

Quilombola titling:

a historical debt of the Brazilian State

At the current pace, Brazil will take 2,188 years to title quilombola territories with processes open at Incra

If the Brazilian State maintains the current pace of land regularization of quilombola territories, it will take 2,188 years to fully title the 1,802 processes currently open at the National Institute for Colonization and Agrarian Reform (*Instituto Nacional de Colonização e Reforma Agrária - INCRA*, in Portuguese). If the advance of partial titling of quilombola territories with processes in independent federal agencies is taken into account, the time needed is 1,156 years.

In 34 years since the right to traditional quilombola territory was recognized by the Federal Constitution of 1988, only 54 territories have been titled (partially or totally) by *INCRA*, the federal body responsible for quilombola land regularization. The data does not include quilombola land regularization processes assigned to states and municipalities, or to communities that were not certified by the Palmares Foundation and, therefore, have not submitted the administrative process to *INCRA*.

Of the 54 titles issued by *INCRA*, 30 are partial titles, that is, the title comprises only part of the area of the territory to which a quilombola community has the right to be recognized by the Brazilian State. In 11 of these 30 territories with partial titling, the title refers to less than 15% of the total area to which they have the right. This is the case of the Brejo dos Negros traditional territory, located in the municipality of Brejo Grande (state of Sergipe/SE), which holds the title to only 0.24% of the territory indicated in the administrative process.

With an unequal land ownership structure marked by the racialization of access to land, the violation of the right to the traditional territory for rural and urban Black communities with their own identity who have fought for centuries for land has been a constant issue for the Brazilian State. Although guaranteed in the Federal Constitution, regulated by Decree No.

4,887/2003, and with attributions defined to different government agencies, the conclusion of a quilombola titling process of traditional territories by *INCRA* usually takes several years, even decades.

The time needed to entitle all Quilombola territories with processes open at *INCRA*

*Processes opened at the federal autarchy.

 **1.802** Titling processes open at *INCRA*

 **54** Quilombola territories already titled in 34 years*

 Time to fully entitle Quilombola territories: **2.188 years**

*The number of 53 titled Quilombola territories (partially or fully) accounts for the 45 titles issued by *Incra*, 2 are the responsibility of the Union Heritage Secretariat, and 6 more were titled before the publication of Decree 4.887/2003 (between 1988 and 2002, 6 Quilombola territories were titled).

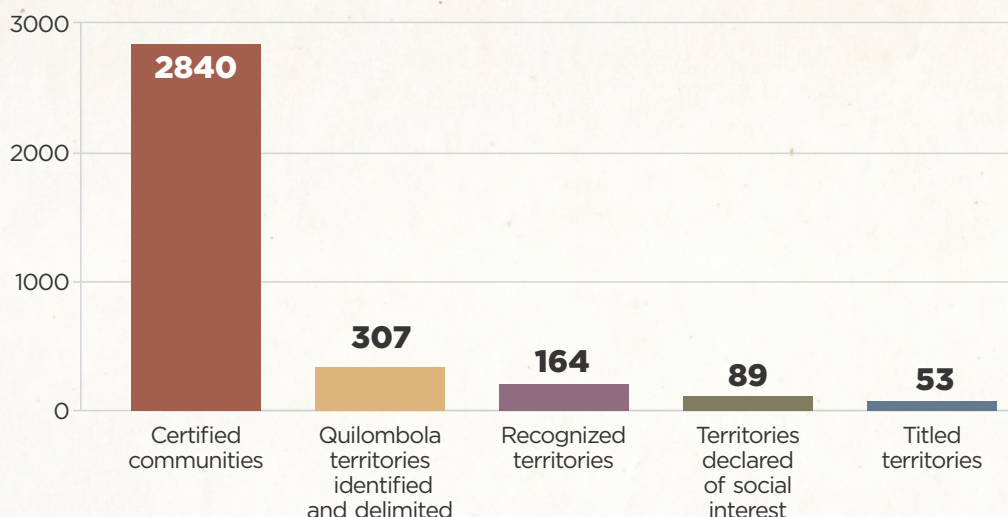
Source: *INCRA* / Update: 06/04/2023

*Martinho dos Santos Menezes, comunidade quilombola Suribiu-Açú (PA).
Photo: Diego Pérez*



Quilombola territories with completed stages in the Quilombola land regularization process

Status: May/2023



When observing the progress in the conclusion of the six stages necessary for a quilombola territory to have its title issued, it is possible to identify how few processes opened in *INCRA* reach the final stage. According to *INCRA*'s data, 2,849 communities were certified by the Palmares Cultural Foundation – which is the initial stage, of self-recognition by the community. The following stages, under the responsibility of the federal government, present much lower numbers. Only

307 quilombola territories were identified and delimited (through the publication of the *RTID*), 164 were recognized by decrees, 89 were declared of social interest (through the publication of an ordinance), and only 47 were granted land titles (after the publication of Decree No. 4,887/2003). Adding the 06 titled territories between the period prior to the publication of the aforementioned Decree (from 1988 to 2003), the country accounts for only 53 territories with full or partial titles.

