

Unresolved land tenure issues in Pará

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In the State of Pará, the land tenure situation is confused and associated with conflicts in rural areas. Despite advances in recent years with the creation of Protected Areas and the cancellation of false land titles, part of the state's territory still lacks property rights definition. In this *The State of the Amazon* we evaluate the state's land tenure situation with data from different land and environmental institutions. We conclude that 39% of the state territory presents unresolved issues in land tenure regularization, and also concentrates the majority (71%) of deforestation in the State. The majority of the area (92%) without regularization does not have proceedings underway for land title definition. These data reinforce the need for prioritizing and accelerating land regularization, which can be done with information existing in the Rural Environmental Registry.

INTRODUCTION

The land title situation in the State of Pará is confused and associated with conflicts in rural areas. In 2010, the National Justice Council (CNJ) determined the cancellation of more than 5 thousand false land titles registered at land registry notaries¹. However, the situation may be even worse. The State Committee for Combating Land Grabbing, made up of 12 institutions from the public sector and civil society in Pará², indicates that there are at least another 4 thousand false titles registered in land title notaries, totaling 9 thousand titles³. Lack of land rights definition has also contributed to the State being the leader in land conflicts in the Amazon over the last 15 years, with 1,303 occurrences from 1997 to 2011⁴.

Recent surveys have demonstrated that 55% of Pará territory is in Protected Areas, including Indigenous Lands and Conservation Units⁵. In addition, the State has an emphasis on a major program for land title regularization of private occupations, Terra Legal (Legal Land), begun in 2009. Even so, the results of that program are still below expectations. For example, as of January 2012, of the 45 thousand properties registered for regularization, only 406 titles were issued in Pará, covering 861 square kilometers⁶. In light of that situation, Pará needs to advance in solving its land title regularization deficit.

In this *The State of the Amazon* we map the land title situation in the State of Pará in August 2012 to

identify the main areas with unresolved regularization issues and the forest cover situation in those localities. This is a preliminary survey that seeks to encourage a public debate on land title organization in the State and also to increase transparency in the information available related to this issue.

METHODS

We collected and analyzed the geographical boundaries⁷ of the areas with land title regularization and undergoing regularization with land and environmental agencies⁸ in Pará up to August 2012. We did not consider the Environmental Protection Areas (APA) as appropriate information for this analysis, because this type of Conservation Unit does not define land title ownership of the area, but only defines limitations on natural resource use. We also utilized the geographical boundaries of the properties registered in the Rural Environmental Registry (CAR), administered by the Pará State Environmental Secretariat (Sema). CAR does not guarantee land ownership for those properties, but is an indicator of private occupation of the territory.

This study has three main limitations. First, the geographical boundaries are at different scales, which does not allow one to use the maps to make a precise identification of the properties. However, the data indicate the regions where those properties are located, which can inform the design of public policies for land tenure definition. Second, we may not have obtained all of the data available at the agencies consulted. Consequently, the maps presented in this study should be considered preliminary versions and may be improved as more information is made available.

The third restriction refers to the preliminary status of the data collected at the Chico Mendes Institute for Biodiversity Conservation (ICMBio) and the National Indigenous Foundation (Funai) for cases with land tenure regularization requests. Some of that information was not produced by those agencies but by external studies (for example, by university researchers) to inform requests for recognition of territories⁹. For that reason they should be considered as preliminary data that may be modified as analysis advances for each case at those agencies. The types of data obtained and respective sources are presented in Table 1.

Table 1. Land title database for the State of Pará utilized in the study.

