

# Quilombolas Territories: Resistance and Recognition

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**Keywords**— *Quilombo. Public policy. Culture.*

**Abstract**— *Quilombola communities have been fighting for access to land since the colonization of the Americas in slave-holding Brazil, and especially after the abolition of slavery and the establishment of the Republic. This right had been systematically denied them, or even considered by the elites. In this sense, from a theoretical perspective, the present work points out, with a bibliographic discussion character, some historical and political aspects of the resignification processes through which the quilombos pass.*

## I. INTRODUCTION

The trajectory of enslaved Africans and blacks brought to Brazil during the colonial and imperial period marks the resistance and revolt against this system that categorized him in the condition of captive and left him invisible to Brazilian society and legislation as a subject of rights. Brazilian slavery has a characteristic of its own, as it was the last country in America and the West to abolish slavery. And the slave system was institutionalized within the entire national territory, in which its continuity was based on economic interests subordinated to the foreign market, while countries like Peru and Colombia had the slave system regionalized (MOURA, 1993, p. 05).

Marked by the revolt, they used escape mechanisms, which led to the bush or even close to the cities, but far from the lords, where they formed quilombos, a space of freedom, away from the violence in their bodies, from the exploitation of their workforce, where they could live. for themselves. Gomes (2015) highlights that there were colonial quilombos, in addition to Palmares, considered the most famous and reference of ancient quilombos. This escape movement, as Carneiro (2001) puts it, was denied by the so-called official society that oppressed enslaved blacks, eliminating or stigmatizing their language, their religion, their lifestyles.

Throughout history, the term quilombo has gone through several interpretations, being seen as a shelter for runaway blacks, by conservative historiography, for rebelling against the slave system. Or as the union of runaway slaves to protest against the conditions of exploitation and ill-treatment and trade they were subjected to, described by Moura (1993).

Gomes (2015) explains that since the first decades of colonization in Brazil, the communities became known as mocambos and later as quilombos. The words mocambos and quilombos, according to the author, were terms used by the Portuguese administration to characterize both military tactics in pre-colonial Africa and those of resistance to slavery in Portuguese America (GOMES, 2015, p.11).

For Carneiro (2001), the quilombo reaffirmed the culture and lifestyle of Africans, its social organization was close to the dominant type of African states, being a way of expressing rebellion against the standards of living imposed by official society and of repairing the old values. Santos (2015) also states that in the colonial and imperial period the communities were called by the colonizers as Mocambos, Quilombos, Retiros, etc., and considered by the current legislation as criminal organizations.

Quilombos have always been on the margins of society. It occurred in the search for freedom, because they wanted

freedom at any cost. However, they were not totally isolated, as they posed a threat to trade, but they lived by a thread. Gomes (1996) states that the quilombolas chose geographically strategic locations where they could establish their trade relations, with middlemen, who dialogued and developed other practices such as robberies, guerrillas, as an economic tactic to guarantee their livelihood.

In Munanga's (1995) view, the conception of the quilombo is a reconstruction of the enslaved against the slavery structure that was implemented by a political composition where the oppressed were, who organized themselves to escape and occupied the unpopulated Brazilian territory, that is, the quilombos were in relatively isolated places, as many quilombola communities still live today, and they became fields of resistance and existence.

## II. RESIGNIFICATION OF QUILOMBOS

For a long time, the concept of quilombo was frozen (ALMEIDA, 2011), according to the description made by the Overseas Council of 1740, that "every dwelling of runaway blacks, more than five, partially depopulated, even if they do not have ranches raised and nor are pestles found in it" (CONSELHO ULTRAMARINO, 1740, apud ALMEIDA, 2011, p. 49). This definition influenced renowned scholars and lasted until the 1970s (SCHMITT; TURATTI; CARVALHO, 2002).

However, scholars such as Almeida (2011) criticized the term quilombo described by the Council, in which he listed five elements, such as escape; the minimum number of fugitives; geographic isolation, in places of difficult access and closer to a "wild" nature than to the so-called civilization; the dwelling; and self-consumption and the ability to reproduce. These highlighted elements reinforced concepts that persist both in academics and in the common sense of society.

Almeida (2011) states that there are instruments, such as the pestle, for example, for food processing, such as harvested rice representing both self-consumption and the ability to reproduce.

