Brazil Land Governance Assessment

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Brazil Land Governance Assessment

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Contents

Acronyms

ABC Plan	Low-Carbon Agriculture Plan
ABNT	Brazilian Association of Technical Standards
AC	Acre
AGU	Attorney General
AP	Amapá
APP	Areas of Permanent Preservation
ARISP	Sao Paulo Notaries Association
CAFIR	Rural Housing Cadaster of the Federal Receipt
CAR	Rural Environmental Cadaster
CBO	Community Based Organization
CCIR	Certificate of Registration of Rural Property
CDRU	Concession of Direct Right of Use
CE	Ceará
CGJ-PI	Comptroller of Justice
CNIR	National Rural Housing Cadaster
CNJ	National Justice Council
COTP	Certificate of Occupation of Public Land
CPI da Grilagem	Parlamentary Commission to Investigate Land Grabbing in the Amazon
CPS	Country Partnership Strategy
EIGF	Land Governance Integrated Office
FGI	Forest Governance Indicator
FIP	Forest Investment Program
FIRCF	Inter-Institutional Forum for Land Conflict Resolution
FJP	João Pinheiro Foundation
FUNAI	National Indian Foundation
GDP	Gross Domestic Product
IBAMA	Brazilian Institute for the Environment and Renewable Natural Resources
IBGE	Brazilian Geographical and Statistical Institute
ICMBio	Chico Mendes Institute of Conservation of Biodiversity
ICMS	Excise Tax on Goods and Services
ICMS Verde	Green Excise Tax
IMC	Inter-Ministerial Committee on Land Governance
IMWG	Inter-Ministerial Working Group on Land Governance

INCRA	National Institute of Colonization and Agrarian Reform
INPE	Institute of Amazon Research
INPE	National Institute for Spatial Research
ITBI	Tax on Property Transfer
ITCMD	Tax on Transmission Causa Mortis and Donation
ITERPA	Pará Land Institute
INTERPI	Piauí Land Institute
IPEA	Applied Economics Research Institute
IPTU	Urban Property Tax
ITERPA	Pará Land Institute
ITESP	São Paulo Land Institute
ITR	Rural Property Tax
LGAF	Land Governance Assessment Framework
LGI	Land Governance Indicator
LSLA	Large Scale Acquisition of Land Rights
M&E	Monitoring and Evaluation
MDA	Agrarian Development Ministry
MG	Minas Gerais
MMA	Ministry of the Environment
MS	Mato Grosso do Sul
MST	Landless Movement
MT	Mato Grosso
NGO	Non-Governmental Organization
OEMAs	State Environmental Management Agencies
PA	Municipal Project Pact to Reduce Deforestation São Félix do Xingu
PAC	Growth Acceleration Program
PB	Paraiba
PE	Pernambuco
PEFA	Public Expenditure and Financial Accountability
PES	Payment for Environmental Services
PMCMV	Minha Casa Minha Vida Program
PMV	the Green Municipality Program
PPCDAm	Plan for Prevention and Control of Deforestation in the Legal Amazon
PPCerrado	Action Plan for the Prevention and Control of Deforestation and Fires in the Cerrado
REDD+	Reducing Emissions from Deforestation and Forest Degradation
RF	Federal Receipt (tax collection agency)

RJ	Rio de Janeiro
RL	Legal Reserve
RO	Rondonia
RR	Roraima
SE	Sergipe
SERFAL	Land Regularization of the Legal Amazon
SICAR	System of Rural Environment Cadaster
SIGEF	System of Land Management
SISNATE	National System of Acquiring and Renting Land by Foreigners
SNCR	National System of Rural Record of INCRA
SP	São Paulo
SPU	Secretariat of the Brazilian Union Patrimony / Federal Assets Office
SRF	Secretariat of the Federal Receipt (tax collection agency)
TDA	Agrarian Debt Security Title
TNC	The Nature Conservancy
UMC	Municipal Registration Unit
VAT	Value Added Tax

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The findings, interpretations, and conclusions expressed in this volume do not necessarily reflect the views of the Executive Directors of the World Bank or the governments they represent.

Executive Summary

This report synthesizes and discusses the findings of a series of self-assessments of the land governance[1] situation in Brazil conducted entirely by knowledgeable Brazilians using a standardized indicator-based diagnostic assessment instrument. The findings, therefore, represent the perception of local experts based on their collective experience and available data. The primary audience of this report comprises federal and state officials directly involved in land governance within the assessed states and in the other states. Apart from the utility of the actual findings, the standardized, indicator-based instrument that was used, the Land Governance Assessment Framework (LGAF), is a useful tool that government and development partners can use to prepare projects or programs for which success is contingent on the proper functioning of land-related institutions.

The overall development objective of this assessment is to reliably measure land governance capabilities and performance across a cross-section of the country's territory. The output can inform public policy on the areas of land governance that should be strengthened to support key socio-economic agendas of the government. This information could reasonably serve as a guiding framework for designing and dimensioning a strategic program of investments, capacity building and incentive-compliant regulatory reforms to enhance land governance performance.

This assessment is both highly relevant and timely, given that land and natural resource assets tied to land, are at the heart of much of Brazil's current competitiveness and its strategically valuable positioning in the changing global economy. Addressing claims to land are also central to the achievement of the country's socio-political goals in both urban and rural areas, in particular, to reducing inequality. These goals which include regularization of land occupation in urban and rural areas have been strongly emphasized in the recent policy positions and priorities of the current federal government and many state governments through ambitious flagship programs such as Minha Casa Minha Vida (PMCMV) and Terra Legal. Additionally, with increasing global attention on climate change and sustainable production patterns, the government as recently as 2012 gave a strong signal of its commitment to the land agenda by mandating registration of production in the Rural Environmental Cadaster (CAR) through the new Forest Code.

[1] "Land Governance" as used in this Report signifies the management and administration of land

The Assessment Methodology

The methodology for the assessment was the Land Governance and Assessment Framework (LGAF), developed by the World Bank, which focused on five key areas of good land governance and there additional themes. The core areas were: the legal, institutional, and policy framework associated with land rights; land use planning and taxation; identification and management of state land; public provision of land information; and dispute resolution. The optional modules used in some of the assessments focused upon large scale land acquisition, forestry, and land tenure regularization. At the heart of the LGAF methodology were the rankings of the standardized indicators through panels of local experts, each including a diverse set of individuals who are exposed to different aspects of services in the explored areas. The panel sessions were followed by Validation Workshops, during which panelists across thematic areas and other stakeholders had an opportunity to discuss the rankings, either validating them, or agreeing to revisions. This was followed by a discussion with high level bureaucrats and policy makers to discuss the potential policy implications of the assessment. Due to the scale, complexity and internal variations across Brazilian territory three state level assessments were conducted in addition to the federal assessment as follows:

Pará: The predominant land management challenges in this state center around natural resource management and forestry. Additionally, Pará is at the forefront of efforts to reconcile land tenure regularization with environmental compliance in land use.

Piauí: The main land management challenges in this state center around agricultural frontier expansion especially in relation to cultivation in the Cerrado. This state is one of the poorest in Brazil and with a population of just over 3 million its population density is the lowest of all northeastern states, giving rise to unique land management and service delivery challenges.

São Paulo: Although the land management challenges in São Paulo are diverse, the most prominent ones center on management of urban population growth (including regularization of informal settlement) and metropolitan services with important links to property taxation.

Strengths of Brazilian Land Governance

Based on the panel rankings of the LGAF indicators, the associated Workshops and some bibliographic review, the assessment identified four areas of relative strength in Brazilian land governance. They include the guarantee of property rights, transparency in the allocation of public land, the public accessibility of recorded land information, and the growing transparency associated with the emerging influence of democratic and social movements. This section briefly discuses each of these in turn.

Recognitions of property rights

Firstly, the assessments demonstrated that there are ample recognitions for property rights, including those of vulnerable groups, even though the administration of justice is often not as efficient and accessible as desired. Women,

indigenous and traditional populations, those whose land has been expropriated, and even the poor, who informally possess land, find protections and legal recourse in Brazil. More than 45 percent of land registered to physical persons is registered in the name of women either individually or jointly. Indigenous and traditional populations such as Indians and ex-slaves (*quilombolas*) have received legislative protections of their rights to land ownership in specific conditions. Additionally, there is a wide recognition in law of the right of indigenous and traditional populations to explore forest resources. Finally, for the poor who occupied land through informal means, either as urban squatters or in rural areas engaged in family agriculture, the longstanding legal possibility of gaining property rights based on uninterrupted possession has been bolstered by proactive regularization initiatives in the last decade.

Compensation for land expropriation is generally paid, although, in the majority of cases, the level is seen as insufficient. Independent and accessible avenues for appeal against expropriation exist, but estimates of their efficiency were variable. Also in the case of expropriation for agrarian reform, the government must first establish that the targeted land is not serving a social function, which usually means that production is non-existent or low. While improvements on the land, such as structures, are usually compensated for in cash, for bare land, versatile agrarian debt bonds with competitive returns are given with maturities ranging from 10 to 20 years.

Transparency in the allocation of public lands

The transfer of public land to new land owners is subject to clear rules that are mostly observed and public land ownership is generally justified by the provision of public goods. Panelists focused on the transfers of expropriated land that were almost always to private interests under the guidance of social interest policy, such as transfers to land reform settlements and then to the landless. Allocation processes for rural lands are based on the transparent rules of the Brazilian Association of Technical Standards (ABNT). Local social movements are directly involved in the granting of rural concessions and in urban land regularization.

Public accessibility of recorded land information

Most land information that is registered at the notaries or which has been collected by public agencies can be publically accessed on a case by case basis for both public and private land, although there are large information gaps because of non-registered property[2], the unreliability of registered information, and substantial non-digitized records. Property rights, their descriptive locations, and other information contained in the registries such as records of encumbrances, public and economic restrictions on properties, are accessible and available to anyone who is interested reasonably punctually upon payment of fees which are generally low. However, due to limited geo-referencing, it is seldom possible to obtain data more systematically on all

[2] Public lands registered and cadatred by their public agencies (SPU and PGE, in the Union and States, respectively). The legal authority of the Real Estate Registry (IR) due to the implementation of the 1988 Federal Constitution, the Civil Code (
10.406/2002), the Public Records Act (6.015/73), Notaries Laws and Registrars (8.935/94) treats as a rule, private property. Thus, public lands may or may not be registered in the RI, although Law No. 5.972/73 orients the Federal Government to promote suchland registration.

properties in a given locality. Concessions of public land and other land-related government activities are published in the Official Gazette.

Growing transparency associated with the emerging influence of democratic and social movements

Since the democratic opening of the country in 1985, various social movements associated with land have had a voice and managed to advance the pursuit and protection of property rights for the poor. The Landless Movement (MST), and the various associations of the homeless are among these. These movements are behind many laws and rules that have made possible the access of less privileged social classes to rights property owners have always had.

The innovative 1988 Federal Constitutional Chapter on Urban Policy resulted in a significant improvement in the conditions for the political participation of the urban population in the legal and decision-making processes. In urban land regularization in Pará and São Paulo, both the incentives for occupant participation and the corresponding active involvement of occupants in regularization are strong.

Weaknesses of Brazilian Land Governance

The assessment identified six areas of relative weakness in Brazilian land governance. They include: the existence of extensive areas of unregistered and undelimited land *(terras devolutas);* notaries' limitations; absence of an authoritative, integrated register of public and private land; low levels of property taxation; a disconnect between urban land supply, land use planning and regularization on the one hand and demand on the other; and lax governance of large scale land acquisition and forests.

Extensive areas of unregistered and undelimited land (terras devolutas)

There is a clear perception that a central land governance problem in Brazil is the lack of governance over public lands, especially the category of those public lands which are neither delimited nor registered (*terras devolutas)*. Since a large area of public land falls into this category, such land is prone to being privately appropriated through possession. The perpetuation of this process is seen as the loophole that sustains the government's lack of control over its lands and land policies, undermining the efforts of improving land governance in the country. Consequently, estimates of the completeness of identification and mapping of public land varied across the assessments ranging from less than 30 percent in Piauí to 40 percent in São Paulo to above 50 percent by federal panelists. The main public agencies, Agrarian Development Ministry (MDA), the National Institute of Colonization and Agrarian Reform (INCRA), the Secretariat of the Brazilian Union Patrimony (SPU) and State Institutes of Land, are not provided with a clear policy for the procedures, in terms of undelimited and unregistered land (*terras devolutas).*

Recorded Information Limitations

The record of private land rights is unreliable due to the limitations of the property registration system. The notaries are private entities offering a public function on concession by the Federal Constitution. Consequently they have difficulties integrating with the public land-related bodies. Moreover, the incentive structures do not encourage the generation of an authoritative record of property rights as at the level of an individual notary, fees are based on the number of registrations, not on the accuracy of the information being registered. Perhaps as a consequence of this, the assessments found that despite their perceived profitability, notary offices, except in São Paulo, are generally not making adequate capital investments even for their short term needs.

The coverage of the real property register is very incomplete and out of date. There is no legal provision requiring purchasers to register their purchasing titles. Many do not for reasons extrinsic to the system. In Pará, fewer than 50 percent of individual urban properties are reportedly formally registered while in Piauí and São Paulo, it is thought to be less than 70 percent. For rural properties, the situation in Pará and Piauí was ranked the same as for urban properties. Additionally, almost unanimously, registered records on public and private land were regarded as out of date in at least 50 percent of cases. Relatively high transfer and registration taxes may partly account for these limitations as they may be discouraging owners from registering transfers and other transactions and inadvertently encouraging under-declaration of transaction values in the notaries.

Another problem with the real property register includes the frequent lack of georeferencing and the consequence this has for duplication of claims and propagation of false claims. All three state assessments reported that fewer than 50 percent of records for privately held land registered in the registry are readily identifiable on maps in the registry or cadaster. Even when properties are registered in the notaries, present in each district, notaries are not required to investigate the information or documents used to register private properties. Also, the information in their registries is not consolidated, which raises additional questions of trustworthiness and makes it nearly impossible to access information on the number and area of registered properties and land possessions in a given locality. Locations of assets that appear in the real property cadaster are usually only descriptive, not including maps or other spatial information.

The problem is compounded by the fact that when the notary registers the transaction record (escritura) or other document, it gives a degree of legitimacy to the claim in any location of the country even without investigating the authenticity of the supporting documents. Regulation is also a challenge in practice as the assessments across all three states showed that except for private land in São Paulo there are no meaningful service standards for public access to land information. To regulate and inspect the notaries, each state has an Internal Affairs Department (*Corregedoria*) and each state IAD is supposed to be supervised by the National Council of Justice (CNJ). Nevertheless there are significant gaps in supervision in the northern and northeastern Brazilian states.

Absence of an authoritative, integrated register of public and private land

Directly related to the above discussed limitations, a further area of major compromise in Brazilian land governance is the absence of an integrated register of public and private land. The main public bodies responsible for public land do not have an integrated register and use different legal definitions. The absence of an integrated record of private and public land means that the state agencies charged with public land management are largely operating without a proper asset inventory, a key element for good stewardship. Related to this, the assessments of all three states concluded that systematic information on the public land inventory in public bodies is generally inaccessible. This is a significant constraint on public policy execution, such as proper land use planning or infrastructure decision making processes as well as on the ability of civil society to hold government's accountable.

Law no. 10267 of 2001 and regulatory decrees[3] required land owners to present a georeferenced plan of their properties for its subdivision or encumbering such as through mortgages which the notaries are supposed to forward to INCRA for certification. Only assets above 250 hectares are required to be georeferenced as of the end of 2013. The deadlines for smaller properties are much later. The notary verifies the property in its records and sends it to INCRA who in turn includes it into its system (base i3geo).[4] Besides private properties provided by the notaries in all the country, this system includes INCRA's own information related to public land, settlement areas, qilombolas land, and other information from various state and federal bodies (e.g. Conservation Units, Indigenous Land).

The sum of all private and public properties, both certified and uncertified by INCRA, amount to 62.2 percent of the country's surface but there are some discrepancies in this accounting. Private and public georeferenced assets certified by INCRA cover an area of 114.3 million hectares (44,437 properties). By comparison, uncertified but georeferenced public areas (settlements, Conservation Units, Indigenous land, quilombolas) total over 415.3 million hectares. These two categories sum to more than 529 million hectares and an approximate total of 54 thousand properties. Comparison of these figures with INCRA's cadaster, National System of Rural Record (SNCR), which has a total of 510 million hectares and 5.6 million assets, makes it clear that there are numerous superimpositions[5], particularly of Indigenous Reserves and Conservation Units, with private and other assets.

There is significant variation across states in the proportion of INCRA's cadaster that is certified but only in four states is it above 20 percent of the state's land area. On one extreme are the states of Mato Grosso do Sul and Acre with approximately one half and one third respectively of the land area that is certified. On the other extreme are the states of Amapá, Rio de Janeiro, Roraima, Paraíba, Pernambuco, and Sergipe all with corresponding percentages of less than 2 percent. The situation is better for larger farms,

[3]Resolution no. 578, from September 16th, 2010, that approves review of 2nd Edition of Technical Standard for Georeference of Rural Assets, defined that the owner must provide a Certificate of Title with content fully updated, or a Fee Title certificate.

[4] This database has been in existence for about 10 years. It is updated as owners legalize their properties in notaries. Therefore, it should be expected that within a few more years, these numbers will increase in a significant manner.

[5] Superpositions arise due to different definitions of property categories.

with eight states having more than 50 percent of the land area of large farms (>5000 hectares) certified; for example, Ceará and Mato Grosso do Sul have certified more than 80 percent of the area for properties above 5000 hectares.

Additionally, the SPU, part of the Ministry of Planning, Budget and Management, has as its main responsibility, the management of National Assets, and maintains its own incomplete cadaster. The nature of these assets is very diverse: from state owned properties, tide lands, permanent preservation areas, indigenous lands, national forests, idle land, border areas and goods of common use. The SPU is in charge of all idle land but does not have a clear vision of its dimension.

Low levels of property taxation

The assessments also show low levels of both urban and rural[6] property taxation which means that the broader population rarely benefits from the increases in land value brought about by public actions, whether they are investments or planning decisions. The absence of reliable cadasters at the municipal level for the IPTU (urban taxes) creates severe limitations. On the rural side, the self-declared nature of the cadaster facilitates many kinds of fraud. The tax rolls for urban and rural areas were generally deemed to be no more than 70 percent, and, in some cases, no more than 50 percent complete, except for rural taxation in São Paulo. Until 1996 INCRA collected the rural land tax, but, due to collection problems, responsibility was transferred to the tax collection agency, the Federal Receipt (RF) with little change in outcomes. Although the recent law (Law no. 11250 of 2005) makes decentralization of this tax possible, this is not yet happening. The self-declared valuation by the proprietors with limited ground-truthing by INCRA and the Secretariat of the Federal Receipt (SRF) also means that rural land property values are undervalued most of the time, further undermining the effectiveness of the tax. The urban property valuations are also infrequently updated, benefitting the urban properties that appreciated the most during the period.

Urban land supply, land use planning and regularization out of step with demand

Neither proactive urban planning nor reactive regularization has kept pace with the demand for serviced parcels of land in Brazilian cities. Apart from Piauí, which is still relatively rural, the assessments rate the efficacy of urban planning poorly, as evidenced by the fact that most new dwellings are informal. The federal assessment of this point was even more pessimistic. Similarly, panelists in all cases, except Piaui, reported that compliance with minimum residential plot size requirements was less than 50 percent.

The City Statute no. 10257 embodied many progressive policies, including decentralization and democratic management into urban planning and regularization activities, but more than a dozen years on, implementation substantially lags expectations and civil society inputs are still being marginalized. One of its deficiencies is the absence of instruments and provisions for tackling the coordinated regional planning in metropolitan areas. Likewise, one of the major drawbacks in urban land regularization as confirmed by both the Pará and São Paulo

[6] The property taxation discussed in this Study does not include other taxes related to the property eg ITBI and ITCMD.

assessments is the lack of a comprehensive plan, if any, for regularization for the cities with major regularization problems. Additionally, even though facilitating laws are in place, devolved capacity remains weak and much has to be learned mostly by the notaries and judges who still have an outdated notion of urban land regularization. Moreover, São Paulo, the most urbanized state in the assessment, gave very poor ratings to the affordability, predictability, and efficiency of residential building permitting, indicating that the requirements are technically over-engineered and that the process typically takes more than 12 months.

Even a policy as progressive as urban regularization is challenging to implement as demonstrated by the LGAF Assessments of Regularization and the literature. Neither mitigation strategies nor attempts to exclude risk prone or protected areas are effective in systematically addressing the environmental requirements in the areas being regularized. Efficient mechanisms for monitoring and evaluation of regularization activity are lacking which hampers policy and procedural evolution as well as attempts to better understand urban land markets.

Lax governance of large scale land acquisition and forests

Multiple indicators show that large-scale acquisitions in Brazil are held accountable to few mechanisms of regulation or governance, aided and abetted by the deficient mapping of forest land. This challenge is therefore connected to some of the land information management deficiencies discussed above. Less than 40 percent of forest land has been demarcated and surveyed with associated claims registered. And both Pará and Piaui found that land use restrictions applying to any given plot of rural land cannot be unambiguously determined in a significant majority of cases.

Other problems include the prevalence and protracted nature of conflicts generated by large-scale acquisitions of property rights, the inconsistent use of benefit sharing mechanisms, and social and environmental safeguards for large scale investments, particularly in agriculture. In Pará and Piauí institutions that promote, channel or acquire land either do not have clear standards of ethical performance or, if they do, implementation is variable. In either case, accounts are not subject to regular audits. In addition, incentives to promote mitigation of climate change via forests, such as Payment for Environmental Services (PES) and Reducing Emissions from Deforestation and Forest Degradation + (REDD+) are scarce and perform poorly.

Improving land governance in Brazil: Recent initiatives and recommendations

This assessment shows that Brazil has put in place a great deal of legislation (albeit somewhat fragmented and inconsistent) to deal with its huge accumulated historical overhang of rural and urban land problems. Nevertheless, despite the many valuable and ongoing efforts, the implementation challenge is still largely unmet, partially as a result of fundamental aspects of the system, a lack of resources, and a lack of consensus on the way forward. New efforts now underway could learn the lessons of the recent past and alter the course with a huge positive development impact for agriculture, environment, urban development and social protection; but these new efforts need to be given attention, resources, and scaling up to achieve that impact.

There are many relatively recent and promising efforts to improve land governance in Brazil. These range from INCRA's emerging certified cadaster (Reydon et al. 2013), to the Ministry of Environment's (MMA) national expansion of the georeferenced Rural Environmental Cadaster (CAR) under the 2012 Forest Code, to the private initiative of the notaries organization of São Paulo state (ARISP) that has created a compulsory registered properties database that is now being followed by several other states.

The multiplicity of these initiatives and their potential synergies strongly supports the case for a cross-sectoral forum, where complementarities and potential contradictions or duplications can be identified at opportune moments. One of the main outcomes of this assessment is that its convening actions made the need and potential benefits for coordination and regular cross-sectoral dialogue much more evident. This prompted the recent creation by decree of an Inter-Ministerial Working Group on Land Governance (IMWG) that is already establishing the habit of regular meetings and a purposeful shared agenda.

The report concludes with recommended actions in three priority policy areas to achieve greater impact in Brazil's land governance (see Table I). They relate to two areas of greatest weakness in land governance, as revealed by the assessments, and a third area where implementation significantly lags demand, although policy has been very progressive. For the most part, the proposed actions call for an expansion and resourcing of existing initiatives with attention paid to keeping standards 'fit for purpose', whether they be levels of precision for geo-referencing, land tenure options or specifications for urban subdivisions. The Actions are classified into those which are feasible in the short-term (year 1), medium term (years 2-3) and long term (year 3 and onwards). Broadly, they focus on:

- Improving the coverage, reliability and integration of cadasters and property registries;
- Increasing the affordability of the minimum formal urban shelter options; and
- Accelerating and improving integration of urban and rural participative regularization.

In addressing these and other areas of land governance reform, the efforts of the recently formed Inter-Ministerial Working Group on Land Governance (IMWG) will be vital. This is especially so because some of the reforms depend on improving the coherence of the legal and institutional framework for land governance which is necessarily a collaborative, cross-sectoral endeavor. This report therefore calls upon the IMWG to consult with the Office of the President, to create a clear work program on an annual basis at least over a three-year term and with an agreed-upon regular reporting mechanism of the IMWG to the Cabinet or the Office of the President;

Table 1: Recommended actions

Policy area	Recommended Action(s)	When
1. Improve the coverage, reliability and integration of cadasters and property registries	a. The Inter-Ministerial Working Group on Land Governance and the Association of State Institutes of Land, to develop and implement a methodology for integration of public cadasters including protocols for information exchange, linkages to the CAR and greater internet-based public access to property records currently held by key agencies such as SPU, RF and State Land Institutes.	Short Term
	b. The Comptrollers of Justice (*Corregedorias*) and Associations of Notaries to implement a common linked electronic information system for records currently held by notaries on a State by State basis;	Medium Term
	c. The INCRA and the Association of Notaries to implement an online system for tracking monthly transfers of information from notaries to INCRA as a monitoring tool for the enforcement of this information exchange that is mandated by Law 10.267).	Short Term
	d. State governments to provide the state comptrollers of justice *(corregedorias*) with the resources (staff, vehicles and equipment) to better supervise the recordation of property transactions currently undertaken by notaries and therefore enforce a code of norms and procedures that enhances the public good function of such registries.	Medium-Long Term
	e. INCRA to complete ongoing pilots at cadastral reconciliation (identifying and correcting mismatches between the total area of a municipality and the sum of the recorded areas in the cadasters covering that municipality) and use the lessons and emerging typology to design and implement a program to efficiently reconcile the cadasters for other municipalities, prioritizing those with significant competition for land as indicated by conflicts and economic activity.	Medium-Long Term

Policy area	Recommended Action(s)	When
2. Increase the affordability of the minimum formal urban shelter options	a. The Association of Municipalities and the Ministry of Cities to review the statutory provisions for land subdivision that are routinely circumvented by the poor such as minimum plot size and minimum road widths and propose alternatives that will better incentivize formal private sector land developers to move down-market.	Medium Term
	b. Municipalities in rapidly growing urban areas to make minimum preparations in prospective areas for the extension of built areas in a more systematic way than is currently occurring, such as demarcating and protecting future rights of way for main roads.	Medium-Long Term
3.Accelerate and improve integration of urban and rural participative regularization	a. INCRA and the Association of State Institutes of Land to review rules for rural land georeferencing to expand reach and reduce costs, particularly taking advantage of satellite technology.	Short-Medium Term
	b. The Association of State Institutes of Land, the Association of State Environmental Secretariats and INCRA to devise options for a joint land tenure and environmental regularization program that utilizes an appropriate level of geo-referencing that is consonant with the broader objectives of enhancing property security and environmental outcomes and which is pragmatic in its application.	Short-Medium Term
	c. The CNJ to train Judges/magistrates in the correct and consistent interpretation of the City Statute and related legislation.	Short Term
	d. The Association of State Institutes of Land and the Association of Municipalities to propose legal and institutional changes to regularization processes based on regularization experience over the last decade and to prepare operational manuals	Short Term

Policy area	Recommended Action(s)	When
	to improve standardization.	
	e. Municipalities to expand the use of intermediate tenure instruments such as the Concession of Direct Right of Use (CDRU) which municipalities have been able to administer faster than full titles.	Short-Medium Term
	f. State Governments and metropolitan associations of mayors to produce metropolitan level plans that will allow for better integration of individual urban regularization initiatives and appropriate consideration of environmentally sensitive areas.	Medium Term
	g. SPU to develop a Strategic Plan to inform management of public land in its stewardship.	Medium Term
	h. State governments to expand and finance the type of results-oriented collaboration across executive and judicial arms to cancel fraudulent titles that Piauí is using to other states including as planned, those that jointly comprise the savannah: Bahia, Tocantins and Maranhão.	Medium-Long Term

Section 1 Background

Introduction

The landscape of Brazil is changing: the country is consolidating its urbanization, and its historic hinterlands are becoming fully integrated into the domestic and global economy. With strong growth, a favorable economic forecast and declining poverty levels, the Brazilian government is increasing public policy attention to addressing its housing problem, to planning for future growth in cities, and to converting the Amazon into an engine of green growth through agricultural and environmental services. But, the legacy of accumulated problems in housing supply, urban planning, urban governance, and management of the Amazon region are daunting challenges, which society has only begun to address. These include a housing deficit of 6 million homes and half of the Amazon without clear property rights, including a clear definition of the public domain. Moreover, recent events, such as the 2011 floods in the Southeast, with record fatalities in precariously located settlements, standoffs with foreign investors wanting to purchase large tracts of land, and deforestation associated with expanded agricultural and bio-fuel production, are telling reminders that Brazil's time to strengthen its grip on land governance is at hand.

An analysis of Brazil's land regularization initiatives suggests that legislative structures and a national planning vision of spatial development and land use are running ahead of institutional capacity at the local level. The historical, incremental process of creating the country's land governance framework reached a pivotal moment with the 1988 Constitutional recognition of the social function of property, the subsequent passage of the City Statute in 2001 and the more recent Federal Law no. 11977 which created a framework for widespread land regularization and public land management. In the Amazon, Federal Law no. 11952 produced the *Terra Legal* program to regularize agricultural and forest areas. Yet it is widely perceived that these legal innovations are not yet adequately supported by spatial data management tools, registration processes, mobilization of resources, and suitable capacity at the municipal level (outside of a few exceptional cities and state agencies) to address the problems of land supply for affordable housing, land regularization, environmental management, infrastructure expansion and sustained competitiveness in a changing global economy.

Recent and necessary analytical work on land in Brazil has emphasized either descriptive elements (historical evolution and early implementation of institutional reforms) or urban land market diagnostics. To date, these analyses have paid little attention to linking institutional structures to land use and land market outcomes; and reliance on standardized indicators has been very limited. This assessment seeks to help fill this gap by using an extensive set of standardized and tested indicators of land

governance. The ultimate objective is to provide more reliable identification of the specific aspects of land governance, on which the government of Brazil should focus.

This assessment is well aligned with the World Bank's Country Partnership Strategy (CPS) for 2012–2015, especially with the objectives of developing new partnerships at the sub-national level and focusing on the country's pending poverty reduction and environmental challenges. The Bank also has land administration components in projects in a number of states. Under the *Credito Fundiario* program, which the Bank helped develop, thousands of landless and small farmers are obtaining access to land. Additionally, many other Bank projects that rely on land information systems are addressing sustainable forest management, agricultural productivity of family farms, urban informal settlement regularization, and disaster management in specific land policy contexts and land tenure setups.

About this Report

This report synthesizes and discusses the findings of a series of self-assessments of Brazil's land governance conducted entirely by knowledgeable Brazilians using a standardized, indicator based assessment instrument, the Land Governance Assessment Framework (LGAF). The LGAF is a diagnostic tool and its findings represent the perception of local experts on the functioning of various aspects of land governance based on their collective experience and available data. The World Bank played a facilitating role by providing the standardized assessment instrument and associated implementation manual, financing the assessments and workshops to validate the panel rankings, and leading the documentation in partnership with a national coordinator and three state level coordinators.The primary audience of this report comprises federal and state level officials directly involved in land governance within the assessed states and in the other states. Development partners engaged in project preparation and supervision, including World Bank staff, are also targeted. Apart from the utility of the actual findings, the LGAF is a useful tool that government and development partner teams can use in preparing projects, for which success is contingent on the proper functioning of land-related institutions. Finally, non-governmental organizations including civil society groups, academia and think-thanks may find the report useful for identifying specific areas to focus their advocacy and substantive efforts at improiving land governance.

Development Objective and Expected Outcome

Before Brazil can systematically strengthen its land governance, it needs to take stock of its land governance capacity and performance as it exists across its territory and across the different tiers of government. Hence, the overall development objective of this assessment is to reliably measure land governance capabilities and performance across a cross-section of the country's territory.

The main expected intermediate outcome of the assessment is to inform government policy on the areas of land governance that should be strengthened to support key socio-economic agendas. This information could reasonably serve as a guiding framework for designing and dimensioning a strategic program of investments, capacity building and incentive-compliant regulatory reforms to enhance land governance performance.

Relevance and timing of this assessment

This assessment is both highly relevant and timely, given that land and natural resource assets tied to land are at the heart of much of Brazil's current competitiveness and its strategically valuable positioning in the changing global economy. Addressing claims to land are also central to the achievement of the country's socio-political goals in urban and rural areas, in particular, to reducing inequality. These goals which include regularization of land occupation in both urban and rural areas have been strongly emphasized in the recent policy positions and priorities of the current federal government and many state governments through ambitious flagship programs such as Minha Casa Minha Vida and Terra Legal. Additionally, with increasing global attention on climate change and sustainable production patterns, the government as recently as 2012 gave a strong signal of its commitment to the land agenda by mandating registration of production in the Rural Environmental Cadaster (CAR) through the new Forest Code. In summary, there are at least seven major reasons why Brazil should strengthen its land governance at this time:

1. **Brazil has major infrastructure needs to sustain its economic growth and competitiveness, and reduce inequality.**
    a. Strategic management and acquisition of land is required to provide a predictable framework and budget for these infrastructure investments.
    b. Unprecedented investments in urban housing and infrastructure through programs like the Growth Acceleration Program (PAC) and Minha Casa, Minha Vida will fall significantly short in intended impact unless land as a key input is efficiently supplied.
    c. Improvements in land administration especially in relation to property taxation and value capture instruments can contribute to the financing of some infrastructure expansion especially in large cities.

2. **Brazil's extensive land and natural resources and stable political and economic environment make it a focal point for global environmental services (including the Reducing Emissions from Deforestation and Forest Degradation, REDD, agenda, bio-fuel cultivation, etc.).**
    a. Reliable and accessible land information is needed to devise an equitable system for distribution of rents from this emerging economy.

b. Reliable and accessible land information is needed to adequately monitor changes to this resource base to allow for strategic management interventions.
c. Clear demarcation of the public domain is required to ensure that the state receives its due and has the requisite flexibility when negotiating.
d. An acceptable, predictable, and enforceable set of rules needs is needed to guide foreign investment in land.

3. **Brazil's extensive land mass and water resources and stable political and economic environment make it a global focal point for increased agricultural production, as the world battles a series of food crises.**
    a. An information-based holistic view of land use change in relation to climatic vulnerability is needed given that agricultural production is the single largest contributor to climate change in the Latin America region.
    b. An acceptable, predictable and enforceable set of rules needs to guide foreign investment in land is needed.

4. **Brazil's socio-political mobilization over the last decade has been strongly characterized by efforts to legitimize the poor's access to land and the means of production.**
    a. The impact of these interventions cannot be adequately assessed without a modern information-based set of land-related indicators.
    b. The benefits of these interventions cannot be sustained without making land information more accessible and unless incentives are realigned; some gains from regularization can be significantly diminished within a generation or two.

5. **The sheer scale of Brazil and its advanced state of decentralization present major challenges to land management, especially given the expansive public domain.**
    a. At this scale, adequate land management will not occur by chance but will require a well-coordinated decentralized approach to land information gathering and analysis.

6. **The increasing frequency of severe 'natural-disasters' requires a responsible government to use a more pro-active approach to mediating the competing demands on land for environmental and affordable shelter services.**
    a. The case for an integrated land and environmental management information system is at its strongest.
    b. Climate change is likely to have particularly pernicious effects on areas traditionally considered to be hazardous or marginal, especially informal settlements in coastal areas or on steep slopes. Adequate land use planning informed by accessible land-information and associated geo-spatial tools can help mitigate or adapt to these effects.

7. **The decreasing cost and rapidly increasing accessibility of technologies for remote sensing, geo-referencing and spatial analyses create land management possibilities for Brazil that are no longer far-fetched**
    a. The balance of the cost-benefit analysis of the effectiveness of such technological interventions now increasingly favors their more widespread application

Structure of this Report

This report comprises seven sections including this Introduction. Section 2 outlines the assessment methodology. Section 3 provides a selective synthesis of Brazilian agrarian history and the emerging structure of Brazilian land governance as a result of institutional and legal evolution. Section 4 presents and discusses the indicator rankings obtained in the federal and state level assessments that were undertaken as the core of this evaluation. Sections 5 and 6 synthesize the principal results of the indicator assessments presenting the main strengths and weaknesses of Brazilian land governance, respectively.

The final section briefly takes stock of some of the primary initiatives that the Brazilian government has initiated towards improving land governance in recent times. These advances have occurred more intensely in some agencies and less in others. Some, such as the state of Ceará's massive action of regularization and registration of rural properties, dates back to 2005, while others, such as the creation of the Rural Environmental Registry associated with the New Forest Code of 2012, are much more recent. Although the emphasis of the assessment is diagnostic, there was some discussion in the panels and workshops on possible remedies. This section therefore concludes with specific recommendations for further improving land governance including the expansion of some of the recent initiatives.