Type of data	Source	Year
Areas of the Federal Asset Secretariat (SPU)	Terra Legal Program	2011
Areas of interest to Sema/PA for creating Conservation Units	Sema/PA	2010
Areas of interest to ICMBio for creating Conservation Units	ICMBio	2011
Definitive CAR ¹⁰	Sema/PA	2011
Provisional CAR ¹¹	Sema/PA	2011
Transitional contracts for timber harvesting ¹²	Brazilian Forest Service	2010
Certified properties ¹³	Institute for Colonization and Land Reform (Incra)	Not specified
Titled parcels ¹⁴	Incra	Not specified
Georeferenced properties	Terra Legal Program	August 2012
Settlement projects (federal and state)	Incra – Regional Superintendency 01 (SR01), Institute of Lands in Pará (Iterpa) and Terra Legal Program	2011
Indigenous Lands under study	Funai	2011
Indigenous Lands already recognized	Funai	2010
Quilombolas territories (polygons and points)	Incra (SR01), Iterpa	2011
Iterpa land titles ¹⁵	Iterpa	2011
Terra Legal land titles	Terra Legal Program	August 2012
Conservation Units (federal and state)	Instituto Socioambiental (ISA)	2010

RECOGNIZED LAND TENURE CATEGORIES

Our compilation revealed that 61% of Pará territory (or 762,136 square kilometers in 4,827 properties) is under some already defined land tenure category, ignoring the overlaps existing between properties (Table 2 and Figure 1). The largest share is concentrated in the northwest and southern part of the State, in categories such as Indigenous Lands, Conservation Units (except for Environmental Protection Areas) and land reform

settlement projects. A smaller share is in private properties with recent titles (Terra Legal Program and Iterpa) and with older titles, represented in the categories of certified properties and titled parcels, according to the Incra collection (Table 2 and Figure 1).

Therefore, Pará must still define land tenure situation for 39% (or 485,553 square kilometers) of its territory, mainly concentrated in the eastern part of the State. Part of this area has proceedings underway for regularization, as will be shown next.

Table 2. Land title categories recognized in the State of Pará.

Description	Total area (km ²)*	Quantity (n)	% of total
Conservation Units (except APA)	314,141	65	40
Indigenous Lands	283,525	48	36
Settlements	129,863	1,244	17
Military Area	22,241	4	3
Certified properties	18,702	732	2.4
Quilombola territories	6,445	63	1
Iterpa land titles	2,130	56	0.3
Titled parcels	1,954	2,314	0.3
Terra Legal land titles ¹⁶	596	301	0
Total with overlap	779,598	4,827	100
Total without overlap	762,136	4,827	-

* Real values may be different, considering that the polygons are not on the same geographic scale.

