last decades. This view interprets the Land Grabbing phenomenon as an opportunity to stimulate the economic growth and the development of life's conditions of local populations, with a minimisation of the associated risks. Since the 1980s, the World Bank has been advocating economic growth through market liberalisation for foreign investments as the central strategy for the Global South's development (WORD BANK, 2010).

### **3. The phenomenon of Land Grabbing: A general analysis**

To sum up the phenomenon of Land Grabbing we can say that it is the catch of control of massive tracts of land and other natural resources, with large-scale acquisitions, either buying or renting, perpetrated usually in developing countries, by domestic and transnational companies, governments and individuals, that often shifts the use of resource into extractive character (VON BRAUN; MEINZEN-DICK, 2009). In 2012, Borrás, Hall and others wrote that "the phrase 'global land grab' has become a catch-all to describe and analyze the current trend towards large scale (trans)national commercial land transactions"(BORRAS; FRANCO; GO´MEZ; KAY; SPOOR, 2012, p. 846).

The investments in land are realized with acquisition or long-term lease contracts (50-90 years), usually in countries with informal and traditional laws, recognized locally but not in international agreements. The



main actors are the private sector, including agribusiness, investment banks, hedge funds and commodity traders. Many land deals may be made on unequal terms between investors and local communities, because the latter cannot effectively negotiate, because of a lack of power, knowledge and also of official rights (BORRAS; FRANCO; GO´MEZ; KAY; SPOOR, 2012).

A significant increase of this phenomenon was in 2008, during the food crises, when China, South Korea, Japan, Saudi Arabia, Kuwait and other Countries bought and leased huge quantities of foreign land for the production of food or biofuels for domestic consumption. Between October 2008 and September 2009 it has been estimated that over 56 million hectares of land were transferred globally, two-thirds of it in Sub-Saharan Africa (DEININGER; BYERLEE; LINDSAY; NORTON; SELOD; STICKLER. 2011). The objective is always the same: the food security for the “first” world, exploiting the resources of the third world, such as land, but also water.

The most affected countries are Papua New Guinea, Indonesia, South Sudan, Congo D.R., Mozambique, Brazil, Ukraine, Liberia, Sudan and Sierra Leone (VON BRAUN; MEINZEN-DICK, 2009).

The reasons to invest in Land Grabbing are food safety, such as the case of the Gulf countries (Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates), located in desert areas that increase the difficulty of producing food, and financial speculation, because with climate changes and depletion of agricultural resources such as land and water, fertile soils could gain a higher value in the future.

This phenomenon has the potential to stimulate investments in agriculture and rural areas in developing countries, but it is also characterized by a very negative impact on the local populations, who risk to lose access and control of the land on which they depend, and the environment, because of monocultures, especially soy, and deforestation (OLIVEIRA, 2013).

For example, the Calabar Declaration (WORLD RAINFOREST MOVEMENT, 2013), an agreement between many organizations operating in the support of local farmers, says: “Where multinational companies have engaged in implementing large-scale monocultures, they have left misery and poverty, hundreds of people are imprisoned or killed every year for demanding their right to land, livelihoods and survival; and their lands, once transformed into monocultures, are militarized”. The Declaration underlined

also that “Thousands of hectares of forest are destroyed every day to the benefit of monocultures, including oil palm”.

The negative impacts of this practice were addressed the first time in 2008 by GRAIN, a no profit organization that supports the rights of local farmers all over the world, in the report “The 2008 land grab for food and financial security” in which this thesis was also underlined by many international organizations, such as the Food and Agriculture Organization of the United Nation (FAO), and many researchers and NGO (GRAIN, 2008). A document of UNEP, The United Nation Environment Program, called “The Rush for Land and Its Potential Environmental Consequence”, illustrated the possible damages of environment linked to this phenomenon, such as the loss of biodiversity associated with monocultures, the large use of pesticides and chemical products, the loss of forest and the connected loss of control of carbon dioxide emissions in a global scale (UNEP, 2011).

