

LAND REGULARIZATION OF QUILOMBOLA COMMUNITY IN BRAZIL

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In Brazil, african descendant communities (or quilombola communities) were originated in the 16th century, when slaves fleeing from sugar plantations going against the current work system. Since there were no social and economic policies aimed for the new freedmen after the abolition of slavery in 1888, Brazil historically accumulated a social liability with such communities. Only 100 years later, with the Constitution of 1988, there was recognition of the definitive right to property of lands occupied by remaining quilombolas.

Together with the new Magna Carta, the Palmares Cultural Foundation (FCP) was created in 1988 with the aim of fostering the preservation of cultural, social and economic values inherited by black people in the socio- economic formation of Brazil (Law 7668, 1988).

The Decree No. 4,887/2003 provides for the procedure for mapping, recognition, delimitation, demarcation and titling of land traditionally occupied by quilombolas. These lands ensure physical, social, economic and cultural reproduction of these groups. The Brazilian legislation, to ensure quilombo communities' land rights, recognizes the diversity concerning the ways land has been occupied throughout the centuries by these groups: donations, inheritances, acquiring legal rights through possession and occupation of free land by escaped or freed slaves. The Decree 4887/2003 is in accordance with the legal instruments of the Inter American human - rights system regarding indigenous and tribal lands.

According to the decree, the quilombola communities will be certified according to a self-definition of the community itself.

In this work, we intend to present the process carried out around the resolution of a land-related conflict involving the quilombola community Rio dos Macacos located in the municipality of Simões Filho, State of Bahia, Brazil, and the Brazilian Navy.

Existing for more than 200 years, the quilombola community Rio dos Macacos has been facing a conflict with the Brazilian Navy for about 47 years, when the place where the community has been occupying was chosen for the construction of the Naval Village of Aratu, seven families, descendants of slaves, remain in the area that used to be sugar cane farms in the past. Since 2011 the Federal Public Ministry of Bahia (MPF - BA) conducts a Civil Inquiry, which accompanies the conflict situation experienced by the Quilombola Community Rio dos Macacos, who has alleged on several occasions to be

the target of coercion in order to expel the families living in the area. Also, in 2011, the MPF had already proposed a civil public action requesting to the Court the permanence of the community in the place. In 2012, the institution issued a recommendation to the Command of the 2nd Naval District of the Brazilian Navy, seeking to restrict the practice of acts of physical and moral harassment against the quilombolas. The conflict was further strengthened after the decision of the Federal Court in Bahia which resulted in the area eviction by the quilombola community in August 2012. Meanwhile, the federal agencies implicated in the conflict carried out a process of debate and consultations in order to conciliate the land rights of the afro-Brazilian community and the military facilities. The area traditionally occupied was identified as being of 301 ha. However, following the process of conciliation, only 104 ha were assigned to the community to be titled. It's important to note that despite the long process of debate and consultation, the quilombola community didn't consent to the reduction of the area to be titled. Although there was no consent, the government has decided to assign the community 104 ha. The conciliation process was seen a victory by the federal government. However, from the point of view of the community, the struggle has not ended.

The community plead for: the integration of the river in to the demarcated territory, the construction of two alternative routes so as they don't have to pass through the Naval Village in the suburb, besides the annulment of the eviction process brought by the Brazilian Navy. In the light of the exposed, it is concluded that the identification phase, which ends with the conclusion of the Technical Report on Identification and Delimitation – RTID, was carried out with compliance with legal requirements, and ratified the need for delimitation the territory intended to reproduce purposes socio-economic, political and cultural of the quilombola community of Rio dos Macacos.

Brazil has a passive history and cultural past with the black ex-slave population. For a long time, the juridical relationship between the State and the remaining quilombola peoples have occurred through criminalization and condemnation, dealing with them as the "other", the "different", so as to not accept it as part of the Brazilian nation. Only after the Constitution of 1988 it happened to cover the civil and land rights of the lands occupied by the traditional populations. The case in question is an example that, even if we have advances in regard to the guarantee of land rights, the bureaucratic process is still very troublesome, taking years for its effectiveness. Meanwhile, the struggle for quilombola property, especially when it comes to private property, is mediated by violent conflicts, and even when the remaining quilombolas overcome it, there is always a environment of questioning about this right. Therefore, after important democratic advances in policies aimed at the remaining quilombola communities, we had identified the lack of interest of the current government regarding the recognition of the responsibility towards this part of the Brazilian population, creating space for a possible extinction of the policies of previous years.

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