

## QUILOMBOS PAULISTAS: The public policy of technical assistance and rural extension (ATER) in its interface with traditional communities in the face of São Paulo State bill nº 529 of 2020

QUILOMBOS PAULISTAS: A política pública de Assistência Técnica e Extensão Rural (ATER) em sua interface com as comunidades tradicionais frente ao projeto de lei estadual nº 529 de 2020

QUILOMBOS PAULISTAS: La política pública de asistencia técnica y extensión rural (ATER) en su interfaz con las comunidades tradicionales frente al proyecto de ley del Estado de São Paulo nº. 529 de 2020

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### ABSTRACT:

The remaining quilombo communities at the São Paulo State in Brazil are in serious risk of negative changes in the provision of official rural extension services with the advent of state Bill nº 529/2020. The objective of this research is to evaluate how the traditional remaining quilombo communities located at São Paulo State can be directly affected negatively by the law proposal. For this, a scientific methodology was adopted, which is summarized in the review bibliographic and descriptive and exploratory documentary. As a result, no fact or argument has been found that legitimizes Bill nº 529 of 2020 from the perspective of traditional communities and other beneficiaries of the São Paulo ATER public policy.

**KEYWORDS:** Quilombos from São Paulo; Rural extension; Traditional communities.

## Introduction

In Brazil, the Technical Assistance and Rural Extension public policy (ATER, in portuguese abbreviation) is parameterized, in particular, by the National Policy of Technical Assistance and Rural Extension (PNATER, in portuguese abbreviation), implemented based on the National Program of Technical Assistance and Rural Extension (PRONATER, in portuguese abbreviation). It has, in its framework of priority target audience, the function to serve quilombola communities, according to Vieira et al. (2020) and Vieira (2016), supported by the jurisprudence of Brazil (2004; 2005; 2010).

In São Paulo, with the publication of Bill 529, from August 13rd, 2020, traditional communities tend to suffer a penalty when attending ATER. This may occur due to the new structural conditions, with the proposal of official base extinction for this type of assistance, dismantling of the Coordination for Sustainable Rural Development (CDRS) and Fundação Instituto de Terras of the State of São Paulo (ITESP) (SP, 2020).

The remaining quilombo communities have a tradition of agricultural cultivation rooted in their own history. In this sense, ATER's support favors a contemporary production model, without losing the sustainable parameters of past cultivation, as an integral part of PNATER. This, in turn, has as an elementary basis the agroecological cultivation and promotion of the life quality of those served, which are described in the Federal Legislation in Brazil (2004) and confirmed by Caporal and Costabeber (2004); Vieira (2016); Vieira et al. (2020), supported by Olinger (2020). All documents reflect a consonance and respect for cultural parameters and the sustainable way of life of traditional communities.

In this way, ATER tends to enable these communities to become more productive, both for local supply and for surplus sales. Therefore, ATER public policy of is a fundamental right, guaranteed through the legal framework, aimed at a specific and priority target audience, where the remaining quilombo communities are located in Brazil (VIEIRA, 2016; BRASIL, 2004; 2005; 2010). Such public policy is, therefore, essential for the maintenance of these traditional communities. Currently, these are threatened through PL 529/2020.

Historically, "quilombola communities have been fighting for the right to be agents of their own history. In such a situation of inequality, minority groups begin to positively value their diacritical cultural traits and their collective relations" (SCHMITT; TURATTI; CARVALHO, 2002, p. 5). Thus, it is in this scenario of social conflicts that the relationship between quilombola communities and the land and food production emerges.

As described above, the following guiding question for this research arises: can PL No. 529/2020 harm the São Paulo State quilombola communities with regard to ATER services? That said, this study has the general objective of searching at how the remaining traditional quilombo communities located in the state of São Paulo State can be directly harmed by the PL nº 529/2020. Specifically, we seek to:

- a) Measure the quilombos of the State of São Paulo that will be harmed by the PL nº 529/2020;
- b) Point out the benefits of public ATER policy for quilombola peoples.