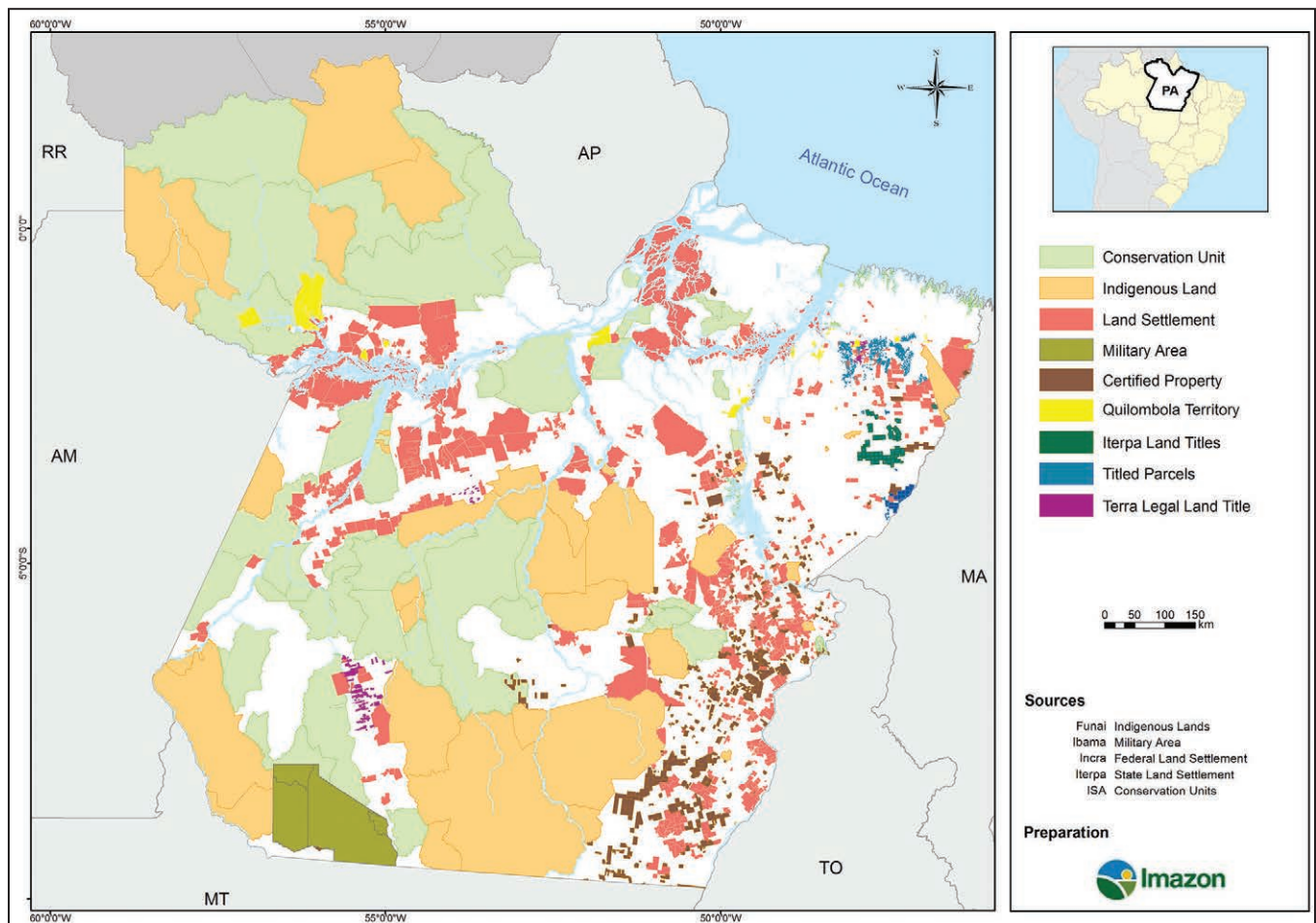


Figure 1. Areas with land tenure definition in the State of Pará.

UNRESOLVED LAND TITLES

Of the 485,553 square kilometers without defined land title in Pará, the majority (92%) does not have requests for regularization in process at land agencies. That is equivalent to 36% of the State, discounting the over-

laps. We found only 37,119 square kilometers in 17,312 properties with that type of process underway (Table 3).

We also identified 23 points of location for Quilombola communities mapped and 26 points for Indigenous Lands under study by Funai (Figure 2), in which the total areas of the properties are not yet defined.

Table 3. Land title categories undergoing the recognition process in the State of Pará.

Description of the area	Area (km ²)	Number of properties	% of total
Areas of interest for ICMBio	19,861	9	47
Properties georeferenced by Terra Legal	17,244	17,242	41
Areas of interest for Sema	3,272	6	7
Transition contract for timber harvesting	2,038	35	5
Federal Asset Secretariat	78	20	0
Total with overlap	42,494	17,312	100
Total without overlap	37,119	17,312	-

