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THE QUILOMBOLA PANORAMA IN MATO GROSSO, BRAZIL: RECOGNITION AND DENIAL OF THE RIGHT TO TITRATE TERRITORIES

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ABSTRACT

This article aims to demonstrate the violation of the constitutional right to the titling of quilombos in Mato Grosso and its consequences. Since it is part of the historical context at the national level to understand the reality of the state, the research uses bibliographic surveys and analysis of the content of official documents, in addition to secondary data, through the deductive method. It is concluded that the omission of the federal government perpetuates in the Mato Grosso landscape regarding the quilombolas, keeping them vulnerable, both by society and by public power itself.

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INTRODUCTION

The struggle for official recognition of quilombola lands goes back to the history of the country, which was forged by more than three hundred years of slavery, the reflection of which transcends the violation of the right to ethnic territory rebuilt by the most varied African ethnic groups: these are violations of the right to a dignified life and the very memory of those who died on the transatlantic or on colonized lands. What's more, those who die today in the struggle for rights, which were only formally won in 1988. The "Citizen Constitution" marked the centennial of the abolition of black slavery in Brazil and the insertion of the right to title for quilombos meant a conquest of more than six thousand communities, as estimated by the National Coordination for the Articulation of Rural Black Quilombola Communities - CONAQ, since the federal government did not even bother to do a quilombola population survey, nor did it employ efforts to implement land regularization, especially in Mato Grosso, a state with no titled territory so far. The narrative develops with the following structure: at first, it addresses the lack of access to land in Mato Grosso, where the cause corresponds to national and state legislation that privileges the white and latifundia elite. Next, it deals with the constitutional recognition of the right to quilombola territory on the one hand, and the lack of implementation by public authorities on the other. Finally, it brings elements capable of demonstrating the reality experienced by the Quilombola communities of Mato Grosso, and true social injustice, especially in the current political scenario.

The land expropriation policy in Mato Grosso before and after the "abolition" of slavery

To understand the land policy in Mato Grosso and the consequent social injustices, it is necessary to analyze, albeit briefly, the legislation pertinent to the form of land occupation, which begins with the sesmarias (*Portuguese legal institute that regulated the distribution of lands destined to the production*), but continues even after the end of this regime in 1822, because due to the abolition of slavery, the concern of the landowners was labor, which no longer existed as before, and how land ownership would remain available without the poor taking it. For José de Souza Martins, if the sesmarias regime continued to exist, the workers would soon occupy the freely available lands and would no longer work for the big landowners, with the need to create a law that would guarantee the power of the lands in their hands. (MARTINS, 1997, p. 14). This interregnum of the two norms regarding land use was marked by the indiscriminate possession of landowners, as Filho and Fontes describe:

> These almost thirty years between the overthrow of the sesmarias regime and the institution of a new law became known as the

> "Empire of Possessions" or the "golden phase of the squatters", since there was no type of land regulation, possession became the only form of land acquisition. During this period, the number of squatters and large estates gradually increased and also marked the formation of rural oligarchies in Brazil. (2009, p. 66).

After Law n. 601, of September 18, 1850, nicknamed the Law of Lands, which, in its first article, provides that the acquisition of vacant land[1] was exclusively for the purchase, with the objective of guaranteeing the offer of work for large landowners. In this sense, the law approved a regime "[...] that would prevent access to land ownership for those who had no money to buy it, even if it was public land or vacant land. (MARTINS, 1997, p. 14). According to James Holston (2013, p. 182), "as effective legislation, it was a remarkable source of inequality and injustice in Brazilian society. This law did not cover small rural squatters, since in its article 6 it disregarded as evidence of land use small farms, ranches and other forms of materialization of occupation, in a typical form of perpetuation of the sesmarias regime, where the simplest labor force would delegitimize land ownership (BANDEIRA, 1991, p. 13). Likewise, Decree No. 1,318 of January 30, 1854, responsible for enforcing the Land Law, provided that municipal judges should preserve vacant land and reprimand its "inappropriate" use, meaning the plantations in those places, making it increasingly difficult for small rural workers to access land which, if they dared to occupy these places, would be penalized by the municipality's codes of postures. These postures were the means of coercion and violation of rights, because "[...] the Land Law is articulated to the Free Womb Law of 1871 and the Law of leasing work under contract of 1879, in order to keep the liberated under constraint and their freedom restricted, controlled, threatened. (BANDEIRA, 1991, p. 14). Although it was published in general, it did not impact the use of the land in Mato Grosso, since the occupation by the large squatters, especially of the vacant lands, occurred without any hindrance. Also, the Decree of land distribution did not bring change, as Maria de Lourdes Bandeira *et al*. states:

> The Land Law was not immediately put into practice in Mato Grosso. In 1859, Decree No. 2092 created a special division of land that should be in charge of legal proceedings and, fundamentally, the protection of vacant lands against invasions. However, this body had little or no action: it was claimed the lack of personnel to enforce the precepts of the Law of 1859. Only after the 1891 Constitution did concrete measures begin to be taken to regulate state land issues. (1993, p. 62).

With the advent of the Constitution of the Republic of the United States of Brazil, in 1891, the ownership and control of vacant lands became the responsibility of the States[2], which had to maintain the political order of land use, and created their own Constitution by the end of 1892, according to article 2 of the Transitory Constitutional Provisions Act. [3] In this sense, the regularization of land in Mato Grosso had a new seat in State Law n. 20 of 1892, which, having been published four years after the abolition of slave labor, "[...] presents connections with the economic crisis in Mato Grosso's agricultural production, resulting from labor shortages, which are difficult to recruit in the great geographic extension of a state with such a low population concentration. (BANDEIRA *et al*., 1993, p. 65). This is because with the prohibition of slavery in the formal field, labor began to become scarce in the state because of its geographical location, in addition to the failure of mining activities, based on the economy's agricultural activities. Although State Law No. 20 of 1892 was created to remedy the difficulties of production and access to land in Mato Grosso, it maintained the situation of purchase of vacant land, which was not always possible for the poorest population, especially the newly freed, leaving marginalization in land ownership and use. Thus, the law favored the large landowners, owners of sesmarias, although they were found in an irregular situation, since the requirements for their recognition were their occupation and cultivation. Gislaene Moreno warns:

> As these occupations occurred in large areas, favored by the state economy which was based on agriculture, grazing and vegetal extraction (yerba mate, rubber, poaia), the Law was benefiting, essentially, the large owners (squatters). Therefore, even having assured the right of preference for the purchase of occupied vacant lands, the Law excluded small squatters from this benefit, since they could not make their purchase or face the production system in force at the time. (1999, p. 68-69).

In addition to being benefited by the legislation regarding the formalization of the property, although without fulfilling the requirements, the deadlines for such recognition were always extended, in addition to the recognition of areas larger than the actual sizes, in order to benefit even more the landowners. Moreno, studying the process of land regularization in Mato Grosso notes that "the essential phase of the land regularization process was under the dominion and control of these people, vulnerable to the power of pressure from local landowners [...]" who could closely control and manipulate the land regularization process. (1999, p. 71). In this way, power was always at the hand of the great squatters who became owners in a corrupt and controlling system of land distribution in the State, to the detriment of the small squatters, whose category "[...] included those freed with settlements on vacant, unoccupied or idle lands, before or after the year 1889. (BANDEIRA *et al*., 1993, p. 67).

The land policy in Mato Grosso:

> [...] was reduced to an indiscriminate action of regularization and legitimization of domain titles, whose lands were already in the hands of private individuals. Over and above the fraudulent acts committed by owners, with the connivance of those responsible for the registration, measurement and demarcation of land [...]. (MORENO, 1999, p. 73).

In addition, the policy of land occupation through monopoly contracts of foreign companies has strengthened the economic interests of the state, at the expense of the deaths of indigenous and other traditional populations living on vacant lands. Large-scale extractive exploitation was supported by Articles 6 and 8 of Law No. 20 of 1892, making access to land more and more distant for small squatters. The migration policy, based on the reality of São Paulo, intended at first to occupy and then colonize the lands of Mato Grosso through the donation of land and its definitive title, with the guardianship in Decree No. 149 of 1896. "It was then a matter of avoiding the 'invasion' of land, whether by former slaves or by national or foreign immigrants who might want to settle here. "(MORENO, 1999, p. 72). The valorization of land, this time already seen as capital from immigration and not only as occupation. Also Decree 384 of 1903 provided tax incentives to companies that settled and brought in immigrants, in addition to the payment of tickets, transportation facilitation and other benefits. Thus, "[...] the incentive for foreign immigration continued, keeping blacks from owning land, who could not obtain it because they did not own capital and did not enjoy the status of immigrants. (MORENO, 1999, p. 75). The impossibility of

