

Summary of the Progress Report of the International Fact-finding Mission MATOPIBA: International Investigation of Human Rights

Speculation and financialization of the land market by transnational agricultural real estate companies and its effect on the environment and the implementation of the Human Right to Adequate Food and Nutrition for the traditional populations of the MATOPIBA region (Maranhão, Tocantins, Piauí and Bahia) Alto Parnaíba, Piauí, September 4-15, 2017

Main objective

To document, verify and guarantee the visibility of the social, economic, environmental and human rights impacts caused by the financialization of land in the MATOPIBA region, which serves as a paradigmatic example of an extensive process of large-scale acquisition of public lands by international pension funds through real estate companies and transnational farm production based in Brazil and specifically created for this purpose with the intermediation of local land grabbing agents.

The International Fact-finding Mission (Caravana MATOPIBA)

From September 6 – 10, the international fact-finding mission, also referred to as Caravana MATOPIBA¹, travelled two thousand kilometers across the Alto Parnaíba savannah, in the State of Piauí, visiting various rural and traditional communities and debating with public and civil society representatives. Meetings were held in the communities of Melancias (Gilbués municipality), Baixão Fechado, Sete Lagoas, Brejo das Meninas and Santa Fé (Santa Filomena municipality)². On September 11, the fact-finding mission held a public meeting in Bom Jesus with the participation of communities, entities, prosecutors and the Vara Agrária (the Court for land tenure dispute settlement). On this occasion, none of the representatives from the companies mentioned or the executive and legislative authorities attended, all of whom were invited by this mission.

Background

The land grabbing phenomenon has rapidly increased worldwide since the multidimensional global crisis of capitalism from 2008 – 2011. Early on, researchers from universities and NGOs dealing with this thematic area (GRAIN, Rede Social de Justiça e Direitos Humanos and FIAN International among others) identified and denounced the movement of capital by the State and companies in rural areas as one of the main factors promoting land grabbing. The MATOPIBA region, believed to be Brazil's "last agricultural frontier", has been identified as the main region affected by this process, thus prompting the mission.

¹ The following organizations, social movements and entities participated in the fact-finding mission:

Coordination: FIAN International; **Organization:** Rede Social de Justiça e Direitos Humanos, Comissão Pastoral da Terra (CPT/PI), FIAN International, FIAN Brasil; **Participants and supporters:** Comissão Pastoral da Terra (CPT), CLOC – La Via Campesina, Via Campesina Brasil, GRAIN, ActionAid USA, Friends of the Earth International, WhyHunger, InterPares, Development and Peace, FIAN Sweden, FIAN Germany, FIAN Netherlands, Solidaridad Suecia - América Latina, Grassroots International, National Family Farm Coalition, Family Farm Defenders, Student/Farmworker Alliance, Maryknoll Office for Global Concerns, Presbyterian Hunger Program, SumOfUs, Campanha Nacional em Defesa do Cerrado, FASE, FIOCRUZ, HEKS/EPER, ActionAid Brasil, Cáritas Regional do Piauí, Federação dos Agricultores Familiares (FAF), Federação dos Trabalhadores Rurais na Agricultura (FETAG-PI), Escola de Formação Paulo de Tarso (EFPT - PI), PROGEIA (Santa Filomena), Sindicato dos Trabalhadores Rurais de Santa Filomena, Paróquia de Santa Filomena, Instituto Comradio do Brasil; **Donors:** Hands on the Land Project/European Commission, FIAN International (FIAN Germany, FIAN Netherlands, FIAN Sweden), Rede Social de Justiça e Direitos Humanos, Brot für die Welt, Misereor.

² Furthermore, representatives from the following communities were present in these public hearings: Barra da Lagoa, Xupé, Piaçaba, Bacaba, Pau Seco, Cabeceira do Angelim, Passagem de Pedra, Brejo das Éguas, Riacho dos Cavalos, Morro d'Água, Serra Partida, Sumidouro, Brejo dos Miguel, Brejo Seco, Brejo Feio, Angical, Piá Rio Preto

Characteristics of the communities visited

The majority of the community members reported that they were “born and raised” on this land and feel a strong bond to the territory, expressing their wish to remain there and for their occupation and traditional livelihoods to be respected. Various communities reported that the presence of their ancestors in the region dates back to at least the beginning of the twentieth century.

The collective traditional ways include living on so-called baixões, or “low lands”, where their small farms are located; fishing, hunting animals of the region, raising free-range animals on the low lands and the plateau, including the harvesting of fruit, such as the buriti palm tree, for the preparation of sweets and oils – an activity mostly carried out by women.

In spite of this traditional occupation for the reproduction of life, the communities do not hold titles for their lands (individually or collectively) and, mainly since the 1980s and 1990s, have suffered from pressure directly (such as threats, judicial repossession actions, the destruction of homes and small farms, and violence towards people) and indirectly (the loss of fauna and flora, pesticide contamination, diminishing water supplies among others) due to agribusiness development and real estate speculation. Hunting, fishing and raising free-range animals have become virtually impossible due to land pressure and the environmental changes.

