Dr Brasilia and Mr Nacala: The Apparent Duality Behind the Brazilian State-Capital Nexus
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Abstract

In August 2010 Brazil attracted the attention of the world because of its strong position against foreign direct investments (FDIs) in land. Legitimized by a widespread campaign against the foreignization of national land, the General Attorney Office issued a new legal opinion that imposed procedural and quantitative limits in the acquisition of land to Brazilian companies which were under foreign control. However, less than one year earlier, in September 2009, the Brazilian and Japanese government had concluded a trilateral agreement with Mozambique to implement agribusiness and contract farming over more than ten million hectares of land situated in the the Nacala Corridor. In this

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paper, I analyse this apparent duality in the attitude of Brasilia and conclude that, exactly like in the case of the the novel by Robert Louis Stevenson, we are not facing a pathology, but a voluntarily induced dual personality which is functional to the consolidation and reproduction of the global capitalist system.

I. Introduction

In July 2009, during a top meeting between Brazil and Japan at the L’Aquila G8 Summit, a bilateral agreement was reached to “develop agriculture in African tropical savannahs through Japanese–Brazilian cooperation by building on the achievements of the Cerrado agricultural development cooperation.”¹ On the basis of that first decision, few months later the two partners officially identified Mozambique as the ‘beneficiary state’ of their developmental desires, and the ten millions hectares of the Nacala Corridor as the area chosen to ‘receive’ one of the biggest agricultural transformation in the history of development aid. On that day, the ProSavana program was born.²

Less the one year later, on August 2010 the then President Luiz Inácio Lula da Silva approved a new legal opinion of the Brazilian General Attorney

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¹ Akio Hosono, South-South/Triangular Cooperation and Capacity Development, in Hiroshi Kato (eds), Scaling Up South-South and Triangular Cooperation, Japanese International Cooperation Agency (JICA), Tokyo, Japan (2012). Available from http://jica-ri.jica.go.jp/publication/other/scaling_up_south-south_and_triangular_cooperation.html.
² ProSavana is the short name for the Agricultural Development in Mozambique agreement (ProSAVANA-JBM) which was signed by the Japan International Cooperation Agency (JICA), the Brazilian Cooperation Agency (ABC) and the Ministry of Agriculture of Mozambique (MINAG), and the ProSavana was born. The name ProSavana is openly inspired by the Prodecer project that Brazil and Japan conducted in the Cerrado region, which extends throughout Mato Grosso, Mato Grosso do Sul, Minas Gerais and Goiás, from 1978. Cf. Sergio Schlesinger, Dois casos sérios em Mato Grosso. A soja em Lucas de Rio Verde e a cana-de-açucar em Barro do Bruges, Formad (2013); See also Campo, Prodecer, Source: http://www.campo.com.br/proceder/.
Office (AGU), which extended the scope of the existing limits to foreign ownership of national land.\(^3\) Legitimized by a political and media campaign against land grabbing as foreign acquisitions, the new opinion imposed to Brazilian companies having the majority of their capital held by foreigners the restrictions on the acquisition of property rights which had been set forth by law 5709 of 1971. Interestingly, the same administration who in September 2009 had agreed in participating and funding a land project finalized to the establishment of foreign capital (presumably Brazilian and Japanese) in Mozambique, was now exercising its authority to oppose foreign investments in land.

The analysis of the double identity of the Brazilian government, which as Dr. Jeckill refuses land acquisitions at home, but as Mr. Hyde hides corporate and geo-strategic interests behind South-South cooperation, represents the starting point of this chapter. However, the aim is to expose some of the dark aspects which lurk behind the idea of the New Developmental State (NDS),\(^4\) and

\(^3\) Legal Opinion CGU/AGU nº 01/2008, published in the DOU (Diário Oficial Da União – Official Gazette of the Union) nº 161 of August 23, 2010 under the reference AGU/LA01/2008.

\(^4\) In their recent article, Trubek, Coutinho and Schapiro utilize the case of Brazil to introduce the concept of New Developmental State. In one very interesting passage they make reference to the words of James Cypher, who in May 2012 affirmed that “the business federations – the organizations representing the interests of Brazil’s vast and diversified industrial base – correctly understood Lula's election as a mandate for a pro-growth strategy and as an indication that a structural change would occur opening-up channels of direct intermediation between the industrial sector and the new administration... In short, there was a consensus between the PT and important fractions of industrial capital to reverse “the loss of the centrality of the State as an agent of accumulation.” This chapter starts from this assumption, and tries to demonstrate that the centrality of the state in the process of accumulation is not a guarantee for redistribution, participation, transparency, nor of effectively anti-poor measures. Cf. David M. Trubek, Diogo R. Coutinho, and Mario G. Schapiro, Towards a new law and development: new state activism in Brazil and the challenge for legal institutions, University of Wisconsin Law Review, Legal Studies Research Paper Series Paper No. 1207, World Bank Legal Review
the role that Brazilian State is playing as broker of capital accumulation. Rather than aiming at an inclusive and sustainable growth, the Brazilian performance can be interpreted as the latest representation of what Henry Lefebvare called the “State Mode of Production”, a situation where state power is used to manage and maintain the capitalist growth at all spatial scales, from the local to the worldwide.⁵

In order to achieve my objective, I critically apply the notion of 'the return of the Brazilian State' to the recent explosion of (trans)national commercial land transactions and development projects involving the enclosure and industrialization of millions of hectares of land everywhere in the world, a phenomenon widely known as 'land grabbing'. In a historical moment characterized by financial volatility, climate change, increase in the population, and other factors, the control over land, a scarce and precious resource that cannot be reproduced,⁶ is a form of power that goes beyond value production. For that reason, states and investors from all over the world have been increasingly participating in a global rush to the land, a geo-strategic competition where capital, diplomacy and authority are exercised to guarantee the consolidation of national interests and the accumulation of private capital. And Brazil does not want to lag behind.

As Saskia Sassen⁷ recently highlighted, the study of 'land grabbing' has a

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⁵ Neil Brenner & Stuart Elden, *Henri Lefebvre on State, Space, Territory*. 3 *Int. Polit. Sociol.* 353–377 (2009).
⁶ Mark Twain once wrote 'Buy land. They are not making it anymore'
⁷ Cf. Saskia Sassen, *Land Grabs Today: Feeding the Disassembling of National Territory*, 10
heuristic effect, because it exposes the role and responsibilities of the different actors involved, included the source country\textsuperscript{8} and the target country.\textsuperscript{9} Moreover, there is no other global phenomenon that can better demonstrate the territorial/local link of capital accumulation, and also expose the fundamental role that the modern capitalist state plays in facilitating and enhancing the dispossession of common goods and their passage from the public sphere to the private realm. And Brazil,\textsuperscript{10} an emerging country which positions itself as a bridge between North and South, that defends itself from foreign investments in land and promotes large scale investments in land abroad, represents one of the clearest examples.

The case of Brazil, a 'victim' and 'executioner' of land grabbing which acts ambiguously within and outside its territory, clearly demonstrates the complexity and political nature of controlling and developing land. Having being a recipient of FDIs for several years, an overaccumulated Brazilian capital (or global capital territorialized in Brazil) is obtaining protection now looking

\textsuperscript{8} The country where investors originate from. This notion is particularly hard to define given the complexity and global extension of capital. Often, the formal origin of an investment is functional to the possibility to trigger a Bilateral Investment Treaty or to the existence of a Double Taxation Treaty. Moreover, the money which is actually utilized for a project can be collected from a plurality of investors, including national, foreigners, private and public, but will then assume one geographical connotation (territorialization). This aspect of capital globalization makes extremely complicated, as I point at the end of this chapter, to identify capital as 'national' and to affirm that a State is acting as a broker in favor of its own capital.

\textsuperscript{9} The target country is the country where the investment or development project is undertaken.

\textsuperscript{10} When I use the term 'Brazil', or 'Brasilia', 'State', 'Authority', etc., I do not imply that the public bureaucracy is composed by a monolithic entity with a unique voice. Rather, I use the term in a general way to identify whoever holds sovereignty as the internal and external legitimate coercive power which can be utilized to shape the legal and social reality both on a national level (by providing incentives, legal reforms, exemptions, etc.) both at the international level (by means of diplomatic activity and international conventions).
beyond its frontiers for new cheap resources to accumulate.\textsuperscript{11} In parallel, the Brazilian government is structuring a diplomatic network and legal interaction with peripheral countries, and Africa in particular. In my readings, this two movements are not separated, but rather representations of the construction of Brazil as a bourgeois capitalist state and a player in the global struggle for regional control.

Exactly as desired by the Brazilian industrial base at the moment of Lula’s election,\textsuperscript{12} the ’return of the Brazilian state’ has been functional to the deepening of the process of internal capitalist accumulation, and is now exercising its functions and power to help its transnationalization and globalization. Brasilia first utilized its authority to create, correct and direct the internal market, and now has now entered the last of the four phases of capitalist state production as identified by Van Apeldoorn et. al.\textsuperscript{13} where national and international prerogatives are deployed to represent and sustain the external interests of ’domestic’ capital. Brazil internationalizes its actions,\textsuperscript{14} and exercises what Gerstenberger called ‘external mercantile representation’,\textsuperscript{15} a strategy which can involve economic diplomacy, sustain to agricultural development projects, and forceful protection and promotion of business

\textsuperscript{11} David Harvey, \textit{The New Imperialism}, Oxford University Press, Oxford, UK (2003).
\textsuperscript{12} Cf. James Chyper, \textit{supra} note 4.
\textsuperscript{13} Bastiaan van Apeldoorn, Naná de Graaff & Henk Overbeek, \textit{The Reconfiguration of the Global State–Capital Nexus}, \textit{9 Globalizations} 471–486 (2012).
\textsuperscript{14} Robert Cox, 1987, \textit{Production, Power and World Order: Social Forces in the Making of History}, Columbia University Press, New York.
\textsuperscript{15} The author utilizes the German notion of ’merkantile Aussenvertretung’— Heidi Gerstenberger, 1973, \textit{Zur Kritik der historischen Konstitution des bürgerschen Staates}, PROKLA, No. 8/9, pp. 207–226. Cited in Apeldoorn et al., id. Cited by Van Apeldoorn et al., \textit{ibid}. 
interests if need be by military means, etc.\textsuperscript{16}

In the light of that, this chapter exposes the ambivalence of a government which has been utilizing legal, rhetorical and diplomatic mechanisms to represent and expand the control by 'Brazilian' capital over foreign space, while officially rejecting the foreignization of land at home.\textsuperscript{17} In particular, Section I provides a brief introduction of 'land grabbing' as a complex, dynamic and political concept; Section II looks at the Brazilian efforts to impede the foreignization of its land; Section III unpacks the ProSavana development project, a land development investment in Mozambican land which is likely to create foreign territories within Mozambique;\textsuperscript{18} Finally, the last Section starts from the non-apparent schizophrenia of Brasilia, and formulates questions and hypotheses that not only concern Brazilian and Mozambican people.

II. The glocal rush to the land

\textsuperscript{16} In Gerstenberg's account, the instruments employed in this function range from the direct commercial support to domestic firms (import levies, export subsidies, conditionalities imposed on aid recipients, etc.), via traditional commercial diplomacy (becoming increasingly dominant in the overall package of tasks assigned to the diplomatic corps of advanced capitalist states in recent years) to the application of military power in support of the competitive position of domestic capital on the world market. Gerstenberg, ibid.

