

State and land conflict in Brazil: the confrontation between the company Araupel and the Landless Workers' Movement (MST)

Estados e conflitos pela terra no Brasil: o caso do confronto entre Araupel e o Movimento Sem Terra (MST)

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Abstract

This study aims to understand the different political positions adopted by the State in the dynamics of the land conflict between the company Araupel and the Landless Workers' Movement (MST in Brazil). Seven civil lawsuits available at the National Institute for Colonization and Agrarian Reform (INCRA, Brazil) were analyzed using the methodology proposed by Bardin¹ (1977) and Silva and Silva² (2016). To understand the temporality of the actions among the agents involved in the conflict, the timeline technique was employed. The findings indicate that, initially, the conflict was mediated by local agents with the support of regional elites. Subsequently, as INCRA became involved in the land conflict when the policies were being changed, the power dynamics between the Araupel company and the social movements shifted, thereby facilitating the resolution of the conflicts through the establishment of rural settlements in the area.

Keywords: Land Conflict, Landless Workers' Movement (MST), Land Policy, State, Araupel.

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¹ BARDIN, Laurence, *Análise de conteúdo*, Lisboa: Edições 70, 1977

² SILVA, Edson Armando; SILVA, Joseli Maria, *Engenho e Arte: inspiração e técnica na análise de dados qualitativos*, Revista Latino-Americana de Geografia e Gênero, v. 7, n. 1, p. 132-154, 2016.

Resumo

Este estudo tem como objetivo compreender as diferentes posições políticas desempenhadas pelo Estado na dinâmica do conflito pela terra entre a Araupel e o Movimento Sem Terra (MST). Foram investigados sete processos cíveis disponibilizados no Instituto Nacional de Colonização e Reforma Agrária (INCRA), cujo material foi analisado por meio da metodologia de Bardin³ e Silva e Silva⁴. Para compreensão da temporalidade das ações entre os agentes envolvidos no conflito foi utilizada a técnica de elaboração de linha do tempo. Os resultados encontrados evidenciam que num primeiro momento o conflito era mediado por agentes da esfera local com apoio das elites regionais. Posteriormente, com a entrada do INCRA no conflito pelas terras em um contexto de transformação de políticas fundiárias, as relações de forças entre a empresa e os movimentos sociais foram alteradas, possibilitando uma resolução dos conflitos com a implantação dos assentamentos rurais na área.

Palavras-chave: Conflito pela Terra, Movimento Sem Terra (MST), Política de Terras, Estado, Araupel.

Introduction

The conquest of land is one of the oldest themes in geographical science, involving confrontations between various groups occupying diverse positions of power. Bernardo Mançano Fernandes⁵ argues that conflicts are always territorial and are not limited to the moment of confrontation, but to a dynamic of broader relationships, thus creating the concept of “conflictuality”. Conflictuality is a process which is constantly fed, paradoxically, by capitalist contradictions and inequalities, and promotes the territoriality of different social relationships. According to Fernandes⁶, it is necessary to understand that the geographical processes produced by the dynamics of conflictuality have specific temporal and spatial movements and also place agents in confrontations that are simultaneously formative and dependent on different social organizations. He states that “conflicts over land are also conflicts over the imposition of models of rural ‘territorial’ development, in which they unfold”.

³ BARDIN, Análise de conteúdo.

⁴ SILVA; SILVA, *Engenho e Arte: inspiração e técnica na análise de dados qualitativos*.

⁵ FERNANDES, Bernardo Mançano, *Questão agrária: conflitualidade e desenvolvimento territorial*, in: STÉDILE, J. P. *A questão agrária no Brasil: o debate na década de 2000*, São Paulo: Expressão Popular, 2013, p. 173–237.

⁶ *Ibid.*, p. 2.

Taking into account Fernandes⁷ propositions on conflictuality, this study aims to understand the different roles played by the State in the land conflict between the Araupel company and the Landless Workers' Movement (MST). The State is one of the most significant agents in "conflictuality", it is neither monolithic nor unchanging. Rather, it is plural and develops multidirectional actions that depend on the positions of governments and the alliances established between political, economic and social entities, which vary according to historical periods and geographical locations. Current spatial configurations have a historicity. The confrontation between the Araupel company and MST is much more than a momentary dispute, it is a dispute of political, economic and social models that have a logic of development that changes over time.

Luiz Alexandre Cunha⁸, in dialogue with historians and economists, highlights the need to think of space as a fundamental element of development. He shows that this space is created in human actions in constant movement. Past actions generate new logics and shape present and future spatial forms.

Brasil Pinheiro Machado⁹ (1962) presented a model for the occupation of Paraná in which he identifies three major waves of migration and settlement in the process of formation of its territories. He associates these waves to the consolidation of the occupation of traditional Paraná in the 17th century and consolidates the agricultural estates in the 18th century. The agricultural estates extended into the 20th century with the exploitation of yerba mate and wood. Finally, the formation of modern Paraná with the agricultural frontier initiated by coffee growing in the north of Paraná and continued with the planting of grains and pig farming, which opened the southwest and west of Paraná to a migratory movement from the south. Each of these population movements was associated with specific forms of violence in the process of land occupation.

Although Machado did not address the issue from the perspective of the conflict, contemporary authors such as Angelo Priori¹⁰ demonstrate that the

⁷ FERNANDES, Questão agrária: conflitualidade e desenvolvimento territorial.

⁸ CUNHA, Luiz Alexandre Gonçalves, Por um projeto sócio espacial de desenvolvimento, *Revista de História Regional*, v. v. 3, n. 2, p. 91-114, 1998.

⁹ MACHADO, Brasil Pinheiro, Contribuição ao estudo da história agrária do Paraná I: formação da estrutura agrária tradicional dos Campos Gerais, in: SIMPÓSIO DOS PROFESSORES UNIVERSITÁRIOS DE HISTÓRIA, 2., 1962, Curitiba. *Anais do II Simpósio dos Professores Universitários de História*, Curitiba: Faculdade de Filosofia da Universidade do Paraná, 1963, p. 129-155.

¹⁰ PRIORI, Angelo, *História do Paraná: séculos XIX e XX*, Maringá: Eduem, 2012.

occupation of Paraná's lands was characterized by the violence of powerful economic groups that were supported by the state and the judiciary. The long process of establishing private property by dominant factions encountered resistance from inhabitants of the lands appropriated by force. Whenever the local population was able to confront the power that had been established, there were conflicts with significant social repercussions. Examples include the Contestado War (1912-1916) and the Settlers' or Squatters' War (1957), in the southwest of Paraná, the Porecatu War (1950-1951), and others with lesser repercussions.

The varied stances adopted by the State in shaping the spatial distribution of land ownership in Paraná, as explored in this article through the lens of conflictuality proposed by Bernardo Fernandes¹¹, are intertwined with the logics of hegemonic groups. The economic and political alliance facilitated the implementation of policies for the extraction of resources, as was the case of the exploitation of yerba mate and wood and the establishment of estates for agricultural production for export. This process unfolded through various mechanisms aimed at securing land ownership for hegemonic groups, while concurrently resulting in the displacement of marginalized social groups who had previously inhabited these regions to sustain their basic material needs.

With the exhaustion of the agricultural frontiers in Paraná in the 1960s, the process of diverting untitled land¹² was intensified. The main mechanism of this diversion was unlawful appropriation of land through the falsification of property titles and concessions under the pretext of building colonies for the extraction of natural resources. However, it is notable that such endeavors did not always succeed. Nevertheless, the processes of appropriation of public lands using the titles canceled by the federal government remain valid and are still being marketed by land grabbers to this day, according to Marcos Antônio Myskiw¹³.

The control exerted by the economic and political power group over land distribution and registration processes in Paraná enabled the

¹¹ FERNANDES, Questão agrária: conflitualidade e desenvolvimento territorial.

¹² MIRANDA, Newton Rodrigues. Breve histórico da questão de terras devolutas no Brasil e os instrumentos legais de posse sobre esses bens. Revista do CAAP, v. v. XVII, n. 2, p. 153-176, 2011. In this article, the author takes the view that untitled land is public land that has not been allocated by the government and that has never been part of a private individual's assets, even if it is irregularly under their possession.