Nevertheless, this phenomenon has also a big impact in terms of human rights. The Minimum Human Rights Principles to the Human Rights Council note that in the vast majority of cases “the benefit of the investment (in terms of creation of infrastructures, marketing opportunities, and access to credit) could be achieved—and work for the benefit of both the investor and the producer—by the use of other business models such as contract farming, without any change being made to the rights over the land” (DE SCHUTTER, 2009, p. 10)<sup>3</sup>

According with Olivier De Schutter, the United Nations Special Rapporteur on the right to food, the costs involves lands which are considered ‘underutilized’ or ‘vacant’ in order to be given away to investors for the development of large-scale plantations, instead of being distributed in order to strengthen access to land and water of local farming households (DE SCHUTTER, 2011).

Today, of the approximately one billion people considered food insecure, about a half are in households living from subsistence agriculture, and the land grabbed in the “third world” countries are usually the only font of food that they have (DE SCHUTTER, 2011). These families are often unable to feed themselves because the plot of land they cultivate is too small, and

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<sup>3</sup> Such alternatives should be explored prior to any shift in rights over the land. Unless such alternatives are prioritized, the development of large-scale land acquisitions or leases will result in nothing less than an agrarian counter-reform; such a consequence would be completely unacceptable and would run directly counter to the realization of the right to food, furthermore marginalizing the communities that depend on access to land for their livelihoods”.

because they are relegated to soils that are arid, hilly, or without irrigation, as they compete against larger productive units for access to land and water. A more judicious purchase and use of this land is necessary also because the actual type of land grabbing, that condemn rural people at forced migration to survive could be a way to guarantee foods for the first world, but demonstrates a very short-range vision of the hunger problem in the world, also because the same third-world countries depend on external aids to survive, and usually these aids come from the first-world countries that are land grabber (DE SCHUTTER, 2011).

#### **4. Brazil: the Role of Victim**

The FAO document “The land market in Latin America and the Caribbean: concentration and foreignization” (GOMEZ, 2014, p.10), published in 2014 in Santiago, describes the role of Brazil as a victim and declares the presence of Saudi Arabia, China and South Korea in land acquisitions for the production of soybean, sugar cane, white meats, forestry, livestock and fruit. There is also a presence of some Japanese and German companies, to a lesser extent. FAO also classifies the presence of recent large (foreign) investments in land in Brazil in the “high” level, the maximum.

Over the last two decades foreign ‘land grabs’ in Brazil have increased markedly: in ten years, from 1995 to 2005, international capital in the agricultural industry of the South American country increased from 16% to 57%, with the admission of the AGU, *Advocacia General da Uniao*, of a substantial loss of control over land acquisition (SAUER; PEREIRA LEITE, 2012).

The article “Estrangeiros compram 22 campos de futebol por hora” published by the Brazilian newspaper “Folha de São Paulo” the 2 of November 2010, according to the registers of the National System of Rural Cadastre (SNCR), based on data of the National Institute for Colonization and Agrarian Reform (INCRA), stated that between November 2007 and May 2010 foreigners effectively bought ‘the equivalent of 22 soccer fields of land in Brazil every hour’, acquiring 1,152 land estates amounting to a total area of 515.1 thousand hectares (ODILLA, 2010). The 69% of all the land owned by foreigners is concentrated in Brazil’s Cerrado area, the primary land grabbing “district” in Brazil (CLEMENTS; FERNANDES, 2013).

The area of Cerrado is an ecosystem which occupies almost 2 million km<sup>2</sup> (almost 25% of Brazilian territory), standing on the central highland that divides the country southwest to northeast. It is a tropical savanna, the biologically richest in the world according to the World Wide Fund for Nature (WWF) organization, and it was listed as one of the world's 25 "biodiversity hotspots" due to its high rate of endemism and its high percentage of destroyed or degraded habitat. It is estimated that 40-50% of the Cerrado's vegetation has been destroyed and another 30-40% has been degraded (OLIVEIRA, 2013). Many of its species, therefore, are currently endangered and on the brink of extinction.

Mining, damming, ranching and especially agriculture are predominantly responsible for the degradation of the Cerrado ecosystem, as well as the change of social relations that have expelled millions of peasants from the countryside; a process that has taken place at a relatively fast pace during the past century, particularly increased, together with foreign participation, since the 1970's. Actually, the extensive deforestation continues in the Cerrado at double speed than in Amazon.