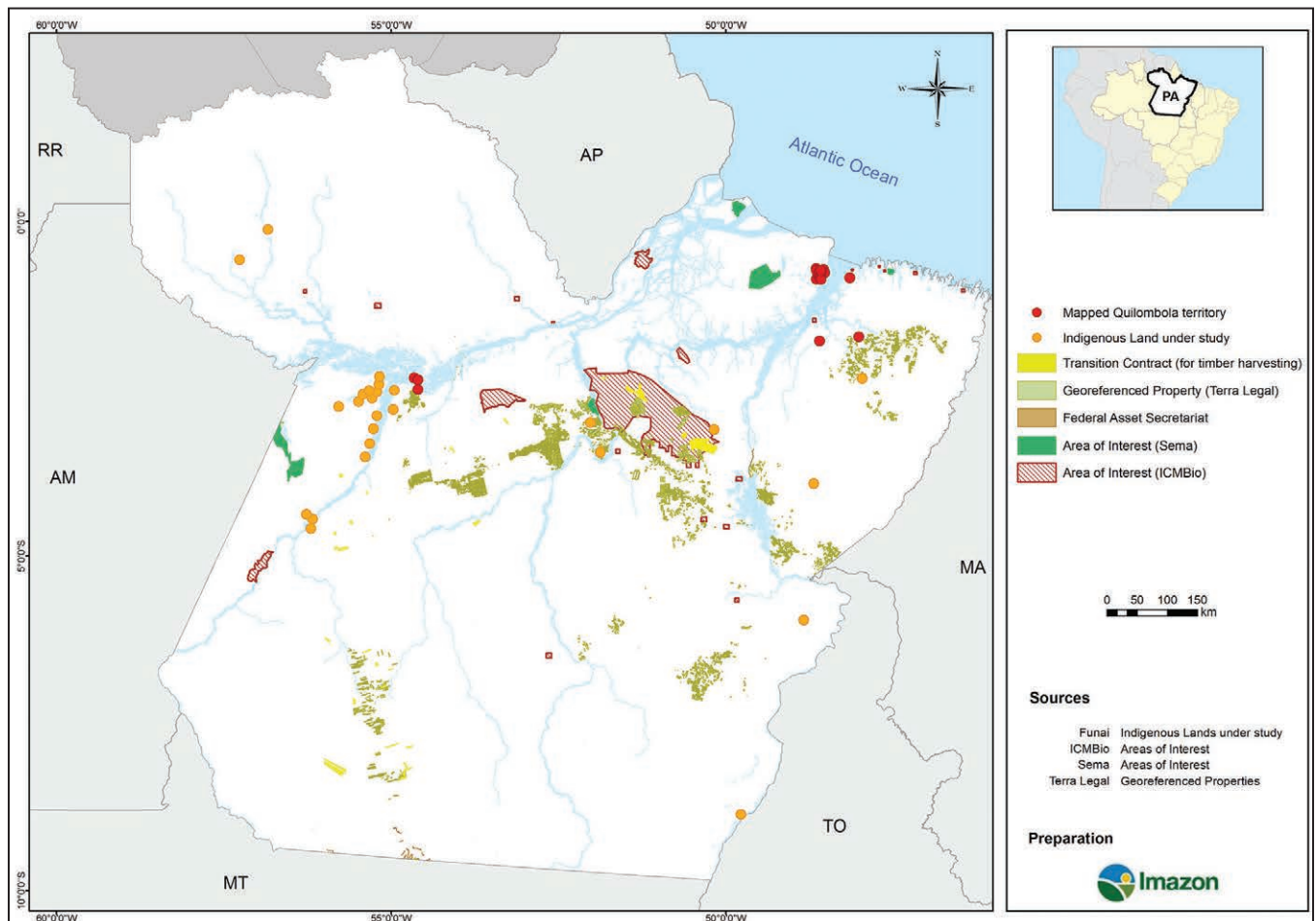


Figure 2. Mapping of land tenure regularization requests being processed at land title agencies.

DATA FROM CAR

Although CAR does not represent a registry for land title purposes, it indicates areas with private occupations, whose occupants agree to be registered. For that reason, we confronted data from CAR in the area where there was no information on either recognized tenure rights or undergoing recognition procedures, as indicated in previous sections¹⁷.

We found 195,094 square kilometers already occupied by properties in CAR, which is equivalent to 44% of the area without information. Those properties mainly encompass the northeastern and southeastern portions of the State. Thus, adding data from CAR to all of the areas mapped in previous sections and eliminating existing overlaps, 20% of Pará territory (or 253,341 square kilometers) remain without official information available regarding occupations (Figure 3).