¹³ MYSKIW, Marcos Antonio, Colonos, Posseiros e Grileiros: Conflitos de Terras no Oeste Paranaense 1961 - 1966.

extensive utilization of legal and bureaucratic devices that reinforced the agrarian oligarchy's influence in the region. This amalgamation of economic, political, judicial, and notarial authority endowed the agrarian oligarchy with significant power.

Thus, the lack of regard for occupying groups (indigenous people, *caboclos*, and poor immigrants), the expansion of capitalist production areas, and the control of the state bureaucracy by hegemonic groups create the foundational elements of the conflictuality over land ownership. However, this conflictuality changed radically with the growing organization of social movements in the rural areas, most notably the Landless Workers' Movement (MST) and the redemocratization of the country following the adoption of the 1988 Constitution.

Popular organization regarding the advocacy of rights has made the democratic State more receptive to social demands, which has constituted an arena for social issues, as argued by Claus Offe and Adam Przeworski¹⁴.

Exploring the different roles played by the State in the dynamics of the land conflict between the company Araupel and the Landless Workers' Movement (MST) allows for the identification of a spatial dynamic in which the State serves as a key agent, both in the promotion and mediation of conflicts and social justice. In order to understand the different roles of the State, an investigation was conducted into seven civil cases accessible via the National Institute for Colonization and Agrarian Reform (INCRA), published by the State's information system. In addition to analyzing that documentary material, a survey was conducted on the transformations in the legal framework for land ownership and use in Brazil and Paraná. The processes/cases were studied using Laurence Bardin's content analysis, as well as Edson and Joseli Maria Silva's paper¹⁵. To establish the temporality of the actions surrounding the conflict, a timeline was created, which organized the events and legislative and political transformations that influenced the dynamics of the conflict.

The selection of civil cases as the primary source of information on the conflict is based on the understanding that it is within the legal-political sphere that disputes are mediated and resolved in the modern state. The

¹⁴ OFFE, Claus, *Problemas estruturais do estado capitalista*, Rio de Janeiro: Tempo Brasileiro, 1984; PRZEWORSKY, Adam, *Estado e economia no capitalismo*, Rio de Janeiro: Relume-Dumará, 1995.

¹⁵ BARDIN, *Análise de conteúdo*; SILVA; SILVA, *Engenho e Arte: inspiração e técnica na análise de dados qualitativos*.

process is a multi-scalar weaving that reveals both the local and regional commitments of the entities in dispute, as well as elements and agents from broader scales, such as federal bodies, institutions, and legislation.

The conflict between Araupel and the MST is an illustrative case of a general structural dynamic that marks Brazilian society throughout its space-time organization. This dynamic makes it possible to discuss both the elements of reproduction of power by hegemonic groups and the transformation of the actions of Brazilian social movements.

This article is structured in two sections. In the initial section, we discuss the dynamics through the role of the Brazilian state and the norms of land policy that influence the distribution of land in Paraná. In the second section, we highlight the different positions of the state in the implementation of land management, with a focus specifically on the temporal dynamics of the forms of land appropriation modalities that were later disputed in the conflict between the Araupel company and the MST.

State, conflictuality and legal frameworks in the transformations of land policy management in Paraná

In this section, we explore the concept of the state as a significant agent in the establishment of conflictuality by demonstrating the changes in the legal framework at the national level with regard to land policy. Additionally, we illustrate the challenges posed to the bureaucratic apparatus responsible for managing land access policies, which give rise to disparate spatial configurations. According to Milton Santos¹⁶, geographical space encompasses political, regulatory, and power relations/dynamics over specific “areas”. This means we are not talking about a demarcation of physical space, but about relationships and disputes over “ideas” and social projects, which create and recreate territories based on the systems and actions inherent to what Bernardo Fernandes¹⁷ defines as “conflictuality”. For the author, this process of historically constituted relations of domination is subject to constant pressure from alternative forms of social and spatial conceptions. Conflictuality is

¹⁶ BARDIN, Análise de conteúdo; SILVA; SILVA, Engenho e Arte: inspiração e técnica na análise de dados qualitativos.

¹⁷ FERNANDES, Questão agrária: conflitualidade e desenvolvimento territorial.

the process of perennial confrontation that makes explicit the paradox of the contradictions and inequalities of the capitalist system, highlighting the need for permanent debate, on both theoretical and practical levels, concerning political control and development models¹⁸.

This idea of conflictuality involves spatialization and implies the following elements:

1) the complexity of social relations constructed in diverse and contradictory ways, producing heterogeneous spaces and territories; 2) the historicity and spatiality of social processes and conflicts, which are dynamic and not determined; 3) the political construction of a relational perspective of social classes on divergent paths and different strategies of social reproduction; 4) the recognition of the rule/conflict polarization as a contradiction in opposition to order and “consensus”; 5) the recognition of the rule/conflict polarization as a contradiction in opposition to order and “consensus”; 6) taking a stand against the effects of the globalization of society, the economy, and spaces and territories, marked by the exclusion of neoliberal policies, producing inequalities and threatening the consolidation of democracy¹⁹.

From the broad perspective of the conflictuality that produces geographical space, we introduce the role of the State as a constituent of an important historicity and spatiality of land rights conflicts. These conflicts form complex relationships between divergent projects of social and economic organization in the country. Iná Elias de Castro²⁰ states that conflicts of interest are always territorial, with the territory being both an expression of these conflicts and a target of disputes. According to her,

In reality, if in every organized society there are differentiated interests, if the desire to achieve them generates conflicts, and if politics is the way to organize these conflicts of interest so that, in solidarity, everyone can achieve their life projects, it is impossible to ignore politics as an institution that is part of differentiated and complex societies. And if societies territorialize, that is, organize the territory to better serve the interests and ways of life of all its components, or those who

¹⁸ Ibid., p. 5.

¹⁹ Ibid.

²⁰ CASTRO, Iná Elias de, *Geografia e política: território, escalas de ação e instituições*, Rio de Janeiro: Bertrand Brasil, 2011.

are more influential, it is impossible to ignore the relationship between geography and politics²¹. [our translation]

The configuration of Western society within the civilizational frameworks constituted in modernity established the state as a centralizing power of political authority in the mediation of conflicts of interest between divergent groups. This mediation occurred through the creation and execution of rules, laws, and parameters for the organization of society and its territorial processes. In this context, the state is understood from a relationship of interdependence with the society that created it. As the legitimate institution for exercising power over a given territorialized society, it simultaneously becomes reliant on that very society to delineate the boundaries and extent of its powers.

The relationship between society and the State has been a source of interest for researchers seeking to complexify the actions of the State, moving beyond the view that it only serves the ruling classes and that, therefore, would not be an important institution for promoting the distribution of socially produced wealth. Claus Offe²² argues that the State is not entirely captured by the ruling classes, as there are contradictions in its function of guaranteeing capital accumulation on the one hand and legitimization by the great mass of the working class on the other. For this author, the State is one of the main institutions that ensures the perpetuation of the capitalist system of production and mediates crises in it, given competitive and individualistic nature. The state in a capitalist society creates mechanisms for the organization and perpetuation of the system, as

the State does not absolutely favor specific interests. Instead, it protects and sanctions institutions and social relations that, in turn, constitute the institutional requirement for capital's class domination. (...) The state does not defend the private interests of one class, but rather the common interests of all members of a capitalist class society.²³

Thus, the relations between capitalist society and the State are not always predictable but are contingent upon politics and the clash of forces surrounding the interests of groups that shape the relations of economic

²¹ Ibid., p. 41-42.

²² OFFE, Problemas estruturais do estado capitalista.

²³ Ibid., p. 123.

production and social reproduction. In order to guarantee its existence, the State occupies a paradoxical position, as it depends on capitalist accumulation and therefore tends to serve the interests of the powerful owners of the means of production. However, this same State must act as a mediator for the demands of the masses exploited by the accumulation process to ensure its legitimacy as an institution that organizes the production of social wealth. It is this paradoxical position that opens up a vast field for exploring the relationships formed in the conflicts that characterize the constitution of territories.