[1] Law no. 601, of 1850, states that vacant land is, as extracted from article 3: § 1 Those that are not applicable to any national, provincial, or municipal public use. § Paragraph 2: Those that are not in the private domain by any legitimate title, nor are found by sesmarias and other concessions of the General or Provincial Government, do not incur in loss of rights for lack of compliance with the conditions of measurement, confirmation and culture. § 3. Those that are not given by sesmarias, or other concessions of the Government, which, in the case of incursions for loss of rights, are revalidated by this Law. § 4. Those who are not occupied by possessions, and who, in order not to be founded on a legal title, are legitimized by this Law. (BRAZIL, 1850, *sic*).

[2] Art 64 - The States belong to the mines and vacant lands located in their respective territories, and the Union is only responsible for the portion of the territory that is indispensable for the defense of borders, fortifications, military constructions and federal railways. (BRAZIL, 1891).

[3] According to Article 2 of the Transitional Provisions: Article 2 - The State that until the end of 1892 has not enacted its Constitution shall be submitted, by act of Congress to that of one of the others, which is more convenient to that adaptation, until the State subject to that regime reforms it, by the process determined therein. (BRAZIL, 1891).

access to land by the quilombolas obeyed the orders of the strongest in a true "perverse process of legal removal of the Negro from land ownership. (BANDEIRA, 1991, p. 7). The social and legal invisibility of the sesmarias expropriation system with productivity and individualistic characteristics has as a consequence "the formation of latifundios, the ethnocide of nearby Indians, and the formation of clandestine societies that have become invisible in the eyes of the constituted power, such as the quilombos and indigenous territories. (MARÉS, C; MARÉS, T., 2006, p. 157).

In this sense, access to land by quilombolas remained impossible because they were the invisible social parcel of power over the place that could rebuild its identity whose marginalization was becoming increasingly latent. It can be seen that the land legislation in Mato Grosso has always left the quilombolas in the field of invisibility, since there was a prevision that the vacant lands occupied before 1889 should be granted to the squatters, but it fixed the demarcation of the lands as a condition, which was not possible for the blacks to do, since they did not have financial conditions to compete with the logic of capital in the exploitation of the lands, which maintained the power of the landowners, thus accentuating the legal invisibility of the blacks. As Neusa Maria Mendes de Gusmão asserts, the freedom of blacks was given only regarding work, but not in a full way of life, in order to accentuate the complementary side of a reality of exclusion: the condition of poor blacks, of not being subjects, without social and political participation in the world of whites. (GUSMAN, 1995, p. 72). The social injustice that was perpetuated with the black man, especially in rural areas, with the dispossession of traditionally occupied territories due to the interests of landowners, thus generating the latent conflict over lands that had effectively been occupied (CASTRO; ALVES, 2014, p. 156), in light of the Land Law, but which lacked the formality designed precisely to expropriate them translates into "[...] expropriating invisibility in a double sense: in concrete reality and in the social imaginary. (GUSMÃO, 1995, p. 65). Regarding rural black communities and their invisibility in the face of the process of struggles and recognition for the territory, Maria de Lourdes Bandeira warns that "these communities configure empirical situations which, although given the national reality, remain confined to the fields of invisibility of the legal order. (BANDEIRA, 1991, p. 7). The social relations between blacks and non-blacks, based on daily violence, reinforce social invisibility and lack of reference. "The Black being does not have a deep impact on the configuration of society, and does not find positive references in it, essential to the affective construction of the person and his self-esteem. (BANDEIRA, 1991, p. 26). From this perspective, the struggle for land means not only the clash between the idea of private property that the law accepts as valid, but also the confirmation that blacks are subjects of rights and as such need the understanding of the use of land in a group way, in a process of awareness of the plurality of Brazilian nations and, consequently, of the cultural diversity that has social and juridical repercussions in the search for the recognition of citizenship (GUSMÃO, 1995, p. 71). The heritage of the slave past still persists not only in memory, but also in the situation of exclusion and invisibility in which they lived.

