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HOUSING PROVISION AND LAND RIGHTS IN THE QUILOMBOLA COMMUNITY RIBEIRÃO DA MUTUCA (BRAZIL)

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Abstract

This paper aims to review the relationship between the land rights of quilombola communities and public housing policies, showing the case of the quilombola community Ribeirão da Mutuca, formed by 120 families, located in Mato Grosso, central region of Brazil. The particularities found in the countryside form a complex network of relationships that reveal the great challenge of developing studies, reflections and public policies of intervention on these territories. The housing program alone has limitations that prevent it from addressing a habitat issue when disconnected from other policies, especially in cases of traditional populations that demand a holistic and socially responsible views to ensure that the environment, built with public resources, will respect the livelihoods of each social group and allow these populations to fully express their identity.

Key Words: empirical study, land tenure, territory, housing policies, quilombolas.



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INTRODUCTION

This paper aims to review the relationship between the land rights of quilombola communities and public housing policies, showing the case of the quilombola community Ribeirão da Mutuca, formed by 120 families, located in Mato Grosso, central region of Brazil.

The state of Mato Grosso stands out in Brazil for the figures of agribusiness production and its natural beauties, where same landscape reveals a myriad of social groups such as indigenous people, quilombolas, small farmers, artisan fishermen, river dwellers, retreatants, among others, that spread through the territory and produce the space. The territory is an important element in the construction of the identities of these groups, evidencing the relation with the land as value of use. In this paper we look at the remaining communities of Quilombo in the state of Mato Grosso, specifically the Quilombo Community Ribeirão da Mutuca, which is part of the complex of communities named as “Mata Cavallo” in the city of Nossa Senhora do Livramento and received houses built from the National Rural Housing Program (PNHR) in 2014.

In order to reach the proposed objective, we start from a brief contextualization of the land ownership scenario in Brazil, later we seek to understand the concept of "quilombo" and the relation of these communities with the territory. Finally, we get to the case study, starting from a brief contextualization about the national rural housing program (PNHR) and then the empirical case.

Background

The land issue is a strong characteristic in the Brazilian history, considering its development process, which begins with the Portuguese colonization as a colony supplying primary goods to the metropolis during the sixteenth, seventeenth and eighteenth centuries. The industrialization process was late and dependent, based on international capital investments



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during the nineteenth century, and in the twenty-first century, Brazil is situated as a major exporter of commodities and primary goods produced by agribusiness.

The land issue arises from the institutionalization of private land ownership by the Land Law of 1850, when the access to land becomes possible exclusively through the mediation of money (Martins, 1986). According to Padua (2014), the process of expansion of capitalist agriculture in the Midwest and the Amazon was determined in the last 40 years by state actions implemented during the period of the military dictatorship (1964-1985). The author points out that large private land property of is produced and guaranteed by violence, through the expropriation of the territories of indigenous people, quilombolas and squatters, that settle a historical struggle by the rights to use the land for living and working.

This process constantly produces scars in the territory, making it a stage for conflicts and resistance. What is at stake is not only space as the product of social relations, but also space as a means and condition of accumulation of wealth, evaluated by the ruling classes as to their exchange value. Martins (1997) defines the opposition between the "pioneer front" and the "expansion front", former refers to indigenous and traditional populations that have forms of occupation of space without the mediation of capital, while the latter represents the capital that advances over the territory.

A brief summary of the concept of “quilombo”

The term "quilombo" reveals more than 400 years of resistance of the black population in Brazil, and according to Gomes (2015), rural black communities and remnants of quilombos are the continuation of a long process in the history of slavery, during the first decades after the abolition of slavery in Brazil. These communities produced a range of material and immaterial culture and created varied territories.

The formation of the *quilombos* was one of several forms of resistance adopted by the black population to break with and to undermine the slave regime, but this was not the only formation. For Gomes (2015) to reveal the different typologies of resistance processes is necessary to understand the complexity of *quilombola* formations in different contexts and



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periods. Gomes (2015) still points out that the *quilombos* that sought to constitute peasant micro-societies integrated to the local economy coexisted with those characterized by the protest against the property owners, with occupation of lands and invasions of farms, and with small groups of *quilombolas* in permanent migration. Today, with their processes of identity and struggle for citizenship, the development of contemporary black communities becomes more complex, and the trait of resistance persists in the relations established by these people.

