

## Land reform for what purpose? The trajectory of the Brazilian Association of Land Reform in the expectation of regulating and redistributing land access in Brazil<sup>1</sup>

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### Abstract

This article analyzes how a group of people realized, in the mid-1960s, problems related to the way in which Brazilian territory was occupied and how, in a dictatorship, they created the ABRA to propose an agrarian reform as a solution. The evidence results from qualitative research that combined a literature review with interviews and questionnaires. The analysis shows that for almost fifty years this group tried to take advantage of windows of opportunities to propose legal mechanisms for regulating the right to land property (such as social function or obligation) and land redistribution (such as taxation or expropriations) to include the rural workers in national development. However, the expectations around these mechanisms triggered reactions that reduced the group's relative participation in decision-making. In developmentalism echoes, this analysis raises concerns about who, when and how can speak about the problems and solutions to conflicts over land and territory in the country.

**Keywords:** Land issue; public policy; rural development.

### Reforma agrária pra quê? A trajetória da Associação Brasileira de Reforma Agrária na expectativa de regular e redistribuir o acesso à terra no Brasil

### Resumo

O artigo analisa como um grupo de pessoas percebeu, em meados dos anos 1960, problemas decorrentes do modo de ocupação do território brasileiro e durante uma ditadura criou a ABRA para propor a reforma agrária como solução. As evidências foram obtidas em uma pesquisa qualitativa que combinou uma revisão bibliográfica com entrevistas e questionários. A análise mostra que, ao longo de quase cinquenta anos, o grupo tentou aproveitar janelas de oportunidade para propor mecanismos legais de regulação do direito à propriedade da terra (como a função ou a obrigação social) e de redistribuição de terras (como a tributação ou as desapropriações) como forma de incluir os trabalhadores rurais no

<sup>1</sup> This work is linked to doctoral research funded by the Academic Excellence Program (PROEX) of the Coordination for the Improvement of Higher Education Personnel (CAPES).



desenvolvimento nacional. Todavia, as expectativas na definição destes mecanismos desencadearam reações que diminuíram a participação relativa do grupo nas decisões políticas. Em meio aos ecos desenvolvimentistas, a análise suscita inquietações sobre quem, quando e como pode falar sobre os problemas e as soluções para conflitos por terra e território no país.

**Palavras-chave:** Questão agrária; políticas públicas; desenvolvimento rural.

## **¿Para qué reforma agraria? La trayectoria de la Asociación Brasileña de Reforma Agraria con la expectativa de regular y redistribuir el acceso a la tierra en Brasil**

### **Resumen**

El artículo analiza cómo un grupo de personas notó, a mediados de la década de 1960, problemas derivados de la forma cómo se ocupó el territorio brasileño y como, durante una dictadura, creó la ABRA para proponer la reforma agraria como solución. Las evidencias resultan de una investigación cualitativa que combinó revisión de literaturas con entrevistas y cuestionarios. El análisis muestra que, por casi cincuenta años, el grupo intentó aprovechar ventanas de oportunidad para proponer mecanismos legales para regular el derecho a la propiedad de la tierra (como función u obligación social) y la redistribución de la tierra (como impuestos o expropiación) como una forma de incluir a los trabajadores rurales en el desarrollo nacional. Sin embargo, las expectativas en la definición de estos mecanismos desencadenaron reacciones que redujeron la participación relativa del grupo en las decisiones políticas. En ecos desarrollistas, el análisis plantea preocupaciones sobre quién, cuándo y cómo puede hablar sobre los problemas y soluciones a los conflictos por la tierra y el territorio en el país.

**Palabras-clave:** Cuestión agraria; política pública; desarrollo rural.

### **Introduction**

The construction of public policies is an important task that involves highlighting and defining issues on the government agenda, producing and contesting solutions or alternatives for the decision-making process, and creating or seizing opportune moments to link problems to solutions (Kingdon, 1995, 2007; Zahariadis, 2007; Capella, 2018, 2020). In these flows, some individuals or groups stand out by allocating considerable resources with the expectation of raising concerns about certain issues, making policymakers perceive problems in the same way they do, and seizing windows of opportunity to increase the likelihood of the solutions they propose being chosen (Kingdon, 1995, 2007). However, this task becomes more or less lengthy, arduous, and conflict-ridden depending on the controversies surrounding the topic, so that problems and solutions do not necessarily come in pairs or succeed each other in the formulation of public policies (Cohen, March and Olsen, 1972; Kingdon, 1995, 2007).

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In Brazil, profound inequalities in land access since the so-called “Just Wars” between European colonizers and the continent’s indigenous peoples, the Land Law of 1850, the abolition of slavery in 1888, and other policies related to land use and occupation, are reflected in intense conflicts and various forms of violence (Medeiros, 1996; Sauer and Souza, 2008). Throughout the centuries, different individuals and/or groups have been offering the governmental agenda varying understanding of these issues and end up having greater or lesser participation in the formulation of solutions to the decision-making agenda. Among the solutions, agrarian reform has become one of the most controversial (Delgado, 2005; Medeiros, 2015).

The purpose of this article is to highlight how, in the mid-1960s, a group of individuals recognized some of the problems arising from the mode of occupation of Brazilian territory and created an organization that advocated for agrarian reform in Brazil for almost five decades. The Brazilian Association of Agrarian Reform (ABRA), established in 1967, provided frameworks and solutions to the issues related to land ownership and use in the country during different national and international political moments. The association assumed such importance that documenting its trajectory contributes to highlighting a portion of the ideas (Kingdom, 2007) that permeate disputes over land and territory on this continent.

In addition to the introduction, the article has been organized into eight sections. The first describes the methodological procedures used in the research. The second section revisits some events that occurred in the 1940s and preceded ABRA. The third section addresses the creation of the association during the civil-military dictatorship that began in 1964, some of its interpretations of land issues in the 1970, and efforts to propose agrarian reform during the re-democratization period. The fourth section deals with the association’s participation in the elaboration of the I National Agrarian Reform Plan (PNRA) of the Sarney Government in 1985, during the New Republic. The fifth section presents ABRA’s participation in the National Constituent Assembly, between 1987 and 1988, with a National Campaign for Agrarian Reform (CNRA). The sixth section discusses the association’s participation in the debates on land issues in the country during the 1990s. The seventh section analyses ABRA’s participation in the formulation of the Second National Agrarian Reform Plan in 2003, after Lula’s first victory in the Presidential elections. Finally, the eighth section brings some considerations about the expectations surrounding land regulation policies in Brazil.