From recognition to denial of the right to quilombola titling: Marking the centennial of the abolition and the articulation of black movements in the constituent, the promulgated Citizen Constitution disposed in its article 68, of the Transitory Constitutional Dispositions Act - ADCT, that

> *"to the remainders of the quilombos communities that are occupying their lands, definitive ownership is recognized, and the State must issue the respective titles to them" (BRAZIL, 1988). The black struggle for recognition of the rights inherent to dignity, among them the right to land, especially during the period of re-democratization of the country, allowed them to have social and legal visibility, whose moment of greatest relevance was the Constituent Assembly. However, article 68 of the ADCT had not been built peacefully nor had it been accepted by the dominant society, which still carried slavish ranks and believed that the forgetfulness of the black stain narrated in the history books of Brazil was capable of promoting racial democracy in the country.* [4]

Article 68 of the ADCT was born from an amendment of popular origin that, at first, had not been accepted, because there was no minimum number of signatures, on which occasion Deputy Carlos Alberto Caó of PDT/RJ formalized the request. The request was accepted and included in the Federal Constitution of 1988. For Treccani (2006, p. 83), "[...] this article allowed a process of creation of a new political subject in the country, which was not very visible before: the quilombola communities. Thus, after the enactment of the 1988 Constitution, the lawsuits brought the need to interpret themselves in the way that is closest to the reality of black communities, especially rural ones in a conception of quilombo beyond the traditional one, i.e., that which derived from the consultation of the Overseas Council, through the conceptions of scholars, in a real challenge. For Ilka Boaventura, "[...] an entire interpretative movement, supported by empir research, began to interact and dialogue with social and political movements around the application of Article 68 of the ADCT" (LEITE, 2002, p. 19).

Maria de Lourdes Bandeira structures the understanding of the quilombo remnant under three aspects, namely, historicity through ethnic contact between blacks and whites, the abolitionist evasiveness of historical and social responsibility, ethnicity and resistance. The first concerns the non-recognition of black self-determination, since "colonialism did not recognize the sovereignty of African nations either on the formal or the practical level of intersocietal relations. (BANDEIRA, 1991, p. 9). It is in this sense that Article 68 of the ADCT should be observed, since the notion of continuity, historicity, and ties with ancestors is the strong point of Black culture. Thus, anthropological work is not limited to historical analysis, but the relationship that the community has with its past, present and future. The second aspect concerns the lack of reparation for the state's debt to blacks, since it "instituted the abolition of historical and social responsibility over slavery, attributing its legacy to blacks. (BANDEIRA, 1991, p. 17). The third aspect refers us to the understanding of black people and their relationship with ethnic identity, since "[...] community identity recognized as distinctive, individualizes the social life experience of these blacks regarding others, to the extent that it is historically constructed in the very process of community formation and in their interactions. "(BANDEIRA, 1991, p. 18). The interpretation of Article 68 of the ADCT must be combined with the other provisions of the Federal Constitution, such as Articles 3, 215 and 216, in order to achieve the objectives set forth therein. (TRECCANI, 2006, p. 90). This is due to the intrinsic relationship that the objects of the devices have with each other; there is no talk of ethnic-cultural preservation without the guarantee of the right to quilombola territory, just as there is no talk of reducing the country's poverty without removing from the social margin the black communities that are still waiting for recognition of their territories.

Nor can equality be achieved without opportunities and recognition of differences. There is no *empowerment* without the guarantee of a minimum essential to a healthy quality of life.

> *It should be noted that article 68 of the ADCT does not clarify when the occupation of quilombola lands can be considered as ethnic territory, not allowing, from the point of view of the primacy of the human being, to restrict the interpretation, but to consider the occupation of territories by criteria established by the remnants of quilombos themselves, since the term remnant of quilombo presupposes the continuity of the term quilombo, as already treated elsewhere, not admitting that a regulatory decree reduces the content of the constitutional rule.* (PEREIRA, 2002, p. 283).

[4] On racial democracy, see FERNANDES, Florestan. The integration of black people in class society. v. 1, 3. ed. São Paulo: Editora Globo, 2008.

It should be noted that the constitutional text, in referring to the State as competent for the titling of quilombola lands, does not restrict competence to the federal government. In this sense, the state, Federal District and municipal governments also have competence for the application of article 68 of the ADCT. However, in order to avoid inconsistencies in the methodologies of various land agencies within the states and in the Palmares Cultural Foundation itself, Decree 4887/2003 was edited to replace Decree 3912 of 2001, which had a series of injustices, such as the violation of the self-determination of peoples in the process of quilombola self-attribution. In this sense, INCRA made effective the works with the construction of a specific procedural path, which, in a very summarized way, are: request of the rural black community, notarial survey, occupational survey, presentation and approval of the map and of the occupational and notarial surveys, demarcation and finally, expedition of the land title. Article 2, §1, §2 and §3 of Decree n. 4887, conceptualizes the remaining communities of quilombos as ethnic groups "according to criteria of self-attribution, with their own historical trajectory, endowed with specific territorial relations, with presumption of black ancestry related to resistance to the historical oppression suffered".

