

# Case studies 1: *Geraizeiros*



Regenerating *Cerrado* vegetation, Vereda Funda



Group discussion of allies and opponents, Vereda Funda

Photo credits: Zoe Sullivan and Deyvisson Felipe Batista Rocha

- Identity linked to occupation of high savannah zone (known as *Gerais*); traditional livelihoods combined cultivation of valley floors with extensive cattle-raising on highland plateaus characterised by *Cerrado* vegetation
- Plateau areas classified as *Terras Devolutas*; in 1970s and 80s State government granted 25-year concessions to forestry companies
- Companies cleared the *Cerrado* and planted it with eucalyptus for charcoal production, destroying traditional cattle-raising and causing water sources to dry up
- As concessions expired, communities reoccupied plateau areas and conflicts intensified, attracting mediation by NGOs and state agencies
- Different modalities used to secure land rights by different communities in case study area, including Agroextractivist Land Reform Settlement, municipal environmentally protected area and Sustainable Development Reserve

# Case studies 2: *Quilombolas*



Quilombola fishing boats, Rio São Francisco



Map of allies and opponents, Quilombo da Lapinha

*Photo credits: Zoe Sullivan and Deyvisson Felipe Batista Rocha*

- Afro-Brazilian communities descended from slaves who fled up the Rio São Francisco to escape from sugar plantations in the coastal region
- 1988 Constitution recognised rights of quilombolas to ‘traditionally occupied lands’, but formal demarcation of territories has been slow (covering only 21 of almost 300 recognised territories)
- Rio São Francisco quilombolas remained largely unmolested until 1960s, when State concessions of land for ranching and irrigated agriculture extended into their territories and led to displacement to the river bank zone
- Environmental impact of irrigated agriculture projects supported by World Bank and Japan led to decision to compensate by creating State Parks along the Rio São Francisco, restricting livelihood strategies
- Campaign including reoccupation of State Park land led to formal recognition of Quilombo da Lapinha in 2016

# Case studies 3: *Vazanteiros*



Vazanteiro cultivation, Rio São Francisco



Vazanteiro group discussing the history of their territory, Pau de Léguas

- Traditional livelihoods based on seasonal cultivation of alluvial soils left by Rio São Francisco in the low-water period (known as *Vazante*)
- Academics from regional university (UNIMONTES) have documented how vazanteiros' use of territory includes fishing, hunting, gathering and religious practices (propitiation of water spirit) as well as agriculture
- Vazanteiro communities pushed to the river margin zones of their traditional territories by the expansion of ranches from the 1960s, and increasingly prevented from using the river banks after the creation of State Parks in the 1990s to compensate for irrigation project impacts
- Conflict involves the Federal government as well as the State because the Rio São Francisco is classified as a "federal river" (major inter-state waterway) which means that the alluvial cultivation zone is federal land

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# Findings 1: Space and Territory

- Understandings of space and territory are highly variable among different PCTs: land use varies across landscape niches (and seasonally within them), and territory itself may move (e.g. river islands which disappear and re-form after floods)
- The high degree of overlap between PCT territories and *Terras Devolutas* means that actions of the state government (e.g. granting concessions to forestry companies, gazetting lands as State Parks) are a key factor in land governance – but municipal and federal governments also play a part
- The invisibility of PCT territories is giving way to state recognition, as a result of social movement mobilisation, academic documentation and NGO-supported strategies such as ‘self-demarcation’
- However, recognition is highly uneven and takes a wide variety of different legal forms, none of which adequately recognises the fact that a common factor in all PCT territories is the combination of individual and household property (home gardens, cultivated plots) with collectively-managed areas (pasture zones, hunting areas, fishing grounds)

## Findings 2: Conflict

- The territories of different PCTs visited are located within a region that is under increasing pressure from an expanding commodity frontier, with established commodity production activities (ranching, forestry) being joined by new ones (mining, irrigated fruticulture); the North of Minas is a water-stressed region where conflicts frequently involve water as well as land
- Some land-grabs have been promoted or authorised by the state government, but others have resulted from widespread title fraud (*grilagem*), which government is now seeking to curb
- Despite strongly patriarchal traditions among most PCTs, permanently or temporarily (due to male seasonal migration) female-headed households are common and legal protections and access to resources from government social programmes enable women to retain control of land
- PCT movements have used a variety of direct action tactics, and women have frequently taken the lead in these (possibly because gender norms make it less likely that ranch or company enforcers will shoot them); despite frequent threats from locally powerful interests and some violent incidents, land conflicts in the region have so far resulted in fewer deaths than those in other regions of Brazil, indicating that the rule of law in the North of Minas is relatively strong

## Findings 3: Legal and Institutional Framework

- Brazil's legal framework classifies land as either private (and therefore available for market transactions) or public (and therefore controlled by state agencies), but PCTs' traditional land governance practices emphasise private rights that are not negotiable in the market and public rights that are collectively-agreed rather than state-administered
- Constitutional provisions (especially for quilombola rights) and nationally-adopted international legal instruments (such as ILO Convention 169) have supported legal activism on PCT territorial rights by NGOs and by the highly effective *Ministério Público* (public rights defender's office)
- Land administration in Brazil has long been dysfunctional, with widespread local corruption and three incompatible cadastral systems at the national level, finally moving towards unification with a major effort by land reform agency INCRA to standardise georeferenced title documents
- Since the PT arrived in national office in 2003, PCTs have secured very important recognition gains (National Council, traditional territories protection and development policy) by taking their struggles from the local to the national level, but their social movement organisations remain weakly represented in local politics and the current national political context is extremely adverse.

# Land rights support strategies: achievements and future challenges

- The recognition gains secured through political mobilisation by PCT movements and their allies in recent years are significant but fragile, since they were generally formalised through legal instruments that are relatively easily-reversed (Executive Decrees), and no change was achieved in the dominant state-or-private logic of Brazilian land governance legislation
- Even the strong Constitutional protection afforded to quilombola territorial rights has proven difficult to translate into practice, since demarcation of territories depends on administrative measures that are expensive (because of technical surveying costs) and demand a high level of political will (because of opposition from politically powerful commercial interests with competing land claims)
- The role of HEKS and its partners (particularly CAA) has been critical in helping isolated PCT groups to come together and form larger movements with national and international visibility; working with movements, NGOs and academia has been a very effective strategy in the Brazilian policy environment of the last decade or so, but the new political context will require new strategies.