Land grabbing in the region and socioenvironmental impacts: old problem, new features

The arrival of the large ‘projects’ dates back to the beginning of the 1980s when large producers originating from the South-Central region of the country and locally known as “gaúchos” started arriving in search of lands for the introduction of soybean plantations. However, it was from the year 2000 that the competitiveness of the process became evident and conflicts increased in number and intensity. In the face of this, fear and uncertainty prevail in the communities.

There is a great amount of confusion around land ownership in the south of Piauí to the extent of one case where a single property had 20 deeds, according to reports by local authorities heard by the fact-finding mission. The actions of local registries serve as one of the main mechanisms for grabbing land and applying all methods of land title irregularities – with a recent investigation by the Judicial Administrative Department (Corregedoria) resulting in the closing of ten registry offices in the state, including those of Bom Jesus and Santa Filomena.

Against this backdrop, land grabbing has gained some new features. This is seen in the phenomenon of ‘green land grabbing’, in other words when landowners seize the lower areas to use them as a legal reserve in accordance with the requirements of the Forestry Code. This is due to the fact that the lands that they grabbed, which are located on the plateaus, have already been completely deforested due to soybean cultivation. And the communities are now confined to these reserves. The land grabbers have also used the Environmental Rural Register as a tool to incorporate the green areas that are currently in the possession of the communities in the land grabbing process, .

Less evident forms of land grabbing also exist. This is the case of displacement caused by depletion and/or pollution of the resources for the survival of the communities, caused by the expansion of plantations. In the five meetings that were held, the difficulty of the reproduction of the communities due to the reduction of water in the streams, wetlands and rivers was reported. For example, in Melancias, the buriti palm trees no longer bear fruit on an annual basis due to ecological changes, and during the periods of soybean cultivation the composition of the water from the wetlands is visibly altered due to pesticide contamination and erosion, with evidence of death by poison among fish and other animals. A further common theme in all of the meetings was the impact of pesticides on the health of the population. This is seen

in the type of diseases that are acute (skin lesions, dizziness, nausea) as well as chronic (an increase in the number of cases of cancer in the communities). Deforestation, monoculture and the use of hundreds of thousands of liters of poison by agribusinesses have also resulted in a reduction in the number of bees, the level of water in the wetlands, biodiversity, and increased the incidence of new plagues in the farms of smallholder farmers in the lowlands. The impact on water sources is also significant as it affects the pluviometric regime and river system of other biomes and regions in the country.

Further methods of pressure to leave the communities exist as well. The communities reported a lack of secondary schools in nearby locations, forcing adolescents to drop out of school or move to another city to finish their studies, thus affecting the community dynamics. This situation has worsened due to the accelerated closure of rural schools in Piauí³ - which also forces women to abandon their land, migrating to the cities to take care of their children who are in search of educational opportunities.⁴ Furthermore, the communities of Baixão Fechado and Santa Fé continue to lack access to a public electricity supply.

Examples of dramatic cases are the Sete Lagoas and Brejo das Meninas communities, located in the municipality of Santa Filomena. The members of the Sete Lagoas community are prohibited from planting their crops by the agribusiness company in the region that hires private security companies to stand guard and intimidate the residents on a daily basis. In Brejo das Meninas, the women are also required to walk increasingly long distances to access the Buriti palm trees they use to make different products due to the changes in the cycle of the waters and deforestation. Members of the Brejo das Meninas community also reported recent shootings targeting residents' houses and a bus with people inside, as well as continued fear of armed men from outside of the community present on the territory. These facts demand urgent action on the part of the Brazilian State and the international community.

Identified human rights violations

The actions of local land grabbers and their connection with large businesses, such as the SLC Agrícola S/A and Dahma Agropecuária Ltda., are known to the communities. Some of them identified the Fazenda Ludmila as being linked to RADAR, which is managed by TIAA-CREF, a U.S. pension fund with more than one trillion USD in capital. The high-risk situation of food and nutrition insecurity being experienced by the Sete Lagoas community is an example of the extent to which the pressure applied by land grabbers, fueled by greed at the prospect of new multi-billion investments by pension funds, affects the entirety of community life. The impact of this situation on the community is already visible with evidence of chronic malnutrition in children under five years old and in the adults themselves. The presence of companies financed by foreign investment funds has accelerated the demand for lands in the region and increased all forms of pressure on the communities mentioned above. In this process, public authorities clearly demonstrate double standards, which can be seen in the large subsidies for the production of commodities while giving few incentives for the practice of family farming.

In the surveys and preliminary visits as well as the activities of the fact-finding mission, strong evidence was also found regarding the involvement of these and other foreign investment funds in land expropriation in the region. In this regard, it is of utmost urgency to implement the extraterritorial human rights obligations in those states in which these investment funds are headquartered. Due to strong evidence that these funds are causing human rights violations,

³ According to the Movimento dos Trabalhadores Rurais Sem Terra (MST), 377 rural schools were closed in the state of Piauí in 2014 alone.