The interest of foreign agribusiness in acquiring lands in this area has grown in the same time of the implementation of State-run colonization and agro-industrial growth projects, like Prodecer. Since the 80s, being supported by the Japanese government and private banks, Prodecer has launched the extensive industrial production of soybeans (EMBRAPA, 2012), now the primary agricultural product cultivated in the Cerrado, and it was followed by more than 700 similar large-scale projects, heavily sponsored by the Brazilian government. Inexorably, the enlargement of monoculture of soybeans in the Cerrado has created spaces for the involvement of foreign investment by transnational agroindustry giants.

A second phase of the expansion of the phenomenon of Land Grabbing in Brazil was connected with the production of sugarcane-ethanol, a bio-fuel, and today foreign corporations control approximately the 22% of Brazilian sugarcane and ethanol companies (CLEMENTS; FERNANDES, 2013).

While sugarcane cultivation has traditionally been concentrated in the State of São Paulo, that produced 346,292,969 tons of sugarcane, according to the Brazilian sugarcane industry association UNICA about the 2008/2009, equal to 70% of the country's total annual harvest, and the country's north-eastern region, but is now expanding into the regions of Amazonia and the Cerrado.

In 1975, a division of the federal government's National Company of Agricultural Research (EMBRAPA, 2012), created specifically oriented towards the Cerrado, creating alterations in the pH and nutrient availability of the Cerrado soils that rendered it more adapt to intensive production of hybrid types of soybeans, cotton and sugarcane (NASSAR, 2007). This caused the increasing influx of foreign investors and Japanese immigrants or descendants, with the newborn Japanese International Cooperation Agency (JICA) to increase the disposal of agricultural products from Brazil in the international market, especially grains and soybean (PIRES, 2000).

The success of the relationship between JICA project and the Brazilian state stimulated, in 1975, the increase of the project, with the Japanese-Brazilian Cooperation Program for the Development of the Cerrado. This stimulated also the enlargement of the program in other areas of Brazil, such as the states of Goiás, Mato Grosso, Mato Grosso do Sul and Bahia in 1987, and the states of Tocantins and Maranhão in 1994.

The Agricultural Production Company (CPA) jointly owned by Japanese (49%) and Brazilian (51%) public and private capital administered this "colonization projects". CPA provided highly subsidized and flexible credit for land purchase and agricultural production, with a big role played by JICA in all aspects of the project.

Currently, the state of Mato Grosso contains most foreign-owned land devoted to the production of ethanol (19.99%), followed by Sao Paulo (13.48%), Mato Grosso do Sul (11.7%), Bahia (9.41%), Minas Gerais (7.73%), Parana (7.59%), Goiás (6.23%) and Para (5.84%). This focus of foreign-owned lands in the main sugarcane production zone (Sao Paulo, Parana, and portions of Mato Grosso do Sul, Minas Gerais and Goias) is a proof of the growing role of ethanol production in land grabs (BORRAS; McMICHAEL; SCOONES, 2010).

After this phase, in 1995, Brazil's National Congress approved an alteration to the Brazilian Constitution, rejecting article 171, which had previously made a distinction between national and foreign companies based on foreign capital.

Three years later, in 1998, another alteration was made by way of an Informed Opinion (GQ181) issued by the Office of Solicitor General (AGU) at the direct appeal of the administration of President Fernando Henrique Cardoso. The Informed Opinion saw the relinquishment of "any form of effective control [by the federal government] on land purchase by foreign

companies in Brazil". The Cardoso administration was very favorable towards foreign investments, with other radical legislative changes (between 1997 and 2010), than removed their limits and controls in the acquisition of land in Brazil (OLIVEIRA, 2013).

One of the most clearly result of the phenomenon is the incrementing of the land prices: between June 1994 and June 2010 prices for agricultural land witnessed an increase of more than 430 percent, rising from R\$ 1188.30 to R\$ 7490.40 in the sixteen-year period, based on September 2012 exchange rates (CLEMENTS; FERNANDES, 2013).