Section 2 The Assessment Methodology

The methodology for the assessment was the Land Governance and Assessment Framework (LGAF), developed by the World Bank**,** and implemented, or is in the process of implementation, in over 30 countries[7]. These include Colombia, Ghana, Peru, India, Indonesia, Kyrgyz Republic, Nigeria, South Africa, and Tanzania, among others. No attempt will be made to benchmark Brazil's performance against other countries in this assessment; rather, the strength of the LGAF is in its internal diagnostic capability for identifying areas of weakness relative to others, all in the same Brazilian context. The core LGAF focuses on five key areas of good land governance, namely:

- A *legal, institutional, and policy framework* that recognizes existing rights, enforces them at low cost, and allows users to exercise them in line with their aspirations and in a way that benefits society as a whole.
- Arrangements for *land use planning and taxation* that avoids negative externalities and supports effective decentralization.
- Clear identification of *state land* and its management in a way that cost-effectively provides public goods; use of expropriation as a last resort only to establish public infrastructure with quick payment of fair compensation and effective mechanisms for appeal; and mechanisms for divestiture of state lands that are transparent and maximize public revenue.
- *Public provision of land information* in a way that is broadly accessible, comprehensive, reliable, current, and cost-effective in the long run.
- Accessible mechanisms to authoritatively *resolve disputes and manage conflicts* with clearly defined mandates, and low cost of operation.

In assessing these five areas of land governance, the LGAF uses the following three elements:

A ranking framework

The LGAF builds on the methodology used by the Public Expenditure and Financial Accountability (PEFA) assessment tool to summarize information in a structured way that is understandable to policy makers and which can be compared across regions and countries.[8] It uses the five thematic areas described above as a basis for 21 land governance indicators (LGIs, see Annex 1). Each indicator relates to a basic

[7] This section is adapted from the World Bank's 2012a Report: The Land Governance Assessment Framework

[8] PEFA is a partnership between the World Bank, the European Commission, the UK's Department for International Development, the Swiss State Secretariat for Economic Affairs, the French Ministry of Foreign Affairs, the Royal Norwegian Ministry of Foreign Affairs, and the International Monetary Fund that aims to support integrated and harmonized approaches to assessment and reform in the field of public expenditure, procurement and financial accountability. It aims to strengthen recipient and donor ability to (i) assess the condition of country public expenditure, procurement and financial accountability systems, and (ii) develop a practical sequence of reform and capacity-building actions, in a manner that encourages country ownership, reduces the transaction costs to countries, enhances donor harmonization, allows monitoring of progress of country public finance management performance over time, better addresses developmental and fiduciary concerns, and leads to improved impact of reforms. The partnership started in 2001 and, since finalization of the assessment framework, it has conducted over 350 assessments in approximately 150 countries. See www.pefa.org for details.

principle of land governance and is then further broken down into between two and six "dimensions," for which objective empirical information can be obtained in many cases. The resulting framework includes 80 dimensions, based on experiences in various countries, which can be assessed in any country using objective information. Each dimension is ranked by selecting an appropriate answer among a list of pre-coded statements that have been drafted based on extensive interaction with land professionals and refined through the pilot country case studies. Box 1 outlines the general structure of the ranked response options to each of the questions. Annex 4 elaborates the specific answer options for a few of the indicators.

While the general framework for using local knowledge to come up with comparable indicators is adopted from PEFA, the LGAF is executed over a longer period of time and uses a local expert coordinator, who, in turn, mobilizes thematic expert panels.

Box 1 General structure for the assessment of a dimension

Dimension	Assessment
Brief description of dimension	A – Dimension description is the best option towards a good land governance scenario. B – Dimension description is generally the second best set of options that make progress towards good land governance. C – Dimension description generally struggles to meet the criteria for good land governance however some attempts are being made. D – There are no attempts in this area that indicate good land governance operates.

Source: Land Governance Assessment Framework:Manual of Operations, World Bank, 2012b

Compilation of background information

LGAF data sources are described in the LGAF Implementation Manual and are predominantly secondary data available from public, private and civil sector sources. From the public sector, these include land registries and the cadaster, municipal land use plans, natural resource management plans, property taxation records, land valuation records, judiciary records, census records. From the private sector, sources include real estate agents, private sector developers, bank real estate lending departments, chambers of commerce. From the civil sector, sources include existing studies and policy monitoring and evaluation (M&E) reports written by academic centers and think-thanks, monitoring reports written by local and international non-governmental organizations (NGOs), and community score cards, among others.

Expert panels

While an important aspect of the LGAF is the systematic collection of information before any ranking is undertaken, the core approach is to provide rankings through panels of experts, each including a diverse set of individuals who are exposed to different aspects of services in the explored area. Panel members typically include lawyers, academics, members of business chambers, banks, NGO representatives, government officials, land professionals and others (e.g. builders requiring permits) who interact with relevant institutions and thus have an empirical basis to assess performance. Experience suggests that panels should be kept relatively small, with usually fewer than 10 members. They should bring together a variety of user perspectives and substantive expertise needed to provide a meaningful ranking. To ensure that panel members only assess areas they are familiar with and to prevent overload, the 80 dimensions are normally distributed among multiple panels that would typically include legal and institutional arrangements, urban land use, planning and development, rural land use and policy, land valuation and taxation, public land management, public provision of land information, and dispute resolution.

Validation and Policy Workshops

The panel sessions are followed by a validation workshop where panelists across thematic areas and other stakeholders have an opportunity to discuss the rankings, either validating them, or agreeing to revisions. This is followed by a smaller discussion with high level bureaucrats and policy makers to discuss the potential policy implications of the assessment.

Customization of LGAF Methodology for Brazil

Multiple Assessments

The scale, complexity, and internal variations across Brazil necessitated some customization of the LGAF approach. The main customizations were the conduct of multiple assessments (federal and selected states), the use of optional modules on large scale land acquisition and forestry, and the development and use of a new optional module on land tenure regularization. Each of these is discussed below:

Conduct of multiple, state-level-LGAFs in addition to a federal assessment. The assessment's choice of states was based on a typology of predominant land management challenges, factoring in existing engagements with the World Bank. The main challenges are as follows:

- **Rural poverty reduction.** The absence of clearly defined property rights, or inappropriate management of land, contributes to persistent rural poverty. Appropriate land policy can help alleviate rural poverty by creating a more secure

base for production, improved access to credit, and greater participation in land markets.

- **Urban land tenure regularization.** The absence of an appropriate land policy contributes to extensive informal settlements in many Brazilian cities. This type of irregularity creates economic and social challenges. Land regularization in an articulated and integrated manner can alleviate some of these difficulties by providing a pathway for better integration of the poor in the economic and social fabric of cities.
- **Insufficient offer of formal serviced urban plots for housing and enterprises.** Much of the informality in many Brazilian cities can be linked to land market regulations that inadvertently limit the supply of formal serviced plots and, thereby, their affordability. Appropriate land governance can minimize the extent of future urban informal settlement by establishing more appropriate development standards and greater efficiency in the conversion of land to urban use thereby augmenting the supply of serviced plots for households and enterprises.
- **Deforestation**. In several Brazilian biomes (Amazon rain-forest, Cerrado[9] and Atlantic rain-forest) forests and their flora and wildlife are threatened by deforestation. One of the main causes is the absence of an appropriate land policy. In the Amazon rain-forest and the Cerrado, deforestation is due to the search for cheap land and the associated speculation. A few remains of Atlantic rain-forest, basically in the Brazilian coast from state of Bahia up to Paraná, are under great pressure. With appropriate land governance, the incentives can be created to stem deforestation and associated ecosystem losses.
- **Occupation of the agricultural frontier.** Another side of the same coin is the occupation of the Brazilian agricultural frontier which is particularly prevalent in the Cerrado. Exploitation of the Cerrado for soybean cultivation has generated an unorganized occupation of large areas, frequently of abandoned land at very low prices and without any regulation. The region where this takes place most commonly, even with acquisitions by foreign capital is the region at the intersection of the states of Maranhão, Piauí, Tocantins and Bahia, colloquially known as MAPITOBA. The absence of a clear definition of institutional and legal responsibility on abandoned land in the country, and limited data on property registration have encouraged possession and appropriation of immense areas of land at very low costs. Appropriate land governance is fundamental to solving this problem.

In Table 2, this typology of the main public policy challenges associated with land governance is mapped to regions or specific states, where each challenge features either with moderate or high significance.

Table 2 Typology of land governance challenges

REGIONS AND SOME BRAZILIAN STATES	Rural Poverty Reduction	Regular-ization of urban land	Offer of serviced urban plots	Defores-tation	Occupation of agricul-tural frontier
NORTH REGION (Acre, Amapá Amazonas, Pará, Rondônia and Roraima), except Amapá and Tocantins	HIGH	HIGH	MEDIUM	HIGH	
NORTHEAST REGIONS (Alagoas, Bahia, Ceará, Paraíba, Pernambuco, Rio Grande do Norte) except Piauí and Maranhão	HIGH	MEDIUM	MEDIUM		
WEST-CENTER REGION (Goiás, and Mato Grosso do Sul) except Mato Grosso		MEDIUM	HIGH		
SOUTHEAST REGION (São Paulo, Minas Gerais, Espirito Santo and Rio de Janeiro)		HIGH	HIGH	HIGH	
SOUTH REGION (Paraná, Santa Catarina and Rio Grande do Sul)		MEDIUM	MEDIUM	HIGH	
AMAPÁ				HIGH	
MARANHÃO	HIGH			HIGH	HIGH
PIAUI	HIGH			HIGH	HIGH
TOCANTINS					HIGH
MATO GROSSO				HIGH	HIGH

Guided by the typology and the geographic distribution of challenges shown in Table 2, three states were chosen for the application of the LGAF as follows:

Pará: The predominant land management challenges in Pará center around natural resource management and forestry. Pará is at the forefront of efforts to reconcile land tenure regularization with environmental compliance in land use. It is the most populous state of the northern region, with a population of over 7 million. It is the second largest

state of Brazil in area, second only to Amazonas. The World Bank is directly engaged in land issues in the state through the Pará Integrated Rural Development Loan which made the state government and the Pará Land Institute (INTERPA) natural counterparts for the LGAF.

Piauí: The predominant land management challenges in the State of Piauí center around agricultural frontier expansion, especially in relation to cultivation in the Cerrado. Piauí is one of the poorest in Brazil and with a population of just over 3 million its population density is the lowest among northeastern states (about 12.4 inhabitants per km^2), giving rise to unique land management and service delivery challenges. Interestingly, Piauí was the state with the highest growth in real GDP in 2008 (8.8 percent), surpassing the national average (5.2 percent) and this was due largely to agriculture. The Bank recently financed the Piauí Green Growth and Inclusion Development Policy Loan and is currently preparing two follow-up operations, both of which directly address land management. This made the state government, and the Piauí Land Institute (INTERPI) in particular, natural counterparts for the LGAF.

São Paulo: Although the land management challenges in thes of São Paulo are diverse, the most prominent ones center on management of urban population growth (including regularization of informal settlement) and metropolitan services with important links to property taxation. From an urban perspective, the João Pinheiro Foundation found that São Paulo was the only state whose need for new housing units in 2008 exceeded one million homes[9]. Policy responses have been bold especially, through the Housing Secretariat's land regularization program known as City Legal. Land governance in São Paulo is also very important from a rural and industrial perspective. São Paulo is the national leader in agribusiness, which represents 22 percent of collected value added tax (VAT). Unsurprisingly it is the state that has received the most foreign investment in recent years. The state has some of the most structured governance arrangements for land in the country. The São Paulo Land Institute (ITESP) has been involved in land reform including rural and urban regularization of land with very interesting results. Moreover, the national land reform agency, the National Institute of Colonization and Land Reform (INCRA), has had a very significant role at the state level.

The Brazilian LGAF was applied in four stages:

In the first stage, the LGAF was applied at the federal level in order to understand the general characteristics of the country's governance and to build institutional relations at the highest level. From there, it was possible to articulate the LGAF's standards more assertively.

In the second stage, the LGAF was applied in Pará with the following goals:

- Develop the analyses, verifying that the results from the agencies and specialists at the national level continue to hold true when observed at the local level.

[9] See http://www.fjp.mg.gov.br/index.php/docman/cei/deficit-habitacional/110-deficit-habitacional-no-brasil-2008/file

- Better understand the situation regarding federal land, including land for which the Federal Properties Management Office (marine and grasslands) and the National Institute for Colonization and Agrarian Reform are responsible, both of which have a strong presence in the state.
- Understand the limitations of Brazilian land governance in a region with little formal land occupation, large areas of Amazon forest, and significant conflicts over the land.
- Monitor and assess instances of significant advancement in state land governance, particularly in the Pará Land Institute (ITERPA).

In the third stage, the LGAF was applied in Piauí with the following goals:

- Develop the analyses, verifying that the results from the agencies and specialists at the national level continue to hold true when observed at the local level.
- Understand the limitations of Brazilian land governance in a region with little formal control over the land, and with large areas of arid grassland hosting intensive agricultural projects.

In the fourth stage, the LGAF was applied in São Paulo[10] with the following goals:

- Develop the results on the characteristics and limitations of urban land governance in a complex reality, which has been the object of various interventions.
- Verify that rural land governance exhibits characteristics different from those in the rest of the country based on the country's larger economic and institutional development.
- Understand the particular challenges of urban land governance given the very high levels of urbanization in the country.

Use of Optional Modules

Recently developed additional modules on large scale acquisitions of land rights and forestry were also included. These two topics are particularly relevant in the Brazilian context and therefore merit attention.

Acquisition of use or ownership rights to large areas of land for production of agricultural commodities, forest, or provision of environmental amenities by large investors has recently attracted considerable interest. Such investments will be of increasing importance in the future because of higher and more volatile global commodity prices, a rising demand for bio-fuels, a growing population, increasing urbanization, as well as globalization and overall economic development. This module aims to assess the context in which these investments or investment proposals take place. The exclusive focus is on the acquisition of land rights for agricultural production: food,

[10] Due to budgetary and logistical constraints, the Validation Workshop for São Paulo was combined with a Federal Workshop held in Brasilia that reflected on the findings of all four assessments.

biofuels, game farm, domesticated livestock, and forest plantations. It covers the acquisition of land rights for large-scale investment in these areas whether land is considered public or private. The focus is not on mining or hydrocarbons. There are 16 additional dimensions listed in Annex 2 which are the focus of this module.[11]

Forests provide a variety of goods and services, at the global and local levels and this is particularly true of Brazil, which holds the majority of the Amazon Rain Forest. At the local level, in many countries, forests are an important source of food, fuel and fodder and overall livelihoods for local communities. Forests also provide important global public goods functions of which climate change mitigation (through carbon storage) is currently the most high profile one. Yet, forests are also one of the least well-governed resources, suffering excessive destruction and consequent (and often irreversible) loss of contributions to timber, non-timber forest products, bio-diversity and climate mitigation.[12] This module aims to assess the quality of key dimensions of forest governance and contains an additional 12 dimensions listed in Annex 3.[13]

Development and Inclusion of a new module devoted to regularization of land tenure

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Regularization of land tenure is a major policy theme for the Brazilian government in urban and rural areas. It is a key part of the progressive land and empowerment agenda with a wide variety of experiences nationally. The World Bank's (2011) report, "Legalizing Brazil," highlights the complexity of this agenda. For the purpose of this assessment, a new module on land tenure regularization was developed and applied to São Paulo and Pará. It comprises an additional 18 dimensions listed in Annex 4.

[11] Description sourced from LGAF documentation

[12] Recent datahave shown a significant stemming of deforestation rates in the Amazon Region.

[13] Description sourced from LGAF Manual of Operations: World Bank, 2012b

Section 3 The Legal Evolution of Land Governance in Brazil[14]

3.1 Introduction: A Selective Historical Synthesis

This section draws on existing literature to describe the broad evolution of the Brazilian legal framework for land governnace including key pre-independence, post independence and contemporary developments. Its purpose is to identify and briefly describe landmark principles and laws whose adoption and evolution define the formal rules of the game as well as the key institutions that comprise the governing architecture for land management. This information serves to contextualize the land governance system that is the subject of the panel-based assessments reported upon in the next section and to highlight the historical roots of some of the contempoarry issues in Brazilian land governance. It is necessarily selective with primary emphasis on the key legal developments and institutions pertaining to rural and urban land governnace.

3.2 Pre-Independence

Colonization

Land governance in modern Brazil originated in Portugal and was modified in the context of conquest and settlement of the Brazilian coast. The Treaty of Tordesillas of 1494 between Portugal and Castille resolved the dispute between these kingdoms regarding territorial dominion and legal claims to the newly "discovered" American continent. Based on this agreement, the Portuguese began occupation of the Brazilian coast in 1500.

The Portuguese occupation of Brazil differed from the Spanish experience. The adventurers and settlers found no trace of silver or gold, and the few native populations (if any) they encountered did not compare in development to the Incas of Peru or the Aztecs of Mexico. Therefore, the export of brazilwood and the eventual development of sugar predominated in the colonial economy. In addition, settlement remained close to the coast, as opposed to spreading inland.

As in the other empires of the time, the totality ofBrazil's lands were the property of the Crown and the dominion and control of land rested in the hands of the King. The King considered the territories, then called Vera Cruz, Santa Cruz and Brazil, as empty, thereby excluding indigenous populations from any rights to property. In the 1530s, to enhance his territorial claim, the King began making massive grants of land along the coast, usually to military men or personal favorites. However, it was not until the late 1540s that the Crown established an effective bureaucracy and control of the region, partly in response to British and French incursions in the area.

[14] This section is largely adapted from World Bank (2011): Report Number 69708

The Sesmarias Instrument

The Portuguese Empire adapted its own legal instruments to the needs of the colonial system. These legal instruments regulated the concession of lands to its subjects, among other aspects of life in the colonies. The most important instrument for the granting of land was the *sesmaria,* a judicial instrument that directed the distribution of land for productive purposes. An important requirement for legal recognition of possession of the land was registration in a a notary's office, called a tabelionato.

The main goal of the sesmaria system was to put land to productive use. If the licensee or beneficiary did not effectively make the land productive by cultivation within five years, the property was returned the Crown. However, this condition was never effectively applied in Brazil. The beneficiaries of sesmarias were never subject to any sanction for not cultivating land, largely because they also occupied prominent positions in the administrative apparatus of the state. Over time, the Crown simply demanded confirmation of the royal concession and an annual payment from the landowners. Many observers have pointed to this situation as the origin of unproductive *latifundios* in Brazil.

The sesmarias constituted the basis of property ownership in Brazil and set the stage for the current legal regime. Indeed, the system of registration, as discussed below, of private, local notarial offices called *cartórios*, derives from the system originally adopted for the recording of sesmarias through local parishes of the Catholic Church. The lack of a comprehensive survey and cadaster in Brazil can also be traced to the colonial pattern of land governance. The only properties recognized by the Crown were sesmarias, and everything else was undifferentiated Crown land, so there was no immediate imperative for survey and demarcation, or for planning.

3.3 Post-Independence

After Independence in 1822, the Brazilian Empire replaced the sesmarias with royal letters of concession. Those sesmarias that had been measured, recorded, demarcated, or confirmed, remained valid after 1822. The Catholic Church continued the practice of registering the concessions. Until 1850, there was no detailed legislation regulating the granting of real estate rights, although the Constitution of 1824 recognized the right to private property. In addition to the areas granted by means of the sesmarias or royal letters, there appeared occupied areas, whose holders sought the recognition from the imperial administration, since all the land-titling continued under the legal domain of the Crown of the Brazilian Empire.

The Land Law of 1850: State recognition of private property.

In 1850, the Imperial government abolished the rules of land donation through the sesmaria and letter of concession. With the Land Law (Law no. 601) of 1850, the government systematized land tenure rights and defined all unoccupied land as state property that could be acquired only through purchase**.** The Law further conferred titles of private property to all those who lived on the land and put it to productive use. Thus, all non-indigenous, private land rights in Brazil can be traced back to either, a sesmaria, a

letter of consession, or a subsequent allocation of public land based on purchase or occupation. This Law is often viewed as having consolidated the land rights of a small, propertied elite, while closing off options for an egalitarian distribution of land in rural areas. The first amendments to this legislation did not occur until 1930, when the state was authorized to expropriate land for public interest with compensation to the land owners.

Constitutions, Civil Codes and Institutional Changes

The Land Law of 1850 remained the fundamental framework for land governance and land management, albeit modified at the national level through the various constitutions and civil codes. Institutional changes towards the end of the nineteenth century, such as the abolition of slavery (1888) and the Proclamation of the Republic (1889), stimulated the dynamics of land-grabbing from the previous period. Crown land became public land which was ceded to the Federal Republic, except for certain areas along river banks and coasts, in a fringe along borders, and in areas reserved for federal government installations and military uses. Early constitutions guaranteed the right to property and the right of government to expropriate private property for public use with just compensation. The 1967 Constitution established the new concept of the *social purpose of land,* although the right of government to expropriate private property for social purposes had been first mentioned in the Constitution of 1946.

The institution of state autonomy in 1889 created the possibility for the newly empowered states to demarcate their lands and grant titles. This occurred more intensely in some states than others, but, regardless, it created one more ambiguity on the issue of titles and, therefore, the inability to regulate the land market.[15]

The institutionalization of the Public Record of Land, in 1900, was perhaps the most important development for the system of property registration in effect today. All landowners were required to demarcate and register their properties, either rural or urban, but without any inspection, and without a record. The government was also required to demarcate and register its (vacant) lands, which was impractical, as these were defined by exclusion. This requirement enhanced the possibility of fraud in the records of the notaries

The enactment of the Civil Code of 1916 further diminished the ability of the state to effectively regulate land markets, by reaffirming the notary's office as the institution of record and by establishing that public lands as subject to usucaption.[16] The Civil Code established one of the great marks of the institutionality of access to land in Brazil by establishing that a record in the notary was necessary (sometimes also sufficient) to prove ownership (Holston 1993). In the words of Osório Silva (1996: 324),

[15] Yet there is the concern to regulate, attested to in the failed attempt to regulate the property through the Torrens Registration (1891) in which the squatters and the owners could obtain a definitive title by not uncontested petition. And the possibility of legalization of possessions in 1895 and 1922 (relating to possessions between 1895 and 1921) ended up creating the conditions for possessions to last and to weaken the regulation of land market as expressed in the Land Law of 1850.

[16] Usucaption is the "acquisition of a title or right to property by uninterrupted and undisputed possession for a prescribed term." See: http://www.oxforddictionaries.com/us/definition/english/usucaption.

"with it, the framework for the transformation of the Government into an owner as the others was completed. And thus the doctrine of prescriptibility of lands was sustained."[17]

From the 1930s, there were various changes in the national legal scenario with respect to prescription of public land. . Federal Decree No. 22785, ofMay 1933 expressly prohibited vacant land prescription. However, the 1934 Constitution brought an exception by providing in art.125, the adverse possession of small plots. In this line, the Decree-Law No. 710, of September, 1938, stated that paragraph1 that "except as provided in art. 148 of the Constitution, (there) is not adverse possession against public goods of any nature". The Constitutions of 1967 allowed the familiar prescription but it was eventually banned in the Constitution 1988.

Rural Land: The Statute of Land of 1964 and the Constitution of 1988

Land tenure rights and hereditary succession for both urban and rural land are guaranteed by Law in Brazil, but they rest upon the conception of the social function of land. The central tension in land governance and administration in rural areas is between the strong protections of private property deriving from Brazil's history, the provisions for the social function of land, which underlie a set of Agrarian Reform policies, and the often ambiguous status of occupation of public lands, which has been both a mechanisms for colonization of frontiers and for the usurpation of public lands.

The Land Statute of 1964 addressed the issue of the rights of occupants of public lands, filling a gap which the 1850 Land Law had left open for more than a century. It entitled those who occupied productively and inhabited plots of public lands for a continuous period of ten years, without contestation, and who extracted from them and through their families' work the conditions of their subsistence, social, and economic sustainability to acquire tenure rights. The Statute also mandated the creation of the land reform agency, the National Institute of Colonization and Agrarian Reform (INCRA), which is represented throughout the national territory by 30 Regional Superintendencies. INCRA was also given the mandate to map and identify the occupied public lands, in order to regularize the conditions of use and possession of the land and to issue ownership titles. The Land Statute also addressed the issue of common land use and limited the state's rights of direct and indirect exploitation of public rural lands to research and experimentation related to agrarian development, colonization programs, and educational aims.

To guide the implementation of agrarian and agricultural policy, the Statutes of 1964 also created the Registry of Rural Properties. All private or public properties should be registered, including possessions. Owners should provide information on the status of the documentation and land use (used to estimate productivity) to facilitate the agrarian reform. INCRA became responsible for managing the National System of Rural Record (SNCR), which maintained the Register of Rural Properties. Once the property was registered, INCRA issued the Certificate of Registration of Rural Property (CCIR) required for any land transactions. Squatters registered by INCRA also received the

[17] See also: Holston, 1993

CCIR and should pay the Rural Property Tax, although the values of this tax have always been kept at low levels.

The first records in the INCRA register happened in 1965 and 1966; however, as in the Parish Record, farmers were only required to only declare the data and INCRA did not check the legitimacy of the information provided. In most municipalities, INCRA had the help of municipal registration units (UMCs) installed in partnership with municipal governments. Initially, the record was be updated every five years, but in reality it occurred only sporadically. Only in the late 1990s, did INCRA actually begin to take concrete steps to improve the quality of the property records.

Through its attention to the social function of land, the Constitution of 1988 provided a strong basis for the operation of agrarian reform policies and land regularization policies throughout the 1990s and 2000s. The broad concept, upon which the agrarian reform of recent presidents has been based, is that rural property must comply with social functions such as support for the welfare of owners and workers, satisfactory levels of productivity of land use, conservation of natural resources, and compliance with labor laws. Large properties that do not meet these criteria may be expropriated for agrarian reform.

Urban Land: The 1988 Constitution and the City Statute

During the period of Brazil's most rapid urban growth, the longstanding civil law approach largely considered property ownership as a commodity, the economic content of which is to be determined by the individual interests of the landowner. This approach to ownership significantly reduced the scope for state action in the domain of property rights, to impose socio-environmental and other collective values.[18] This civil law paradigm was aggravated further by an excessive bureaucratization of contractual and commercial practices regarding land use and development.. The expense and exclusiveness of the system obligated the majority of Brazil's citizenry to step outside of the law to have access to urban land. Moreover, in legal-political terms, the urban population was virtually excluded from the legal and decision-making processes especially in the nine institutionalized metropolitan regions, which were administered in a largely authoritarian fashion between 1973 and 1988.

The Federal Constitution of 1988, especially articles 182 and 183, reiterated the principles established by previous constitutions and introduced mechanisms to enforce the social function of property, which had been mentioned in the 1967 Federal Constitution without elaboration. The 1988 Constitution created the possibility for the granting of property rights based on their social function, not simply their legality based on registration information. The two articles in the urban policy chapter gave local governments the ability to demand, within the limits of federal legislation and local comprehensive plans, that the owner of vacant or underutilized urban land ''promote its use'' and that security of tenure be granted to those who occupy an urban parcel for at least five consecutive years.

[18] The urbanization process in Brazil started in the 1930s and peaked in the 1970s.

The provisions of the urban policy chapter of the 1988 Constitution marked a turning point in land governance and administration, with potentially significant consequences for low-income housing and informal settlements which are now beginning to be realized. However, it left many open questions, which still had to be answered, such as the compatibility of the new provisions with economic, environmental and fiscal policies, regularization of tenure procedures, and establishment of the legal instruments to implement the new policy. Many of these questions were addressed in the interpretation of articles 182 and 183, as set forth by Federal Law No. 10257 of 2001.

According to the new urban framework introduced by the 1988 Federal Constitution, the economic content of urban property is to be largely decided by the municipal government through a participatory legislative process, and no longer by the exclusive individual interests of the landowner. The creation of new legal instruments, such as compulsory edification, progressive taxation, and flexible expropriation, together with other instruments to be created by local legislation, aimed to put the local government in the lead role of the urban development process. The local population is now entitled to participate in decision-making over the urban order, both through their elected representatives, and directly, through the action of urban community-based organizations (CBOs) and non-governmental organizations (NGOs). While the local authority was confirmed as the preferential promoter of the urban growth process, a new collective right was also recognized: "the right to urban planning." Much more than a mere faculty of the municipal administration, it is a major legal obligation and and an expression of social citizenship.

New legal instruments promoted the right to the regularization of consolidated informal settlements through the approval of new legal instruments aimed at rendering such programs viable. Concerning settlements formed on private land (*usucapiao* rights), this entailed adverse possession rights for those occupying less than 250 square meters of private urban land for five consecutive years. Proposed with the situation of *favelas* and *loteamentos* dwellers in mind, this change aimed to render regularization policies more viable, thus strengthening the local regularization programs that had been initiated in 1983 by Belo Horizonte and Recife. Applicable in theory to perhaps half of all existing *favelas*, it was a major step towards recognizing *favela* dwellers as citizens. Regarding the informal settlements on public land, the 1988 Constitution also made a vague reference to the instrument of the concession of the right to use, a form of leasehold.

The City Statute of 2001 provided the legal support to those municipalities committed to confronting urban, social, and environmental problems. The statute gave the municipal governments the power to determine the balance between individual and collective interests over the utilization of urban land through laws and several urban planning and management instruments and participatory mechanisms. It created new tools to intervene in the pattern and dynamics of formal and informal urban land markets. Among these tools are (i) compulsory subdivision/edification/utilization orders, (ii) extra-fiscal use of local property tax progressively over time, (iii) expropriation-sanction with payment in titles of public debt, (iv) surface rights, (v) preference rights for the

municipality, (vi) onerous transfer of building rights, (vii) capture of surplus value, (viii) and (ix) the creation of special zones of social interest. The City Statute also improved on the legal order regarding the regularization of consolidated informal settlements in private and public urban areas, as it recognized legal instruments to enable the municipalities to promote land tenure regularization programs.

3.4 Other Contemporary Developments

A decision that further destabilized the security of land ownership in the country was Decree Law no. 1164 of 1971, and its subsequent amendment (Decree Law no. 2375 of 1987) which pertain to land along federal roads. The first Decree of 1971 federalized the allocation and management of public lands 100 kilometers on either side of federal roads, existing and projected, mainly in the Amazon. In the second decree, of 1987, the federal government returned part of these lands to the states. However, the return of such land did not occur immediately, as INCRA had already initiated several processes for the agrarian regularization in these corridors. In addition, INCRA requested that the states submit a plan of land use prior to its return. Both situations have created great confusion about the jurisdiction of extensive areas in the Amazon. There are still uncertainties about how much land was returned to the states.

By the second Decree Law no. 2375 of 1987, the federal government continued to control areas considered "essential to national security and development," but expanded its control over other areas that were rich in minerals. Among them were Carajás, in Marabá, and the mineral province of Tapajós, both in the state of Pará. Decree Law no. 16 of 1989 confirmed the federalization of these areas in 1989.

Another aspect of the 1987 legislation that negatively impacted land administration was the limitation of foreign business within national borders. This law complements the previous laws (Decree Law no. 1164 of 1939, Law no. 6634 of 1979, Law no. 9871 of 1999), which aim to control the access of foreigners to these areas. However, by requiring INCRA and other land agencies to control these areas through processes without giving assurances to the property, has rendered it problematic.

A striking aspect that makes the question of property registration in Brazil even more complex, as cited by Morretti et al. (2009), is that, although the Land Law established in 1850 places ownership of property in the hands of the sovereign,[19] it was only in 1973, with Law no. 6015 of 1973, that the matrix unitarity of properties came into being. In that year, each property was assigned a single registration, under which all actions related to that asset are recorded (Morretti et al. 2009). But, even so, the Law of Public Records (Law no. 6.015 of 1973) presupposes the veracity of documents, assuming the good faith of the persons that register them. The Law of Public Record of 1973 does not require the physical location of the registered property to be georeferenced or confirmed by the notary. Instead, the notary officials are to verify the documents of land issued by government agencies. However, many notaries register the transfer of

[19] known as the dominial system.

documents without checking the support documents because of the delays from the land institutes in providing them.

3.5 The Institutional framework for Brazilian Land Administration

The current institutional framework for the Brazilian Agrarian Administration consists of the following eight sets of major institutions (see Figure 1), which do not act in an integrated manner:

a) **Federal Government,** demarcates indigenous areas andcreates protected areas of different types (Extractive Reserves, National Forests).

b) **State Governments,** with legislative approval, create conservation units of different types (Extractive Reserves, State Forests, among others) and Quilombola areas.

c) **National Institute of Agrarian Reform (INCRA),** in the Ministry of Agrarian Development, which is responsible for the:

- Creation of the unique number of the property cadastre system.
- Cadastre of public and private rural land in SNCR.
- Discrimination of vacant land.
- Registration of property.
- Granting of possessions in agrarian reform settlements.
- Utilization of vacant lands for various purposes, such as: colonization, settlements, and others.

d) **State Institutes of Lands** are responsible for the management of public lands belonging to the states.

e) **Registral system** to control properties, supervised by the judiciary, keeps the books of private (mandatory) and public (optional) properties**..**

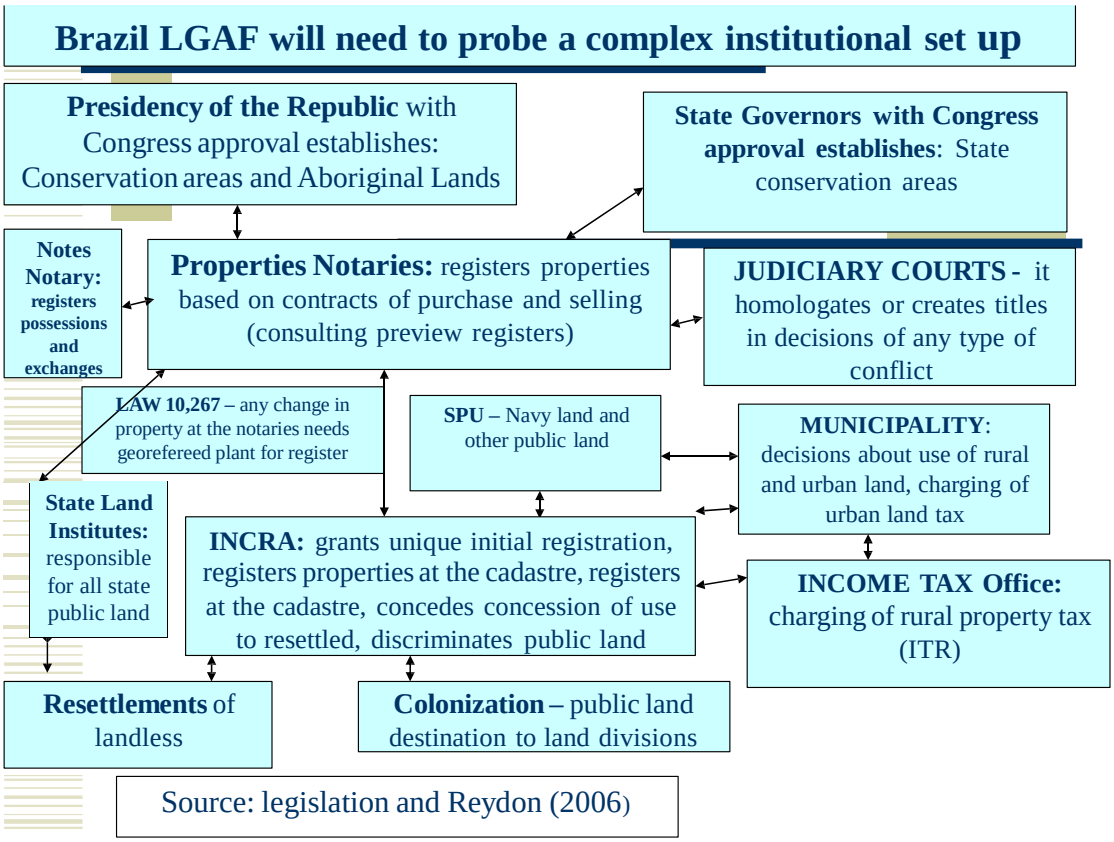
f) **Municipalities,** composed of the executive and legislative powers and guided by the City Statute of 2001, define and establish:

- The municipal master plan, which, among other things, differentiates permissible land uses.
- Cadastre of urban lands for various purposes ranging from planning to the collection of the urban property tax (IPTU)
- The plan of land values for IPTU collection.
- The collection of the Rural Property Tax (ITR) based on an agreement with the tax collection agency, the RF.

g) **Secretariat of the Brazilian Union Patrimony (SPU),** in the Ministry of Planning, is responsible for all of union properties, including vacant land. It is also responsible for the transfer of vacant lands to the INCRA to grant titles to individuals

h) **Federal Revenue**, in the Ministry of Finance, is responsible for collecting various direct taxes, primarily the income tax. It received the assignment to collect the Rural Territorial Tax (ITR) during the first administration of Fernando Henrique Cardoso (1986). It utilizes the INCRA cadastre as the basis for tax collection related to rural properties

Figure 1 Brazil's land administration system



3.6 Conclusion

As described or alluded to in this section, there is a huge body of constitutional law, land law, civil property law, environmental law, and planning law, operating at the national, state and local levels, which governs land relations in Brazil. Moreover, a large number of agencies are involved in the establishment and regularization of land rights, their recording and documentation, processes for establishing permissable uses, managing special use areas, planning overall land use, and resolving disputes. This body of law and these institutions, while well intentioned, sometimes create uncertainty or unrealistic burdens, which eventually manifest as gaps between legislative intent and reality on the

ground. Exactly where and how big these gaps are, is the subject of the the panel assessments in the next section of the report.