Adam Przeworski²⁴ also discusses the paradoxical position of the state in a class society, as State power itself depends on capitalist accumulation and private agents. The state then tends to create alliances with powerful groups or ensure that these groups appropriate the State to secure their interests. He therefore argues that the State is endowed with a certain profile of relations with other social groups through economic, cultural and political constraints. The state bureaucracy, which materializes in laws and public policies, is the result of negotiations and fusions of interests between classes, and the institution of a techno-bureaucracy plays a fundamental role in this process. For him,

those occupying positions in the state - elected politicians or appointed bureaucrats - are not perfect agents of the public, [they receive private compensations for the good performance of their public function]. As private compensations [salaries, power, patronage, and regulation] increase, they begin to take space from the benefits for the public.²⁵

The state in a capitalist class society, in addition to its complex relationship with society, also operates differently on different levels. Therefore, different alliances among classes change depending on the power of the political groups. Iná Elias de Castro²⁶ discusses the organization of the territorial State and emphasizes the significance of multi-scalar analysis in understanding the actions of this institution and the meticulous exploration of how regional hegemonic groups articulate with other spheres of the State.

It is therefore impossible to think of a simplistic relationship between state and territory, as there are countless flows of power relations among

²⁴ PRZEWORSKI, Estado e economia no capitalismo.

²⁵ *Ibid.*, p. 77.

²⁶ CASTRO, Geografia e política: território, escalas de ação e instituições.

social groups and between them and the various scales of the State. Bernardo Fernandes²⁷, for his part, argues that territory can be understood in several ways. One perspective positions the State as a fundamental institution, highlighting state power inscribed spatially, shaping borders, limits, and rules. Another understanding of territory would be as the spatial appropriation for the preservation and care of human life, emphasizing that there is no possibility of social existence without its corresponding spatial foundation. Finally, the author addresses the understanding of territory as a relational space encompasses the actions and disputes among social groups, supporting the idea of conflictuality.

Carlos Walter Gonçalves²⁸ has also explored the concept of conflictuality in his analysis of data from the Pastoral Land Commission (CPT). His work categorizes land disputes by analyzing both the spatial distribution of these conflicts and the individuals involved. Among the indicators used by the author is the central role of state power, which is evident in the formulation of legislation and implementation of actions to guarantee private property through fraudulent registrations and police repressive force. According to him,

The Judiciary has historically played a central role in these social and power struggles. As the backbone of territorial configuration, while being an appropriated space subjected to certain laws (where a particular law prevails) and, above all, in terms of the right to property (and landowners' rights), the judiciary is, in fact, the axis around which the liberal State revolves, serving as the guardian of property. (...) We know how, in Brazil, beyond the land laws established from the sesmarias to that of 1850, there exists a Private Power that operates both within and beyond public mediation through land grabbing and various forms of violence, where the Notary's Office, more than offering 'public faith', is part of the resources of power to be

²⁷ FERNANDES, Bernardo Mançano, Sobre a tipologia dos territórios, in: SAQUET, A.; SPOSITO, E.S. (Orgs.), Territórios e territorialidades: teorias, processos e conflitos. São Paulo: Expressão Popular. UNESP: Programa de Pós-Graduação em Geografia, [s.l.: s.n.], 2009, p. 197–215.

²⁸ GONÇALVES, Carlos Walter Porto, Geografia da violência contra a pessoa no campo brasileiro: agronegócio grilagem e devastação, in: Caderno Conflito no Campo – Brasil 2004, Goiânia: Comissão Pastoral da Terra, 2005, p. 142–156; GONÇALVES, Carlos Walter Porto, Violência e democracia no campo brasileiro: o que dizem os dados de 2003, in: Caderno Conflito no Campo – Brasil 2003, Goiânia: Comissão Pastoral da Terra, 2004, p. 10–26.

shared among the “friends of the king”, among the noblemen (in Portuguese, *fidalgo*, *fi’d’algo*, *filhos d’alguém*)²⁹ [our translation].

The alliances among hegemonic groups in Paraná have been studied by Ricardo Costa de Oliveira³⁰, who argues that there is a consolidation of power and accumulation of wealth “as a result of the conciliation of dominant interests in terms of a long-term political process, a process basically defined by the conciliation between the powerful.”

Angelo Priori³¹ also analyzes the processes of land distribution management in Paraná and affirms that the mechanisms of the Land Law³² were widely used for the concession of untitled lands. For Newton Rodrigues Miranda³³, untitled lands are “all lands of the country that did not have a title of ownership or use recognized by the state”. The institution of the Land Law was the first ‘amnesty’ for the “irregular occupations that occurred until its advent: *sesmarias* or concessions could be validated, as long as the possession of cultivated land or its useful occupation was demonstrated”.³⁴

In the Constitution of 1881, the states gained autonomy in deciding on untitled lands and assumed the power to legislate on the way of acquiring and legitimizing the possession of public property, which brutally favored powerful groups of the various regions of the country. Angelo Priori³⁵ observes that the so-called “colonels” were the main beneficiaries of the process of private appropriation of public lands that was complacently with political power and the legal authorities. In Paraná, the same author argues that this process of land distribution was the basis for the colonization of the north, west and southwest of Paraná, since during the Brazilian Constitutions of 1934 and 1946 the autonomy of the states in deciding on untitled lands remained intact, with minor alterations.

In 1964, the Land Statute³⁶ was created, and this legislation carried out a detailed specification of untitled land. According to Newton Rodrigues

²⁹ GONÇALVES, Violência e democracia no campo brasileiro: o que dizem os dados de 2003, p. 2.

³⁰ OLIVEIRA, Ricardo Costa de, Famílias, poder e riqueza: redes políticas no Paraná em 2007, *Sociologias*, v. n. 18, p. 150-169, 2007, p. 152.

³¹ PRIORI, História do Paraná: séculos XIX e XX.

³² BRASIL, Lei No 601 de 18 de Setembro de 1850.

³³ MIRANDA, Newton Rodrigues, Breve histórico da questão de terras devolutas no Brasil e os instrumentos legais de posse sobre esses bens, *Revista do CAAP*, v. v. XVII, n. 2, p. 153-176, 2011, p. 161

³⁴ *Ibid.*, p. 159.

³⁵ PRIORI, História do Paraná: séculos XIX e XX.

³⁶ BRASIL, Lei No 4504 de 30 de Novembro de 1964.

Miranda³⁷, in previous legislation there was a conception that public lands and untitled lands were the same. However, in the Land Statute legislation, there was a definition of untitled lands that allowed us to understand that, although untitled lands are also public lands in a broad sense, they have specificities. Public lands are defined in the Land Statute in three modalities: those owned by the Union that do not have a specific destination, those reserved for the State for the realization of works of any nature, and untitled lands. Therefore, although untitled lands are incorporated into the generic concept of public lands, they become vacant once they have been classified by the competent bodies.

According to Newton Rodrigues Miranda³⁸, the subsequent Brazilian Constitution of 1967 did not modify the legislation on untitled lands, and there remains a lack of clarity regarding the power of deliberation regarding the obligations and rights of the federal and state spheres. To establish more precise rules for the discrimination of untitled land, Law 6.383³⁹ was created. From this law, the possibility of legitimizing land possession arises⁴⁰. It is important to mention Law 6.969⁴¹, which creates the special adverse possession institute to be applied to private lands, but also to untitled lands. Later, with the Brazilian Constitution of 1988, such a possibility was revoked in relation to untitled lands.

Nevertheless, the treatment of untitled lands regarding the authority of the federal and state spheres remains imprecise. The Brazilian Constitution of 1988, which defines the Union's assets, establishes that "untitled lands indispensable for the defense of borders, fortifications and military constructions, federal communication routes and environmental preservation, as defined by law"⁴². As for assets of the states, the untitled lands under the ownership of this sphere are those "not included among those of the Union".

³⁷ MIRANDA, Breve histórico da questão de terras devolutas no Brasil e os instrumentos legais de posse sobre esses bens.

³⁸ Ibid.