Regarding the foreign grab in Brazil, the AGU has recognized "the Brazilian State has lost effective control over the acquisition and renting of these lands' by foreigners" and it is necessary to consider "legal alternatives to restrict foreign capital from accessing land... as a strategic mechanism in defense of national sovereignty" (CLEMENTS; FERNANDES, 2013, p. 42).

## 5. The Role of Lula' Administration

The former President Luiz Ignacio 'Lula' da Silva in his mandate, concluded in 2010, tried to resolve the problem, underlined by AGU, to the loss of control over acquisition and renting of lands by foreign capital.

Four basic lines marked the environmental policy of Brazil, in the first Lula government. The Ministry of the Environment 1) promoted sustainable development, in the environmental, social and economic aspects; 2) promoted the cooperation of the society in decision-making; 3) reinforced the National Environmental System (SISNAMA), with shared environmental management between federal, state and local governments; and 4) involved different sectors of government in the solution of environmental problems, so-called principle of "mainstreaming" (KAGEYAMA; SANTOS, 2012, p. 180).

One of the first act of his government was an action to recover public lands in the Amazonia's area stolen by private actors, with an action to control and eventually revoke the ownership documents. This because only in Pará, about 30 million hectares are in the hands of land grabbers, using false documents, many of them forged in real estate registries.

The first purpose of Land Grabbing in this area is to resell the land on a large scale and, therefore, financial gain, and this is underlined in an official document called "a grilagem de terras públicas na amazônia brasileira", wrote in 2006, in a collaboration, by the president Luiz Inácio Lula da Silva,

his vice-president José Alencar Gomes da Silva, the Ministry of environment, Marina Silva and the Secretariat of the Amazonian Coordination.

The Ordinance No. 10, December 1, 2004, by INCRA<sup>4</sup>, and the Ministry of Agrarian Development (MDA) introduced the control of ownership documents into 370 municipalities of the Legal Amazon, for lands with an extension bigger than 100 hectares.

Another standard issued by the Lula's government for the regularization of plots up to 500 hectares was Law No. 11,196/2005<sup>5</sup>. The legislation has authorized the INCRA to make land use concessions final for purposes according to the agrarian reform, without request, because the Constitution allows the sale of federal lands to the 2500 hectares limit. Above this limit, only with the authorization of Congress.

"The idea behind these rules is very good, but in practice the INCRA register does not work and there is no monitoring system of registry offices. Because of this, they continue without concrete results" said Girolamo Treccani, Professor of Agricultural Law of the Federal University of Pará (UFPA) (TRECCANI, 2001), in 2006, explaining that, in Pará, in most cases, transactions in the land market happen regardless of the rules and disregarding the requirement of many documents. According to the law, for example, every purchase of a property should be referred to the registration number of the INCRA, but usually it did not happen (SOUZA, 2006).

Treccani believes that the Lula government was not so different from previous by failing to arrange and gather to conduct serious analysis of the problem, the land information disperse in INCRA in Iterpa and Justice. "Who has an interest in this land chaos?" This must be the first question for Treccani. He claims that a commission formed by the State and civil society organs should be formed to collect and analyze this information and try to make a more consistent valuation of the problem and that the decision to block the registrations of all pareses rural properties with over 2.5 hectares, opens a possibility of change the situation.

On 17 February 2005, the federal government "banned" 8.2 million hectares in the area of influence of the Cuiabá-Santarém highway (BR-163) to any activity that would involve clearcutting trees. The measure was introduced by unprecedented instrument of "provisional administrative limitation" ("limitação administrativa provisória") to prevent any significant

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<sup>4</sup> Available at: <[https://www.normasbrasil.com.br/norma/portaria-conjunta-10-2004\\_189333.html](https://www.normasbrasil.com.br/norma/portaria-conjunta-10-2004_189333.html)>.