Section 4 ThePanel Assessments

This section describes the results from the panel assessments, which are the heart of the LGAF. Results are compared across the federal and three state assessments with particular attention paid to areas of marked convergence or striking divergence in ratings. The section describes the results of the core modules are described first and then those of the three optional modules on large scale land acquisition, forests and land regularization. Each subsection begins with a brief overview on why that area of land governance is important and what is the main focus of the particular indicators.[20]

4.1 Legal and Institutional Framework

Good land governance should ideally require a legal and institutional framework that recognizes the range of existing land rights, allows low-cost enforcement and upgrading of these rights as needed, and is integrated into a realistic and accepted policy framework. This section groups six land governance indicators (LGIs) to help measure the gap between the current and the ideal legal and institutional framework. The first four indicators (LGI 1 - LGI 4) focus on the recognition, enforcement and restrictions of existing rights. The next two indicators (LGI 5 – LGI 6) focus on the clarity of institutional mandates and participation and equity in land policies.

The legal recognition of land rights is a key element of land governance. When the law fails to recognize or enforce property rights, tenure becomes insecure, the potential for conflict increases, and the defense of property claims diverts resources from more productive uses. This acts as a disincentive for investments in the land. Ambiguous rights or ambiguity regarding who holds the rights can reduce transactions, blocking the transfer of land to more efficient uses. As different tenure regimes (e.g. communal and individual rights) normally coexist in different parts of any given country (legal pluralism), giving legal backing to existing rights requires sufficient flexibility to recognize the range of rights held by individuals and groups, including secondary rights, where relevant. It is also important that the legal framework be able to accommodate changes in tenure practices to ensure that these changes do not result in greater informality. For communal tenure, this requires regulations to accompany tenure individualization or to define how user groups can organize themselves, impose internal rules, interact with the outside world, and call on external agencies to enforce rules.

[20] These introductory paragraphs to the sub-sections are presented in italics as they are largely reproduced from the LGAF: Manual of Operations – World Bank, 2012b

LGI-1. Recognition of a continuum of rights (LGI-1):

This indicator assesses the extent to which the law recognzies an existing range of rights. The recognition of rights is important to the extent that it can improve tenure security for land users, thereby reducing conflicts, preventing unnecessary expenses for the protection of land plots, and enhancing investments in land. It may also reduce transaction costs and improve the transferability of land, thereby facilitating gains from trade and the allocation of land to more efficient uses. The results are shown in Table 3 below.

Recognition and application of rights (LGI 1 – LGI 3)

Table 3 Recognition and application of rights

			Score			
LGI-Dim		**Topic**	**BR**	**PA**	**PI**	**SP**
Recognition of Rights						
1	i	Land tenure rights recognition (rural)	A	D	D	C
1	ii	Land tenure rights recognition (urban)	B	D	D	B
1	iii	Rural group rights recognition	C	B	C	C
1	iv	Urban group rights recognition in informal areas	C	A	C	C
1	v	Opportunities for tenure individualization (urban)	C	A	C	C
1	v	Opportunities for tenure individualization (rural)	D			

From the perspective of the federal panelists, urban and rural populations benefit from well recognized individual land rights. The high scores of A and B reflect a perception that at least 70 percent of the population enjoys legal recognition of their land rights under either statutory or customary tenure regimes. Panelists in the three state assessments generally disagreed or at least focused more on challenges with implementation rather than on the existence of pertinent laws. While the divergence was less in São Paulo, in Pará and Piauí, the perception was that less than 50 percent of the population had such rights duly recognized.

Federal panelists and those in Piauí and São Paulo agreed on rural group rights and urban rights in informal areas. Panelists perceived that the legislation does not formally recognize tenure of most groups in rural areas and in urban informal areas; however, groups can gain legal representation under other laws (e.g. corporate law). Many changes have been introduced in the legislation governing urban and groups rights (ex-slaves and Indians), but the rules are still not well integrated. It is difficult and expensive to have the rights recognized. Panelists in Pará, however, assessed the situation much more favorably, concluding that group tenure in rural areas and in informal urban areas is formally recognized and clear regulations exist regarding the internal organization and legal representation of groups.

Federal and state panelists observed a similar pattern in the opportunities for rural groups and urban informal groups to individualize their tenure. Box 2 and Box 3 describe the legal background for recognition of rural, urban, and group land rights. The prevailing view, except in Pará, was that, even though the law may provide opportunities for those holding land under customary, group, or collective tenures to individualize ownership or land use, either fully or partially, the procedures are not affordable or clear. This leads to a widespread failure to apply even in cases where those affected desire to do so. Federal panelists actually concluded that, for rural groups, this facility for individualization of title does not exist. The existence of laws to recognize land tenure and rural group rights do not, *per se*, guarantee the effectiveness of the regularization process. Mostly, regularization depends on institutional capacities of all involved agents and the political willingness of the participants. The legal instruments cannot be effectively applied without the support of a clear cadastral system with up-to-date territorial and registry information about the disposition and limits of the properties and their holders.

Land tenure (possession) rights have existed since the beginning of the country, as noted in the previous section, and there are many ways to turn tenure rights into property rights. The Brazilian judicial framework encompasses a series of mechanisms to recognize these land rights. These include registered private property or land possession without titling, although the abundance of laws provides for a degree of subjectivity in their interpretation. The law has only recognized the rights of indigenous populations and *quilombolas* in recent decades, always maintaining the land under a communal property right.

Box 2 Legal recognition of rural and urban land tenure rights

Legal recognition of rural land tenure rights:

The Civil Code (Federal Law Law no. 10406 of 2002) governs the transformation of land tenure (of any size) into private property through usucaption (*usucapião*) if the area has been used for at least 10 years without conflicts. A special usucaption is also applied in small areas (up to 50 hectares) and converts the tenure rights to property rights after five years of peaceful use.

Public Registry Law (Federal Law no. 6015 of 1973) dictates that property is recognizable only if registered in the notaries. Any notary can register the possessions, if they are in concordance with what is contained in the law.

Legal recognition of urban land tenure rights:

Law no. 6766 of 197 is the first of its kind and was followed by a myriad of other specific laws. These laws have been modified many times and are confusing, which indicates a failure to harmonize the legal text and the challenging reality of the informal Brazilian urban settlements.

Box 3 Group rights recognition

Article no. 68 of the Federal Constitution of 1988 guarantees the property rights for all the members of quilombola communities that are still occupying their lands, with the state responsible for the group titling. Besides the cited Article of the Federal Constitution, there is a body of 124 norms related to the quilombolas.

There were five state constitutions, two complimentary laws, 39 laws, 74 decrees, two normative instructions, one execution norm and one regulation related to quilombolas in 2011. This shows that there are many steps to be taken to really guarantee the right to land as in the Constitution.

The Indigenous People Statute (Law no. 6001 of 1973) defines the indigenous lands in three categories (traditionally occupied lands, reserved lands, and indigenous-held lands). There are about 675 indigenous communities with their land recognized, a total of summing up 112 million hectares.

Enforcement of rights (LGI-2):

It is important to ensure that the systems in place enforce legally recognized rights for individuals and groups. Important steps include recording the boundaries and types of rights, particularly given the prevalence of boundary and ownership disputes, as well as takings by the state. For individual tenure—or land held with the right to exclude others and/or the right to transfer, assign or encumber the land right or revenue arising from the land right—the formal system of registering or recording of rights is only effective if it is comprehensive and covers all individual properties in rural and urban areas. It is also important that recordings do not exclude women and other disadvantaged individuals, who in many countries face discrimination in having their rights recognized. Because land held under customary tenure can come under pressure from encroachment by settlers and outsiders encroaching on land held under customary tenure, an important step in enforcing customary tenure rights can be the survey and mapping of the boundaries of land held under customary tenure and the recording of rights holders.

To the extent that registration implies formality, the approach can be complemented by a focus on the recording of tenure among the continuum of rights, which can involve simple and cost-effective means already practiced by local populations. In some urban areas, there are systems to record rights to apartments, but it is also important that the processes are in place to manage the common property associated with the apartments (driveways, parking, gardens, stairways, etc.), so that the property owners can enjoy the full benefits of their rights. Lastly, where rights holders lose those rights through changes in land use outside the process of expropriation—as can happen in some countries where land use is changed from rural to urban use or where land is set aside as a protected area, —it is important that there is fair compensation, even where rights are not registered. The results are shown in Table 4 below.

Table 4 Enforcement of rights

			Score			
LGI-Dim		**Topic**	**BR**	**PA**	**PI**	**SP**
Enforcement of Rights						
2	i	Surveying/mapping and registration of claims on communal or indigenous land	B	B	D	A
2	ii	Registration of individually held land in rural areas	A	D	C	A
2	iii	Registration of individually held land in urban areas	n/a	D	C	C
2	iv	Women's rights are recognized in practice by the formal system (urban/rural)	A	A	A	A
2	v	Condominium regime that provides for appropriate management of common property (urban)	C	A	A	B
2	v	Condominium regime that provides for appropriate management of common property (rural)	A			
2	vi	Compensation due to land use changes	D	D	C	D

The panelists ranked the enforcement of women's rights and the condominium regime favorably because these rights have been very clear in Brazilian legislation for quite some time. Panelists in all cases reported that more than 45 percent of land registered to physical persons is registered in the name of women either individually or jointly. Two examples of women's empowerment in land policies are: (i) according to the Law no. 11977, Provisional Measure 651, the Minha Casa Minha Vida low-income habitation program favors women in cases of divorce; and (ii) land reform favors women for titling.

On the enforcement of condominium legislation (see Box 4),panelists across the states and at the federal level, ranked rural condominiums well but federal panelists took a less favorable view of the adequacy of urban condominium legislation. The federal panelists asserted that, while common property under condominiums has some recognition, there are no provisions in the law to establish arrangements for the management and maintenance of this common property. It is important to note that the legislation for rural condominiums exists but it is seldom used.

Box 4 Condominium regulations

The main laws on rural and urban condominium regimes regulation are:

Rural: Provisional Measure (Medida Provisória) no. 2,183-56, that edited the Article 14 of the Land Statue (Law no. 4,504 of 1964), regulated by the decree no. 3.993 of 2001; also the Civil Code's Articles no. 1314 and 1346.

Urban: Law no. 4591 of 1964, regulated by Decree no. 3,993 of 2001; also the same Civil Code's articles as above.

The formal registration of individual properties presents a major challenge. Panelists in Pará reported that fewer than 50 percent of such urban properties are formally registered. While the corresponding proportion was larger in Piauí and São Paulo, it was still considered less than 70 percent. No opinion was offered by federal panelists on urban registration coverage. The panelists ranked rural properties in Pará and Piauí the same as urban properties; but in São Paulo and at the federal level, the estimate was much more favorable—in excess of 90 percent.. In São Paulo, rural registration seems to be working well. It is not clear that federal authorities have a realistic picture of rural registration coverage across the states, given that their very favorable ranking was at odds with estimates in Pará and Piauí. Even when properties are registered in the notaries, present in each district, notaries arenot required to verify the authenticity of information or documents used to register private properties. Also, the information in the registries is not consolidated, raising additional questions of trustworthiness and making it nearly impossible to access information on the number and area of registered properties and land possessions especially in the North and Northeast of the country.

The ranking for surveying and mapping communal land reflected the differences in the country. In São Paulo, where the issue has been substantially addressed, panelists estimated that more than 70 percent of the areas under communal or indigenous land hasve boundaries demarcated and surveyed and associated claims registered. In Pará and for the country as a whole, the estimate was between 40 percent and 70 percent. But in Piauí this is still an outstanding task; panelists concluded that the equivalent proportion was less than 10 percent. Nationally, the efforts to map and register indigenous lands made possible the recognition and delimitation of 675 indigenous communities, occupying 112 million hectares, although there are still large areas to be registered, mapped and titled to guarantee the rights to all indigenous peoples. Not all the indigenous lands created were regularized; and cases of registered private lands and land occupation inside the indigenous areas are abundant.

Federal and state panelists in Pará and São Paulo noted that there is no compensation for loss of rights (formal or informal) associated with changes in land use outside of formal expropriation, such as when an area is rezoned. In Piauí, it was

reported that while compensation in cash or in kind is sometimes paid, the options are such that affected people do not receive comparable assets and cannot continue to maintain their prior social and economic status. During the conversion of land from rural to urban use, those who have informally exercised rights over that land in the past, neither receive suitable compensation nor share in the land value appreciation benefits of the urbanization.

Mechanisms for recognition of rights: (LGI-3.)

This indicator aims to assess the consistency and affordability of rights recognition mechanisms (formalization) with existing tenure practices. To be effective, it is important that these processes hinge upon a consistent definition and interpretation of rights in line with existing practices, that they be affordable and accessible to the concerned population, and that they be transparent. If formalization processes are not consistent with accepted practices, there may be increased ambiguity in land rights and increased tenure insecurity. If they are not affordable, they may benefit richer households at the expense of the poor. If they are not transparent enough, they may encourage corruption and capture by the privileged. The results are shown in Table 5 below.

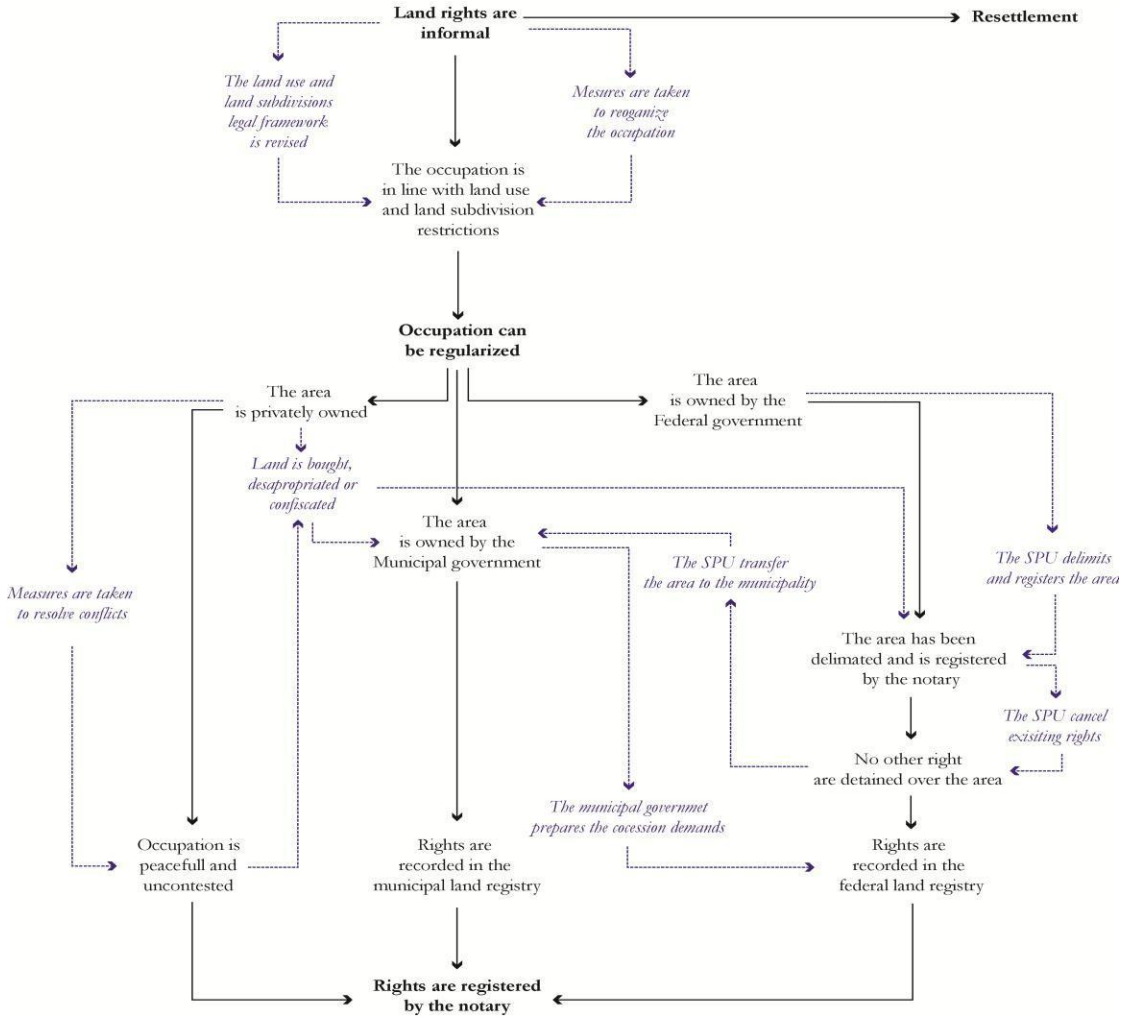
Table 5 Recognitions of rights

			Score			
LGI-Dim		**Topic**	**BR**	**PA**	**PI**	**SP**
Mechanisms for Recognition of Rights						
3	I	Use of non-documentary forms of evidence to recognize rights	C	C	C	D
3	Ii	Formal recognition of long-term, unchallenged possession	A	A	A	A
3	Iii	First-time registration on demand is not restricted by inability to pay formal fees	C	B	B	A
3	Iv	First-time registration does not entail significant informal fees	A	A	A	A
3	V	Formalization of residential housing is feasible and affordable	C	C	D	D
3	Vi	Efficient and transparent process to formally recognize long-term unchallenged possession	C	B	B	B

For the most part, the ranking of mechanisms to recognize rights was consistent across federal and state-level assessments. The areas of greatest strength were with respect to the existence of legislation for the formal recognition of long-term, unchallenged occupation of both public and private land, and the absence of a culture of paying informal fees (such as bribes) for first time registration of properties. The weakest areas pertained to the lesser weight given to non-documentary forms of evidence to recognize rights (such as oral testimony of occupancy) and to the lack of clarity and affordability of mechanisms to formalize residential housing. Ratings for the affordability of first time registration fees and the efficiency of the process for recognition of long - term possession were reasonable in the assessed states, with São Paulo ranking best. However, on average, federal panelists perceived the national condition less favorably. Federal panelists reported that the processes for recognition of long-term possession were neither clear nor implemented effectively, consistently, or transparently and that formal costs for first time registration were up to 5 percent of the property's value.

Figure 2 below, developed by the World Bank (2011), based on some cases of regularization in Joao Pessoa, Paranagua, Rio de Janeiro, Santos, and Maceio summarizes the complexity of the process of regularization of illegal settlements.

Figure 2 Urban land regularization processes



A central problem with monitoring and evaluation of informal settlement regularization is that there is no consensus on a specific indicator that measures the irregularity or/ informality of urban housing. This important gap relates to the lack of understanding about the scope of the terms irregular and clandestine. Several research institutions and academic studies produce statistics on urban informality without the possibility of tracking their methodologies and indicators over time. See Table 6 below for various pertinent statistics.

Table 6 Brazilian informality in numbers

Information	Source
30% of urban homes are in precarious settlements	Ministry of Cities, 2010
33% of the cities have shanty towns	IBGE, 2008
53% of the cities claim to have irregular/clandestine housing developments	IBGE, 2008
87% of the cities with more than 100,000 inhabitants have shanty towns	IBGE, 2008
92.5% of the cities with more than 100,000 inhabitants claim to have irregular/clandestine housing developments	IBGE, 2008
2.6 million homes in urban areas that were in a state of uncertain occupation, i.e. the ownership had some irregularity	IBGE, 2000 - Demographic Census
190,072,903 is the number of the total population residing in privately occupied residences in Brazil	IBGE, 2010
11,425,644 of them (or 6,01% of the population) live in substandard terms	IBGE, 2010
Between 7,600,000 - 6,400,000 units is the estimated housing deficit for Brazil	João Pinheiro Foundation, 2006
15 million families live in inadequate conditions	João Pinheiro Foundation, 2006
26.71% of the total inadequate residences in urban areas of Brazil have inadequate land titles	João Pinheiro Foundation, 2006
3.27 million homes are located in precarious settlements, with land registration irregularities and urban insufficiency (no access to infrastructure and urban services)	Ferreira, 2007
10.5 million urban households have some kind of irregularity	João Pinheiro Foundation, 2006
1.88 million have some sort of titling problem	João Pinheiro Foundation, 2006

Sources :

IBGE. Perfil dos municípios do Brasil, 2010.
Ministérios das Cidades. Guia para o Mapeamento e Caracterização de Assentamentos Precários. Brasília: Ministério das Cidades Primeira impressão: Maio de 2010. 82 p., ISBN: 978-85-7958-015-4
FERREIRA, M. P. et al. Uma metodologia para a estimação de assentamentos precários em nível nacional. 2007. Disponível em: http://www.centrodametropole.org.br/v1/pdf/2007/CEMassentMCidades.pdf
Fundação João Pinheiro. Centro de Estatística e Informações.Déficit habitacional no Brasil / Fundação João Pinheiro,Centro de Estatística e Informações. 2. ed. - Belo Horizonte,2006. 111p.
Companhia de Desenvolvimento Habitacional e Urbano (CDHU). Plano Estadual de Habitação para São Paulo, 2011-2023. 2011 (revised edition: December, 2012).

Restrictions on rights (LGI 4)

Rules limiting ownership rights should be based on rational justifications that may include consideration of environmental, health, security and other factors, but which are not so onerous as to drive the population into informality. This indicator assesses the justifications of restrictions on land rights. In many countries, restrictions concern ownership, the way land is used, or the characteristics of the parcel (e.g. excluding foreign ownership, or making productive use compulsory, or imposing a minimum-lot size). Land rights may also be restricted with respect to their transferability (e.g. imposing restrictions on the size, price or type of land that can be transferred). While some of these restrictions might be justified in specific or temporary contexts, having permanent restrictions that affect large shares of land owners or users is likely to drive users into informality and to undermine governance (because it may result in an inefficient allocation of land, or because it can provide incentives for land users to bribe officials). Even though unnecessary restrictions may give rise to high costs of evasion and discretionary enforcement, vested interests may oppose their removal. The results are shown in Table 7 below.

Table 7 Restrictions on rights

			Score			
LGI-Dim		**Topic**	**BR**	**PA**	**PI**	**SP**
Restrictions on Rights						
4	i	Restrictions regarding urban land use, ownership and transferability	A	A	A	B
4	ii	Restrictions regarding rural land use, ownership and transferability	B	B	B	B

The assessment found that at both federal and state levels, and for both urban and rural land, there are regulations that are justified, for the most part, on the basis of overall public interest; but enforcement was a mixed story. Panelists perceived enforcement of the rules on issues such as plot sizes (see Box 5), conducting transactions, price and land use in rural areas to be weak in all cases. Enforcement was also weak with respect to urban lands in São Paulo where slums abound, but much stronger in Pará and Piauí. Given the widespread existence of slums with multiple infringements, such as location on environmentally sensitive lands and very small plot sizes in other states, the perception of federal panelists that these rules were generally enforced across Brazil seems at odds with reality.

Box 5 Land use and size restrictions

Urban land size and use restrictions:

- - Article 2 of the Statue of the City (Law no. 10,257 of 2001) establishes that urban policy instruments must follow the Federal Plans, environmental legislation, Zoning laws, the Code of Forests (Código Florestal), Code of Waters, etc.
- - The Statue of the City also indicates l the instruments, plans, federal and state laws that should be used in the elaboration of urban policies.
- - Restrictions on private property are those related to the social function of the property and are present in the Brazilian Constitution (Aarticle no. 5 and no. 182).
- The General Expropriations Law (Law no. 4132 of 1962) defines the cases in which social-interest expropriation can be done.
- Tombamento (declaration of a building as a historical or cultural monument) is a legal instrument aimed at the preservation of the monument; which although it does not deprive the owner of the property, it brings restrictions for its uses aimed at the preservation of the monument.

Rural land size and use restrictions:

- Settlements owned via agrarian reform are conditioned to a transaction prohibition for 10 years (Article no. 189 of the Constitution).
- Public land restrictions (Article no. 49 of the Constitution).
- Land property titles are conditioned to the social function of the property.
- Several restrictions on foreigners` land acquisitions (the prime law for the restrictions is the Law no. 5709 from 1971, but in recent years it has been modified several times – as in the General Attorney Opinion no. GQ-22 of 1994, GQ-181 of 1999 and LA-01 of 2010). The debate over this matter is still ongoing and the restrictions are not yet clarified.
- Land use can be restricted by the Forest Code (*Código Florestal*) and for public policies.
- Maximum size limit of 2500 hectares in the Legal Amazon (Article no. 49 of the Constitution), unless permitted by the Congress.

The next set of indicators within the first LGAF module focuses upon the extent to which land institutions have clear mandates, and policies are fair, non-discriminatory, and reflect social preferences (LGI 5 – LGI 6). Overlaps or gaps in mandates or actual functions performed by land administration institutions (either horizontally or vertically) allow for discretion, which may cause ambiguity and increase transaction costs for those who need to use these institutions, thereby pushing potential users into informality. They can also create confusion or parallel structures that can threaten the integrity and reliability of documents and information provided by land sector institutions, thus undermining confidence in property rights and creating threats to good governance. The results are shown in Table 8 below.

Clarity of institutional mandates (LGI 5)

Table 8 Clarity of institutional mandates

			Score			
LGI-Dim		**Topic**	**BR**	**PA**	**PI**	**SP**
Clarity of Mandates						
5	i	Separation of institutional roles	C	C	B	C
5	ii	Institutional overlap	C	B	A	C
5	iii	Administrative overlap	C	C	B	B
5	iv	Information sharing	D	C	D	C

The panelists' perception and understanding of the clarity of institutional mandates for land administration was quite uneven among the states and the national LGAF. In all cases, the panelists notice a low level of information sharing particularly because of the relative inaccessibility of land information maintained by the relevant organizations. In situations that can entail conflicts of interest or abuse (e.g. transfers of land rights), panelists at the federal level and in Pará and São Paulo found that, while there is some separation in the roles of policy formulation, implementation of policy through land management and administration and the arbitration of any disputes that may arise as a result of implementation of policy, there are overlapping and conflicting responsibilities that lead to frequent problems. This often manifests in parallel and uncoordinated regularization programs by state land institutes, urban directorates, SPU, MMA, notaries and municipalities especially in urban and peri-urban areas, sometiumes with different criteria and using different legislative rules. Lack of coordination also sometimes affects the allocation of public land for rural colonization, as well as Indian and quilombola reservations. Interestingly, the panelists in Pará felt that vertical overlap between different tiers of government is more common and burdensome than horizontal overlap with other land sector institutions; while in São Paulo, the opposite was noted.

Piauí has a better impression of the separation of institutional roles and related indicators of institutional (horizontal) and administrative (vertical) overlap, than the federal and state level assessments in Pará and São Paulo. This may be because the main problems in Piauí are at the state level. But it may also be explained by the deliberate efforts at coordination that have been taking place within the state in recent years. An example of this cooperation is the 2013 inauguration of a joint office of the INCRA and the State Land Institute (INTERPI) in a municipality of the *cerrado* with high levels of land conflict. The judicial arm of government represented by the Comptroller of Justice and INTERPI are also increasing their collaboration on rural land regularization initiatives.

Participation and equality in agrarian policies (LGI 6)

This indicator assesses the equity and transparency of land policy formulation and implementation. Because there is a risk that land policies could serve the interest of well established groups at the expense of others (e.g. to the detriment of women, ethnic minorities, the landless, migrants, or the indigenous population), it is important that the interests of all relevant stakeholders be taken into account when the policy is designed and when it is implemented. This can be achieved through the participation and consultation of all stakeholder groups in the decision-making process and the incorporation of clearly articulated equity goals as policy objectives. Regular and publicly accessible reports of the results should provide the necessary monitoring and evaluation to ensure progress towards these goals. The results are shown in Table 9 below.

Table 9 Equity and non-discrimination

			Score			
LGI-Dim		**Topic**	**BR**	**PA**	**PI**	**SP**
Equity and Non-Discrimination						
6	i	Clear land policy developed in a participatory manner	C	C	B	B
6	ii	Meaningful incorporation of equity goals	C	C	C	C
6	iii	Policy for implementation is costed, matched with the benefits and is adequately resourced	C	C	C	C
6	iv	Regular and public reports indicating progress in policy implementation	C	C	C	C

Panelists generally assessed performance on this front as modest, at best. Piauí and São Paulo panelists gave the least unfavorable ratings; they felt that a comprehensive land policy exists or can be inferred by the existing legislation and that land policy decisions that affect sections of the community involve consultations with those affected. They noted, however, that feedback is usually not used in making land policy decisions. Across all the assessments, panelists noted that land policies incorporate some equity objectives but these are not regularly and meaningfully monitored. Additionally, formal land institutions report on land policy implementation in a sporadic way or in a way that does not allow meaningful tracking of progress across different areas. In multiple cases, it was noted that the decentralized nature of the institutional framework added to the lack of coordination and made it more difficult to establish goals and monitor mechanisms.

4.2 Planning, Management, and Taxation of Land Use

The second LGAF module focuses upon the extent to which limitations on the ability to exercise property rights over land (including restrictions on planning) are justified and determined with transparency and efficiency, with exemptions granted promptly and transparently (LGI 7 – LGI 8). It assesses the extent to which land use and management regulations in urban areas (including zoning and land use planning mechanisms) are justified and transparent. In a well-functioning system of land administration, land use and management regulations should generally be used only to prevent or limit undesirable externalities from land use activity. They should be well developed so as not to drive large parts of the population into residential informality. Land use and management regulations should thus be created with the public's best interests in mind, making sure those individuals and groups play a participatory role when developing these policies. However, changes in land-use zoning or restrictions can have a major impact on land values and can thus be, in many cases, a source of corruption. It is thus important to develop zoning regulations and land use plans in a participatory and transparent manner that can subject the process to public scrutiny and prevent the abuse and rent-seeking behavior of those who could otherwise manipulate the procedures to their own benefit. There should also be appropriate mechanisms for capturing the gains from land use changes to be used in the public's interest. The results are shown in Table 10 below.

Table 10 Transparency of land use

			Score			
LGI-Dim		**Topic**	**BR**	**PA**	**PI**	**SP**
Transparency of Land Use						
7	i	In urban areas, land use plans and changes to these are based on public input	C	C	B	B
7	ii	In rural areas, land use plans and changes to these are based on public input	D	D	B	C
7	iii	Public capture of benefits arising from changes in permitted land use	C	D	C	C
7	iv	Speed of land use change	D	D	B	A

Panelists were unanimous on the issue of transparency in land use; the public generally does not capture the benefits that arise from changes in land use (mostly from rural to urban use), but there was less congruence in the ranking of other related indicators.

Article no. 2 of the Federal Statute of the City (Law no. 10257 of 2001) mandates civil society participation at all stages of the cities` master planning process (elaboration, implementation and evaluation). However, federal and Pará panelists noted that the legislative and executive levels, where the legitimation of the plans occurs, largely overlook these contributions. In São Paulo and Piauí, the panelists took a slightly more positive view, but acknowledged that either the process is unclear or the associated reports are not publicly accessible. As of 2011, approximately 1500 municipalities had already prepared master plans of one form or another. Also, participatory budgeting has been growing in Brazilian municipalities, allowing the residents a forum to express their views on capital expenditures, including those associated with Master Plan implementation.

Formally, the rural land use plans (the states` Ecological Economic Zoning plans, or ZEEs) are oriented towards using public input in their formulation; nevertheless there are few practical channels for direct public participation in plan elaboration. Consequently, federal and state panelists in Pará and São Paulo noted that, in practice, such consultations are either not held or the inputs are largely ignored. In Piauí, the panelists took a slightly more optimistic view while noting that either the process is unclear or the reporting is not public. Some social movements (MST and Xingu Vivo, for example), though, try to make themselves heard even when their contributions are not requested, amounting to a minor form of public input into the elaboration of land use plans.

Concerning the speed of actual land use change, there was considerable variation across the assessments. National and Pará panelists estimated that less than 30 percent of land for which a use change had been authorized in the last three years, had actually

changed use since then. Piauí panelists estimated actual land use change to be between 50 percent and 70 percent, while in São Paulo panelists provided an estimate in excess of 70 percent. However, São Paulo's positive score may be explained by the panelists' interpretation that only the speed of land use change in the case of land regularization could be measured, given that for other cases there were no data available to assess this indicator. This points to a broader issue of the availability of suitable data for estimating this indicator and may explain the variability that was observed. The results are shown in Table 11 below.

Table 11 Efficiency of land use

			Score			
LGI-Dim		**Topic**	**BR**	**PA**	**PI**	**SP**
Efficiency of Land Use Planning						
8	i	Process for planned urban development in the largest city	D	D	B	D
8	ii	Process for planned urban development in the 4 largest cities (exc. largest)	D	D	B	D
8	iii	Ability of urban planning to cope with urban growth	D	C	C	C
8	iv	Plot size adherence	D	D	B	D
8	v	Use plans for specific land classes (forest, pastures etc.) are in line with use	B	B	B	C

Apart from Piauí, which is still relatively rural, urban planning efficacy was rated poorly in the assessments. For both the largest city and the top four largest cities in each assessment, panelists agreed that urban development and associated spatial expansion occurs in an ad hoc manner with little if any infrastructure provided in most newly developing areas. All three state assessments found that in the largest city, the urban planning process or authority is struggling to cope with the increasing demand for serviced units or land—as evidenced by the fact that most new dwellings are informal. The federal assessment of this point was even more pessimistic. Similarly, panelists in all cases except Piauí reported that compliance with minimum residential plot size requirements was less than 50 percent. Piauí panelists noted that the law specifies a hierarchy of regional detailed land use plans, but, in practice, the availability of infrastructure usually guides urban development. But, this affects only the partial implementation of land use plans and minimum residential plot size adherence was much higher, between 70 percent and 90 percent.

The Statue of the City (2001) proved to be a major legal modernization, creating several instruments for urban policies and improving their efficiency; but one of its deficiencies is the absence of instruments and provisions to tackle the coordinated

regional planning in metropolitan areas. This leads to the uncoordinated decentralization of land use plans between the municipalities of the same metropolitan area, leaving the metropolitan area without a master plan for itself and generating many individual conflicting municipal conflicting plans.

The inability of municipalities to cope with urban growth attests to the widespread lack of urban planning. For example, data for the metropolitan region of São Paulo shows that the downtown region is losing population while the peri-urban areas are still growing fast[21]. At the same time, the urban habitation deficit for São Paulo is 1,041,633 houses, or 10.7 percent of the total urban houses (Fundação João Pinheiro 2005).

The only somewhat positive finding rated planning for non-urban uses (such as forest and pastures) to be mostly in line with actual land uses, except in São Paulo. In a country of continental proportions like Brazil, rural land use planning is always a complex process using enormous quantities of human, informational, and financial resources. Although there is no clear national-wide land use plan, there are some major initiatives in this direction, as shown in the 6 below.

Box 6 Rural Land Use Planning Initiatives

Rural land use planning initiatives in Brazil include:

The Ecological Economic Zonings that some states have already implemented or are considering.

The Rural Environment Cadaster (CAR) and a series of 2009 measures to incentivize landholders to register in the CAR.

The Terra Legal (Legal Land) program of the federal government for land regularization in the Amazon region, inspired by the developments in improving land governance in the State of Pará.

The Terra Legal program aims at regularizing small possessions yet without property rights in the nine9 states of the Amazon region, and at June of 2013 accounted for 106,530 registered possessions with a total area of 13,224,657 hectares. It was established by Federal Law no. 11952 of 2009 and has influenced the update of the Pará and Piauí State laws about state land regularization.

Sources: Terra Legal website, http://www.mda.gov.br/portal/serfal/dados/aggregator-view?data_id=3292164 and the World Bank (2011).

The next set of indicators within the second LGAF module assesses the speed and transparency of the application process for building permits. (LGI-9). Given the

[21] The population living in these areas grew from 19 percent to 30 percent of the total population of metropolitan São Paulo between 1991 and 2000 (Torres et al. 2007)

uncertainty and costs associated with the procedure, it is a key issue. Obstacles to obtaining such permissions may not only lead to the arbitrary treatment of land users, but can also lead to an inefficient allocation of land, and hinder investments and economic development. Furthermore, an opaque and lengthy process may facilitate corruption and the rent seeking behavior of administration officers to the detriment of land users. The results are shown in Table 12 below.

Table 12 Speed and predictability

			Score			
LGI-Dim		**Topic**	**BR**	**PA**	**PI**	**SP**
Speed and Predictability						
9	i	Applications for building permits for residential dwellings are affordable and processed in a non-discretionary manner (low income population)	C	C	n/a	D
9	i	Applications for building permits for residential dwellings are affordable and processed in a non-discretionary manner (high income population)	B	B	n/a	
9	ii	Time required to obtain a building permit for a residential dwelling	C	B	n/a	D

Panelists from São Paulo, the most urbanized state in the assessment, gave very poor ratings to the affordability, predictability, and efficiency of residential building permitting, indicating that the requirements are technically over-engineered and that the process typically takes more than 12 months. Federal and Pará panelists chose to rank this dimension of land governance separately for dwellings intended for the low income population and those intended for higher income groups. In both of these assessments, the requirements, while found to be technically justifiable, were deemed to be unaffordable to the poor. For middle-income or wealthy residents, the main limitation was the lack of clear dissemination of the requirements. Piauí panelists did not answer this question because of their lack of knowledge on the topic. Box 7 describes the steps to obtain a building permit.