³⁹ BRASIL, Lei No 6.383 de 7 de Dezembro de 1976.

⁴⁰ Article 29 of this law stipulates that "Occupants of public lands, who have made them productive through their own work and that of their families, shall be entitled to the legitimization of possession of a continuous area up to 100 hectares, provided they meet the following requirements:

¹ - not be the owner of rural property;

¹¹ - prove permanent residence and effective cultivation for a minimum period of 1 (one) year." (Brazil, 1976)

⁴¹ BRASIL, Lei No 6.969 de 10 de Dezembro de 1981.

⁴² BRASIL, Constituição da República Federativa do Brasil de 1988.

In other words, such lands are established by exclusionary criteria: what does not belong to the Union belongs to the states, and this classification/organization involves a series of bureaucratic procedures, the execution of which has been conflictive.

The use of untitled lands by private individuals is a major subject of dispute with a long historical background, as illustrated by the preceding discussion. The vagueness of the authority over these lands between the levels of the Union, as well as the autonomy of each state in managing its untitled lands, ended up generating a plurality of administrative treatments and disputes over these lands. Newton Rodrigues Miranda⁴³ also states that the conceptualization of untitled lands is based on exclusion, as “those over which there is no private title deed and which have not yet been discriminated in the ownership of the states or the Union”. The issue of state occupation of untitled lands has presented considerable challenges in resolution, typically resulting in the implementation of measures such as the “concession of use” or the “legitimization of possession” concerning these territories.

Thus, it is in this legal sphere that disputes are established regarding the acquisition of the right to possession of untitled land. The acquisition of the right to possession implies the regularization of land occupation, which must meet the criteria established between the State and the private entity. All the bureaucracy involved in the dispute and regularization of land places the notary’s offices as important instruments for conducting land regularization.

Ivan Jacopetti Lago⁴⁴ argues that, despite being an old practice, it was only in 1994 that the land registry activity, established by Law 8935⁴⁵, brought in regulations for notary’s offices that guaranteed greater impersonality. Previously, political appointments predominated in the administration of notary’s offices, which favored personal relationships and the political dependence of these institutions. These institutions ended up allowing a series of irregularities to occur in land registrations, thus benefiting the interests of powerful groups. This law, also known as the ‘Law of Notary’s Offices’, governs notary services by guaranteeing a certain publicity for land registration, and establishes the notary’s office as the body for registering property, registering titles or any type of transaction on real estate to be recognized as legal. Thus,

⁴³ MIRANDA, Breve histórico da questão de terras devolutas no Brasil e os instrumentos legais de posse sobre esses bens, p. 172.

⁴⁴ LAGO, Ivan Jacopetti, História da Publicidade Imobiliária no Brasil.

⁴⁵ BRASIL, No 8.935 de 18 de Novembro de 1994.

the validation of the social relationship with the land goes through the action of the notary's office. With the Constitution of 1988, the notary function was regulated nationally, although the autonomy of the states was preserved. The notary's office emerges as an institution that executes legal activities that are proper to the state, but such activities are performed by private individuals through delegation. Currently, in order to receive a delegation from the state, a person must go through a civil service exam and their activities are supervised by state bodies. Even so, as Angelo Priori⁴⁶ argues, land registry offices have a history of complicity with documents that benefit hegemonic groups.

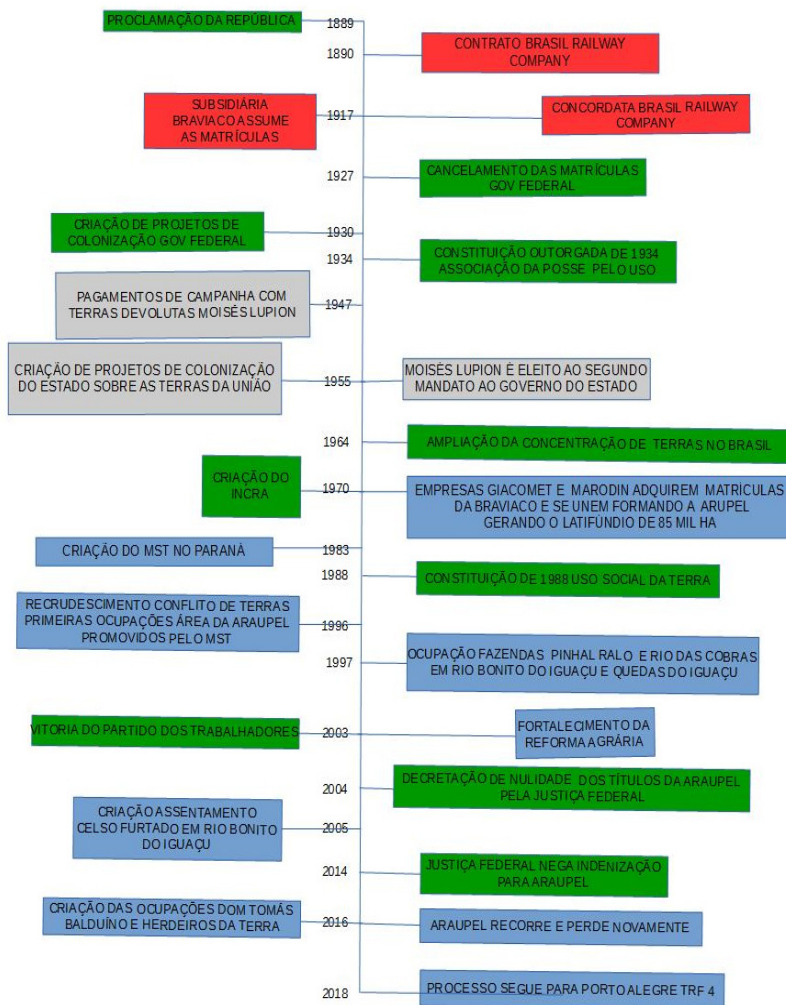
Therefore, the state is an important element in the constitution of the conflictuality that makes up spatial configuration. It establishes a series of alliances with hegemonic groups, but it also has to deal with the marginalized social masses that have emerged from the intensification of capitalist relations in the rural areas. Public lands were the object of appropriation by powerful groups who have benefited from the weakness of state legislation and oversight, thus making brute force a common course of action in conflicts over land possession. In the next section, we take as a starting point the temporal dynamics of the state's position in the spatial configuration of the area in dispute between the Araupel company and the MST.

The different positions of the state in the conflictuality established between Araupel and the MST

A better understanding of the structural dynamics of land possession in Brazil, as well as its relation to the analysis of the case under study, can be achieved through the distribution of events on a timeline. Based on the disputes analyzed and the evolution of the political contexts that have organized legislation on land ownership in Brazil, this timeline expresses the different logics of the state in its treatment of the lands that are currently the subject of disputes between the Araupel company and the MST.

⁴⁶ PRIORI, História do Paraná: séculos XIX e XX.

Figure 1- Timeline of the main events that make up the conflictuality regarding the area in dispute between the Araupel company and the MST



Source: Wilson Silva Júnior, 2022

This timeline shows the main events that have an impact on the area's characteristic conflictuality. In green are the actions of the Union, in red it is shown beginning of the problem, in gray are the actions of the state government, and in blue are the actions in the dispute between the MST and Araupel, amidst alliances and contradictions with the aim of fulfilling their often divergent interests.

According to Lucas Mariani Corrêa⁴⁷, the US-based Brazil Railway Company had contracts with the Imperial government for the urban electrification of the capitals of São Paulo and Rio de Janeiro, as well as the construction of railroads such as the Madeira Mamoré in Acre, the São Paulo-Rio Grande in the southeast and south, with trunks between northern Paraná and the port of São Francisco do Sul, in the state of Santa Catarina. This last contract meant that an abundance of land in the areas that today comprise the areas of conflict between the MST and Araupel was exploited by the company, which ended up going bankrupt and the projects, as well as the company's estate, were taken over by the subsidiaries, including BRAVIACO. In the early 1930s, the federal government took back the land granted due to non-compliance with the contract signed, and the Constitution of 1934 created the provision that land possession was based on labor. Furthermore, the state level became primarily responsible for managing the so-called untitled lands. In the state of Paraná, BRAVIACO - Companhia Brasileira de Viação e Comércio partnered with the state government to manage the colonization of 'supposedly uninhabited' areas. However, the entire territory was already occupied by native peoples and caboclos. The company's main source of income, according to Elpídio Serra⁴⁸, was the commercialization of land, which was supported by a set of registrations recorded in official notary's offices for the colonization of the west, north and southwest of the state of Paraná.

