

Can the Quilombo Model of Collective Land Titling Work in Rio's Favelas?

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Executive Summary

Due to their informality, the favelas of Rio de Janeiro are in a precarious position. Though the informal neighborhoods have long served as sites of affordable housing for Rio's poorest residents, changes within in the city related to public security, mega-events, real estate speculation, and urban revitalization jeopardize their permanence. As one possible solution, this study, conducted for the client Catalytic Communities, investigated collective titling in favelas modeled after quilombos, territories recognized and titled by Brazilian Federal Law as patrimonies of black cultural traditions.

Quilombos and favelas share many similarities. Both are overwhelming black, both are sites of traditional Afro-Brazilian religious and cultural practices, and both are sites of resistance in the face of various forms of oppression. All of these are criteria for quilombo recognition and titling. However, because quilombo status is most often granted to rural communities, and because favelas, while often not fully integrated, are still very much interdependent to the formal community, such a status may be difficult for certain favelas in Rio de Janeiro to claim. Additionally, land tenure is just one of the many policy issues that Rio's favela residents face and it should not be embraced as a catch-all solution to other issues of public security, health, and education.

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Policy and Research Questions

How can Catalytic Communities advocate for equitable and affordable housing for Rio's favela residents through collective means, such as collective land titles based on the quilombo model and community trusts?

- What are the criteria for quilombo status, especially in urban contexts?
- What is the process for recognition? What is the process for titling?
- How are favelas and quilombos similar? How are they different?
- How does land tenure function, both at the individual and collective level, once titles have been issued? What are the benefits and limitations of collective titles similar to the quilombo model?

Client Background

Catalytic Communities is a US 501[c][3] non-profit organization based in Rio de Janeiro. It simultaneously identifies as an “empowerment, communications, think tank, and advocacy organization working since 2000 on behalf of Rio's favelas at the intersection of sustainable community development, human rights, local-global networks, communications, and urban planning” (Catalytic Communities 2016). Since its founding by Theresa Williamson, who holds a PhD from Department of City and Regional Planning at the University of Pennsylvania, the organization has taken many form, from online forum for favela activists to its most recent project in the form of widely cited news blog, “RioOnWatch” short for “Rio Olympics Neighborhood Watch. Catalytic Communities launched “RioOnWatch” in May 2010 in order to

give a platform to Rio's favela's communities during the run-up to the 2014 World Cup and the Rio 2016 Olympic Games.

With increased attention on Rio from the international community due to the mega-events, Catalytic Communities seeks to seize this unique moment to destigmatize favelas by offering coverage on RioOnWatch, often from residents, of the numerous cultural and community based projects that thrive within them, while also using RioOnWatch in watchdog efforts that focus on the human rights abusing of emerging public policies such as the State of Rio de Janeiro's Military Policy favela pacification program and removals to make way for urban revitalization and Olympic Legacy projects. At the local level, the Olympic legacy will be put to question during the 2016 October mayoral elections, and Catalytic Communities solicited this research on collective titling in favelas in order to influence policy in the run up to the elections. It will be part of a larger dossier on affordable housing, titling, and other policy recommendations ahead of the mayoral elections. With an eye on supporting the rights of favela residents, Catalytic Communities sees titling efforts as both a means to destigmatize favelas and to ameliorate the precarious legal status of their residents. They emphasize collective titles over individual titles due to the potential for the latter to exacerbate rising prices and gentrification in favelas, thus jeopardizing affordable housing for the city's poor (Williamson 2015).

Problem Statement: Informality and Favelas at Risk

What is a favela?

Rio de Janeiro's favelas are unique in a number of ways. Those looking for a quick translation of the term often settle on "ghetto" due to the racial composition of most favelas, or "shantytown,"