The author emphasizes from a research on conflicts that involved peasant families, who conceived the family units of work and consumption. And that the symbology of the pestle reveals the group's relationships with traders, who are in rural markets when in contradiction with the large monoculture (ALMEIDA, 2011, p. 60).

O'dwyer (2002) also explains that the expression quilombo was used by historians and other professionals, who seek new interpretations of the past. As Leite (2000) states that the quilombo establishes an important milestone

on the first steps of resistance to slavery in Brazil and its return takes place during the redemocratization of the country.

For the Brazilian State, the term quilombo is legally categorized, used from the Federal Constitution of 1988 (BRASIL, 1988), in order to definitively guarantee property to rural black communities that come from their own historical trajectory, from relations with such territory, which black ancestry based on the slavery period and its consequences.

The quilombos formed along the way gained the forests, rivers, natural resources existing in Brazilian territory, and acquired it through agreements and treaties by the colonizer, who always privileged slavery, which generated profit through the sale and purchase of slaves; commercial expansion, provided by the territorial occupation.

The organization of the quilombos was based on community work, respect for the land, which allowed the development of free and autonomous production, establishing networks of solidarity among themselves and with other groups. The basis of the economy was agriculture, and animal husbandry, characterized by diversified production, to guarantee the livelihood of everyone in the quilombo. Palmares was the pioneer quilombo that developed this organization that others copied, and expanded their way of organizing the society that was formed there.

The market has always determined the way in which society should be conducted. Large estates were established in Brazil, based on slave labor, monoculture and commercial expansion, which provided the enrichment of large landowners. The practice of dealing with the land established a relationship of respect and defense for it, but that did not guarantee him having rights over it, as happened with the colonizers.

The occupation of Brazilian soil, as highlighted by Ruy Cirne Lima (1990), transported the immeasurable ownership of the territory, both to the high echelon of the king and to the Church, in accordance with Portuguese laws. And the sesmaria system was the trunk that branched off with immovable property, giving rise to the first land regimes, ranging from the granting of sesmarias to the Land Law of 1850, where land becomes a commodity.

According to Arruti (2007), the Land Law (law no. that prevented their acquisition other than through purchase, that is, concentrating and legitimizing the lands. No Art. 3, § 1, of Law No. 601, of September 18, 1850, are "those that are in the private domain by any legitimate title, and have not been applied to national, provincial or municipal public use".

What can be seen in this concentration of public, private and vacant land legitimized and excluded the right to access land, which became more distant for the quilombolas, as the processes of Discrimination and regularization began with the Republic and with the transfer of rights on the lands given over to the states of the Federation (ARRUTI, 2007, p.252).

According to Ilka Boaventura Leite (2000) the processes of expropriation of land gave even greater forces to inequalities, exercising and controlling the rules that define who has the right to appropriate it. The first Land Law of 1850 already excluded Africans and their Brazilian descendants, categorized as “freedmen”. And affected by racism, arbitrariness and violence against their skin color, blacks were expelled or removed from their places where they were chosen to live, even though the land was bought or inherited from the former masters, as noted in the will registered in the notary. For them, the appropriation of this space came to have a strong meaning of struggle.

In this context, the strong concentration of land by large landowners generates conflicts, violence, where rural populations are held hostage, as they see their territories invaded, exploited, more recently in the name of development that disrespects the identity, the territoriality of traditional peoples.

### III. TO REMAINING QUILOMBOS RECOGNIZED

The slave system and the post-abolition period contributed to making quilombola communities invisible for centuries, having to face racism, intolerance, discrimination and oppression. For this population it was an arduous process, all their rights were denied, including the right to exist. The quilombo had been adopted by the black movement, during the 20th century, as a symbol of resistance, life, culture, to fight for equality and for denied rights.

However, quilombola communities emerge decisively with the rise of the struggle of the Brazilian peasant movement for agrarian reform in the redemocratization process with the exhaustion of the Military Dictatorship, based on the term *terra de preto* (ARRUTI, 2001). The emergency to recover was part of the mobilization of the black movement, which integrated the debate on the recognition of rights. For that, it was necessary to break the concept of quilombo, which were still seen as mere spaces of escape, for a place of organization, of struggle, of the collective use of common areas and of the relationship with the land and with its identity, which is linked to the feeling of belonging.