\textsuperscript{17} The constraints introduced against FDI in land are seen as unacceptable obstacles by the Confederação Nacional da Agricultura (National Agricultural Confederation), the União dos Canavieiros (Union of the sugar cane's producers), etc. Source: Sergio Schlesinger, personal communication with the author.

\textsuperscript{18} In a recent article, Saskia Sassen introduces the idea that territoriality goes beyond territory and national borders. In this optic, I claim that Brazilian involvement in supporting the land development project in Mozambique participates to the idea of expanding territoriality abroad. Cf. Saskia Sassen, \textit{When Territory Deborders Territoriality}, \textit{TERRIT. POLIT. GOV.} 21–45 (2013).
After years of studies, protests, and discussions, almost everyone who is involved in the study or the practice of development should be familiar, or at least aware, with the notion of ‘land grabbing’. Entire communities have raised their voices against the appropriation of their land and water to give space to large-scale investments, while a mounting number of international and national organizations (both public and private) has been producing alternative scenarios or at least some solutions to reduce the negative impact of this XXI century enclosure. In the specific of the academic world, the issue has been scrutinized by expert of agrarian political economy, political ecology, food security, anthropology, sociology of globalization, geography, human rights, corporate social responsibility, gender relations, and also put at the centre of law and development analyses and international relations’ discussions.

19 Peluso, N. L. & Lund, C. 2011, New frontiers of land control, *Journal of Peasant Studies*, 38(4), pp. 667–681.; White, B., Borras, S. M, Hall, R., Scoones, I. & Wolford, W., 2012, The new enclosures: critical perspectives on corporate land deals, *Journal of Peasant Studies*, 39(3&4), pp. 619–647.

20 Fairhead, J., Leach, M. & Scoones, I., 2012, Green grabbing: a new appropriation of nature?, *Journal of Peasant Studies*, 39(2), pp. 237–261.

21 Robertson, B. & Pstrup-Andersen, P., 2010, Global land acquisition: neo-colonialism or development opportunity?, *Food Security*, 2(3), pp. 271–283.

22 Saskia Sassen, *Land Grabs Today: Feeding the Disassembling of National Territory*, 10 GLOBALIZATIONS 25–46 (2013).

23 Rolf Künstemann & Sofia Monsalve Suárez, *International Human Rights and Governing Land Grabbing: A View from Global Civil Society*, 10 GLOBALIZATIONS 123–139 (2013); De Schutter, O. (2011) How not to think of land-grabbing: three critiques of large-scale investments in farmland, *Journal of Peasant Studies*, 38(2), pp. 249–279.

24 Ariane Goetz, *Private Governance and Land Grabbing: The Equator Principles and the Roundtable on Sustainable Biofuels*, 10 GLOBALIZATIONS 199–204 (2013); Matías E. Margulis, Nora McKeon & Saturnino M. Borras, *Land Grabbing and Global Governance: Critical Perspectives*, 10 GLOBALIZATIONS 1–23 (2013).

25 Berhman et al., 2011, *The Gender Implications of Large-Scale Land Deals*, IFPRI Discussion Paper 01056; Chu J, 2011, *Gender and ‘Land Grabbing’ in Sub-Saharan Africa: Women’s land rights and customary land tenure*, Development 54(1):35-39.

26 For example, eighteen papers where presented at the 2013 Law and Development Conference on the “Legal and Development Implications of International Land Acquisitions”, which was
From a qualitative point of view, it is not easy nor convenient to provide a definition of 'land grabbing'. Already used by Marx at the end of the XIX century to describe the English enclosures, the term 'land grab' has re-emerged and has been proposed by social movements as a catch-all phrase to refer to the explosion of (trans)national commercial land transactions and land speculation. However, it has soon assumed different trajectories according to the various political objectives. For example, some authors have compressed its meaning and utilized it to criticize large scale investments just because they produce social, environmental and economic externalities, a situation that offers the background to propose mitigatory solutions like corporate social responsibility. In other cases, the foreign origin of the investor became the central object of the protest, and the notion of 'land grabbing' strategically

27 The English translation of Marx's *Capital*, reads as such: “Land grabbing on a great scale [. . .] is the first step in creating a field for the establishment of agriculture on a great scale. Hence this subversion of agriculture puts on, at first, more the appearance of a political revolution.” Cf. Karl Marx, *Capital*, Vol. I., (1906) [1867], p. 470.

28 Saturnino M. Borras J. and Jennifer C. Franco, *Global Land Grabbing and Trajectories of Agrarian Change: A Preliminary Analysis*, *Journal of Agrarian Change*, Vol. 12 No. 1, January 2012, pp. 34–59.

29 This politically neutralized version of 'land grabbing' identifies the problem not in the social transformation or in the undemocratic nature of corporate agriculture, but on the sole production of non-internalized externalities. As a consequence, ‘Codes of Conduct’ are proposed as the solution to discipline big land deals and transform them into supposedly more ethical ‘win–win’ outcomes. Cf. Von Braun, J., and R. Meinzen-Dick, “Land Grabbing” by Foreign Investors in Developing Countries: Risks and Opportunities, *IFPRI Policy Brief 13* Washington, DC, IFPRI (2009); Ariane Goetz, *Private Governance and Land Grabbing: The Equator Principles and the Roundtable on Sustainable Biofuels*, 10 *GLOBALIZATIONS* 199–204 (2013); Rolf Künemann & Sofia Monsalve Suárez, *International Human Rights and Governing Land Grabbing: A View from Global Civil Society*, 10 *GLOBALIZATIONS* 123–139 (2013); Nora McKeon, “One Does Not Sell the Land Upon Which the People Walk”: Land Grabbing, Transnational Rural Social Movements, and Global Governance, 10 *GLOBALIZATIONS* 105–122 (2013); Olivier De Schutter, *How not to think of land-grabbing: three critiques of large-scale investments in farmland*, 38 *J. Peasant Stud.* 249–279 (2011).
adopted to reject the foreignization of land while defending similar interests of the national capital.\textsuperscript{30} Finally, there is the perspective of the majority of the peasants, as represented by La Via Campesina, who are moved by another set of concerns and challenges, and who use the notion of ’land grabbing’ to reject the global transformation of small–scale farming into large–scale industrialization, independently from the production of evicted people and from the nationality of the ’grabbers’.\textsuperscript{31}

The adoption of one definition rather than another generates, therefore, political consequences, because it traces the line between what is considered acceptable or even desirable, and what is identified as a problem. Moreover, as the case of Brazil demonstrates, the dynamic nature of the term can also be functionally appropriated to reject a form of land grabbing (foreignization) while accepting the other ones. For these reasons, rather than offering a unique definition of ’land grabbing’ – and waiting for future analyses –,\textsuperscript{32} my intention is

\textsuperscript{30} Diego E. Piñeiro, \textit{Land grabbing: concentration and “foreignisation” of land in Uruguay}, \textit{33 CAN. J. DEV. STUD. CAN. DÉTUDES DÉVELOPPEMENT} 471–489 (2012); Miguel Urioste, \textit{Concentration and “foreignisation” of land in Bolivia}, \textit{33 CAN. J. DEV. STUD. CAN. DÉTUDES DÉVELOPPEMENT} 439–457 (2012); Annelies Zoomers, \textit{Globalisation and the foreignisation of space: seven processes driving the current global land grab}, \textit{37 J. PEASANT STUD.} 429–447 (2010).

\textsuperscript{31} The Transnational Institute has recently issued a ’primer’ where it is stated that: ’The global land grab is therefore an epitome of an ongoing and accelerating change in the meaning and use of the land and its associated resources (like water) from smallscale, labour–intensive uses like peasant farming for household consumption and local markets, toward large–scale, capital–intensive, resource–depleting uses such as industrial monocultures, raw material extraction, and large–scale hydropower generation – integrated into a growing infrastructure that link extractive frontiers to metropolitan areas and foreign markets.’ This is the position adopted by several farmers around the world, and internalized by a global umbrella organization such as La Via Campesina. Cf. Franco J., Borras S.J., et al., 2013, \textit{The global land grab: A Primer, Revised edition}, TNI Agrarian Justice, Transnational Institute, Amsterdam, available from http://www.tni.org/primer/global–land–grab.

\textsuperscript{32} Tomaso Ferrando, ’The politics behind definitions: Why we need to go beyond the notion of
to make the reader aware of the inevitable political tension which hides behind the idea of 'land grabbing', and to prepare her for the possibility that a strategic vision of 'land grabbing' can be created and reproduced with a specific political aim. This move is at the centre of the apparently schizophrenic behaviours that I analyse in this paper.

Shifting to the quantitative side of 'land grabbing', several attempts have been formulated to define the global extension of land grabbing, which in some cases provide very different pictures of the same phenomenon. For example, in 2009 the Food Policy Research Institute affirmed that large-scale land deals had risen 20 million hectares between 2005 and 2009, while in 2010 the World Bank pointed at 56 million hectares enclosed in the sole period between 2007 and 2009, and more recently Oxfam shocked more than one reader by affirming that almost 227 million hectares had been occupied by investors between 2000 and 2010. In any case, what these discrepancies demonstrate is

"land grabbing”’, forthcoming.

33 The reasons behind this discrepancies, as recently affirmed by the Transnational Institute, can be researched in corruption and lack of transparency, in the fact that projects involved in reported large-scale land acquisitions can be at widely different stages of planning and operationalisation, and in the dynamism of the financing behind the projects, which is fluid and can change abruptly. However, it is my opinion that it is not the quantitative dimension that makes a difference, because even the most conservative datum of 20 million hectares would imply that a material space almost equal to the entire territory occupied by the United Kingdom has been enclosed in the temporal space of four years. Cf. Transnational institute, id.

34 IFPRI, 2009, “Land grabbing” by foreign investors in developing countries, risks and opportunities. Brief 13. Washington, IFPRI.

35 World Bank, 2010, Rising global interest in farmland: can it yield sustainable and equitable benefits?, The International Bank for Reconstruction and Development/The World Bank, Washington D.C., USA.

36 Oxfam, 2011, Land and Power: The growing scandals surrounding the new wave of investment in land, Oxford, Oxfam.
that the demand for land has been exploding in the last years, and conservative estimations also foresee that 6 million ha/year of additional land will be brought into production through 2030, two-thirds of which will take place in Latin America, the Caribbean and in Sub-Saharan Africa.\textsuperscript{37}

As for the different pushes and pulls which are behind this unprecedented upsurge in the speed and extension of these occupations, it is possible to single out at least six different phenomena which involve both national and foreign capital: a) the attempt of food–insecure nations to secure their food supply by avoiding traditional markets’ mechanisms; b) the surging interest around agrofuels as a “green” and “renewable” alternative; c) the developmental myth of food scarcity and of massive industrialization as the only solution;\textsuperscript{38} d) the 2008 financial crisis and the decision of investors to move their overaccumulated capital from intangible financial products to farmland as a scarce resource;\textsuperscript{39} e) global climate change; f) the ideological conviction of target countries that large private investments represent the fastest way to produce economic development; g) corruption; h) finally, if we adopt a political economy perspective to land grabbing, we can conclude that the control over the territory is a way of exercising power, both locally and internationally.