### **Methodological trajectory**

The methodological basis adopted in this research, of a scientific nature, is anchored in Gerhardt and Silveira (2009) and summarized in a structural trajectory of the bibliographic review type, with the support of documentary review and backgrounded by the national ATER legislation. Regarding the methodological objective, Marconi and Lakatos (2013), reinforced by Gil, (2014) classify the present study as an exploratory

research, as it will aim to familiarize themselves with the daily activities of ATER in São Paulo State, obtaining an unusual current panorama. In addition, it will also be descriptive, by making narratives of situations, specifying and verifying the existing relationships between the elements that make up this research.

As for the results, they are presented through a qualitative approach, as it does not require the use of statistical methods (MARCONI; LAKATOS, 2013). Even it addresses a national theme, the geographic space of the research is focused on the State of São Paulo, due to the PL being an exclusively São Paulo legal piece.

Beginning in August and ending in November 2020, this research was completed before a final decision of the bill, but brings updated facts and consequences. In this way, it is intended that this approach serves as a conceptual basis for the development of future works, with the conclusion of the PL 529/2020 impacts on ATER in quilombola territories in the State of São Paulo.

## Development

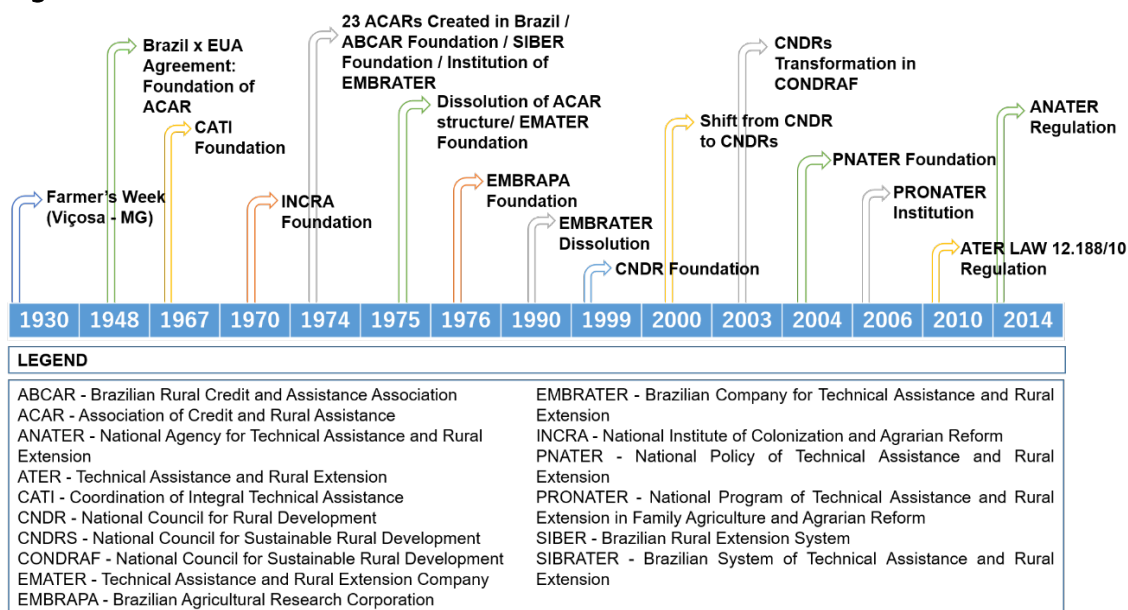
### The public policy of national ATER

According to Rua (2006), public policies are the result of political activities with decisions and actions; therefore, discernment of public policy and political decision making becomes relevant. In this sense, the author notes that:

A public policy usually involves more than one decision and requires several strategically selected actions to implement the decisions made. A political decision, on the other hand, corresponds to a choice, among a range of alternatives, according to the hierarchy of preferences of the actors involved, and expresses - to a greater or lesser degree - a certain adequacy between the intended purposes and the means available. (RUA, 2006, p. 232).