Moura (2009), when discussing the concepts of "quilombos", "quilombos remnant communities" and "rural black communities", reflects that the popular imaginary built an image about quilombo as a community of enslaved black people who fled slavery. This idea is based in a rigid historical and social bond between these communities and the quilombos that originated them. If we consider only the archetype of the Palmares quilombo, formed by fled slaves hidden in the forests, it will not be possible to fit in the concept all the communities that have emerged from other forms of resistance. According to the Brazilian Anthropology Association a remnant community of quilombo can be identified as a group of descendants of black enslaved people who maintains a strong bond with the ancestry, live in rural space with subsistence productions.

In this way of life, families form the units of production and consumption and through mutual aid relationships based on reciprocity (such as group work, holy feasts, etc.), families articulate with one another. The so-called traditional populations (riverside populations, quilombolas, rubber tappers, and mainly indigenous people), enhance an extensive knowledge of natural processes through observation and experimentation, guided by a non-externalized view of nature, considering the human race and nature as inseparable, and nature as means and condition of life for these communities.

Besides the political and organizational criteria, the territory founds the construction of the quilombola identity, which is inseparable from the ethnic identity. For Malcher (2009), we can understand the quilombola territory as being "resulting from ethnic elements that are outsourced in the relations built with and in the territory". It is essential for the reproduction of life as an economical, social, political and cultural space. There is then the movement where the quilombola identity produces a certain type of territory, and the forms of construction,



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occupation and relation with the territory produce an identity, always considering that the process is the fruit of collective actions of these subjects (Malcher, 2009, p. 3). Therefore, territoriality is not only constructed from the fact of living in a place, but from the communion maintained with it.

To think about the term "ethnic territory," Bandeira et al. (1996) states that the term ethnicity refers to the idea of a group with a differentiated social and cultural base, a "social group whose members share fundamental cultural values put into practice in a specific cultural whole" (Barth, 1976, apud Bandeira, 1996). Among the elements of the group's own construction that have bundling in the territory, we highlight the ancestry, kinship and farming consolidated in a common ownership of land and within principles of solidarity and reciprocity (Bandeira et al., 1996).

We must consider that each community has its own history, having undergone transformations determined by the events of each context. The common point among them is the form of resistance and response to the challenges posed by the course of these groups, determined by the circumstances marked by racial and ethnic barriers.

To the concept of quilombola community of the colonial period "the reference is made in the black peasantry of African origin people, who managed to occupy a land and to maintain a political and economic autonomy" (Anjos, 2009), and the contemporary quilombo is associated to an interpretation of resistance in the past, but especially during the present moment.

The so-called "ethnic territory" reveals itself "capable of organizing and reproducing itself in the geographical space of adverse conditions, over time and with resistance to the maintenance of its particular way of living" (ibid.). The conflicts with the dominant system and historical demands mark this spatial structure with certain "organizational demands and the need for constant political, social, economic and territorial self-assertion" (ibid.), and for Malcher (2009, p.5) "through these territories we can retake the memory of the structure of black communities, as well as the affirmation of their traditions and spatial organization in the Brazilian territory". Therefore, the approximation to these territories can unravel the trajectories of resistance inherited by the remnants.



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To recognize the cultural value of these territories and all layers of the processes that unfold in these places to ensure that the regularization of land become a way to value the autonomy of this social group, taking culture as an object of preservation that is not safe from action of time, and is in constant transformation. Anjos (2009) summarizes this relationship and affirm that the territory is a condition for maintaining these cultures:

(...) the territory is an essential condition because it defines the human group that occupies it, where they are located and why they are in that space (historicity). The land - the *terreiro* - does not only mean a physical dimension, but above all it is a common space, ancestral, that all have records of history, personal and collective experience of its people, finally, an instance of concrete work and the experiences from the past and the present. In a quilombo the land is neither thought nor practiced as an individual property, but as an instance of common-collective use, which is the main element of the consolidation of ethnic territory, maintenance of cultural identity and social cohesion. (Anjos, 2009, p.108).

Among the specificities of the quilombola territory is the form of access and use of land, which has the sense of being able to live, plant, harvest and enjoy it for future generations. Most of the access to land ownership was done by lineage through the direct descendants of former slaves, by kinship born of affinity or devotion to the saints. From the times of Brazil-colony to the present day, land is constituted as common appropriation to the group, and not as individual property, constituting an ideology contrary to the current hegemonic logic based on individual private property in the use and appropriation of land. The spaces that established themselves from the resistance to the context of slavery, today have as main characteristic of differentiation the common use of the land, and conform as resistance in the Brazilian scenario of peripheral capitalism with roots in the great private property of the land. The struggle for land is then one of the strategies used by these subjects in order to guarantee their existence as quilombolas.