because they were constructed informally (“Why We Should Call Them Favelas” 2015). However, comparing Rio’s favelas to American inner city ghettos ignores the particular socio-economic and racial dynamics of each place. Though in part the product of a Brazilian “great migration” of recently emancipated Afro-descendants—slavery was only abolished in Brazil in 1888--favelas are not the product of overt segregationist policies and business practices like red lining and blockbusting. Rather, like shantytowns, they have been an informal solution in a city that lacked a clear affordable housing policy throughout 20th century (Gonçalves 2013; Fischer 2015). However, unlike shantytowns, many favelas have been constructed over generations with the same materials used in other more affluent neighborhoods. Thus, most are permanent neighborhoods with varying degrees of public services and integration with the rest of the city. The three defining features of Rio’s favelas, generally, are irregular or nonexistent property titles, family ties to favelas spanning two or even three generations, and the stigmatization of both favela residents and spaces (“Why We Should Call Them Favelas” 2015). Favelas are home to nearly 22% of Rio’s population, and by some estimates the informal neighborhoods number over 1000 (IBGE 2011). However, a number of policies within the city, especially under current Mayor Eduardo Paes, are making it increasingly difficult for favela residents to remain in their homes. Removals, evictions, tourism, gentrification, real estate speculation, and Pacifying Police Units have increasingly jeopardized the residents’ ability to remain in their communities.

Favela residents feel their livelihoods are being threatened in multiple ways. While the city has begun issuing formal titles in some favelas, this has pushed the informal affordable-housing market long provided by the favelas into the unregulated real estate market of the rest of the city (Barchfield 2013; Garcia-Navarro 2013; Scruggs and Acoca-Pidolle 2013). Within the context of urban renewal for the Olympics, urban planners believe individual titles and land

regularization are only exacerbating inequality and segregation, as poorer residents are pushed to the peripheries and more central favelas succumb to gentrification (Williamson 2015; Compans 2003). Coupled with other policies of public security, real estate speculation, and infrastructure upgrades, individual titles are accelerating the removal of some favelas and the gentrification of others. Thus, this research seeks to understand how Catalytic Communities can advocate for equitable and affordable housing for Rio's favela residents through collective means, such as collective land titles?

Threats to Favelas

Rio is a global city, or at least an emerging one as it becomes increasingly detached economically and even politically from the traditional nation-state through its connections to global capital (Sassen 1991; Sassen 2004). For most of the 20th century Rio has had an international allure due to its beautiful landscape of mountains and beaches, and its vibrant cultural and music production. Even its favelas have attracted Bohemian artists and travelers since the birth of the first favela, Morro da Providência (Providence Hill) in 1897, less than ten years after the abolition of slavery ((Douglas 2016; Ill-Raga, 2015; Marinho 2014) However, over the last 15 years, and increasingly since the World Cup, with the rise of Brazil both economically and geopolitically, the city has been in the spotlight through films like *Rio* (2011) and current Mayor Eduardo Paes's 2012 TedTalk (Paes 2016).

Neil Smith has linked the emergence of global cities to a "global urban strategy" defined by neoliberal principles in which global cities compete with each other to be the headquarters for firms and transnational corporations, especially in the financial sector, and as an extension

market themselves as ideal for both high end living and tourism (Smith 2002). According to Smith, gentrification, and its corollary “urban regeneration” become part of a global strategy in which “urban policy no longer aspires to guide or regulate the direction of economic growth so much as to fit itself to the grooves already established by the market in search of the highest returns, either directly or in terms of tax receipts” (Smith 2002, 441). For Smith, gentrification and urban regeneration are not necessarily processes through which the “gentry” replace the urban poor, though that does happen, but rather are embedded within a series of policies that “come with a considerable emphasis on the nexus of production and finance capital at the expense of social reproduction” (Smith 2002, 435). By organization of “social reproduction,” Smith is referring to the overt processes, like redlining in the US cities or the demolishing of tenement housing in Rio, that resulted in the racial, social and the geographic segregation of cities. In global cities of the south where “the Keynesian welfare state was never significantly installed” (Smith 2002, 436), market forces and private-public partnerships, rather than explicitly segregating policies, aim to create spaces that appeal to tourists and young, mostly white professionals so that they may “re-take control of the political and cultural as well as the geography of the largest cities,” (Smith 2002, 445). Favelas, as the popular centers for much of Rio’s cultural production, like samba and funk, are no longer de facto segregated neighborhoods, but must themselves be made to “fit the grooves established by the market,” either through removal in the case of “urban regeneration,” or gentrification through real estate speculation.

