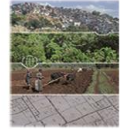




# Land Governance in an Interconnected World

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY  
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## THE SPECIALIZED LAND COURT IN MATO GROSSO, BRAZIL: ACHIEVEMENTS AND CHALLENGES IN COLLECTIVE LAND CONFLICTS

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BRAZIL: ACHIEVEMENTS AND CHALLENGES  
IN COLLECTIVE LAND CONFLICTS**

**map. 1 - Showing Mato Grosso State in Brazil**





# Mato Grosso an interesting case

- Area: 903,357 km<sup>2</sup>
- Largest **grain producer** (CONAB, 2017) in the country
- **Largest cotton producer (IBGE)**
- Soybean Planted area: **9.323 million hectares** (CONAB) (CONAB, 2017)
- **Almost 2 million hectares in rural collective conflicts**

## **Actions taken by the Judiciary Branch of the State of Mato Grosso**

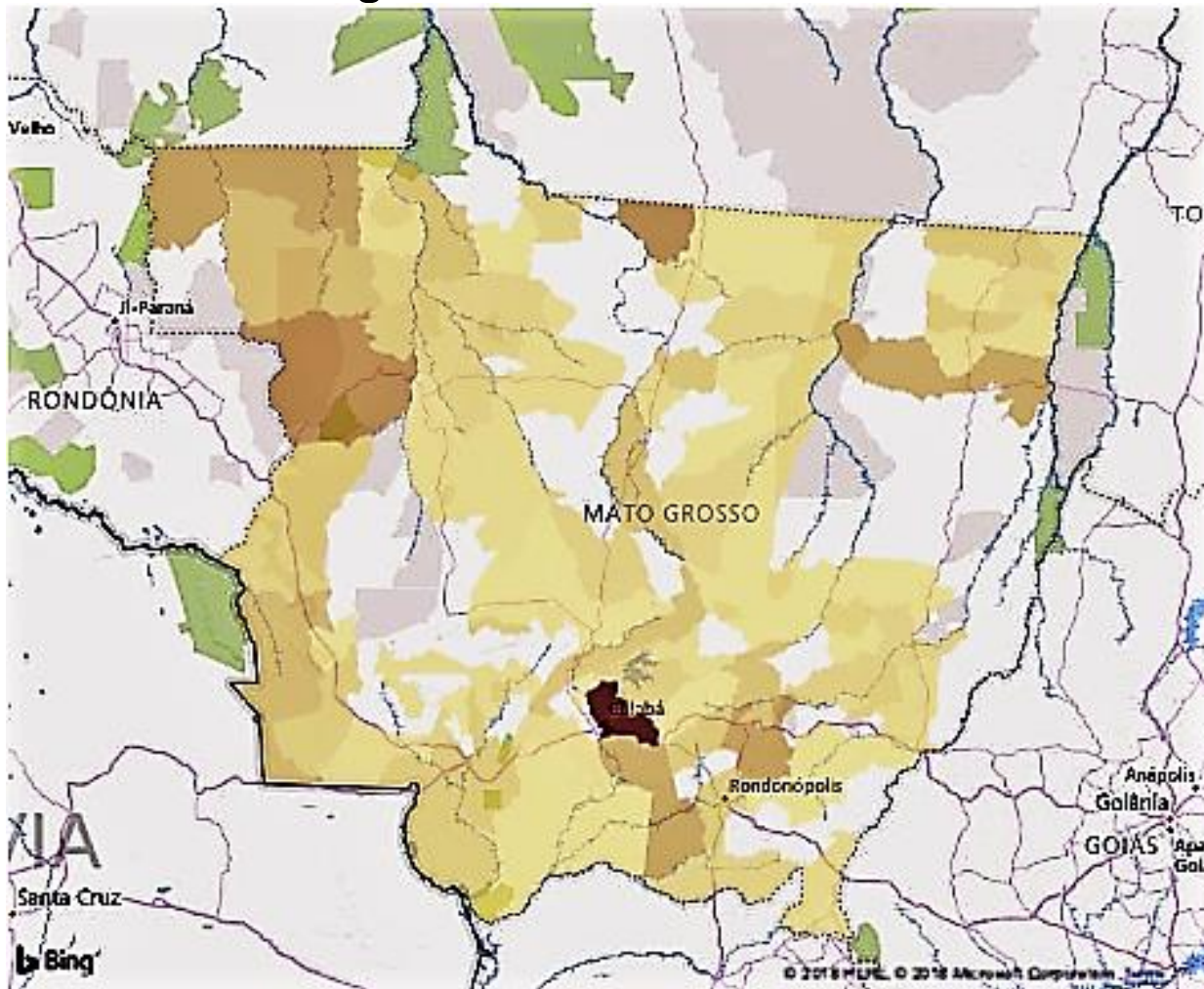
- 2008 - Creating a specialized court - responsible for solving land tenure issues all across the state;
- 2011- Creating a state committee - involving all the land agents to lead the debates on the problems and solutions to the land issue of the State;
- 2014 - Creating throughout the state municipal committees on the land issue **led by judges.**