In 1988, the Federal Constitution enters into force, as explained in articles 2158 and 2169, and through Art. 68, the remaining quilombo communities are recognized before the State: “To the remnants of the quilombo communities that are occupying their lands, the definitive ownership is recognized, and the State must issue them respective titles”.

Thus, the State had the obligation to comply with the provisions of the Constitution and meet the demand of these populations. In order to help understand what the CF/1988 instituted, the Brazilian Association of Anthropology (ABA) states that:

Contemporarily, therefore, the term quilombo does not refer to residues or archaeological remains of temporal occupation or biological evidence. Nor is it a question of groups and isolates or of a strictly homogeneous population. In the same way, they were not always constituted from insurrectionary or rebel movements, but, above all, they consist of groups that developed resistance practices in the maintenance and reproduction of their characteristic ways of life in a given place. (Document of the working group on rural black communities, meeting held on October 17/18, 1994 - ABA/Rio de Janeiro).

It is important to emphasize that this denomination made by the ABA on the term quilombo was to demystify what had been told and presented to Brazilian society for many centuries. However, the reality is different from what is still in the imagination of those who visit or idealize quilombola communities, thinking that the quilombo described in the literature remains the same. In quilombola communities, as in other territories of traditional peoples and communities, there is life, determined resistance in the place where they are subjects of rights.

Leite (2000) also argues that the notion of quilombo is a form of organization and struggle, of a space of belonging that spans several generations. And the quilombo of today means a right that must be recognized and not just a past to be remembered. It is a national political agenda that involves the State, politicians, researchers, activists and especially the quilombolas are the protagonists of this scenario. And in this sense, other nomenclatures were adopted for the term quilombo, such as “black lands, mocambos, black communities, quilombos”, among others (ALMEIDA, 2008)

The quilombola identity is particularly linked to the feeling of belonging, beyond the immediate family nucleus. Rather, there is a process in which identity ties are marked in the communities, beyond kinship and consanguinity, that

is, based on the experiences experienced and shared by the groups, in the solidarity of their social, productive practices, in the relationship with natural resources. . The affirmation of quilombola identity goes beyond the relationship with the land, but to recognize him as a citizen, “with rights and not just duties.” (LEITE, 2000). In the view of Barth (2000), ethnic groups are a form of social organization, in which actors aim to use ethnic identities to categorize themselves and others.

Quilombolas organize themselves as a community through collective actions, common struggles and representations that are fundamental and structural, making them a different group from what was defined by society. The unity and strength present among quilombola communities are constituted by a network of relationships and sharing that increasingly become mobilized and articulated groups. From this perspective, the struggle for the right to land is part of building unity and solidarity, which is related to the issue of territoriality.

It is important to emphasize that the bonds of affection that quilombola communities nurture in relation to the land go beyond economic production, but rather the continuity of the social and physical life of the families who live there. As Little (2002) defines territoriality as the collective effort of a social group that decides to occupy, control, enjoy and identify with a specific part of its biophysical environment, which becomes its territory. Almeida (2008) argues that:

Territoriality works as a factor of identification, defense and strength. Solidarity and mutual aid ties inform a set of rules established on a physical basis considered common, essential and inalienable, notwithstanding any succession provisions that may exist. In a generic way, these extensions are represented by their occupants and by those of neighboring areas under the current meaning of “common land” (ALMEIDA, 2008, p. 133-134).

Quilombola communities have a special and strong territorial relationship, as it is in the territory that identity is affirmed, where their history is being shared by several generations, without an individual, but a collective perspective. Identity and belonging are constituted in the territory as organizational strategies. In other words, it is not possible to separate the quilombola identity, experience and vision from the quilombola territory. That is why communities resist and defend their territories so determinedly.

Santos (2011) argues that the territory is the place where all the actions, passions, powers, strengths and weaknesses are, that is, where the history of men and women takes place

entirely from demonstrations of their reality. Where this land is salable, but the territory is ground, life. Therefore, once the quilombola territories are titled, as determined by Art. 24 of IN 57/2009, which:

[...] the title through the granting of collective and pro-individual title to the community, on behalf of its legally constituted association, without any financial burden, with mandatory insertion of a clause of inalienability, imprescriptibility and unseizability, duly registered in the Service Registry of the District where the areas are located.