## Methodological Procedures

The article results from a qualitative research of evidence from diverse sources. The procedures combined a review and analysis of documents and bibliographies, such as laws, bills, technical notes, decrees, and normative instructions from the Executive Branch, committee reports, and minutes from the Legislative Branch; books, theses, dissertations, scientific journals<sup>2</sup>, bulletins<sup>3</sup>, newspapers, texts, and videos produced and disseminated by ABRA or other rural organizations; and materials related to land policies in Brazil. This was combined with the application of twelve interviews and two questionnaires with semi-structured scripts.

The interviews were conducted via Skype between January and August 2020 with some ABRA associates and members of the technical team and public agencies responsible for formulating the II PNRA I 2003. They were recorded and later transcribed and qualitative analysed by the authors. The questionnaires were administered via email to a former ABRA associate and a member of the technical team that formulated the II PNRA, based on the time they had available to participate in the research. The interviewees mobilized in the article were identified by their involvement at the time of formulating public policies and the order of the procedure by the researchers (E01, E02, E19, and so forth).

## Some Background to the Foundation of ABRA

The inaugural speech of Harry Truman as President of the United States of America in 1949 marked world history by designating as “underdeveloped” countries where a significant portion of the population lived in hunger and poverty (Rist, 2008). In Brazil, while rural workers, settlers, squatters, tenants, and sharecroppers organized themselves into associations, unions, and leagues to resist exploitation and advocate for land reform through expropriations, economic thought was dominated by the idea of overcoming underdevelopment with state support for comprehensive industrialization (Bielschowsky, 2000; Medeiros, 2015). When land structure and labour relations in the countryside began to be identified as problems for the development of the national economy, the Economic Commission for Latin America and the Caribbean (ECLAC), the Communist Party of Brazil (PCB), progressive sectors of the Catholic Church, and a group of economists from the University of São Paulo (USP) attempted to offer solutions (Bielschowsky, 2000, Delgado, 2005).

The Cepaline theses, primarily advocated in Brazil by Celso Furtado, justified the need for agrarian reform because an agriculture based on large properties producing with

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little technology and for export would not meet the demands of industrialization and urbanization, as it would cause frequent supply crises and inflation (Medeiros, 1994; Delgado, 2005). Among the members of the PCB, the need for agrarian reform was not a consensus. While Caio Prado Jr., who believed in increasing wage labour, and Ignácio Rangel, concerned with the release of the rural overpopulation to other sectors of the economy, prioritized labour regulation, Alberto Passos Guimarães advocated agrarian reform to accelerate capitalism and communism in the feudal remnants of the country (Delgado, 2005).

The progressive sectors of the Catholic Church, in turn, recognized the right to land ownership<sup>2</sup> but supported agrarian reform through expropriations with compensation payments (Medeiros, 1994; Bruno, 1995; Delgado, 2005). Finally, the group of economists linked to USP<sup>3</sup> denied the need for agrarian reform because if the basic function of agriculture were only not to pressure industrial production, the General Price Index and the trade balance, labour relations, and the land structure in the countryside would not be problems for Brazilian economic development (Delgado, 2005).

When an economic, currency, and inflation crisis unfolded in the country in the early 1960s, two interpretations emerged on the agenda (Grisa and Schneider, 2015). On one side, academics like Celso Furtado and Alberto Passos Guimarães, politicians like João Goulart, and organizations of rural workers and peasants advocated for agrarian reform and other grassroots reforms<sup>4</sup> to boost the domestic market; on the other side, economists from USP and the national agrarian elite argued that agriculture would fulfil its role in industrialization through infrastructure policies, agricultural research, credit, technical assistance and rural extension, subsidies for inputs, agricultural insurance, minimum price guarantees, tax incentives for exports, and expansion of agricultural frontiers (Grisa and Schneider, 2015). The convergence of different perspectives advocating for reform and criticizing land concentration made agrarian reform the flagship of the developmental national project (Medeiros, 1994; Tavares dos Santos, 1995).

Governor Carvalho Pinto acknowledge the land issues in the country and, even though he assessed them as not being as severe in São Paulo, he included in the State Government Action Plan (PAGE)<sup>5</sup> to set an example (Silva, 1993; Silva, 1996; ABRA, 2005).

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<sup>2</sup> The Federal Constitution of 1946 provided for the use of property in accordance with social welfare and the promotion of fair distribution among all through expropriation for public necessity or utility or social interest, with prior and fair compensation in money (BRAZIL, 1946).

<sup>3</sup> Among whom Antonio Delfim Neto.

<sup>4</sup> The grassroots reforms (especially agrarian, tax, administrative, banking, electoral, and constitutional) were economic and social policies proposed by the "Alliance for Progress", an international aid programme launched in 1961 by John Kennedy, President of the United States, to improve the standard of living in Latin America.

<sup>5</sup> Coordinated by the young lawyer Plínio de Arruda Sampaio.

The solution, formulated by a team from the Department of Agricultura composed of agronomists José Gomes da Silva and Carlos Lorena, was called Agrarian Revision to distinguish it from agrarian reform as a “left-wing” (Silva, 1993). The bill was sent to the Legislative Assembly in April 1960 proposing to convert all Rural Land Tax (ITR) collected in the state into settlements for rural workers with financing and tax exemption to produce food (Tolentino, 2011). Progressive taxation would gradually replace large unproductive land holdings with small highly technological Family units, capitalized, and functional to national industrialization and urbanization (Tolentino, 2011).

