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## [WRM's reply to Biofíllica Ambipar's "Clarification Note"](#)

**The company Biofíllica Ambipar sent a ["Clarification Note"](#) in response to an article on a REDD project in Pará, Brazil, which was published in the WRM Bulletin. We take this opportunity to make several clarifications regarding the company's serious accusation that the WRM is publishing "false information".**

After the publication of the [article mentioned above about REDD in Pará, Brazil](#), the company Biofíllica Ambipar sent and requested WRM to publish a ["Clarification Note"](#). We take this opportunity to provide the necessary clarifications against the serious accusation made by the company in such Note that WRM would be publishing "false information".

We wish to make clear that:

1. Regarding the allegation that WRM would be using "anonymous sources" without presenting "evidence of the allegations", Biofíllica Ambipar seems to completely ignore the reality of the Amazon region and of the state of Pará in particular, where violence against human rights defenders with threats, persecutions and murders, is part of everyday lives for members of communities and support organizations, especially around land conflicts with companies and landowners. Protecting witnesses and their testimonies in regions of land conflicts, like those where Jari Florestal and Agropalma operate, is therefore acting responsibly. Furthermore, the practice of preserving sources cannot be confused with lack of evidence.
2. Regarding the allegation that Biofíllica Ambipar would be following free, prior and informed consent (FPIC) procedures in its carbon projects, we declare that during our visit to the REDD project in the Pará region, residents repeatedly asked us for basic information about what REDD really was about and what Biofíllica's project consisted of. The lack or insufficiency of information demonstrates that Biofíllica Ambipar's allegation is not correct. In our perception – as is the case with many other REDD projects that we have visited in Brazil and other countries – the only consultation that seems to have taken place was about the type of welfare benefits the community would like to receive, such as workshops, courses, access to health services, access to electricity, etc. However, none of this is related to the focus of the REDD project, which claims to combat deforestation in order to generate carbon credits to be sold to polluting companies. Therefore, the community members we spoke to were not sufficiently informed to be able to make a free and informed decision about the project.
3. Also regarding the relations with communities, we are astonished at Biofíllica Ambipar's shameless assertion in the Note that the Jari REDD project is developed with due respect for local communities, but immediately afterwards, in the same paragraph, attributes the problem of deforestation to subsistence agriculture and smallholders. This is a major contradiction of REDD projects in general. Instead of holding accountable companies like Jari, which has already cleared thousands of hectares of forest, projects put the blame for deforestation on local communities that depend on the forest for their survival and contribute little or nothing to its destruction. In recent years, the failure of REDD has

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once again been confirmed by important academic research, which shows that as a rule projects present exaggerated deforestation estimates, usually attributed to small-scale subsistence farmers.

4. Another allegation made by Biofíllica Ambipar that must not remain unanswered is that “*Jari Celulose is not being investigated, or even being accused of any type of crime or misconduct as mentioned in the text of the World Rainforest Movement*”. In an attempt to back up this claim, Biofíllica cites only one decision from a local court of first instance in Monte Dourado on 17 December 2021, which would have confirmed that “Jari Celulose owns the land where it is located and develops its activities”.

Firstly, it is worth stressing that for decades Jari has used the local justice system to criminalize community members, but would never take these cases to the agrarian affairs court, even though it would be the correct one. This reality only changed with the creation of the Agrarian Prosecutor's Office and the Office of the Public Defender.

Secondly, Biofíllica once again seems to be in a world other than the Brazilian Amazon region, as well as entirely adopting the rhetoric of Jari Florestal, which is that the company is the victim of “mistakes” in the registration of the deeds to the land it occupies. However, we reaffirm that what happened in the case of Jari Florestal, Agropalma and so many others in Brazil, is part and parcel of a historical process of illegal appropriation of public lands – the vast majority of lands in the Amazon region are public –, known in Brazil as *grilagem*. The victims of this process are the communities evicted or seriously threatened with losing their land rights, as has taken place in the cases of Agropalma and Jari Florestal. These companies bear responsibility and commit crimes insofar as they affirm or act to try to transform fraudulent land titles into legal ones.