Supporting and participating in large scale land investments within the nation or in a foreign nation, becomes a new and attractive way to conduct geo–strategic

\textsuperscript{37} World Bank, \textit{supra} note 29, p. xxviii
\textsuperscript{38} Committee on World Food Security (2011). \textit{How to Increase Food Security and Smallholder-Sensitive Investment in Agriculture.} 37th Session of the Committee on World Food Security, Rome, FAO.
\textsuperscript{39} Derek Hall, \textit{Land grabs, land control, and Southeast Asian crop booms}, 38 J. \textsc{Peasant Stud.} 837–857 (2011); Shepard Daniel, \textit{Situating private equity capital in the land grab debate}, 39 J. \textsc{Peasant Stud.} 703–729 (2012).
politics, mainly because it gets rid of multilateralism and traditional forums of international relations.

And the economic and political importance of controlling land is evident if we map the different actors involved in these large scale operations, and their different trajectories. Whether the origins of the 'land grab scandal’ are rooted into the large concessions of Sub Saharan African land obtained by Saudi Sovereign Wealth Funds, the current rush to the land involves a multiplicity of actors, included national elites, private equity funds, hedge funds, multinational enterprises (agribusiness, producers of livestock, seeds, agrochemicals, and agrofuel, etc.), pension funds, universities, and many others. Everyone wants land, and they want it for different reasons.

Thus, 'land grabbing’ cannot be described any more as an attempt of core countries (or developed, Global North, former colonizers) to re-colonize the peripheries (or developing, Global South, former colonies). On the contrary, investments in land represent a priority for emerging countries (and in particular of China, India, South Africa, and Brazil), some of which (especially Brazil) are both target and sources of large scale land investments. Their participation in the scramble for Africa (but also for Latin America, Eastern Europe, South East Asia, Oceania, Europe and North America), poses new challenges and introduces new dynamics in the global (dis)equilibrium of

40 Tomaso Ferrando, Land Grabbing under the cover of law: Are BRICS-South Relationships Any Different?, in Nicola Bullard and David Fig (eds.), The Economic Rise of the South: A Critical Movement Reader, Transnational Institute, forthcoming 2013.
41 Saturnino M. Borras J. et al., Land Grabbing and Global Capitalist Accumulation: Key Features in Latin America, Canadian Journal of Development Studies/Revue Canadienne D'études Du Développement 33, no. 4 (2012): 402-416.
economic and political power.

Acting within this framework, the next paragraphs offer a critical analysis of the 'return of the Brazilian state' intended as the consolidation of a specific state-capital nexus. In particular, the special position of Brazil as 'victim' and 'source' of land grabbing reveals that the Brazilian government has been using its authority to protect and expand the accumulation of capital, both at home and abroad. What appears to be a schizophrenic attitude of rejecting the foreignization of Brazilian land while supporting a ten million hectares developmental project in the North of Mozambique is nothing more than the two faces of the State Mode of Production, i.e. the construction of Brazil as a bourgeois capitalist state.

III. Dr. Jackill: The anti-foregnization move of the Brazilian government

Starting from 2006, the Brazilian national press, politicians and social movements began instilling the idea of a foreign attack against Brazilian land. The first claims were about Australian, Arab and Argentinian investors acquiring national land, and they were identified as the responsible for the rapid surge in the value of the land. Rapidly, foreign investors were transformed in the anti-Brazilian nightmare, the new scandal that required a fast and strong response. Thus, government representatives met in the 'Casa Civil' in 2007, and stressed the national interest behind the reject of foreign acquisitions of land.\footnote{John Wilkinson et. al., El Caso de Brasil, in FAO (Regional Office for Latin America and the Caribbean) Acaparamiento de tierras: Estudios de 17 países de América Latina y el Caribe, study presented at the seminar “Dinámicas en el mercado de la tierra en América Latina y El} However, it was only in 2010 that the government began stressing the
importance of defending food security and maintaining land in Brazilian hands, as clearly appears from declarations like that “We do not need foreigners to produce food in Brazil,” that investing in land is not the same of investing in the products it generates, and that “This is the policy of President Lula da Silva.” The State, the media, the social movements and businessmen were all releasing similar nationalistic statements.

Few months later, the same government whose Minister of Agriculture had defined Brazil “perfectly able to attract investment from the Arab world” and considered a victory the fact that the Libya deputy prime minister had recently announced a US$ 500 million investment in the Brazilian agricultural

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43 In 2010 Lula released an interview affirming that ‘[land ownership] is a problem that we have to start tackling. One thing is a citizen who comes and buys a factory, a production site. A different situation is if he wants to buy the land where the factory is built, the land to produce soya, the land for mining operations’. Source: Folha de São Paulo, Lula defende inibir venda de terras a estrangeiros, June 8, 2010, author’s translation. Available from http://www.limitedaterra.org.br/noticiasDetalhe.php?id=122

44 For example, when Glauber Silveira, President of the Association of soybeans Producers (APROSOJA) took office as president in May, he estimated that one million hectares of Brazilian land cultivated with soybean were in foreign hands. In his words, “even if it is advantageous for the producer with a land leasehold, the foreign thrust is worrisome, as it pushes the Brazilian competitor away from the business and allows the territorial occupation of Brazil.” Similarly, the editors of the newspaper O Estado de São Paulo, in its article entitled “China buys land in Brazil”, affirmed: “Former minister Antônio Delfim Netto is right when he recommends caution with selling of lands to Chinese State-controlled companies, or to companies with a State participation. Foreign investments are welcome as a rule and may make important contributions to the country’s growth. Foreign groups can make good deals whiles strengthening the Brazilian economy with additional resources, and, occasionally, with technological inputs. But ‘businesses’ undergo a change of meaning when the investments are subordinated to the strategic reasons of a foreign State. In the cases of natural resources and agriculture-land, a proper evaluation of such strategy becomes a security-issue. All the statements are reported by Sérgio Sauer and Sergio Pereira Leite, Agrarian structure, foreign land ownership, and land value in Brazil, Paper presented at the International Conference on Global Land Grabbing 6-8 April 2011, Organised by the Land Deals Politics Initiative (LDPI) in collaboration with the Journal of Peasant Studies and hosted by the Future Agricultures Consortium at the Institute of Development Studies, University of Sussex.
sector, entered an opposite trajectory, where foreign investors were no more a resource, but a threat to be defeated. As a consequence, on August 23rd 2010 the Brazilian General Attorney Office (AGU) issued a new opinion on foreign access to Brazilian land which became immediately binding for all the governmental bodies, administrative agencies and all entities which are directly subject to the Executive branch, such as INCRA, the Land Office Registers, public (publicly owned) banks and enterprises.” Opinion No. 01/2008-RVJ was subsequently approved by the then President Lula, and became binding on the Federal Government pursuant to section 40 of Complementary Law No. 73 of 1993.

The ‘new’ opinion was, in fact, a return to the past traced during the Brazilian dictatorship, an apparently bold step taken by Brasilia to protect Brazilian sovereignty, which, in reality, did not introduced a radical prohibition, but rather submitted foreign-owned Brazilian companies to the control and authorization of INCRA (Brazilian Agrarian Reform Agency), the

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45 Alexandre Rocha, Minister: Arabs are great opportunity, ANBA, February 8th, 2010, Available from: http://www2.anba.com.br/noticia_oportunidades.kmf?cod=9497569 (last visited Jun 12, 2013).
46 Legal Opinion CGU/AGU nº 01/2008, published in the DOU (Diário Oficial Da União – Official Gazette of the Union) nº 161 of August 23, 2010 under the reference AGU/LA01/2008. It amends the opinions AGU/LA04/94 and GQ 181/1998.
47 INCRA is the “Instituto Nacional de Colonização e Reforma Agrária” or in English, the Brazilian Institute for the Agrarian Reform.
48 Referring to the interest of foreign countries toward Brazilian land, Wagner Rossi, a former Agricultural Minister, affirmed that ‘some of these countries are great partners in other areas, but having them buying land in Brazil creates some sort of sovereign risk for us. This is not part of our plan and we are not going to allow that’. Source: International Business Times, Brazil clamps down on foreign ownership of agricultural land, International Business Times, March 21, 2011. Available from: http://www.ibtimes.com/articles/124853/20110321/brazil-clamps-down-on-foreign-ownership-of-agricultural-land.htm.
same that was already happening for foreigner entities and individuals. From a legal perspective, the 'new' opinion stated that section 1 paragraph 1 of Law No. 5,709 had never been revoked, since articles 170 “I”, 172 and 190 of the Constitution already allowed restrictions on the participation of foreigners in certain activities. According to the new regulation, Brazilian companies whose majority is owned by a foreign subject will face the same limitations that were previously imposed to foreigners only. Thus, despite the anti-foreigners campaign and the intense debate about foods security and national control of land, the reform did not introduce a ban against foreign ownership of land, but simply required foreign-owned companies to obtain the authorization from INCRA [the Brazilian Agrarian Reform Agency] whenever they are to acquire rural land having an area of three up to 100 modules, and affirms that it cannot own an area which exceed one quarter of the area of the cities where the property is located. In addition, a quantitative limit of a quarter of the area of the city was introduced.49

When it came to the regulation, an extremely effective political campaign centred around food security and the need of preserving the Brazilian

49 The translated text states that Brazilian companies whose majority is owned by foreigners,
1. are not allowed to buy more than one hundred standard “modules” [a reference unit used in the law];
2. are subject to express authorization from INCRA [the Brazilian Agrarian Reform Agency] whenever they are to acquire rural land having an area of three up to 100 modules;
3. together with all the foreign companies or individuals cannot own an area which exceed one quarter of the area of the cities where the property is located (as proved in a certificate issued by the Real Estate Registry), and no more than 40% of this quarter can be owned by persons of the same nationality; and
4. must have the purpose of carrying out agricultural, cattle raising, industrial and settlement projects, which are subject to the approval of the Ministry of Agriculture.
ownership of land, which had been capable of obtaining the support of national and international social movements, associations, NGOs, politicians, and of progressive thinkers all over the world, was reduced to some procedural requirements, and with qualitative and quantitative limits that can be easily eluded. Moreover, and that is the most interesting part, the position adopted by the Lula’s administration functionally selected a narrow definition of land grabbing. Rather than looking at the acquisition of land as a matter of control, the grab was presented to the entire country as a question of foreign ownership, completely neutralizing the underlying struggle between small-scale and large-scale, and dismissing issues of access and redistribution. However, the question is whether foreign ownership of Brazilian land did constitute the main problem when dealing with land.