It clearly defines the criteria for self-attribution, taking into account the historical trajectory and cultural identity, as well as the movements of black resistance to slavery and violation of human rights. This regulation makes clear the historical and moral debt that the country has with the Black population. It became necessary to consider quilombola lands differently from conventional ways of using property, as well as to understand ethnic peculiarities and ways of being, doing, and living in interaction with the environment and ethnic self-assertion. This legal backing made it possible to recognize the new ethnic compositions remaining of quilombos, a reality almost totally ignored. (LEITE, 2002, p. 23-24). The titling of quilombola lands therefore consolidates the recognition and realization of the right to quilombola territoriality *and* "the consequent exclusion of any other property or possession over it. (MARÉS, C; MARÉS, T, 2006, p. 173). One year after the decree was enacted, the Democratic Party (DEM), formerly the PFL, questioned its validity in the Supreme Court through a Direct Action for Unconstitutionality. ADI 3239, filed on April 5, 2004, also questioned quilombola self-attribution and began to stand trial in 2012. The trial lasted until February 8, 2018, when the court finally recognized, by majority, the validity of the decree. It is worth noting that the vote of the rapporteur, retired minister Cesar Peluso, was for the total provenance of the lawsuit, while ministers Dias Toffoli and Gilmar Mendes voted for partial provenance, invoking the time frame of occupation of quilombola areas, a thesis already debated and overcome, but which continues to haunt indigenous and quilombola peoples, both in the judiciary and in the legislature, through the proposed amendment to Constitution 215/2000 (HELD; BOTELHO, 2017).

It is worth noting that before Decrees 3912 and 4887, there was a proposal for a federal law regulating Article 68 of the ADCT. Presented by Congressman Paulo Paim in 2000 the Bill n. 3198 - Statute of Racial Equality, the original text[5] dealt with the titling of the quilombola territories, in a chapter entitled "Da Questão das Terra" (About the Land Issue). Articles 30 to 41 of the bill provided for the implementation of the constitutional right to land regularization. After more than ten years of processing, this chapter was excluded from the final text, maintaining generic devices on the quilombola population. Law 12.288, of July 20, 2010 reinforced the importance of preserving and promoting cultural manifestations, bringing in its body a series of attributes necessary to the minimum existential of the black population in general, necessary to mitigate the factors that characterize them as vulnerable groups. Specifically, to quilombola communities, the sole paragraph of Article 8 provides that "residents of communities of quilombola remnants shall be beneficiaries of specific incentives for guaranteeing the right to health, including improvements in environmental conditions, basic sanitation, food and nutritional security, and comprehensive health care. (BRAZIL, 2010). Also, the approach to the right to culture, whose task of the State is clear in guaranteeing to the remnants of quilombos "the right to the preservation of their uses, customs, traditions and religious manifestos. (BRAZIL, 2010). It is important to emphasize that these provisions list part of a constellation of minimum rights to life in dignity and that especially involves the right to the territory, since this is essential for physical, social, economic, cultural survival. Without the protection of the territory there is no talk of food security, health and ecologically balanced environment. The human right to black territoriality is materialized with the titling of these territories, the emphasis of which is given by article 31, to the effect that "the remnants of the quilombo communities that are occupying their lands are recognized as definitive property, and the State should issue the respective titles to them. (BRAZIL, 2010). In order to implement the essential rights of quilombola communities throughout the country, in addition to titling their territories, including access to drinking water, basic sanitation, garbage collection, health, education, electricity, the Brazil Quilombola Program - PBQ was instituted, which consisted of dividing the monitoring of public policies into basic axes: infrastructure and quality of life, productive inclusion and citizenship, and access to land.