Box 7 Steps to obtain a building permit

Steps to Obtain a Building Permit

The steps differ from region to region according to the type of building and each municipality's specific laws. Below is a sample of the steps required for a building permit for a low-income house:

- Hire a qualified professional to sign the house plan.
- City Hall approves the house plan and other documents (can take up to 12 months)
- Retrieve the building permit to start building.
- City Hall building inspection to check if the house is being built according to the approved house plan.
- Request of the "*Habite-se*" document (certificate of occupancy) after construction is completed (takes up to 5 months).
- Request the building registration in the property register and debt clearance certificate (takes up to 1 month).
- Property registration *per se*, with all other documents and certificates in hand. The register is made by the notaries.

The next set of indicators assesses whether taxes on land and urban plots are determined transparently and are efficiently levied (LGI 10 and 11) Land taxation can generate significant revenues for local government and generate important incentives against land speculation. But it is not an easy task as land taxation is politically controversial and as a result there is great variety in the ways that property taxes are assessed and collected. In many countries, the lack of revenue from property taxation impacts affects the ability of local governments to provide needed services. The lack of realistic taxation on capital gains often contributes to speculative bubbles in the land market. The development of a more uniform land taxation will require attention to both technical issues (clear principles for valuation to avoid arbitrariness, regular updating of valuation rolls, capacity for efficient collection) and policies in order to generate appropriate incentives (retention by local governments, tax exemptions). The results are shown in Table 13 below.

Table 13 Transparency and tax collection

			Score			
LGI-Dim		**Topic**	**BR**	**PA**	**PI**	**SP**
Transparency of Valuation						
10	i	Clear process of property valuation (urban)	C	D	C	C
10	i	Clear process of property valuation (rural)	D	A		
10	ii	Public availability of valuation rolls (municipality collects the urban and rural if property tax)	A	D	D	A
10	ii	Public availability of valuation rolls (the federal government – INCRA collects rural area property tax)	D	D		
Tax Collection Efficiency						
11	i	Exemptions from property taxes are justified	A	B	C	A
11	ii	Property holders liable to pay property tax are listed on the tax roll (urban)	A	D	D	C
11	ii	Property holders liable to pay property tax are listed on the tax roll (rural)	C	C		A
11	iii	Assessed property taxes are collected (urban)	A	C	D	B
11	iii	Assessed property taxes are collected (rural)	D	D		
11	iv	Property taxes correspond to costs of collection	n/a	A	B	n/a

Across the federal and state panels, it was found that the assessment of land and property for tax purposes has, at best, some relationship to market prices, but there are significant differences between recorded values and market prices across different uses or types of users, and valuation rolls are not updated regularly. This was true of both urban and rural property taxation, except in Piauí, where the opposite was noted for rural land with assessed values reported as being close to the market and updated at least every five years. Public policy was not found to mandate the public accessibility of valuation rolls, except in the São Paulo assessment and in the federal assessment for cases where the tax is collected by municipalities.

The valuation of rural land properties for the purposes of taxation (Rural Property Tax, or ITR) is self-declared by the proprietors. The National Institute of Colonization and Agrarian Reform (INCRA) and the income tax collection agency, the Federal Receipt (RF), do inspection only by sampling. Consequently, rural land property values are thought to be undervalued most of the time, making the rural land tax ineffective for its purposes. Given the lack of information on the ITR valuation base, properties and fiscal evasion, there is a need for more case studies to supply enough information to improve statistical estimation of the gap between assessed and market values. In the case of decentralized collection of ITR (where the tax is collected by the municipality), there are

ways to access the valuation lists, but in the case of collection by the IRS, there is no public access to the same lists.

Property valuation for the purposes of collecting the urban land property tax (IPTU) is not self-declared; nevertheless distortions in tax collection result from a low level of valuation and lack of tax isonomy—the bigger the property, the larger the difference between the property value for purposes of taxation and its market value (IPEA, 2009). Urban property valuations are also infrequently updated, which benefit the urban properties that appreciated the most during the period.

The panelists deemed the state tax rolls as no more than 70 percent complete (rating C) or no more than 50 percent complete (rating D) for both urban and rural areas, except for rural taxation in São Paulo. Interestingly, federal panelists also had a much more favorable opinion of the completeness of the urban valuation rolls, which was not borne out by the states' own assessments. Except in Piauí, the exemptions were felt to be justified. Box 8 describes the property tax exemptions.

Box 8 Property tax exemptions

Property Tax Exemptions

Exemptions from *urban* property taxes include: cultural, charitable, religious non-profit organizations that are formally organized; class associations and unions; widows with underage children, pensioners, elderly and citizens that are not capable of working; but these exemptions may vary depending on the municipality`s laws. Exemptions from *rural* property tax include: small-scale family farming (maximum area of 100 hectares and applicable only to those who do not own other property) and land reform settlement plots.

Some people also benefited from free legal aid under Law n.1.060 1950

On actual collection of property tax, panelists across the assessments, with the exception of São Paulo, agreed that rural property collection was very weak. The rural property tax (ITR) is described in Article no. 153 of the Constitution and Law no. 9393 of 1996, and is collected either by the municipalities or the RF; however, it was collected by the INCRA until the promulgation of the Law no. 8022 of 1990. For the year of 2008, the ITR tax revenue was of R$ 469,800,000, roughly the equivalent to 0.09 percent of the total federal government tax revenue. The ratings for cost recovery of property taxes were attempted only in Pará and Piauí, but it appears that the question may have been misunderstood.

The urban land tax (IPTU) revenue—which is also considered to be too low in terms of tax collection—was five times more than the ITR revenue in 2008 (Oliveira, 2010).

From a total of 5,565 municipalities analyzed in the Perfil dos Municípios Brasileiros (IBGE, 2010), over 90 percent collect the urban property tax (IPTU).The valuation lists for the collection of IPTU are available to the public, but must be requested at the City Hall.

4.3 Management of public land

The third module of the LGAF focuses upon management practices pertaining to public land, including whether state ownership of land interferes with individual or community ownership or management in circumstances other than those justified in order to avoid externalities or to provide goods and public services (LGI 12). Good governance requires transparent and accountable management of public land for the public interest, including processes by which land is acquired and released by the state. It is important that the state ownership of land be justified on a public-good basis (LGI 12) and that compulsory acquisition procedures are justified (e.g. where a comparable outcome cannot be achieved through private ownership or when private ownership is likely to lead to outcomes that have undesirable impacts on public welfare in general) and exercised only for clear public purposes and managed appropriately (LGI 13 – LGI 14). It is also important that transfer of rights over state-owned land be transparent and monitored (LGI 15). The results are shown in Table 14 below.

Table 14 Identification of public land

			Score			
LGI-Dim		**Topic**	**BR**	**PA**	**PI**	**SP**
Identification of Public Land						
12	i	Public land ownership is justified and implemented at the appropriate level of government	B	C	B	C
12	ii	Complete recording of publicly held land	A	B	C	C
12	iii	Assignment of management responsibility for public land	B	C	D	D
12	iv	Resources available to comply with responsibilities	C	D	D	D
12	v	Inventory of public land is accessible to the public	A	C	C	D
12	vi	Key information on land concessions is accessible to the public.	A	B	C	A

Across all four assessments, panelists agreed that public land ownership is generally justified by the provision of public goods but that either the management is at the wrong level of government (Pará and São Paulo) or that functions are carried out in a discretionary manner (federal and Piauí). Contrary to the opinion at the federal level, across all three states, there was thought to be serious or at least enough ambiguity

in the assignment of responsibilities to adversely affect the management of assets. Overlaps in public land management occur especially between the federal institutions INCRA and Federal Assets Office (SPU) and also between the federal and state-level institutions (State Land Institutes). There are other overlapping responsibilities when the National Indian Foundation (FUNAI), the *quilombolas,* the forest conservation units, the Chico Mendes Institute of Conservation of Biodiversity (ICMBio), and the Ministry of the Environment (MMA), are involved. Across the three assessed states, panelists agreed that the resources, especially the availability and deployment of trained technicians and other staff as well as the inadequacy of the land legislation, pose major challenges to the management of public lands.

Estimates of the completeness of identification and mapping of public land varied across the assessments, but, by and large, they did not take into proper account the lands which are neither delimited nor registered *(terras devolutas*). Estimates of completeness ranged from less than 30 percent in Piauí to 40 percent in São Paulo to above 50 percent by federal panelists. Registered and delimited public lands are managed by the SPU. According to SPU`s Annual Report for 2012, their registry consists of 508,629 dominical properties and 30,993 special use properties.

Contrary to the assessment of federal panelists, in all three states panelists concluded that systematic information on the public land inventory is generally inaccessible to the public. Although there are many incomplete land registries of variable degrees of trustworthiness in several institutions, there is no consolidated cadastre that identifies what are public and private lands. This deficiency is reflected in the difficulty of finding, organizing, and sharing territorial and legal information about land properties. Without the creation of a consolidated registry for private and public lands, there is actually no way to determine correctly the limits and areas of public lands and stop uncontrolled private appropriation. Another example of the deficiency in public land management is illustrated by the information on sales and purchases of public lands, which is publicly available and published in the *Diário Oficial (*regulated by Law no. 8666 of 1993), but always in a specific and unconsolidated form.

The next set of indicators within the third LGAF module considers whether expropriation of lands is justified by public interest and follows a process that is both clear and transparent with reasonably compensation for those who lose their rights. (LGI 13, 14) Expropriation is an important tool for governments to enhance social welfare by providing public goods such as roads, airports, shopping centers, irrigation or by limiting negative externalities when private ownership is likely to lead to outcomes that have undesirable impacts on welfare. But expropriations should occur in the public's general interest. It is important that government exercise its authority for compulsory acquisition only with a well-defined and transparent procedure and by fairly compensating those adversely affected in a timely manner. Failure to do so or excessive resort to expropriation can create tenure insecurity that undermines incentives for investment while large tracts of land end up accumulated in the hands of the state.

Inappropriate treatment of land expropriation can also lead to social unrest and protests. The results are shown in Table 15 below.

Table 15 Incidence of expropriation

				Score		
LGI-Dim		**Topic**	**BR**	**PA**	**PI**	**SP**
Incidence of Expropriation						
13	i	Transfer of expropriated land to private interests	n/a	D	D	D
13	ii	Speed of use of expropriated land	A	A	A	A

The transfers of expropriated land that the panelists focused on were almost always to private interests, guided by social interest policy, such as transferring public land to land reform settlements and then to the landless, according to INCRA`s rules. Land expropriation has clear rules and the expropriated lands have a legally-determined destination, according to the Land Statute (Law no. 4504 of 1964). So, although the state panels unanimously rated this indicator as 'D', in this particular instance this is not indicative of poor land governance but rather reflects the interpretation that social interest transfers to private individuals do account for a high proportion of expropriation. According to INCRA, between 2010 and 2012, 117,000 families were settled and 6,030 settlements were created in an area of 8.47 million hectares. Also, according to the same source, since the creation of the Land Statute, 1.23 million families were settled in 87.5 million hectares around the country. Panelists across the assessments were also unanimous in estimating that more than 70 percent of the land that has been expropriated in the past three years has been transferred to its destined use. Table 16 shows the results for transparency of procedures.

Table 16 Transparency of procedures

			Score			
LGI-Dim		**Topic**	**BR**	**PA**	**PI**	**SP**
Transparency of Procedures						
14	i	Compensation for expropriation of ownership	A	B	C	B
14	ii	Compensation for expropriation of all rights	D	C	C	B
14	iii	Promptness of compensation	A	D	D	A
14	iv	Independent and accessible avenues for appeal against expropriation	A	B	A	A
14	v	Appealing expropriation is time-bounded	B	n/a	B	D

Across the three state assessments, panelists perceived that although compensation is generally paid for ownership and other rights (e.g. use rights, access rights etc.), in the majority of cases the level is insufficient for the displaced households either to either afford comparable assets or maintain their prior social and economic status. Federal panelists gave a much stronger rating for compensation for ownership rights but this may be because their focus was on the legal provisions rather than the practice. Interestingly, they perceived the opposite for non-ownership rights such as for use or access. The expropriation compensation for land ownership is calculated based on a price evaluated according to Law no. 8623 of 1993 and the Provisional Measures no. 1632-11 and 1658-12. When the expropriation is finally concluded, the expropriated receives the Agrarian Debt Security Titles (TDAs) as payment for the land and any improvements is paid in cash. The TDAs can also be sold in the secondary market with little discount.

Panelists in all assessments agreed that independent and accessible avenues for appeal against expropriation exist although in Pará they were not deemed to be accessible to the poor. In the White Book of the Super-Indemnities (*Livro Branco das Superindenizações*) (White Book of the Super-Indemnities) published by the Land and Family-Farmers Policy Ministry (1999), there is detailed information on at least 70 lawsuits brought by expropriated land owners against the INCRA. The so-called land reform "super-indemnities" sum up to more than R$ 7 billion, enough money to settle more than 300,000 families. Estimates of the proportion of cases lodged within the last three years that have received a first decision were more variable ranging from 80 percent or more by federal and Pará panelists to less than 30 percent in São Paulo. Box 9 provides a list of expropriation laws.

Box 9 Expropriation laws

Expropriation laws:
Law no. 4504 of 1964 (Land Statute)
Law no. 7647 of 2008;
Articles no. 126 (land conflicts), no. 184 and 185 (social interest expropriation), and no. 188 (destination of public lands);
Provisional Measure (MP) no. 2183-56 of 2001
Decree no. 578 of 1992 (new regulation of the Agrarian Debt Security titles)
Law no. 8623 of 1993 and the Provisional Measures no. 1632-11 and 1658-12 (compensation calculation)

Some of the variations in the ratings for timeliness of compensation for expropriation may be a result of inconsistent interpretations across assessments. The legislation for agrarian reform is clear and has been much applied. Because land reform has been paying for the land with government bonds that have a maturation of 10 years or

greater (depending on the land value), some (Pará and Piauí) interpreted this as long-term compensation. Others (federal and São Paolo), knowing that there is a secondary market for these bonds which allow them to be readily traded, interpreted it as short-term. In contrast, the improvements on the property are paid immediately and in cash. In urban areas it is more difficult because the legislative provisions are not as clear as they are for rural expropriation and differences in valuation methods can produce significantly different values.

The final set of indicators within this third LGAF module assesses whether transfers of property rights or state land use follow a clear process, with the revenues collected being monitored, and accounted for (LGI 15). The transfer or lease of state-owned land can be an important instrument to increase the supply of land or cash- in on the value of land to increase public resources. In the absence of transparent procedures to divest public land, these transactions can be the source of corruption (e.g. bribery of government officials to obtain public land at a fraction of market value) and, squandering of public wealth. Publicizing transactions involving state-owned land provides public scrutiny and limits the potential for bad governance and land speculation. The results are shown in Table 17 below.

Table 17 Transparent processes

			Score			
LGI-Dim		**Topic**	**BR**	**PA**	**PI**	**SP**
Transparent Processes						
15	i	Openness of public land transactions	A	D	D	A
15	ii	Collection of payments for public leases	A	n/a	D	n/a
15	iii	Modalities of lease or sale of public land	C	A	D	

There was variation in interpretation and rankings in the assessments of this set of indicators, as well as some gaps. Piauí panelists gave all unfavorable rankings indicating that that unclaimed lands are public, and are neither sold by tendering nor at auction and that divestment is practically never at market prices through a transparent process. They also noted that collection of lease payments are less than 50 percent of dues. Pará panelists also reported a low level (less than 50 percent) of sales through auction or open tendering in the last three years, but noted than that when such processes are used they apply to all types of public land, and divestment is generally at market prices through a transparent process irrespective of the investor's status.

Meanwhile, at the federal level and in São Paulo, panelists focused on public lands other than those that were unclaimed, and in both cases it was estimated that the share of such land disposed of in the past three years through sale or lease through public auction or open tender process was greater than 90 percent. One important caveat is that the total amount of rural public land allocated in São Paolo in recent years

has been small as there remain limited identified large tracts of public land in the state. Federal panelists also perceived that more than 90 percent of revenues due from leases of public land to private parties are collected while neither Pará nor São Paulo panelists estimated this indicator. In an apparent contradiction, federal panelists, who had reported widespread use of public auctions or open tenders, also noted that, while achievement of the market prices for the land is permissible, this only applies only to large formal investors.

4.4 Public access to land information

The fourth module of the LGAF focuses upon public access to land information and especially on whether land registries make reliable public information available (both textual and spatial) regarding public and private property rights (public and private) (LGI 16 and 17). Land registries information has public good characteristics, providing a strong rationale for government involvement in the recording and maintenance of the registry, and allowing access to relevant land-related information to interested parties. Public availability of land-related information can inform the public about transaction possibilities and foster the development of a unified and more efficient land-market. But in order to accomplish this, the registry needs to be complete, reliable, and up to date, allowing for an easy identification of rights both spatially and by party. The results are shown in Table 18 below.

Table 18 Completeness of registry

			Score			
LGI-Dim		**Topic**	**BR**	**PA**	**PI**	**SP**
Completeness of Registry						
16	i	Mapping of registry records (urban)	A	D	D	D
16	i	Mapping of registry records (rural)	B	D		
16	ii	Economically relevant private encumbrances	A	A	A	C
16	iii	Economically relevant public restrictions or charges	A	A	A	C
16	iv	Searchability of the registry (or organization with information on land rights)	A	B	A	A
16	v	Accessibility of records in the registry (or organization with information on land rights) - Private land	A	A	A	A
16	v	Accessibility of records in the registry (or organization with information on land rights) - Public land	A	A	A	D
16	vi	Timely response to a request for access to records in the registry (or organization with information on land rights) - Private land	B	C	C	A
16	vi	Timely response to a request for access to records in the registry (or organization with information on land rights) - Public land	B	C	C	D

All three state assessments reported that less than 50 percent of records for privately held land registered in the registry are readily identifiable in maps in the registry or cadaster. Since 1973, urban land properties have had a descriptive memorial showing location in the property register. However, existing property registers are basically the property description and limits without any kind of map or geographical plotting. The requirement of georeferencing all rural land properties, in case of any change of registration in the notaries, aims at solving this problem (Law no. 10267 of 2001). But this requirement is most intensely applied on properties above 250 hectares (see Table 19 below shows the deadlines for georeferencing properties for which there are transactions by property size). Federal panelists took a more 'legal' perspective on this indicator in estimating that more than 90 percent of rural records and more than 70 percent of urban records of private land in the registries are readily identifiable in maps.

Table 19 Deadlines of georeferencing

Área do Imóvel Rural	Prazo Carencial
250 ha – 500 ha	20/11/2013
100 ha – 250 ha	20/11/2016
25 ha – 100 ha	20/11/2019
Abaixo de 25 ha	20/11/2023

Despite the low level of georeferencing noted above, the individual accessibility of land records was ranked very positively. Three of the four assessments reported that relevant property rights, private encumbrances and public restrictions or charges are recorded consistently and in a reliable fashion and can be verified at low cost by any interested party. The exception was São Paulo, where panelists noted that, while such recordation is practiced, it is not done in a consistent and reliable manner. All assessments agreed that copies or extracts of documents recording rights in property can be obtained by anyone who pays the necessary formal fee (except for public land in São Paulo) and in three of the four cases, the records in the registry can be searched by both rights holder's name and the parcel. In Pará, searches were only by the rights holder's name.

Generally, the favorable ratings were based on the accessibility of available information on a case-by-case basis and only for delimited land, rather than on the ability to use land information in a more systematic way. So, information on individual properties or rights holders can be accessed—on private land at the notaries, and on public land, when delimited—in each of the state agencies: SPU, INCRA, state land institutes and the municipalities. The reported high accessibility of private lands records is regulated by the Public Registry Law (Law no. 6015 of 1973) but for public lands, accessibility depends on whether it is delimited or registered. If the public land is not delimited (as is the case of *terras devolutas*), their registry is non-existent and there is no means to access pertinent information on such parcels. Moreover, more systematic access on all rights holders (public and private) in a particular geographic region is much lower. And this is a significant constraint on public policy execution, such as proper land use planning or infrastructure decision making processes.

As for timeliness of access, the federal panelists, having adopted a more 'legal' perspective, were considerably more favorable in their ranking than the state panelists. Because not all sections of INCRA have digitized their information, it typically takes approximately five days to obtain pertinent information. All procedures for registering a land property transfer (see Box 10 below) are determined by Law no. 8935 of 1994, and the average time for registering a land property in a notary is about 30 days. The exception at the state level was for private land in São Paulo, where searches were

deemed to be very efficient, presumably because of the better functioning of the notarial system in that state.

Box 10 Typical property registration steps

Typical Property Registration Steps:

- Provide the certificates.;Pay the transferencetaxes (or ITBI or ITCMD owed to the municipality or state) ;.
- Draw up the deed (*escritura*) in the notary (tabelionato de notas) when needed.;
- Register the deed or other title in the notary.
-
-

All three states gave poor ratings on timeliness, indicating that there were no meaningful service standards set and no attempt to monitor customer service. The exception was for private land in São Paulo. Again, the federal assessment was slightly more optimistic in reporting that service standards do exist but are not monitored.. Table 20 shows the assessments for customer satisfaction and reliability.

Table 20 Reliability of records

Reliability of Records						
17	i	Focus on customer satisfaction in the registry (private land)	B	D	D	A
17	i	Focus on customer satisfaction in the registry (public land)	B	D	D	D
17	ii	Registry/ cadaster information is up-to-date (private land)	D	D	D	A
17	ii	Registry/ cadaster information is up-to-date (public land)	D	D	D	D

Almost unanimously, records on public and private land were regarded as out of date in at least 50 percent of cases. The lack of a consolidated registry and the incompleteness in the registries of multiple institutions clearly contribute to this unfavorable ranking. Only São Paulo indicated that private land records are up to date. Most probably, this assessment was based on the properties that are registered, because much of the land is not registered. And one of the major reasons given for the lack of up-to-date information is the elevated tax cost of formal property transactions. Tax rates and transactions costs vary across states and within a state unless the Comptroller of Justice for that state proactively establishes and monitors a standardized fee structure. Furthermore, additional costs may be high, including fees paid to lawyers, brokers and realtors

A further set of indicators within this fourth LGAF module assesses whether land administration services are offered in a way that is easily accessible for users, as well as being efficient, cost-effective, and economically sustainable (LGI 18 and 19). Interventions to improve land registries have to be economically sustainable to achieve their goals. In many cases the system has been designed with little attention to the cost of operation, leading to either continued subsidy-dependence (and the associated danger of political influence) or to expensive systems inadvertently encouraging informality. Ensuring that operations are efficient enough to be justifiable in terms of land values and not pose undue barriers to participation is thus of great importance to prevent the registry becoming out of date very quickly. Having realistic fee schedules and paying employees competitive wages is also important to discourage middlemen and registry officials from relying on bribes for provision of quick or high quality services, therefore leading to a culture of corruption which is one of the reasons why land administration ranks so highly in many independent assessments of governance. The results are shown in Table 21 below.

Table 21 Cost effectiveness and sustainability

			Score			
LGI-Dim		**Topic**	**BR**	**PA**	**PI**	**SP**
Cost Effective and Sustainable						
18	i	Cost of registering a property transfer	A	C	D	B
18	ii	Financial sustainability of the registry	A	A	A	A
18	iii	Capital investment	D	C	D	A
16	iv	Economically relevant public restrictions or charges	A	A	A	C

Across all assessments, panelists regarded registries as financially viable; however capital investment in the registration system was too low even for short term needs, except in São Paulo. Notaries generally raise revenues well above operational costs, but, as expected, the extent of profitability depends on the region in which the notary is located. In most cases the lack of capital investment is not caused by a lack of revenues.

There was much variation with respect to the cost of registering a property transfer. Costs, varied from less than 1 percent of the property value (federal assessment) to 5 percent or more in Piauí. In the case of Piauí, in the absence of notaries on the panel, the panelists assumed that the entire cost is high because the taxes associated with the registry are high. In São Paulo, the registry system is well organized and the estimated costs were the lowest (between 1 percent and 2 percent) of all three states. Each state determines by law the fees that the notaries can charge to register a land property transfer, resulting in these variations across the states.

While a clear schedule of fees for different services is publicly accessible and receipts are typically issued for all transactions (except in Piauí), panelists from Pará and Piauí reported a lack of mechanisms to detect and deal with collection of informal payments by staff (see Table 22 below)**.** Law no. 10169 of 2000 regulates the notaries' services offered; it requires that fees and taxes be visible. Of the assessed cases, the notaries in São Paulo state are the only ones currently under a drastic management change, resulting in more transparency through a competitive selection process for managers and a large increase in investment, especially in modernizing the information system and processes.

Table 22 Transparency

			Score			
LGI-Dim		**Topic**	**BR**	**PA**	**PI**	**SP**
Transparency						
19	i	Schedule of fees is available publicly	A	A	C	A
19	ii	Informal payments discouraged	A	D	D	A

4.5 Dispute resolution and conflict management

The fifth LGAF module focuses on dispute resolution and conflict management including whether accessible institutions are available to manage land conflicts quickly and fairly, preventing the accumulation of complaints and the escalation of conflicts (LGI 20). Property rights systems are changing rapidly in most developing countries, often creating significant tensions among different value sets and the individuals whose access to resources is affected by these changes. To prevent either large-scale opportunistic behavior and the erosion of authority or a high level of persistent conflict that can easily escalate into social unrest with very negative consequences, it is important to have institutions for conflict resolution that are legitimate, legally recognized, and accessible to the majority of the population. Such institutions facilitate the management of conflicts and their authoritative resolution. This requires the existence of an independent forum with transparency and limited political discretion, and effective and affordable rules and mechanisms for appeal and dispute resolution through formal and informal mechanisms. The results are shown in Table 23 below.

Table 23 Assignment of responsibility

			Score			
LGI-Dim		**Topic**	**BR**	**PA**	**PI**	**SP**
Assignment of Responsibility						
20	i	Accessibility of conflict resolution mechanisms	B	D	B	C
20	ii	Informal or community based dispute resolution	A	C	C	C
20	iii	Forum shopping	D	C	D	C
20	iv	Possibility of appeals	C	n/a	C	C

Parallel dispute resolution avenues exist, but the reported extent of information sharing and thereby parallel procedures, varied across the assessments. Only Piauí's panelists agreed with the federal assessment that parallel procedures cannot be applied simultaneously (forum shopping). Contrary to the opinion of federal panelists, all three states reported that institutions for providing a first instance of conflict resolution are accessible at the local level in less than half of communities, and, where these are not available informal institutions do not exist or cannot perform this function in a way that is locally recognized. Although there are some community based forums for conflict resolution, they are not always available at the local level, or people do not know where to go for this service. Consequently, informal ways of conflict resolution like reconciliation between the parties involved in the dispute rarely happens. Rather, the traditional way of solving conflicts is through the judicial system. There is little information about the time and average cost of a lawsuit. Similarly, there is little information about the number of land dispute lawsuits or the total number of lawsuits. In São Paulo, the average time of an appeal trial is estimated to be five years.

Panelists in the different assessments generally agreed that, even though a process exists to appeal rulings on land cases (see Box 11), the costs are high and the process takes a long time. The more optimistic perspective of federal panelists on the integration of dispute resolution avenues and the availability of informal or community based mechanisms may reflect the fact that laws formally provide institutions and mechanisms for conflict resolution; however, in reality, deficient enforcement and institutional capacities cripple their implementation. Small cities, for example, typically do not have enough staff to attend to the number of disputes.

Box 11 Dispute resolution

Some of the institutions that act in dispute resolution are:

- Justice complaint offices (ouvidorias do judiciário)
- The National Agrarian Complaint Office (Ouvidoria Agrária Nacional), created by the Agrarian Development Ministry (MDA). Some states have a Regional Agrarian Complaint Office also.
- The Union Attorney Office (AGU) has dispute resolution offices for disputes between different levels of the government.
- The Ministry of Cities elaborated the National Urban Conflict Prevention and Resolution Policy (Resolution no. 87 of 2009).
- The INCRA´s superintendencies are always acting in conflict resolutions.

There is a substantial lack of quantitative information on the efficiency of the court system for dealing with land conflicts in Brazil. Panelists agreed, however, that lawsuits related to land disputes take longer than one year to be solved and that the number of unsolved land conflicts older than five years is very high (see Table 24 below). Land dispute cases are thought to be less than 10 percent of all formal court cases in Pará and São Paulo and between 10 percent and 30 percent in Piauí. Although a low proportion of land-related court cases is generally considered positively, the situation may reflect gaps in prosecution. For example, in the state of Pará, a police inquiry was started in fewer than 30 percent of the murder cases involving land conflicts and only 16 percent of these went to trial. And this situation occurs despite Pará's accounting for 34.6 percent of the cases and 39.1 percent of the victims of Brazilian agrarian conflicts, according to the National Justice Council (2010).

Table 24 Pending conflicts

			Score			
LGI-Dim		**Topic**	**BR**	**PA**	**PI**	**SP**
Low Level of Pending Conflicts						
21	i	Conflict resolution in the formal legal system	n/a	A	B	A
21	ii	Speed of conflict resolution in the formal system	D	D	D	D
21	iii	Long-standing conflicts (unresolved cases older than 5 five years)	D	D	D	D

4.6 Optional module – Large-scale acquisition of land rights

The optional LGAF module on Large Scale Acquisition of Land Rights was applied at the federal level and in the states of Pará and Piauí. Globally, acquisition of use or ownership rights to large areas of land for production of agricultural commodities, forest, or provision of environmental amenities by large investors has recently attracted considerable interest. A combination of higher and more volatile global commodity prices, demand for bio-fuels, population growth and urbanization, as well as globalization and overall economic development are likely to imply that such investments will be of great importance in the future across countries.

This module aims to assess the context in which these investments or investment proposals take place. The exclusive focus is on the acquisition of land rights for agricultural production (the production of food), biofuels, game farm, domesticated livestock, and forests plantations. The focus is not on mining or hydrocarbons. It covers the acquisition of land rights for large-scale investment in the above-mentioned domains, whether land is considered public or private. The results are shown in Table 25 below.

Table 25 Acquisition of land rights

		Score		
LSLA	**Topic**	**BR**	**PA**	**PI**
1	Most forest land is mapped and rights are registered	C	C	C
2	Conflicts generated by land acquisition and how these are addressed	D	D	D
3	Land use restrictions on rural land parcels can generally be identified.	A	D	C
4	Public institutions in land acquisition operate in a clear and consistent manner.	A	D	C
5	Incentives for investors are clear, transparent and consistent.	C	B	B
6	Benefit sharing mechanisms for investments in agriculture	C	C	C
7	There are direct and transparent negotiations between right holders and investors.	A	A	A
8	Information required from investors to assess projects on public/community land.	A	D	D
9	Information provided for cases of land acquisition on public/community land.	A	C	C
10	Contractual provisions on benefits and risks sharing regarding acquisition of land	A	D	D
11	Duration of procedure to obtain approval for a project	D	D	B
12	Social requirements for large scale investments in agriculture	D	C	C
13	Environmental requirements for large scale investments in agriculture	C	C	B
14	Procedures for economically, environmentally, and socially beneficial investments.	A	D	C
15	Compliance with safeguards related to investment in agriculture	A	C	A
16	Procedures to complain if agricultural investors do not comply with requirements.	C	C	C

Multiple indicators show that large-scale acquisitions in Brazil are held accountable to few mechanisms of regulation or governance. In terms of the convergence of negative indicators across the three assessments, the following are important to note: (i) the deficient mapping and guaranteeing of rights to forest land (LSLA 1), where less than 40 percent of the area under forest land has boundaries demarcated and surveyed and associated claims registered; (ii) the frequency, spread (more than 5 percent of rural land) and protracted nature of conflicts generated by large-scale acquisitions of property rights

(LSLA 2); (iii) the infrequent and discretionary application of benefit sharing mechanisms (e.g., schools, roads, etc.) for investments in agriculture (LSLA 6); (iv) the lack or discretionary application of social requirements for large scale investments in agriculture (LSLA 12); and (v) the lack of fair and expeditious mechanisms for applying prescribed processes related to direct complaints if large agricultural investors do not comply with contractual or legal requirements (LSLA 16). Also in areas greater than 2,500 hectares, there are almost always conflicts. In cases where this is mediated by judicial institutions, there is a great lack of clarity between the disputants and their information, most of which may be contradictory and not entirely reliable.

Additionally, Pará and Piauí had a negative impression of several other dimensions although the federal panel took a more optimistic view, likely due to their focus on the *de jure* situation. For example, the two states considered that land use restrictions applying to any given plot of rural land can be unambiguously determined in only a minority of cases——less than 10 percent in Pará and less than 40 percent in Piauí (LSLA 3). They also reported that institutions that promote, channel, or acquire land either do not have clear standards of ethical performance or, if they do, implementation is variable. In either case, accounts are not subject to regular audits (LSLA 4). Additionally they noted that information required from investors is not consistently and generally sufficient to assess viability and benefits from the project (LSLA 8); and while investors provide some or all of the information required from them, this information is not publicly available (LSLA 9). In the case of Piauí, the state is often unaware of the identity of the investors. Further, neither state found that contracts have to specify either the risk sharing or the benefit sharing arrangement. And both states found that procedures to cover economic, social, and environmental issues are in place (although only partial in their coverage in Pará) but are not implemented effectively (LSLA 14). With respect to agricultural investment, panelists rated compliance with environmental requirements and safeguards better in Piauí than in Pará (LSLA 13 and LSLA 15); however, despite the existence of various laws restricting land use, such as the Rural Environment Cadaster (CAR)[22] required by the Forest Code legislation and ordinary laws of the State of Piauí, large property holders, investors do not regard them as constraints and generally the laws are not strictly enforced.

In terms of the convergence of positive evaluations, the only point of outright agreement was that which dealt with transparent negotiations between property rights holders and investors (LSLA 7). To the extent that land rights are well documented, their holders negotiate them without any state interference. Panelists across the assessments concurred that final decisions on land acquisition for large scale investment are made between the concerned rights holders and investors; the

[22] The CAR is based on a relatively low level of geo-referencing defining the land use, specifically Areas of Permanent Preservation (APPs) and Legal Reserve (RL) by property. It also identifies fragments of native vegetation with the objective of delineating digital maps from which environmental areas can be calculated. Large environmental NGO´s in Brazil are confident in the results of the CAR system. Other groups express reservation about the limited information on property rights associated with it.

government's role is limited to checking compliance with applicable regulations, which is whether the process was done in a transparent manner and with clear time limits. Additionally, in Pará and Piauí, panelists noted that there are written provisions in law or regulations regarding incentives for investors, but frequent changes (i.e. limited predictability) do not ensure their consistent application in the future (LSLA 5). Federal panelists, reflecting on the broader situation nationally, gave a less positive assessment of the clarity and consistence of application of such provisions.

4.7 Optional module – Forest Management

Another optional LGAF module on Forest Management was also applied at the federal level and in the state of Pará. Forests provide a variety of goods and services, at the global and local levels. At the local level, in many countries, they are an important source of food, fuel and fodder and overall livelihoods for local communities. Forests provide important global public goods functions of which climate change mitigation (through carbon storage) is currently the most high-profile. Yet, globally forests are also one of the least well-governed resources, suffering excessive destruction and consequent (and often irreversible) loss of contributions to timber, non-timber forest products, biodiversity and climate mitigation.

This module aims to assess the quality of key dimensions of forest governance and how they might be strengthened when found to be inadequate. Through a set of specialized questions, the module probes governance aspects such as the available incentives in a country to promote climate change mitigation, how forest management and resources address the drivers of deforestation, legal recognition of the rights of indigenous people, participation of local communities in land use plans, efforts to control illegal logging and corruption, etc. Where existing systems are judged to be inadequate, the module points the way for further verification and analysis. The results, which were close, with slight divergences and many convergent ratings, are shown in Table 26 below.

Table 26 Forest governance

			Score		
FGI-Dim		**Topic**	**BR**	**PA**	
1	i	Country signature and ratification of international conventions	C	C	
1	ii	Implementation of incentives to promote climate change mitigation through forestry	C	C	
2	i	Public good aspects of forests recognized by law and protected	B	A	

			Score		
FGI-Dim		**Topic**	**BR**	**PA**	
2	ii	Forest management plans and budgets address the main drivers of deforestation and degradation	B	C	
3	i	Country's commitment to forest certification and chain-of-custody systems to promote sustainable harvesting of timber and non-timber forest products	B	B	
3	ii	Country's commitment to SMEs as a way to promote competition, income generation and productive rural employment	B	C	
4	i	Recognition of traditional and indigenous rights to forest resources by law	A	B	
4	ii	Sharing of benefits or income from public forests with local communities by law and implemented	C	B	
5	i	Boundaries of the countries forest estate and the classification into various uses and ownership are clearly defined and demarcated	C	C	
5	ii	In rural areas, forest land use plans and changes in these plans are based on public input.	C	C	
6	i	Country's approach to controlling forest crimes, including illegal logging and corruption	B	B	
6	ii	Inter and intra agency efforts and multi-stakeholder collaboration to combat forest crimes, and awareness of judges and prosecutors	B	C	

The positive convergences involve the following indicators: (i) adequate recognition and protection in law, of at least some of the public goods and services of the forests (FGI 2i); (ii) the country's commitment and growing coverage in terms of forest certification systems and chains of custody aiming to promote the sustainable exploration of wood and non-wood products from the forest (FGI 3i); (iii) wide recognition in law of the rights of indigenous and traditional populations to explore forest resources (FGI 4i); (iv) and the efforts of the government, albeit partial, to detect and control environmental crimes, including corruption and illegal timber exploration (FGI 6i).