## How does the specialized land court work?

The Land Court is specialized in collective rural land tenure disputes across the state of Mato Grosso, since the following requirements must be present:

- Possession claim involving social movements or group;
- Occupation for the purpose of land distribution, in a peaceful or violent manner;
- Social interest or social tension to deserve specialized judicial treatment to ensure the defense of the human rights of rural people and their families;

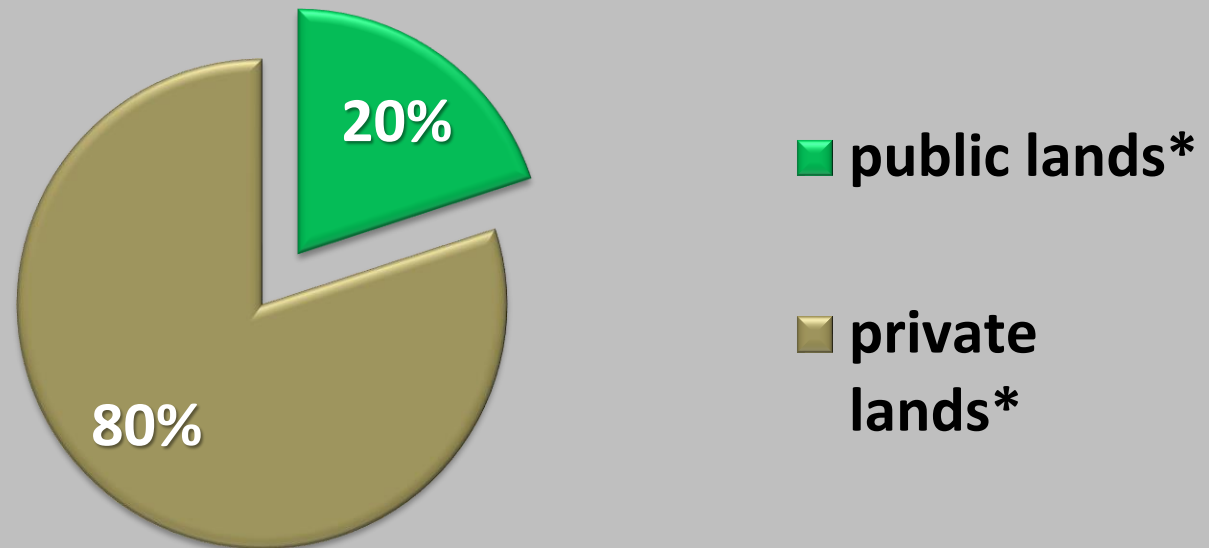
**Map 2. Mato Grosso - showing how the collectives rural land conflicts are distributed by municipality - \* darker areas represent the municipalities with the highest concentration of conflicts**



# What is the profile of collective land conflicts in the State of Mato Grosso?

a) Type: Private land x public land

**Graph 2. Collective lawsuits for rural land conflicts of state of Mato Grosso**



- **Graph 2. shows 80% of the rural collective lawsuits involved private land**
- Source: MT Land Court (2017) \* information based on the author's declaration