It is worth mentioning that the definitions and conceptualizations of public policies in the role of "solution to public problems" often contain criticism, as they come from political activities, with political interests. This creates a conflict around the ideas and interests of governments and leaves behind the essence of public policy (SOUZA, 2006). These conflicts of ideas and governmental interests illustrate exactly what has been happening in the case of PL nº 529/2020, where there is clearly an attempt to dismantle the attendances of public ATER in São Paulo State. Thus, this PL does not take into account the demands of rural population, with a focus on small producers that make up the beneficiary public of ATER's public policy.

Figure 1 Brazilian ATER timeline.



Credit: Vieira et al. (2020).

Due to the temporal recovery of the research by Vieira (2016), Figure 1 does not change the name of CATI by CDRS in 2019 and also the PL nº 529/2020. For this work, the concept of the official reference for Technical Assistance and Rural Extension in Brazil was adopted through Article 2, Law nº 12,188, from January 11th, 2010, regulated by Decree nº 7,215 of June 15th of the same year, defining ATER as one:

Non-formal, continuing education service in rural areas that promotes management, production, processing and commercialization of agricultural and non-agricultural activities and services, including agroextractivist, forestry and artisanal activities (BRASIL, 2010, p.1).

For ATER services, based in Brazil (2004; 2005), PNATER's strategic guidelines are:

- i) Promote sustainable rural development;
- ii) Free, quality and accessibility to ATER services;
- iii) Adoption of participatory methodology with multi, interdisciplinary and intracultural hangings;
- iv) Adoption of the principles of ecologically based agriculture, preferentially;
- v) Equity in the relations of gender, generation and ethnicity;
- vi) Contribute to food and nutritional security and sovereignty.

It is noted that all items addressed as strategic guidance for the attendance of the public ATER policy have adherence to the demands of the beneficiaries of São Paulo's quilombola communities.

## São Paulo State Land Institute Foundation "José Gomes da Silva" - ITESP and Quilombola Communities

According to Law nº 10,207/99, the ITESP foundation was created, which, according to the 3º article, is responsible for:

- I - promote land tenure regularization in vacant or presumably vacant lands, under the terms of current legislation;
- II - implement settlements for rural workers, pursuant to Law nº 4,957, from December 30th, 1985, and complementary legislation;
- III - provide technical assistance to settled families and remnants of quilombo communities, as identified;
- IV - identify and resolve land conflicts;
- V - promote the training of beneficiaries and technicians, in the agrarian and land areas;
- VI - promote the identification and demarcation of lands occupied by remnants of quilombo communities, for purposes of land tenure regularization, as well as their socioeconomic development; and
- VII - participate, through partnership, in the implementation of agrarian and land policies, in collaboration with the Union, other States and municipalities. (BRASIL, 1999, p.1).

The importance of the ITESP foundation for the remaining quilombola communities goes beyond actions to promote citizenship and sustainability: it is also associated with the mediation of land conflicts, in the sense to guarantee the right to occupied lands, which, after recognition and title, provides these remaining guarantees on the permanent permanence in these areas (SÃO PAULO, nd).

Through the Brazilian Constitution of 1988, the quilombo communities were recognized as entitled to the title: "Nevertheless, discussions were held about who they are and how the 'remaining quilombos' can be understood and identified, questioning the definition of concept in the constitutional article" (CARRIL, 2017, p. 541). So, it was through Decree nº 4,887/2003, which made it possible to "regulate the procedure for identification, recognition, delimitation, demarcation and titling of lands occupied by remnants of quilombo communities" (BRASIL, 2003, p. 1). In this point of view, Decree nº 4,887, from November 20th, 2003, in its 2º Article, considers quilombola communities as:

Remnants of quilombo communities are considered racial ethnic groups, with the criterion of self-attribution, with their own historical trajectory, endowed with specific territorial relations, with presumption of black ancestry, related to the resistance to oppression suffered (BRASIL, 2003, p.17).