The Brazilian Forest Code, Law 12651 of 2012 is a major advance for the protection of forests and other sensitive ecosystems in Brazil. It requires that: (i) all private rural landholders maintain a percentage of native vegetation as Legal Reserves (*Reservas Legais*, RLs);[23] and (ii) landholders maintain Areas of Permanent Preservation (APPs), such as riparian forests along watercourses, steep slopes, mountain tops, and the like.

[23] The percentage to be held as Legal Reserves varies from 80 percent in the Amazon to 35 percent in the Cerrado within the Legal Amazon, to 20 percent in the rest of Brazil.

The new Forest Code also obliges landholders to register their landholdings in the Rural Environmental Cadaster (CAR).[24] The CAR is an electronic register of privately owned rural landholdings maintained by an official environmental entity whose aim is to effectively monitor, supervise, control, plan and ensure the environmental compliance of landholdings. This register contains georeferenced details of the total area of individual farms, the areas earmarked for alternative land use, APPs and RLs. The CAR will provide essential information for monitoring and controlling private rural land use, including compliance with reforestation obligations. The system will be able to distinguish between legal and illegal land clearing, and will facilitate land use planning. State Environmental Agencies are to receive, analyze, and approve the rural environmental cadastre entries and link them to the national system (SICAR).

The implementation of the CAR is a priority for the Federal Government. The strong commitment by MMA, the Brazilian Institute for the Environment and Renewable Natural Resources (IBAMA) and the State Environmental Management Agencies (OEMAs) to implement the SICAR is evidenced by: (i) technical agreements signed by OEMAs and MMA; (ii) investments made by MMA to provide satellite images for mapping rural properties and possessions in order to create a database of the SICAR's geographic information system (GIS), aimed at the implementation of the CAR; and (iii) progress by some states in the environmental regulation process.

A key limitation at this point in time is the lack of an exlicit linkage between the CAR[25] registration and the cadaster on ownership rights and property boundaries. Since property owners are the likely agent of behavioral change with respect to land use, the current absence of this linkage reduces the leverage of policy makers in incentivizing some behavioral changes.

In terms of the convergence of negative assessments among the forest management indicators, the following should be noted: (i) the need for improvement in implementation of international conventions on sustainability that have largely been signed by Brazil (FGI 1i); (ii) the poor performance regarding the implementation of incentives to promote mitigation of climate change via forests (FGI 1ii), whereby incentives such as PES and REDD+ are scarce, funding is often unavailable and the programs are not considered cost effective; (iii) the limited demarcation of forests, and especially the lack of clarity in determining property ownership in numerous regions, resulting in a high degree of property disputes (FGI 5i); and (iv) the disconnect between the forest land use plans and the generation of public goods and services (FGI 5ii), where such input is largely ignored in the finalization of the plans, although public input is sought in preparing and amending land use plans.

Finally, on a few counts, Pará assessed the reality less optimistically than the federal panelists. These assessments included: (i) the priority given to addressing the drivers of deforestation and degradation in forest development plans and budgets; (ii) the

[24] Federal Law 12651 of May 2012, articles 29, 30, and 53, as amended by Law 12727 of October 2012 and Federal Decree 7830 of October 2012.

[25] The Forest Code Law 12.651/2012 makes it clear that the CAR does not imply recognition of rights or ownership of the property registered in the CAR. One of the objectives of the CAR is to support environmental policy with a tool that can be used immediately without needing to wait for titling.

commitment of the government to SMEs as a way to promote competition, income generation and productive rural employment; (iii) and the frequency of efforts and the scale of investments aimed at controlling forest crimes, including illegal logging and corruption.

4.8 Optional module: Land Regularization

A new optional LGAF module on Land Regularization was developed and applied in Pará and São Paulo. Regularization of tenure comprises the legalization by statute of informal or illegal occupation of land, giving occupiers the legal right to ownership, occupation or use of the land. The LGAF Module for Land Regularization complements existing dimensions set out in the core LGAF. Table 27 outlines the 18 dimensions of regularization that are part of the regularization module (see Annex 4 for the full Module) and the performance of Pará and São Paulo against these criteria.

Table 27 Land regularization

Módulo opcional de regularização fundiária		**Score**	
Indicator	**Tópico**	**PA**	**SP**
1	Any restrictions on the trading in regularized property are accepted and complied with by those who receive certificates as a result of regularization.	C	C
2	For regularization on private land, there is an effective mechanism to harmonize the rights of occupants and those holding private property rights.	D	C
3	Regularization is not undertaken in risk prone and protected areas.	C	C
4	In cities with major regularization challenges, there is a comprehensive plan for regularization.	D	D
5	There are clear incentives for the participation by occupants in the regularization process.	B	B
6	There is a clear, well-documented process and responsibilities for regularization.	C	C
7	There is active involvement by occupants in the regularization process. (Urban)	B	A
7	There is active involvement by occupants in the regularization process. (Rural)	C	C
8	Land parcels are defined and recorded in a manner that is understood by the community. (Urban)	C	A
8	Land parcels are defined and recorded in a manner that is understood by the community. (Rural)		B

Módulo opcional de regularização fundiária		Score	
Indicator	**Tópico**	**PA**	**SP**
9	Land parcels are defined and recorded in a manner that can be efficiently and cost-effectively maintained.	C	A
10	There is timely transfer of regularization data to the system to formally record rights in land.	D	A
11	There is an efficient process to record and track disputes that arise during regularization.	D	C
12	There is an efficient process to resolve disputes.	B	A
13	Regularization policy does not have loopholes which allow abuse of the good will of government.	A	D
14	Proofs of eligibility for regularization are accessible and the granting of rights to occupants is pragmatic and incremental.	n/a	B
15	There is an efficient system to monitor and evaluate regularization activity.	D	D
16	Regularization is carried out in a cost-effective manner. (Urban)	D	A
16	Regularization is carried out in a cost-effective manner. (Rural)		B
17	Regularization is completed in a timely manner.	D	D
18	Women's rights have been fully regularized.	A	A

The assessments for Pará and São Paulo found that the areas of greatest strength of regularization activity are in the incentives for occupant participation, the active involvement of occupants in urban regularization, (delays in establishing contact with all rightsholders are common in rural regularization), **the efficiency of dispute resolution mechanisms, and the recognition of women's land rights**. At least with respect to urban regularization, the progressive nature of the City Statute (2001) and its devolved implementation through municipalities, may have contributed significantly to these strengths. For rural regularization, delays in establishing contact with all rightsholders are common.

The last decade in Brazil saw an abundance of land regularization laws, which improved the regularization process and built a better mechanism to resolve existing formal rights in areas subject to regularization, also providing fair compensation when necessary. Box 12 describes recent laws and initiatives. While these progressive changes helped to build momentum for expansion of land regularization, especially the ones focused on social interest, there are still many gaps to be filled. The majority of these gaps are related to the lack of financial and human resources and staff training.

One of the major drawbacks in urban land regularization, as confirmed by both the Pará and São Paulo assessments, is the lack of a comprehensive plan, if any, for regularization for the cities with major regularization problems. This creates a lack of coordination in resources, staff, equipment and training in the regularization efforts

and results in the undertaking of regularization in an ad-hoc manner. Unsurprisingly therefore, both assessments found that neither mitigation strategies nor attempts to exclude risk prone or protected areas are effective in systematically addressing the environmental requirements in the areas being regularized.

Box 12 Recent laws and initiatives

Recent laws and initiatives on land regularization

Since the 1990s, Brazil has implemented a set of innovations for the regularization of urban and rural areas. Some of the most important laws and initiatives that have been analyzed by IPEA(2010) are:

- Estatuto das Cidades - Lei Law no. 10.257 of 2001-a group of laws that establishes the democratic ruling of the cities in Brazil.
- Novo Código Civil, Lei Law no. 10.406, de of 2002 – has important contributions to property rights that play an important role in urban regularization;
- Ministerio das Cidades 2003 - – a ministry responsible for the articulation of solutions for the problems of the Brazilian cities.
- Law no. 11.481 of /2007 – new rules for the land regularization
- Terra Legal Law no. 11.952 of /2009 defining destination of land for urban and rural regularization in the Amazon region;
- Lei Law no. 11.977 , of 2009, Programa Minha Casa Minha Vida (PMCMV), - establishes the regularization in urban areas.
- Programa Papel Passado (2003) – developed by the Ministry of Cities, and has as its main aim helping the municipalities and states in the process regularizing informal urban settlements.

Another consistent limitation observed in both states is the lack of efficient mechanisms for monitoring and evaluation of regularization activity. Indeed in many Brazilian states there is no authoritative estimate of the number of informal occupations of land. And where such estimates exist, they are rarely updated to reflect reductions due to regularization activity and increments due to new informal occupation. On a related note, both assessments found that while restrictions imposed on the subsequent dealing with regularized property are generally explained by those receiving certificates, these restrictions are largely ignored.

São Paulo's regularization efforts ranked better than Pará's in terms of cost effectiveness, and in the definition and recordation of land parcels in a manner that is understood by regularized communities and that can be sustainably maintained. For example, Box 13 describes the pre-requisites for land regularization. According to regulations, the legal time for analysis and registration of securities is 30 days. But in many Brazilian states, the regularization process reportedly takes a long time to formally record, (usually more than six months as in the Pará state assessment) due to problems in

the documents issued. However in São Paulo, the modernization of the notaries' information system has reduced this time to at most fifteen days between finishing the regularization and transferring the data to the system, formally recording the land rights in the Registry. Nevertheless, in São Paulo the panelists agreed that stronger governance and new rules are still needed for regularization in general and, more specifically, for regularization of private lands, so that the loopholes for abusing of the good will of government can be limited. It should be noted that for the majority of social interest regularization cases, such abuse is very limited.

Box 13 Pre-requisites for land regularization

Pre-requisites for Rural Land Tenure Regularization by Land Holding Size

To regularize small land holdings and receive a land donation of up to 100 hectares, the beneficiary must fulfill the following requirements: (i) continuous possession; (ii) effective use of the land for no less than one year; (iii) lack of opposition by a third party; (iv) lack of other rural ownership rights; (v) non-receipt of other concessions of land or any incentive from the agrarian reform program; and (vi) an adequate use of natural resources.

To regularize medium and large land holdings, the requisites for land tenure regularization are: (i) the beneficiary must exploit the area for more than a year according to the environmental law; (ii) the beneficiary must reside in the area or near it; (iii) the beneficiary must have, as his main activity, farming and extraction of forestry products; (iv) the beneficiary must not have a public function; (v) the beneficiary cannot have received any incentive from the agrarian reform; (vi) there is no opposition by a third party, regarding the occupation; and (vii) the beneficiary has to be legally capable to purchase land.

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Section 5 Strengths of Brazilian Land Governance

Based on the panel rankings of the LGAF indicators, the associated workshops, and some bibliographic review, the assessment identified four areas of relative strength in Brazilian land governance. These strengths include the guarantee of property rights, transparency in the allocation of public land, the public accessibility of recorded land information, and the growing transparency associated with the emerging influence of democratic and social movements. Any reform efforts now underway could build on these strengths, learn the lessons of the recent past, and pursue positive development impacts for agricultue, the environment, urban development and social protection. This section briefly discuses each of these in turn.

5.1 Recognitions of property rights

The assessments demonstrated that there is ample recognition of property rights, including those of vulnerable groups, even though the administration of justice is often not as efficient and accessible, as desired. Women, indigenous and traditional populations, those whose land has been expropriated, and even the poor, who informally possess land, find protections and legal recourse in Brazil.

For women, a vulnerable group in many developing countries, the reported property rights situation is encouraging. As noted in the assessments, more than 45 percent of land registered to physical persons is registered in the name of women either individually or jointly. Moreover, women, including divorced women, have been specifically targeted and sometimes given favorable treatment in rural and urban social programs such as the agrarian reform, Minha Casa Minha Vida and broader urban land regularization programs

Recent progress in the recognition of the property rights of indigenous and traditional populations is also notable. For example, Indians and ex-slaves (*quilombolas*) have received legislative protections of their rights to land ownership in specific conditions. In a growing number of cases, their land has been surveyed and mapped and communal titles have been issued. Even donor funds such as from recent World Bank loans have been prioritized to finance such activities in Pará and Piauí. The assessment also found wide legal recognition of the right of indigenous and traditional populations to explore forest resources. In the context of large scale land acquisition, the assessment also noted that, to the extent that land rights are well documented, their holders negotiate them independently, with the state predominantly playing a regulatory role.

In many societies, land expropriation through eminent domain is a major source of disenfranchisement; but in Brazil compensation is generally paid for ownership and other rights such as use rights and access rights, although in the majority of cases the level is seen as insufficient. Panelists in all assessments also agreed that independent and accessible avenues for appeal against expropriation exist, although estimates of their efficiency were variable. Also, in the case of expropriation for agrarian reform, the

government must first establish that the targeted land is not serving a social function which usually means that production is non-existent or low.

While improvements on the land, such as structures, are usually compensated for in cash, for bare land, versatile agrarian debt bonds with competitive returns are given with maturities ranging from 10 to 20 years. The existence of a secondary market for these bonds means that those who desire to have the compensation in cash in the short term have a means of doing so. Additionally, such bonds can be used to pay taxes or pledged as security for participating in public bids, thereby increasing their value.

Finally, for the poor who occupied land through informal occupation either as urban squatters or in rural areas through family agriculture, the possibility of gaining property rights based on uninterrupted possession (*usurpação*) has existed from the beginning of the country based on the registry laws; however more proactive regularization initiatives in the last decade have expedited such formalization. The assessments noted the existence of legislation for the formal recognition of long-term, unchallenged occupation on both public and private land and the absence of a culture of paying informal fees (such as bribes) for first time registration of properties. In Piauí, a new state law of 2011 specifically targeted regularization through donation of land to family farmers (less than 100 hectares) who have been cultivating the land for at least five years. And nationally, the City Statute of 2001 mainstreamed urban in-situ regularization of many residents of informal urban settlements (*favelas*). Both *usurpação* and regularization mechanisms also apply to unchallenged medium and large scale possession with some restrictions, leading to some cases of large concentration of land ownership as noted by Silva (1996) and Reydon (2011), among others.

5.2 Transparency in the allocation of public lands

The assessment showed that the transfer of public land to new land owners is subject to clear rules that are mostly observed and that public land ownership is generally justified by the provision of public goods. The transfers of expropriated land that the panelists focused upon were almost always to private interests under the guidance of social interest policy, such as transfers to land reform settlements and then to the landless, according to INCRA`s rules—the Land Statute (Law no. 4504 of 1964). This is consistent with the findings of a study by Reydon (2011) evaluating the land reform program that showed that practically all beneficiaries are the ones that need land. Onerous allocation processes (SPU, INCRA and MDA) for rural lands are based on the rules of the Brazilian Association of Technical Standards (ABNT), and are transparent and clearly defined. Non-onerous rural land allocation processes (concession of use, etc.) for agrarian reform are safeguarded through a joint effort between INCRA using its registries and local social movements that are directly involved in these concessions. The transparency of urban land regularization is similarly safeguarded by state management agencies (SPU, ICMBIO, the Ministry of Cities) and social movements engaged in the process.

5.3 Public accessibility of recorded land information

Most public and private land information that is registered at the notaries or which has been collected by public agencies (such as INCRA, SPU and State Land Institutes) can be publically accessed on a case-by-case basis, although there are large information gaps because of non-registered property, the unreliability of registered information and substantial non-digitized records. Property rights, their descriptive locations, and other information contained in the registries such as records of encumbrances, public and economic restrictions on properties, are accessible and available to anyone who is interested and reasonably punctually upon payment of fees which are generally low. However, due to limited geo-referencing, it is seldom possible to obtain data more systematically on all properties in a given locality. Information on private and public rural properties registered in INCRA, are promptly available from the agency. Information on properties registered in the SPU, basically government property for special use (allocated to specific agencies) or dominical use (except for unclaimed lands), are also promptly accessible from this agency. Concessions of public land and other land-related government activities are published in the Official Gazette, which means that prompt public information is available regarding acts of the federal government on a case by case basis though not more systematically.

5.4 Transparency and the influence of democratic and social movements

Since the democratic opening in 1985, various social movements associated with land have had a voice and managed to advance the pursuit and protection of property rights for the poor. The Landless Movement (MST), and the various associations of the homeless are among these. These movements are behind many laws and rules that have made possible the access of less privileged social classes to rights property owners have always had.

The innovative 1988 Federal Constitutional Chapter on Urban Policy resulted in a significant improvement to the conditions for the political participation of the urban population in the legal and decision-making processes. And much of this chapter resulted from the "Popular Amendment on Urban Policy" that had been formulated, discussed, disseminated, and signed by more than 130,000 social organisations and individuals involved in the Urban Reform Movement. This defined the notion of the *social function of property* in such a manner that it would impose itself as a new legal paradigm, replacing the liberal one established by the 1916 Civil Code.

The assessments in Pará and São Paulo found that in urban land regularization activity both the incentives for occupant participation and the corresponding active involvement of occupants in regularization are strong. The progressive nature of the City Statute (2001) and its devolved implementation through municipalities, may have contributed significantly to these strengths. By contrast, delays in establishing contact with all rightsholders are common in rural regularization.

Related to this, there have been several federal initiatives aimed at increasing the transparency of the operations of government including those related to land. These have included Supplementary Law no. 131 of 2009 which mandates the availability, in real time, of detailed information on budget and financial dealings of the Union, of the states, of the Federal District, and of the municipalities. Also the National Council of Justice was created in December 2004, which in turn created the Agricultural Forum in 2009, which has been responsible for many of the articulations related to land issues in the legal realm. Additionally, the many land governance bodies (Justice, INCRA, MDA, SPU, Ministry of Cities), created spaces for conflict mediation. And conflicts between organizations are mediated by the Attorney General (AGU). While none of these initiatives function very well yet, they are helping to evolve a greater degree of openness and accountability in Brazil's land governance.

Section 6 Weaknesses of Brazilian Land Governance

Despite the strengths described in section 5, the reform challenge is largely unmet, partially because of structural, institutional, and governance weaknesses, partially because of a lack of resources, and partially because of a lack of consensus on the way forward. A common thread is the complexity of the legal and institutional framework for land in Brazil. One of the consequences of Brazil's legal history and the multiplicity of laws, rules and responsible agents (including different tiers of government) for the same subject, is the room created for different interpretations, leading to conflicts, and lack of enforcement.

Based on the panel rankings of the LGAF indicators, the associated workshops and some bibliographic reviews, the assessment identified six areas of relative weakness in Brazilian land governance. These weaknesses include: (i) the existence of extensive areas of unregistered and undelimited land *(terras devolutas);* (ii) notaries' limitations; (iii) absence of an authoritative, integrated register of public and private land; (iv) low levels of property taxation; (v) a disconnect between urban land supply, land use planning and regularization on the one hand and demand on the other; and (vi) lax governance of large scale land acquisition and forests. This section briefly discuses each of these weaknesses in turn.

6.1 Extensive areas of unregistered and undelimited land *(terras devolutas)*

There is a clear perception that the lack of governance over public lands, especially the category of those public lands which are neither delimited nor registered (*terras devolutas)*, is a central Brazilian land governance problem. Since a large area of public land falls into this category, such land is prone to being privately appropriated through possession. The perpetuation of this process is seen as the loophole that sustains the government's lack of control over its lands and land policies, utterly undermining the efforts of improving land governance in the country. As pointed out in the World Bank's (2011) land assessment, one fifth of Brazilian Amazonia is still legally defined as *terras devoluta* and a considerable part of identified public areas in the 1970's and 1980's was not distributed and used as planned. The state's identification of different types of occupation of public lands is an important step in enabling itself and civil society to control the use of land and natural resources.

Consequently, estimates of the completeness of identification and mapping of public land varied across the assessments ranging from less than 30 percent in Piauí to 40 percent in São Paulo to above 50 percent by federal panelists. The main public agencies (MDA, INCRA, SPU and the state institutes of land) are not provided with a clear policy for the procedures, in terms of undelimited and unregistered land (terras devolutas). The policies that these bodies and others, such as ICMBIO and the Ministry of the Cities, have implemented with respect to such land, is the regularization of possession, both rural and urban, generally favoring disadvantaged populations.

6.2 Limitations of Registered Information

Another pervasive challenge of land governance in Brazil is the unreliability of the record of private land rights due to the limitations of the system of real estate registration. The notaries are private entities offering a public function on concession. Consequently they have difficulties integrating with the other land-related bodies. Moreover, the incentive structures do not encourage the generation of an authoritative record of property rights at the level of an individual notary. Fees are based on the number of registrations, not on the accuracy of the information being registered. Perhaps as a consequence of this, the assessments found that despite their perceived profitability, notary offices, except in São Paulo, are generally not even making adequate capital investments, even for their short term needs.

The assessments showed that the coverage of the real estate registration is very incomplete and out of date. In Pará, fewer than 50 percent of individual urban properties are reportedly formally registered while in Piauí and São Paulo, it is thought to be less than 70 percent. For rural properties, the situation in Pará and Piauí was ranked the same as for urban properties. Additionally, almost unanimously, registered records on public and private land were regarded as out of date in at least 50 percent of cases. The relatively high costof the formal transfer of the property may be partly responsible for these limitations as they may be discouraging owners from registering transfers and other transactions and inadvertently encouraging under-declaration of transaction values in the notaries.

Another problem with real estate transaction registration includes the frequent lack of georeferencing. The consequence this has been the duplication of claims and propagation of false claims. All three state assessments reported that less than 50 percent of records for privately held land registered in the registry are readily identifiable in maps in the registry or cadaster. Even when properties are registered in the notaries, present in each district, notaries do not investigate the information or documents used to register private properties. Also, the information in their registries is not consolidated, raising additional questions of trustworthiness and making it near impossible to access information on the number and area of registered properties and land possessions in a given locality. Locations of assets that appear in the notary cadaster are usually only descriptive, not including maps or other spatial information. Law 10267 of 2001 established the obligation of the property owners, to georeference assets with registry modifications but there is a large backlog.

The problem is compounded by the fact that when the notary registers the transaction record (*escritura*) or other document, it gives a degree of legitimacy to the claim in any location of the country even without investigating the authenticity of the supporting documents. When someone wants to claim ownership based on this document, the claim often cannot be traced. The notary has no control over the transaction documents made in her/his offices, so the possibilities of fraud in these processes are numerous. The Commission from the Parliament that investigated Land Grabbing in the Amazon region (CPI da Grilagem)[26] showed how bad the situation was and still is and the role that the notaries played in giving apparent legitimacy to

[26]See: http://arisp.files.wordpress.com/2009/10/33421741-relatorio-final-cpi-terras-amazonas-grilagem.pdf.

widespread fraudulent claims. The study from LIMA (2002) showed that after doing its own investigation, the judiciary was able to cancel many registrations (around 48.5 million hectares) from landowners that had properties registered at the notaries from the state of Amazonas. Studies from Barreto et al. (2008)[27] and the World Bank (2011) have shown similar results for urban areas.

Regulation is also a challenge in practice as the assessments across all three states showed that, except for private land in São Paulo, there are no meaningful service standards for public access to land information. To regulate and inspect the notaries, each state has an internal affairs department (*Corregedoria*) supposed to be supervised by the National Council of Justice (CNJ). Nevertheless there are significant gaps in supervision in the northern and northeastern Brazilian states.

The problems of the notaries are not well studied, but the LGAF LGI 16 and 17 shows the difficulties that the notaries have in being responsible for the registry while lacking the right tools.

6.3 Absence of an authoritative, integrated register of public and private land

Directly related to the above discussed limitations, a further area of major compromise in Brazilian land governance is the absence of an integrated register of public and private land. The main bodies responsible for public land do not have an integrated register and use different legal definitions. The absence of an integrated record of private and public land means that the state agencies charged with public land management are largely operating without a proper asset inventory, a key element for good stewardship. Related to this, the assessments of all three states concluded that systematic information on the public land inventory is generally inaccessible. This is a significant constraint on public policy execution, such as proper land use planning or infrastructure decision making processes as well as on the ability of civil society to hold governments accountable.

Law no. 10.267 of 2001 and regulatory decrees[28] required land owners to present a georeferenced plan of their properties for subdivision or encumbering, such as through mortgages which the notaries are supposed to forward to INCRA for certification. Only assets above 250 hectares are required to be georeferenced as of the end of 2013. The deadlines for smaller properties are much later. The notary verifies the property in its records and sends it to INCRA who in turn includes it into its system (base i3geo).[29] Besides private properties provided by the notaries in all the country, this system includes INCRA's own information related to public land, settlement areas, qilombola land, and other information from various state and federal bodies (e.g. Conservation Units, Indigenous Land).

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[27] http://www.imazon.org.br/publicacoes/livros/quem-e-dono-da-amazonia-uma-analise-do

[28] Resolution no. 578, from September 16th, 2010, that approves review of 2nd Edition of Technical Standard for Georeference of Rural Assets, specified that the owner must provide a Certificate of Title with content fully updated, or a Fee Title certificate.

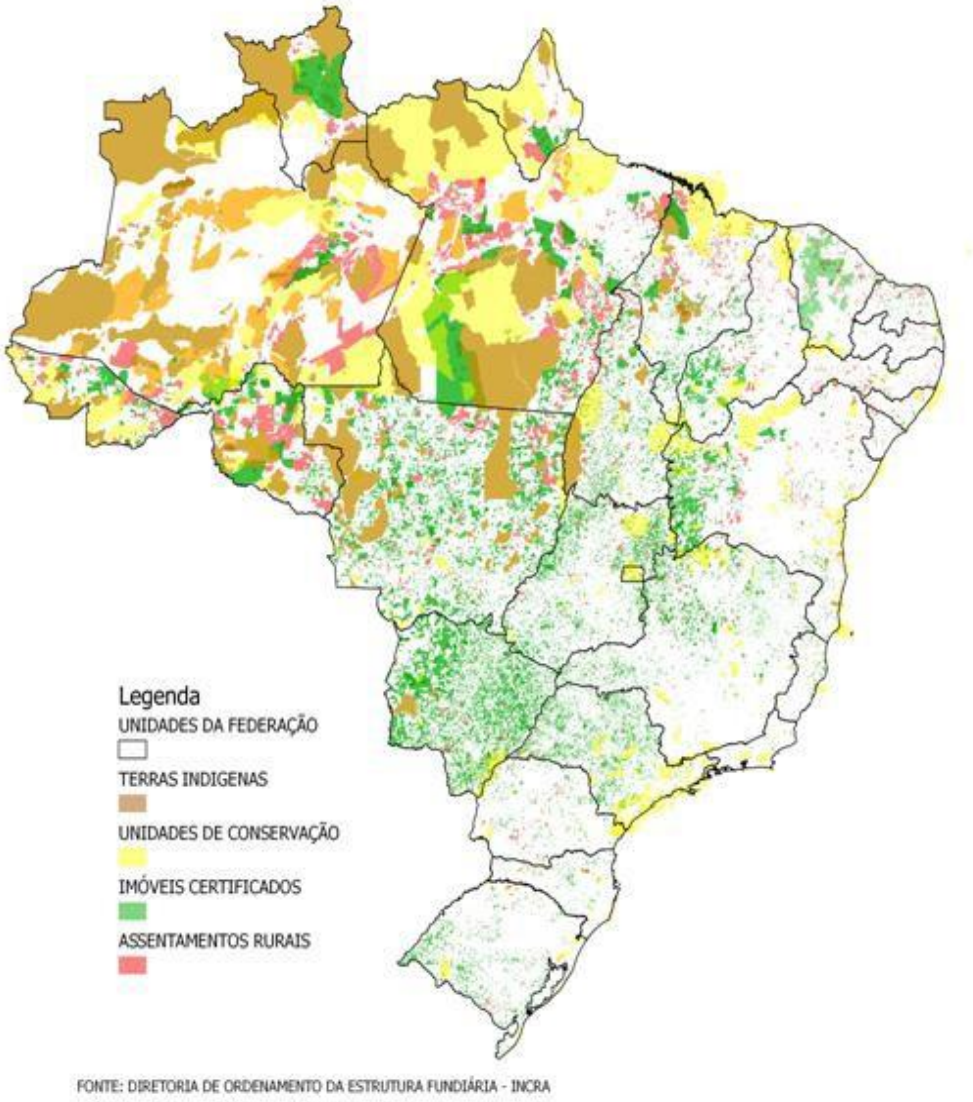
[29] This database has existed for about 10 years ago; it is updated as extent owners legalize their properties in notaries. Therefore, it should be expected that within few more years, these numbers will increase significantly.

The sum of all private and public properties, both certified and uncertified by INCRA, amount to 62.2 percent of the country's surface but there are some discrepancies in this accounting. Private and public georeferenced assets certified by INCRA cover an area of 114.3 million hectares (44,437 properties). Figure 3 shows the distribution of land parcels by type. By comparison, uncertified but georeferenced public areas (settlements, conservation units, indigenous land, quilombolas) total over 415.3 million hectares. These two categories sum to more than 529 million hectares and an approximate total of 54 thousand properties, as shown in Table 28. There are also approximately 120 million hectares of public land in this cadaster, without counting abandoned land.

Table 28 Certified properties, March 7, 2013

	Number of properties	Area (hectares)
Private	43,604	75,659,693.68
Public	833	37,688,784.35
Total Certified	44,437	114,348,478.03
Uncertified public georeferenced areas		
Indigenous people's land	555	112,745,463.82
Settlement projects	6,174	53,066,371.27
Federal plot	1,436	50,223,092.27
Traditional people's land (quilombolas)	164	1,876,008.08
Federal Preservation Unit (no use)	137	34,190,738.99
Federal Conservation Unite (no use)	173	31,452,695.93
State and Municipal Conservation Units (no use)	247	11,438,373.19
State and Municipal Conservation Units (sustainable use)	237	51,480,124.81
State owned Plot	124	68,906,229.92
Total uncertified public georeferenced areas	9,247	415,379,098.27
Total certified private, public and uncertified public	53.684	529,727,576.29
Brazil's area in hectares	124	851,487,600.00
Percentage of known and mapped areas in Brazil based on Acervo Fundiario do INCRA data—only rural areas		62.21
Source: INCRA database		

Figure 3 Distribution of land parcels by type



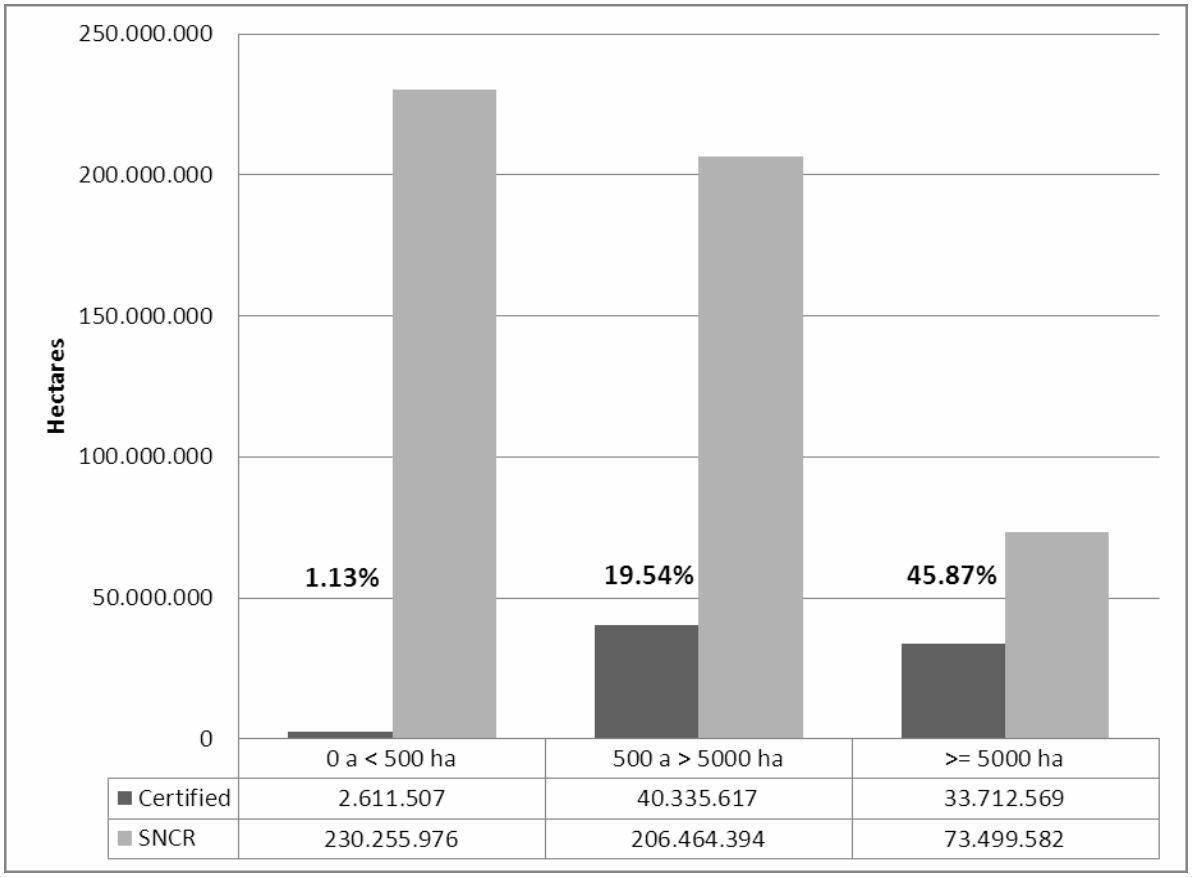
Properties certified by INCRA account for less than 1 percent of total assets and 15 percent of the area of INCRA's cadaster (SNCR) but these proportions increase substantially for subcategories of larger properties. This is shown in Table 29 and Figure 4 below. Table 29 shows that geo-referenced properties approximate 16 percent of the number of assets and 20 percent of the area for those with more than 500 hectares but less than 5000 hectares in this category. By comparison, for properties of more than 5000 hectares, 38 percent of such assets and 46 percent of the area covered by this type of assets are already in the certified cadaster. It is necessary to clarify that the base used, SCNR of INCRA, may be overestimating the total of area as well as the total number of assets, but these figures provide guidance.

Table 29 Number and area of certified rural private properties in relation to SNCR

	Total de imóveis certificados				de área certificada por tamanho de imóveis (100			
UF	0 a < 500 ha	0 a > 5000	>= 5000 ha	tal de imóv	0 a < 500 ha	500 a > 5000 ha	>= 5000 ha	Total de área
Imoveis certificado	15.544	25.356	2.704	43.604	2.611,5	40.335,6	33.712,6	76.659,7
Imoveis SNCR	5.445.457	156.395	7.107	5.608.959	230.256,0	206.464,4	73.499,6	510.220,0
Participação %	0,3	16,2	38,0	0,8	1,1	19,5	45,9	15,0

Source: INCRA cadaster (SNCR) and acervofundiario.incra.gov.br/i3Geo - consultation day 07/04/2013 - total of certified assets available in consultation 44.444.

Figure 4 Certified rural private properties in relation to SNCR



Source: INCRA cadaster (SNCR) and acervofundiario.incra.gov.br/i3Geo - consultation day 07/04/2013 - total of certified assets available in consultation 44.444.

There is significant variation in the proportion of INCRA's cadaster that is certified but only in four states is it above 20 percent of the land area. Table 30 below shows the extent of certified farms in the SNCR for all the states of Brazil. On one extreme are states such as Mato Grosso do Sul (MS) and Acre (AC) with approximately one half and

one third respectively of the land area of the state that is certified. Mato Grosso (MT) and São Paulo SP are the only others above 20 percent. And on the other extreme are states such as Amapá (AP), Rio de Janeiro (RJ), Roraima (RR), Paraíba (PB), Pernambuco (PE) and Segipe (SE) all with corresponding percentages less than 2 percent. This variability is a consequence of:

- Existence of much public land, Conservation Units, possessions or small landowners.
- Small economic returns from land use in some states providing little incentive for incurring the costs associated with changing records at the notaries.
- The differences in capability of state superintendents of INCRA to process information obtained from registries and certify the properties.
- The size of the error of the SNCR cadaster

Again, the situation is better for larger farms, with eight states having more than 50 percent of the land area of large farms (>5000 hectares) certified. When analyzed by farm sizes, some states have certified ownership of large farms for a significant majority. That can be seen in Ceará (CE) and Mato Grosso do Sul (MS) with more than 80 percent of the area for properties above 5000 hectares certified. In São Paulo (SP) and Rondonia (RO), the corresponding proportion is more than 60 percent and in Acre (AC), Paraíba (PB) and Minas Gerais (MG) it is more than 50 percent. For properties between 500 and 5,000 hectares, São Paulo, has the highest level (52%) followed by Mato Grosso do Sul (46%).