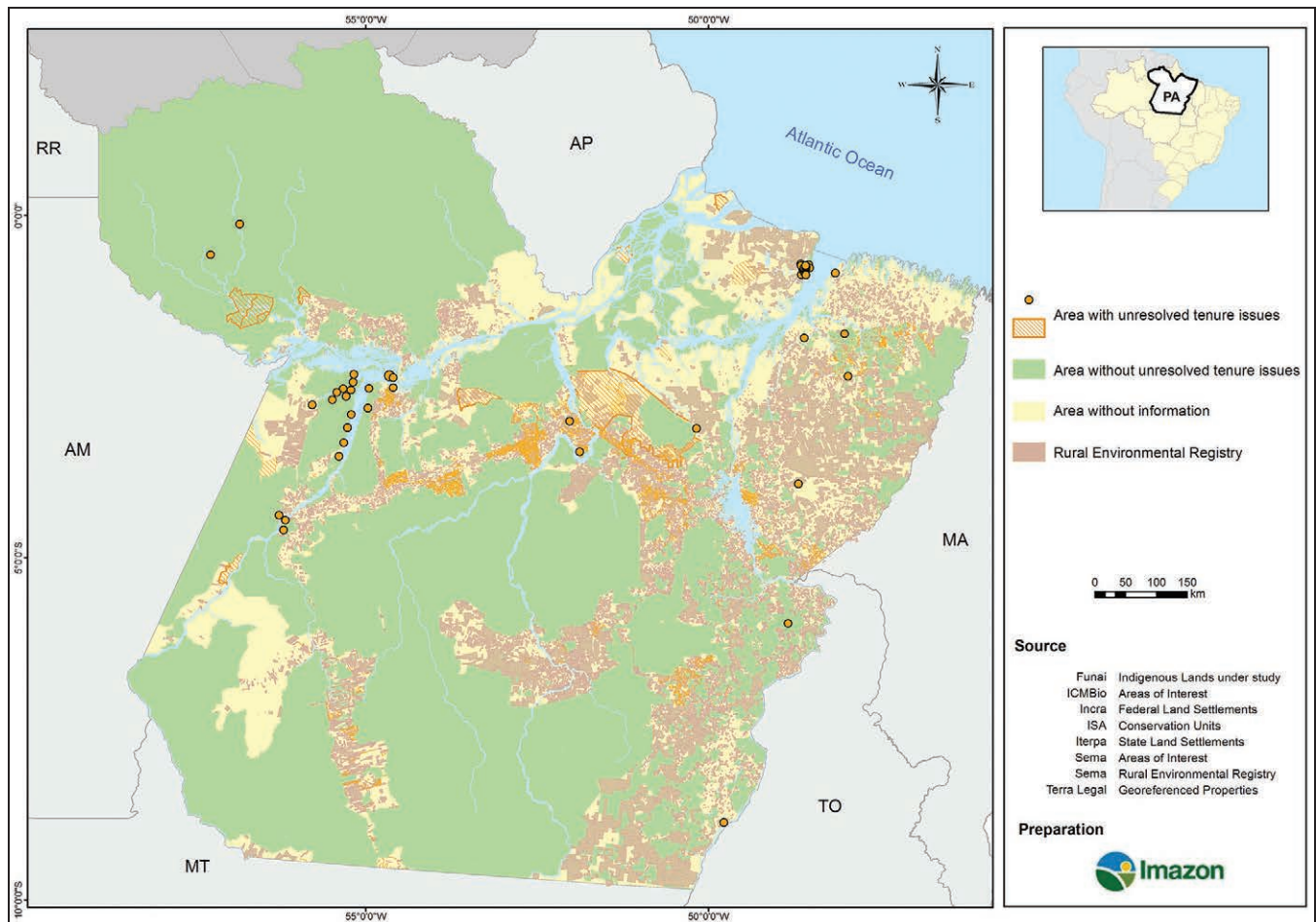


Figure 3. Comparison between areas with defined land tenure situation, with pending tenure issues and registered in CAR.

DEFORESTATION AND LAND TITLE SITUATION

Finally, we estimate that 71% of the deforested area in Pará up to 2011 (175,535 square kilometers) was in the category lacking land tenure definition (Figure 4 and Table 4). Of that total, the largest share is in areas that are in CAR, but lack land tenure information, total-

ing 109,067 square kilometers (63% of the total planted area deforested in the State) (Table 4). Those data reinforce the need for going forward with the definition of land rights in the State, since long-term investments for recovery of degraded areas and intensification of agricultural and ranching production in areas already opened will depend upon guaranteeing land rights.