<sup>5</sup> Available at: <[http://www.planalto.gov.br/ccivil\\_03/\\_Ato2004-2006/2005/Lei/L11196.htm](http://www.planalto.gov.br/ccivil_03/_Ato2004-2006/2005/Lei/L11196.htm)>.

environmental impact until a plan for allocation of local public areas was completed, which included the study for the creation of new protected areas, sustainable forest district and settlements land reform (SOUZA, 2006). The region was considered until then one of the main fronts of deforestation and illegal occupation of Amazon lands, mainly stimulated by the road-paving announcement. The action was part of the environmental set launched by the government in response to the series of killings of rural workers and leaders of social movements and, in particular, the death of the missionary nun Dorothy Stant in Anapu (SOUZA, 2006).

One year later, the areas “banned” on the BR-163 street were declared new conservation areas in the region and included in the Amazon National Park, with an addition of over 6.4 million hectares. The new areas were incorporated in the first Sustainable forest District, set up together with them, with an area of 16 million hectares, of which 5 million for forest management. The goal of the district is to implement policies that encourage the sustainable use of forest products and services.

Always as a response to the assassination of Sister Dorothy, INCRA signed an agreement with the army for two years, with the possibility to extend it to carry out land survey in some critical areas of conflict of land in Pará.

However, the Amazon was not a demographic void, since about 20 million Amazonians mostly gatherers, small and poor farmers who survive, in terms of food and economy, at the expense of yet well preserved natural structure of the biome. Therefore, the region needed a public policy designed to this reality, characterized by a meeting between the interests of biodiversity and population. In this sense, it was very important to the “Plano Nacional de Áreas Protegidas” (PNAP), an inter-ministerial and crosscutting project established in April 2006 by Decree No. 5758 establishing an integrated management policy for the whole of Brazil's protected areas (KAGEYAMA; SANTOS, 2012). The plan called for the adoption of social inclusion measures to promote the sharing of benefits arising from biodiversity conservation and poverty reduction. Different sectors of government and society participated at the definitions of principles, guidelines, objectives and strategies. The implementation of the Plan would be made through technical cooperation agreements signed by the Ministry, NGOs and representatives of social movements, national and international level, a memorandum of understanding (MMA, 2009).



The plan was a tool for implementation of the work program to the CBD Protected Areas, meets the deliberations of World Summit for the Sustainable Development - WSSD; The Convention on Biological Diversity Strategic Plan and The National Conferences of the Environment / CNMAs (2003 and 2005).

The large cross-environmental action Lula's first government was undoubtedly the so-called Action Plan for Prevention and Control of deforestation in the Amazon (PPCDAM) established in 2003 by Presidential Decree. In this sense, this plan had committed joint action of 13 ministers involved more directly with Amazon. The ministers promised to put their teams in line with the objectives of the Plan, agreed and put into on the table. It was certainly unequal proportion with the ministries assumed and incorporated these premises, but partnerships between some delegates were essential to that at the end, the result was successful, as was verified during the implementation of the Plan.

About the area of Cerrado, Lula launched a plan to preserve and recover the area, called PP Cerrado, the "Plano de Ação para Prevenção e Controle do Desmatamento e das Queimadas no Cerrado" (MMA, 2010), in 2010. It's a ten years project created with the aim of fulfilling the Brazilian goal - taken in 2009 in Copenhagen - that is reduction by 40% of carbon dioxide emissions from deforestation in the biome by 2020 and the law No. 12.187 of 29 December 2009, establishing the National Policy on Climate Change, specifically in Article 12, reiterated the voluntary national commitments to emissions mitigation actions.

Some planned actions in this project are the creation of 2.5 million hectares of new protected areas, demarcation of 5.5 million hectares in indigenous lands, hiring 4500 brigade for fighting fires and credit line for the recovery of eight million hectares of degraded pastures. The actions of PP Cerrado have immediate applicability - from 2010 to 2020 - aimed at results in the last year. The resources of the federal government to move forward the plan between 2010 and 2011, were around R\$ 440 million.

The plan is now divided in two phases, a first activated in the years 2010-2011 and the second in the years 2015-2016. The first phases was based on four points Monitoring and Control; Protected Areas and Regional Planning, with the objective of consolidate and create old and new areas of protection; Fostering Sustainable Production Activities; Environmental Education.