The autonomy of the state over the management of the untitled lands made it possible for the Paraná government not to consider that the lands no longer belonged to BRAVIACO, since the federal government had requested the granted lands due to the failure of the bankrupt Brazil Railway Company to fulfill its contract. Therefore, the Paraná colonization projects in partnership with BRAVIACO were carried out using invalid titles. Furthermore, actions of violence aimed at displacing the local population in order to implement other forms of occupation have generated waves of conflicts.

In the process of colonization, two important companies bought invalid titles to extract and sell wood, Giacomet S.A. and Marodin Exportadora. As Ross and Fabrini⁴⁹ explain, they got together and formed the ARAUPEL group,

⁴⁷ CORREA, Lucas Mariani, A atuação do holding Brazil Railway Company no Brasil.

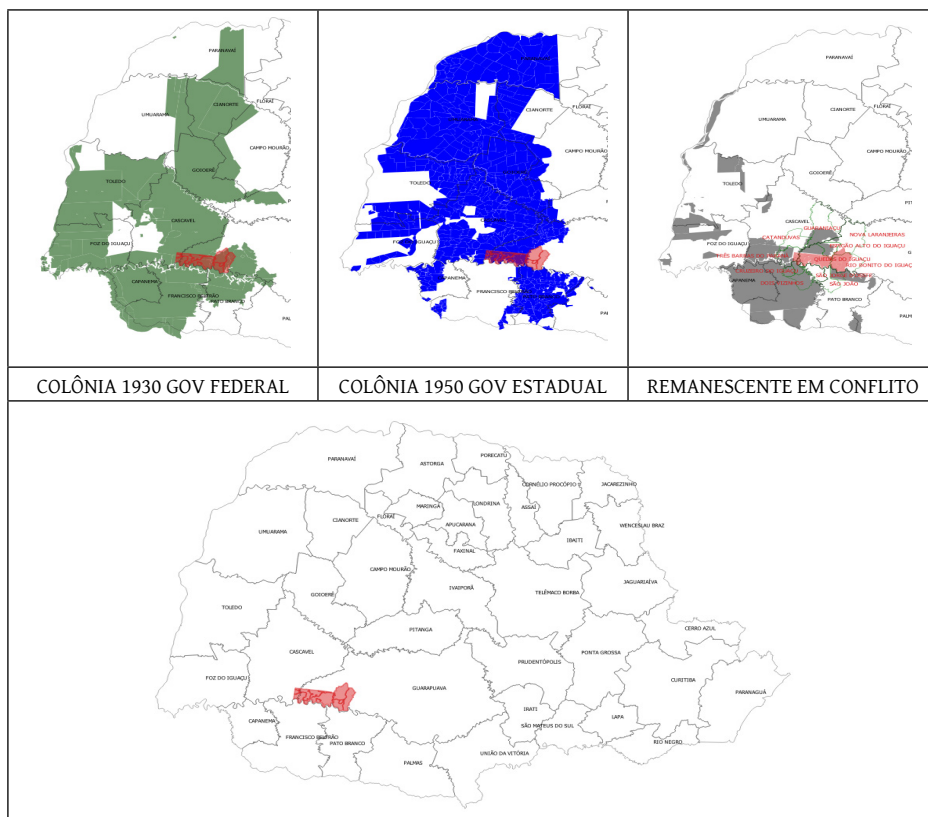
⁴⁸ SERRA, Elpídio, Extremo Noroeste do Paraná: dos conflitos pela posse da terra aos conflitos pela reforma agrária. Anais do X Encontro de Geógrafos da América Latina, in: Anais do X Encontro de Geógrafos da América Latina, São Paulo: USP, 2005, p. 14018-14042.

⁴⁹ ROSS, Djoni; FABRINI, João Edmilson, Assentamento Celso Furtado: da conquista da terra às formas de

which took ownership of the registrations that had been deemed null and void by the federal government.

In Figure 2, we demonstrate how the actions of the federal scale, state scale and private companies benefiting from the colonization process in Paraná led to the emergence of conflicts over the number of titles generated by the inconsistency of property ownership and registration. In addition to the conflicts between these agents, there are occupations and contestation by social groups excluded from the land that were not considered in the colonization processes, either by the state or by private agents.

Figure 2 - Area of the conflict between the MST and Araupel and the actions of the federal and state levels in shaping land conflicts.



Source: INCRA: internal documentation: National Cartography Coordination and National Cadastre Coordination, DF.

Source: Wilson Silva Jr, 2022.

resistência do território camponês, Revista Pegada, v. v. 13, n. 1, p. 37-54, 2012.

The set of maps shows that, to a large extent, it is the Paraná state government itself that is responsible for the violence in the west, southwest and north of the state. This was particularly evident in the second government of Moisés Lupion, who disregarded the migrations of the previous period in the First Republic without recognizing possession by use. This created a mass of dispossessed people who began to organize themselves to claim their possession.

The maps also show the overlap created between 1930 and 1950 by two federal entities, the Union and the State. The titles of both levels of state are official. Through the transfer by BRAVIACO to colonization companies, these companies began marketing for the formation of colonization nuclei, selling titles in small installments to the foreign immigrants who arrived in the ports of Santos and Paranaguá at the beginning of the 20th century.

The occupation of the region described by Jorge Ferreira Duque Estrada⁵⁰ shows the violence with which Moisés Lupion's government practices were implemented in his terms in office, the first term between 1946 and 1950 and the second between 1956 and 1960. The author states that the advance of the so-called pioneer fronts drove out through armed conflicts the settlers who had settled there.

Another fact, which aggravated the land crisis, was that the Paraná state government paid for public works with untitled land in order to return favors to allies for supporting the candidacies of political allies, according to Elpídio Serra⁵¹. There are two major conflicts involving land grabbers and squatters that deserve to be highlighted: the first in the north of the state, known as the Porecatu war, and the other in the southwest, known as the Squatters Uprising, both coinciding with Moisés Lupion's second term in office. The southwest of Paraná also received a portion of the population displaced from their land for the construction of hydroelectric power stations such as Salto Caxias. This group was also part of the contingent of landless families living by the side of highways, as Giuliano Derrosso and Elisa Yoshie-Ichikawa⁵² point out.

⁵⁰ ESTRADA, Jorge Ferreira Duque, Terra Crúa, Curitiba: sem editora, 1961.

⁵¹ SERRA, Elpídio, Grilagens de terra e conflitos rurais: o lado perverso da colonização no Paraná, Raega-O Espaço Geográfico em Análise, v. v. 46, n. 1, p. 58-74, 2019.

⁵² DERROSSO, Giuliano; ICHIKAWA, Elisa Yoshie, O papel da CRABI no assentamento dos ribeirinhos atingidos pela construção da hidrelétrica de Salto Caxias no estado do Paraná, Revista de Administração Pública, v. v. 47, n. 1, p. 133-155, 2013.

The Landless Workers' Movement (MST), created in 1984 at the National Meeting of Landless Workers in Paraná, is the result of the political organization of those excluded from access to land because of the unjust distribution of land. The MST had the support of the Catholic Church's Pastoral Land Commission (CPT) and together they managed to exert social pressure and occupy public lands that had invalid documentation and request their possession in order to produce food, thus establishing a unique logic of collective land appropriation. René Wagner Ramos⁵³ argues that the conflicts became increasingly violent and the 'so-called' landowners hired armed escorts while the social movements faced violence with sticks, hoes and scythes. Davi Félix Schreiner⁵⁴, in his thesis, shows that in 1997 the MST carried out 53 land occupations in Paraná and 103 in 1999, making up 10% of the occupations in the country during that period.