Mega-events are a clear example of this from of “global interurban competition” as cities attempt to outbid each other in the hopes of hosting them. Because the Olympic games will only last 16 days (or 28 including the Paralympic games), legacy projects are often highlighted as long term infrastructure investments that will benefits residents after the games. Despite a

housing shortage and the displacements the city foresaw in preparing for the games, affordable housing and favela integration have not remained priorities for the municipal government (“Rio 2016 Puts Legacy at Heart of Games Planning” 2015). In 2010, Mayor Eduardo Paes originally promoted the *Morar Carioca* (Carioca Living—“carioca” is the word for people from Rio) favela urbanization program as one of the centerpieces of the Olympic Legacy projects. The goal of the program was to integrate all of Rio’s favelas by 2020 through infrastructure upgrades, land tenure regularization, and investments in public services like education and health. Marianna Cavalcanti, an anthropologist originally hired to work with the architecture firm tasked with planning the upgrades, described the plan as an urban planner’s dream given its emphasis on resident and civil society participation. However, she has since become disillusioned by the lack of implementation (Barnes 2015). Of the 40 firms who won project bids, to date only 11 have been contracted and 3 projects have been concluded despite a budget of 8.5 billion reais, approximately \$2.2 billion USD (Bianchi 2015). In part, she believes legacy projects competed with one another, as favela upgrades were delayed in order to construct the Bus Rapid Transit system, which Paes has promoted as the long term benefit of hosting the games (Steiker-Ginzberg 2015). Some favelas, like Vila União de Curicica, went from the promise of integration through Morar Carioca to partial removal for BRT (bus rapid transit) lanes (Bianchi 2015). However, the city has continued to pursue formal individual titling and land tenure regularization without creating the conditions for the preservation of favela communities, which was an initial goal of Morar Carioca (Associated Press et al. 2015).

The future conversion of the Olympic Village into luxury apartments indicates a prioritization of real estate speculation, especially against the backdrop of the Vilá Autódromo favela removals. The city’s attempt to buy out and evict residents of Vilá Autódromo has been

widely covered by both the national and international press due to its proximity to the Olympic site and the fact that the community had a 99 year use concession to the land (Bonesteel 2015). Due to cases like Vilá Autódromo and the Olympic Village luxury houses, many favela residents and researchers have argued that the Olympics are simply a pretext to push poorer, often blacker, residents out of the city's center. The Comitê Popular da Copa e Olimpíadas do Rio de Janeiro (the Popular Committee of the World Cup and Olympics in Rio de Janeiro)—a group of local activists that came together in 2011 to document human rights abuses caused by mega-events—estimates that 4,772 families, or 16,700 people have been removed as of its June 2014 report. More specifically, the Committee links the removal of 3,506 families directly to projects related to mega-events and estimates that an additional 4,916 families from 16 different communities are under threat of removal (Comite Popular da Copa e Olimpíadas do Rio de Janeiro 2014).

Even programs that ostensibly aim for some measure of the affordable housing are dictated by market forces. The Minha Casa Minha Vida (My House My Home) federal housing program incentivizes developers to construct houses as cheaply as possible, so they often build units on less desirable lands outside city centers (Lara 2015). After mapping those zones with the highest rates of removals with Olympic development areas and new MCMV constructions, Faulhaber and Azevedo illustrate the ways in which the Olympics have accelerated removals and real estate speculation, forcing families to live over 20 miles from their original homes (Faulhaber and Azevedo 2015). Using data from the Secretaria Municipal de Habitação (Municipal Secretary of Housing), they calculate that more than 20 thousand families, or 60 thousand individuals, were removed from their homes in the city between January 2009 and December of 2013 (Faulhaber and Azevedo 2015). The city's own numbers back up this

assertion although Mayor Paes has repeatedly claimed that only the removals in Vilá Autódromo would be directly linked to the games (City of Rio de Janeiro 2015).

Smith suggests that city governments would attempt to compete with each other through increased privatization. While in some sectors this has been the case for Rio, the problem of gang violence, particularly in favelas, spawned a highly visible state response in the form of Pacifying Police Units (UPP). Beginning in 2008, the State of Rio de Janeiro began installing UPPs in favelas, starting with the smaller ones that are closer to urban centers (Ashcroft 2015; Freeman 2012). The stated goal of the Pacifying Units is to re-take territorial control of Rio's favelas from drug trafficking factions, however, Secretary of Public Security for the State of Rio de Janeiro José Mariano Beltrame touts the program as having much broader repercussions on the lives of favela residents: "It is not just a project of security, it is a State policy of valuing life and of generating hope for the people of Rio and its surrounding areas" ("UPP - Unidade de Polícia Pacificadora" 2016) Freeman argues that as the "invisible hand of the market" ushered in rising rents in Rio, the very visible hand of the military police descended on Rio's favelas, especially those that were most prime to urban renewal given their proximity to more upper class neighborhoods and beaches (Freeman 2012). As the UPP have expanded to larger favelas with numerous gang and paramilitary factions, the success of the units has come under question (Ashcroft 2015). A recent Amnesty International report highlighted the human rights abuses generated by the so-called "policy of hope" and its disproportionate effects on Rio's young, black favela residents (Amnesty International 2015).