However, the expectations of the São Paulo elite in the PAGE were distributive policies, and the reaction to the Agrarian Revision was immediate. At the suggestion of José Gomes da Silva, the Department of Agriculture tried to garner public support through newspapers, radio, and television, as well as debates between employer and rural worker organizations in the state, to dissociate the Agrarian Revision from communism or other ideas considered subversive at the time (Silva, 1993; Silva, 1996; Tolentino, 2011). The bill was reported in the press across the country and received support from unions, urban associations, the Union of Cooperatives of São Paulo, progressive or also conservative sectors of the Catholic Church and the PCB (Tolentino, 2011). Among the opponents were the Brazilian Rural Society (SRB), the Federation of Rural Associations of the State of São Paulo (FARESP), the most conservative sectors of the Catholic Church, and the Social Democratic Party (PSD) (Tolentino, 2011).

The Agrarian Revision was approved in December 1960<sup>6</sup>, but the expectations regarding the regulation of property rights and land redistribution in São Paulo reduced the relative participation of the Carvalho Pinto government in a solution to the country’s land issues. In April 1961 an articulation by the Brazilian Rural Society (SRB) in the Federal Senate rendered the law unenforceable by transferring the collection of the Rural Land Tax (ITR) from the states to the municipalities (Tolentino, 2011).

After the Agrarian Revision, José Gomes da Silva took over the direction of the Campinas Training Centre (CETREC) and, still motivated to discuss solutions to land issues, proposed to host a course of Project 206 of the Inter-American Institute for Cooperation on Agriculture (IICA) (Silva, 1996). The III International Course on Agrarian reform (CIRA) brought together dozens of representatives from public agencies responsible for agrarian reform programmes or similar initiatives in Latin American countries between May and July 1963<sup>7</sup>. The course addressed the role of land in economic development and experiences with

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<sup>6</sup> The Carvalho Pinto government did establish the Santa Helena Settlement, which benefited 113 families in Marília, São Paulo, and the Capivari Settlement, which benefited 72 families in Campinas, São Paulo.

<sup>7</sup> For instance, the Superintendence of Agrarian Reform Policy (SUPRA), the Departments of Agriculture of São Paulo and Goiás, and the Gaúcho Institute of Agrarian Reform.

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agrarian reform in Japan and South Korea, legitimized the Agrarian Revision and the reformist ideas of the João Goulart government with the “Alliance for Progress” and, additionally, it enabled some participants to organize themselves into what became known as the Campinas Group (Silva, 1993).

In March 1964, President João Goulart signed the controversial decree providing for land expropriations<sup>8</sup> in Brazil. The fear of conservative sectors about the implementation of a communist regime resulted in a coup d'état (Bruno, 1995). The government of Marshal Castello Branco, striving to absorb reformist demands, created in April the Working Group on the Land Statute (GRET), which was responsible for proposing a “democratic and Christian” agrarian reform to neutralize conflicts in the countryside, modernize agriculture, and develop capitalism in the country (Bruno, 1995, Medeiros, 1996).

After the coup, the National Congress continued to function normally and began processing the Badra Project<sup>9</sup>. The Campinas group assessed the Project as a setback and, when the Castello Branco Government expressed support for it, decided to present the solutions to land issues that they considered viable or desirable (Silva, 1993). The President invited a representative from the Campinas Group to participate in drafting the government's bill, recognizing their involvement in the Agrarian Revision<sup>10</sup> and the CIRA<sup>11</sup> (Silva, 1993; Silva, 1996; Tolentino, 2011).

However, during that period, the Campinas Group questioned the effectiveness of taxation and, faced with the political power of large landowners, began to advocate for expropriations as the primary instrument of agrarian reform (Bruno, 1995). This solution diverged from the one presented by representatives of the Institute of Economic and Social Research (IPES) of Rio de Janeiro (Bruno, 1995). However, as they were the majority in the GRET, the bill ended up being modified to change the regime of land possession and use through taxation, complemented by expropriations, to reinforce the social function of land ownership<sup>12</sup>, and to legitimize small family rural properties (Bruno, 1995).

However, the expectations of the national elite after the coup were centred on a set of distributive policies, and the reaction to the GRET proposal was immediate. The argument

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<sup>8</sup> Decree No. 53,700 provided for the expropriation for agrarian reform of properties with an area exceeding 500 hectares along federal highways or railways and 30 hectares in the vicinity of irrigation, drainage, or dam construction projects carried out by the Union.

<sup>9</sup> Drafted by Deputy Aniz Badra, it had a productivity bias that presented expropriation for agrarian reform compensated in cash or, with the consent of the owner, in mortgage bonds, shares of mixed economy societies, rural bonuses, or public debt securities (Natividade 2013).

<sup>10</sup> Elected in 1963 by the Brazilian Institute of Democratic Action (IBAD) and the Institute of Social Research and Studies (IPES) as a model for agrarian reform in the country (Tolentino, 2011).

<sup>11</sup> Marshal Humberto Castello Branco was present at the closing ceremony of the III CIRA in Recife, Pernambuco.

<sup>12</sup> Fully met when, simultaneously, it promotes the well-being of owners, workers, and their families; maintains satisfactory levels of productivity; ensures the conservation of natural resources; and observes legal provisions regulating fair labour relations among those who own and cultivate it.

was that the quickest and most effective form for the State to solve the problem of idle land would be to provide productive infrastructure (Bruno, 1995). For six months, the GRET negotiated with the National Congress a text that would meet the rational distribution of land, but ambiguities, caveats, and vetoes transformed what would have been the agrarian reform law into a broad “rural development law” (Bruno, 1995; Silva, 1996, E12<sup>13</sup>).

The Land Statute was enacted in November 1964, but the expectations regarding the regulation of property rights and land redistribution reduced the relative participation of the Campinas Group in a solution to the country’s land issues at the beginning of the military regime. In addition to the mechanisms considered indispensable by the Campinas Group for agrarian reform, the legislation defined a broad set of resources distribution instruments for modernizing agriculture without redistributing land in the country.