Data seem to deny the imminence of the foreign threat. According to the data formulated by the same INCRA with regard to the period of the legal intervention, the number of rural properties owned by foreigners, either individuals or legal entities authorized to operate in Brazil, was relatively small at the country scale. According to Institute’s register on rural property of May 2010, foreigners owned 34,371 properties, which represented 4.3 millions ha, i.e 0.70% of rural properties of Brazil (0.79% of cultivated lands). However, if we include the land in the hands of foreign-owned Brazilian company, the share would reach 1.20% of lands, for a total surface which does not reach the 10 millions ha.\textsuperscript{50}

\textsuperscript{50} Fundacion Pensar, Propiedad extranjera de la tierra. Datos, legislación comparada y límites constitucionales, Fundación Pensar, Documento de políticas publicas, Buenos Aires, March 2011, p. 5. Available from: http://fundacionpensar.org/wp-content/uploads/2011/03/Propiedad-
Given the small shares of national land directly or indirectly in the hands of foreigners, it appears difficult to understand the sudden and radical change of attitude by the Brazilian government. Similarly, it is hard to find a evidence that could strongly legitimize its strong intervention in defence of the Brazilian ownership of land against foreign invasions. However, Ariovaldo Umbelino de Oliveira has recently underlined⁵¹ that the rhetorical machine created by the government, and reinforced by national and international actors, was crucial in supporting the action of the government, and in concentrating the attention around the ownership of land rather than on other land issues, including the process of enclosure and exclusion of the non-owners which had been going on since the ’70s. Moreover, when President Lula was claiming for the Brazilian control over Brazilian land, the memories of the 2009 L’Aquila meeting where he had decided to bring Brazilian development and investors in Africa, were certainly still clear in the President’s mind. Was the anti-foreignization campaign the fruit of institutional amnesia, or the first symptom of a well planned executive schizophrenia?

IV. Mr. Hyde: The Brazilian involvement in the ProSavana Project in Mozambique

As anticipated, in during the L’Aquila G8 Summit in July 2009, an agreement was reached to “develop agriculture in African tropical savannahs through

extranjera-de-la-tierra.pdf.

⁵¹ Ariovaldo Umbelino de Oliveira, A questão da aquisição de terras por estrangeiros no Brasil - um retorno aos dossiêis, AGRÁRIA, São Paulo, No. 12, pp. 3-113, 2010.
Japanese–Brazilian cooperation by building on the achievements of the Cerrado agricultural development cooperation.”52 Interestingly, no African country participated to that meeting, and the African presence became reality only on 17th September 2009, when, on the basis of that inter-governmental bilateral agreement, the Agricultural Development in Mozambique (ProSAVANA–JBM) was signed by the Japan International Cooperation Agency (JICA), the Brazilian Cooperation Agency (ABC) and the Ministry of Agriculture of Mozambique (MINAG). That date signed the birth of the ProSavana project, 53 a US$ 2 bln private–public investment to transform the agricultural structure of Mozambique, 54 one of the biggest development projects ever conducted in the history of modern development.

The Nacala Corridor, situated between parallels 13 and 17 south, in the northern part of Mozambique, was identified as the 'beneficiary' area, mainly because of internal and comparative reasons. According to Embrapa, 55 the Brazilian public centre of agropecuarial research, the region has appropriate climate, but, more importantly, a large arable area of 14.2 million hectares –

52 Akio Hosono, South-South/Triangular Cooperation and Capacity Development, in Hiroshi Kato (eds), Scaling Up South-South and Triangular Cooperation, Japanese International Cooperation Agency (JICA), Tokyo, Japan (2012).
53 Technically, ProSavana's name is Triangular Cooperation for Agricultural Development of the Tropical Savannah in Mozambique.
54 According to the 2013 Master Plan, the investments will be channelled through the Nacala Corridor agriculture investment fund for large-scale agriculture development, located in Luxembourg, but there is also some reference to the direct participation of international financial institutions. Source Triangular Cooperation for Agricultural Development of the Tropical Savannah in Mozambique, SUPPORT AGRICULTURE DEVELOPMENT MASTER PLAN IN THE NACALA CORRIDOR IN MOZAMBIQUE (PROSAVANA-PD), REPORT No.2, Quick Impact Projects, March 2013, MINAG, DPAs, Getulio Vargas Foundation Oriental Consultants Co. Ltd., NTC International Co. Ltd., Task Co. Ltd.
55 Empresa Brasileira de Pesquisa Agropecuaria.
about three times the total farmland in Japan—suitable for full mechanization. Moreover, the soil presents good natural characteristics and the main mineral resources such as limestone and phosphate are available. Finally, and extremely important for the critical analysis that I propose, the area is recognized as the potential barn for domestic and regional markets due to the transport route for import and export of the neighbouring countries Malawi and Zambia, and, as underlined by the President of the Mato-Grosso Cotton Producers (Ampa), because of the cheap cost of shipping products to China.

Given the incredible extension of the project, and due to the raising concerns around land grabbing in Africa, when the project became public it was immediately attacked by local farmers and international organizations because of its 'grabbing' effects. Protests forced the parties to change their position, and to manipulate the interpretation of land grabbing in order to defend their continuous support to the project. As clearly demonstrated by Funada Classens, the project was initially framed (although more from the Japanese side than in Brazil) around the idea that Brazil and Japan would have reproduced on African 'available land' the rapid industrialization and economic growth that the Prodecer project had generated in Brazil starting from 1979. However, already in 2009 some inconsistencies began to surface, mainly due to the difficulty to compare the most populated area of Mozambique (3,5 million habitants) with the Cerrado, where 'only' few thousands people had to be

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56 JICA, May 14, 2012. Quoted in Sayaka Funada Classen, *Analysis of the Discourse and Background of the ProSAVANA Programme in Mozambique – focusing on Japan's role*, Paper presented at the 2013“Legal and Development Implications of International Land Acquisitions”, Kyoto, Japan, 30-31 May 2013.
57 Sayaka Funada Classen, ibid.
The possibility to affirm that ProSavana would have been implemented on free and available land soon became a myth, and a new strategy had to be identified.

Thus, both from the Japanese and Brazilian side, new arguments were created to refuse the people’s counter-arguments, with the main intention to confute the idea that ProSavana will determine any form of land grabbing. In particular, supporters from the Brazilian side have been focusing on how to reject the idea that ProSavana would become the instrument to favour a Brazilian invasion of Mozambique land. Left behind the idea of idle land, the

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58 According to Pessoa, in 1981, 2,685 families stood up and organised 16 campaigns for land reform against Prodecer. By 1983 the number of land conflicts had grown to 53 swelling to 65 in 1984. Supported by the military dictatorship, Prodecer eventually expanded throughout 300,000 hectares of the Cerrado, excluding the local peasants or small farmers who had been living the area. In addition to that, Pessoa vividly describes the process of marginalisation of these people, that is, their loss of land, the degradation of their livelihood, their status as “semi-slaves” in colonos’ plantations, and their urban dislocation. Cf. Pessoa, Vera Lúcia Salazar (1988), Acção do Estado e as Transformação Agrárias no Cerrado das Zonas de Paracatu e Alto Paranaiba; MG, dissertation submitted to the Universidade Estadual Paulista. See also Gustavo de L.T. Oliveira, Land Regularization in Brazil and the Global Land Grab, 44 DEV. CHANGE 261–283 (2013); Esteves, C. Formoso e Trombas: luta pela terra e resistencia camponesa em Goiás 1950-1964 [Formoso and Trombas: Struggles for Land and Peasant Resistance in Goiás 1950-1964], in M. Motta and p.Zarth (eds) FORMAS DE RESISTENCIA CAMPOESNA [Forms of Peasant Resistance], NEAD/MDA/Editoria da UNESP, Sao Paulo, Brazil (2008).

59 A September 2009 report by JICA is emblematic. In the same document, reported by Funada Classens, the Japanese agency affirms that ‘while JICA was affirming that “The Cerrado and tropical savannah area in Africa have many agricultural similarities. Through 30 years of the agricultural development initiatives in the Cerrado, Brazil has accumulated much knowledge that can be applied to tropical agriculture in Africa. There is a prediction that improving productivity by utilising results of experiments can be accomplished with relative ease.” However, Due to substantial differences in the Brazilian and African socio-economic environments, we do not think that we can implement the Brazilian Cerrado development model without any modifications. […]’ The Cerrado style development of the Savannah can be implemented but this will not solve the problem of developing the community on the whole. A “new developing model” such as introduction of cooperatives, research, loan systems, and improving the infrastructure would be needed” JICA, June 30, 2009, quoted in Funada Classens, supra note 49.
new strategies are manifold: They dismiss people’s argument as myths, lies\textsuperscript{60} and hetero-directed,\textsuperscript{61} they utilize the formalistic argument according to which there will not be land grabbing because the land belongs to the Mozambican state,\textsuperscript{62} they stress the exclusively technical nature of the trilateral cooperation which neutralizes the political nature of large scale investments as deep social transformation,\textsuperscript{63} and finally highlight the lack of any official political support

\textsuperscript{60} Natalia N. Fingermann, Investigadora Associada of the Brazilian Institute of Economic and Social Studies (Instituto Instituto de Estudos Sociais e Económicos), in May 2013 has published in Maputo an article titled ‘Os mitos por trás do ProSAVANA’ where she affirms that “há, na verdade, a construção de diversos mitos sobre o programa. Ao contrário do que é dito, percebi que ProSavana não prevê, em nenhum dos seus documentos, a usurpação da terra de pequenos produtores, tampouco restringe as suas actividades” (there is, in reality, the construction of myths around the program. Contrary to what is generally said, I perceived that ProSavana does not implies, in no document, the grab of the land which belongs to small scale farmers, nor restricts their activities) (underlined by the author). Cf. Natalia Fingerman, Os mitos por trás do ProSavana, IESE, Boletin Nç 49, Maputo, Mozambique, available from http://www.iese.ac.mz/lib/publication/outras/ideias/ideias_49.pdf. Also cited in O Pais, ProSavana não pretende usurpar terra dos agricultores, diz IESE, O Pais, June 4\textsuperscript{th} 2013, available from http://opais.sapo.mz/index.php/economia/38-economia/25664-prosavana-nao-pretende-usurpar-terra-dos-agricultores-diz-iese.html. Last accessed June 13\textsuperscript{th} 2013.

\textsuperscript{61} The idea that farmers and peasants are not proposing their own arguments, but are directed by foreigner interested in stopping the project, has recently emerged within Mozambique, after the declarations of the Agricultural Minister, who has affirmed that Mozambican peasants are illiterate, so they could never produce the documents that they are circulating. Leaving aside the cultural attack and the clear discrimination, the Minister's argument suggests that only scientists and literate have the right to intervene in the debate concerning 10 million hectares of land, and the life of 3.5 million people. Cf. At TICAD, clumsy diplomacy mars controversial Japanese aid project in Mozambique, JAPAN TODAY, http://www.japantoday.com/category/politics/view/at-ticad-clumsy-diplomacy-mars-controversial-japanese-aid-project-in-mozambique (last visited Jun 14, 2013).

\textsuperscript{62} The formalistic argument, which is contrary to the reality on the ground, has been widely criticized by legal pluralists, and is also contrary to the latest rulings issued by regional courts such as the African Court of Human and People's Rights and the Inter-American Court of Human Rights, is particularly utilized by investors and by the Mozambican state in order to affirm that no dispossession will take place. If no land title is recognized, in fact, there cannot be dispossession no encroachment over peasants' land. Cf. The statement by the chairman of SLC Agricola, which aims at acquiring 140,000 hectares of land abroad. Http://www.agrimoney.com/news/brazil-farmer-turns-tables-by-seeing-land-abroad—4146.html.

\textsuperscript{63} An article by Sheila Jasanoff provides a perfect analysis of the 'global power of seeds and science', an issue which is often overlooked when development projects are proposed.
from the Brazilian government to the internationalization of its national capital.