Opposition to quilombola titling

Jair Bolsonaro's administration has fulfilled the statements made in 2018 by the still-candidate for the presidency not to grant any centimeter of land to quilombola and Indigenous territories. Over the four years of administration (2019-2020) the quilombola policy was marked by administrative reconfiguration, continuous budget emptying, agendas under the command of opponents of the titling policy, and issuance of decrees to increase the bureaucratization of the regularization steps, such as Normative Instruction (*Instrução Normativa*, in Portuguese) No. 128/2022, published on the eve of the elections.

The actions adopted by the government had a direct echo in the total number of quilombola titling steps, with a strong decrease in numbers in each step. In the last four years, 161 communities were certified by the Palmares Cultural Foundation, a number far from the peak of 812 certifications during Lula's first administration.

Bolsonaro's government also accounts for the issuance of only 6 titles (all partial), as opposed to the highest number of titles issued during a single administration – 14 in Dilma Rousseff's first term as president.

The number of titles issued during Bolsonaro's government was not even lower only because all the communities that had their territories partially titled took legal action due to the slowness of the Brazilian State in titling traditional territories. That is what happened with the *Paio de Telha* community (state of Paraná/PR).

Quilombola de Monte Alegre (PA)
Photo: Terra de Direitos



Budget Constraints

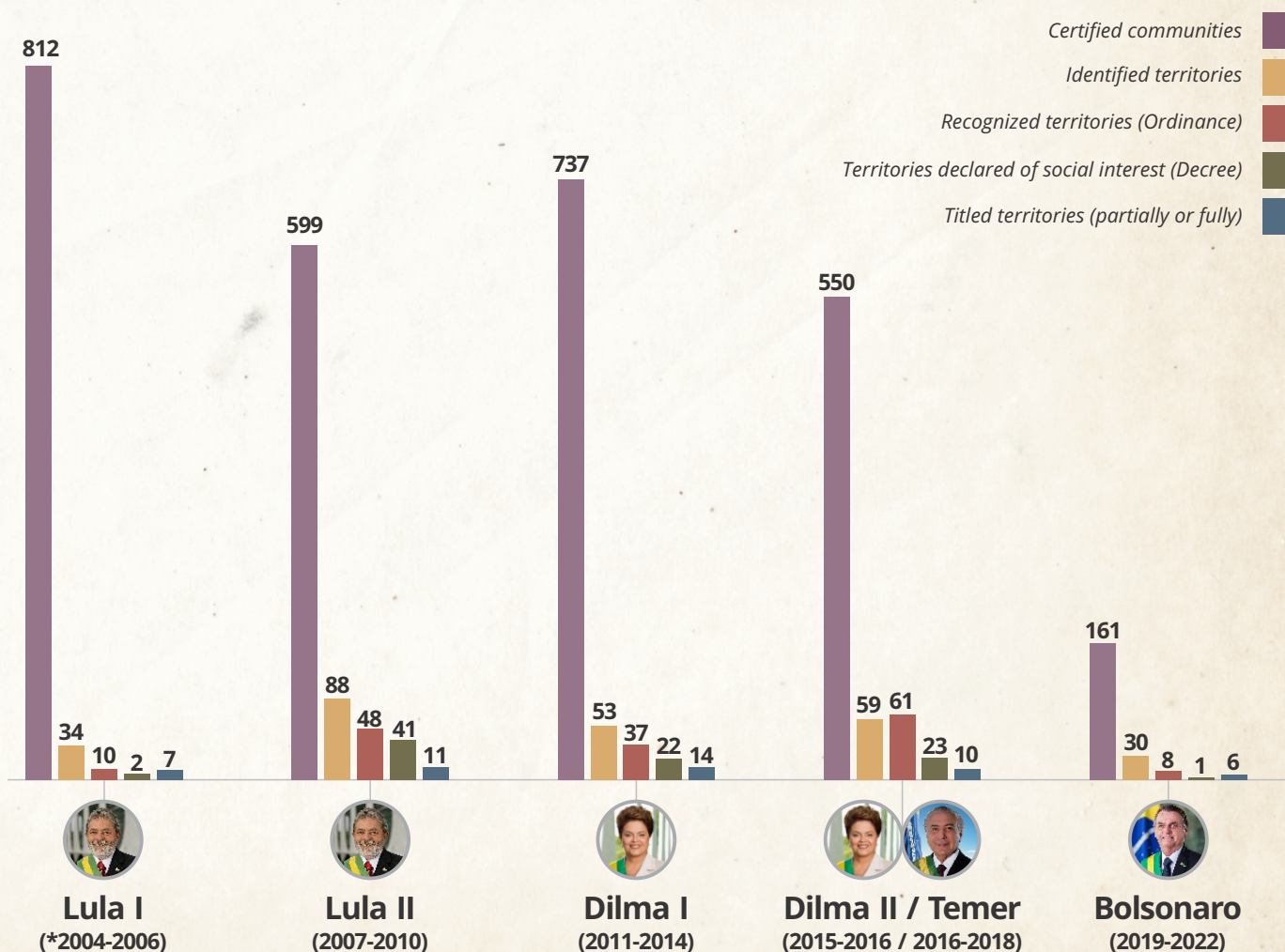
In the 2023 Annual Budget Law (*Lei Orçamentária Anual - LOA*, in Portuguese), the budget allocated for the recognition and compensation of quilombola territories is only R\$ 749,000. The amount is far from the resource foreseen for the same item in the budget executed in 2014, the year with the highest observed amount for the execution of this public policy.