All the social pressure was distortedly reported in the Parliamentary Committee of Investigation (CPI) into land grabbing, as René Wagner Ramos⁵⁵ explains. According to him, the social movements were criminalized, since the CPI assumed the discourse that there were "real landowners" who were harmed by the struggles. Notably, the speech by Abelardo Lupion, a rural deputy from Paraná, son of former governor Moisés Lupion, who had implemented one of the most violent occupation policies in the state of Paraná.

What becomes evident is that the conflicts over land ownership in Paraná have elements of irregularity that cannot be attributed solely to the initiatives of illegal appropriation of untitled land by private individuals. Rather, they can be attributed to the alliances between economic and political groups that guaranteed the pseudo-legality of land titles.

On a national scale, the Amazon Environmental Research Institute (IPAM)⁵⁶ argues that the CPI on land grabbing points to a common dynamic of the practice in Brazil. It begins with a registration that is not precise, with a cartography that does not point to rigorous landmarks, and uses fragile landmarks as 'confrontants' of the land, including those of people

⁵³ RAMOS, René Wagner, *O Paraná Moderno de Bento Munhoz da Rocha Netto: ações para a implantação do novo modelo agrário (1951 - 1955)*, Jundiaí: Paco, 2022.

⁵⁴ SCHREINER, Davi Felix, *Entre a exclusão e a utopia. Um Estudo Sobre os Processos de Organização da Vida Cotidiana nos Assentamentos Rurais*.

⁵⁵ RAMOS, *O Paraná Moderno de Bento Munhoz da Rocha Netto: ações para a implantação do novo modelo agrário (1951 - 1955)*.

⁵⁶ IPAM - INSTITUTO DE PEQUISAS DA AMAZÔNIA, *A grilagem de terras públicas na Amazônia brasileira*, Brasília: Ministério do Meio Ambiente, 2006.

who have already died. This fragile data is registered at the notary's office and the authority registers it regardless of whether or not there are other occupants on the lands that are fragily registered on the basis of inconsistent documents. According to IPAM⁵⁷, which analyzed the documentation of the Parliamentary Commission of Inquiry, the methods of land grabbing are numerous and include 1) fraud in the titles with false signatures, alterations in the documents; 2) fraud in the processes, since there is no precision about the validation of the titles after the fraudulent registration; 3) demarcation fraud with a variety of cartographic inaccuracies; 4) location fraud, since the fragility of the demarcation made it possible to register areas as larger than they were, leading to overlapping areas in the registers; 5) registration fraud, in which the registry offices themselves are complicit due to the fragility of the Brazilian notary system.

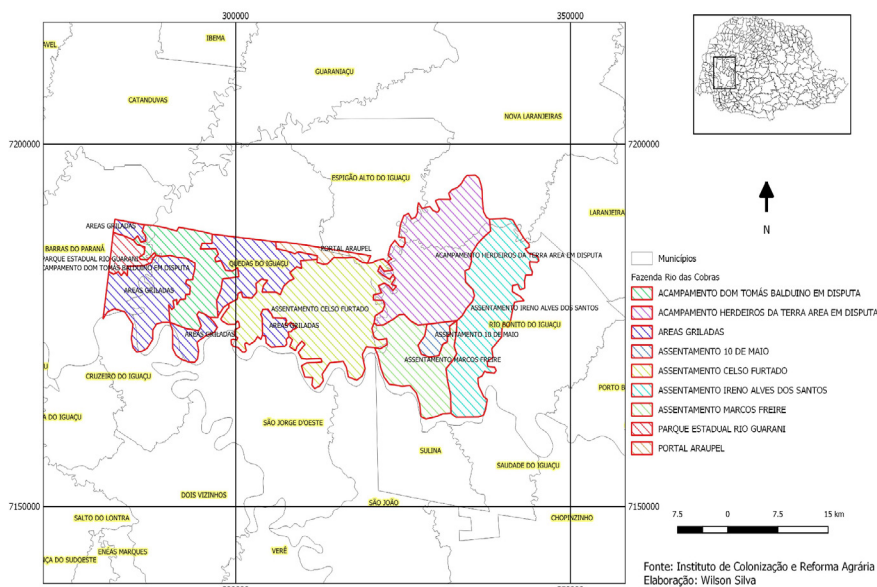
After the scandal involving the land-grabbing CPI, INCRA ended up being responsible for regulating the certification of rural properties, which improved the country's land regularization system. In 2003, INCRA created the first Technical Standard for Georeferencing Rural Property, which defined the general rules for measuring, describing, placing landmarks on the boundaries of land and authorizing the agreement of duly documented confrontants. These procedures have become mandatory for the processing of rural properties. Brazil started a Land Management System within INCRA that focused on properties over 100,000 ha. The agency must expand its operations until all rural properties are georeferenced and can be certified, in order to guarantee the authenticity of registrations of ownership, domain or donation and the processing of purchase and sale processes.

INCRA represents another side of the state that acts in the development of the agrarian reform advocated by the Constitution of 1988. INCRA was trained based on the process of standardization and improvement of its technical capacity to act more effectively in land regularization. In the area claimed by the Araupel S.A. company in dispute with the MST, it was possible to see INCRA's role in rescuing the dynamics of the company's domain since the imperial period, exploring an area of 85,000 hectares that makes up the Pinhal Ralo and Rio das Cobras farms. Part of this land was occupied by the MST in 1997 and gave rise to the Ireno Alves, Marcos Freire Celso Furtado settlements and another part in July 2014, forming the Herdeiros da Terra and Dom Tomás Balduino camps. The area includes the municipalities of

⁵⁷ Ibid.

Quedas do Iguaçu and Rio Bonito do Iguaçu, where there are more advanced regularization processes with settlements already established and other areas still in dispute, as can be seen on the map below.

Figure 3 - Area of dispute between Araupel and the MST in southwest Paraná



Although the scope of this article does not allow for a comprehensive exploration of all aspects of the content analysis based on Bardin⁵⁸ of the seven civil lawsuits⁵⁹ provided by the National Institute for Colonization and Agrarian Reform (INCRA) concerning the conflict between the Araupel company and the MST, some elements stand out in illustrating the structure of conflictuality in this case. Graph 1⁶⁰ expresses the similarity in the discourse

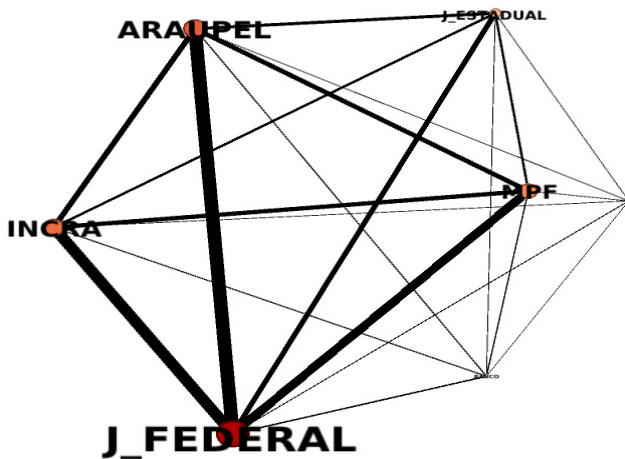
⁵⁸ BARDIN, Análise de conteúdo.

⁵⁹ Process numbers: 00625.028588/2018-56, 54000.124013/2018-30, 54200.000966.2011.81, 54000.001709/2009-06 (v 1 e 2), 01086.000070/2018.65, 01086.000183/2017.80 e 02017.019275/1997.13.

⁶⁰ Graph 1 results from a projection of a bimodal network (author - words used) into a unimodal network (author - author) created using Gephi 0.9.5 software. The network comprises 7 nodes representing authors of speeches, connected by 21 edges where the thickness represents the weight derived from significant shared words in their speeches. Node positions are determined by a "gravity" action that attracts nodes connected by heavier edges, while also being influenced by other nodes. Thus, the most significant nodes are the entities that interact most in the process: the Federal Judiciary and Araupel, with other agents acting as mediators, attracting and positioning the two main entities at the extremes of the network.

of the agents involved in the cases studied. The size of the knot expresses the greater or lesser participation in the processes and the thickness of the edges expresses the number of significant terms that the agents use in common, showing the similarity in the discourse. A more detailed description of the methodology can be found in the article published by Edson Armando SILVA and Joseli Maria SILVA⁶¹.

