Institutional innovation for the solution to Amazonia’s land ownership problems: the case of the internal affairs department in Mato Grosso

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The land problem in Brazil stems from the occupation process of the territory implement by Portuguese and later by the brazilian rulers;

In the case of Mato Grosso, the situation of insecurity of land ownership is substantially aggravated in comparison with other states through having had a largely disorderly occupation in which the public agencies in the state, granted lands in haphazard fashion.

The objective of this article is to show solution found to solve the land issues: the establishment of the Agrarian Affairs and Public Registries Committee of the Justice Internal Affairs Department in the State of Mato Grosso.
Why do we need to worry about land tenure and the security of land rights in state of Mato Grosso?

- Mato Grosso State is located on Central-West Region of Brazil;
- It is the third largest state in the country;
- Is the state where agribusiness more developed in Brazil in recent years;
- Included in the Legal Amazon territory.
Mato Grosso on Brazil’s Ranking

Agricultural Production Growth on Mato Grosso

Source: CONAB, IBGE, Imea, 2015
Land destination in the state of Mato Grosso

- Land regulation established as to favor private interests of a minority in the state.
- Transference of public lands to private owners through government institutions as political favors is commonplace.
- From 1966-1977 there were no specific government agency to regulate land destination.
- During the colonization of the state of Mato Grosso several land departments were created: DTC, CODEMAT and INTERMAT. Everyone always attending to political interests without the practice of transparency. Existence of fraud in land concessions I this agencies.
- Cold or “flying” titles: formal land titles obtained with the government agencies and after the acquisition of the titles, these were 'adjusted' to areas which did not correspond to their original extension and registered in the Land Registry Offices.
Land destination in the province of Mato Grosso

• Conclusions:
  • No clear delimitation of public and private lands.
  • Overlapping titles and no complete land cadaster.
  • Every single land management agency (DTC, CODEMAT, INTERMAT) sold land without demarcation of the areas described in the titles.
  • Impossibility of good land governance practices due to:
    • Lack of transparency in land-related bodies
    • Lack of a single cadaster that distinguish public from private land and identifies public vacant lands.
Land tenure problems detected by the methodology LGAF

- Lack of understanding of the land ownership base of state and federal origin
- Mismatches on the land ownership base
- Problems with the state land agency (INTERMAT)
- Absence of a cadaster for private real estate, possibility of appropriation and the fragility of the registration system
- Confused, disjointed institutional arrangements and policies
- Problems with the State Courts
The solution to solve the problems

The Justice Internal Affairs Department in the State of Mato Grosso created, in 2011, the Land Affairs and Public Registry Committee of the Courts of Justice with the aim of promoting:

- Synergy between the organs;
- a joint debate on the existing land ownership problems in state;
- regularization of both urban and rural real estate in the state.
The Committee has the following duties

I – To study the occupation of land by creating a database on this subject;

II – To identify the main problems between Land Registries and Land Management in the state of Mato Grosso;

III – To submit a proposal for concrete solutions for cases submitted to it;

IV – To promote the qualification of professionals operating in the area covered by this directive;

V – To analyze queries or processes submitted to them by the participating institutions or any other entities which, for the purposes of clarification, may enter into contact.
Measures Taken by the Land Affairs and Public Registry Committee

✓ Provision 15/2014 – CGJ/MT - Creates the Municipal Land Affairs Committee and Municipal Land Regularization Councils.
   ✓ Results: 20 municipalities have created the commission and the city council.

✓ Provision 36/2013 – CGJ/MT - Provides for the standardization of georeferencing legalization procedures and recording of Definitive Titles issued by the State and/or Federal Public Authorities.
   ✓ Results: The city of Comodoro is developing a land regularization program you want to legalize more than 1,500 land located in a community of low-income urban areas. So far, the municipal program Regulate Commodore has claimed informality at least 100 families.

✓ Provision 37/2013 – CGJ/MT - Provides for the extinction of condominium pro diviso),
Measures Taken by the Land Affairs and Public Registry Committee

✓ Provision 56/2014 – CGJ/MT, which set a period of 60 days for INTERMAT to supply the Letter of Consent.
  ✓ Results: provided more quickly to the land regularization process in state public land;

✓ Provision 63/2014 – CGJ/MT - Provides for the standardization of the georeferencing registration procedure in the matriculation of mismatched and/or overlapping titles;
  ✓ Problem: The INTERMAT not want to surrender their land base to complement the foundations of other organs

✓ Provision 68/2014 – CGJ/MT - Provides for the regularization of INCRA Rural Settlement Projects and the registration of agrarian reform titles.
  ✓ Results: More than 80,000 families will benefit the state. So far 2,082 families received definitive certificates of ownership of their areas;
Conclusions

- That the land problems of Mato Grosso result from disordered way held territorial occupation;
- Absence of a register and the lack of knowledge of public and private lands;
- Lack of structure, organization and transparency of state land agency, the INTERMAT;
- The creation of land affairs committee to identify land tenure problems, propose solutions and publish rules to make them viable is a kind of ideal mechanism to achieve good land governance;
- The promotion of dialogue and the exchange of information between government agencies, non-governmental and civil society that the commission is being provided essential for conflict resolution in the State of Mato Grosso.