The common black ancestry gives this ethnic group an exclusive historical trajectory and "in their territories they call themselves quilombo communities, due to their usual

characteristics of traditions and specific social, cultural and economic conditions that distinguish them from the rest of society" (PEREIRA; MENDES, 2017, p. 1-2).

In their conceptual basis, quilombos can be defined as black communities located in rural or urban spaces, inhabited by descendants of enslaved Africans, who have kinship ties, where the common use of the lands where subsistence cultivation takes place, agricultural cultivation through collective family farming, the creation of farm animals, fishing and extraction for community survival (MOURA, 2007).

Such a concept described by Moura (2007), which addresses the agricultural and livestock bias of quilombos, confirms the importance of ATER services aimed at generating ethnodevelopment. In addition, its description reports quilombola communities as a priority target audience for sectorial ATER services, already pointed out by Brasil (2004; 2010) in this research.

Nowadays, reports on the difficulties faced by the remaining quilombo communities, Carril (2017, p. 542) points out that "contemporary struggles demand reparations and the social and legal recognition to guarantee the social insertion of groups and individuals deprived of rights". It is noted that, as of PL 529/2020, right deprivations of quilombola communities, with regard to the ATER public policy, tend to be compromised, although they have legal guarantee through the legal framework of PNATER and PRONATER, legitimizing the ethnic group as a beneficiary of assistance free and uninterrupted: it finds legal support in Article 2, Law nº 12,188, from January 11th, 2010, regulated by Decree nº 7,215, from June 15th of the same year.

## Results and discussions

It is noted an informational gap about the exact number of quilombolas in Brazil. To mitigate this empty space, the official metric will be validated through the 2020 Brazilian Census. Previously, in other census editions, quilombola communities in Brazil did not integrate the Demographic Census database, promoted by the Brazilian Institute of Geography and Statistics (IBGE). On the subject, the Fundação Cultural Palmares (nd, p. 1) reports that "the results on traditional peoples and communities should be made available in 2022". Even in the absence of official IBGE data, São Paulo State measured 36 remaining quilombo communities. In this context, six of these communities were registered on state public lands, adding up to more than 1,400 families living in these communities, permeating 14 São Paulo municipalities, described in Chart 1.

Although the São Paulo public ATER has its central coordination in the governance of the Secretariat of Agriculture and Supply of the State of São Paulo, it is through the Coordination for Sustainable Rural Development (CDRS), former Coordination for Integral

Technical Assistance (CATI), that there is a predominance of free public rural technical assistance.