The emergence of Rio's favelas as "developmentalizable entit[ies]" (Escobar 2008; Oslender 2007) that have become "chic" both within and outside of Rio (Cummings 2015), in part result from the liberal market driven primacy of private property in international

development. Individual property titles, advocated by World Bank and the International Monetary Fund, called for favelas to “fit [themselves] to the grooves” of integration with the rest of the city and the global market. However, formality has not been the equity building panacea for poverty in Rio’s informal communities that development banks had postulated; some residents argue it has even exacerbated inequality (Payne 2001; Fernandes 2011). This is in part because public security trumps other policies and infrastructure improvements in health, sanitation, and education, making the rising prices within favelas unsustainable for poor residents (Freeman 2012). However, at the same time, the city seeks to promote favelas as a viable, bohemian, housing and tourism option, as well as Afro-Brazilian culture, particularly in the Porto Maravilha revitalization projects (Cummings 2015).

Collective Land Titles and Quilombos

Collective titling already exists within the Brazilian policy frame work. The 1988 Constitution recognizes the collective land rights of Afro-descendant communities known as quilombola communities. Within a historical context, quilombos were the territorial settlements of run-away enslaved Africans and their descendants, while the term “quilombola” refers to the communities themselves. A 2003 presidential decree (No. 4887) grants communities the right to self-identify as quilombos in both rural and urban contexts and lays out the criteria and bureaucratic obligations for recognition and titling. This legislation is supported by the International Labor Organization’s Indigenous and Tribal Peoples Convention 169, which Brazil ratified in 2002. ILO 160 established the norm of self-identification for indigenous and/or tribal communities,

which quilombola communities are considered within both the national and international legal framework.

As of 2015, Rio de Janeiro has two urban quilombos that are in the process of receiving titles from the Instituto Nacional de Colonização e Reforma Agrária (National Institute for Settlement and Agrarian Reform-INCRA): Pedra do Sal in the Saude neighborhood in the Port Zone and Sacopã near the wealthy South Zone neighborhood of Lagoa. Two communities have had their quilombola community status authenticated (the first step in the process) by the Fundação Cultural Palmares (Palmares Cultural Foundation-FCP): Camorim Maciço da Pedra Branca and Cafundá Astrogilda both located in the West Zone of the city near the Barra de Tijuca neighborhood—site of the nearly completed Olympic Park. Two more, Dona Bilina and Chácara do Céu dos Dois Irmãos, are awaiting authentication from FCP (“Quilombola | Palmares” 2016).

In addition to ethno-racial territorial rights, the Constitution and the Federal 2001 Estatuto da Cidade (City Statute) recognize both individual and collective adverse possession for those inhabiting private buildings or lands. However, most of Rio’s favelas are located on public lands owned by either the city or state government. Thus, collective titling similar to those granted to quilombo communities may provide a policy option to address favela residents’ lack of formal tenure in the face of removals without the real estate speculation associated with individual titles (Payne 2001). In order to explore alternative titling systems within Rio’s favelas—and in particular systems that mirror those of quilombos, this research addresses the following questions: What are the criteria for quilombo status, especially in urban contexts? How are favelas and quilombos similar? How are they different? How does land tenure function, both

at the individual and collective level, once titles have been issued? Once demarcated and titled, what are the limitations of collective titles similar to the quilombo model?