Such determination provided for in Article 24 of the normative is to protect quilombola families by preventing them from transferring or engaging, remaining in their territories that are not just any territory, who have an interest in a defined and delimited place in generations, where the feeling of belonging, ancestry, culture is taken into account, and especially that rights are recognized.

#### IV. LEGISLATION AND THE QUILOMBOLAS TERRITORIES

The invisibility of the black population lasted for centuries, in which they were denied the right to be a citizen, being discriminated against and rejected, with their cheapest labor on the market. Thus, in order to have their rights recognized and visibility, the struggle for land was the determining point for the quilombola communities to guarantee their permanence in the thousands of territories spread throughout Brazil.

The promulgation of the Federal Constitution of 1988 (BRASIL, 1988), despite the insertion of Article 68 of the ADCT, was paralyzed for a long time, as they did not establish regulations to regulate the proposal to guarantee rights to access to land by quilombola communities. . In this wake, after the debates gained strength in the spaces of discussions throughout Brazil, legal and legislative norms were found to put this determination of the Magna Carta into practice.

It is important to highlight that a rupture that has been claimed for some time is underway both in academia and in the public debate, so that the remnants of quilombos are no longer represented as residues of a distant past and think of them as subjects of rights, which claim not only the regularization of territory, but the recognition of themselves as quilombola.

The State should seek reparation for the damage caused by slavery and republican negligence. One of its main results was the regulation of Decree 4,887/2003, a legal and administrative instrument that regularizes quilombo lands,



defining the responsibilities of the quilombolas. government agencies through the management committee<sup>11</sup>, with procedures for identification, recognition, delimitation, demarcation and titling of lands occupied by quilombolas.

In order to regulate the land tenure regularization policy that had been instituted to support the execution, Normative Instruction 57/2009 was published, which administratively guides the process of land tenure regularization of quilombola territories. With this standard, the steps for preparing the Technical Report became more comprehensive.

This action was the responsibility of the Palmares Cultural Foundation (FCP), which both issued the declaration of remaining quilombo community, and regularized the territories. However, this mission was transferred to INCRA, which assumed an important role, as it reformulated the legislation, with several internal instructions to carry out the action, until the consolidation of IN 57/2009.

Prior to the regulation mentioned above, Decree 3,239/2001 was regulated so that the administrative process of identifying the remnants of quilombo communities could be recognized, delimited, demarcated, titled and have real estate registration of the lands occupied by them, and FCP is responsible for , to start, follow up and complete the process. However, this decree took into account the recognition of properties that were already occupied by quilombos in 1888 or that were occupied by remnants of quilombo communities on October 5, 1988, leaving out all contemporary quilombos.

Currently, Fundação Cultural Palmares contributes to the general registration of quilombo remnants by issuing a certificate of self-declaration as a quilombola. It is an important action so that rural black communities can self-identify as quilombola. Other policies were also designed so that communities could exercise their rights, such as education, health, because before the decree, when it was carried out in isolation, each sector had its actions.

With the strengthening of the recognition of rights, through the promulgation of Convention No. 169 of the International Labor Organization - ILO, on Indigenous and Tribal Peoples, in part II - Lands, in articles 14 and 15, the recognition of property rights is established and tenure of traditionally occupied lands, and that their natural resources must be protected. Thus, people gained more strength to have their rights guaranteed, in their territories and in the protection of existing resources. However, the reality would be designed differently, as the attacks on their territories advanced daily, whether due to the absence and omission of the State, unilateral state projects or the pressure or land

grabbing of large private companies that interfere in the way of life of these populations.