**Chart 1** Remaining quilombo communities in the São Paulo State.

Nº	Community	County	Families	Area (ha)	Recognized
1	Ivapotunduva	Eldorado	98	2,754.36	1998
2	Maria Rosa	Iporanga	25	3,375.66	1998
3	Pedro Cubas	Eldorado	40	3,806.23	1998
4	Pilões	Iporanga	63	6,222.30	1998
5	São Pedro	Eldorado/Iporanga	39	4,688.26	1998
6	Cafundó	Salto de Pirapora	24	209.64	1999
7	Caçandoca	Ubatuba	50	890.00	2000
8	Jaó	Itapeva	53	165.77	2000
9	André Lopes	Eldorado	76	3,200.16	2001
10	Nhanguara	Eldorado/Iporanga	91	8,100.98	2001
11	Sapatu	Eldorado	82	3,711.62	2001
12	Galvão	Eldorado/Iporanga	34	2,234.34	2001
13	Mandira	Cananéia	16	2,054.65	2002
14	Praia Grande	Iporanga	34	1,584.83	2002
15	Porto Velho	Iporanga	19	941.00	2003
16	Pedro Cubas de Cima	Eldorado	22	6,875.22	2003
17	Capivari	Capivari	17	6.93	2004
18	Brotas	Itatiba	32	12.48	2004
19	Cangume	Itaóca	37	724.60	2004
20	Camburi	Ubatuba	39	972.36	2005
21	Morro Seco	Iguape	47	164.69	2006
22	Poça	Eldorado/Jacupiranga	41	1,126.14	2008
23	Ribeirão Grande/Terra Seca	Barra do Turvo	77	3,471.04	2008
24	Cedro	Barra do Turvo	23	1,066.11	2009
25	Reginaldo	Barra do Turvo	94	1,279.68	2009
26	Pedra Preta/Paraiso	Barra do Turvo	80	3,280.26	2009
27	Sertão de Itamambuca	Ubatuba	31	509.94	2010
28	Peropava	Registro	25	395.98	2011
29	Bombas	Iporanga	16	2,512.73	2014
30	30. Aldeia	Iguape	17	7,350.63	2014
31	Abobral Margem Esquerda	Eldorado	38	3,459.23	2014
32	Engenho	Eldorado	15	534.11	2014
33	Ex Colonia Velha	Cananéia	10	2,399.02	2015
34	Biguazinho	Miracatu	9	792.47	2018
35	Piririca	Iporanga	14	1,081.50	2018
36	Ostra	Eldorado	17	238.63	2018

Credit: São Paulo (nd), with ITESP Foundation data.



For the remaining quilombo communities in São Paulo land shown in Table 1, ATER is carried out in a customized way through the ITESP Foundation, which has, in its list of attributions:

Promote the training of quilombola beneficiaries, complemented with public policies for development in agricultural activities, forest management, artisanal production, marketing, infrastructure, with actions in the fields of health, education, social management, environment, tourism, with incentive to autonomy of agreement with "modus vivendi", out of respect for their traditions (SÃO PAULO, nd).

Among its benefits, ATER assistance favors the ethnodevelopment of quilombola communities. Thus, ethnodevelopment is worked mainly at the local level, "precisely because it is at this level where there are the greatest opportunities for ethnic groups to influence the decisions that affect them". This is the first step to promote changes in their economic and social practices (LITTLE, 2002, p. 40). Thus, the public policy of ATER permeates this developmentalist bias.

The first systematizations on ethnodevelopment emerged in 1981, at the Meeting of Experts on Ethnodevelopment and Ethnocides, in Latin America, in Barbados. The objective of that Meeting was to create the possibility of thinking about a development that was appropriate to the ethnic condition of each society, that is, a development with ethnicity. It was successful with the solid contribution of anthropologists and sociologists and institutions such as the Latin American Faculty of Social Sciences - Flacso and United Nations (ALMEIDA, 2017, p. 138).

In this research, ethnodevelopment is remembered in regard of the training of beneficiaries, sustainable food production, social organization, a bias that reinforces the consolidation of ethnic and cultural diversities, in a customized way in the care of São Paulo quilombos, reinforcing the way of life of traditional communities, according to a quote from São Paulo (nd). The development of the territory and the quality of life of the quilombola community are factors to be considered when attending ATER.

In addition to the specific benefits of ATER's public policy, ITESP also has specific duties for other interests of quilombola peoples, such as official recognition of these communities and regularization of their areas (SÃO PAULO, nd). These activities, in general, enhance cultural rescue and the feeling of belonging, which tend to foster ethnodevelopment. Public policies are considered decisions about public problems; however, actions and decisions in this "public" dimension may be "vested with the authority and sovereignty of public power" (RUA, 2006, p. 232). Therefore, it is expected that the public authorities will rethink the actions proposed in the PL 529/2020,



maintaining the legal scope of the attendance of the public policy of ATER to the São Paulo beneficiaries. In the view of Saravia (2006), public policy:

[...] is a system of public decisions aimed at preventive or corrective actions or omissions, aimed at maintaining or modifying the reality of one or several sectors of social life, by defining objectives and performance strategies and allocating the necessary resources to achieve the set of objectives (SARAIVA, 2006, p. 29).