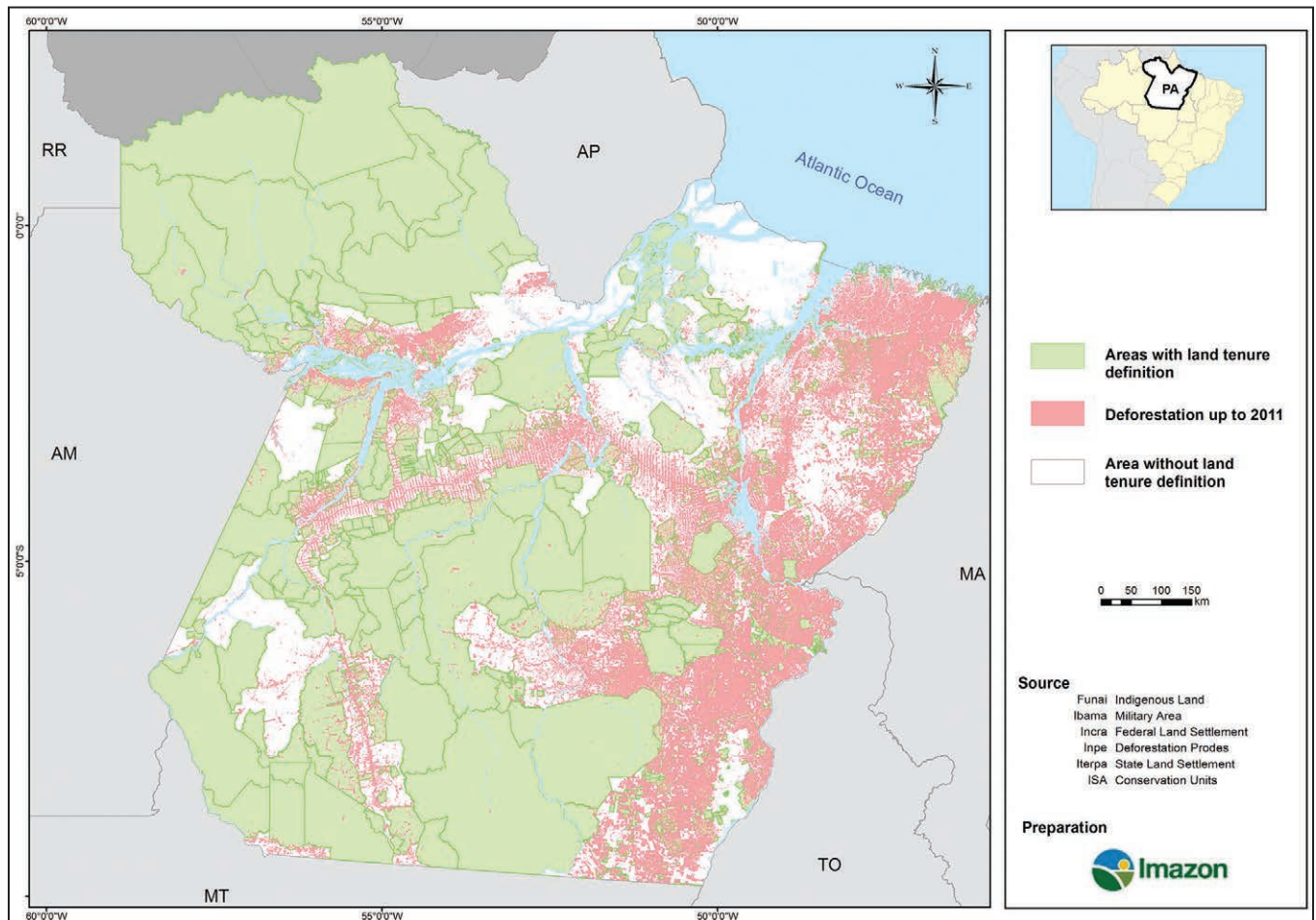


Figure 4. Deforestation up to 2011 in Pará in areas with and without land title definition.