### **The creation of ABRA in 1967**

Evaluating the sluggishness of the Castello Branco Government in land expropriations, forty-three individuals, including agronomists, civil servants, priests, unionists, university professor, lawyers, among others, united to advocate for agrarian reform in Brazil (Côrtes, 1990). The Brazilian Agrarian Reform Association (ABRA) was established in September 1967, with its headquarters set up alongside the National Confederation of Agricultural Workers (CONTAG)<sup>14</sup> in Rio de Janeiro. In their charter, they defined agrarian reform as a process of changing land ownership and usage systems, with the sole criterion for assessment being the number of families that would receive land at the time of the law’s enactment (ABRA, 1967). At the invitation of Gomes da Silva, sociologist and professor José Arthur Rios assumed the role of executive director (E12).

During the Costa e Silva Government, the agricultural modernisation programme was based on the arguments of the group of economists from the University of São Paulo (USP) (Delgado, 2005). The Médici Government, viewing territorial occupation as a matter of national security, established the National Institute of Colonisation and Agrarian Reform (INCRA) in 1970, with the aim of distributing public and unclaimed land in the Amazon, Cerrado and border regions of the country. In 1971, Gomes da Silva assumed the presidency of ABRA, and by relocating the headquarters to Brasília, he began to seek audiences with government officials to advocate for agrarian reform (Côrtes, 1990, E12).

Given the national elite’s fear of land nationalisation, ABRA advocated for the right to land ownership in accordance with its social function (Lorena, 1971). However, it proposed

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<sup>13</sup> Former member of ABRA in interview granted to the authors on 10/22/2020.

<sup>14</sup> Founded in 1963, CONTAG is the first and only national union entity legally recognized by the Ministry of Labour to represent rural workers and family farmers.



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a set of direct measures (such as expropriating, dividing, or regrouping land) and indirect measures (such as taxing, regulating leases and partnerships, social laws, and rural unionisation) to prevent or correct land issues and to include rural workers in national development (Lorena, 1971). The members expected that their expertise would prevent them from being considered subversive by the regime's repressive organs (ABRA, 2005; Silva, 1993).

In 1971, the association relaunched the bulletin "Reforma Agrária"<sup>15</sup>, to expose the problems related to land ownership and usage, as well as the distortions in the concept of agrarian reform caused by the military government's colonization, titling, and taxation programmes (ABRA, 1976; Côrtes, 1990). The persistence in maintaining a short and monthly publication in language accessible to rural workers during the dictatorship made ABRA increasingly well-known (Côrtes, 1990, E12). The members also provided consultancy to Contag, rural and urban worker's unions, federations, universities, the Legislative Branch, and others interested in the topic, with the main goal of drawing the middle class's attention to the need for agrarian reform (Silva, 1996, E12). The association was managed by annual assemblies and the voluntary work of an elected board, generally every three years. The dedication of Gomes da Silva resulted in wide network of individuals interested in land issues throughout the country (E12).

The exhaustion of a long cycle of economic growth in the country at the end of the 1970s established new political arrangements and forms of struggle for land rights (Delgado, 2005, Medeiros, 2015). However, unlike the major mobilisations of the 1960s, agrarian reform became a demand restricted to rural workers' organisations (Graziano da Silva, 1985). To continue proposing a solution, ABRA enhanced its articulations

In 1978, the association's headquarters returned to Campinas, São Paulo. In 1979, ABRA, the Union of Workers in the Distillation and Refining Industry of Petroleum in Campinas and Paulínia (Sindpetro), and the Federation of Agricultural Workers of the State of São Paulo (FETAESP) brought together in the "Forum of the Unconsulted" representatives from sectors that had not participated in the formulation of the National Alcohol Programme (Proálcool) in 1975, such as rural workers, oil workers, conservationists, consumers, and academics (ABRA, 1980). The argument in favour of agrarian reform was that redistributing land in the country would allow to produce raw materials to meet national energy demands while conserving the environment.

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<sup>15</sup> The bulletin, printed in runs of three thousand copies funded by CONTAG, typically consisted of ten to twenty pages, featuring an editorial, articles by ABRA directors, unionists, or university professors, news and studies on land-related topics in Brazil and worldwide, as well as comments, praise, and suggestions from readers.

With the end of the two-party system in 1980, ABRA advised the opposition in the creation of the Workers' Party (PT) and the Brazilian Democratic Movement Party (PMDB). In 1983, it launched<sup>16</sup> the National Campaign for Agrarian Reform (CNRA). ABRA also provided consultancy, while reiterating its proposal never to assume leadership, to new unions and rural workers' organisations, such as the Landless Workers' Movement (MST) in 1984 (Côrtes, 1990; Stédile, 1992, E12).

In the 1980s, the members began to develop projects to fund research and training (Côrtes, 1990, E12). Through these efforts, ABRA expanded its headquarter, increased the scientific evidence regarding land ownership and usage issues in the country and substantially changed its periodical in 1985. The new "Revista Reforma Agrária"<sup>17</sup> began to offer more specialised information (Côrtes, 1990). However, with a complex language for rural workers, it ended up losing part of readership (Côrtes, 1990).

### **ABRA's participation in the drafting of the National Agrarian Reform Plan (PNRA) of the New Republic in 1985**

With the defeat of the "Diretas Já" movement in 1983, Tancredo Neves won the indirect presidential elections in 1984 through the Democratic Alliance<sup>18</sup>. The programme, based on that of PMDB, distanced itself from the land policies of the military governments by criticizing land speculation, prioritizing expropriations, and including CONTAG and progressive sectors of the Catholic Church in the debate (Silva, 1987; Bruno, 2003).

When Tancredo assumed the Presidency in January 1985, he acknowledged the land issues, and ABRA expected that Gomes da Silva<sup>19</sup> would be appointed to INCRA (Silva, 1987). In April, Tancredo was side-lined due to health reasons, and his vice president assumed the presidency temporarily, recognising the severity of land conflicts in the Amazon and the demands of the progressive sectors of the Catholic Church (Silva, 1987). In a tense atmosphere, President Sarney created the Ministry of Agrarian Reform and Development (MIRAD), appointing Nelson Ribeiro to the ministry and designating Gomes da Silva to INCRA (Silva, 1987).

Also, in April, Tancredo passed away. José Sarney assumed the Presidency, guaranteeing land ownership rights to those who were producing and agrarian reform to the

<sup>16</sup> Alongside CONTAG, the Pastoral Land Commission (CPT), the National Conference of Bishops of Brazil (CNBB), the Brazilian Institute of Social and Economic Analysis (IBASE), and the Indigenous Missionary Council (CIMI).