The second phase was based on twelve points, for example the implementation of forests, the development of the trade of sustainable products, the record of the rural estates and the recovery of the degraded areas, the monitoring of deforestation, the creation and the reinforcement of protected areas in the Cerrado.

The PP Cerrado is the operational tool for implementation of the strategic guidelines of the PCS, especially with regard to prevention and control of deforestation.

The PCS is the Sustainable Cerrado Program, “to promote the conservation, restoration, recovery and sustainable management of natural ecosystems as well as the appreciation and recognition of their traditional populations, seeking conditions to reverse the negative environmental impacts of the occupation process in the Cerrado”, according to the Minister of Environmental Affairs, developed by a working group about Cerrado in 2003.

It is based on five objectives: Promote the conservation and sustainable use of the Cerrado ecosystems; Promote the protection and recovery of the environment; Promote environmental payments and adjust production systems to social and environmental sustainability criteria; Strengthen the livelihoods of traditional communities and family farmers in the Cerrado, ensuring access to land, natural resources and means of production necessary for their stay in the region; Strengthen the participation of society in environmental management in the Biome and promote mainstreaming and decentralization of public policies on sustainable use of natural resources of the Cerrado.

In 2007, in the face of the imminent global food and energy crisis and in response to considerable concern expressed by INCRA and AGU, the Federal Government, led by President ‘Lula’ began to re-assess the need to re-establish limits to land appropriation by foreigners and regulate the process.

In 2008, the AGU dispensed a new Informed Opinion (LA-01), adopted by the President and published in the Official Gazette of August 23, 2010, and therefore with binding effect for all Federal Public Administration. It contains the acquisition of rural estates by companies in which foreigners control 50 percent or more of the shareholdings, and limits the suitable amount of land that can be owned in any given municipality to no bigger than one-fourth of the total municipal area. According to the legislation, national companies with a majority of foreign capital cannot obtain rural land

properties of more than 50 fiscal units. The actual legislation also grants INCRA authority to control foreign acquisitions (AGU, 2010).

## **6. Brazil: the role as a buyer and the case of Mozambique**

As a country intensely affected by Land Grabbing that has tried to address this problem, although not very efficiently, with the implementation of the regulation for impede an uncontrolled usurpation of national land by foreign companies, Brazil has become an avid promoter of land grabbing practices abroad (KAGEYAMA; SANTOS, 2012). Brazil is active as land grabber in Latin America and in Africa, in particular in Mozambique (CLEMENTS; FERNANDES, 2013).

The Brazilian agroindustry expansion in Latin-American countries is not unique to any particular administration and the process has been ongoing since the mid 1960's. The Lula' administration strongly supported the acquisition of lands on the Latin American continent. Paraguay is a good sample of this phenomenon, because of the 31 million hectares of arable land, 25 percent is in the hands of foreigners, with Brazilians controlling approximately 4.8 million hectares, almost 15 percent of the total area (MOUSSEU; MITTAL, 2011).

With the start of the Green Revolution, monocultures of soybeans and other commodity crops expanded fast across rural areas and many people, known as 'brasiguaios', migrated to Paraguay and acquired land, generally in the border area, mainly for soybean production (GALEANO, 2010). The soybean production, that now occupied the 30% of all-agricultural, has contributed to an increase in poverty, because caused force displace of rural workers in urban areas where they are usually unemployed for lack of useful skills, and to stimulate land conflicts. Under the pressure of landless peasants and indigenous people, the State initiated, in 2011, an investigation into the veracity of land title documents held by foreigners in the country (GALEANO, 2010).

Despite the case of Brazilian Land grabbing in Latin America, the most important example of the Brazilian active role of Grabbing is the case of Mozambique.

Mozambique is a sub-Saharan state with a population of about 25.8 million. The country is one of the world's most impoverished nations, ranking 180 out of 187 countries according to the 2015 United Nation's Human

Development Index<sup>18</sup>. In 2009, just under 55 percent of the total population lived below the national poverty line, living on 18 Meticaís – US\$ 0.50 – or less a day, while at least 35% of households currently face chronic food (AUBRY, 2011). The country is highly dependent on external aid and imports in order to meet the material needs of its population and advance programs of poverty alleviation and other development objectives. After almost five centuries of Portuguese colonial rule, the Mozambican people won independence on June 25, 1975 (REPUBLIC OF MOZAMBIQUE, 2009).