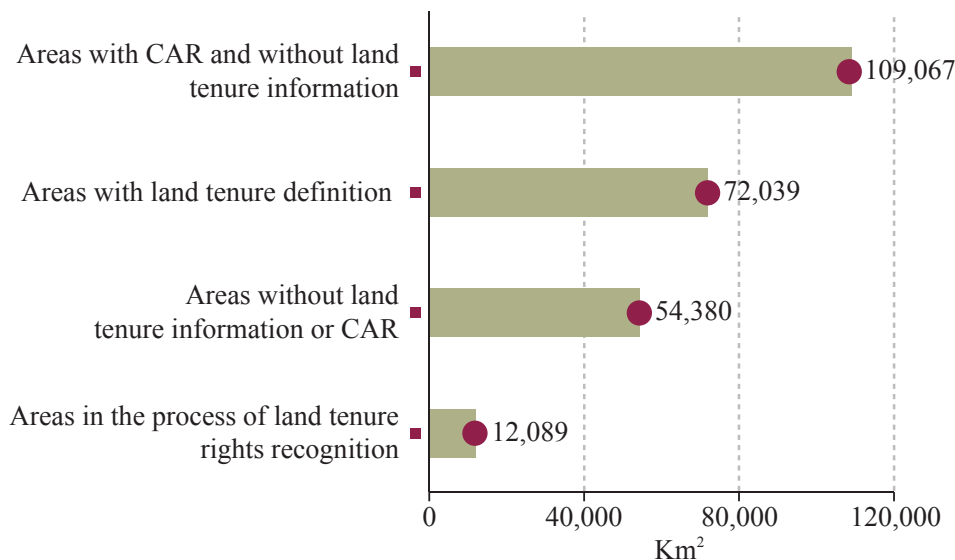


Figure 5: Location of deforestation in Pará up to 2011 by land tenure situation (Source: INPE, 2012).¹⁸

RECOMMENDATIONS FOR PUBLIC POLICIES

This preliminary analysis on occupation of territory in Pará demonstrates that it will be important to advance with land tenure definition in 39% of the State, especially considering the need for actions to recover degraded areas and intensify land use for agriculture and ranching. This issue needs to be a priority for the government, since resolving it will lead to the reduction of land tenure conflicts, to more sustainable long term investments, as well as helping efforts for environmental regularization of properties. Below are the more specific recommendations:

Create an intergovernmental working group for land tenure regularization. Since different agencies with state and federal jurisdiction have processes underway for land title recognition of properties in the State, it is important to coordinate those actions in order to optimize resources and avoid overlapping demands. To that end, we recommend creation of an Intergovernmental Working Group for Land Tenure Regularization in Pará, coordinated of the State Government, with participation of the federal government, representatives of municipalities and civil society. That group can define priority areas and plan joint actions for georeferencing properties and for the effective regularization of pending demands.

Use CAR as a tool for accelerating regularization. CAR is a powerful source of georeferenced information for rural properties in Pará, and we thus recommend that land tenure agencies use this registry as a base for beginning and simplifying tenure regularization processes. That

will avoid a new request for information already presented in order for CAR to be issued and will also aid in planning actions for regularization. For example, municipalities with a larger area covered in CAR could be considered priorities for land regularization. Furthermore, data from this registry could be compared to information regarding other priority demands for regularization (such as for areas inhabited by traditional communities), avoiding titling of private properties overlapping those requests. That process will demand negotiations in order to make the rules of georeferencing of properties applied by Sema for CAR and by land agencies for land titles compatible with each other, as well as modifications in the current rules for land title requests and issuance.

Make data publicly available. The geographic boundaries and other information on properties that are regularized and in the process of regularization need to be available to the public, in order to increase transparency regarding occupation of the State territory. A promising initiative in that regard was launched by the Terra Legal Program, through on line publication of its land title collection^{19,20}. In it, one can visualize the georeferenced properties in the program and the titles it has issued, even though this database is still incomplete (for example, as of August 2012 it did not have all of the polygons for the titles issued). However, that collection still lacks information of land tenure data in areas of state jurisdictions, including Pará. That is why it is necessary for the States to sign cooperation agreements for exchanging land tenure information. Moreover, those agencies need to adapt their websites according to the Access to Information Law (12.527/2011) so as to make the data available to the public.