<sup>17</sup> The print runs between one hundred and one hundred and fifty pages published quarterly by Editora Joruês, even with cuts or delays due to financial difficulties, included interviews, reports, and an events schedule.

<sup>18</sup> Coalition between the PMDB, the main opposition party, and the Liberal Front, a dissident group from the military regime.

<sup>19</sup> The most prominent associate of ABRA, who had been involved with the Franco Montoro government in São Paulo since 1982.

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“excluded from the countryside” (Bruno, 2003). Although some ABRA<sup>20</sup> directors contested participation in the Sarney Government, most members believed that effective legislation in the New Republic would resolve the situation of the country’s rural workers (Côrtes, 1990). The leadership then decided to promote a common programme among supportive organisations to implement agrarian reform (Sampaio, 1985).

Seeing a window of opportunity, Gomes da Silva proposed a plan to the President to specify the policy and begin its execution in September (Silva, 1987). The solution was developed by a team consisting of INCRA employees, representatives of rural workers and non-governmental organisations, as well as consultants from all regions of the country, several of whom were associated with ABRA (Silva, 1987, Q01<sup>21</sup>). The PNRA presented by MIRAD/INCRA to the Sarney Government proposed modifying the regime of land ownership and use through the expropriation of areas of tension or where the latifundio-minifundio complex prevailed, compensating in Agrarian Debt Bonds (TDA)<sup>22</sup> with a value calculated in the declaration to the ITR (Silva, 1987). It was complemented by colonisation, taxation, and subsidies for the settlers (Silva, 1987).

The proposal, unveiled in May at the IV National Congress of CONTAG, garnered support from the CNRA, rural worker’s organisations, and various federations and unions representing workers in industries, commerce, and services across the country (Silva, 1987). However, the reaction of the national agrarian elite to the PNRA was immediate. Upon receiving the first map indicating priority areas marked in red, the President himself exclaimed that it seemed as though the country was “menstruating” (Silva, 1987). Still in May, owners of large land holdings in Brazil formed the Rural Democratic Union (UDR), and this offensive resulted in two decrees<sup>23</sup> by President Sarney in July that hindered the delineation of priority areas for agrarian reform (Silva, 1987).

With strong opposition from the UDR and other employer organisations such as the SRB, the National Agriculture Confederation (CNA), the Brazilian Zebu Breeders Association (ABCZ), and the Brazilian Cooperatives Organisations (OCB), the President postponed the signing of the PNRA and made the schedule for its implementation unfeasible (Silva, 1987). These organisations began offering the Sarney Government perceptions and solutions distinct from those proposed by ABRA for the problems related to the regime of land

<sup>20</sup> Among the elected at the beginning of 1985 for the ABRA leadership were some of its founding members, academics, leaders of social movements fighting for land and rural workers, and representatives of progressive sectors of the Catholic Church.

<sup>21</sup> Former ABRA associate in a questionnaire answered to the authors on 02/06/2020.

<sup>22</sup> Constitutional Amendment No. 10 of November 1964, drafted by GRET, had altered the Federal Constitution of 1946, allowing the expropriation of areas for agrarian reform with prior and fair compensation in public debt securities.

<sup>23</sup> Decree No. 91.390 declared the entire municipality of Londrina-PR as a priority area, and Decree No. 91.395 applied only to the property known as Apucarantina (Silva, 1987).

ownership and use in the country. In September, the press reported that, at the request of the Palácio do Planalto, the National Security Council (CSN) was drafting another rural development plan than removed land issues from the centre of the debate (Silva, 1987).

The PNRA was promulgated in October 1985, but the expectations regarding the regulation of property rights and land redistribution reduced the ABRA's relative participation in a solution to the country's land issues in the New Republic<sup>24</sup>. Following several alterations in the structure, objectives, and funding sources of the MIRAD/INCRA proposal, the engagement of lawyers Fábio de Oliveira Lucchesi and Célio Borja resulted in the exclusion of priority areas and the substitution of expropriations with case-by-case negotiations (Silva, 1987). The decree of the PNRA signed by President Sarney did not specify the mechanisms deemed indispensable by ABRA for agrarian reform in Brazil, and still in October, Gomes da Silva requested resignation from presidency of INCRA.

### **The participation of ABRA in the National Constituent Assembly between 1987 and 1988**

In 1985, President Sarney convened a National Constituent Assembly (NCA), and in 1986, the then-president of ABRA, Plínio de Arruda Sampaio, was elected as a constituent deputy for the PT/SP. While the UDR and Antonio Delfim Neto, also elected as a constituent, publicly declares their interest in removing the “pending” of the land ownership from the new constitutional text, the association was optimistic about specifying an agrarian reform for the social and democratic development of the country (Graziano da Silva, 1987; Sampaio, 1987; Silva, 1987). The NCA was installed in February 1987 and included agrarian reform in a subcommittee of the Economic Order Committee.

Also in February, ABRA held its I National Meeting. The main decisions were to decentralize the work into state coordination and to participate with CNRA in formulating a People's Amendment on agrarian reform<sup>25</sup> (ABRA, 1987; ANC, 1987). The crucial points of the CNRA amendment, stemming from demands of CONTAG and MST, included the “social obligation” of land ownership, compensating expropriation with Land Debt Titles (TDAs) based on the tax declaration value, summary loss of abandoned rural properties, automatic possession of expropriated areas, and establishing a maximum area for rural properties (Silva, 1989). The new principle of “social obligation” aimed to simultaneously promote rational use, conserve the environment, comply regulations on labour and production

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<sup>24</sup> On the same day he signed the PNRA decree, President Sarney also signed the National Rural Development Policy (PNDR) drafted by the CSN (Silva, 1987).

<sup>25</sup> The internal rules of the Constituent Assembly stipulated that the Systematisation Committee would receive popular amendments on any topic, presented by three entities and signed by at least 30,000 voters.

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relations, respect the maximum regional area, and the rights of indigenous populations in the vicinity (ANC, 1987).