The illegalities surrounding the companies' land issues with which Biofíllica Ambipar works have been pointed out by public prosecutors who specialize in this matter:

- In 2005, the Pará state government filed a lawsuit against Jari Florestal, requesting that it be declared that the company was not the owner of the lands it sought to legitimize with the Pará Lands Institute. (1) In the lawsuit, the Pará state's prosecutor questioned the Jari Group's supposed ownership over the area that in the past was the Saracura Estate, at the time amounting to 2.6 million hectares. According to a historical study, “the circumstances under which [around 1882, the alleged owner] obtained these areas are surrounded by reports of electoral fraud and fraud in the region's notary offices, giving rise to a complicated land ownership situation that remains unresolved to this day”. (2) For this reason, the Pará State Court of Justice ordered the cancelation of the existent registrations, transcriptions and annotations on the [Saracura Estate] property, “(...) in order to prevent the legitimization of what Jari has done by transforming the Estate, as if by magic, into its property”, as the prosecutor states in the 2005 lawsuit.

- The second lawsuit against Jari Florestal dates back to 2011 and is being processed in the Federal Court of Pará on the basis of a complaint by the Federal Public Prosecutor's Office against the director of the Jari Group. He allegedly committed the crime of ideological falsehood when presenting land documentation to obtain authorization to exploit native timber. The Grupo Jari's forest management plan was submitted to the federal environmental agency, IBAMA, in 2001 in order to get authorization to start logging. The Federal Public Prosecutor's Office was activated in 2005 following IBAMA's suspicions of fraud in the land documentation. (3)

- Jari Florestal's FSC certification has been suspended since 2017 but not due to the land question. (4) The decision was made by the certification consultancy agency SCS, on the basis of a

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special audit conducted in 2015 after an IBAMA operation fined Jari Florestal 6 million reais (US\$ 1.6 millions at the time) for irregularities in its forest management, which indicated illegal commercialization of timber. Due to the company's lack of cooperation with the certifier's investigation, SCS decided to suspend the seal. (5)

- In 2022, the Agrarian Prosecutor's Office filed a Public Civil Lawsuit in the state of Pará against the Jari Celulose Group, requesting that part of its property titles be annulled. The lawsuit results from the investigation of successive fraudulent and illegal practices related to the issuing of property titles and fraudulent public records regarding an area of 126 thousand hectares since 1937 in the Almeirim municipality. (6)

- Recently, in September 2023, in a lawsuit requesting that the State of Pará be compensated for the illegal use of public land, the State Attorney General's Office (PGE, for its Portuguese acronym) denounced Jari Celulose for a practice that may be characterized as a land grab superimposed on another. Once again related to the Saracura Estate. In the lawsuit, the PGE states that "there is not the slightest doubt that JARI CELULOSE is not the owner of the area, and therefore, if the land is not privately owned, it has to necessarily be public, so there is nothing more correct than its confiscation and registration as land belonging to the State of Pará". And this has in fact already happened: the Estate was registered as Gleba Arraiolos. Now, the PGE denounces Jari for its continued attempts to appropriate the area, thus continuing with its practice of grabbing public lands. Furthermore, the PGE also denounces the fact that the company sold and made profits from carbon credits originating from this public land, which is an illegal practice that implicates its carbon business partner, Biofílica Ambipar. The PGE describes this illegal sale as "a carbon grab" (or "grilagem de carbono" in Portuguese). (7)

With regard to Agropalma:

- Since 2016, the Federal Police in the State of Pará investigates Agropalma for the supposed existence of a criminal scheme. False documents were allegedly produced and used by company employees to regularize the land with public bodies and possibly to access resources from public funding, to the detriment of local dwellers.