An emblematic example is represented by the recent editorial 'ProSavana: Criticas e esclarecimento'\textsuperscript{64} by Frederico Daimas Paiva\textsuperscript{65}, recently appeared on AgroAnalysis, the agrobusiness journal of the Fondaçao Getulio Vargas. In the article, which discloses that FGV is acting as consultant for the ProSavana project, the author claims that 'Uma critica recorrente é acerca de uma suposta invasão de agricultores brasileiros em Moçambique. Engano. Não há dentro do Estado brasileiro nenhuma política pública de apoio à internacionalização do seu agronegócio. O ProSavana é uma cooperação técnica, que envolve sobretudo transferência de tecnologia. Advogar a ideia de que o Programa apoia uma invasão de agricultores brasileiros, que, por sua vez, ocuparão terras dos agricultores moçambicanos, é, digamos, desinformar. Não há crédito nem qualquer tipo de apoio a esse suposto processo – o que, pessoalmente, vejo como equivoco estratégico brasileiro, mas isso é assunto para outra

According to the author, technology represents an instrument to reproduce and expand the empire, mainly because it neutralizes the political essence of the underlying situations. Discussing the relationship between industrial agriculture and small-scale farming, she affirms that 'industrial agriculture is organized and managed on different principles from small family farms: the two systems of production rest on different economic, social, and technological infrastructure, and their impacts on human solidarity and on the environment are correspondingly divergent. Conventional risk assessment methods take little or no account of the social and ethical ramification of technological systems, including the threats they pose to long-settled patterns of living'. Cf. Sheila Jasanoff, Biotechnology and Empire: The Global Power of Seeds and Science, 21 OISIRIS 273 (2006).

\textsuperscript{64} ProSavana: Critics and clarifications (author’s translation). Frederico Daimas Paiva, ProSavana: Criticas e esclarecimentos, Agroanalisis, April 11\textsuperscript{th} 2013, available from www.farmlandgrab.org/post/view/21929.

\textsuperscript{65} While on the quoted article Frederico Dimas Paiva is indicated as a FGV Consultant, on the internet it is possible to access presentations of ProSavana where he associates his name with FGV Projetos and also ABC. Cf. http://www.b2match.eu/system/biomass-workshop-2013-maputo/files/PAIVA.pdf?1365414286; http://www.agropolis.org/pdf/g20/session2/Triangular-Coopration-ABC-JICA.pdf
The broad content of this claim, along with the fact that it is pronounced by someone who is working for an actor directly involved in structuring and implementing the project, would require a long and detailed analysis. However, due to the space constraints and to the aim of this chapter, I can only focus on two aspects: a) the likelihood that ProSavana will produce land grabbing; b) whether the entire project will determine a Brazilian invasion of Mozambican land with the direct or indirect support of Brasilia. In order to answer these questions and provide my counter-narrative, I mainly rely on two documents: the Report No. 2 of the ProSavana Master Plan, which was secretly produced by the projects’ consultant – including FGV – and recently leaked to the public;\footnote{67} the content of a TV interview released by Brazilian Deputy Luiz Nishimori, a member of the PSDB PR, who led twenty Brazilian agribusiness in their exploratory mission of the Nacala Corridor.\footnote{68} What these two sources tell us, and what Mozambican farmers have already noticed, is that their land, and their social structures, have already been occupied\footnote{69} – and will continue to be

\footnote{66} “A recurring critique concerns a supposed invasion of Mozambique by Brazilian agricultures. It is a lie. It does not exist, within the Brazilian government, any public policy which supports the internationalization of Brazilian agribusiness. ProSavana is a technical cooperation, which implies, above all, technological transfers. To affirm that ProSavana is supporting a Brazilian invasion, with Brazilian agricultures occupying the land which belongs to Mozambican farmers, is disinformation. Despite I personally consider that the lack of a direct support represents a strategic error of the Brazilian government, this is not happening” (translation mine). Federico Daimas Paiva, ibid.

\footnote{67} The technical name of the ‘Masterplan’ is ‘Support Agriculture Development Master Plan in the Nacala Corridor in Mozambique (ProSavana-PD). The 2\textsuperscript{a} report has been leaked and is available on the web: http://www.grain.org/article/entries/4703-leaked-prosavana-master-plan-confirms-worst-fears.

\footnote{68} The interview was released on February 13\textsuperscript{a}, 2013, at Palavraberta. The document is available from http://farmlandgrab.org/post/view/21652.

\footnote{69} The Master Plan reveals that five ‘Quick Impact Projects’ have already been individuated and
occupied by private capital coming from abroad (included Brazil), and that there is a direct interest of the Brazilian – and Japanese – governments in having their ‘national’ capital, their technology and their workers transplanted into Mozambican land.

A. Will Mozambican land be grabbed?

As a matter of fact, there is no doubt that a 10 million hectares project realized in an area where 3,5 million people live, will occupy spaces which is currently occupied and worked by the people. As indicated in the Master Plan, the idea of ’available land’ is a myth, and “does not exactly mean truly free lands where nobody claims the right of use or its occupancy. Instead, the term only stands for the mass of lands that can potentially be made available for investment projects relatively easier than other areas.”

Thus, despite the Plan’s claim that “The existence of local people’s traditional rights of access to land, forest,

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70 Japan is not the target of my analysis. However, there are evidence and statements which suggest that Japanese investors are willing to replicate in Mozambique what they already did in the Cerrado. See, i.e., Funada-Classens, supra note 37 referring to different articles appeared on Japanese newspapers, and claiming that: “Many big businesses from Japan participated in the mission to source mainly soybeans and sesame seeds for import into Japan.”(Brazil-Nikkei, May 1, 2012)”

71 Master Plan, supra note 46, p. 4-59.
water and other natural resources is never ignored”, and despite the formalistic claim that all the non titled land belongs to the state, it appears evident that the various projects will overlap areas where titles exist. An inevitable consequence of ProSavana will be, therefore, the need to resettle people, or to occupy land where communities are not living but have traditional rights. Will it produce land grabbing? If we adopt a very narrow definition which considers as grabbing the sole violent removal with no compensation – which is the one which is strategically proposed by some big players like the World Bank –, ProSavana is more likely not to generate grabbing.

However, if we expand our notion of land grabbing and we consider, for example, that there will be forced eviction with (little?) compensation, that the projects will have an impact over water resources, produce pollution, affect biodiversity, generate the shift to monoculture, and that a top-down imposed reconfiguration of the entire agricultural structure will take place, we cannot be naïve and deny the grabbing. Furthermore, we should not think that the negative consequences of the project will derive from mismanagement or mis-planning, but from the idea itself of implementing a win-win-win scenario of coexistence between agribusiness and small scale farming where everyone, from the state to the peasants passing through the investors, can benefit. As clearly underlined by Oliver De Schutter, the UN Special Rapporteur on the Right to Food, this scenario of coexistence, where small-scale farming and large-scale industrialized agriculture live side-by-side in the same region, is simply

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72 Ibid.
73 Olivier De Schutter, *The Green Rush: The Global Race for Farmland and the Rights of Land Users*, 52 Harv. Int'l L.J. 504 (2011).
unsustainable and, even when it does not imply direct grabbing or violent evictions, leads to marginalization and exclusion of the small farmers in the long term.

Finally, ProSavana will produce other “silent” or “virtual land grabbing”\(^\text{74}\) masked behind the formalization of land titles, the transition to “settled agriculture” and the increase in the areas of “contract farming.” Whether occupations and evictions will be visible and easily targeted by protesters, these latter form of invasion by foreign interests and capital will be a more subtle way of “opening a country”, \(^\text{75}\) occupying Mozambican territory from below. They thus need some further reflection.

Starting from the land titling process, the whole mechanism of attributing and defining borders through the allocation of the rights to use and profit from the land (DUAT), \(^\text{76}\) is a means to “Facilitate the identification of areas for the promotion of agriculture by large farmers, private companies and medium scale

\(^{74}\) J.F. McCarthy, J.A.C. Vel and S. Afiff (2012) “Trajectories of land acquisition and enclosure: development schemes, virtual land grabs, and green acquisitions in Indonesia’s Outer Islands” Journal of Peasant Studies 39(2), p.523.

\(^{75}\) The idea of ‘opening territories’ is at the core of David Harvey’s theory of imperial expansion via accumulation by dispossession. According to the author, ‘Access to cheaper inputs is, therefore, just as important as access to widening markets in keeping profitable opportunities open. The implication is that non-capitalist territories should be forced open not only to trade (which could be helpful) but also to permit capital to invest in profitable ventures using cheaper labour power, raw materials, low-cost land, and the like. The general thrust of any capitalistic logic of power is not that territories should be held back from capitalist development, but that they should be continuously opened up’. See David Harvey, supra note 11: 139.

\(^{76}\) It is interesting to notice that the project does not imply the distribution of property rights, but exclusively of land use rights. Communities who have been living on public land for their entire life, will continue to be occupiers of someone else’s land, with no possibility to increase their own estate, nor the possibility to obtain a loan from a bank, which De Soto indicates as essential to achieve growth and prosperity.
farmers with leading experience,” the initial phase of the transition to an intensive agriculture. Thus, the Plan aims at applying the economic perspective proper of De Soto’s *Mystery of Capital* and the Western conception of private/public divide, in order to draw bright lines around each owner, and define territories for economic development. Such process of formalization and definition of boundaries, which has been amply criticized in particular by Scott’s notion of ‘legibility’ and for the destruction of existing pluralism, is likely to negatively affect the local communities at least in the following four ways: a) people will exclusively receive the land that is given them on the basis of standards and parameters that they will hardly be able to consult, produce, and modify; b) the formalization is likely to crystallize the existing social dynamics, without any redistributive attempt and without taking into consideration the position of the weakest and socially marginalized; c) all the area which will not be titled, will be considered public, and therefore eminent domain of the state that can be given in concession for large-scale farming; d) the theory of the *Mystery of the Capital* has been amply criticized and exposed, mainly because it favours concentration of land in few hands (indirect grabbing), facilitate eviction for public interest (legitimate grabbing), and increase the level of people’s insecurity.

Moving to the other two ‘virtual grabbing’, they are both described by the

77 Master Plan, *supra* note 46, p. 3-15.
78 The process of land titling has also been highly criticized because it is utilized by states as an instrument of securitization. More precisely, Scott writes that ‘the modern nation state organizes its subjects (including both people and things) in ways that makes (sic) them easier to govern – or ‘visible’ – by ‘rationalizing and standardizing what was a social hieroglyph into a legible and administratively more convenient format. Cf. James C. Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed* (New edition ed. 1999).
Master Plan, which plays a heuristic function in this regards. They will consist in the top–down imposition of the transition from “shifting farming” to “settled farming,” along with the non–discussed expansion of the areas of “contract farming”, which will occupy more land and involve more farmers. Although these two cases cannot be seen as a form of land grabbing in its narrow sense, they are certainly framed by the notion of grabbing as control grabbing, intended as the appropriation of the power to decide how the land and water can be used now and in the future.  

Both movements will generate a shift in the power dynamics, creating a dependence from a third party that is exogenous to small–scale farming, while increasing the dependence on global capital.

Starting from the first “hidden grab”, the Master Plan affirms that moving to “settled farming” represents “an urgent need, in view of the rapid population growth and limitation in available farmland in the Nacala Corridor.”