References and Notes

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- ¹ Brito, Brenda and Barreto, Paulo. 2011. A regularização fundiária avançou na Amazônia? Os dois anos do Programa Terra Legal. Belém-PA: Imazon.
- ² The members of the State Commission for Combating Land Grabbing are: State Court of Justice (TJE), State Office of the Attorney-General (PGE), Institute of Lands in Pará (Iterpa), National Institute for Colonization and Land Reform (Incra), Federal Public Prosecution Office (MPF), State Public Prosecution Office (MPE), Federal Attorney-General's Office (AGU), Brazilian Bar Association – Pará Section (OAB), Federation of Agricultural Workers (Fetagri), Pará Society for Defense of Human Rights (SPDDH), Pastoral Land Commission (CPT) and Federation for Agriculture and Ranching in Pará (Faepa).
- ³ Comissão Permanente de Monitoramento, Estudos e Assessoramento das Questões ligadas à Grilagem. Análise dos registros de propriedades rurais bloqueados in Pará. s/d. Available at: http://pfdc.pgr.mpf.gov.br/atuacao-and-conteudos-de-apoio/publicacoes/reforma-agraria/politica-de-desapropriacao/mapa_grilagem_para.pdf. Access on: 11 May 2012.
- ⁴ Data from reports of the Pastoral Land Commission published annually and available at: <http://www.cptnacional.org.br/index.php/publicacoes/conflitos-no-campo-brasil>.
- ⁵ Veríssimo, Adalberto *et al.* 2011. (Org) Áreas Protegidas na Amazônia Brasileira: avanços e desafios. Belém-PA: Imazon, São Paulo-SP: ISA. This study did not consider data referring to Quilombola lands and Conservation Units in which their areas were diminished by the Law 12.678/2012.
- ⁶ Terra Legal. Extrato Siterleg Titulação por UF 2012. Brasília: MDA, 2012.
- ⁷ The geographic data were analyzed using the system for Sinusoidal Projection and Datum South America (SAD) 1969.
- ⁸ The agencies consulted were Incra, Iterpa, Funai, ICMBio, Sema and Ministry for Agrarian Development (MDA-Terra Legal Program).
- ⁹ We did not have access to authorship of the data, but ICMBio and Funai noted that the data passed on are still to be evaluated in the processes for land tenure definition.
- ¹⁰ Definitive CAR means that the information provided by the land holders has already been verified by Sema/PA.
- ¹¹ Provisional CAR means that the information provided by the land holders is pending verification by Sema/PA.
- ¹² The Public Forest Management Law (11.284/2006) allowed some forest management plans approved at the time it was published to continue temporarily, as long as they met some criteria. For those cases the Brazilian Forest Service signed contracts of transition for timber harvesting.
- ¹³ Certified properties are those with a private title that have undergone the georeferencing certification process performed by Incra. Certification consists of verifying that the property does not overlap any other and that its description documents meets technical requirements (Article 9º, Paragraph 1 of Decree 4.449/2002).
- ¹⁴ It refers to land titles issued in the past by Incra. The date of the titles issuance was not included in the data we obtained.
- ¹⁵ It refers only to land titles issued in 2011. We did not have access to data on land titles issued before this year by Iterpa.
- ¹⁶ We consider in this part of the analysis only the titles issued by the Program that had geographic boundaries available. However, as of January 2012 the Terra Legal Program had already issued 406 land titles in Pará.
- ¹⁷ We did not consider data from CAR overlapping with other data, since the objective of this study is to map the total area where some type of land title information already exists, and not to identify conflicts over ownership.
- ¹⁸ Inpe. s/d. Taxas anuais do desmatamento - 1988 até 2011. Available at: http://www.obt.inpe.br/prodes/sisprodes2000_2011.htm. Access on: 05 out. 2012.
- ¹⁹ The land title collection for Terra Legal is available at: <http://i3geo.mda.gov.br/i3geo/interface/openlayers.htm?libhitou3ml53f5e5quan29444>. Access on: 11 mai. 2012.
- ²⁰ The i3geo portal is part of the National Infrastructure of Space Data (Inde), created by Decree 6.666/2008, with the objective of integrating different databases from public agencies. More information is available at: <http://www.inde.gov.br>.

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