



QUESTIONS & ANSWERS

PROVISIONAL MEASURE 910¹

1 WHAT IS MP 910?

Provisional Measure 910 (MP 910) amends legislation on land regularization, that is, the mechanism by which the government legalizes informal settlements on federal lands, granting property titles to those occupying the land. MP 910 was published by President Bolsonaro at the end of 2019, but before being enacted into law, it must be approved by the National Congress.

2 WHY DOES BRAZIL NEED A LAND REGULARIZATION LAW?

This has to do with the history of Brazil and Portuguese colonization. For many years the Portuguese crown restricted land ownership in Brazil to an elite class. Therefore, the occupation of the country by the Portuguese, other European immigrants, and people of African descent was a process of simply taking possession of the land. This practice continued throughout Brazil's history and was even promoted during the Vargas administrations and the military dictatorship, which provided incentives for farmers to settle the central-west and northern parts of the country. Today, many farmers and members of traditional communities do not hold title to their lands.

3 IF THE LANDS ARE PUBLIC, DOES THAT MEAN THEY DON'T BELONG TO ANYONE?

No, it's exactly the opposite. Public lands belong to all Brazilians. The federal government is simply the caretaker of these lands on behalf of society. This is why land regularization programs must be carefully designed so as not to create injustices and benefit lawbreakers.

4 WHY IS HOLDING A PROPERTY TITLE IMPORTANT FOR FARMERS?

A property title gives a producer access to government financing and policies, such as rural credit and the government purchase of agricultural products. At the same time, with a land title, the landowner can be held responsible for noncompliance with environmental and labor regulations. For instance, a person can be fined for illegally deforesting their land or for using slave labor on their farm.

5 WHAT DOES MP 910 DO?

MP 910 proposes changes to 2009 Law 11,952, which established a special policy for the regularization of settlements on federal public lands in the Amazon. In 2017, this law was amended by a provisional measure that loosened the rules for land regularization. MP 910 introduces new amendments.

6 WHAT DOES THE EXISTING LAW SAY?

The current law establishes that those who had occupied federal public lands before 2008 can obtain title to the land by paying an amount well below market value, which may be paid in installments. Those who had occupied land before 2011 can also take part in the regularization process, but they must pay the fee up front.

The law also contains a simpler process that grants title to settlers of small amounts of land. Larger areas must be surveyed by the land agency, which must verify on site whether the settler is in compliance with the conditions of the law.

An important part of this legislation is that it only benefits those who do not own any other land. The goal is to increase access to land, with a focus on small farmers.

7 WHAT ARE THE MAIN PROBLEMS WITH MP 910?

(a) MP 910 alters the dates specified in the 2017 law, allowing the regularization of land occupied before December of 2018 (according to the original text of the MP) or before December of 2014 (according to the report of the MP's congressional liaison). This means that even those who invaded public lands after 2011 can take ownership of that land. It should be emphasized that any change to the current dates by the MP would permit the regularization of areas in the Amazon that have been illegally deforested and burned.

(b) MP 910 also extends the simplified land regularization procedure to all settlers, regardless of the size of their landholding. This does away with the surveying of larger areas, without establishing mechanisms that allow the land agency to verify the enforcement of the environmental law.

(c) MP 910 does not respect the environmental rules established by the Forest Code, and this could encourage changes to the environmental legislation, which would have a serious impact on deforestation, especially in the Amazon. Deforestation in the Amazon has negative consequences for the entire country, since the region is home to the richest biodiversity on earth and is vital to Brazil's rainfall patterns.

(d) MP 910 favors medium and large rural producers over settlement family farmers, indigenous groups, and traditional communities. The regularization of lands long occupied by these groups is much longer, bureaucratic, and difficult.

¹ Provisional Measures refer to the Portuguese word *Medidas Provisórias*, noted as MP throughout the text

8 SO DOES MP 910 REWARD LAWBREAKERS?

Yes. It is important to be clear that taking public lands and deforesting the Amazon rainforest or any other area of native vegetation without authorization are crimes under agrarian and environmental legislation. MP 910 legalizes these practices, rewarding lawbreakers by making them owners of lands that belong to all Brazilians.

9 WHAT CAN WE EXPECT TO SEE IN THE FUTURE?

With all of the changes MP 910 seeks to implement, the government is sending the message that invading and deforesting public lands is worth the trouble, because the law could be changed again in the future.




10 HAS MP 910 ALREADY BEEN APPROVED?

No. MP 910 will be discussed at the National Congress and could be voted on at any time. Senator Irajá Abreu, who is in charge of analyzing the MP, prepared a report suggesting changes that would weaken the federal government's original text in a number of ways.

With the declaration of a state of emergency due to the COVID-19 pandemic, Congress has suspended inperson activities, and changes have been made to the approval process for provisional measures. Deputies and senators will now vote on MPs in online sessions. But a provisional measure as important as MP 910 should not be examined under such conditions, since there is limited room for discussion between lawmakers, the proceedings take place in a shorter time frame, and there are no mechanisms in place for public participation.

Before proposing any changes to the existing land law, the federal government should promote a larger integration of land policy and environmental regularization actions, both of which are currently under the Ministry of Agriculture, Livestock, and Supply (MAPA).

For further reading (in Portuguese), we suggest Climate Policy Initiative's technical notes:

-  **Provisional measure rewards criminal activity:** An analysis of MP 910/2019, which alters the legal framework for land regularization of settlements on federal public lands. Available at: <https://bit.ly/mp-910>
-  **MP 910/2019 congressional liaison further loosens land regularization.** Available at: <https://bit.ly/relatorMP>
-  **New report from Senator Irajá Abreu on MP 910/2019 maintains detrimental rules for land regularization.** Available at: <https://bit.ly/relatorioMP>

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