⁴ A striking example of this is the case of the Tabocas settlement, where the school was closed and the mothers were then prosecuted by the Public Ministry for not enrolling their children in school, which forced the mothers to migrate to the cities.

countries such as the United States, Sweden, Germany and the Netherlands should regulate these actions and those of other economic agents headquartered in their territories.

Moreover, the Brazilian State, in its federal, state and municipal spheres, has also allowed the violation of human rights on the populations of the Piauí savannah, including the right to land and to territory, the right to physical integrity, women's rights, to food, to work, to housing, to education, to health, to water, to the environment, sexual and reproductive rights, to sanitation, the right to come and go, the right to organization, in the context of the indivisibility of human rights. The Brazilian State has encouraged the unregulated occupation of the Piauí savannah by agribusinesses and real estate companies without adequate regulation of the right to possess land occupied by the traditional populations of the region. While the State of Piauí has promoted land regulation by means of State Law No. 6709/2015 – which was elaborated and approved without consultation, prioritizing the legalization of the areas of large landowners -, the Federal Government has in recent years supported the development of agribusinesses in the MATOPIBA region by means of subsidies and by prioritizing policies relating to infrastructure and technology. These state incentives aimed at large companies and landowners strongly go against a series of omissions relating to the obligations of the Brazilian State to respect, protect, promote and provide fundamental rights to the traditional populations of the Piauí savannah.

The extreme manifestation of this is the direct connivance of the State in relation to the violence and the threats of violence against the traditional populations of the region. There have been a number of reports during the fact-finding mission on the presence of members of the Military Police in armed convoys threatening the communities. In addition, they generally do not have access to protection by the judiciary and law enforcement bodies, especially considering that the Public Defenders Office, the Department of Justice and police stations are generally located hundreds of kilometers away from their territories.

In this regard, we propose the following recommendations:

Preliminary recommendations to local, national and international authorities

For the State Executive Power to:

Suspend the enforcement of State Law No. 6709/2015 (Law on land regulation of the State of Piauí) and promote an open consultation, with the participation of the affected communities prior to the consultation and informed by them, in accordance with the International Labour Organization's Convention No. 169;

Guarantee that the Military and Civil Police act in strict compliance with the law in the visited regions;

Open investigations related to the accusations received by this fact-finding mission;

Guarantee the immediate storage and distribution of drinking water for the rural communities of the region;

Establish an immediate ban on aerial spraying of pesticides;

Immediately start a policy of zero deforestation in the areas that feed groundwater recharge and water tables;

Guarantee the presence of doctors and basic health infrastructure in the communities of the region;

Carry out a toxicological evaluation of the pesticide contamination of the soil and waters in the areas where agribusinesses operate;

Carry out toxicological analyses of water samples received by the fact-finding mission;

Prioritize the schools of the region and of the municipalities visited, strengthening material and human resources;

Open schools, in order for the communities visited and other communities in similar situations to have easy access and be in close proximity to primary and secondary education;

Proceed with the opening and maintenance of roads to facilitate access to the communities;

Proceed with the implementation of the public electricity supply for those communities still lacking access to this essential public service;

Proceed with the implementation of basic telecommunications infrastructure in the communities;

Proceed with the implementation of the public internet network in the communities of the region;

Establish policies on the recuperation of water sources and the regeneration of rivers, streams and other bodies of water;

Municipal Executive Authorities:

For the municipalities in southern Piauí, where agricultural conflicts are driven by the expansion of monocultures and land speculation (for example Santa Filomena and Gulbués), to meet the constitutional obligations mentioned above, especially in relation to the areas of health, education, infrastructure and the environment.

State Legislative Authorities:

For the Legislative Assembly of the State of Piauí to:

Revise State Law 6709/2015 (Land ownership regularization law) based on free, previous and informed consent of affected communities based on the 169th convention of the International Labor Organization (ILO);

Approve legislative budgetary propositions to strengthen the Public Defenders Office of the state and the Vara Agrária of the state of Piauí, in order to create an Agricultural Public Defenders Office in the state as well as new police stations in the municipalities lacking them;

Visit the region with its Commission on Human Rights;

Establish an immediate ban on the aerial spraying of pesticides;

Federal Legislature:

Reformulate the current law treating foreign ownership of land to include foreign ownership of real estate companies and agribusiness corporations, as well as to hold them responsible for the social and environmental consequences of companies which they own; as well as guaranteeing that the land owned serves its social function.

For the State Judicial branch:

Strengthen the state vara for resolving land disputes. with personnel and equipment.

For the Public Defenders Office of the State to urgently make a joint effort to deal with all of the cases of rural land disputes in the state of Piauí;

For the Justice Administration Department of the State of Piauí and the National Council of Justice to ascertain the existence of irregularities in regard to the land issue in the registries of the region;

For the Public Ministry of the State of Piauí and the Federal Public Ministry to ascertain all of the cases of the human rights violations mentioned above;

International Bodies:

For urgent precautionary measures to be requested from the Inter-American Commission of Human Rights in defense of the life of the threatened communities of Brejo das Meninas and Sete Lagoas;

For the foreign States where the pension funds mentioned above are located to investigate and regulate the actions of the economic agents involved in the human rights violations;

--