

**Session 23: How Should Land Disputes in Brazil be Resolved**

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**Class Presentations on Brazilian Land Dispute**

For the group presentation, everyone in the class will be divided into teams. Each team will be asked to present on the following issues: (1) What is the history of the Brazilian land dispute? (2) Who are the potential owners of the land in Jardim das Camélias, and what are their ownership claims? (3) Who should own the land in Jardim das Camélias? and (4) How should the Brazilian government decide land claims in general? Each person in each group should plan to speak for approximately 3 minutes. Each team will receive a grade, as will each individual speaker; your final grade for the session will be the average of the two grades. Discussion of solutions after presentations are finished.

**What's the problem in Brazil?**

- Who owns the 207 plots of land in Jardim das Camélias?
- unclear property rights in Brazil (Jardim das Camélias)
- 65% of population in São Paulo (largest city) resides in violation of housing and property laws
- law seeks to obscure and delay rather than clarify
- invites if not necessitates political decisions, which formalize a usurpation
- No longer just used against the poor, though. Now everyone's in on the act
- Go through case of Jardim das Camélias in Sao Miguel Paulista, Sao Paulo
- The Turk offers contract
- Another plan found from 1924
- Residents have paid continually, but can't sell
- Goes back several hundred years to Indian Settlement land grant
- States vs. federal government

**Why are property rights so unclear?**

- Starts during colonial rule
  - different argument than African colonialism
  - colonialism is usurpation, but it's vague
- Sources of wealth and property are fundamentally illegitimate
- Compelling social rationales

Some solutions

- Give peasants a GPS and let them walk perimeter
- Sunset provision for challenging claims
- Simple usage (owned and improved)
- Separate bureau; financed by fees or taxes on land?

Principles involved

- Dead capital
- Political and social stability
- Value of improving the land
- Government revenue
- Legal (formal) justice
- Social justice (some help for the poor in context where law hasn't worked well)