The consolidation of rights was established in the National Policy for Sustainable Development of Traditional Peoples and Communities – PNPCT, through Decree 6040/2007, incorporating principles: I – recognition, appreciation and respect for the socio-environmental and cultural diversity of PCTs; II - give visibility to the PCTs; III – guarantee food and nutritional security, with regular and permanent access; IV – access in accessible language to information and knowledge of documents produced and used within the scope of the PNPCT; V – sustainable development as a promoter of improving the quality of life; VI - economic, socio-environmental and cultural plurality with interaction in different biomes and ecosystems, whether in rural or urban areas; VII – promote the decentralization and transversality of actions and the participation of civil society in the elaboration, monitoring and execution of the policy in all governmental instances; VIII – recognize and consolidate rights; IX – articulation with other public policies; X – make social control; XI – articulate and integrate the National of Food and Nutrition Security; XII - ensure training; XIII – eradicate all forms of discrimination in the fight against religious intolerance; XIV – preserve cultural rights. XIII – eradicate all forms of discrimination in the fight against religious intolerance; XIV – preserve cultural rights. XIII – eradicate all forms of discrimination in the fight against religious intolerance; XIV – preserve cultural rights.

All the principles mentioned above are fundamental in guaranteeing the rights of traditional peoples and communities. However, it is worth noting that within the scope of rural extension, principle IV is important for the development of extension actions, which often, with the eagerness to bring their proposals, forget to use an accessible language and are unaware of the policies aimed at these populations. . The extensionist practice must be based on the appreciation of the knowledge and actions of the communities, on the prior knowledge of the population that will be worked and seek to use participatory methodologies to guarantee participation and understand the realities experienced by the populations of the countryside, forests and waters.

In this land tenure regularization process, anthropologists play an important role, as they contribute to the elaboration of technical reports for the defense of quilombola territories. And with progress in these discussions, reflections and actions aimed at this population, there is within the anthropologists community a group that today makes up a network that dynamizes the quilombola service administratively, within the National Institute of Colonization and Agrarian Reform (INCRA). It

is important to emphasize that the construction of the anthropological report is an articulated work between anthropologists and quilombola communities that are the main subjects, that is, the protagonists, who hold their memories and desires of their life stories and their territory (ARRUTI, 1998).

With the regulation of legal norms for the regularization of quilombola territories, the numbers of quilombola communities have grown a lot, because before it was not known in the part of the state where the quilombolas were, nor how they lived. The communities are spread throughout the Brazilian territory.

There are states that have a greater concentration of quilombola communities, whether rural or urban, that suffer from not having their territories regularized, natural resources that they have are invaded, because they cannot practice their religiosity having their culture disrespected.

According to FCP data, up to 2002, before the publication of Decree 4,887/2003, 743 communities had already been identified and in 2020, 2,79812 quilombola communities are certified. This scenario of articulation and strength is also supported by its organization in states where there are state and municipal commissions that contribute to the survey of real demands and needs and are strengthened with the support of the National Coordination of Articulation of Rural Black Quilombola Communities (CONAQ).

In order to develop actions for quilombola communities, the federal government, through Decree 6,261/2007, instituted at that time a Quilombola Social Agenda within the Brazil Quilombola Program (PBQ). The Program was launched in 2004, with the aim of consolidating the State policy framework for quilombola areas, grouping actions aimed at communities in various areas, such as access to land, infrastructure and quality of life, productive inclusion and local development, rights and citizenship.

In this way, the State of Pernambuco also instituted the State Policy for Land Regularization and Sustainable Development of Quilombola Communities, through Decree No. identify, delimit, demarcate and title the areas of land occupied by quilombolas, in accordance with Law No. 12,235/200213.

At the state level, there is also the Pernambuco Quilombola Plan with the objective of consolidating existing policies with the state government policy, for the reduction of racial inequalities, with an emphasis on the quilombola population, whether in the rural or urban areas, through the preparation of proposals and the adoption of actions associated with universal policies to be implemented within the Triennium (2016/2019). The plan adds the same guidelines as the PBQ, but the actions still do

not reach all communities, especially with regard to access to land.

## V. FINAL CONSIDERATIONS

In the midst of advances and setbacks, quilombola communities have their rights guaranteed. However, effective reparation by the State is necessary, which provides access to public policies aimed at this population, and not reduce resources, as has been happening every year.

In practice, there are no integrated actions by the state and federal governments for the development of quilombola communities, especially with regard to land tenure regularization of quilombola territories, as well as for the development of these communities.

In this sense, the National Coordination for the Articulation of Black Rural Quilombola Communities (CONAQ) and the state and regional Coordinations are attentive to the negligence that occurs and fight an almost daily struggle against the State, so that they provide access to these policies. This lack of interest makes quilombola communities live in places that are invisible to public resources, but not to spoliation.

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