ABRA<sup>26</sup> advocated for the amendment in the subcommittee in April, arguing that even the most developed capitalist countries intervened in some way in land ownership rights (ANC, 1987). In May, when the subcommittee's report adopted the parameters proposed by CNRA, the reaction from conservative deputies was immediate (Silva, 1989). The tumultuous voting on the substitute bill that reintroduced the social function without the term "simultaneously", concealed means for pre-payment of expropriations, and transferred the definition of priority areas and other agrarian reform instruments to ordinary laws, resulted in meagre two articles (Silva, 1989). In the Economic Order Committee, controversies about the expropriation of "productive lands" and a maximum area limit resulted in only one article that dealt with the "potential social function"<sup>27</sup> of land ownership (Silva, 1989).

The two popular amendments on agrarian reform, one from the CNRA and the other from the MST, CPT, and the Central Única de Trabalhadores (CUT), were submitted to the Systematisation Committee in August, amassing a total of 1,2 million signatures<sup>28</sup> (Silva, 1989, Buttó, 2009). The CNRA had garnered support from the country's new urban population, including industrial workers and a segment of the middle class, concerned with migration and the growth of slums (Buttó, 2009). The popular amendments were defended by representatives from CONTAG and CPT in September (Buttó, 2009). However, deeming that it replaced the section on agrarian reform in the draft project, the committee chairman<sup>29</sup> removed the amendments from the vote in November (Buttó, 2009). The Systematisation Committee approved the simultaneity of the four parameters of the social function of land property and made it insusceptible to expropriate small and medium rural properties of owners who did not possess another (Silva, 1989). However, it excluded from the text the summary rite process<sup>30</sup> and the automatic immission of possession<sup>31</sup>, referring these two crucial issues for the policy execution to complementary laws (Silva, 1989).

At the beginning of 1988 a conciliation in the Final Plenary guaranteed the right to the land ownership in accordance with its social function, as well as expropriation for public utility or social interest, with prior and fair compensation in money, except in cases provided for in the Constitution, while an amendment prevented the attachment of small rural

<sup>26</sup> Among them was the lawyer Luis Edson Fachin, who was then an editorial advisor for the *Revista Reforma Agrária*.

<sup>27</sup> "When it is, or is in the process of being, rationally utilized" (Silva, 1989).

<sup>28</sup> What represented almost two percent of the Brazilian electorate at the time.

<sup>29</sup> The sociologist Fernando Henrique Cardoso (Buttó, 2009).

<sup>30</sup> Actions of expropriation could not be interrupted by appeals or objections from the property owners.

<sup>31</sup> Procedure to ensure that INCRA was placed in possession of an expropriated property while the owner retained rights over it.

properties (Silva, 1989). In May, the constituents, advised by ABRA or SRB, attempted to draft a conciliatory text on agrarian reform, but deadlocks over expropriations hindered the negotiations (Silva, 1989). The disputes intensified during the voting process<sup>32</sup>, so neither the text of the Systematisation Commission nor the amendment proposed by the Centrão<sup>33</sup> (which made it impossible to expropriate so-called “productive properties”) were approved (Silva, 1989). Ultimately, the alternative text approved removed the phrase “whose non-observance will permit its expropriation” from the social function parameters and made it impossible to expropriate “productive properties” (Silva, 1989).

The new Brazilian Federal Constitution was promulgated in October 1988, but the expectations regarding the regulation of property rights and land redistribution reduced the relative participation of ABRA in a solution to the country’s land issues during the re-democratization. The term “productive properties” has allowed for legal interpretations that could emphasize the economic criteria of the social function of the right to land ownership, to the detriment of environmental and labour criteria, in defining priority areas (Pereira, 2015). Moreover, by proposing prior compensation in TDAs redeemable within up to twenty years with the guarantee of the property’s real value, it also reinforced the tendency to pay landowners based on the land market (Pereira, 2015). With the successive victories of the UDR, the 1988 Federal Constitution did not specify the mechanisms deemed indispensable by ABRA for agrarian reform in Brazil (Silva, 1988, 1989).

## **Agrarian Reform and ABRA in the 1990s**

In 1989, Fernando Collor was elected President of the Republic. Amid the spread of neoliberal thought<sup>34</sup>, agrarian reform faced a crisis in justifying itself in Brazil, whether through a massive and productive dimension or a partial and social one (Abramovay and Carvalho Filho, 1993; Medeiros, 1994). In 1990, The Workers’ Party (PT) established the Parallel Government, and Gomes da Silva saw a window of opportunity to propose a plan that would specify the policy (Silva, 1993). Following Collor’s impeachment, the PNRA (National Agrarian Reform Plan) from the Parallel Government for President Itamar Franco was a social policy aimed at benefiting low-income rural workers (Silva e Silva, 1991).

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<sup>32</sup> The new regulation, from December de 1987, stipulated that collective or individual amendments with signatures (not votes) of 280 constituents would take precedence in voting, and if not approved, the text from Systematization Commission would need to be confirmed by the vote (not signature) of 280 constituents (Silva, 1989).

<sup>33</sup> The centre-right suprapartisan group created in November by a split from PMDB brought an end to the Democratic Alliance as the support nucleus of the New Republic.

<sup>34</sup> President Collor, following the recommendations of the 1989 Washington Consensus, dissolved MIRAD and reduced the State’s participation in managing the national land structure (Sauer e Souza, 2008).

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In 1993, the National Congress approved the Agrarian Laws and the Summary Procedure Law. While the former defined the criteria for “productive property”, the later did not specify that the possession by INCRA would not be interrupted if the owner filed an appeal against the inspection report, subjecting agrarian reform to the duration of legislative judgment on the merit of each expropriation (Abramovay, Carvalho Filho and Sampaio, 1993). As the regulation of the Federal Constitution increased mobilizations of rural workers, in 1995 the FHC government created an agrarian reform programme and received MST leaders at the Palácio do Planalto (Medeiros, 1994; Lerrer, 2003; Sauer and Souza, 2008).