In this sense, if the actions foreseen in PL 529/2020 are really accepted, there will tend to be an omission by the State in relation to the objectives and strategies of action of the public policy of ATER, following the parameters of sustainable development. The basis of sustainable actions in the field of ATER assistance is recommended in PNATER, based on the applicability of actions through PRONATER, presented by Brasil (2004; 2010), confirmed by Caporal and Costabeber, (2004) and highlighted by Vieira et al. (2020).

Although multiple efforts seek the harmful mitigation of PL No. 529/2020, it is still not possible to mention concrete official actions that cancel or minimize its negative aspects in the São Paulo ATER bias for the care of the Afro-descendant population, also characterized as traditional peoples and who have communities located in the geographic space of the São Paulo State.

### **Final considerations**

The government measurement counted 1,445 families living in these communities, totaling a total area of 79,794.53 ha, located in 14 municipalities in São Paulo State, in which 36 communities have already been recognized. These communities, in turn, would be severely penalized, not only in terms of ATER, but also in other complementary benefits that have a close link with assistance and are directly linked to the promotion of ethnodevelopment. In order to mitigate harmful effects, society and communities organize themselves in defense of the right to public policies.

On October 14th, 2020, the PL 529/2020 was voted and transformed into a rule under State Law nº 17,293/2020. Indeed, the ITESP Foundation was banned from the list of extinct bodies, initially provided in the bill. However, there is no security regarding the resources that will be allocated to the ITESP foundation, mainly for the recognition and titling of quilombola territories.

So far, no facts or arguments have been found to legitimize PL nº 529/2020, in view of the extinction of the ITESP Foundation, since the government has not carried out any economic or social studies to justify the argument of "fiscal adjustment and balance in

public expenditures”, either from the perspective of traditional communities or from other beneficiaries of São Paulo's public ATER policy.

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**RESUMO:**

As comunidades remanescentes de quilombo no Estado de São Paulo correm severo risco de alterações negativas na prestação de serviços de extensão rural oficial com o advento do Projeto de Lei (PL) nº 529/2020. Assim, o objetivo deste trabalho é buscar como as comunidades tradicionais remanescentes de quilombos localizadas no estado de São Paulo podem ser diretamente prejudicadas com o PL 529 de 2020. Para tanto, foi adotada metodologia de caráter científico, o qual se resume a revisão bibliográfica e documental de caráter descritivo e exploratório. Como resultado, nenhum fato ou argumento foi encontrado para legitimar o Projeto de Lei nº 529 de 2020 dentro da perspectiva das comunidades tradicionais e demais beneficiários da política pública de ATER paulista.

**PALAVRAS-CHAVE:** Comunidades tradicionais; Extensão rural; Quilombos paulistas.

**RESUMEN:**

Las comunidades de quilombos restantes en el estado de São Paulo corren un grave riesgo de cambios negativos en la prestación de servicios oficiales de extensión rural con la llegada del proyecto de ley 529/2020. El objetivo de esta investigación es buscar cómo las comunidades tradicionales de quilombo restantes ubicadas en el estado de São Paulo pueden ser perjudicadas directamente con la PL 529 de 2020. Para ello, se adoptó una metodología científica, que resume la revisión bibliográfica y documental. Carácter descriptivo y exploratorio. A consecuencia, no se ha encontrado ningún hecho o argumento que legitime el Proyecto de Ley nº 529 de 2020 desde la perspectiva de las comunidades tradicionales y otros beneficiarios de la política pública ATER de São Paulo.

**PALABRAS-CLAVES:** Comunidades tradicionales; Extensión rural; Quilombos de São Paulo.