According to the Institute of Socioeconomic Studies (*Instituto de Estudos Socioeconômicos - Inesc*, in Portuguese), 2014 totaled R\$75.8 million Brazilian reais for the acquisition of private areas for quilombola titling purposes. According to a survey conducted by the organization, the budget for quilombola titling has been suffering a sharp

decline since 2015, with the worst year in 2022, with only R\$769.1 thousand reais executed for the policy.

According to *Conaq's* evaluation, the budget foreseen for 2023, proposed during the previous administration, is a strong obstacle to the advancement of the quilombola land regularization policy. One possibility to increase the budget line and keep within the limits of the spending cap rule is the reallocation of the budget from other agendas and according to the agencies' needs, as determined by the Ministry of Planning and Budget. According to the Ministry, resources can be distributed through ordinances, draft bills, or provisional measures. Parliamentary amendments can also be an alternative.

Comparison of completion of land regularization stages - by government management (2004-2022)



*Decree 4887, which regulates the titling process, is dated November 2003. The first certifications based on this rule were issued in 2004. Only after the certifications are administrative processes opened. Thus, the certification data starts in 2004, and the stages of the regulation process at INCRA in 2005.

Source: INCRA / Fundação Cultural Palmares. Update: 06/abril/2023

New government: expectations and demands

During the period of a little more than 120 days, the new government adopted some measures for quilombola territorial protection. Recreated on the first day of the government, the Ministry of Racial Equality – an interministerial agenda for the policy of promoting racial equality – now has the Secretariat of Policies for Quilombolas, Traditional Peoples and Communities of African Origin, Terreiro Peoples and Gypsies (*Secretaria de Políticas para Quilombolas, Povos e Comunidades Tradicionais de Matriz Africana, Povos de Terreiros e Ciganos*, in Portuguese). Coordinated by the quilombola and former member of *Conaq's* coordination board, Ronaldo Barros, the secretariat has the task of “assisting and accompanying the actions of land regularization.”

The titling agenda also figures prominently in the Aquilomba Brazil Program, launched on March 21st. As an improvement to the Brazil Quilombola Program (2007), the new program has access to land and territory by traditional communities as one of its structural axes. On that occasion, the Presidency issued the partial titles of three quilombola territories: *Brejo dos Crioulos* (state of Minas Gerais/MG), and *Serra da Guia* and *Lagoa dos Campinhos*, both in the state of Sergipe. In other words, in 120 days of government, Lula's administration titled half the number of titles issued by Bolsonaro during his entire four-year administration.

Although the actions are understood as important signs of federal commitment to the land title regularization policy, *Conaq* highlights the need to speed up the processes.

Photo: Lizely Borges