Despite the fact that the decision to change the life pattern of 3,5 million people has not been discussed with the people themselves, what is lurking behind “settled farming” is much more than a productive innovation or a “progress” toward higher production. In the minds of the developers, the migration from “shifting” to “settled” will be accompanied, in fact, with the creation of an intensive farming system. What that means, is the introduction of improved farming techniques, agriculture inputs and other services, namely fertilizers, pesticides, machines, improved seeds (if not GMO seeds) and a broader set of inputs. In

79 Transnational Institute, supra note 25.
80 Master Plan, supra note 46, p. 3-20.
this way, agricultural production will become, like in the case of the Indian
Green Revolution so clearly exposed by Raj Patel and other authors,\footnote{Raj Patel, \textit{The Long Green Revolution}, 40 \textit{Peasant Stud.} 1–63 (2013).} completely dependent on inputs which, in the majority of the cases, are produced by multinational enterprises geographically located in other countries (included Brazil), and which pay little or no taxes in Africa.\footnote{Prem Sikka & Hugh Willmott, \textit{The dark side of transfer pricing: Its role in tax avoidance and wealth retentiveness}, 21 \textit{Crit. Perspect. Account.} 342–356 (2010).}

Moreover, and this is a point which is sadly known in India due to the high number of suicides, shifting to an input intense form of farming is extremely expensive and increase the vulnerability and dependence on credit and market price. However, rather than recognizing the mistakes of the Indian Green Revolution and proposing different forms of agricultural transition, the Master Plan project proposes “the introduction of a short-term soft loan with conditions adapted to the agricultural production cycle in order for individual farmers to access financial services necessary to improve agriculture productivity. Soft loans will also be utilized to promote small-scale agribusiness activities by individual farmers in their efforts to start businesses.” Suddenly, farmers will be dragged within the financial circuit, contracting loans and being forced to use part of the value produced by their land to pay interests to the banking sector. More subtly than a grabbing conduced with the police and the fences, this ‘virtual land grab’ is conducted by banks who will profit from the people’s work, appropriate part of the value in the form of interest, and, in several cases, also profit from failures and foreclosures.

And the consequences in terms of autonomy, food sovereignty,
accumulation of the value of the land, and independence of the farmers will not be any better in those areas where contract farming will be implemented. According to the Plan, in fact, the entire development of contract farming will be undertaken within the frame of large-scale agribusiness operations, mainly finalized to the production of soya, cotton, tea and tobacco, four cash crops produced mainly (if not exclusively) for export and not for national consumption. Once again, a top–down imposition is aimed at implementing a mixed system of large corporate agriculture and contract farming which has a lot of similarities with the old model of the Medieval latifundo, with people paid on a monthly or annual basis to work on someone’s land and to produce the crops that are required by the lord (in the Mozambican case, the market), with no or little possibility to be autonomous, and certainly non competitive with the corporate product. Rather than helping people improving their current life standard, the extensive introduction of contract farming appears to me the imposition of a capital/proletarian class structure, the introduction of a society made of farmworkers and not farmers where today we have families and communities. Rather than physically occupying their land, contract farming will be occupying the people’s future, biodiversity, and increase the dependency on market and the capital circulating through the bank system.

In conclusion, if we adopt a more appropriate notion of land grabbing that looks at the control over the resource rather than at the formal title, ProSavana will undoubtedly be a source of multiple real and virtual grabbing. And it will inevitably be like that as long as it will push for a radical
transformation of the existing control over land, seeds, biodiversity, water, culture, etc., with another model based on innovations of the legal (formalization of the land), agricultural (water and capital intensive agriculture), and productive structures (contract farming as a mechanism that transforms farmers into proletarian, from autonomous workers who can produce for their food autonomy, to salary workers who depend on money and the market in order to satisfy their own needs). Will Brasilia be responsible for that?

B. Will it be a Brasilia-sponsored invasion of the Savannah by Brazilian investors?

Despite the counter-narrative produced in Brazil, Japan, and Mozambique, the tick content of the Master Plan, the words of Deputy Luiz Nishimani, and the statements released by Brazilian and Japanese agribusiness representatives, suggest that the 10 million hectares of Savanna which will be opened by ProSavana will be mainly occupied by large-scale investments, and that Brazilian and Japanese capital are already in the front-line. It may not be an invasion in the style of the Medieval crusades, but ProSavana will legitimize direct occupation of Mozambican land in the name of development and technological innovation, along with a radical change of the existing productive and social structure. Through the coordinated efforts of three states, the Nacala Corridor will become legible, securitized, and transformed in the perfect socio-legal environment for exogenous systems of production based on monoculture, the ancient capital/labour distinction (contract farming), an
intensive exploitation of the resources and a high level of input, all finalized to
the private accumulation of value through dispossession of common goods.\textsuperscript{83}

Whether the occupation will be exclusively conducted by investors coming
from the two partner countries, it is not easy to say. However, there are some
elements for reflection. For example, a two billion dollars Fund was structured
in 2012 to be coordinated by FGV and JICA, who will probably look for
investors among their co-citizens. Moreover, there are direct reports of
exploratory missions conducted by representatives of Brazilian and Japanese
agribusiness. In particular, the Brazilian Development Agency (ABC), organized
the visit of some between twenty and forty Brazilian investors in 2011.\textsuperscript{84} On the
contrary, there are no accounts of “business journey” to the Nacala Corridor
organized by other countries. Moreover, there are the declarations of Brazilian
investors to reveal a Brazilian interest in the “African Cerrado”.

During the last months, several representatives of the Brazilian
agribusiness have released declaration around Mozambique and the possibility
to move their operations there.\textsuperscript{85} Among them, the President of the Associação

\textsuperscript{83} Harvey \textit{supra} note 11.

\textsuperscript{84} Fatima Mello reports that in 2011 ABC helped organizing a journey for a group of 40
entrepreneurs from the Cerrado belonging to the Nacional Confederation of Agriculture
(CAN). Similarly, Deputy Nishimori states in his interview that he personally participated to a
visit to the Corridor with twenty businessmen. Source Fatima Mello, O que quer o Brasil com
o ProSavana?, ADECRU, http://adecru.wordpress.com/2013/03/24/o-que-quer-o-brasil-com-o-
prosavana/ (last visited Mar 24, 2013).

\textsuperscript{85} As reported by Funada Classens, “More than ten people belonging to the Brazilian agribusiness
delegation felt a good response saying, ‘there are still some problems of infrastructure, but we
liked the soil here, which produces good results without any (chemical) fertiliser,’ and ‘it seems
that a little introduction of (our) technology will push further growth.’ There is already a plan
of coming back for further inspection in July.(…)Mr. Nishimori, a Brazilian congressman,
stated that "we would like to provide more solid support to (Brazilian) farmers to settle (in
Northern Mozambique). (Brazilian Nikkei, May 1, 2012, quoted in Funada Classens, \textit{supra}
note 49.
Mato-Grossence dos Produtores de Algodão (Mato-Grosso Association of Cotton Producers, Ampa)\(^{86}\) and the Director of the Union of the Sugar-cane Industries of Brazil (Unica)\(^{87}\) have manifested their interest in Mozambican land due to its similarity with the Cerrado, the board of SLC Agricola has already decided to expand its agribusiness activities in Mozambique,\(^ {88}\) and the Pinesso Group, based in Mato Grosso, has unveiled plans to expand its African operations, which are currently centred in Sudan, into Mozambique.\(^ {89}\)

Moreover, there are the words of Deputy Nishimori, which expose a clear interest of the Brazilian government behind the ProSavana project. According to him, ProSavana will be useful to conduct abroad the land reform that Brazil is not being able to conduct within its territory. In fact, not only the ten million hectares of Mozambican land will provide Brazilian enterprises with new land to exploit, but also Brazilian small scale farmers who do not have enough land in Brazil with new areas where to practice technologically advanced agriculture. Interesting, Mozambican people and their socio-economic conditions are excluded from all these accounts.\(^ {90}\)

Moreover, Brasilia’s diplomacy appears directly involved, starting from

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\(^{86}\) He claimed that “Mozambique is a Mato Grosso in the middle of Africa, with land for free, with no environmental obstacles and a cheaper shipping cost to China”.

\(^{87}\) Eduardo Leão de Sousa stated that “Africa has a great potential for ethanol, due to its vegetation and climate, which are similar to those of the Brazilian Nordest, especially in the Sub Saharan region. The vegetation of the Savannah resembles that of the Cerrado. Alcohol is certainly an opportunity there”. Source Sergio Schlesinger, Brazilian International Cooperation and Investments The internationalization of ethanol and biodiesel, FASE, Rio de Janeiro (2012).

\(^{88}\) They took this decision “because of [Mozambique] greater political stability and incentives offered by the government,” Source [http://www.agrimoney.com/news/brazil-farmer-turns-tables-by-seeing-land-abroad](http://www.agrimoney.com/news/brazil-farmer-turns-tables-by-seeing-land-abroad)—4146.html. Last visited June 12\(^ {th}\), 2013.

\(^{89}\) Ibid.

\(^{90}\) See supra, note 58.
the conclusion of the international agreement with Japan in 2009. More precisely, it appears that Brasilia has been exercising both hard and soft power in supporting the project. For example, Brazil is contributing through the work of ABC, a public institution, but also through the US$ 300 million loan that the National Bank of Economic and Social Development (BNDES) has formally issued in favor of Mozambique, US$ 80 million of which will go back to Brazilian pockets, and in particular to the accounts of Odebrecht International, which received the charge to build the Nacala international airport.\footnote{In its webpage, Odebrecht affirms to be a 'leading Brazilian multinational in different sector of construction, since the arrival of Emil Odebrecht to Brasil, in 1856’. The mechanism adopted by Brazil and its investors does not seem any different from what traditional aid providers, and China, have been doing in the last decades. They provide official aid to development which is used to realize infrastructural projects realized by corporation originating from the aid providing country. In this way, the majority of the money which is disbursed through development banks, o back to the source country (although in the form of privately accumulated value, and no more of public value), while the target countries has also to pay interests on the sum received. According to Odebrecht international itself, the rest of the money will be used to realize the Beira port, a crucial hub in the project of export-led agricultural development of the Nacala Corridor. Source: Odebrecht International, http://www.odebrecht.com/sala-impressa/noticias/noticia-detalhes-303.} Moreover, the public administration is directly involved through the work of Embrapa,\footnote{Part of Embrapa’s research, and in particular genetic resources around cereals and genetically modified transgenic plants, is conducted through the Empraba/Monsanto Fund. Between 2006 and 2012, Monsanto has channelled more than R$ 29 millions in the Fund. Sources: Monsanto, Monsanto repassa R$ 3,8 milhões a pesquisas da Embrapa, (2012) http://www.monsanto.com.br/sala_imprensa/includes/template_press_release.asp?noticiaId=73334432343423432343434343434437D256218510054D3438D4354D5724D53166019BB5 [last visited 01st July 2013]., Monsanto anuncia repasse de R$ 8,3 milhões para projetos de pesquisa da Embrapa em biotecnologia, (2009) http://www.embrapa.br/imprensa/noticias/2009/novembro/1a-semana/monsanto-anuncia-repass-de-r-8-3-milhoes-para-projetos-de-pesquisa-da-embrapa-em-biotecnologia# [last visited 01st July 2013].} which is conducting studies and researches in Mozambique to improve soil fertility and support technology transfer, and indirectly through the work of FGV Projeto and AG Agro, which have been hired as consultants for the project and
are raising private money for the ProSAVANA Development Initiative Fund, a private equity fund based in Luxembourg with a Fund Target return (IRR) of 12% p.a.\textsuperscript{93}