In 1995, ABRA joined the National Forum for Agrarian Reform and Justice in the Countryside<sup>35</sup>, contributed to an “International Seminar on Agrarian Reform and Family Farming” at the Chamber of Deputies, and to the World Bank project for Latin America (E10<sup>36</sup>, E12). Despite agrarian reform being on the government agenda, supportive organizations were strongly repressed, and the international repercussion of police violence against rural workers in Eldorado dos Carajás, PA, led to the creation of the Extraordinary Ministry of Land Policy (MEPF) by the FHC government in 1996. The minister invited ABRA, due to its expertise, to present perceptions and solutions to the problem (E12).

In 1996, Gomes da Silva passed away. The loss of its most notable member, along with other factors, affected the association’s ability to articulate (E06<sup>37</sup>, E07<sup>38</sup>). During that period, rural workers’ organizations began to establish their own technical teams, reducing the demand for consultancy services (E06). Some members also identified new issues related to land use redirected the discussions towards topics, such as Agroecology (E06). Finally, a financial crisis<sup>39</sup> in 1999 forced ABRA to close its headquarters and discontinue its magazine, significantly limiting its scope of action (Teixeira, 2000, E12).

The FHC government followed the guidelines of the World Bank, aligning land policies with neoliberalism, and in 1999 created the New Rural World and Land Bank Programmes (Sauer and Souza, 2008; Gomes, *et.al.*, 2015). These programmes did not specify the mechanisms considered indispensable by ABRA for agrarian reform in the country. In 1999, the MEPF was transformed into the Ministry of Land Policy and Family Agriculture, which in 2000, became the Ministry of Agrarian Development (MDA).

<sup>35</sup> Composed of thirty entities from CNRA, Terra de Direitos, The Social Pastorals, the National Council of Christian Churches of Brazil (CNBB), the Federation of Family Agriculture Workers (FETRAF), the Movement of Small Farmers (MPA), and the Movement of Those Affected by Dams (MAB) (Scherer-Warren, 2013)

<sup>36</sup> Associated with ABRA in an interview give to the authors on 07/08/2020.

<sup>37</sup> Associated with ABRA in an interview give to the authors on 03/04/2020.

<sup>38</sup> Associated with ABRA in an interview give to the authors on 07/04/2020.

<sup>39</sup> Maintained by the voluntary work of 650 members or sympathizers and annual contributions from members, projects, publication sales, donations, grants, and consultancies (Novaes e Porto, n.d.).

## The participation of ABRA in the Formulation of the Second Agrarian Reform Plan in 2003

In 2002 Luiz Inácio Lula da Silva won the presidential election. Upon assuming the Presidency in January 2003, Lula's priority was to combat and promote food security in the country. The Lula Presidente Coalition programme, which included contributions from ABRA associates<sup>40</sup>, also proposed a National Agrarian Reform Plan (PNRA) through expropriation for the sustainable and solidarity-based development of the country (*Vida Digna no Campo*, 2002, E10).

President Lula acknowledged the existence of land issues in the country and, keeping them on the agenda, appointed Miguel Rossetto to the Ministry of Agrarian Development (MDA) (E09<sup>41</sup>). ABRA, which expected the appointment of Plínio de Arruda Sampaio, criticized the choice (E01<sup>42</sup>, E06). Responding to demands from the National Forum for Agrarian Reform and Justice in the Countryside, the President appointed Marcelo Resende to INCRA, who then invited Plínio to advise the office (E06, E09). Amid an optimistic atmosphere, Plínio saw a window of opportunity and proposed a plan to the Lula government to specify the agrarian reform (E09).

However, at the beginning of 2003, MDA did not intend to submit a PNRA to the decision-making agenda because, in considering the dialogue between its agenda and those of other governmental sectors, as well as the Lula administration's interactions with the National Congress and rural workers' organizations, it planned to implement agrarian reform (E04<sup>43</sup>, E05<sup>44</sup>). To this end, the emergency actions of INCRA would align with the Zero Hunger Programme and involve registering and distributing basic food baskets to camped families (E05).

But, as the expectations of rural workers after Lula's election centred on land redistribution in the country, the reaction was immediate. Assessing INCRA's sluggishness in land expropriations, various organizations in favour of agrarian reform, particularly the MST, began in July to demand from Lula administration the goal of setting one million families within four years (E05). With this shift in the political dynamic, Plínio saw another window of opportunity to propose the PNRA (E09).

Due to his expertise, Plínio was invited by the MDA to coordinate the plan alongside Caio França, then coordinator of the Centre for Agrarian Studies and Rural Development (NEAD) (E01, E04, E05). The schedule was set to begin in August, allowing sixty days for a

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<sup>40</sup> Gerson Teixeira, then president-director of ABRA, and José Graziano da Silva, editorial advisor of the magazine.

<sup>41</sup> Member of MDA in 2003 in an interview give to the authors on 22/07/2020.

<sup>42</sup> Associated with ABRA in an interview give to the authors on 04/03/2020.

<sup>43</sup> Member of MDA in 2003 in an interview give to the authors on 19/03/2020.

<sup>44</sup> Member of MDA in 2003 in an interview give to the authors on 20/03/2020



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team composed of MDA and INCRA officials, representatives of rural workers and land rights movements, and researchers from all regions of the country, some of whom were affiliated with ABRA, to develop a proposal (Brasil, 2003a, E04, E05).

Given the legal obstacles in defining priority areas for agrarian reform, at that time, the MDA also began to problematize “productive properties” and seek new interpretations for land issues in the country (E04, E05). The objective was to propose more suitable solutions for different regions and biomes, and to include other populations with limited access to land, such as indigenous peoples, extractivists, and tenants (Rossetto, 2003, E04). The inclusion of mechanisms beyond expropriation in the plan, such as regularize informal land holdings in the Amazon, led to disagreements among the team members (E02<sup>45</sup>).

The final drafting of the proposal was entrusted to Plínio. The document submitted to the MDA<sup>46</sup> in October aimed to modify the land structure through the expropriation of lands that failed to meet the economic criterion of social function<sup>47</sup>, compensating with TDAs based on Market value<sup>48</sup> (Brasil, 2003b). It was complemented by allocation public or unclaimed lands in border regions of the country; exchange; confiscation or enforcing debts of the ITR; buy and sale; regularize lands occupied by quilombola communities; resettlement the non-indigenous occupants of indigenous territories and riverine people displaced by dams; georeference the national territory; and provide credit and rural extension to the beneficiaries of agrarian reform (Brasil, 2003b).