Beyond the struggle for the right to land tenure, the challenge of the quilombolas has been to make their territoriality recognized as central to the process of identity construction. However, to define the scope of this concept, we must consider that these communities and territories do not reproduce exactly the lives of their ancestors in the past, and cannot even be reduced to homogeneous and general categories. The quilombola struggle for the land tenure rights points to the need to understand the territory as a reference for the social and cultural reproduction of this social group, since the protection of the rights of these communities necessarily requires land regularization and land ownership registration.



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Public policies for the quilombos

Even after a century after the institutional end of slavery in Brazil, black population in the country still has to fight against racism and its structural consequences, so there were no expressive collective efforts in the sense of guarantee full citizenship to freedmen.

Moura (2009) states that despite the historic achievements that culminated in article 68 of the Federal Constitution, the implementation of legislation concerning the rights of quilombola communities did not address the vast majority of black communities in the country, the author evaluates that this was due to the lack of definitions regarding legislation and structural racism (often denied) that exists in Brazilian society.

The result is a reduced number of quilombola communities that had their land tenure regulated or received public policy programs, (due to) the invisibility of the communities, and the fact that socio-economic condition of the quilombola families are inferior to the majority of the social groups existing in the Brazilian countryside. (Moura, 2009)

The favorable political scenario and the history of fight of the Black Movement in Brazil culminate in the insertion of articles referring to quilombola rights in the new Constitution of 1988, an institutional framework that recognizes remnants of quilombo constitutionally as subjects of law. The articles 215 and 216 of the Federal Constitution of 1988 secures the cultural rights of these populations, and the Article 68 of the Acts of Constitutional and Transitional Provisions (ADCP) guarantees the right to land: "To the communities remnants of quilombo that are occupying their lands, definitive property is recognized, and the State must issue their respective titles "(Brazil, 1988).

Almost 20 years later, article no. 68 was regulated in the year 2003¹, defining the procedure for identification, recognition, delimitation, demarcation and titling of lands occupied by remnants of quilombos communities. The process of recognition and regularization has several stages that involve distinct organs, as follow:

- 1) Recognition: This is the first step towards the land regularization of the remaining

1 Decree n. 4887/03 which regulates art. 68 of the Transitional Constitutional Provisions Act.



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quilombo community, the Palmares Cultural Foundation is responsible for the certificate issuance. The importance of this stage consists in the public recognition of the State about these communities, and does not have legal value;

2) Certification: The next step is to open an administrative process of land regularization, executed by the National Institute for Colonization and Agrarian Reform (INCRA / MDA), in partnership with the State Lands Institutes and the Union Heritage Office. The process can be initiated upon request by the community, other organs or by means of an official letter (ibidem);

3) Technical Report of Identification and Delimitation: A technical report is made regarding the territory with survey that cover the subjects related to geography, socioeconomic issues, historical, anthropological and land tenure, in order to substantiate the technical report;

4) Certificate of recognition issued by INCRA;

5) Decree of expropriation of areas issued by the President of the Republic;

6) Titling: The title of land tenure is issued only after the eviction of the area by non-quilombola people. The document is issued on behalf of the associations that legally represent the quilombola communities, and the lands must be registered with the condition that the territory remains inalienable and imprescriptible.

Despite the progress made in the recognition of the remaining communities of quilombos, and consequently of the black population, the results are still timid. According to data from the Pró-Índio Commission, until 2017 only 168 communities had conquered the definitive title of their lands, as shown the following table:

Communities Remnant of Quilombos in Brazil	
Identified (total)	3271
Recognized by Palmares Foundation	2729
Titling processes open	1675
Titled	168

Table 1 Communities remnant of quilombos land tenure status Source: Comissão Pró-Índio, 2017.