Finally, Brasilia exercise a peculiar soft power, a form of control associated to hegemony rather than imperialism. This power goes beyond the geographical similarities underlined by Claber Guarany, the coordinator of FGV Projetos, and is not limited to the superiority of Brazilian technology compared to the Mozambican one.\textsuperscript{94} As a matter of fact, a) In 2009 Brazil used to be one of the fastest growing countries in the world, becoming an example for some Latin American neighbours, but especially in the African continent;\textsuperscript{95} b) it

\textsuperscript{93} According to the FGV webpage, “The Nacala Fund is aligned with the strategies of private investment attraction of the program ProSAVANA-JBM, carried out in the realm of the trilateral cooperation between Japan, Brazil and Mozambique, and follows the guidelines pertaining to the Nacala Corridor Master Plan of Agricultural Development (ProSAVANA-PD). Technical management will be run by FGV Projetos and the 4I.GREEN. The purpose is to attract investments that promote the social, environmental and economic progress of Mozambique from the development of agribusiness and food production in the region and all production chain involved in such process.” FGV Projetos provides some extra information about the fund, and affirms that “The NACALA CORRIDOR FUND - a privately managed and Luxembourg regulated SICAR fund, is a 10-year private equity fund, that provides private equity funding for the development of sustainable, agribusiness operations in the tropical savannah of the Nacala Corridor. The NACALA CORRIDOR FUND will widely follow the objectives established in the Master Plan of the ‘ProSAVANA’ initiative.” The reason why it is located in Luxembourg is because the “simplified status under Luxembourg company law features favorable tax rules for global investors (such as exemptions from capital tax, income tax on qualifying income and dividend withholding tax) and is subject to the prior authorization and supervision of the Luxembourg Supervisory Authority for the Financial Sector (CSSF)” Source http://fgvnoticias.fgv.br/en/node/3065; http://www.oecd.org/forum/issues/NACALA%20CORRIDOR%20FUND-FGV%20Projetos.pdf.

\textsuperscript{94} He declared that “Without Brazil, this project would not work. The entire technological and agro-industrial package is ours. [...] The experience we have in Pro-Cerrado [Prodecer] will be transferred to Pro-Savana. The Nacala corridor is at the same latitude as Cerrado, and has soil and climate conditions identical to those of Brazil.”

\textsuperscript{95} Discussing inter-state relations, Arrighi affirms that “the supremacy... of a nation state... can manifest itself in two ways: as “domination” and as “intellectual and moral leadership”. By virtue of its achievements, “a dominant state becomes “the model” for other states to emulate
considers itself as representative of the Global South, so that ProSavana can be presented as a South–South cooperation in opposition to North–South exploitation; c) The entire rhetoric of ‘opening the Savannah as happened with the Cerrado’ was strongly legitimized by the Brazilian participation; d) Brazil and Mozambique were both subjects of the same colonial domination, a unique situation which offers the possibility to revitalize common images from the past and plays with similarities and differences, but also determines cultural and linguistic proximity.\footnote{According to Japanese media, “Brazilian involvement in this project is big due to the vast differences between Japan and Mozambique in language, social environment and ways of doing business.(…) Collaborating then with businesses in Brazil, who are familiar with Japanese culture, will ease our access.” “(We shall) hire some Brazilians who speak the same language as they do in Mozambique, to train local human resources.” A Japanese businessman shared his hope regarding the management of plantations in Mozambique to be done by working with Brazilians (JETRO, August 21, 2012)”}

To conclude on this point, a critical analysis of the project which does not want to be an ex-ante defence nor an ex-ante attack, suggests that Mozambican land will be occupied by foreign investments, both directly in the form of large-scale agribusiness which will clear the land, both through mechanisms of contract farming and increased dependence on credit. The claims of land grabbing and foreignization of land seem to be, therefore, justified. At the same time, it appears that Brasilia does play a crucial role in the establishment and consolidation of the project, mainly through its hard power (international agreements, large loans, the deployment of public and private consultants), but also through the use of soft power, an instrument of hegemonic control which is and thereby draws them into its own path of development”. Arrighi G. and B. Silver, 1999, CHAOS AND GOVERNANCE IN THE MODERN WORLD SYSTEM, University of Minnesota Pr4ess, Minneapolis, 26-8.
often absent from the analysis of how emerging countries interact with the Global South. If land grabbing will take place, and if it will happen with the support of Brasilia, we only have to ask ourselves why the internal struggle against foreignization is clearly counterbalanced by a direct participation in the global rush to the land.

V. Dr. Brasilia And Mr. Nacala: Self-Induced Institutional Schizophrenia

The conclusion of this chapter is dedicated to hypotheses and questions. The aim is to stimulate concerns and increase the level of public scrutiny, especially in Brazil, around the dual attitude of Brasilia toward land grabbing and foreign investments in land. In particular, I claim that the new opinion of the AGU against foreign investors and the support to ProSavana are representations of a unique thread which links Brasilia with the defence and expansion of capitalism against redistributive policies. However, the internal consolidation of the market and the external representation of national capital not only represent the starting and ending point of the construction of the bourgeois state as indicated by Van Apeldoorn et al.,97 nor of Lefebvre’s State Mode of Production.98 In a global world where dynamic of powers are changing and evolving, the control over the land and resources which were once considered outside of the market represents, in fact, a powerful way through which Brasilia can strengthen its geo-strategic power compared to incumbents.

97 Van Apeldoorn et al., supra note 13.
98 Brenner and Elden, supra note 5.
and raising countries.⁹⁹

A critical analysis of the 'supposedly' anti-foreignization policy offers the first evidence. Rather than being a pro-redistribution, anti large-scale agribusiness, and pro-poor manoeuvre, the new opinion released by the AGU and approved by President Lula can be interpreted as a pro-Brazilian capital manoeuvre, a tool to reduce foreign competition and force foreign capital to partnership with local capital whenever they want to access Brazilian land. As I have pointed out above, foreign ownership of land only represented a minuscule percentage of the whole land spectrum in 2010, a phenomenon which interested around 1,20% of the Brazilian territory.¹⁰⁰ On the contrary, the concentration of interest around the foreignization of land, that Arievaldo Oliveira calls the farce of foreign accumulation, has completely removed from the political arena any discussion around land reform and structural land redistribution,¹⁰¹ despite the fact that land concentration has not significantly diminished in the last six years.¹⁰²

⁹⁹ Miles Kahler, Rising powers and global governance: negotiating change in a resilient status quo, 89 Int. Aff. 711–729 (2013); Brendan Vickers, Africa and the rising powers: bargaining for the “marginalized many,” 89 Int. Aff. 673–693 (2013).
100See Fundacion Pensar, supra note 47.
101The Movimento Campesinos Popular (Popular Farmers Movement) and other farmers movements are currently questioning the Brazilian government about its abandonment of the project of land reform. In addition, during the protests that widespread all around Brazil in June 2013, some people fled the streets holding making reference to the disappearance of the land reform from the political agenda. The slogan ’cadê a reforma agrária’ could be read on many signs and banners held in different cities of Brazil. Cf. João Pedro Stedile, cadê a reforma agrária, Available from: http://www.mcpbrasil.org.br/noticias/reforma-agraria/item/712-cad%C3%A9-a-reforma-agr%C3%A1ria.
102According to the Instituto Brasileiro de Geografia e Estatistica (Brazilian Institute of Geography and Statistics), from 2006 to 2011 the Gini coefficient has decreased from 0,856 to 0,856, being 1 the indication of perfect concentration and 0 the scenario of complete distribution. Such a scenario, which is particularly dramatic in the state of Sao Paulo, where land concentration increased, demonstrates that the land reform that many social movements
Moreover, the strategic use of the anti-foreignization campaign appears even more evident when one observes that Brazil is one of the major buyers of land within Latin American, as demonstrated by the cases of Paraguay, Uruguay, Bolivia and Ecuador. In the light of that, the revirement of the AGU opinion can be legitimized by the strategic use of the foreign nightmare, but cannot be justified on the basis of an effective foreignization of the land, nor as a consequence of Brasilia’s opposition against large-scale investments. On the contrary, if we go back to the meeting held in the ‘Casa Civil’ in 2007 we discover the inherent duality and the strategic objectives pursued by Brasilia. On the one hand, while the participants to the meeting agreed on

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103Saturnino M. Borras et al., *Land grabbing and global capitalist accumulation: key features in Latin America*, 33 CAN. J. DEV. STUD. CAN. ETUDES DEVELOPPEMENT 402–416 (2012); Saturnino M. Borras et al., *Land grabbing in Latin America and the Caribbean*, 39 J. PEASANT STUD. 845–872 (2012).

104Many Brazilian farmers and enterprises buy up or lease lands in Paraguay and Bolivia to produce soya or engage in livestock raising, creating recurring tensions between the locals and the Brazilian farmers. Moreover, many Brazilians have ended up owning significant quantity of lands in Bolivia. One of the most relevant cases is that of UMBU, where 40,000 hectares owned by a local farmers have been sold to Koici Companhoni, a Brazilian entrepreneur whose plan was to deforest more than 20,000 hectares of Amazon forest. See Glauser M., *Extranjerizaciòn del territorio paraguayo*, BASE Investigaciones Sociales, Asunción, Paraguay, 2009; Mackey L., *Legitimating Foreignization in Bolivia: Brazilian agriculture and the relations of conflict and consent in Santa Cruz, Bolivia*, Paper presented at the International Conference on. Global Land. Grabbing. 6-8 April 2011. Organised by the Land Deals Politics. Moreover, According to the Instituto Nacional de Colonización (INC) in Montevideo, in 2010, the major investors in Uruguayan land were Europeans (33%), Brazilians (23%) and Argentines (17%, on par with Uruguayans). Americans are lagging behind significantly (4%).62 Brazil, in particular, invests in Paraguay and Bolivia for soybean and in Uruguay for rice.63 As the leader of biofuels, it is also a huge investor in land in Central America and the Caribbean. However, apart from these cases, Brazilian MNEs invest in other agricultural sectors without buying the land or leasing it.

105In 2007, the President of the 'Casa Civil' was the current President of the Brazilian Federation, Mrs Dilma Rousseff. For more information about the 2007 meeting at the 'Casa Civil', Cf. Wilkinson, supra note 41.
the need to reform the existing AGU opinion and to impose limits to foreign ownership of Brazilian land, they also discussed the possibility to transform large-scale production of agrofuels into a fundamental source of alternative energy, to securitize national security. Since then, while opposing the grabbing of its land, and in particular of the Amazon, Brasilia has been supporting large-scale investments in ethanol in the Cerrado.\textsuperscript{106} Similarly, while publicly presenting an anti-land grabbing façade, it has been starting a process of external representation of national interests finalized to the control of land abroad. Taking example from the 'Kansas City Shuffle',\textsuperscript{107} Brazil has pointed the finger toward the grabbing of the Amazon and the foreign invasion, and while everyone was looking there, it has been implementing a pro-agrofuel policy which at home has generated land concentration,\textsuperscript{108} environmental

\textsuperscript{106}Gustavo de L.T. Oliveira provides a clear account of the internal duality of Brazilian policy toward land. In particular, he underlines the relationship between the protection of the Amazon and the titling scheme called 'Terra Legal'. According to Oliveira, the prevention of land grab in the former, encourages agribusiness investments in another. Similarly to what is happening with the internal/external duality about foreignization of land, Brasilia is operating in a seemingly contradictory way, whose aim is the protection and reinforcement of capitalist interests and of the production of agrofuel. Cf. de L.T. Oliveira, \textit{supra} note 48.