## b) How many people are directly affected by the conflicts?

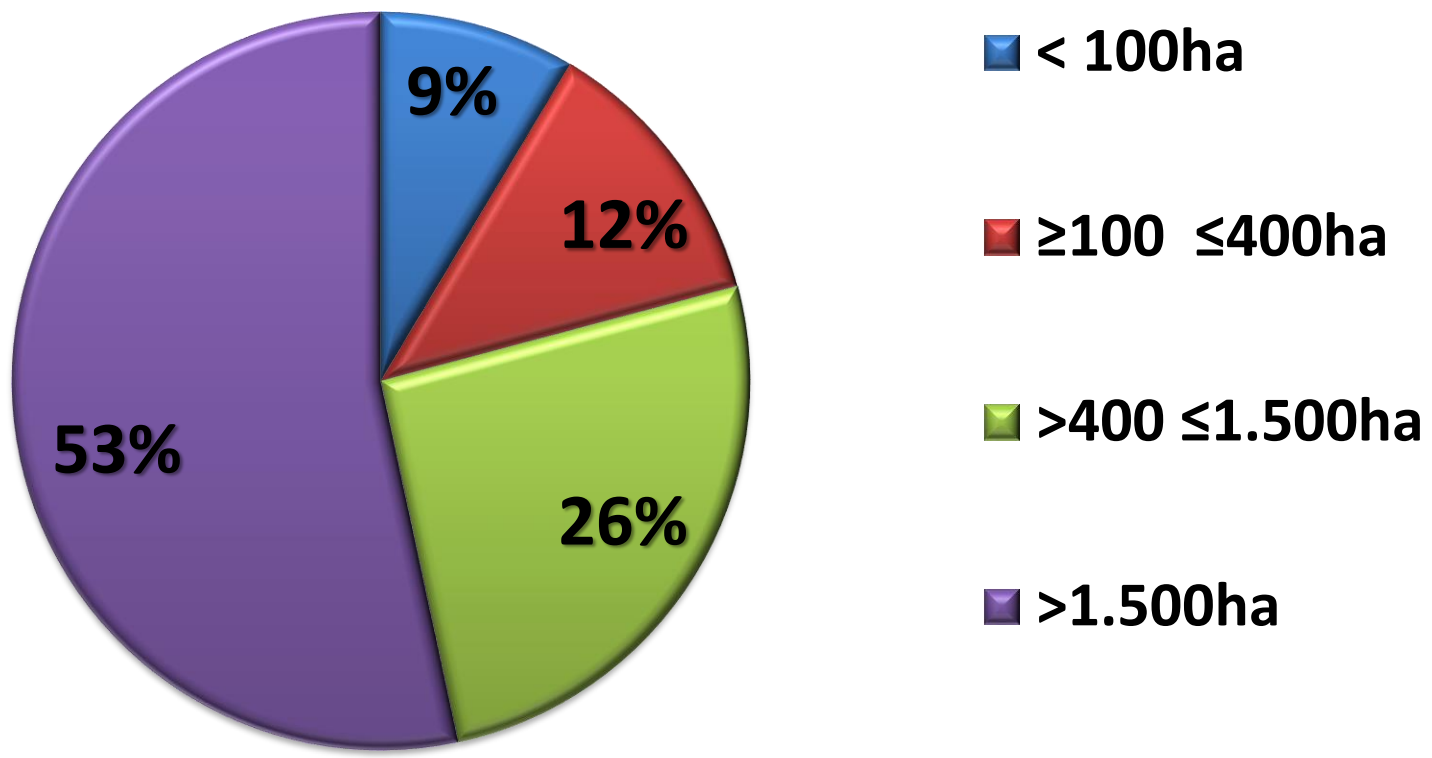
**Table 1. Number of people affected by land conflicts in Mato Grosso**

| <b>Groups of people affected per conflict</b> | <b>Cases</b> | <b>Total people affected</b> |
|---|--------------|------------------------------|
| <b>From 2 to 20</b>                           | 63           | 537                          |
| <b>From 21 to 100</b>                         | <b>248</b>   | <b>11.191</b>                |
| <b>From 101 to 200</b>                        | 25           | 3.524                        |
| <b>From 201 to 500</b>                        | 13           | 3.491                        |
| <b>From 501 or more</b>                       | <b>3</b>     | <b>7.800</b>                 |
| <b>Total</b>                                  | <b>352</b>   | <b>25.993</b>                |