Concomitant with the operationalization of the legal recognition mechanisms of these communities, a field of affirmative policies was formulated (specific to the black population and



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aimed at broader social groups, such as those in the countryside) in order to reduce racial inequalities and guarantee that the quilombola communities have access to their land and conditions to stay there. The Brasil Quilombola Program stands out for establishing actions that aim the development of remaining quilombo communities by promoting permanence on the land, access to basic policies such as education, health, sports, leisure, food, infrastructure and income generation. The program brings together policies from different sectors around objectives related to the promotion of agroecology and gender equality policies, as well as four objectives related to State structure and public policies. The Program *Brasil Quilombola* is divided into four sections:

- 1 - Access to Land tenure: regularization of land.
- 2 - Infrastructure and Quality of Life: access to electricity, housing, sanitation and drinking water.
- 3 - Local Development and Productive Inclusion: credit for agricultural production and income generation.
- 4 - Rights and Citizenship: Education, health, income generation, access to basic services of citizenship.

The governmental initiatives mentioned above do not finish the discussions about this theme, but represent a significant sample of the actions and programs directed to quilombola communities formulated in recent years. It is not possible at this moment to evaluate the existing policies, but it there are researchers that evaluates the post-Constitution period of 1988 and points out the challenges of implementing the quilombola rights, among which stand out those related to the bureaucracy of the public machine, budget constraints and land disputes. And more than ever, we cannot predict the future of this policies with the actual president elected, that until this date has not shown plans for the traditional population.

And despite advances in the institutional field, the SEPPIR monitoring panels based on data from the Ministry of Social Development and Fight against Hunger show that by 2013 the socioeconomic situation of quilombola families is precarious. Regarding the access to infrastructure of the remaining quilombo communities, data shows that 82% have access to electricity, 34% have access to a water distribution network, 48% have access to well or spring,



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only 10% of households have access to sewage collection network, and 59% use rudimentary sump. And regarding the housing policy, only 5.095 housing units were contracted in quilombola communities until 2013, a low number considering the demand of these communities.

THE NATIONAL RURAL HOUSING PROGRAM (PNHR)

In 2003 the National Rural Housing Program (PNHR) was created with the objective of guaranteeing financial subsidies for the acquisition of materials for the construction or restoration in housing units for family farmers, rural workers, settlers of the National Reform Program (PNRA), *quilombolas*, extractivists, artisan fishermen, indigenous and other traditional communities. Currently the PNHR is part of the *Minha Casa Minha Vida* Program, created in 2009 by the Ministry of Cities with the objective of reducing the urban and rural housing deficit, but above all, to heat up the economy in times of crisis, especially in the civil construction sector.

The housing issue, and consequently the housing policies, are strongly related to the process of establishing social groups in their territories, since it constitutes one of the forms of social and cultural reproduction of these communities, constituting an important component in the strategy to fight for permanence. Therefore, rural development policies when articulated with social policies have the potential to stimulate the permanence of populations in the countryside, but also reveal contradictions and lead to questions about their application.

CASE STUDY – COMMUNITY RIBEIRÃO DA MUTUCA

The population that benefited from the National Rural Housing Program - PNHR is located in the rural area of the municipality of Nossa Senhora do Livramento (MT) in the Mata Cavalo Complex, where 6 communities of quilombo remnants are currently registered. They are the community of quilombo *Ribeirão da Mutuca*, responsible for the PNHR - Antônia Cassemira Pinto project.

The quilombola community of Ribeirão da Mutuca is composed by 120 families, totaling 475 people who until today keeps in practice the knowledge inherited by their ancestors through farming, cooking, parties, beliefs and dances. The houses are traditionally made of *barrote* (a



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kind of construction with raw soil) and covered with babassu straw and despite maintaining the traditions of how to build and live, the houses did not have a sanitary unit, creating an unhealthy situation.



Figure 1 Houses made of barroite covered with babassu straw. Source: Caixa Econômica Federal

The ex-slaves of Ribeirão da Mutuca obtained their land by means of a donation of a part of the Sesmaria Boa Vida, by its landlord in 1883, and later at the end of the nineteenth century by means of purchases of pieces of the rest of the sesmaria. Until the moment of recognition of the territory as a remnant of quilombo, the community went through several conflicts with the neighboring farmers who did not accept the black descendants of slaves occupying that area, nor did they recognize the documentation they had. These factors contributed to the fact that by 1960 many families left the land to move to the cities nearby, and then returned in 1988 with the possibility of property recognition guaranteed by Article 68 of the Federal Constitution that recognizes the remaining quilombo communities and guarantees the right to demarcation and ownership of the land. In 2003 the community was recognized as remnant of quilombo by the Palmares Foundation, but until today it has no definitive ownership of the land.