Graph 1 - similarity in the discourse of those involved



The first piece of evidence in this analysis is the absence of the voices of the MST families. In Graph 1, which illustrates the varying stances of the parties involved in the conflict, Araupel and the Federal Court are depicted as occupying opposite and divergent positions. The main intermediaries are INCRA and the Federal Prosecution Service, which are more well-connected with the Federal Court than with Araupel. Finally, the State Court, which was more active at the beginning of the conflict, presents a discourse that brings itself closer to Araupel than to the other agents. In general, the graph expresses the positions of each of the agents in confrontation in the process we describe below:

1- The first knot represents **ARAUPEL's** arguments: it initially requests to remove the “invaders” from the property, includes the allegation that the company has legitimate property titles and that the ownership situation of

⁶¹ SILVA; SILVA, Engenho e Arte: inspiração e técnica na análise de dados qualitativos.

the property is already consolidated, which supports INCRA's legitimacy to respond to the action to repair the damage caused by the aforementioned indirect expropriation. In addition, it is mentioned that the company has been suffering unlawful dispossession, which justifies the reinstatement measure to restore full possession of the property to the Claimant, as provided for in Article 1.210 of the Brazilian Civil Code.

The company argues that it legally owns the property, claiming that it has legitimate land titles and that the ownership of the property has already been consolidated. It argues that the area in question has an irreproachable dominial seriation, regularly maintained without any kind of opposition since the beginning of registry services in the country, and that the property is registered in INCRA's administrative records as a private property, which motivated its purchase by the plaintiffs.

They are asking the courts to remove the invaders by means of an action for reinstatement of possession with a request for a preliminary injunction and the imposition of a pecuniary penalty, on the grounds that their property has been invaded and that they are suffering unlawful dispossession. They argue that the invaders set up tarpaulin shacks on the properties, which prevented them from continuing their activities and caused losses, such as the arson that destroyed the seedling nursery. As a result, the company is asking for a preliminary injunction in order to be reinstated in possession of the property that belongs to it, as provided for in Article 1.210 of the Brazilian Civil Code, which guarantees the right of the possessor to be restored to possession in the event of unlawful dispossession.

It also denounces the "vandalism" of the invaders in passages where they mention that the seedling nursery was attacked by the invaders through arson, which reached proportions that ended up destroying it entirely and, consequently, causing a loss of thousands of reais. It also reports that the company's seedling nursery was attacked by invaders at the beginning of the year, also through arson.

The company does not explicitly acknowledge that it does not have ownership over the property, but emphasizes that the issue under discussion is not ownership but possession, which is a fact and does not depend on registration or formality. It argues that possession is a right that can be exercised independently of ownership, according to the Brazilian Civil Code, and that it has the right to be restored to possession of the property that is the subject of the case. Finally, if it is impossible to recover the area, the company

requests compensation for damages and claims that the Union should be ordered to compensate it for the market value of the property, since the area was indirectly expropriated for land reform purposes. The company argues that the Union benefited from the expropriation, as it did not have to pay the amount of fair and prior compensation that would be due in the case of formal expropriation. It also argues that it was deprived of its right to property without due process of law and without fair and prior compensation, as provided for in the Brazilian Constitution.

2- The second knot expresses the arguments of the **STATE COURT**, where the first phase of the lawsuit took place and where it was initially filed. The State Court argues that it had granted the preliminary injunction and scheduled a hearing to address its implementation. However, the hearing was not held due to the decline of jurisdiction to the Federal Court. It was certified that the defendants ANTONIO RODRIGUES DE VARGAS, FABIO RAMOS DA SILVA and RENATO FERNANDES CADENA could not be summoned.

Subsequently, it was determined that public civil action no. 5006093-51.2015.4.04.7005 should be registered in the system as “related without connection” to the records of the reinstatement of possession action. The invasion of the property in question happened in 2016, and the order stressed that it would not be appropriate to postpone the reinstatement measure in order to avoid perpetuating the damage suffered by the plaintiff.

In addition, a notice was issued for a conciliation hearing, scheduled for July 28, 2017, at 1pm. The defendants and occupants of the properties should be summoned to appear in person at the hearing, and it was pointed out that failure to object would imply default and presumption of veracity of the facts presented in the initial petition. Unjustified absence from the hearing would be considered an act against the dignity of justice and could be sanctioned with a fine.

The court argues the request for reinstatement of possession based on the need to resolve the issue of possession of the properties promptly, without awaiting the resolution of their disputed ownership. This is because delaying the decision could lead to the continuation of the damage suffered by the plaintiff and the validation of a behavior considered illegal, namely the invasion of productive rural property by the MST. The judiciary emphasizes that it is its responsibility to guarantee legality and the rule of law, and therefore ratifies the acts carried out in the State Court, including the decision that granted the preliminary injunction for reinstatement of possession.

Furthermore, it is mentioned that the interlocutory relief had already been partially granted, determining the annotation in the Union's title deed of the onerous concession of real right of use in favor of ARAUPEL S.A., thereby keeping the plaintiff in the properties that are the subject of the dispute.

The court requests the support of the police authorities in the following excerpt: "Therefore, as of now and without prejudice to the request for police apparatus by the state court, I order that letters be sent informing the authorities responsible for the 6th Military Police Battalion, the 5th Regional Military Police Command, the Special Coordination for Mediation of Land Conflicts-COORTERRA/SESP/PMPR, the Secretariat of Public Security of the State of Paraná and the Special Office for Land Affairs in the State of Paraná-SEAF/PR, as well as requesting a police force for effective compliance with the reintegration measures".

The court initially accepts ARAUPEL S.A.'s arguments and recognizes its jurisdiction to prosecute and judge the reinstatement of possession action/lawsuit submitted by the company. The Federal Court ratifies the acts carried out in the State Court, including the decision that granted the preliminary injunction for reinstatement of possession. In addition, the Federal Court granted a preliminary injunction for the reinstatement of possession of the properties covered by the aforementioned registrations, under penalty of a daily fine in the event of non-compliance.

However, with the entry of INCRA and the Federal Prosecution Service, the State Court changed its position and recognized its absolute incompetence to prosecute and judge the case after INCRA expressed its interest in the matter. In light of this, the State Court referred the case to the Federal Court.

3- The third knot, diametrically opposed in the graph, expresses **INCRA's** arguments. They are organized by demonstrating that the titles granted by the state of Paraná are null and void and that there is no obligation to compensate for bare land, only for improvements made in good faith by the defendant.

INCRA also mentions that a settlement has already been created in the area, one called Celso Furtado, and that the conflictual situation that existed when the lawsuit was filed had already been consolidated at the time of the sentence handed down by the 1st Federal Court on May 12, 2015.

The Union and INCRA are seeking a declaration that the Union owns the properties that are the subject of the lawsuit and an order that the defendant compensate the Union for the undue occupation of the public properties.

INCRA therefore opposes Araupel's claim for reinstatement of possession. In addition, INCRA and the Union are seeking a declaration of the Union's ownership of the properties that are the subject of the lawsuit and an order that the defendant compensate the Union for the undue occupation of the public properties.

INCRA agrees with the payment of compensation for improvements made in good faith by the defendant. In addition, it manifests its interest in the land by defending its own right to possession of the areas at issue in the case, based on the powers that derive from its ownership, as set out in the initial petition of the civil class action No. 5006093-51.2015.4.04.7005. INCRA acts autonomously in the permissive joinder of parties, without necessarily recognizing any rights of the other defendants, and requests that it be given possession of areas that coincide with those that are the subject of the reinstatement of possession action.

INCRA argues the invalidity of the titles issued by the State of Paraná on several grounds. Firstly, INCRA wants to have the title deeds issued by the state of Paraná declared null and void in relation to the properties under discussion, affecting subsequent title deeds. This implies that, according to INCRA, the titles issued by the state of Paraná have no legal validity, which would affect all subsequent titling related to these lands.