On November 15, 1975, Brazil officially established diplomatic relations with the new country, but for a long time the level of involvement and partnership between the two States remained limited at political and diplomatic agreements (CLEMENTS; FERNANDES, 2013).

Foreign investment in the country has thus expanded rapidly in recent years. According to the National Bank of Mozambique (IMF, 2013), the net inflow of foreign direct investment (FDI) in 2013 amounted to \$ 5.9 billion, up 15.8% from 2012, making Mozambique the third largest destination for FDI in Africa and Mozambique quickly becoming the ‘hotspot’ for Brazilian investments in Africa, with a growth in trade and also in agricultural development projects and programs, such as those associated with Prosavana. This growth is asymmetric, for example, of the total US\$ 85.3 million in goods exchanged between the two trading partners in 2011, Brazil’s exports to Mozambique accounted the 64.8% of exports, according to Mozambique’s Ministry of Foreign Affairs (MRE) and Department for the Promotion of Trade and Investments (DPC) (MRE/DPR 2012).

The Brazilian governments, in 2012, announced the intention of implementing the “More Food Program”, and the President Lula confirmed his country’s strong commitment to Mozambique’s food sovereignty in a discourse made in Maputo on a last visit to the country during his final mandate (CLEMENTS; FERNANDES, 2013).

Today, the country has become the epicenter of Brazilian investments in Africa (PENHA, 2011). The inauguration of a National Strategy for Biofuels (Resolução nº. 22/2009) and of the Triangular Accord for the Development of Agriculture in the Tropical Savannahs in Mozambique, by Japanese, Brazilian and Mozambican officials, also in 2009, are linked with the growth of Brazilian presence in the country (CLEMENTS; FERNANDES, 2013). That triangular Accord, called Prosavana20 is based on the Program of Brazilian and Japanese Cooperation for the Agricultural Development of the Brazilian

Cerrado, Prodec, started in the 1970s and financed mainly by Japan (PRODECER, 2002). The idea is to share the knowledge acquired in the development of the Cerrado with Mozambique, and contribute the advance of agricultural efficiency in the country, with the goal to alleviate poverty and guarantee food security, job creation and sustainable development (MOCUMBE, 2009). The plan wants to export a Brazilian model in an area based on small-land holdings largely cultivated by family farmers, an opposite agrarian structure in contrast with Brazil, that is dominated by latifúndios, according to the Brazilian geographer Vicente Eudes Lemos Alves, of the State University of Campinas, that analyzed the point of contact and contrast of agrarian question in Brazil and Mozambique (ALVES, 2011).

The project is directed by the Brazilian Agricultural Research Corporation, but several partners are involved in the project, such as the Brazilian Cooperation Agency, the Japan International Cooperation Agency, the Ministry of Agriculture in Mozambique and the Mozambique Institute for Agrarian Research (PRODECER, 2002).

The area of Mozambique more involved is the “Nacala Corridor”, an extremely fertile and productive region in the northern part of the country (GRAIN, 2015).

One of the key-point is the question of community consultations, especially after the protests against the Brazilian corporation Vale, involved in the relocation of 1313 families between November 2009 and April 2010.

In response to the escalating discontentment, the Prime Minister Aires tried to disconnect Prosavana with the notion of neo-colonialism, affirming that the project does not intend to ‘transfer Brazil to Mozambique,’ but transfer relevant technologies and spur agricultural development in the region”, in the tentative to greenwash the project (RANGEL, 2011).

According to Mozambique’s Strategy for Reforestation, the country possesses about 36 million hectares of arable land, of which about 5.7 million hectares currently under cultivation, but only 3% of land is occupied by agribusiness (REPUBLIC OF MOZAMBIQUE, 2009). The “uncultivated”, usually used by the rural population to survive, represent extremely lucrative refuges for Brazilian agribusinesses, also because the price of land in Brazil growing. All land in Mozambique refer to the State, and in accordance with the 1997 Land Law (Lei de Terras 19/97), cannot be bought or sold, but can be used in force of the acquisition of Land Use and Benefit Titles, (Direitos de Uso e Aproveito de Terra), which are usually arranged for terms of up to

50 years, with the possibility of a renovation. Agribusinesses do not need to make investments to buying land in Mozambique and the annual tax is US\$ 1.00 per hectare on all land (MOUSSEU; MITTAL, 2011).

