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'Zero illegal deforestation' – One more Bolsonaro distortion (commentary)

Commentary by **Philip M. Fearnside** on 3 May 2021



- *At U.S. President Joe Biden's virtual climate summit on Earth Day, 22 April, Brazilian president Jair Bolsonaro promised "zero illegal deforestation by 2030."*
- *"Zero illegal deforestation" can be achieved in two ways: by stopping deforestation, and by legalizing the deforestation that is taking place. The second path is in full swing.*
- *A series of laws facilitating "land grabbing" (which in Brazil means large-scale illegal appropriation of government land) is being fast-tracked in the National Congress with support from Bolsonaro.*
- *Once grabbed land is legalized, the deforestation on it can be "amnestied" and subsequent deforestation legally permitted. The end result is more deforestation. All deforestation, legal or not, causes climate change. This post is a commentary. The views expressed are those of the author, not necessarily Mongabay.*

The text of this commentary is updated from an earlier Portuguese-language version of the author's column at [Amazônia Real](#).

On 22 April 2021, exactly one year after the infamous [ministerial meeting](#) in which Brazil's environment minister proposed seizing the “opportunity” presented by media attention being focused on COVID-19 to dismantle even more of the country's environmental protections, President Bolsonaro addressed the virtual climate summit convened by U.S. President Joe Biden. The multiple falsehoods and distortions in Bolsonaro's address have been well documented (see [here](#) and [here](#)). There is one more important distortion: Bolsonaro's promise of “zero illegal deforestation” by 2030.

There are two ways that “zero illegal deforestation” can be achieved: by truly stopping deforestation and by simply declaring as “legal” the deforestation that is taking place. But the area of forest that is actually cut down — and the sequestered carbon it releases to the atmosphere — is all that matters for Earth's climate, not the legality of the deforestation.



A land grabber (grileiro) in the “Terra do Meio” in Pará state, Brazil. Image by P.M. Fearnside.

Legalization of illegal deforestation has accelerated since President Bolsonaro took office on 1 January 2019. A first step in this process is the legalization of illegal land claims, after which past deforestation on the new “properties” can be legalized and future deforestation can be allowed through the existing permitting system. Legalizing illegal land claims in Brazilian Amazonia has been [shown to stimulate deforestation](#). Proposals for other forms of legalizing deforestation are also in the works, including allowing ranchers and soy planters to deforest legally within Indigenous lands, as would be permitted by a proposed law ([PL 191/2020](#)) submitted to the National Congress by President Bolsonaro.

Before 2009, only areas up to 100 ha (just under 250 acres) could be legalized, this being for the purpose of regularizing land that has long been worked by small scale farmers without formal title. This [changed radically](#) with the first “land grabbers’ law” ([Law 11,952/2009](#)), which allowed legalization of up to 1500 ha (more than 3,700 acres) per claimant. In 2017, the second “land grabbers’ law” ([Law 13,465/2017](#)) modified Article 6, § 1 of [Law 11,952/2009](#), increasing this limit to 2500 ha (approaching 5,000 acres).

These area limits are for each claimant (that is, for each taxpayer identification number), so a family with several members who make claims can therefore legalize an enormous area. In addition to increasing the area that can be legalized for each claimant, the cutoff date before which occupation has to be proven has been successively moved forward, creating the logical expectation among potential land grabbers that they can violate current laws and later be “amnestied” and have their claims legalized.



Logging trucks are commonly seen rumbling along roads in the Amazon, as they head toward river ports. Here a parked load waits to disembark at a private port on the banks of the Madeira River in the city of Porto Velho, Rondônia state. Image © Fábio Nascimento.

A bill for a third “land-grabbers’ law” ([PL 2633/2020](#)) is moving forward towards a vote in the Chamber of Deputies (see [here](#) and [here](#)). In addition, on 15 April 2021 the Senate passed a bill ([PL 4348/2019](#)) further facilitating land grabbing, and that bill has now been sent to the Chamber of Deputies for their approval. Another Senate bill ([PL 510/2020](#)) would add still more provisions facilitating land grabbing, and both bills would grant titles based on mere self-declarations and with no on-site inspection.

Obtaining land titles has been greatly facilitated since Brazil’s Forest Code was replaced in 2012 and the Rural Environmental Register (CAR) was created. Despite

being intended for environmental control, the [CAR has been perverted](#) to serve as a land-grabbing tool by allowing self-declared claims to be documented with no form of inspection. Land grabbers normally clear some of the forest on their claims to establish possession and can often obtain titles through bribery or other illegal means (see [here](#) and [here](#)). With or without a title, the land grabber will subdivide the claim and sell it to ranchers or other buyers at a huge profit, and the new “owners” will convert the rainforest to cattle pasture.



Harvested Amazon trees on their way to market, either for final sale in Brazilian cities, or for shipment overseas for sale in lumber yards or home improvement stores. Image © Fábio Nascimento.

A related problem is the legalization of land that has been illegally purchased within the nearly 3,000 rural settlements in the Brazilian Amazon that were established by the government’s agrarian-reform program to accommodate small landless farmers. Regulations prohibit those settled in these areas from selling their land over a long period of years, but many sell their possession rights informally to buyers who offer attractive prices. Multiple “lots” (usually 100 ha each) bought illegally are converted to medium and large ranches within the settlement (see [here](#) and [here](#)). The maximum that could be legalized in settlement areas was 100 ha until 2014, when it increased to 200 ha (Law [13,001/2014](#)), and in 2017 this limit was increased to 400 ha (Law [13,465/2017](#)). The bill that has just been approved in the Senate ([PL 4348/2019](#)) would raise this limit to 2,500 ha. In addition to the deforestation by the ranchers themselves, this [concentration of lots](#) causes the small-scale farmers, who have sold their lots, to migrate to other locations and initiate new hotspots of deforestation. This process can be expected to increase further with easy legalization of consolidated ranches in the settlement areas.

Land grabbing is a particularly grave danger in the Trans-Purus region between the Purus River and Brazil’s border with Peru. This area is currently inaccessible by road and represents the last large block of Brazil’s Amazon forest. Today the Trans-

Purus region is the principal area that continues to maintain Amazonia's climatic roles in [stocking carbon](#) and recycling the water that is transported by the “[flying rivers](#)” to São Paulo and other parts of the southeast, south and center-west regions of Brazil. The Trans-Purus region has a vast area of undesigned public lands that would be opened to entry of land grabbers and other actors by the [planned Highway AM-366](#) that would link to the notorious [Highway BR-319](#). An [illegal side road](#) is currently being constructed through an Indigenous land (*terra indígena*) and a national park that, when completed, will provide access from BR-319 to Tapauá — the gateway to the Trans-Purus region.



A 3000-ha ranch in Lábrea municipality (county), in the Brazilian state of Amazonas — a ranch established during the period when the maximum area that could be legalized was only 100 ha. Image by P.M. Fearnside.

Brazil's environmental regulations have been gutted under the Jair Bolsonaro presidential administration (see [here](#) and [here](#)), and the recent passing of control of both houses of congress to the coalition of parties supporting the president (at least on the subjects related to the “ruralist” agenda), will ease passage of a series of bills [further dismantling environmental protections](#). This political upset will also ease passage of the various bills proposing further facilitation of land grabbing, and the key role of land grabbing in Amazonian deforestation will further speed destruction.

Banner Image: This ancient rainforest tree is no match for Brazilian law that favors Amazon deforestation, a brisk international trade in Amazon timber, and the industrial strength of a chainsaw powered by fossil fuels. Image © Fábio Nascimento.