Teixeira and Sampaio (2019), after analysis of the PBQ budget allocation, demonstrate that the program was included in the annual budget laws from 2005 to 2011, but was discontinued by Dilma Rousseff's government in an unofficial way, with no allocation of funds to the PBQ, which was diluted in a new program, called Program to Confront Racism and Promote Racial Equality, with the stamp returning to cultural manifestations and festivities, and not the implementation of the right to land regularization. Regarding the legislation on quilombola land regularization in Mato Grosso, it is necessary to draw attention to the retrograde and ineffective aspects compared to the Federal Constitution and the panorama of the land situation in the state. On October 5, 1989, the state enacted its Constitution, which states in Article 33 of the ADCT: "regardless of legislation, complementary or ordinary, the definitive titles relating to the land of the remaining rural black communities that have been occupying their land for over half a century. (MATO GROSSO, 1989). The aforementioned provision does not pose a legislative obstacle to the recognition of quilombola territories and establishes a period of one year from its promulgation for the areas to be definitively titled.

However, it does condition recognition to occupation for more than fifty years, which is completely out of step with the idea of the past presence of remaining quilombola communities. In turn, Complementary Law n. 7.775 of November 26, 2002 instituted the Historic Rescue and Valorization of Quilombos' Remaining Communities Program in Mato Grosso, comprising public policies for access to land through the identification and demarcation of quilombola lands, the survey and legalization through the Mato Grosso Land Institute - INTERMAT. In addition, it foresees the historical and cultural survey through the State University of Mato Grosso - UNEMAT and the State Secretariat of Culture, incentives for culture, agrarian development, as well as the opening of credit lines for tourism in quilombola areas, as provided in Article 1. This provision does not provide a time frame, nor does it provide time conditions for the quilombola communities to be recognized and their territories to be recognized. However, eleven months after the publication of this law, there was an alteration by Law n. 7.970, of October 1, 2003, adding to article 1 of Law n. 7.775/2002 the only paragraph with the following text: "The dispositions in the caput attend both the rural black communities formed in the period of slavery and those formed up to 50 (fifty) years after the abolition of slavery" (MATO GROSSO, 2003). It should be noted that this device further limits the analysis of the real situation of quilombola communities, since understanding the formation of communities up to fifty years after the abolition of slavery, that is, in the year 1938, removes any possibility of recognizing territories where housing took place at another time or elsewhere, since the expropriation of blacks

[5] Bill no. 3.198/2000 was offered by Congressman Paulo Paim, in the year 2000, with some bills attached, among them those of no. 3.435/2000 and no. 6.214/2002, whose proposals involved the rights of the black population in the economic, social, cultural areas.

from their territory is latent due to the violence they suffer in the countryside. If the very formation of quilombos presupposed a crime, in addition to the denial of rights of any size, how can we prove the traditional occupation of the territory?

From all angles, Article 33 of the ADCT of the Constitution of the State of Mato Grosso, in addition to state infra-constitutional legislation, is totally unconstitutional, since it is incompatible with Article 68 of the ADCT of the 1988 Federal Constitution, since in this provision there is no temporal limitation of occupation of these territories. It also violates the provisions of Decree 4887/2003, since it also does not provide for any limitation. The Constitution of the State of Mato Grosso demonstrates a step backwards in the recognition of quilombola lands, and it should be noted that the interpretation and application of constitutional law should be in the sense of extending fundamental rights, not restricting them. Considering the reality of quilombos in the state, the document perpetuates the expropriation invisibility of quilombolas.

The quilombola panorama in Mato Grosso: Mato Grosso is the state of the federation that, despite possessing a vast and diverse territory[6], does not possess any titrated quilombo. The most recent data from INCRA show that there are more than seventy-two territories with a claim to recognition by the communities that live in them. Most of these areas are located between the cerrado and the pantanal. Currently, the number of quilombola lands in the state with open processes at INCRA[7] is 71. In the municipality of Poconé alone, in the Pantanal region, there are 30 requirements from quilombola communities, as the following table shows:

Table 1. Quilombos per municipality in Mato Grosso

Municipality	Open processes at INCRA
Acorizal	2
Barra dos Bugres	9
Cáceres	5
Chapada dos Guimarães	6
Cuiabá	4
Nossa SenhoradoLivramento	5
Novo Santo Antônio	1
Poconé	30
Porto Estrela	1
Santo Antônio de Leverger	1
Várzea Grande	1
Vila Bela da Santíssima Trindade	6

Source: INCRA, 2019.