Until recently, the majority of Brazilian corporations active in Mozambique have been just a handful of construction, engineering, energy and extractive industry giants, such as Vale, Odebrecht, Camargo Corrêa, Andrade Gutierrez and Eletrobras, operating with the support of the Brazil's National Bank of Social and Economic Development (BNDES).

Since 2009 there has been a growth in the Brazilian corporations and government organizations connected to the agro-industry and agro-energy sectors, particularly, SLC Agrícola, Petrobras Biocombustíveis, and BMG (CLEMENTS; FERNANDES, 2013).

Miguel Rosetto director of Petrobras Biocombustíveis, which is actually growing sugarcane in Mozambique, has expressed the company's purpose to produce ethanol in the country, and the project is already in the final phase of implementation and definition of rules, such as minimum standards of product and the price definition (SARAIVA, 2012).

The money that is now invested into agribusiness in the Nacala Corridor is essentially reconstructing the local experience under Portuguese colonialism, when the administration offered the most fertile lands in the area to Portuguese investors.

Mozambique's National Peasants Union (UNAC) has been leading a battle to raise consciousness about the situation in the Nacala Corridor and to oppose ProSavana. Strong national and international opposition has helped to slow down the project and derail some of its more aggressive land grabbing components (GRAIN, 2012).

## 7. Conclusion

Behind the history of the Brazil's phenomenal economic, agrofuel and agricultural producing capacity growth there is a history profoundly marked by colonial exploitation, rural oppression, dispossession and an inequitable and increasingly concentrated system of land ownership, where just 1.5 percent of rural land owners occupying 52.6 percent of all agricultural lands (DATALUTA, 2010).

The analysis of land grabbing in Brazil highlights the reasons of the recent interest in acquiring agricultural land in Mozambique and the double role of the Brazilian government's posture regarding the practice of Land

Grabbing. While trying to limit the acquisition of agricultural land by foreigners at home in the name of protecting national sovereignty and food security (ANTON, 2011), Brazil is concurrently encouraging Land Grabbing connected with the agribusiness in Mozambique as a mean to achieve food security and thus, national sovereignty. Furthermore, with a program, the Prosavana, which is trying to export to Mozambique a model of agribusiness development that has strongly failed the challenge of guarantee food security and sustainable development in Brazil and destroyed one of the richest ecosystem in the world.

Over 65 million Brazilians currently live in a situation of food insecurity, one-third of the entire population (IBGE, 2010), especially for the inability to think and implement a real agrarian reform, and now the duplication of this model in Mozambique, in a very different agricultural context and still characterized by family farmers (ALVES, 2011). The expansion of the copy of the Cerrado's model in this context could be a dangerous for the families that living in the area of Nacala and who survive with subsistence farming, because normally the implementation of monocultures creates forced migrations and dispossession.

For example, in October of 2012, local leaders from the National Peasants' Union of Mozambique (UNAC) met in Nampula City to discuss the Prosavana project and, in the final declaration of the meeting, the association said that they "are extremely concerned that ProSavana requires millions of hectares of land along the Nacala Corridor, when the local reality shows that such vast areas of land are not available and are currently used by peasants practicing shifting cultivation." (FERREIRA PINTO, 2015).

UNAC also says that ProSavana is the result of a top-down policy that does not take into consideration the demands, dreams and basic concerns of peasants and that it will generate landlessness, social upheaval, poverty, corruption and environmental destruction (GRAIN, 2012).

The arrival of foreign capital in countries that need it is not automatically a dangerous idea, because it can bring new investment, jobs and the sharing of technology, but Brazil is exporting not only a project with enormous problems already in the domestic application, but also the social problems connected with it, among which also the increase of conflicts and the dispossessions already saw in the homeland.

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