Table 30 Certified farms as a percentage of the total from SNCR

TABLE 6. Brazilian Certified Farms as a % of the total from SNCR by

STATE	Brazilian Certified Farms as a % of the total from SNCR							
	Número				Área			
	0 a < 500 ha	500 a > 5000 ha	>= 5000 ha	Total de imóveis	0 a < 500 ha	500 a > 5000 ha	>= 5000 ha	Total de área
AC	0,04	20,80	36,71	0,76	0,23	28,07	54,40	33,48
AL	0,00	4,50	0,00	0,04	0,00	9,82	0,00	2,49
AM	0,01	0,82	17,88	0,10	0,03	1,02	18,13	5,43
AP	0,04	0,21	0,00	0,05	0,10	0,19	0,00	0,13
BA	0,09	12,93	36,69	0,40	0,73	17,27	57,05	13,71
CE	0,08	10,04	75,00	0,19	0,37	14,18	85,13	4,16
ES	0,10	22,01	30,00	0,19	0,64	27,72	42,28	5,05
GO	0,45	14,97	40,56	1,48	1,17	19,20	39,37	12,26
MA	0,15	9,83	28,71	0,80	0,44	13,14	35,05	9,53
MG	0,12	12,04	42,09	0,33	0,53	16,66	55,15	7,35
MS	3,49	36,80	75,63	9,48	6,21	45,97	84,30	48,96
MT	0,48	12,94	32,56	3,44	1,14	16,16	43,02	22,08
PA	0,06	4,33	21,48	0,61	0,20	4,98	23,33	7,17
PB	0,02	4,91	50,00	0,06	0,22	6,30	52,69	1,81
PE	0,01	4,21	14,29	0,03	0,07	6,40	39,32	1,35
PI	0,05	11,84	37,87	0,57	0,23	16,58	40,79	14,42
PR	0,05	15,26	22,95	0,16	0,22	18,07	21,52	4,60
RJ	0,04	5,70	0,00	0,07	0,18	8,45	0,00	1,48
RN	0,08	11,41	41,67	0,28	0,45	14,64	42,41	5,56
RO	0,15	18,33	56,52	0,69	0,57	23,90	67,73	14,14
RR	0,00	0,32	4,00	0,04	0,01	0,45	2,51	0,37
RS	0,10	19,53	35,19	0,27	0,71	27,50	34,96	7,92
SC	0,09	15,57	26,67	0,15	0,70	18,85	24,99	3,64
SE	0,02	11,22	0,00	0,04	0,17	13,71	0,00	1,51
SP	1,50	45,26	67,03	2,07	5,30	51,76	68,19	20,17
TO	0,53	17,07	16,80	3,18	1,05	20,65	17,72	13,99
TOTAL	0,29	16,21	38,05	0,78	1,13	19,54	45,87	15,02

Source: acervofundiario.incra.gov.br/i3Geo - total farm of 44.444 in 03/01/2013.

The problems related to the lack of an authoritative land register were highlighted by various LGAF indicators (e.g. dimensions LGI 1, 3, 5, 6, 12, 16; LSLA 1, 2 and FGI 5) and several studies. These studies include Silva (1996), Reydon (2011), and a study made by the INCRA (1999) itself that shows the amount of land grabbed over the years. Another study from Moretti et al. (2009) shows similar results. A classic study from the urban side is Holston (1993).

Attempts under the LGAFs to collate land tenure categories in Pará and Piaui also demonstrated the unreliability of records caused by superimposition of entries. This is shown in Table 31, where the sum of the different tenure categories in Pará was found to be 231,391,020 hectares which is 85 percent larger than the state's actual area.

Similarly, the total of the tenure categories in Piauí (Table 32) was found to be 30,222,186 hectares which is 20 percent larger than the state's area. These discrepancies make it clear that there are numerous superimpositions particularly of Indigenous reserves and conservation units, with private and other assets. However, the identified overlaps may be related to different types of controls provided by the government. Hence it is possible that the same area is registered as a protected area for conservation of forests, indigenous or maroon reserve..

Table 31 Land tenure typology in Pará

Type of Property	Responsible Institution	Percent	Extension in hectares
Total Parcels at INCRA's Cadastre (INCRA/SNCR -2003)	INCRA, Terra Legal e ITERPA	25.88	61,924,30.24
Quilombolas	INCRA, Terra Legal e ITERPA	0.29	683,804.24
Protected áreas	ICMBIO, FUNAI, IDEFOR, SEMA	26.29	60,824,661
Public Land	INCRA/TERRA LEGAL, ITERPA, SPU	46.95	108,642,058
Urban patrimonial land	INCRA / Terra Legal, ITERPA, SPU e Prefeitura	0.00	4,356
Total			231,391,020.51
Total Area			124,804,251.50

Table 32 Land tenure typology in Piauí

Type of Property	Area	Percent	Number	Observation
Private Property	18,895,387.00	62.5	134,771	Cadaster from INCRA and SNCF
Public Land				
Conservation Units (Environment)	1,909,200.00	6.3	17	
Resettlement Projects	1,396,383.62	4.6	499	
Ex-slave Communities	21,215.39	0.1	5	40 in process
Idle Land	7,000,000.00	23.2	23.2	ITERPI – with some overlap
Registered Public Land	1,000,000.00	3.3		ITERPI – with some overlap
Federal Public Land				SPU – Navy land and other
Urban Land				
Total	30,222,186.01	100		
Total Area	25,157,186.01			

Additionally, the SPU, part of the Ministry of Planning, Budget and Management, has as its main responsibility, the management of National Assets, and maintains its own incomplete cadaster. The nature of these assets (see Box 14) is very diverse: from state owned properties, tide lands, permanent preservation areas, indigenous lands, national forests, idle land, border areas and goods of common use. The SPU is in charge of all idle land but does not know its dimension.

Box 14 SPU assets

SPU assets include:

- About 600,000 houses;
- About 30,000 pieces of real state from the government;
- Properties with an Economic Evaluation estimated to be about R$ 170 billon;
- Navy land - all land near to the sea (including islands) – around 56 % of it is in their cadaster; and
- Navy land around the rivers – about 2 % is in their cadaster

6.4 Low levels of property taxation

The assessments also showed low levels of both urban and rural property taxation, which mean that the broader population rarely benefits from increased land values brought about by public actions, be they investments or planning decisions. The LGAF indicators for dimensions LGI 10 and 11 with scores around C and D showed that there are many aspects of the land taxes that need improvements. For example, the absence of reliable cadasters at the municipal level for the IPTU (urban taxes) creates severe limitations and on the rural side, the self-declared nature of the cadaster facilitates many kinds of fraud. Regarding the completeness of the tax rolls, these were generally deemed by the assessed states as no more than 70 percent and in some cases, no more than 50 percent complete, for both urban and rural areas except for rural taxation in São Paulo.

Until 1996 the rural land tax was collected by INCRA but, due to collection problems, responsibility was transferred to Federal Receipt (RF) with little change in outcomes. RF, a key institution linked to the Finance Ministry, was selected to collect rural land taxes because it is considered to be a strong and very efficient institution. But it has failed to improve rural land tax collection. Collection of the rural tax (ITR) is estimated to be on the order of less than 10 percent of its potential with the current legislation. Although Law no. 11.250 of 2005 makes decentralization of this tax possible, this is not yet happening. The self-declared valuation by the proprietors with limited ground-truthing by INCRA and the SRF also means that rural land property values are undervalued most of the time, further undermining the effectiveness of the tax. Oliveira (2010) synthesizes the recent development of this tax and analyses the possibility of its decentralization.

The problem of the nonexistence or outdated land and asset cadasters severely hampers collection of property and urban territory tax (IPTU), collected by municipalities, although more than 90 percent of municipalities do collect this tax. Moreover, the bigger the property, the larger the difference between the property value for purposes of taxation and its market value (IPEA, 2009). The urban property valuations are also infrequently updated, benefitting the urban properties that appreciated the most during the period. The net result is that collection of IPTU is relatively modest when compared to collection of taxes as a whole and has diminished when compared to aggregates such as municipal taxes and even other property taxes.

6.5 Urban land supply, land use planning and regularization out of step with demand

Neither proactive urban planning nor reactive regularization has kept pace with the demand for serviced parcels of land in Brazilian cities. Apart from Piauí, which is still relatively rural, urban planning efficacy was rated poorly in the LGAF assessments as evidenced by the fact that most new dwellings are informal. The federal assessment of this point was even more pessimistic. Similarly, panelists in all cases except Piaui reported that compliance with minimum residential plot size requirements was less than 50 percent.

The City Statute (No. 10.257) embodied many progressive policies including decentralization and democratic management into urban planning and regularization activities, but more than a dozen years on, implementation substantially lags expectations and civil society inputs are still being marginalized. One of its deficiencies is the absence of instruments and provisions for tackling the coordinated regional planning in metropolitan areas. Likewise, one of the major drawbacks in urban land regularization as confirmed by both the Pará and São Paulo assessments is the lack of a comprehensive plan, if any, for regularization for the cities with major regularization problems. Moreover, the most urbanized state in the assessment, São Paulo, gave very poor ratings to the affordability, predictability and efficiency of residential building permitting indicating that the requirements are technically over-engineered and that the process typically takes more than 12 months.

Even a policy as progressive as urban regularization is a challenge to implement, as demonstrated by the LGAF assessments of regularization and the literature. In the current assessments it was found that neither mitigation strategies nor attempts to exclude risk prone or protected areas are effective in systematically addressing the environmental requirements in the areas being regularized. Efficient mechanisms for monitoring and evaluation of regularization activity were also found to be lacking which hampers policy and procedural evolution as well as attempts to better understand urban land markets.

The LGAF assessments and the IPEA (2010) study on urban regularization demonstrated how difficult the legal situation is for housing. Challenges in the housing sector include tedious bureaucratic requirements and high transaction costs that inadvertently feed informality. From a legal and institutional perspective, some of the major difficulties of urban regularization are:

- The legislation is extensive and inserted in many different topics, covering a wide range of procedures, principles and guidelines.
- This extensive legislation goes through alterations over time.
- The processes of urban regularization involve many different institutions which complicates execution.

Additionally, the several obstacles created by notaries and by the judiciary include differences in the interpretation of jurists on aspects of the City Statute and on the collective conflicts of possession and property.

The existence of legislation and instruments does not of itself ensure the effectiveness of either urban or agrarian regularization projects because regularization needs adequate institutional capacity of the agents involved as well as political will—and this remains deficient. Additionally, the legal instruments are not viable without the support of a physical-territory cadaster. The LGAF Regularization panels showed what the IPEA (2010) study on the regularization process in Brazil noted: that even though facilitating laws are in place, much has to be learned mostly by the notaries and judges, who still have an outdated notion of urban land regularization.

6.6 Lax governance of large scale land acquisition and forests

Multiple indicators show that large-scale acquisitions, aided and abetted by the deficient mapping of forest land, are held accountable to few mechanisms of regulation or governance. This challenge is therefore connected to some of the land information management deficiencies discussed above. Less than 40 percent of forest land has been demarcated and surveyed with associated claims registered. And both Pará and Piauí found that land use restrictions applying to any given plot of rural land cannot be unambiguously determined in a significant majority of cases.

Other problems include the prevalence and protracted nature of conflicts generated by large-scale acquisitions of property rights and the inconsistent use of benefit sharing mechanisms and social and environmental safeguards for large scale investments, particularly in agriculture. Pará and Piauí also reported that institutions that promote, channel, or acquire land either do not have clear standards of ethical performance or, if they do, implementation is variable, and in either case accounts are not subject to regular audits. The assessment also noted the poor performance of incentives to promote mitigation of climate change via forests, whereby incentives such as PES and REDD+ are scarce. In Pará low government commitment to small and medium enterprises (SMEs) as a way to promote competition, income generation and productive rural employment was noted along with insufficient investments aimed at controlling forest crimes, including illegal logging and corruption.

Section 7 Recent Initiatives and Recommended Actions

This report has shown that Brazil has accumulated a huge historical overhang of land problems, both rural and urban, and has put in place legislation to deal with it (albeit somewhat fragmented and inconsistent). However, despite the many valuable and ongoing efforts, the implementation challenge is still largely unmet, partially because of fundamental aspects of the system, partially because of a lack of resources, and partially because of a lack of consensus on the way forward. New efforts that are now underway could learn the lessons of the recent past and alter the course with a huge positive development impact for agricultue, environment, urban development and social protection—but these new efforts need to be given attention, resources, and scaling up to achieve that impact.

There are many relatively recent and promising efforts to improve land governance in Brazil. These range from INCRA's emerging certified cadaster (see Reydon et al. 2013), to the Ministry of Environment's (MMA) national expansion of the georeferenced Rural Environmental Cadaster (CAR) under the 2012 Forest Code, to the private initiative of the notaries organization of the state of São Paulo (ARISP) that has created a compulsory registered properties database in the state that is now being followed by several other states. Table 33, which is by no means comprehensive, itemizes some of these important initiatives that became evident during the assessment.

The multiplicity of these initiatives and their potential synergies strongly supports the case for a cross-sectoral forum, where complementarities and potential contradictions or duplications can be identified at opportune moments. One of the main outcomes of this assessment is that its convening actions made the need and potential benefits for coordination and regular cross-sectoral dialogue much more evident. This has resulted in the creation by decree in 2013 of an Inter-Ministerial Committee on Land Governance, which is already establishing the habit of regular meetings and a purposeful shared agenda.

Table 33 Summary of recent initiatives

Policy Area	Recent Initiative(s)
Improve the coherence of the legal and institutional framework for land governance	In December 2013 the Federal Government established an Inter-Ministerial Committee (IMC) of Land Governance. Membership includes a wide range of state agencies and the World Bank.
Improve the coverage and reliability of cadasters managed by public authorities.	The Ministry of Agrarian Development and INCRA, in partnership with the state of Ceará, has been performing since 2005, a massive action of regularization and registration of rural properties, the most extensive among the initiatives so far. The goal is to cover 180 municipalities, spanning an area of about 14.9 million hectares of land, and enrollment of approximately 260 000 properties. INCRA has already invested approximately R$ 37 million, which, when added to the funds invested by the state, totals about R$ 70 million.
	INCRA is doing a pilot in 137 municipalities that have a larger area in their cadaster than the state's area to identify the sources of these discrepancies.
Integrate Public Land cadasters	The Inter-Ministerial Committee (IMC) on Land Governance has set as one of its first objectives the preparation of a Brief on all of the main public land cadaster initiatives with a view to achieving synergies and minimizing duplication.
Integrate notary cadasters at the state level and with those of public land cadasters	The notaries organization (ARISP) from the state of São Paulo has created a compulsory registered properties database in that state. Other states that have indicated an interest in doing the same are: Mato Grosso, Pará, Pernambuco, Santa Catarina, Rio de Janeiro and Minas Gerais;
	The integration of CAFIR and SNCR is a very important effort from INCRA and Receita Federal to create synergies and complementarily between the two self-declared cadasters. A unique parcel identifier (integrated with the one from INCRA and from the notaries) was adopted for this integration. This started in 2001 with little advances until 2008 when an agreement was signed and a project to implement the agreement was presented. The funds were not approved but the institutions are developing some products from the agreement and proposed the shared development of the CNIR, a more modern cadaster that had been legally approved by the law 10.267/2001.
Accelerate the geo-referencing	Federal Law no. 10267 of 2001 requires the georeferencing all rural land properties in case of any alteration of its registration in the

Policy Area	Recent Initiative(s)
of properties	notaries but the deadlines to do so are most urgent for properties above 250 ha. Smaller properties have much longer to comply.
	Starting in 2010 with the passing of three Implementation Standards (No 96 and 105) INCRA adopted a number of changes to simplify and streamline the entire process of emitting georeferencing certification, including reducing documentation and administrative procedures and limiting cartographic analysis to only review descriptive text and check if there is overlap with other properties. After these changes, INCRA's capacity to process certifications increased four-fold.
	In partnership with the Secretariat of Land Regularization of the Legal Amazon (Serfal), INCRA with the notaries are piloting an online tool to receive and automatically approve georeferenced properties, the System of Land Management (Sigef), integrated with INCRA's registry (SNCR). Sigef allows technical staff to input georeferenced information on a property and help the property owner receive automatic certification.
Increase the transparency and public accessibility of land information held by public authorities	As of November 2013 INCRA made its database of certified properties available to the public online ("acervo fundiário"). Information on more than 300 million hectares, or 42.3 percent of national territory, is available, covering georeferenced certified properties, land regularization efforts, indigenous reserves, protected areas, agrarian reform settlements, mining areas, and so on. The database can be searched according to various criteria. The database is interactive and dynamic, allowing users to produce maps and visualize information, and the data available is automatically updated.
Accelerate the expansion of the CAR	The Ministry of Environment created the program Mais Ambiente for cadaster landowners (CAR)[30] and to register legal reservations. The decree 7.029/2009, that has been replaced by the decree 7830/2012 created the CAR (Rural Environmental Cadaster) and the SICAR (System of Rural Environment Cadaster), key tools for environmental regularization of rural properties and possessions. In the Amazon, the CAR has been developed in Pará and Mato Grosso, constituting a tool for multiple public policy uses including the strengthening of environmental management and municipal planning. The Ministry of Environment has been actively working to implement the CAR in the region, through projects such as: Project to Support Development of State Plans for Prevention and Control of Deforestation and Registration Rural Environmental; Municipal

[30] This program has been financed by the World Bank.

Policy Area	Recent Initiative(s)
	Project Pact to Reduce Deforestation São Félix do Xingu (PA); and CAR Project, in partnership with TNC (The Nature Conservancy). The latter ended in December 2011.
	The Forest Code (Law 12.651/2012) mandated the rollout of CAR to all of Brazil. Rural properties must comply with the Forest Code, including land use/reserve specifications and registration in the CAR.
	The Ministry of Environment has purchased satellite images and the IT software necessary for the functioning and integration of the CAR system from National to the states' needs.
	The Ministry of Environment is currently engaged with the World Bank in the preparation of a credit to roll out the CAR in multiple states, all in the savannah (Cerrado) biome: Goiás, Tocantins, Mato Grosso, Mato Grosso do Sul, Minas Gerais, Maranhão, Paraná, and São Paulo.
Articulate CAR with the other cadasters	INCRA already has a partnership with MMA in the use of the CAR. They plan to focus on smaller properties initially and work on the larger, certified ones later on.
Accelerate the identification and where appropriate regularization of use of terras devolutas and other public land, cancelling fraudulent property claims	The main effort of the SPU is the transference of public land and regularization of settlements on public land. The Brazilian shore occupation program with tourism projects implementation in partnership with other federal, state and municipal agencies, considering the environmental conservation, is one of SPU's main initiatives. The other main project is related to the regularization and rational use of properties in use by the Federal Government. Land from National Railway System was privatized- 52,000 real estate parcels. Around half of these parcels have squatters. The SPU obtained resources form a project with the IDB to digitalize and organize its early files and information, including maps.
	MDA and MMA, with the participation of the states and some federal agencies (FUNAI, ICMBIO, and others), established a Technical Chamber of Federal Public Lands Distribution to coordinate actions on *terras devolutas*.
	Since 2003, INCRA has issued titles for 259,000 rural families occupying state land (terras devolutas) to secure tenure and facilitate access to rural credit, technical assistance, among other public programs. INCRA has an agreement with seen states, all but one in the Northeast, to emit another 241,000 titles. The Secretariat of Agrarian Reordering focuses registering, georeferencing, and titling efforts on the poorest municipalities in 19 states, including São Paulo and Piauí, and coordinates actions with federal, state, and municipal governments. Most activity is on terras

Policy Area	Recent Initiative(s)
	devolutas.
	In Piaui, along with INTERPI, INCRA and other relevant public agencies, the Comptroller of Justice (CGJ-PI) is part of an Inter-Institutional Forum for Land Conflict Resolution (FIRCF), created to promote cooperative activities between those institutions in order to facilitate and expedite land regularization of eligible occupants; to resolve ongoing conflicts; and where appropriate, to cancel fraudulent titles. As a result of this initiative in Piaui, in December, 2013, INCRA and INTERPI established the Land Governance Integrated Office (EIGF) in the municipality of Bom Jesus, to jointly address land governance issues in 38 municipalities of Piauí's Cerrado. The Office integrates efforts from federal, state and municipal institutions in order to (i) identify land tenure titles and other relevant documents; (ii) recover and digitalize land documentary archives; and, (iii) geo-reference and register the land mesh in each municipality.
Strengthen rural environmental and land use planning	In 2013, Pará launched the ICMS Verde program, in which part of ICMS tax revenues be redistributed based on environmental criteria, rewarding municipalities that demonstrate measurable reductions in their deforestation rates, contain protected areas, and/or are covered by the CAR. ICMS Verde started in 2013 designating two percent of the total ICMS collection (R$35 million) and will increase gradually to eight percent in 2016, distributing R$140 million. Municipalities' reductions in deforestation and increases in forest stocks are verified by the Institute of Amazon Research (INPE).
	Brazil is one of eight countries participating in the Forest Investment Program (FIP), a fund managed by the World Bank that seeks to catalyze policies and mobilize funds to facilitate the decrease in deforestation and forest degradation. The Brazil Investment Plan of the FIP finances efforts in the cerrado to improve environmental management and reduce pressure on remaining forest. A World Bank project (Environmental Regularization of Rural Lands in the Cerrado) strengthens CAR compliance and institutions in the cerrado.
	As part of Brazil's National Policy for Climate Change, regional action plans in the Cerrado and Amazon have helped to reduce deforestation and forest degradation (PPCDAm and PPCerrado). Though land use regularization and alternative sustainable livelihoods are two pillars of PPCDAm, the bulk of efforts have concentrated on monitoring and control of deforestation. The land regularization component was more successful in delimiting and managing protected areas than developing a state zoning plan, issuing land titles, or promoting registration in the CAR.

Policy Area	Recent Initiative(s)
	In the cerrado, deforestation monitoring is relatively undeveloped and underfunded. These plans focus principally on agricultural/pastoral deforestation and exclude deforestation associated with large-scale infrastructure projects.
	The Low-Carbon Agriculture Plan (ABC Plan) provides financial resources and incentives for farmers to adopt sustainable agricultural techniques and technologies. To qualify for credit under the ABC Plan, farmers must be registered in the CAR. As the CAR is not yet available in all states, participation is limited.
	In 2010, federal authority reinstated the obligation of foreigners and Brazilian companies with majority foreign ownership to request authorization from INCRA to acquire or rent land. The National System of Acquiring and Renting Land by Foreigners (SISNATE) is a database with information on foreign ownership. Integrated within the National Land Registry System (SNCR) managed by INCRA, SISNATE allows for the identification of inconsistencies
Identify urban informal settlements	Under regulations from the Sao Paulo General Comptroller of Justice, ARISP maintains records of settlements in the State. This practice may be extended to other states by the CNJ.
Advance rural research on land use and distribution	In December 2013, INCRA and Embrapa signed a technical cooperation agreement to upgrade land governance technology and analysis. The objective of the agreement is to promote the technical and scientific capacity of INCRA's territorial management strategies. One specific output will be to revisit the definition of a fiscal module, taking into consideration technological advances, potential land use, and forest preservation requirements as part of the Forest Code.
Improve accuracy and scope of land use change monitoring	Law enforcement and performance-based programs both rely on effective land use and land cover change monitoring systems. A challenge central to many of the environmental programs is the restricted scale and resolution of land use and land cover change monitoring. Current systems are unable to capture areas of deforestation under 25 hectares. Stronger monitoring would make possible performance-based rewards and adequate program evaluation. The main federal tools to monitor deforestation, both under the National Institute for Spatial Research (INPE) include PRODES (annual deforestation rates in the nine Amazon states via satellite imagery) and the Real Time System for Detection of Deforestation (DETER, a satellite-based system that enables frequent and quick identification of deforestation hot spots).

Policy Area	Recent Initiative(s)
Expand Land Governance Diagnostic exercises as part of project preparation for major investments where land governance is likely to affect outcomes	At least one additional state is planning to conduct an LGAF in 2014
	Brazil has been selected to pilot regular monitoring of a small sub-set of Land Governance Indicators.
Improve standards of land information management and service by notaries	The National Council of Justice (CNJ) is implementing a Master Table of Fees for all notaries nationally
	Piaui passed an updated Code of Norms and Procedures for its notaries in August 2013.
Improve capacity of notaries to achieve higher land information management standards	Of the Assessed cases, the notaries in São Paulo state are currently under a drastic management change, resulting in more transparency through a competitive process for the selection of the managers and a large increase in investment, especially in modernizing the information system and processes.
	Piaui also has begun a process for competitive recruitment of over 130 notaries to fill existing vacancies and reduce the geographic area covered by any one notary. The outcome of the recruitment effort is pending.
	Piaui also recently trained notaries throughout the state in the new Code of Norms and Procedures.
Improve the supervision of notaries	The Comptroller of Justice in Piaui is actively seeking to augment its financing and capacity to better supervise notaries.
Accelerate and improve	Law no. 11977 of 2009, Programa Minha Casa Minha Vida (PMCMV) significantly expanded regularization in urban áreas

Policy Area	Recent Initiative(s)
integration of urban regularization	
	Program Nossa Terra (Our Land) in Rio de Janeiro state is advancing social interest regularization of urban informal settlements including areas that have been recently pacified.
	Programa Papel Passado – developed by the Ministry of Cities in 2003 has as its main aim helping the municipalities and states in the process of regularizing informal urban settlements
Accelerate rural participative agrarian regularization	The Federal Program 'Terra Legal' is advancing land regularization in the Amazon region. To date it has reached over 3.3 million parcels.
	States such as Pará and Piauí are using donor loans to advance rural land regularization with an emphasis on vulnerable communities including family farmers and *quilombola* territories.
	In Pará, through State Decree No. 739 (May 2013), municipalities that meet the environmental planning objectives of the Green Municipality Program (PMV), are eligible to access a special expedited land regularization process using the CAR. The Land Institute of Pará (ITERPA) facilitates the process, offering a Certificate of Occupation of Public Land (COTP)[31] and facilitating a land conflict resolution commission. Traditional peoples occupying public land and properties under 100 hectares are given priority.
	The Comptroller of Justice in Piaui is establishing a nucleus for land regularization within its office to increase its capacity to apply all pertinent administrative rules to ongoing land conflicts. Thus far these efforts have led to the cancellation of fraudulent titles for a significant land area.
Expand rural land access	The Land Fund (Crédito Fundiário) is a national program implemented by MDA through the Secretariat of Agrarian Reorganization and provides credit, technical assistance, and a grant to landless and land-poor farmers to purchase land of their choosing.

[31] The COTP is given to georeferenced properties for a validity of five years and the owner is obligated to pay the property tax specific to occupation of public land. The COTP enables occupants to access specific agricultural credit lines without the necessity of using the property as collateral.

Recommended Actions

The report concludes with recommended actions in three priority policy areas to achieve greater impact in Brazil's land governance (see Table 34). They relate to two areas of greatest weakness in land governance as revealed by the LGAF Assessments and a third area where although policy has been very progressive, implementation significantly lags demand. For the most part, the proposed actions call for an expansion and resourcing of existing initiatives with attention paid to keeping standards 'fit for purpose' whether they be levels of precision for geo-referencing, land tenure options or specifications for urban subdivisions. The actions (see Table 34 below) are classified into those which are feasible in the short-term (year 1), medium term (year 2-3) and long term (year 3 and onwards). Broadly, they focus on:

- Improving the coverage, reliability and integration of cadasters and property registries;
- Increasing the affordability of the minimum formal urban shelter options; and
- Accelerating and improving integration of urban and rural participative regularization.

In addressing these and other areas of land governance reform, the efforts of the recently formed Inter-Ministerial Working Group on Land Governance (IMWG) will be vital. This is especially so since some of the reforms depend on improving the coherence of the legal and institutional framework for land governance, which is necessarily a collaborative, cross-sectoral endeavor. This report therefore calls upon the IMWG, in consultation with the Office of the President, to create a clear work program on an annual basis at least over a three year term and with an agreed upon regular reporting mechanism of the IMWG to the Cabinet and the Office of the President.

Table 34 Recommended actions

Policy area	Recommended Action(s)	When
1. Improve the coverage, reliability and integration of cadasters and property registries	a. The Inter-Ministerial Working Group on Land Governance and the Association of State Institutes of Land, to develop and implement a methodology for integration of public cadasters including protocols for information exchange, linkages to the CAR and greater internet-based public access to property records currently held by key agencies such as SPU, RF and State Land Institutes.	Short Term
	b. The Comptrollers of Justice (*Corregedorias*) and Associations of Notaries to implement a common linked electronic information system for records currently held by notaries on a State by State basis.	Medium Term
	c. The INCRA and the Association of Notaries to implement an online system for tracking monthly transfers of information from notaries to INCRA as a monitoring tool for the enforcement of this information exchange that is mandated by Law 10.267).	Short Term
	d. State governments to provide the state comptrollers of justice *(corregedorias*) with the resources (staff, vehicles and equipment) to better supervise the recordation of property transactions currently undertaken by notaries and therefore enforce a code of norms and procedures that enhances the public good function of such registries;	Medium-Long Term
	e. INCRA to complete ongoing pilots at cadastral reconciliation (identifying and correcting mismatches between the total area of a municipality and the sum of the recorded areas in the cadasters covering that municipality) and use the lessons and emerging typology to design and implement a program to efficiently reconcile the cadasters for other municipalities, prioritizing those with	Medium-Long Term

Policy area	Recommended Action(s)	When
	significant competition for land as indicated by conflicts and economic activity;	
2..Increase the affordability of the minimum formal urban shelter options	a. The Association of Municipalities and the Ministry of Cities to review the statutory provisions for land subdivision that are routinely circumvented by the poor such as minimum plot size and minimum road widths and propose alternatives that will better incentivize formal private sector land developers to move down-market.;	Medium Term
	b. Municipalities in rapidly growing urban areas to make minimum preparations in prospective areas for the extension of built areas in a more systematic way than is currently occurring, such as demarcating and protecting future rights of way for main roads	Medium-Long Term
3.Accelerate and improve integration of urban and rural participative regularization	a. The INCRA and the Association of State Institutes of Land to review rules for rural land georeferencing to expand reach and reduce costs, particularly taking advantage of satellite technology;	Short-Medium Term
	b. The Association of State Institutes of Land, the Association of State Environmental Secretariats and INCRA to devise options for a joint land tenure and environmental regularization program that utilizes an appropriate level of geo-referencing that is consonant with the broader objectives of enhancing property security and environmental outcomes and which is pragmatic in its application;	Short-Medium Term
	c. The CNJ to train Judges/magistrates in the correct and consistent interpretation of the City Statute and related legislation;	Short Term

Policy area	Recommended Action(s)	When
	d. The Association of State Institutes of Land and the Association of Municipalities to propose legal and institutional changes to regularization processes based on regularization experience over the last decade and to prepare operational manuals to improve standardization ;	Short Term
	e. Municipalities to expand the use of intermediate tenure instruments such as the Concession of Direct Right of Use (CDRU) which municipalities have been able to administer faster than full titles;	Short-Medium Term
	f. State Governments and metropolitan associations of mayors to produce metropolitan level plans that will allow for better integration of individual urban regularization initiatives and appropriate consideration of environmentally sensitive areas;	Medium Term
	g. SPU to develop a Strategic Plan to inform management of public land in its stewardship;	Medium Term
	h.State governments to expand and finance the type of results-oriented collaboration across executive and judicial arms to cancel fraudulent titles that Piaui is using to other states including as planned, those that jointly comprise the savannah: Bahia, Tocantins and Maranhao;	Medium-Long Term

References

Barreto, Paulo, Andréia Pinto, Brenda Brito, and Sanae Hayashi. 2008. *Quem é o dono da Amazônia? Uma análise do recadastramento de imóveis rurais*. Belém: Instituto do Homem e Meio Ambiente da Amazônia. Available at: http://www.ibcperu.org/doc/isis/10458.pdf.

Fundação João Pinheiro Centro de Estatística e Informações. 2005. *Déficit habitacional no Brasil / Fundação João Pinheiro,Centro de Estatística e Informações.* 2. ed. - Belo Horizonte.

Holston, J. 1993. "Legalizando o ilegal: propriedade e usurpação no Brasil" *Revista Brasileira Ciências Sociais* no. 21 ano 8 February. São Paulo.

IBGE. 2000. Perfil dos municípios do Brasil. Available at: http://www.ibge.gov.br/home/estatistica/pesquisas/pesquisa_resultados.php?id_pesquisa=89h

IBGE. 2008. Perfil dos municípios do Brasil. Available at: http://www.ibge.gov.br/home/estatistica/pesquisas/pesquisa_resultados.php?id_pesquisa=89

IBGE. 2010. Perfil dos municípios do Brasil. Available at: http://www.ibge.gov.br/home/estatistica/pesquisas/pesquisa_resultados.php?id_pesquisa=89

INCRA.1999. Livro Branco da grilagem de terras no Brasil. Available at: http://www.incra.gov.br/portal/index.php?option=com_docman&Itemid=140

IPEA. 2009. Política fiscal e justiça social no Brasil: O caso do IPTU. Presidential Communication (Comunicado da Presidência), no. 28.

IPEA. 2010. Infraestructure Social e Urbana no Brasil, Livro no. 6 vol. 2. Available at: http://ipea.gov.br/agencia/images/stories/PDFs/livros/livros/42543_Livro_InfraestruturaSocial_vol2.pdf.

LIMA 2002. *Relatório das Correições Extraordinárias nos Registros de Terras Rurais no Estado do Amazonas. Governo do Estado do Amazonas. Secretaria da Cultura do Estado do Amazonas (SEC).*

Moretti, R. S. ; Zandonade, P.; Moretti, J.A ; D'alessandro, M. L. 2009. "Mecanismos de Transferência da Terra Pública para Uso Privado no Estado de São Paulo," in *XIII ENAnpur- Encontro Nacional da ANPUR*. Florianópolis.

National Justice Counsel. 2010. *Relatório Preliminar sobre a Situação dos Conflitos Fundiários Rurais no Brasil*. Available at: http://www.cnj.jus.br/images/imprensa/relatorio_preliminar_cnj_conflitos_fundiarios_agrarios_em_28_de_setembro.pdf

Oliveira, Thiago Ademir Macedo. 2010. *Imposto Territorial Rural: um Estudo Econômico sobre a descentralização da Cobrança.* Master's Thesis (Tese de Mestrado). Institute of Economics, State University of Campinas (IE/Unicamp). Campinas.

Reydon, B. P. 2006 "Mercados de terras no Brasil: estrutura e dinâmica", 12/2006, ed. 1, MDA/ Núcleo de Estudos Agrários e Desenvolvimento Rural (NEAD)

Reydon, B. P. 2011. "La Cuestión Agraria Brasileña necesita gobernanza de tierras," *Land Tenure Journal*. no. 1, pp. 127-147. Food and Agriculture Organization (FAO). Rome. Available at: http://www.fao.org/nr/tenure/land-tenure-journal/index.php/LTJ/article/view/21.

Reydon, B. P., Elyson Ferreira de Souza, and Vitor Bukvar Fernandes, 2013. "Economic Ecological Zoning as an alternative for land use improvement and land governance promotion: a case study of Acre, Brazil." Paper presented at the Annual World Bank Conference on Land and Poverty, Washington, DC, April 8-11, 2013. Available at http://www.conftool.com/landandpoverty2013/index.php?page=browseSessions&presentations=show&abstracts=show&print=head&form_date=2013-04-11&mode=list.

Silva, L.Osorio. 1996. *Terras devolutas e latifúndio: efeitos da lei de 1850.* Campinas: Editora da Unicamp.

Torres, H., Alves H., Oliveira M.A. 2007. "Expansão Urbana, Mercado Imobiliário e Degradação Ambiental em São Paulo," in: Daniel Joseph Hogan (org.), *Dinâmica populacional e mudança ambiental: cenários para o desenvolvimento brasileiro*. Campinas: Núcleo de Estudos de População-Nepo/Unicamp.

World Bank. 2011. "Legalizing Brazil: Brazil's New Push for Land Regularization, Land Governance and Land Management. What it Means for Affordable Housing, Urban Development and the Last Frontier of the Amazon." Washington DC. Available at: http://documents.worldbank.org/curated/en/2011/06/16382984/brazil-land-assessment-legalizing-brazil-brazils-new-push-land-regularization-land-governance-land-management-means-affordable-housing-urban-development-last-frontier-amazon.

World Bank. 2012a. *The land governance assessment framework: identifying and monitoring good practice in the land sector*. Washington, D.C., World Bank.

World Bank. 2012b. Land Governance Assessment Framework: Manual of Operations. Washington, D.C., World Bank.