The MDA, assessing the outdated productivity indices<sup>49</sup> to define priority areas and the inconsistencies in land demand data<sup>50</sup>, decided to adjust the plan to INCRA’s operational and financial capacities (E05). Finally, the number of settled families combined expropriation with regularize good faith land holdings, allocate of public or unclaimed lands, create of forest settlements and extractive reserves, title lands occupied by quilombola communities, and the resettle people displaced by dams or major infrastructure projects and non-indigenous occupants of indigenous lands (Brasil, 2004).

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<sup>45</sup> Member of the team that prepared the proposal for the II PNRA in 2003 in an interview given to the authors on 09/03/2020.

<sup>46</sup> The document only mentioned the participation of Guilherme Delgado, José Juliano de Carvalho Filho, Ariovaldo Umbelino de Oliveira, and Bernardo Maçano Fernandes, who were members of ABRA, and Pedro Ramos, Fernando Gaiger da Silveira, Leonilde S. de Medeiros, and Sérgio P. Leite, who were not members ABRA.

<sup>47</sup> Data from the INCRA Register indicated approximately 120 million hectares expropriable in properties with more than 15 fiscal modules, across the country, except in the Legal Amazon (BRASIL, 2003).

<sup>48</sup> It foresaw changing the financial indexing criterion of the TDA, in force with Decree No. 578 of 24 July 1991 to a reference rate + interest of 6% per annum (BRASIL, 2003b).x

<sup>49</sup> Based on both the fiscal module and productivity indices stipulated by the Agricultural Censuses conducted by IBGE in 1970 and 1975.

<sup>50</sup> Data from INCRA’s ombudsman and SIPRA indicated an urgent demand of approximately 170 thousand families in encampments and an explicit demand of 900 thousand families registered in government land access programmes (BRASIL, 2003b).

The PNRA was launched in November 2003, but the expectations regarding the regulation of property rights and land redistribution reduced the relative participation of ABRA in a solution to the country's land issues during Lula's first government. Beyond the mechanisms deemed indispensable by ABRA for agrarian reform, the plan established a comprehensive set of instruments to regulate, redistribute, distribute, and constitute the rights of various populations to land ownership and use in Brazil.

## Final Considerations

The article analysed how, for nearly fifty years, a group of individuals identified and highlighted problems and proposed solutions for conflicts related to the occupation of Brazilian territory. Drawing on their expertise, they founded an association during the civil-military dictatorship established in the country in the 1960s and, since then, have employed various means to raise awareness among government officials and sectors of society about the need to modify the land ownership and use regime in the country. The members utilised periodicals, advisory services, consultancy, courses, lectures, projects, workshops, hearings, seminars, forums, campaigns, and other methods to place land issues on the government agenda and associate them to agrarian reform as a solution on the decision agenda.

At distinct moments, they saw windows of opportunity to define legal mechanisms to regulate the right to land property (such as social function or obligation) and to redistribute land (such as taxation or expropriation) to include rural workers in the country's development. However, the article highlights that expectations regarding the definition of these mechanisms triggered reactions that reduced the group's relative participation in political decisions. It also points out that the major controversies about the causes territorial problems in the country do not, necessarily, associate them to solutions in the policy-making for land governance.

In the decades since the Second National Agrarian Reform Plan (PNRA), ABRA has remained providing interpretations and solutions to the country's land issues. As an example, it collaborates with dozens of organizations and movements to host in 2012 the First Unified Meeting of Workers and People of the Countryside, Waters, and Forests. One of the main outcomes was the creation of the Peasant Truth Commission, to fight for recognition, accountability, and reparation for crimes committed by the state against peasants during the authoritarian regime. Currently, ABRA and the unified agrarian field remain committed to ensuring the fulfilment of the social function of land property, the rights of traditional peoples

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over their territories, and preventing the improper appropriation of public and unclaimed lands in the country.

Agrarian Reform for what purpose? The analysis of the expectations regarding ABRA's relative participation in political decisions raises questions about who, when, and how one can speak about problems and solutions to land and territory conflicts. As, once again, combating hunger and promoting food and nutritional security become priorities on the Brazilian government's agenda amid a global climate crisis, how to take advantage from a window of opportunity to define new mechanisms for regulating property rights and land redistribution in the country? In echoes of developmentalism, perhaps the plan should be to incorporate new perspectives, paradigms and methods in a qualified listening about the problems and solutions to enjoy and well-being in Brazil's biomes.

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## How to cite this article

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CAPISTRANO, Milena de Oliveira Werneck de; GRISA, Cátia. Land reform for what purpose? The trajectory of the Brazilian Association of Land Reform in the expectation of

LAND REFORM FOR WHAT PURPOSE? THE TRAJECTORY OF THE BRAZILIAN ASSOCIATION OF LAND REFORM IN THE EXPECTATION OF REGULATING AND REDISTRIBUTING LAND ACCESS IN BRAZIL

regulating and redistributing land access in Brazil. **Revista NERA**, v. 27, n. 3, e9732, jul.-set., 2024.

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### **Individual Contribution Declaration**

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The scientific contributions presented in the article "**Land reform for what purpose? The trajectory of the Brazilian Association of Land Reform in the expectation of regulating and redistributing land access in Brazil**" were jointly elaborated by the authors **Milena de Oliveira Werneck de Capistrano** and **Cátia Grisa**. Both authors collaborated on theoretical, conceptual, and methodological choices, as well as in the creation of the work and the analysis and discussion of the results. While the first author was particularly responsible for conducting the data acquisition, analysis, and interpretation, and for drafting the manuscript; the second author was also responsible for data analysis and interpretation, overseeing the investigation, and critical review.

Received for publication September 10, 2023.

Returned for review on April 18, 2024.

Article accepted for publication on April 30, 2024

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*The editing process of this article was carried out by Lorena Izá Pereira and Camila Ferracini Origuela.*

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