\textsuperscript{107}The first instance of this term is the title of a Jazz song from 1926 by Bennie Moten. Beyond that, the term has been given meaning by the movie Lucky Number Slevin, in which it is used to refer to a situation in which a combination of distraction and subterfuge causes the mark to turn their attention away from the plot which proceeds in the opposite direction. In the web it is often resumed with the sentence 'when everybody looks left, you go right', a circumstance which may fit Brasilia's political attitude.

\textsuperscript{108}In Mato Grosso, the number of farms smaller than 10 ha decreased from 23,900 in 1980 to 9,800 in 1996. In the same period the land area under cultivation by farms larger than 10,000 rose from 17.8 million to 20.6 million ha.
destruction, and violence, and is likely to have the same effects abroad.

Thus, the apparent inconsistency between internal and external policies should not be interpreted as institutional schizophrenia, but rather as the two faces of a the current state-capital nexus, where the government is acting aggressively to create the best conditions for capital accumulation, protecting from external competition within the borders and representing its capital in its internationalization of large-scale operations. On this last point, Schlesinger highlights that there is a long list of Brazilian entities which benefit from this external economic diplomacy, including ethanol enterprises, consulting firms, machineries, seeds and agrochemical producers, constructing companies, etc. However, the global dissemination of capital produces a scenario which is much more complex than that, and which requires further studies and investigation.

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109Already in 2005 report by the Comisión Económica para América Latina y el Caribe (CEPAL), found that 'between 1990 and 2000, 467 000 km2 of Latin American land were deforested in favor of agrobusiness, mining operation, production of celulosa or hydroelectric energy. However, in 2005 the the level of deforestation in the Brazilian Amazon had already reached 680 000 km2. CEPAL - Objetivos de Desarrollo del Milenio: una mirada desde América Latina y el Caribe, available from http://www.cepal.org/cgi-bin/getProd.asp?xml=/publicaciones/xml/1/21541/P21541.xml&xsl=/tpl/p9f.xsl&base=/tpl/top-bottom.xsl (last visited Apr 20, 2012).
110Cf. Wilkinson, supra note 41.
111If my reading of the current political attitude of Brasilia is correct, I think it can contribute to a less optimistic reading of Trubek et al. statements that “when it took office, the Lula government decided the state needed to resume a more active role in industrial development and to take more aggressive steps to relieve poverty and reduce inequality. The Lula administration recognized that markets were necessary but not sufficient for inclusive growth. The state could do more to promote growth with equity, and it started to act more selectively and aggressively in the economy. This shift away from neoliberalism was as notable for what it did not as for what it did. When Brazil began to develop new forms of state activism, it did not renationalize former state-owned enterprises, impose price controls, create a top-down development plan, discourage foreign investment, default on international obligations, engage in deficit spending, or close its markets to foreign goods. Rather, it sought to maintain and benefit from openness by ensuring the competitiveness of the domestic industry”. Cf. Trubek et al., supra note 4.
112See Schelsinger, supra note 57.
In a moment where the biggest Brazilian multinationals are traded on the market and often in the hands of foreigners and transnational banks, is Brasilia really representing its own interests, or rather acting as a broker of global capital? Leaving aside the effects that it generates abroad, is public money, like in the case of Embrapa, the consultancies, and the BNDES, effectively utilized to support national interests, or rather to benefit shareholders and investors located everywhere in the world, producing a hidden flow of public resources from Brazil’s coffers to the private pockets of few families and private legal entities?113 In a historical moment where Brazil is still struggling with severe problems at home, would money be better spent to solve these internal situations rather than to expanding Brazilian influence abroad?

No final answer can be provided, but this brief analysis has showed that Brasilia is conducting an apparently schizophrenic policy, sharpening its legal swords against foreign investors, while pursuing a policy of 'opening the Savannah' in order to install Brazilian capital and workers in the Nacala Corridor. Thus, if these divergent attitudes are analysed together, the farce is exposed, demonstrating that the State Mode of Production is using public

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113On this point, some authors have affirmed that the state’s role is to act on behalf of capita-in-general, being this the only method through which capital expansion can occur generally. Thus, at least from an open Marxist perspective, Brazil would be simply reproducing the role of the nation state. As pointed out by Burnham, states have to be seen as ‘political nodes in the global flow of capital, [states are] essentially regulative agencies implicated in its reproduction but unable to control this reproduction or represent unambiguously the interests of 'national capital'. Rather, state managers seek to remove barriers to the capital which flows in and through their territories. The fundamental tasks of state managers (from welfare to the management of money, labour and trade, etc.) therefore relate directly to ensuring the successful rotation of capital both nationally and internationally. Burnham, P. 2001, Marx, international political economy and globalization, Capital & Class 25(75): 110; Cf. Kettel, S. 2004, The political economy of exchange rate policy-making: From gold standard to the Euro, Hampshire, Palgrave Macmillan.
authority (and public funds) to strengthen and reproduce a system of private accumulation of common resources, both at home and abroad. However, state’s functional role in supporting capital expansion could not fully explain Brasilia’s apparent duality. Rather, the way in which the so called South-South relationships are unfolding, has to be interpreted within the undergoing redefinition of global power relations. In a moment where China, India, and other emerging countries are exercising their economic and political influence to obtain geo-strategic advantages, Brazil is using technology, aid, cultural power, and the capital overaccumulated after years of FDIs to extend its influence beyond its national frontiers, and obtain a new role as a leading global power.

VI. Conclusions: Brazil and the survival of Capitalism

In his 1973 *ouvrage* on *The Survival of Capitalism*, Henri Lefebvre interrogates the self-reproducing capacity of capitalism as a fallible system, and asks how did it happen that capitalism was able to “attenuate (if not resolve) its internal contradictions for a century, and consequently, in the hundred years since the writing of Capital, it has succeeded in achieving ’growth’”. His answer, which does not provide an estimation of the cost that capitalist expansion had over the society, points at the occupation and production of space as the means for capitalist survival. More recently, von Apeldoorn et al. have listed the four steps that a state has to take in order to fully become a capitalist state: market
creation, market correction, market direction and external representation.\textsuperscript{114}

In this paper, I have combined Lefebvre and von Apeldoorn’s ideas to the internal and external attitude of Brasilia with regards to the ‘global land grabbing’, and I have concluded that what seems to be an apparent duality is, in reality, the expression of the use of Brazilian state authority to protect, consolidate, and expand capitalism within and outside its frontiers. On the one side, I have briefly discussed the restriction to Foreign Direct Investments (FDIs) in land introduced with a 2009 opinion by the General Attorney Office (AGU), and concluded that it cannot be interpreted as an anti-capital accumulation measure, but rather represents a way to reduce external competition to ‘Brazilian’ firms, and thus strengthen the ‘Brazilian’ market and the power of ‘Brazilian champions’ (especially in the agro-diesel sector) within the national territory. On the other side, the direct involvement of Brasilia and of Brazilian actors (both private and public) in the definition, funding, and implementation of the ProSavana project in Mozambique, are evident expression of the ‘representation’ moment of the relationship between state and capital.

Rather than being conducted by nasty Northern neo-colonial countries, the occupation of Brazilian land by agribusiness and the implementation of large-scale developmental projects in foreign lands are pushed by country that considers itself a representative of the Global South, and which is thus favouring the accumulation of cheap resources (included water and labour), actively contributing in the consolidation and expansion of an economic model

\textsuperscript{114} Van Apeldoorn et al., \textit{supra} note 13.
based on dispossession of common goods and their appropriation by few powerful economic actors.\textsuperscript{115} I personally do not think that this analysis should not surprise anyone who is critically engaged with the political economy of the 'global land rush', nor those who have been critically following the rise of the emerging countries. However, I think that the ProSavana case demonstrates something more than the neo-colonial attitude of emerging countries, exposing the fragility of the general rhetoric of South–South cooperation, showing the increasing competition for scarce resources, and breaking the 'territorial trap'\textsuperscript{116} that often surrounds the expansion of capitalism and that should worry anyone who supports the internationalization of 'Brazilian' capital as a form of national economic growth and development.

First of all, ProSavana demonstrates that core countries have realized the importance to cooperate with semi–peripheral countries in order to profit of their comparative advantage in terms of South–South relationships and level of public acceptability. As a matter of fact, ProSavana is not a Brazilian occupation of Mozambican territory through the deployment of the tools of the Brazilian State Mode of Production, but rather a joint effort conduced by the Brazilian and the Japanese governments. Such a situation, where Brasilia plays a fundamental role because of cultural proximity and technological know–how, clearly collides with the dominant rhetoric of South–South cooperation as a different and alternative form of interaction as compared to North–South development.

\textsuperscript{115}Harvey, supra note 11.
\textsuperscript{116}John Agnew, The territorial trap: The geographical assumptions of international relations theory, 1 REV. INT. POLIT. ECON. 53–80 (1994).
Secondly, if we adopt the prism of international relations, the strong Brazilian interest in the conclusion and realization of ProSavana has to be interpreted within the rising competition among emerging and traditional state actors. From a geo-strategic perspective, the occupation of land represents, in fact, occupation of power, and the possibility to control fundamental and scarce resources. The construction of Brazil as a capitalist state would thus be coupled with the reinforcement of Brazil as a global player, a position that will certainly be reinforced by the increasing dependency of the world from alternative energy, and in particular the ethanol and agro-fuels that Brasilia is so strongly pushing for.

Finally, a critical law and development perspective suggests that the neo-colonial efforts conduced by Brasilia to sustain the opening of the Savannah are unlikely to generate a virtuous circle of economic growth and national development, at least for three reasons. First of all, the accumulation of cheap resources located in Mozambique will be conduced by transnational enterprises, many of which (like Monsanto, Cargill, ecc) do not have their headquarters in Brazil, so are not directly under the fiscal control of Brasilia. Secondly, even when Brazilian transnational enterprises will be involved, like in the case of Oderbreicht International or the Pinesso Group, they normally operate through subsidiaries and corporate schemes which minimize the fiscal contribution in favor of the source country. Finally, we should not commit the mistake to consider Brazil-based enterprises as Brazilian: the mobility of capital, the possibility to acquire shares on the public market, and the unprecedented
amount of FDIs received by Brazil in the last years, suggest that it is impossible to talk about Brazilian capital, as much as it is impossible to create an effective geographical link for many of the big economic actors which are operating on a global scale.

In conclusion, the apparent duality between the internal and external positions of Brasilia face to foreignization of land is the expression of a clearly determined political and economic objective, which is the defence of national champions and the representation of their interests in foreign territories. With a wise move, Brazil has pointed the finger against foreign investors, and by so doing it has distracted the internal pressure in favor of a land reform, while at the same time obtained global legitimacy as an anti-land grabbing country. However, while it is clear that Mozambican farmers and Mozambican autonomy will be the losers, it is not so clear that Brazil and Brazilian population will be the winners. By subordinating its state prerogatives to the needs and interests of global capital, Brasilia is utilizing authority and public money to favour enclosures and dispossessions, a massive accumulation of African resources which will hardly find their way to the Latin American continent.