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Annexes

Annex 1: Indicators in the Core Modules[32]

Table 1 - LGAF Dimensions ordered by Thematic Areas

THEMATIC AREA 1. LEGAL AND INSTITUTIONAL FRAMEWORK		
LGI-1. Recognition of a continuum of rights: **The law recognizes a range of rights held by individuals a well as groups (including secondary rights as well as rights held by minorities and women)**		
1	I	Existing legal framework recognizes rights held by most of the rural population, either through customary or statutory tenure regimes.
	Ii	Existing legal framework recognizes rights held by most of the urban population, either through customary or statutory tenure regimes.
	Iii	The tenure of most groups in rural areas is formally recognized and clear regulations exist regarding groups' internal organization and legal representation
	Iv	Group tenure in informal urban areas is formally recognized and clear regulations exist regarding the internal organization and legal representation of groups.
	V	The law provides opportunities for those holding land under customary, group, or collective tenure to fully or partially individualize land ownership/use. Procedures for doing so are affordable, clearly specified, safeguarded, and followed in practice.
LGI-2. Enforcement of rights: **The rights recognized by law are enforced (including secondary rights a well as rights by minorities and women)**		
2	I	Most communal lands have boundaries demarcated and surveyed/mapped and communal rights registered.
	Ii	Most individual properties in rural areas are formally registered.
	Iii	Most individual properties in urban areas are formally registered.
	Iv	A high percentage of land registered to physical persons is registered in the name of women either individually or jointly.
	V	Common property under condominiums is recognized and there are clear provisions in the law to establish arrangements for the management and maintenance of this common property.
	Vi	Loss of rights as a result of land use change outside the expropriation process, compensation in cash or in kind is paid such that these people have comparable assets and can continue to maintain prior social and economic status.
LGI-3. Mechanisms for recognition of rights: **The formal definition and assignment of rights, and proces of recording of rights accords with actual practice or, where it does not, provides affordabl avenues for establishing such consistency in a non-discriminatory manner**		
3	i	Non-documentary forms of evidence are used alone to obtain full recognition of claims to property when other forms of evidence are not available.
	ii	Legislation exists to formally recognize long-term, unchallenged possession and this applies to both public and private land although different rules may apply.
	iii	The costs for first time sporadic registration for a typical urban property is low compared to the property value.
	iv	There are no informal fees that need to be paid to effect first registration.
	v	The requirements for formalizing housing in urban areas are clear, straight-forward, affordable and implemented consistently in a transparent manner.
	vi	There is a clear, practical process for the formal recognition of possession and this process is implemented effectively, consistently and transparently.

[32] These Annexes are taken from the Land Governance Assessment Framework: Manual of Operations. – World Bank, 2012b

***LGI-4. Restrictions on rights*: Land rights are not conditional on adherence to unrealistic standards.**		
4	i	There are a series of regulations regarding urban land use, ownership and transferability that are for the most part justified on the basis of overall public interest and that are enforced.
	ii	There are a series of regulations regarding rural land use, ownership and transferability that are for the most part justified on the basis of overall public interest and that are enforced.
***LGI-5. Clarity of mandates and practice:* Institutional mandates concerning the regulation and management of the land sector are clearly defined, duplication of responsibilities is avoided and information is shared as needed.**		
5	i	There is a clear separation in the roles of policy formulation, implementation of policy through land management and administration and the arbitration of any disputes that may arise as a result of implementation of policy.
	ii	The mandated responsibilities exercised by the authorities dealing with land administration issues are clearly defined and non-overlapping with those of other land sector agencies.
	iii	Assignment of land-related responsibilities between the different levels of government is clear and non-overlapping.
	iv	Information related to rights in land is available to other institutions that need this information at reasonable cost and is readily accessible, largely due to the fact that land information is maintained in a uniform way.
***LGI-6. Equity and non-discrimination in the decision-making process:* Policies are formulated through legitimate decision-making process that draws on inputs from all concerned. The legal framework is non-discriminatory and institutions to enforce property rights are equally accessible to all**		
6	i	A comprehensive policy exists or can be inferred by the existing legislation. Land policy decisions that affect sections of the community are based on consultation with those affected and their feedback on the resulting policy is sought and incorporated in the resulting policy.
	ii	Land policies incorporate equity objectives that are regularly and meaningfully monitored and their impact on equity issues is compared to that of other policy instruments.
	iii	Implementation of land policy is costed, expected benefits identified and compared to cost, and there are a sufficient budget, resources and institutional capacity for implementation.
	iv	Land institutions report on land policy implementation in a regular, meaningful, and comprehensive way with reports being publicly accessible.
THEMATIC AREA 2. LAND USE PLANNING, MANAGEMENT, AND TAXATION		
***LGI-7. Transparency of land use restrictions:* Changes in land use and management regulations are mad in a transparent fashion and provide significant benefits for society in general rather than just fo specific groups.**		
7	i	In urban areas, public input is sought in preparing and amending changes in land use plans and the public responses are explicitly referenced in the report prepared by the public body responsible for preparing the new public plans. This report is publicly accessible.
	ii	In rural areas, public input is sought in preparing and amending land use plans and the public responses are explicitly referenced in the report prepared by the public body responsible for preparing the new public plans. This report is publicly accessible.
	iii	Mechanisms to allow the public to capture significant share of the gains from changing land use are regularly used and applied transparently based on clear regulation.
	iv	Most land that has had a change in land use assignment in the past 3 years has changed to the destined use.
***LGI-8. Efficiency in the land use planning process:* Land use plans and regulations are justified, effectively implemented, do not drive large parts of the population into informality, and are able to cope with population growth.**		
8	i	In the largest city in the country urban development is controlled effectively by a hierarchy of regional/detailed land use plans that are kept up-to-date.
	ii	In the four major cities urban development is controlled effectively by a hierarchy of regional/detailed land use plans that are kept up-to-date.
	iii	In the largest city in the country, the urban planning process/authority is able to cope with the increasing demand for serviced units/land as evidenced by the fact that almost all new dwellings are formal.
	iv	Existing requirements for residential plot sizes are met in most plots.

	v	The share of land set aside for specific use that is used for a non-specified purpose in contravention of existing regulations is low
LGI-9. Speed and predictability of enforcement of restricted land uses: **Development permits are granted promptly and predictably.**		
9	i	Requirements to obtain a building permit are technically justified, affordable, and clearly disseminated.
	ii	All applications for building permits receive a decision in a short period.
LGI-10. Transparency of valuations: **Valuations for tax purposes are based on clear principles, applied uniformly, updated regularly, and publicly accessible**		
10	i	The assessment of land/property values for tax purposes is based on market prices with minimal differences between recorded values and market prices across different uses and types of users and valuation rolls are regularly updated.
	ii	There is a policy that valuation rolls be publicly accessible and this policy is effective for all properties that are considered for taxation.
LGI-11. Collection efficiency: **Resources from land and property taxes are collected and the yield from land taxes exceeds the cost of collection**		
11	i	There are limited exemptions to the payment of land/property taxes, and the exemptions that exist are clearly based on equity or efficiency grounds and applied in a transparent and consistent manner.
	ii	Most property holders liable for land/property tax are listed on the tax roll.
	iii	Most assessed property taxes are collected.
	iv	The amount of property taxes collected exceeds the cost of staff in charge of collection by a factor of more than 5.
THEMATIC AREA 3. MANAGEMENT OF PUBLIC LAND		
LGI-12. Identification of public land and clear management: **Public land ownership is justified, inventoried under clear management responsibilities, and relevant information is publicly accessible**		
12	i	Public land ownership is justified by the provision of public goods at the appropriate level of government and such land is managed in a transparent and effective way.
	ii	The majority of public land is clearly identified on the ground or on maps.
	iii	The management responsibility for different types of public land is unambiguously assigned.
	iv	There are adequate budgets and human resources that ensure responsible management of public lands.
	v	All the information in the public land inventory is accessible to the public.
	vi	Key information for land concessions is recorded and publicly accessible.
LGI-13. Justification and time-efficiency of expropriation processes: **The state expropriates land only fo overall public interest and this is done efficiently**		
13	i	A minimal amount of land expropriated in the past 3 years is used for private purposes.
	ii	The majority of land that has been expropriated in the past 3 years has been transferred to its destined use.
LGI-14. Transparency and fairness of expropriation procedures: **Expropriation procedures are clear an transparent and compensation in kind or at market values is paid fairly and expeditiously**		
14	i	Where property is expropriated, fair compensation, in kind or in cash, is paid so that the displaced households have comparable assets and can continue to maintain prior social and economic status.
	ii	Fair compensation, in kind or in cash, is paid to all those with rights in expropriated land regardless of the registration status.
	iii	Most expropriated land owners receive compensation within one year.
	iv	Independent avenues to lodge a complaint against expropriation exist and are easily accessible.
	v	A first instance decision has been reached for the majority of complaints about expropriation lodged during the last 3 years.
LGI-15. Transparent process and economic benefit: **Transfer of public land to private use follows a clear transparent, and competitive process and payments are collected and audited.**		
15	i	Most public land disposed of in the past 3 years is through sale or lease through public auction or open tender process.
	ii	A majority of the total agreed payments are collected from private parties on the lease of public lands.
	iii	All types of public land are generally divested at market prices in a transparent process irrespective of the investor's status (e.g. domestic or foreign).

THEMATIC AREA 4. PUBLIC PROVISION OF LAND INFORMATION

LGI-16. Completeness: **The land registry provides information on different private tenure categories in a way that is geographically complete and searchable by parcel as well as by right holder and can b obtained expeditiously by all interested parties**

16 i Most records for privately held land registered in the registry are readily identifiable in maps in the registry or cadaster.

ii Relevant private encumbrances are recorded consistently and in a reliable fashion and can be verified at low cost by any interested party.

iii Relevant public restrictions or charges are recorded consistently and in a reliable fashion and can be verified at a low cost by any interested party.

iv The records in the registry can be searched by both right holder name and parcel.

v Copies or extracts of documents recording rights in property can be obtained by anyone who pays the necessary formal fee, if any.

vi Copies or extracts of documents recording rights in property can generally be obtained within 1 day of request.

LGI-17. Reliability: **Registry information is updated, sufficient to make meaningful inferences on ownership**

17 i There are meaningful published service standards, and the registry actively monitors its performance against these standards.

ii Most ownership information in the registry/cadaster is up-to-date.

LGI-18. Cost-effectiveness and sustainability: **Land administration services are provided in a cost-effectiv manner.**

18 i The cost for registering a property transfer is minimal compared to the property value.

ii The total fees collected by the registry exceed the total registry operating costs.

iii There is significant investment in capital in the system to record rights in land so that the system is sustainable but still accessible by the poor.

LGI-19. Transparency: **Fees are determined and collected in a transparent manner**

19 i A clear schedule of fees for different services is publicly accessible and receipts are issued for all transactions.

ii Mechanisms to detect and deal with illegal staff behavior exist in all registry offices and all cases are promptly dealt with.

THEMATIC AREA 5. DISPUTE RESOLUTION AND CONFLICT MANAGEMENT

LGI-20. Assignment of responsibility: **Responsibility for conflict management at different levels is clearly assigned, in line with actual practice, relevant bodies are competent in applicable legal matters, and decisions can be appealed against.**

20 i Institutions for providing a first instance of conflict resolution are accessible at the local level in the majority of communities.

ii There is an informal or community-based system that resolves disputes in an equitable manner and decisions made by this system have some recognition in the formal judicial or administrative dispute resolution system.

iii There are no parallel avenues for conflict resolution or, if parallel avenues exist, responsibilities are clearly assigned and widely known and explicit rules for shifting from one to the other are in place to minimize the scope for forum shopping.

iv A process and mechanism exist to appeal rulings on land cases at reasonable cost with disputes resolved in a timely manner.

LGI-21. Low level of pending conflict: **The share of land affected by pending conflicts is low and decreasing**

21 i Land disputes in the formal court system are low compared to the total number of court cases.

ii A decision in a land-related conflict is reached in the first instance court within 1 year in the majority of cases.

iii Long-standing land conflicts are a small proportion of the total pending land dispute court cases.

Annex 2: Module regarding Large-Scale Acquisition of Land Rights

LSLA	TOPIC
1	Most forest land is mapped and rights are registered
2	Land acquisition generates few conflicts and these are addressed expeditiously and transparently.
3	Land use restrictions on rural land parcels can generally be identified
4	Public institutions involved in land acquisition operate in a clear and consistent manner
5	Incentives for investors are clear, transparent and consistent
6	Benefit sharing mechanisms regarding investments in agriculture (food crops, biofuels, forestry, livestock, game farm/conservation) are regularly used and transparently applied
7	There are direct and transparent negotiations between right holders and investors
8	Sufficient information is required from investors to assess the desirability of projects on public/communal land
9	For cases of land acquisition on public/community land, investors provide the required information and this information is publicly available
10	Contractual provisions regarding acquisition of land from communities or the public are required by law to explicitly mention the way in which benefits and risks will be shared.
11	The procedure to obtain approval for a project where it is required is reasonably short
12	Social requirements for large scale investments in agriculture are clearly defined and implemented
13	Environmental requirements for large scale investments in agriculture are clearly defined and implemented
14	For transfers of public/community lands, public institutions have procedures in place to identify and select economically, environmentally, and socially beneficial investments and implement these effectively.
15	Compliance with safeguards related to investment in agriculture is checked
16	There are avenues to lodge complaints if agricultural investors do not comply with requirements

Annex 3: Forestry Module

FGI	Dim.	TOPIC
1	**i**	Country signature and ratification of international conventions
1	**ii**	Implementation of incentives to promote climate change mitigation through forestry
2	**i**	Public good aspects of forests recognized by law and protected
2	**ii**	Forest management plans and budgets address the main drivers of deforestation and degradation
3	**i**	Country's commitment to forest certification and chain-of-custody systems to promote sustainable harvesting of timber and non-timber forest products
3	**ii**	Country's commitment to SMEs as a way to promote competition, income generation and productive rural employment
4	**i**	Recognition of traditional and indigenous rights to forest resources by law
4	**ii**	Sharing of benefits or income from public forests with local communities by law and implemented
5	**i**	Boundaries of the countries forest estate and the classification into various uses and ownership are clearly defined and demarcated
5	**ii**	In rural areas, forest land use plans and changes in these plans are based on public input.
6	**i**	Country's approach to controlling forest crimes, including illegal logging and corruption
6	**ii**	Inter and intra agency efforts and multi-stakeholder collaboration to combat forest crimes, and awareness of judges and prosecutors

Annex 4: LGAF Module on Land Regularization

Regularization of tenure is where informal or illegal occupation of land is legalized by statute, giving occupiers the legal right to ownership, occupation or use of the land. The LGAF Module for Land Regularization is intended to complement not duplicate the existing dimensions set out in the core LGAF. The existing LGAF dimensions that are directly relevant to regularization are set out in Attachment 1. The following 18 dimensions set out the specific aspects of regularization that are part of the regularization module.

I. The policy and legal framework promote and legalize regularization of tenure

Many countries impose restrictions on the transferability of regularized rights, perhaps for an initial period. If there are restrictions imposed on subsequent transactions, it is important that these are understood and accepted by holders of certificates or other documents produced as a result of regularization. If they are not understood or accepted there is the risk of property falling back into the informal dealings in rights.

1. Any restrictions on the trading in regularized property are accepted and complied with by those who receive certificates as a result of regularization.

A. Any restrictions imposed on the subsequent dealing (transfer, selling, mortgage, leasing etc.) with regularized property are clearly explained and accepted by those receiving certificates as a result of regularization and these restrictions are largely complied with.
B. Any restrictions imposed on the subsequent dealing with regularized property are explained and accepted to some extent by those receiving certificates as a result of regularization and these restrictions are largely compiled with.
C. Any restrictions imposed on the subsequent dealing with regularized property are explained and accepted to some extent by those receiving certificates as a result of regularization but these restrictions are largely ignored.
D. Any restrictions imposed on the subsequent dealing with regularized property are not explained to those receiving certificates as a result of regularization and these restrictions are largely ignored.

The legal framework assures that land and property regularization rules harmonize the interests of informal occupiers with those of the formal private property rights holders, if any. The regularization process includes a clear mechanism to resolve existing formal rights recorded in areas subject to regularization and this mechanism is effective in addressing most situations and providing fair mechanisms for compensation when necessary.

2. For regularisation on private land, there is an effective mechanism to harmonize the rights of occupants and those holding private property rights.

A. The regularization process includes an efficient and effective mechanism to resolve existing formal rights in areas subject to regularization and funding and resources are available to implement this mechanism as part of a large-scale systematic regularization program.

B. The regularization process includes an efficient and effective mechanism to resolve existing formal rights in areas subject to regularization but the funding and resources available are not sufficient to fully implement this mechanism as part of a large-scale systematic regularization program.
C. The regularization process includes a mechanism to resolve existing formal rights in areas subject to regularization but the funding and/or resources are not available to implement this mechanism as part of a large-scale systematic regularization program.
D. The regularization process does not include an efficient and effective mechanism to resolve existing formal rights subject to regularization.

II. Land use planning

The selection of areas that are eligible for the regularization process is in compliance with land use restrictions (risk prone areas, urban development regulations, protected areas and archaeological sites etc.).

3. Regularization is not undertaken in risk prone and protected areas.

A. Where risk prone or protected areas adjoin or lie within areas planned for regularization then regularization is planned where possible to include risk mitigation strategies and/or changes to protected areas to permit regularization, and where this is not possible the risk prone or protected areas are excluded from regularization but residents in these excluded areas are resettled in a manner that preserves their socio-economic situation and maintains as far as possible their social networks.
B. Where risk prone or protected areas adjoin or lie within areas planned for regularization then regularization is planned where possible to include some risk mitigation strategies and/or changes to protected areas to permit regularization, and where this is not possible the risk prone or protected areas are excluded from regularization but little or no attempt is made to address the needs of residents in these excluded areas.
C. Where risk prone or protected areas adjoin or lie within areas planned for regularization then in planning for regularization some attempt is made to introduce risk mitigation strategies and/or changes to protected areas to permit regularization, and where this is not possible some attempt is made to exclude risk prone or protected areas from regularization but neither the mitigation strategies and changes to protected areas nor the attempt to exclude risk prone or protected areas are effective in systematically addressing the requirements in the area being regularized.
D. In selecting areas for regularization there is no consideration of risk prone or protected areas.

Background information on the areas selected for regularization is compared with other existing spatial data and information sets (e.g. environmental regulations) and consistency is established.

III. Operational practices are cost-effective and assure fair processes and accountability

Regularization activities are cost-effective, appropriately planned, funded and monitored: definition of human and material resources, training requirements and financial needs are pre-determined and traceable. Sufficient funds are available for wide-scale regularization (public, via accessible forms of finance for the beneficiaries of regularization programs or other forms).

4. In cities with major regularization challenges, there is a comprehensive plan for regularization

A. A city-wide comprehensive plan for regularization is available and this plan has adequate resources (funds, staff, equipment etc.) for implementation.
B. A city-wide comprehensive plan for regularization is available but there are inadequate resources (funds, staff, equipment etc.) to implement this plan.
C. There is a city-wide plan for regularization but there are inadequate resources to implement the plan.
D. There is no city-wide plan for regularization and regularization is undertaken in an ad hoc manner.

The approach used for systematic registration, and the incentives provided, encourages and facilitates maximal participation of right holders in the regularization process.

5. There are clear incentives for the participation by occupants in the regularization process.

A. Occupants clearly appreciate the benefits of participating in a regularization program and regularization is undertaken in a way where the cost (in terms of time and direct costs including any fees and taxes) of participating in the process is not a barrier to participation by all sectors in areas being regularized.
B. Occupants clearly appreciate the benefits of participating in a regularization program but while the costs levied for regularization are low, significant time is required to participate in the process and this is a barrier to participation by some sectors in areas being regularized.
C. Occupants clearly appreciate the benefits of participating in a regularization program but the costs levied for regularization are high and significant time is required to participate in the process and these factors are a barrier to participation by some sectors in areas being regularized.
D. Occupants do no appreciate the benefits of participating in the regularization process and high costs are a barrier to participation.

There is a clear process to undertake regularization with defined parameters (resources, productivity, unit costs, etc.) to support implementation, the roles and responsibilities for regularization are clear for all structures involved (from community level to the agency in charge as well as for any other agencies necessary to put the regularization into effect such as the registry, cadastral office, or the local government authority) and the process and responsibilities are documented in a detailed manual supported by appropriate training material.

6. There is a clear, well-documented process and responsibilities for regularization.

A. There is a clear process to undertake regularization with defined parameters (resources, productivity, unit costs, etc.) to support implementation, the roles and responsibilities for regularization are clear and the process and responsibilities are documented in a detailed manual supported by appropriate training material.
B. There is a clear process to undertake regularization with defined parameters to support implementation and the roles and responsibilities for regularization are clear but the process and responsibilities are not fully documented.

C. There is a clear process to undertake regularization with some understanding of the parameters to support implementation but the roles and responsibilities for regularization are a little unclear.
D. The process to undertake regularization is not clear, the costs and resources required to undertake regularization are difficult to estimate with any certainty and the roles and responsibilities of the various players are ill defined.

The right holders actively participate in the key stages of regularization (community meetings, provision of information and data, public displays of provisional regularization records and distribution of certificates). Right holders are adequately informed of regularization processes objectives, documentary requirements, timelines, and grievance mechanisms. Local organizations have opportunities to participate to facilitate communication, collection of evidence of tenure, solving conflicts and exercise social control of the adjudication process.

7. There is active involvement by occupants in the regularization process.

A. When staff go to the field to demarcate boundaries and gather evidence on rights virtually all right holders or their representatives are available to provide evidence and participate in the regularization process as they have been informed of the regularization activity, have had the opportunity to ask questions and have been informed prior to the field activity of the information required, their role in the process and the schedule for their involvement.
B. When staff go to the field to demarcate boundaries and gather evidence on rights the field teams have to chase many right holders or their representatives as although there has been comprehensive public awareness campaigns in the community the right holders have not been provided with timely and reliable information on when they need to be available in the field to participate in the process.
C. When staffs go to the field to demarcate boundaries and gather evidence on rights, there are serious delays incurred in contacting right holders or their representatives as the public awareness campaign has not reached all right holders, particularly absentee right holders.
D. There is little or no discussion with community leaders or right holders prior to sending staff to the field to demarcate boundaries and gather evidence on rights.

Mechanisms used for identification and delineation of parcels (or other spatial units) make use of appropriate technology that is simple, sustainable and upgradeable. This technology can be utilized by local staff and is understood by the community being regularized.

8. Land parcels are defined and recorded in a manner that is understood by the community.

A. Parcel boundaries are demarcated publicly in the community, the community has some understanding and trust in technology used to record the parcel location and dimensions (ground survey, photomaps, etc.) and the maps and spatial data (including parcel areas) produced for public display during regularization are in a form that is understood by occupants and the community.
B. Parcel boundaries are demarcated publicly in the community and although the community has little understanding of the technology used to record the parcel location

and dimensions the maps and spatial data produced for public display during regularization are in a form that is understood by occupants and the community.

C. Parcel boundaries are demarcated publicly in the community but the community has little understanding of the technology used to record the parcel location and dimensions the maps and spatial data produced for public display during regularization are in a form that is not understood by many occupants.

D. Parcel boundaries are not demarcated publicly in the community, the community has little understanding of the technology used to record parcel locations and dimensions and maps and spatial data are either not displayed as part of the regularization process or are displayed in a form that is not readily understood by occupants.

Following regularization, the technology can be managed by decentralized units in a sustainable manner (human capacities in place, financing of licenses and renew of equipment considered).

9. Land parcels are defined and recorded in a manner that can be efficiently and cost-effectively maintained.

A. The measurements and data produced in the regularization process are in a form that can be input into the system operated by the agency responsible for the cadastre and this data can be maintained and updated with little or no investment by the agency responsible for the cadastre in computer software/hardware, records management facilities and capacity building.

B. The measurements and data produced in the regularization process are in a form that can be input into the system operated by the agency responsible for the cadastre but some investment is required by the agency responsible for the cadastre in computer software/hardware and capacity building for this agency to be able to maintain and update the data.

C. The measurements and data produced in the regularization process are in a form that can be input into the system operated by the agency responsible for the cadastre but some investment is required by the agency responsible for the cadastre in computer software/hardware and capacity building for this agency to be able to input the data and to maintain and update the data.

D. The measurements and data produced in the regularization process are not in a form that can be input into the system operated by the agency responsible for the cadastre.

The data and information produced by the regularization process is readily incorporated into the formal system to record rights in land, within a reasonable period of time, and publicly accessible.

10. There is timely transfer of regularization data to the system to formally record rights in land.

A. The data and information produced in the regularization is incorporated into the formal system to register rights in land within one month after the regularization is complete in a regularization area.

B. The data and information produced in the regularization is incorporated into the formal system to register rights in land within three months after the regularization is complete in a regularization area.

C. The data and information produced in the regularization is incorporated into the formal system to register rights in land within six months after the regularization is complete in a regularization area.

D. It takes longer than six months after regularization is complete in a regularization area for the data and information produced in the regularization to be incorporated into the formal system to register rights in land.

The operational practice in place efficiently resolves disputes, such that there are few disputes unresolved in areas subject to regularization and the parties still in dispute after regularization have access to efficient and effective means to resolve disputes. This requires that there is a process to record and track disputes as part of the regularization process.

11. There is an efficient process to record and track disputes that arise during regularization.

A. The regularization process efficiently records any disputes that arise during regularization, tracks the resolution of these disputes and provides clear reports to guide those responsible for implementing regularization and policy makers on the numbers and types of disputes that arise, particularly those that cannot be resolved in the field.
B. The regularization process efficiently records any disputes that arise during regularization and tracks the resolution of these disputes but does not provide clear reports to guide those responsible for implementing regularization and policy makers on the numbers and types of disputes that arise, particularly those that cannot be resolved in the field.
C. The regularization process efficiently records any disputes that arise during regularization but does not track or keep records for the resolution of these disputes.
D. The regularization process does not keep records of the disputes that arise during regularization.

There also needs to be a simple, accessible and fair dispute resolution mechanism at the administrative level that prevents excessive litigation that may obstruct or tie up the regularization process.

12. There is an efficient process to resolve disputes.

A. There are few disputes unresolved in areas subject to regularization and the parties still in dispute after regularization have access to efficient and effective means to resolve disputes.
B. There are few disputes unresolved in areas subject to regularization but the parties still in dispute after regularization face difficulties and high costs in resolving disputes.
C. While the regularization process resolves many disputes there are many disputes unresolved in areas subject to regularization but the parties still in dispute after regularization have access to efficient and effective means to resolve disputes.
D. While the regularization process resolves many disputes there are many disputes unresolved in areas subject to regularization and the parties still in dispute after regularization face difficulties and high costs in resolving disputes.

13. Regularisation policy does not have loopholes which allow abuse of the good will of government

A. A regularized occupant can only be regularized on one property of approximately the same size as a typical plot and in the case of a person with multiple property claims;

tenants are given priority for regularization on all properties other than the primary property claimed by the informal landlord.

B. A regularized occupant can only be regularized on one property of approximately the same size as a typical plot but in the case of a person with multiple property claims, tenants are not given priority for regularization on all properties other than the primary property claimed by the informal landlord.

C. A regularized occupant can only be regularized on one property but there is no size limit for that property and in the case of a person with multiple property claims, tenants are not given priority for regularization on all properties other than the primary property claimed by the informal landlord.

D. A regularized occupant can be regularized on multiple properties with no size limits for those properties and in the case of a person with multiple property claims, tenants are not given priority for regularization on all properties other than the primary property claimed by the informal landlord.

14. Proofs of eligibility for regularisation are accessible and the granting of rights to occupants is pragmatic and incremental

A. Regularization programs do not have cut off dates that effectively exclude large sections of informal settlers and accept commonly available forms of documentation (such as tax receipts and utility bills) as evidence of eligible occupation and issue property rights step by step with later steps transferring greater rights.

B. Regularization programs do not have cut off dates that effectively exclude large sections of informal settlers and accept commonly available forms of documentation (such as tax receipts and utility bills) as evidence of eligible occupation but do not issue property rights step by step with later steps transferring greater rights.

C. Regularization programs do not have cut off dates that effectively exclude large sections of informal settlers but do not accept commonly available forms of documentation (such as tax receipts and utility bills) as evidence of eligible occupation and do not issue property rights step by step with later steps transferring greater rights.

D. Regularization programs have cut off dates that effectively exclude large sections of informal settlers and do not accept commonly available forms of documentation (such as tax receipts and utility bills) as evidence of eligible occupation and also do not issue property rights step by step with later steps transferring greater rights.

IV. Monitoring of regularization outcomes and operational outputs

There is an effective system to monitor and evaluate the regularization process with key regularization outputs disaggregated by gender, and any other vulnerable groups, and reports produced on a monthly basis and widely disseminated to stakeholders.

15. There is an efficient system to monitor and evaluate regularization activity.

A. There is an effective system to monitor and evaluate the regularization process with key regularization outputs disaggregated by gender, and any other vulnerable groups, and feedback from the regularization activity is clearly being used by policy makers to improve the policy and implementation arrangements for regularization.

B. There is an effective system to monitor and evaluate the regularization process with key regularization outputs disaggregated by gender, and any other vulnerable groups,

but feedback from the regularization activity is not clearly being used by policy makers to improve the policy and implementation arrangements for regularization.

C. There is an effective system to monitor and evaluate the regularization process but data on key regularization outputs are not disaggregated by gender, and any other vulnerable groups.
D. There is not an effective system to monitor and evaluate the regularization process.

The unit cost of regularization (including the full cost of geodetic control, base mapping, demarcation and adjudication of rights, surveying and mapping, public display, dispute resolution and registration) is low in comparison to the average parcel value.

16. Regularization is carried out in a cost-effective manner.

A. The cost per parcel of regularization (including directly related costs for base mapping, demarcation and adjudication of rights, surveying and mapping, public display, dispute resolution and registration) is less than 5 percent of the average value of property in the area being regularized.
B. The cost per parcel of regularization (including directly related costs for base mapping, demarcation and adjudication of rights, surveying and mapping, public display, dispute resolution and registration) is between 5 and 10 percent of the average value of property in the area being regularized.
C. The cost per parcel of regularization (including directly related costs for base mapping, demarcation and adjudication of rights, surveying and mapping, public display, dispute resolution and registration) is between 10 and 20 percent of the average value of property in the area being regularized.
D. The cost per parcel of regularization (including directly related costs for base mapping, demarcation and adjudication of rights, surveying and mapping, public display, dispute resolution and registration) is more than 20 percent of the average value of property in the area being regularized.

Regularization is completed in a timely manner so that rights holders can benefit in a timely manner from the receipt of certificates and there are minimal problems in updating the regularization records for transactions that occur in the period between the start and end of the regularization activity.

17. Regularization is completed in a timely manner

A. Rights holders in areas subject to regularization generally receive the first certificates of rights produced as a result of regularization within 3 months after the date that boundaries were demarcated and evidence was gathered in the field.
B. Rights holders in areas subject to regularization generally receive the first certificates of rights produced as a result of regularization between 3 and 6 months after the date that boundaries were demarcated and evidence was gathered in the field.
C. Rights holders in areas subject to regularization generally receive the first certificates of rights produced as a result of regularization between 6 and 12 months after the date that boundaries were demarcated and evidence was gathered in the field.
D. It generally takes longer than a year after the date that boundaries were demarcated and evidence was gathered in the field for rights holders to receive the first certificates of rights produced as a result of regularization.

When regularization is completed in an area declared for regularization most of the properties eligible for regularization are regularized and the records are entered into the formal system to record land rights.

All women's' rights have been fully regularized and it is important that regularization is undertaken in a way that ensures that this happens.

18. Women's rights have been fully regularized.

A. More than 45% of certificates for land regularized for physical persons are registered in the name of women either individually or jointly.
B. Between 35% and 45% of certificates for land regularized for physical persons are registered in the name of women either individually or jointly.
C. Between 15% and 35% of certificates for land regularized for physical persons are registered in the name of women either individually or jointly.
D. Less than 15% of certificates for land regularized for physical persons are registered in the name of women either individually or jointly.

Significant investment is made in undertaking regularization and for sustainability it is important that subsequent transactions (sales, transfers, mortgages etc.) for regularized property are registered in the formal system to record land rights.

Annex 5: Sample Elaboration of an Indicator Question

LGI 2, Dimension i	**Assessment**
Most communal or indigenous land is mapped and rights are registered[33]	***Only rank this dimension if communal or customary tenure exist.*** **A – More than 70% of the area under communal or indigenous land has boundaries demarcated and surveyed and associated claims registered.** **B – 40-70% of the area under communal or indigenous land has boundaries demarcated and surveyed and associated claims registered.** **C – 10-40% of the area under communal or indigenous land has boundaries demarcated and surveyed and associated claims registered.** **D – Less than 10% of the area under communal or indigenous land has boundaries demarcated and surveyed and associated claims registered.**
LGI 2, Dimension ii:	**Assessment**
Individually held properties in rural areas are formally registered.	**A – More than 90% of individual properties in rural areas are formally registered**[34]**.** **B – Between 70% and 90% of individual properties in rural areas are formally registered.** **C – Between 50% and 70% of individual properties in rural areas are formally registered.** **D – Less than 50% of individual properties in rural areas are formally registered.**
LGI 2, Dimension iii:	**Assessment**
Individually held properties in urban areas are formally registered.	**A – More than 90% of individual properties in urban areas are formally registered**[35]**.** **B – Between 70% and 90% of individual properties in urban areas are formally registered.** **C – Between 50% and 70% of individual properties in urban areas are formally registered.** **D – Less than 50% of individual properties in urban areas are formally registered.**

[33] 'Communal land' is land over which a rural group or community has rights or access to. Such land may be held under customary tenure and in some cases, occupants may belong to 'indigenous communities' or their equivalent (e.g. 'scheduled tribes' in India) as defined by law.

[34] Here 'registered' does not necessarily mean that the final certificate or title has been issued. 'Registered' may mean that the rights are recorded unambiguously in the land administration system and there are generally few disputes over the recorded information.

[35] As above.

LGI 2, Dimension iv	Assessment
Women's rights[36] are recognized in practice by the formal system (in both urban and rural areas).	**A – More than 45% of land registered to physical persons is registered in the name of women either individually or jointly.** **B – Between 35% and 45% of land registered to physical persons is registered in the name of women either individually or jointly.** **C – Between 15% and 35% of land registered to physical persons is registered in the name of women either individually or jointly.** **D – Less than 15% of land registered to physical persons is registered in the name of women either individually or jointly.**
LGI 2, Dimension v	**Assessment**
A condominium regime provides for appropriate management of common property.	**A – Common property under condominiums is recognized and there are clear provisions in the law to establish arrangements for the management and maintenance of this common property.** **B – Common property under condominiums is recognized but the law does not have clear provisions to establish arrangements for the management and maintenance of this common property.** **C – Common property under condominiums has some recognition but there are no provisions in the law to establish arrangements for the management and maintenance of this common property.** **D – Common property under condominiums is not recognized.**

[36] Women's rights may be registered individually or jointly, where jointly means that a woman is registered with others in the records. These others may be a husband or other family members or may include members of a wider group.