Table 2. Progress of quilombola land regularization processes in MT

Territory	Municipality	Area	Number of families	Procedural phase
Mata Cavalo	Nossa Senhora doLivramento	14,690.3413	418	Presidential Decree published in the Official Gazette
Lagoinha de Baixo	Chapada dos Guimarães	2,514.9666	50	Presidential Decree published in the Official Gazette
Campina da Pedra	Poconé	1,779.8089	45	RTID

Source: INCRA, 2019

> Of these quilombola territories in the process of open land regularization, it should be noted that INCRA only provided information regarding the progress of 4 territories, as shown in table 2. This does not mean that the other processes are suspended or have been officially closed, but it demonstrates the lack of information made available by the agency. It is important to point out that actual and updated data on the panorama of quilombola land regularization are not made available on INCRA's website, making it difficult to monitor the implementation of Article 68 both by the communities themselves and by society and other allies in the quilombola struggle, as exemplified in Box 2, which represents less than ten percent of all ongoing processes.

In this sense, the monitoring of quilombola lands is done by civil society organizations, such as the Observatory of Quilombola Lands of the non-governmental organization Pro-Indian Commission of São Paulo, which has data that allow, in a way, more proximity to the real situation in the state. In the database it is possible to identify 75 quilombola lands (CPISP, 2021). The delay in the regularization process is explained by the bureaucracy that Decree 4887/2003 implemented, taking an average of ten years for the titration to take place.

> In a more simplified way, the procedure with INCRA follows the following steps: protocol of the request for the opening of the administrative process with the certificate issued by the FCP, realization of the Technical Identification and Delimitation Report - RTID of the area, with anthropological study, notification of eventual non quilombolas that are in the delimited area, period of response, ordinance of the president of INCRA that recognizes and declares as quilombola territory the area occupied by the community, when necessary, publication of the presidential decree and eventual expropriation processes, and titling of the area on behalf of the quilombola association for the purpose of registering in a notary public. In some cases, when it is not possible to immediately titrate the territory, a contract of concession of real right of use is signed. (TRECCANI; HELD, 2020, p. 38)

The slowness added to the lack of information and the social and environmental setbacks of the last federal governments has perpetuated the neglect of the quilombolas of Mato Grosso and caused several episodes of violence, practiced both by individuals and by the public power itself. To exemplify, the first process opened with INCRA is that of Mata Cavalo, territory that belongs to the municipality of Nossa Senhora do Livramento, in the Pantanal region, which had already been recognized by the Palmares Cultural Foundation in 2000 with the Title of Recognition of Domain. Twenty-one years have passed and the process is in the phase of expropriation of areas claimed by non- quilombolas, which generates a range of conflicts, since not all claimants accept compensation. In addition, there are several repossession suits that give rise to violent evictions, authorized by summary injunctions and, in some cases, revoked by higher courts (HELD, 2017; 2018; 2020). The evictions also occurred in Jacaré dos Pretos, also located in Nossa Senhora do Livramento and São Gonçalo II, between the municipalities of Poconé and Nossa Senhora do Livramento and the scenario is quite similar to that of Mata Cavalo: the forcible removal of families from their areas to comply with a preliminary injunction in a repossession suit, a decision later revoked by the court (HELD, 2020; BARBIERI, 2019). These three territories were recognized by the State, as the Palmares Foundation granted them the certificate of self-attribution, necessary to apply for land regularization at INCRA. The communities of São Gonçalo II and Jacaré dos Pretos have been claiming their title since 2015 and Mata Cavalo since 2004, when decree 4887/2003 took effect. The judicial decisions correspond to the violent action of the State itself, which, despite having recognized the territories, acts in a contradictory way by disregarding not only the administrative process, but also the very history of the communities and the territory, which represents the negation of the very history of the country, of article 68, and above all the need for reparation for the evils of black slavery in Brazil. However, the lack of title also gives rise to other types of violence, sometimes practiced by society itself. CONAQ published in 2019 data on violence against quilombolas in Brazil and Mato Grosso figured in several violent situations. The document entitled "Racism and Violence against Quilombos in Brazil identifies

[6] It is worth highlighting the work of identification of social groups in Mato Grosso elaborated by Regina Silva and Michèle Sato, as extraction people, gypsies, indigenous people, canoe people, river bank dwellers, settlers, artisans, campers and quilombolas, in "Territories and Identities: mapping of social groups in the state of Mato Grosso - Brazil. Ambiente&Sociedade, Campinas, v. XIII, n. 2, p. 261-281.