In addition, INCRA and the Union are seeking a declaration of the nullity and/or ineffectiveness of the title to Land Registrations 547, 2726, 5448, 6503, 9175, 9178, 9191, 10,553 and 13,241, all in Book 02 of the Real Estate Registry Office of the District of Quedas do Iguaçu/PR, which is located in the municipality of Quedas do Iguaçu/PR and whose total area amounts to 10,742.3511 hectares. The claim is that the property that is the subject of this action is within the perimeter of the property called Rio das Cobras, which is a significant area titled in 1913.

These arguments are part of INCRA's strategy to defend the public interest and the social function of property, seeking to regularize land for the purposes of agrarian reform and other sustainable rural development policies. By questioning the validity of the titles, INCRA seeks to ensure that the land is allocated according to social and environmental interests, in accordance with Brazilian law.

4- The fourth knot expresses the arguments of the **FEDERAL PROSECUTION SERVICE**. Firstly, it recognizes that Araupel S.A., a company with more than 40 years of activity in the reforestation and wood processing

sectors, is facing a legal dispute regarding the ownership of land surrounding its industrial plant, sawmill, administrative headquarters, warehouse and forest nursery. The central issue is the possibility of the ownership titles becoming null and void, which could lead to the removal of the company from the area in question and, consequently, its extinction. The company plays a significant role in the local economy, employing 1,169 individuals directly and supporting over 400 indirect jobs. Additionally, it has contributed R\$51,850,000.00 in taxes over the past three years.

On the other hand, the Federal Regional Court of the 4th Region, when judging an action for indirect expropriation, upheld the dismissal of the case, rejecting the plaintiff's appeal. The lawsuit in question discussed the titling of a plot of land that should have been used for the construction of a railroad branch line by the São Paulo - Rio Grande railway company, in accordance with Decree No. 11.905/1916. Construction didn't take place and Decree 19.918/1931 declared the concession expired, returning the area to the Union's domain. The title deed was considered invalid because the subsequent alienation operations were a non domino, i.e. carried out by someone who was not the true owner. The court's decision reinforced that public property is not subject to acquisitive prescription, according to the Brazilian Constitution of 1988 and Precedent No. 340 of the Federal Supreme Court, and that without a valid domain, there can be no talk of indirect expropriation.

The Federal Prosecution Service (MPF) argues against the validity of the title deeds on several grounds. At first, the MPF points out that the area in question reverted to the Union's domain after the concession for the construction of a railroad branch lapsed, as established by Decree 19.918/1931, following non-compliance with the obligations assumed by the Companhia Estrada de Ferro São Paulo - Rio Grande.

In addition, the MPF maintains that the subsequent alienation operations were carried out on a non domino basis, which invalidates the title deeds in question. This is due to the fact that the initial alienation came from the state of Paraná and continued between private individuals without valid ownership by the Union.

The MPF also relies on the express resolutive clause relating to gratuitous imperial transfers, according to Decree No. 305/1890, arguing that, after more than 50 years without the agreed railroad construction, the domain should return to the Union.

Finally, the MPF stresses that, according to the Brazilian Constitution of 1988 and to the Federal Supreme Court's Precedent No. 340, public property is not subject to acquisitive prescription, which means that, without a valid domain, there can be no talk of indirect expropriation. Therefore, in the absence of a valid domain on the part of the plaintiffs, there is no way to recognize the validity of the titles of possession.

The MPF objected to the supplementary report and requested the return of the amounts raised by the defendant company, which indicates that the MPF contested the amount that the Araupel company could have unduly received as compensation. This demonstrates that the MPF did not agree with the compensation request as presented by the company, questioning the validity or the amount of the compensation sought, or arguing that the investments were made in the knowledge that the titles were null and void.

5- The fifth knot illustrates the small participation of the Banco Regional de Desenvolvimento do Extremo Sul (BRDE), a regional bank for the development of the south of Brazil, which requested its participation in the case as an assistant to the defendant, in the capacity of mortgage creditor. Its documents were included in supplementary records.

6- The sixth knot refers to an official letter in the case file from the Military Police of Paraná sent to the courts informing them that the reinstatement of possession had not been carried out due to the lack of police to accompany the action. The document states that the Substitute Federal Judge of the 2nd Federal Court of Cascavel/PR ordered the reinstatement of possession of the properties with registration numbers 6.503, 9.175 and 9.191, located in the District of Quedas do Iguaçu. It further indicates that the necessary police force was requested to ensure the effective implementation of the measure. It was also mentioned that a dispatch would be made to the 5th Regional Command to carry out operational planning. Furthermore, it was mentioned that an order would be drafted to the 5th Regional Command to carry out operational planning.

7- Finally, the seventh knot corresponds to the positions of the Federal Court, which accepts and decides regarding the parties' positions. Although, at first, the 2nd Federal Court of Cascavel/PR granted a preliminary injunction for the reinstatement of possession of properties, as the process unfolded, the Federal Court accepted the arguments of INCRA and the MPF. According to the decision delivered by the Federal Regional Court of the 4th Region (TRF4), the State of Paraná is a legitimate party to an action seeking to declare the nullity

of land titles granted by the state itself. The alienation of properties located on the 66 km border strip, made by the state to third parties, is considered null and void, as these properties belong to the Union and are not subject to validation or statute of limitations. In addition, it was recognized that, once the entire chain of titles of a property belonging to the Union has been declared null and void, compensation is not due to the alleged owner for the loss of the property, since public property cannot be acquired by adverse possession, according to Precedent 340 of the Federal Supreme Court.

The court ruled in favour of INCRA's claim to possession by declaring the alienations of property by Companhia Estrada de Ferro São Paulo - Rio Grande to Companhia Colonizadora e Mercantil Paranaense S.A. to be null and void, as well as subsequent alienations, including in favor of Rio das Cobras Florestal Ltd. The decision recognized the Union's ownership of the properties in question and finalized the possession already made in favor of INCRA, releasing the public agency from the obligation to pay any compensation.

The Federal Court has ruled that compensation is not due for improvements built on public property when the occupant is found to be in bad faith. Bad faith is presumed when the occupant is aware of the property's status as a public asset, as in the case of areas under the control of the Union. Irregular occupation of public property does not give rise to the right to compensation for accessions or improvements, as public property is not subject to adverse possession and cannot be the object of private possession.

Furthermore, the Federal Court considers that the construction of a private individual on public property does not constitute an improvement, but an accession, and that the private individual is not entitled to compensation and can only be allowed to remove the improvements within the time limit set by the State. The compensation for improvements provided for in Article 1.219 of the Brazilian Civil Code implies the right to retain the property until the amount is paid by the owner, which is inadmissible in the case of public property.

Final considerations

This article has highlighted the different positions adopted by the state in the dynamics of the land conflict between Araupel and the Landless Workers' Movement (MST). Based on the concept of conflictuality, it was shown that the state is an entity that changes its positions, at times making alliances with powerful groups that hold economic hegemony, and at other times aligning

itself to address the concerns of marginalized groups to ensure its legitimacy, as Claus Offe and Adam Przeworski point out. The space currently shaped by the dispute between the Araupel company and the MST cannot be understood from an isolated dispute, as Bernardo Mançano Fernandes rightly points out, because there is a historical process of divergent life and development projects coming into conflict. Territory is therefore made up of conflictuality, and it is in this sense that it is impossible to put the State in a single position.

The established timeline and its detailed examination demonstrated that the state's bureaucracy, such as legislation and notarial records, are not irrelevant aspects in the organization of the powers of hegemonic groups. On the contrary, part of the judiciary, the police force and the notary system have shaped their actions and strategies in the appropriation of the lands in the area in dispute between the Araupel company and the MST. The geographic space that is made up of tensions between social groups disputing land involves various types of strategies, ranging from the use of brute force to more subtle actions such as falsifying documents that support legal actions. Although violent spatial conflicts are more easily identifiable due to their material traces, geographical analysis must go beyond explicit violence. Insidious violence permeates the legal and political apparatus in disputes over lands essential to human life.

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