Annex 6: Summary Scorecard of LGAF Indicators

			Score			
LGI-Dim		**Topic**	**BR**	**PA**	**PI**	**SP**
Recognition of Rights						
1	i	Land tenure rights recognition (rural)	A	D	D	C
1	ii	Land tenure rights recognition (urban)	B	D	D	B
1	iii	Rural group rights recognition	C	B	C	C
1	iv	Urban group rights recognition in informal areas	C	A	C	C
1	v	Opportunities for tenure individualization (urban)	C	A	C	C
1	v	Opportunities for tenure individualization (rural)	D			
Enforcement of Rights						
2	i	Surveying/mapping and registration of claims on communal or indigenous land	B	B	D	A
2	ii	Registration of individually held land in rural areas	A	D	C	A
2	iii	Registration of individually held land in urban areas	n/a	D	C	C
2	iv	Women's rights are recognized in practice by the formal system (urban/rural)	A	A	A	A
2	v	Condominium regime that provides for appropriate management of common property (urban)	C	A	A	B
2	v	Condominium regime that provides for appropriate management of common property (rural)	A			
2	vi	Compensation due to land use changes	D	D	C	D
Mechanisms for Recognition of Rights						
3	I	Use of non-documentary forms of evidence to recognize rights	C	C	C	D
3	Ii	Formal recognition of long-term, unchallenged possession	A	A	A	A
3	Iii	First-time registration on demand is not restricted by inability to pay formal fees	C	B	B	A
3	Iv	First-time registration does not entail significant informal fees	A	A	A	A
3	V	Formalization of residential housing is feasible and affordable	C	C	D	D
3	Vi	Efficient and transparent process to formally recognize long-term unchallenged possession	C	B	B	B
Restrictions on Rights						
4	i	Restrictions regarding urban land use, ownership and transferability	A	A	A	B
4	ii	Restrictions regarding rural land use, ownership	B	B	B	B

			Score			
LGI-Dim		**Topic**	**BR**	**PA**	**PI**	**SP**
		and transferability				
Clarity of Mandates						
5	i	Separation of institutional roles	C	C	B	C
5	ii	Institutional overlap	C	B	A	C
5	iii	Administrative overlap	C	C	B	B
5	iv	Information sharing	D	C	D	C
Equity and Non-Discrimination						
6	i	Clear land policy developed in a participatory manner	C	C	B	B
6	ii	Meaningful incorporation of equity goals	C	C	C	C
6	iii	Policy for implementation is costed, matched with the benefits and is adequately resourced	C	C	C	C
6	iv	Regular and public reports indicating progress in policy implementation	C	C	C	C
Transparency of Land Use						
7	i	In urban areas, land use plans and changes to these are based on public input	C	C	B	B
7	ii	In rural areas, land use plans and changes to these are based on public input	D	D	B	C
7	iii	Public capture of benefits arising from changes in permitted land use	C	D	C	C
7	iv	Speed of land use change	D	D	B	A
Efficiency of Land Use Planning						
8	i	Process for planned urban development in the largest city	D	D	B	D
8	ii	Process for planned urban development in the 4 largest cities (exc. largest)	D	D	B	D
8	iii	Ability of urban planning to cope with urban growth	D	C	C	C
8	iv	Plot size adherence	D	D	B	D
8	v	Use plans for specific land classes (forest, pastures etc.) are in line with use	B	B	B	C
Speed and Predictability						
9	i	Applications for building permits for residential dwellings are affordable and processed in a non-discretionary manner (low income population)	C	C	n/a	D
9	i	Applications for building permits for residential dwellings are affordable and processed in a non-discretionary manner (high income population)	B	B	n/a	
9	ii	Time required to obtain a building permit for a	C	B	n/a	D

			Score			
LGI-Dim		**Topic**	**BR**	**PA**	**PI**	**SP**
		residential dwelling				
Transparency of Valuation						
10	i	Clear process of property valuation (urban)	C	D	C	C
10	i	Clear process of property valuation (rural)	D	A		
10	ii	Public availability of valuation rolls (urban and rural if property tax is collected by the municipality)	A	D	D	A
10	ii	Public availability of valuation rolls (rural area, property tax collected by the federal government – INCRA)	D	D		
Tax Collection Efficiency						
11	i	Exemptions from property taxes are justified	A	B	C	A
11	ii	Property holders liable to pay property tax are listed on the tax roll (urban)	A	D	D	C
11	ii	Property holders liable to pay property tax are listed on the tax roll (rural)	C	C		A
11	iii	Assessed property taxes are collected (urban)	A	C	D	B
11	iii	Assessed property taxes are collected (rural)	D	D		
11	iv	Property taxes correspondence to costs of collection	n/a	A	B	n/a
Identification of Public Land						
12	i	Public land ownership is justified and implemented at the appropriate level of government	B	C	B	C
12	ii	Complete recording of publicly held land	A	B	C	C
12	iii	Assignment of management responsibility for public land	B	C	D	D
12	iv	Resources available to comply with responsibilities	C	D	D	D
12	v	Inventory of public land is accessible to the public	A	C	C	D
12	vi	Key information on land concessions is accessible to the public.	A	B	C	A
Incidence of Expropriation						
13	i	Transfer of expropriated land to private interests	n/a	D	D	D
13	ii	Speed of use of expropriated land	A	A	A	A
Transparency of Procedures						
14	i	Compensation for expropriation of ownership	A	B	C	B
14	ii	Compensation for expropriation of all rights	D	C	C	B
14	iii	Promptness of compensation	A	D	D	A
14	iv	Independent and accessible avenues for appeal against expropriation	A	B	A	A
14	v	Appealing expropriation is time-bounded	B	n/a	B	D

			Score			
LGI-Dim		**Topic**	**BR**	**PA**	**PI**	**SP**
Transparent Processes						
15	i	Openness of public land transactions	A	D	D	A
15	ii	Collection of payments for public leases	A	n/a	D	n/a
15	iii	Modalities of lease or sale of public land	C	A	D	
Completeness of Registry						
16	i	Mapping of registry records (urban)	A	D	D	D
16	i	Mapping of registry records (rural)	B	D		
16	ii	Economically relevant private encumbrances	A	A	A	C
16	iii	Economically relevant public restrictions or charges	A	A	A	C
16	iv	Searchability of the registry (or organization with information on land rights)	A	B	A	A
16	v	Accessibility of records in the registry (or organization with information on land rights) - Private land	A	A	A	A
16	v	Accessibility of records in the registry (or organization with information on land rights) - Public land	A	A	A	D
16	vi	Timely response to a request for access to records in the registry (or organization with information on land rights) - Private land	B	C	C	A
16	vi	Timely response to a request for access to records in the registry (or organization with information on land rights) - Public land	B	C	C	D
Reliability of Records						
17	i	Focus on customer satisfaction in the registry (private land)	B	D	D	A
17	i	Focus on customer satisfaction in the registry (public land)	B	D	D	D
17	ii	Registry/ cadaster information is up-to-date (private land)	D	D	D	A
17	ii	Registry/ cadaster information is up-to-date (public land)	D	D	D	D
Cost Effective and Sustainable						
18	i	Cost of registering a property transfer	A	C	D	B
18	ii	Financial sustainability of the registry	A	A	A	A
18	iii	Capital investment	D	C	D	A
18	iv	Economically relevant public restrictions or charges	A	A	A	C
Transparency						
19	i	Schedule of fees is available publicly	A	A	C	A

			Score			
LGI-Dim		**Topic**	**BR**	**PA**	**PI**	**SP**
19	ii	Informal payments discouraged	A	D	D	A
Assignment of Responsibility						
20	i	Accessibility of conflict resolution mechanisms	B	D	B	C
20	ii	Informal or community based dispute resolution	A	C	C	C
20	iii	Forum shopping	D	C	D	C
20	iv	Possibility of appeals	C	n/a	C	C
Low Level of Pending Conflicts						
21	i	Conflict resolution in the formal legal system	n/a	A	B	A
21	ii	Speed of conflict resolution in the formal system	D	D	D	D
21	iii	Long-standing conflicts (unresolved cases older than 5 five years)	D	D	D	D

Optional Module on Large Scale Land Acquisition		**Score**		
Dim.	**Topic**	**BR**	**PA**	**PI**
1	Most forest land is mapped and rights are registered	C	C	C
2	Conflicts generated by land acquisition and how these are addressed	D	D	D
3	Land use restrictions on rural land parcels can generally be identified.	A	D	C
4	Public institutions in land acquisition operate in a clear and consistent manner.	A	D	C
5	Incentives for investors are clear, transparent and consistent.	C	B	B
6	Benefit sharing mechanisms for investments in agriculture	C	C	C
7	There are direct and transparent negotiations between right holders and investors.	A	A	A
8	Information required from investors to assess projects on public/community land.	A	D	D
9	Information provided for cases of land acquisition on public/community land.	A	C	C
10	Contractual provisions on benefits and risks sharing regarding acquisition of land	A	D	D
11	Duration of procedure to obtain approval for a project	D	D	B
12	Social requirements for large scale investments in agriculture	D	C	C
13	Environmental requirements for large scale investments in agriculture	C	C	B

Optional Module on Large Scale Land Acquisition		Score		
Dim.	**Topic**	**BR**	**PA**	**PI**
14	Procedures for economically, environmentally, and socially beneficial investments.	A	D	C
15	Compliance with safeguards related to investment in agriculture	A	C	A
16	Procedures to complain if agricultural investors do not comply with requirements.	C	C	C

Optional Module on Forest Governance			Score		
Dim.		**Topic**	**BR**	**PA**	
1	i	Country signature and ratification of international conventions	C	C	
1	ii	Implementation of incentives to promote climate change mitigation through forestry	C	C	
2	i	Public good aspects of forests recognized by law and protected	B	A	
2	ii	Forest management plans and budgets address the main drivers of deforestation and degradation	B	C	
3	i	Country's commitment to forest certification and chain-of-custody systems to promote sustainable harvesting of timber and non-timber forest products	B	B	
3	ii	Country's commitment to SMEs as a way to promote competition, income generation and productive rural employment	B	C	
4	i	Recognition of traditional and indigenous rights to forest resources by law	A	B	
4	ii	Sharing of benefits or income from public forests with local communities by law and implemented	C	B	
5	i	Boundaries of the countries forest estate and the classification into various uses and ownership are clearly defined and demarcated	C	C	
5	ii	In rural areas, forest land use plans and changes in these plans are based on public input.	C	C	
6	i	Country's approach to controlling forest crimes, including illegal logging and corruption	B	B	
6	ii	Inter and intra agency efforts and multi-stakeholder collaboration to combat forest crimes, and awareness of judges and prosecutors	B	C	

Optional Module on Land Regularization		Score	
Dim.	**Topic**	**PA**	**SP**

Optional Module on Land Regularization		Score	
Dim.	**Topic**	**PA**	**SP**
1	Any restrictions on the trading in regularized property are accepted and complied with by those who receive certificates as a result of regularization.	C	C
2	For regularization on private land, there is an effective mechanism to harmonize the rights of occupants and those holding private property rights.	D	C
3	Regularization is not undertaken in risk prone and protected areas.	C	C
4	In cities with major regularization challenges, there is a comprehensive plan for regularization.	D	D
5	There are clear incentives for the participation by occupants in the regularization process.	B	B
6	There is a clear, well-documented process and responsibilities for regularization.	C	C
7	There is active involvement by occupants in the regularization process. (Urban)	B	A
7	There is active involvement by occupants in the regularization process. (Rural)	C	C
8	Land parcels are defined and recorded in a manner that is understood by the community. (Urban)	C	A
8	Land parcels are defined and recorded in a manner that is understood by the community. (Rural)		B
9	Land parcels are defined and recorded in a manner that can be efficiently and cost-effectively maintained.	C	A
10	There is timely transfer of regularization data to the system to formally record rights in land.	D	A
11	There is an efficient process to record and track disputes that arise during regularization.	D	C
12	There is an efficient process to resolve disputes.	B	A
13	Regularization policy does not have loopholes which allow abuse of the good will of government.	A	D
14	Proofs of eligibility for regularization are accessible and the granting of rights to occupants is pragmatic and incremental.	n/a	B
15	There is an efficient system to monitor and evaluate regularization activity.	D	D
16	Regularization is carried out in a cost-effective manner. (Urban)	D	A
16	Regularization is carried out in a cost-effective manner. (Rural)		B
17	Regularization is completed in a timely manner.	D	D
18	Women’s rights have been fully regularized.	A	A

Annex 7: Portaria Establishing the Inter-Ministerial Working Group on Land Governance

PUBLICAÇÕES
D.O 65 de 7/4/14
Seção 2 Pág. 62
B.S. Nº 14 DE 7/4/14

PORTARIA/INCRA/P/N. 169 **DE** 03 **DE** ABRIL **DE 2014.**

O PRESIDENTE DO INSTITUTO NACIONAL DE COLONIZAÇÃO E REFORMA AGRÁRIA - INCRA, no uso das atribuições que lhe são conferidas pelo art. 21, da Estrutura Regimental deste Instituto, aprovada pelo Decreto nº 6.812, de 3 de abril de 2009, publicado no Diário Oficial do mesmo dia, mês e ano, combinado com o inciso VII, do art. 122, do Regimento Interno da Autarquia, aprovado pela Portaria/MDA/nº 20, de 8 de abril de 2009, publicada no Diário Oficial da União do dia 9 seguinte,

CONSIDERANDO a necessidade de aprofundar o conhecimento sobre o quadro legal e institucional da Governança Fundiária brasileira, evidenciando suas principias limitações e as possibilidades de aprimoramento com base em alguns modelos internacionais,

CONSIDERANDO a necessidade de conhecer as experiências de cadastros fundiários brasileiros e propor a integração das bases de dados;

CONSIDERANDO a necessidade de conhecer a estrutura institucional, as competências e atribuições dos diversos órgãos e entidades que atuam na administração fundiária brasileira, resolve:

Art. 1° - Propor constituição de grupo de trabalho interministerial visando a Qualificação da Governança Fundiária no Brasil.

Art. 2° - Propor para a composição do referido Grupo de Trabalho os representantes indicados pelos seus respectivos órgãos e entidades, sendo o primeiro como titular e o segundo como suplente:

I – Representantes do Instituto Nacional de Colonização e Reforma Agrária (INCRA): Richard Martins Torsiano, Diretor de Ordenamento da Estrutura Fundiária, matrícula SIAPE n° 2456524 e Marcelo Mateus Trevisan, Coordenador geral de Regularização Fundiária, matrícula SIAPE n° 1581652, a quem caberá a coordenação do grupo de trabalho.

II – Representantes da Empresa Brasileira de Pesquisa Agropecuária (EMBRAPA): Evaristo Eduardo de Miranda, pesquisador, matrícula SIAPE n° 1260182, e João Alfredo de Carvalho Mangabeira, pesquisador, matrícula SIAPE n° 12625452.

III – Representantes da Fundação Nacional do Índio (FUNAI): Aluísio Ladeira Azanha, Diretor de Proteção Territorial, matrícula SIAPE n° 2573169, e José Aparecido Donizetti Briner, Coordenador-Geral de Assuntos Fundiários, matrícula SIAPE n° 0443125.

IV – Representantes do Instituto Brasileiro do Meio Ambiente (IBAMA): Julianna Sampaio Gomes de Oliveira e Bernardo de Araújo Moraes Trovão, Analista Ambiental, matrícula SIAPE n° 1717591.

V – Representantes do Instituto Chico Mendes da Biodiversidade (ICMBio): Giovanna Palazzi e João Arnaldo Novaes, Diretor de Ações Socioambientais e Consolidação Territorial, matrícula SIAPE n° 1380110.

VI – Representantes do Ministério da Agricultura, Pecuária e Abastecimento (MAPA): Maurício Carvalho de Oliveira, Fiscal Federal Agropecuário, matrícula SIAPE n° 10183 e José Silvério da Silva, Fiscal Federal Agropecuário.

VII – Representantes do Ministério das Cidades: Paulo Coelho Ávila, Analista de Infraestrutura, matrícula SIAPE n° 1661963, e Ana Paulo Bruno, Gerente de Regularização Fundiária Urbana, matrícula SIAPE n° 1745421.

VIII - Representantes do Ministério do Meio Ambiente: Allan Kardec Moreira Milhomens, Gerente de Projeto, matrícula SIAPE n° 683262, e Rodrigo Gonçalves Sabença, Analista Ambiental, matrícula SIAPE n° 1488128.

IX – Representantes da Secretaria da Receita Federal do Brasil (SRFB): Lucena Lima, Auditor Fiscal da Receita Federal do Brasil, matrícula SIAPE n° 0091210 e Marcos Antonio Vasques Pataro, Auditor Fiscal da Receita Federal do Brasil, matrícula SIAPE n° 1303681.

X – Representantes da Secretaria do Patrimônio da União (SPU/MPOG): Luciano Ricardo de Azevedo Rodda, Diretor do Departamento de Destinação Patrimonial, matrícula SIAPE n° 1487323 e Cristiane Siggea Benedetto, Coordenadora Geral de Regularização Fundiária, matrícula SIAPE n° 1636352.

XI – Representantes do Serviço Florestal Brasileiro (SFB / MMA): Humberto Navarro de Mesquita Junior, Gerente Executivo, matrícula SIAPE n° 1440986 e Eliane Hirata, Chefe de Serviço, matrícula SIAPE n° 1981836.

XII – Representantes da Secretaria de Reordenamento Agrário (SRA / MDA): Francisco Urbano de Araujo Filho, Coordenador Geral de Reordenamento Agrário, matrícula SIAPE n° 2291432 e Luiz Augusto Copati Souza, cargo, matrícula SIAPE n° 1740630.

XIII – Representantes da Superintendência Nacional de Regularização Fundiária Na Amazônia Legal (SRFA/MDA): Shirley Anny Abreu do Nascimento, Superintendente Nacional de Regularização Fundiária na Amazônia Legal, matrícula SIAPE n° 1533302 e Tatiana de Carvalho Benevides, Especialista em Políticas Públicas e Gestão Governamental, matrícula SIAPE n° 1458917.

XIV - Representantes do Instituto Brasileiro de Geografia e Estatística (IBGE): Wolney Cogoy de Menezes, tecnologista sênior, matrícula SIAPE n° 764110 e Daniel Albert Skaba, tecnologista sênior, matrícula SIAPE n° 764398.

XV – Representantes do Conselho Nacional de Justiça (CNJ): Rodrigo Rigamonte Fonseca, Juiz Auxiliar da Presidência, CPF n° 809.626.966-68, e Clenio Jair Schulze, Juiz Auxiliar da Presidência, CPF n° 942.352.369-20.

XVI – Representantes da Procuradoria da República no Município de Dourados /MS: Marco Antonio Delfino de Almeida, Procurador da República, CPF n° 884.931.487-68, e Cláudio Henrique Cavalcante Machado Dias, Procurador da República, CPF n° 032.461.734-86.

XVII – Representantes da Associação dos Registradores Imobiliários de São Paulo (ARISP): e Fábio Costa Pereira, Diretor para Assuntos Agrários, CPF n° 247.522.598-00 e Izaias Gomes Ferro Junior, Oficial de Registro de Imóveis e Anexos da Comarca de Pirapozinho/SP, CPF n° 000.248.337-89.

XVIII – Representantes do Banco Mundial: Bernadete Lange, Especialista Senior em Meio Ambiente, CPF n° 553.242.159-53, e Diego Arias, Economista Agrícola, CPF n° 704.318.801-66.

XIX – Representantes do Instituto de Registro Imobiliário Do Brasil (IRIB): Eduardo Agostinho Arruda Augusto, Diretor de Assuntos Agrários, CPF n° 070.915.078-43 e José de Arimatéia Barbosa, Vice Presidente do Instituto dos Registradores do Brasil para o Estado de Mato Grosso e Suplente da Diretoria de Assuntos Agrários, CPF n° 126169236-53.

XX – Representantes da Organização das Nações Unidas para Alimentação e Agricultura (FAO/BRASIL): Alan Jorge Bojanic Helbingen, Representante da FAO no Brasil, CPF n° 704.099.341-43, e Maurício Mireles Sibaja, Consultor Unidade de Programas, CPF n° 700.353.371-50.

XXI – Representante da Universidade Estadual de Campinas (UNICAMP): Bastiaan Philip Reydon, Professor Livre Docente do Instituo de Economia, CPF n° 011944698-76.

Art. 3° - - Esta Portaria entra em vigor na data de sua publicação.

CARLOS MÁRIO GUEDES DE GUEDES

Annex 8: List of Participants in the Panels

LISTA DE PARTICIPANTES DOS PAINÉIS DO ESTADO DO PARÁ

PAINEL 1: GOVERNANÇA FUNDIÁRIA: ASPECTOS LEGAIS E INSTITUCIONAIS

Nome	Gênero	Instituição	Segmento
Marcio Mota Vasconcelos	M	ITERPA	Governo Estadual
Kátia Parente Sena	F	TJE	Poder Judiciário
Dario Cardoso Jr.	M	IMAZON	Sociedade Civil
Cláudia Macêdo	F	CODEM	Governo Município
Denys Pereira	M	PMV	Governo Estadual
Bastiaan Philipe Reydon	M	Unicamp/WB	Consultor
José Heder Benatti	M	UFPA/WB	Consultor
Girolamo Domenico Treccani	M	UFPA/WB	Consultor
Luly Rodrigues da Cunha Fischer	F	UFPA/WB	Consultora

PAINEL 2: PLANEJAMENTO DO USO DE TERRAS URBANAS

Nome	Gênero	Instituição	Segmento
Norma Formigosa	F	ITERPA	Governo Estadual
Claudia Cristina Antunes Macedo	F	CODEM	Governo Municipal
Aldebaran Moura	F	FASE	Sociedade Civil
João Gomes S. Neto	M	FASE	Sociedade Civil
Bastiaan Philipe Reydon	M	Unicamp/WB	Consultor
José Heder Benatti	M	UFPA/WB	Consultor
Girolamo Domenico Treccani	M	UFPA/WB	Consultor
Luly Rodrigues da Cunha Fischer	F	UFPA/WB	Consultora

PAINEL 3: PLANEJAMENTO DO USO DE TERRAS RURAIS

Nome	Gênero	Instituição	Segmento
Edila Ferreira Duarte Monteiro	F	INCRA	Governo Federal

Aldenor Gonçalves do Nascimento	M	ITERPA	Governo Estadual
Graciete K. Campanharo	F	INCRA	Governo Federal
José Carlos Galiza	M	Malungo	Sociedade Civil
Paraguassu Éleres	M	Escola Magistratura do Pará	Acadêmico
Bastiaan Philipe Reydon	M	Unicamp/WB	Consultor
José Heder Benatti	M	UFPA/WB	Consultor
Girolamo Domenico Treccani	M	UFPA/WB	Consultor
Luly Rodrigues da Cunha Fischer	F	UFPA/WB	Consultora

PAINEL 4: AVALIAÇÃO E TRIBUTAÇÃO DE TERRAS

Nome	Gênero	Instituição	Segmento
Maria Adelina Guglioti Braglia	F	IDESP	Governo Estadual
Mauro Carlos Cruz Gaia	M	SEFIN/PMB	Governo Municipal
Maria do Carmo Campo da Silva	F	CODEM	Governo Municipal
Maria de Nazaré Lima de Freitas	M	Consultora	Sociedade Civil
Blunio Brito Benardo	M	INCRA	Governo Federal
Raimundo Dárcio Lisboa Fernandes	M	INCRA	Governo Federal
Irande Pantoja	F	INCRA	Governo Federal
Bastiaan Philipe Reydon	M	Unicamp/WB	Consultor
José Heder Benatti	M	UFPA/WB	Consultor
Girolamo Domenico Treccani	M	UFPA/WB	Consultor
Luly Rodrigues da Cunha Fischer	F	UFPA/WB	Consultora

PAINEL 5: GESTÃO DE TERRAS PÚBLICAS

Nome	Gênero	Instituição	Segmento
Maria Santana T. Silva	F	INCRA	Governo Federal
Robson José Carrera Ramos	M	ITERPA	Governo Estadual
Dario Cardoso Jr.	M	IMAZON	Sociedade Civil
Bastiaan Philipe Reydon	M	Unicamp/WB	Consultor
José Heder Benatti	M	UFPA/WB	Consultor
Girolamo Domenico Treccani	M	UFPA/WB	Consultor
Luly Rodrigues da Cunha Fischer	F	UFPA/WB	Consultora

PAINEL 6: INFORMAÇÕES PÚBLICAS SOBRE TERRAS

Nome	Gênero	Instituição	Segmento
Andrelina Maria Ribeiro Serrão	F	SEMA	Governo Estadual
Aracely dos Santos Evangelista	M	SPU	Governo Federal
Orlando de Almeida Correia Filho	M	SPU	Governo Federal
Rodrigo Pessoa Trajano	M	INCRA	Governo Federal
Dario Cardoso Jr.	M	IMAZON	Sociedade Civil
Bastiaan Philipe Reydon	M	Unicamp/WB	Consultor
José Heder Benatti	M	UFPA/WB	Consultor
Girolamo Domenico Treccani	M	UFPA/WB	Consultor
Luly Rodrigues da Cunha Fischer	F	UFPA/WB	Consultora

PAINEL 7: RESOLUÇÃO DE CONFLITOS FUNDIÁRIOS

Nome	Gênero	Instituição	Segmento
Telma S. D. Fernandes	F	SEMA	Governo Estadual
Jean François Yves Deluchey	M	UFPA	Academia
Paulo Joanil da Silva	M	CPT	Sociedade Civil
Eliane Moreira	F	MPE	Poder Público Estadual
Mario Tito Almeida	M	INCRA	Governo Federal
Dario Cardoso Jr.	M	IMAZON	Sociedade Civil
Rossivagner Santana Santos	M	Defensoria Pública	Governo Estadual
Bastiaan Philipe Reydon	M	Unicamp/WB	Consultor
José Heder Benatti	M	UFPA/WB	Consultor
Girolamo Domenico Treccani	M	UFPA/WB	Consultor
Luly Rodrigues da Cunha Fischer	F	UFPA/WB	Consultora

PAINEL 8: AQUISIÇÃO DE GRANDES PROPRIEDADES

Nome	Gênero	Instituição	Segmento
Paraguassu Éleres	M	Escola	Acadêmico

		Magistratura do Pará	
Diogo Seixas Conduru	M	Advogado/ Acadêmico	Acadêmico
Dario Rodrigues Cardoso Jr.	M	IMAZON	Sociedade Civil
Aracely dos Santos Evangelista	M	SPU	Governo Federal
Bastiaan Philipe Reydon	M	Unicamp/WB	Consultor
José Heder Benatti	M	UFPA/WB	Consultor
Girolamo Domenico Treccani	M	UFPA/WB	Consultor
Luly Rodrigues da Cunha Fischer	F	UFPA/WB	Consultora

PAINEL 9: GESTÃO DE FLORESTAS

Nome	Gênero	Instituição	Segmento
Paulo Barreto	M	IMAZON	Sociedade Civil
Paulo Roberto Rodrigues Pinto	M	SEMA	Governo Estadual
Aracely dos Santos Evangelista	M	SPU	Governo Federal
Elis Araújo	F	IMAZON	Sociedade Civil
Mauro da Silva Caldas	M	IDEFLOR	Governo Estadual
Hugo Picanço	M	INCRA SR-01	Governo Federal
Carlos Augusto Ramos Pantoja	M	Consultor	Sociedade Civil
Jorge Alberto Gazel Yared	M	EMBRAPA	Acadêmico
Bastiaan Philipe Reydon	M	Unicamp/WB	Consultor
José Heder Benatti	M	UFPA/WB	Consultor
Girolamo Domenico Treccani	M	UFPA/WB	Consultor
Luly Rodrigues da Cunha Fischer	F	UFPA/WB	Consultora

PAINEL 10: PROGRAMAS DE REGULARIZAÇÃO FUNDIÁRIA

Nome	Gênero	Instituição	Segmento
Cassio Pereira	M	IPAM	Sociedade Civil
Janyce Varella	F	PGE	Governo Estadual
Julineide do Socorro Cordeiro de Oliveira	F	Programa Terra Legal	Governo Federal
Cláudia Macedo	M	CODEM	Governo Municipal
Aracely dos Santos Evangelista	M	SPU	Governo Federal
Marcli Araújo Zaire	F	ITERPA	Governo Estadual
Myrian Silvana S. Cardoso	F	UFPA	Academia
Ana Cláudia Duarte Cardoso	F	UFPA	Academia
Breno Macedo	M	INCRA	Governo Federal
Maria de Nazaré Lima de Freitas	F	Consultora	Governo

			Municipal
Antônia Rutinéia F. Miranda	F	ITERPA	Governo Estadual
Dario Rodrigues Cardoso Jr.	M	IMAZON	Sociedade Civil
Maria do Carmo Campos da Silva	F	CODEM	Governo Municipal
Breno Mazzinghy Macedo	M	INCRA	Governo Federal
Bastiaan Philipe Reydon	M	Unicamp/WB	Consultor
José Heder Benatti	M	UFPA/WB	Consultor
Girolamo Domenico Treccani	M	UFPA/WB	Consultor
Luly Rodrigues da Cunha Fischer	F	UFPA/WB	Consultora

LISTA DE PARTICIPANTES DOS PAINÉIS DO ESTADO DE PIAUÍ

PAINEL 1: POSSE DA TERRA
.:: Estrutura Jurídica e Institucional ::.
Participantes:
INTERPI: Regina Lourdes e Ana Carolina Fortes Chaves
INCRA: Marcos Reis Felinto/Paulo Gustavo de Alencar
MPE: Maurício Gomes de Souza
SPU/PI: Ana Célia Coelho M. Veras/Anna Mary de Carvalho/Egilmar de Jesus Sousa
ADH/PI: Ana Lúcia Sousa

PAINEL 2
.:: PLANEJAMENTO, GESTÃO E TRIBUTAÇÃO DO USO DE TERRAS ::.

PARTICIPANTES:
INTERPI: Regina Lourdes Carvalho de Araújo/Ana Carolina Fortes Chaves
ADH/PI: Ana Lúcia Sousa
SEFAZ: Francisco Celestino de Sousa e Francisco Oliveira da Costa
IBAMA: Antônio da Silva Reis
SEMAR:Carlos Antônio Moura Fé

PAINEL 3
.:: GESTÃO DE TERRAS PÚBLICAS ::.
PARTICIPANTES:
IBAMA: Antônio da Silva Reis
INCRA - Marcelo Parente/Paulo Gustavo
INTERPI - Ana Carolina Chaves Forte/Klebert Carvalho Lopes da Silva (Procurador)
ICMBIO - Eugenia Vitória e Silva de Medeiros
MPE – Maurício Gomes de Sousa
SPU – Elgimar Souza (não participou da discussão, mas respondeu posteriormente a alguns itens)

PAINEL 4
.:: FORNECIMENTO DE INFORMAÇÕES SOBRE TERRAS AO PÚBLICO ::.

PARTICIPANTES:
INTERPI: Ana Carolina Fortes Chaves / Klebert Carvalho Lopes da Silva
INCRA: Marcelo Barbosa Parente
IBAMA: Antônio da Silva Reis
MPE: Maurício Gomes de Souza
SEMAR: Carlos Antônio Moura Fé
SPU/PI: Egilmar de Jesus Sousa
Corregedoria do TJ-PI: Francisco João Damasceno

ADH/PI: Ana Lúcia Gonçalves Sousa

PAINEL 5
.:: RESOLUÇÃO DE CONFLITOS ::.

PARTICIPANTES:
INCRA : Geraldo Vieira Lima/Marcos Reis Felinto/Marcelo Barbosa Parente
SPU: Ana Célia Coelho M. Veras
FETAG/PI: Alionardo Santiago da Silva/Sammara Kelly Viana
INTERPI : Josué José Nascimento
CPT : Gregório Francisco Borges
MST: ClaudimirGularteVeira
CORREGEDORIA do TJ-PI: Francisco João Damasceno

PAINEL 6
.:: AQUISIÇÃO EM LARGA ESCALA DE DIREITOS DA TERRA ::.

PARTICIPANTES: INTERPI:
Milton Carvalho INCRA: Marcelo
Barbosa Parente MST: Claudimir
Gularte Vieira
SPU/PI: Ana Célia Coelho M. Veras
IBAMA: Antônio da Silva Reis
Corregedoria do TJ-PI: Francisco João Damasceno

LISTA DE PARTICIPANTES DOS PAINÉIS DO ESTADO DE SÃO PAULO

PAINEL 1: GOVERNANÇA FUNDIÁRIA: ASPECTOS LEGAIS E INSTITUCIONAIS – 20/05/12 8:30 hs -12:30

Instituição	Segmento
INCRA	Governo federal
Secretaria do meio Ambiente	Governo Estadual
ITESP	Governo Estadual
CORREGEDORIA	Justiça
ANOREG/IRIB	Segmento Institucional
OAB	Sociedade Civil
GRAPOAHAB	Governo Estadual
FAESP	SOCIEDADE CIVIL

PAINEL 2: PLANEJAMENTO DO USO DE TERRAS URBANAS 20/05 14:00 as 18 hs

Instituição	Segmento
INCRA	Governo FEDERAL
EMPLASA	Governo estadual
RAQUEL ROLNIK	Academia
POLIS	Sociedade Civil
MINISTERIO DAS CIDADES	Governo Federal
Prefeitura de São Paulo	Prefeitura SP

PAINEL 3: PLANEJAMENTO DO USO DE TERRAS RURAIS 21/05/12 8:30 hs 12:30 hs

Instituição	Segmento
IEA	GOVERNO DO ESTADO
FAESP	Sociedade Civil
FETAESP/MST	Sociedade Civil
INCRA	Governo Federal
ITESP	Governo Estadual
Secretaria do meio Ambiente	Governo Estadual

PAINEL 4: AVALIAÇÃO E TRIBUTAÇÃO DE TERRAS 21/05 -14:00 hs 18:00 hs

Instituição	Segmento
INCRA	Governo Federal
EVERARDO MACIEL	Academia
ANOREG/IRIB	Entidade de classe
RECEITA FEDERAL	Governo FEDERAL
IEA	Governo Estadual
Secretaria de Finanças do Município e São Paulo	Governo Municipal
IBAPE	ORGÃO REGULADOR

PAINEL 5: GESTÃO DE TERRAS PÚBLICAS 22/05 8:30 – 12:30 hs

Instituição	Segmento
FAESP/SENAR	SOCIEDADE CIVIL
SPU	GOVERNO FEDERAL
INCRA	Governo Federal
CORREGEDORIA	JUSTIÇA
ANOREG/IRIB	Segmento Institucional
ITESP	Governo Estadual

FAESP	
FETAESP/MST	SOCIEDADE CIVIL

PAINEL 6: INFORMAÇÕES PÚBLICAS SOBRE TERRAS 22/05 14:00 – 18:00 hs

Instituição	Segmento
	PREFEITURA de SP
CORREGEDORIA	JUSTIÇA
SPU	Governo Federal
INCRA	Governo Federal
	Academia
ANOREG/IRIB	Segmento Institucional
ITESP	Governo Estadual
	Governo Estadual

PAINEL 7: RESOLUÇÃO DE CONFLITOS FUNDIÁRIOS 23/05 – 8:30 – 12:30 hs

Instituição	Segmento
Judiciário	Governo Estadual
	Prefeitura de SP
CPT/MST	Sociedade Civil
Ministério Público Estadual	Poder Público Estadual
INCRA	Governo Federal
IRIB/ANOREG	Segmento Institucional
Ministério Público Federal	Poder Público Federal
RAQUEL ROLNIK	ACADEMIA
	Sociedade civil

PAINEL 10: Programas de Regularização Fundiária 23/05 14:00 18:00 hs

INSTITUIÇÃO	SEGMENTO
PROGRAMA CIDADE LEGAL	Governo Estadual
RESOLO	Prefeitura Municipal
SPU	Governo Federal
ITESP	Governo Estadual
Ministério das Cidades	Governo federal
POLIS	Sociedade civil
MINISTERIO PUBLICO	JUSTIÇA
IRIB/ANOREG	CARTORIOS
CORREGEDORIA	JUSTIÇA

LISTA DE PARTICIPANTES DOS PAINÉIS FEDERAIS

Banco Mundial - BIRD
BANCO INTERNACIONAL PARA RECONSTRUÇÃO
E DESENVOLVIMENTO
SCN – Quadra 2 – Lote A
Ed. Corporate Financial Center, salas 702/703
70712-900 - Brasília – DF, BRASIL
Tel.: 55 61 - 3329-1000 – Fax: 3329-1010
www.bancomundial.org.br

IBRD - The World Bank
INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT
1818 H Street, N.W.,
Washington, D.C. 20433, U.S.A.
Phone: 1 202 - 473-1000
Fax: 1 202 - 477-6391
www.worldbank.org

ATTENDANCE LIST on 18 / 6 / 12 **Event:** Painel 8 - Gestão de Florestas

	NAME / NOME	INSTITUTION / INSTITUIÇÃO	TELEPHONE / TELEFONE	E-MAIL
01	ADOLFO DALLA PRIA	TNC	63 - 8144-1818	ADALLAPRIA@TNC.ORG
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ATTENDANCE LIST on 18 / 06 / 12 **Event:** Painel 1 - Governança fundiária - Aspectos legais e institucionais

	NAME / NOME	INSTITUTION / INSTITUIÇÃO	TELEPHONE / TELEFONE	E-MAIL
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ATTENDANCE LIST on 19 /06 /12 **Event:** Aquisição de Grandes Propriedades de Terras.

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05	CESAR AUGUSTO DOS REIS	ABRAF - Assoc. Brasil. de Produtores de Flor. Plantada	61-81438913	cesar.reis@abraflor.org.br
06	Madeleine Fairbairn	University of Wisconsin Madison	(61) 9335-1003	fairbairn@wisc.edu
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ATTENDANCE LIST on 19 / 06 / 12 **Event:** Informações Públicas sobre Terras

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04	Andrea Cassoli Araujo	SPU / MP	(61) 2020-1534	andrea.cassoli@planejamento.gov.br
05	FRANCISCO JOSÉ REZENDE SANTOS	IRFB	31 3291 5958	FRANCISCOREZENDESANTOS@YAHOO.COM.BR
06	RUDY MAIA FERRAZ	CNA	61-81180700 61-2109 1312	RUDY.FERRAZ@CNA.ORG.BR
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08	Gerson A S Lobo	INCRA	61 78159685	gerson.lobo@incra.gov.br
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ATTENDANCE LIST on 20/06/12 **Event:** Painel 4: Avaliação & Taxação de Terras

	NAME / NOME	INSTITUTION / INSTITUIÇÃO	TELEPHONE / TELEFONE	E-MAIL
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05	Ana Paula A. Gutierrez	Banco Mundial	61-3329.1029	agutierrez@worldbank.org
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ATTENDANCE LIST on 20/06/12 **Event:** Painel 7. Resolução de conflitos fundiários

	NAME / NOME	INSTITUTION / INSTITUIÇÃO	TELEPHONE / TELEFONE	E-MAIL
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10	HERCULES BENÍCIO	Anoreg/BR	(61) 3387-6212	hercules.benicio@gmail.com
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ATTENDANCE LIST on 07 /06 /12 **Event:** Painel 2 - Planejamento e Desenvolvimento do Uso de Terras Urbanas.

	NAME / NOME	INSTITUTION / INSTITUIÇÃO	TELEPHONE / TELEFONE	E-MAIL
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ATTENDANCE LIST on 21/06/12 **Event:** 3- Uso de terras rurais e política fundiária

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