### c) Which size of properties is involved in the collective conflicts?

**Graph 3. Size of properties with collective conflict over rural land tenure -MT -2017**

Source: Land Court – MT (2017)



- d) Types of land use in the conflicts at the Land court

| Type of land use         | Nº         | %          | Area (hectares)     | Number of People | Average Size    |
|--------------------------|------------|------------|---------------------|------------------|-----------------|
| Large-scale agribusiness | 25         | 8,45       | 390.254,78          | 2.427            | 15.610,19       |
| Agriculture              | 33         | 11,15      | 336.287,46          | 1.850            | 10.190,52       |
| Agriculture and cattle   | 7          | 2,37       | 36.823,51           | 2.054            | 5.260,50        |
| Cattle                   | 137        | 46,28      | 600.559,45          | 7272             | 4.383,65        |
| Forest management        | 18         | 6,08       | 315.160,69          | 1498             | 17.508,92       |
| No use                   | 31         | 10,47      | 110.136,00          | 8097             | 3.552,77        |
| Others                   | 37         | 12,50      | 77.740,88           | 2.268            | 2.101,10        |
| Subsistence*             | 8          | 2,70       | 73.387,54           | 757              | 9.173,44        |
| <b>Total</b>             | <b>296</b> | <b>100</b> | <b>1.939.349,31</b> | <b>26.523</b>    | <b>6.551,85</b> |

\*cases only with defined area

\* \*involves only law suits that the plaintiff are social movements or groups that fight for distribute land

Source: MT – Land Court (2017)

## How the Land Court deals with this conflicts?

**In the court judge will have to analyze an intricate situation involving rights relating to:**

- - the dignity of the human person (rural people and their families);
- - possession;
- - the fulfillment of the social functions, that involves its triple function: social, environmental and economic;
- **Always seeking a conciliation for a peaceful solution**

## The judge visit the conflict location

One of the **actions that most positively impacts in the land conflict** is the visit of the judge at the scene of the conflict.

The results encourage us to keep doing this because:

- it is a **very inclusive practice** – land occupants and communities feel valued with the presence of the judge;
- it **provides the judge with deeper knowledge** of the conflict;
- it gives government land agencies the opportunity to clarify directly with occupants about the land situation, undoing false information;
- it allows the judge to verify if any environmental damage is occurring;
- the judge advises on the disposal of household waste; preservation areas, since collective occupation always has a strong environmental impact;
- it helps to calm people down;
- it assists the judge in the search for a peaceful solution



## State Committee for Land Issues and Municipal Committees

The following are assignments of the **State Committee**:

- study the land occupation and develop a database;
- Identify the main problems between Land Registries and Land Management in the State of Mato Grosso;
- Present concrete solutions to the cases submitted to them.
- Promote the professional qualification of those acting in issues related to land governance;
- Analyze requests for clarification and lawsuits submitted to the Committee by the participant agencies or others.

### **Municipal committees**

- Lawyers, notaries and the Public Defense bring to the meetings the obstacles to perform land regularization and discuss them between the other agencies that are part of the municipal Committees.
- The meetings are chaired by the figure of the judge (similar to a county judge) that acts administratively towards the solution of the issues presented.
- All the provisions have concrete consequences on the activities done by judges, land registries, lawyers and land agencies and aim to reduce the bureaucratic and improve the effectiveness.

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- These are some of the experiences of the Land Court of Mato Grosso State and Committees for Land Issues. We hope this study can help Brazil in the improvement of land governance, as well as inspire other countries to develop actions with Judicial Branch to more inclusive results.