After many years without access to public policies, the Ribeirão da Mutuca community received houses from the National Rural Housing Program, the project was the first in the state to be carried out in quilombola territory. Initially, the project only aimed at the construction of residence units to improve the housing and sanitation conditions of families, who until then lived in lodgments made out of cob, covered with straw and without a bathroom.

It should be noted that the association has a history of political articulation in the defense of family agriculture, cooperativism and solidary economy, is part of the Agroecology Exchange Group in Mato Grosso (GIAS) and articulates nationally with others cooperatives and social entrepreneurs.



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Figure 2 One of the houses built by the PNHR in the community.

During the execution of the project, the social work developed in the community identified local habits that could be used for local income generation and improvement, providing the Association with partnerships at the municipal level, strengthening local production and insertion of new crops such as the production of vegetables, which were not previously present in agricultural production practices. In addition, the participation of the families in the elaboration and execution of the project, with expertise of the legislation and strong mobilization, emphasized the contracting of this enterprise and later the establishment of the Association of Residents as a respected and nationally known organization.

Although the project helped to improve specific aspects of their life quality, the implementation of the program in Quilombo Ribeirão da Mutuca shows the limitations of the program in question, either by ignoring the traditional ways of living and appropriating the territory, or by its disconnection with other sectoral policies, especially those dealing with the traditional population.

This questioning is based on the premise that the territory is an important element in the construction of the identities of the subjects of these groups, evidencing the relation with the land as use value. The remaining communities of quilombos have their own territoriality, which challenges the dominant spatial order because it is based on principles of collective ownership and community work, where factors such as land, territory, cultural values, memory and common ancestry are inseparable.



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The housing program alone has limitations that prevent it from addressing a habitat issue when disconnected from other policies, especially in cases of traditional populations that demand a holistic and socially responsible view to ensure that the environment, built on subsidies from the State, respect the livelihoods of each social group and allow these populations to fully express their identity, which includes their ways of building houses, farms, and communitarian spaces, that is, habitat.

Conclusion

Despite the historical and institutional achievements, the quilombola communities in Brazil still face difficulties when claiming land ownership, difficulties which directly interferes in the access to basic rights such as housing, education, health and access to credits for agricultural production. The housing issue, and consequently the housing policies, are strongly related to the process of establishing social groups in their territories as it forms one of the forms of social and cultural reproduction of these communities, constituting an important component in the strategy to fight for permanence. Therefore, rural development policies when articulated with social policies have the potential to stimulate the permanence of populations in the countryside, but also reveal contradictions and lead to questions about their application.

This case brings a reflection around the central issues that involve this community in the current conjuncture, and also reveals the materiality of issues such as agrarian question, rural development and quilombola question. It is important to evaluate the social processes of struggle in these territories considering the current and previous policies, as well as the conflicts and relationships among agents at various scales, and also the materialization of public actions in the territory and effect in the families' daily lives.

The housing program alone has limitations that prevent it from addressing a habitat issue when disconnected from other policies, especially in cases of traditional populations that demand a holistic and socially responsible view to ensure that the environment built with public resources will respect the livelihoods of each social group and allow these populations to fully express their identity, which includes ways of building their houses, farming, and occupying community spaces, I.e. habitat.



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The social policies of redistribution of income such as the *Bolsa Família* Program and the National Rural Housing Program are actions that contribute to the recognition of rural territories as a space for the reproduction of life and work, and enable social actors to improve their lives, their well-being and quality of life. In a paper that maps the social groups of the state of Mato Grosso (Silva,2011) point out that:

Many of these social groups have been historically suffocated by dominant development models, but in the last decades we have seen the emergence of these protagonists bearing collective and ethnic identities, who seek in a scenario of struggles, especially for agrarian and environmental conflicts, to claim their collective rights. (Silva,2011)

The particularities found in the countryside form a complex web of relationships that reveal the great challenge of developing studies, reflections and public policies of intervention on these territories. However, in addition to state policies and interventions there are lives, there is a historicity and there are peculiarities that constitute each social group, policies pass (or do not arrive) but communities and their struggles remain, despite the difficulties.

As shown, the path to the construction of a quilombola citizenship has several faces, but the main one is the fight against structural racism and the access to definitive land tenure regularization, together with the concretion of public policies it may allow legal security and guarantee of permanence for these communities.

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