[7] The data are on pages 76 to 79. Available at: <http://www.incra.gov.br/sites/default/files/incra-processosabertos-quilombolas-v2.pdf>. Access on: 8 jan. 2021.

episodes of violence that occurred in 2017 in the Quilombo Pita Canudos and São Gonçalo II, (CONAQ, 2018, p. 38). The Pastoral Land Commission, in the publication Conflicts in Field 2019, recorded land conflicts in Mata Cavalo on 1.10.2019 and 1.11.2019, in Jacaré dos Pretos on 18.9.2019 and in São Gonçalo II on 29.4.2019 (CPT, 2020, p. 54). The lack of access to fundamental rights, such as drinking water, basic sanitation, electric power, quilombola school, health, waste collection and infrastructure are examples of the direct and indirect consequences of the non-implementation of Article 68 and the neglect of the State with the communities. Ferreira *et. al*. (2017), in studies of the water quality of the Jauquara River, which supplies the Baixio, Morro Redondo, GrutaCamarinha, Retiro and VacaMorta communities, located in the municipality of Barra do Bugres, identified water contamination due to lack of basic sanitation, garbage collection and access to health services.

With no intention of demonstrating all the violations of essential rights suffered by the quilombolas in Mato Grosso, the above examples reflect a state that is omissive regarding the implementation of the right to territory and the other essential goods to a healthy quality of life and portray an unequal country far from healing the wounds caused by slavery. If judicial discussions regarding the ownership of territories and their consequent racist decisions were not enough, the Executive also violates the rights of quilombolas. In general, the recent right to quilombola titling has been fulfilled in some cases, usually in public areas, where there was no tension between individuals or between the federal government itself and the communities. In several cases, the areas were partially titled precisely to potentialize conflicts, to the detriment of the communities, which saw their ancestral territory diminished. Mato Grosso does not have any titled territory and in the current political scenario, the chances of changing this panorama are very small. The federal government, responsible for regularization, has not allocated funds to INCRA, either to carry out the Identification and Delimitation Technical Report, a complex and essential document in the process, or for employee diaries for visits to communities and when it comes to compensation in expropriation processes, much less. Budget dehydration began in Dilma Rousseff's administration, reappeared in Michel Temer's interim government, and practically zeroed in Jair Bolsonaro's administration. Paulo (2019) demonstrates the significant budget falls between 2010 and 2019, the first with R$ 32,118,365.20 and the last year with only R$ 3,423,082, according to data from the federal agency. Terra de Direitos made a calculation of the titling horizon taking into account the current political scenario: "[...] it will take 1,170 years for all 1,716 processes for titling the quilombos opened at the Institute to be concluded" (SCHRAMM, 2019). The socio-environmental setbacks that affect the quilombolas are also seen at INCRA and the Palmares Cultural Foundation. The weakening and dismantling of these organizations reflect the campaign promises of the current government, which has inserted people linked to agribusiness and the armed forces to lead and promote concessions to those who are enemies of indigenous and quilombolas. In this scenario, the probability of resuming the progress of quilombola land regularization processes is almost nil and represents the strength of agribusiness, especially in Mato Grosso, whose economy revolves around this sector.

Conclusion

The expropriation of quilombolas from their lands corresponds to the greatest social injustice and with it the lack of access to various fundamental rights to quality of life, a reflection of a country that does not have as a priority to repair the evils caused by more than three centuries of slavery. Historiography shows us when the violations of rights began, but the current scenario does not allow us to see their end. There is, paradoxically, a historical normative collection of violation of quilombola human rights, among them the right to territory, since as seen, land legislation both in the national context and in the state of Mato Grosso was imbued with ideological slave reflexes and keeps the quilombolas in the field of invisibility, expropriating them from their traditionally occupied lands, despite the recognition of the right to quilombola territory in the 1988 Federal Constitution and the validity of the decree regulating article 68 of the ADCT. Although the data made available by the federal government are not reliable, they show that less than ten percent of the quilombola territories throughout the country have been titled and in Mato Grosso, this number does not even exist. The data on violence also elucidates the consequences of the omission of public power, whether in the executive, with retrograde acts and alliances with sectors of agribusiness; in the legislative, with attempts to change laws and the Constitution itself, or also in the judiciary, which employs violence in acts of eviction. In this aspect, it is possible to affirm that the State is the greatest violator of human rights of the quilombolas. However, this article does not have the capacity to discourage the reader and quilombola communities from fighting for rights. The quilombola landscape in Mato Grosso throws light on the issue and should encourage quilombolas, allies and agents of public power, in order to strengthen resistance to social and environmental setbacks and demand the implementation of Article 68 of the ADCT.

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