In March 2018, temporary arrest warrants were issued for four people directly involved in the scheme, including an Agropalma employee, as well as search and seizure warrants for company materials. According to the delegate in charge of the investigation: "There are indications that these are cases of land grabbing (...). Agropalma is the real beneficiary of the whole criminal scheme." He goes on to say that "They would come to a notary office in Belém [the capital of Pará], make a false deed, a whole false chain of ownership, always ending up with the company, as if the land, after all these comings and goings, would finally be sold to the company. Then, they would return to the municipality in question and restore registry books that had allegedly been lost." (8)

According to the investigation, an order issued by the Pará Court of Justice authorizes the restoration of a lost registry book in case the interested party has documentary evidence. Using this artifice, Agropalma would be carrying out such restoration based on false documents, putting the land in the company's name and increasing its area. It would then continue with the land regularization process with public bodies.

In August 2018, the Public Prosecutor's Office of the State of Pará filed a Public Civil Action requesting, among other measures, the nullification and cancellation of two Estates' registrations, Roda de Fogo and Castanheira, whose combined would add up to 9501 hectares (equivalent to

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almost 9000 football pitches). Both were supposedly acquired by Agropalma by means of false registrations, made in a fictitious notary office of the city, and processed by the Pará Lands Institute (Iterpa). (9)

5. Also regarding Agropalma, countless members of quilombola and indigenous communities that were directly impacted by the establishment of the company and are currently directly affected by the REDD project in partnership with Biofílica Ambipar report that the situation they face is desperate. This has been made public through various articles published in recent years. (10) Their lands by right have been completely blocked off by Agropalma with fences and access gates. Former residents need to show an ID to the company's security guards, even to visit their graveyards, as if they were aliens in their own land. This is just an example of the communities' oppression mentioned by WRM.

Lastly, given the invitation by Biofílica Ambipar to visit their projects, we lament the misconception – naive or deliberate – that through its projects it is possible to understand the local reality. We consider it impossible to understand the way of life and the oppressions experienced by the communities through projects that arrive from abroad with the aim of “generating value for the environmental assets market” (11) through an abstract commodity that is completely alien to the communities (carbon credits) and that generates profits for the companies' owners, equally alien to these territories. This is what has led (members of) forest-dependent communities that have to deal with REDD projects in their territories to seek out and invite WRM to visit their communities. Given our commitment to these communities, it is these invitations that WRM usually accepts and prioritizes.

(1) Declaratory Action for the non-existence of ownership and impossibility of recognition of ownership outside of the administrative channels, with a request for an injunction. Belém, September 21, 2005. Ibraim José das Mercês Rocha, Pará State Attorney, Coordinator of the Land Affairs Prosecution Service, distribution in connection with the case 2004100356-1.

(2) FOLHES, Ricardo; CAMARGO, Maria Luiza. LATIFÚNDIO. Conflito e desenvolvimento no Vale do Jari: do aviamento ao capitalismo verde. Agrária (São Paulo. Online), n. 18, p. 114-140, 2013.

(3) Police Inquiry (Santarém Federal Police: Number 192/2004-DPF/SNM/PA) and Lawsuit in the Federal Court of Santarém: No. 423-06.2012.4.01.3902.

(4) [FSC](#).

(5) SCS Global Services, 2015, [Relatório de Avaliação Anual do Manejo Florestal e da Cadeia de Custódia desde a Floresta até a Saída do Produto](#).

(6) State Prosecutor's Office of the State of Pará, 2021, [Ação requer cancelamento de registros imobiliários realizados pela Jari Celulose](#).

(7) Court of Justice of the State of Pará, 2023. Lawsuit Number 0814181-47.2023.8.14.0051.

(8) [PF investiga esquema de grilagem de terras no Pará; Agropalma é alvo de operação, 2018](#).

(9) State Prosecutor's Office of the State of Pará, 2018, [I REGIÃO AGRÁRIA: MPPA requer cancelamento de registros imobiliários realizados pela Agropalma](#).

(10) Mongabay, 2022, [Exportadora de óleo de palma acusada de fraude, grilagem de terras em cemitérios quilombolas](#);

Global Witness, 2022, [A sombra do dendê](#);

Metrópoles, 2022, [Ouro líquido: produção de dendê explora populações negras e indígenas no Brasil](#) ; and

Avispa Mídia, 2023, [Palma e Conservação: aliadas na expulsão de comunidades na Amazônia brasileira](#).

(11) [Biofílica Ambipar Environment](#).