Literature Review

The Problem of Formal Land Titling

In her multigenerational ethnography of a handful of Rio's favelas, *The Myth of Marginality: Urban Poverty and Politics in Rio de Janeiro*, Janice Perlman (1976) asserts that granting land titles to favela residents would afford legality, legitimacy, and political and social capital to favela inhabitants. However, four decades later, she is not so convinced of the policy recommendation, especially because favela residents themselves already feel they own their land by virtue of inhabiting it. Land titling and regulation is often followed by taxation, generating more revenue for the city without necessarily providing similar infrastructure and services to the favelas that residents of the formal city enjoy, leading Perlman to another policy recommendation:

A policy idea here is to allow a grace period during which property taxes are waived and then gradually phased in if title is conferred. The second point is that if and when land and service taxes are imposed on favela communities, they should be entitled to the same package of services and the same quality of services as any other area of the city. That means not just better schools, health centers, and garbage collection but protection from violence and extortion as well. (Perlman 2010, 297)

The opportunity for this grace period has already passed in Rio de Janeiro. Urban planners initially heralded previous favela upgrade programs, like the inter-American

Development Bank backed Favela Bairro as models for other informal settlements because they allowed for this grace period through a focus on use rights rather than property titles, thus allowing residents to benefit from infrastructure upgrades (Fernandes 2011; Handzic 2010; Inter-American Development Bank 2011; Payne 2001). While the UPPs ostensibly provide the protection that Perlman recommends, the Paes administration has not prioritized infrastructure and service investments as evident in the dismantling of the Morar Carioca Program. Thus, public security makes favelas “fit the grooves” of the market without providing that security to long term residents (Freeman 2012). International development agencies have long considered regularization and land tenure to be pro-poor policies in informal settlements, enabling residents better access to services and a potential line of credit (Handzic 2010). Burgess attributes this rationale to the influence of Turner’s notion of self-help, though he and others have argued that such schemes, as Perlman also pointed out, simply serve to integrate informal settlements into the tax base rather into full access to municipal life and services (Burgess 1978; Davis 2006; Harvey 1976). Moreover, in an analysis of World Bank policy, Payne argues that

formal tenure status to informal settlements raises their commercial value and can therefore actually reduce tenure security for the most vulnerable social groups, such as squatter tenants. It also creates new, or intensifies existing, land and property market distortions because households in tenure categories with more existing security suddenly find that squatters have received full titles. (Payne 2001, 9)

Though informality appears to be the fundamental policy problem, policies that address that informality without addressing underlying problems of inequality often serve to push affordable housing for low income residents into the real estate market and thus poor residents out of their communities.

Collective Titling in Rural Communities

In rural settings, international development banks have touted collective land titles as a silver bullet policy solution that would generate positive side effects in other socio-economic outcomes (Deininger and Binswanger 1999; Escobar 2008; Offen 2003). Since the late 1980s and early 1990s, Latin American countries have granted long marginalized ethnic groups a myriad of ethno-racial rights ranging from official recognition in constitutions and the granting of collective land titles to ethno-education and affirmative action quotas in higher education and hiring practices. Juliet Hooker refers to these recent changes in Latin American countries as new “multicultural citizenship regimes” in which states that long ignored and excluded Afro-descendants have begun crafting and implementing public policies seemingly to address centuries of outright and tacit discrimination against afro-descendant individuals and collectives (Hooker 2008). The recognition of the collective territorial rights of quilombos in the Brazilian constitution are an example of these new “multicultural citizenship regimes” (Hooker 2008; Leite 2015).

However, across Latin America, 21st century social movements have expressed increased dissatisfaction with the outcomes of these policies. These “neoliberal multicultural” policy reforms have done little to end discrimination and guarantee an equitable livelihood for indigenous peoples and Afro-descendants across the region (Hale 2005). Some social movements and academic believe that these policies have either served to co-opt leaders into government bureaucracy without advancing any real change, or, at worst, have actually served to exacerbate inequalities between afro-descendants and other, often whiter, sections of society due to the

“authenticity” recognition required by the state (Povinelli 2002; French 2009; Farfán-Santos 2015; Greene 2007; Ng’weno 2007; Restrepo 2007; Anderson 2007). As in the case of Rio’s favelas (Cummings 2013a), other actors become interested in and compete for land when a space is deemed what Escobar calls a “developmentalizable entity” (Escobar 2008; Oslender 2007; Esteva, Babcicky, and Babones 2013). However, this research on collective titling has often focused on the recognition and titling processes vis-à-vis the state without considering how social organization and other dynamics, such as gender, may exacerbate local inequalities. Quilombos, and to a certain degree favelas, are often portrayed as “traditional” and thus egalitarian, making collective land titles seem favorable despite potential local conflicts and exploitative practices. In their study of conservation and community-based initiatives, Brosius, Tsing and Zerner ask: “What is the impact of granting, for example, collective titles to land (vested in village elders or “traditional community leaders”) on relatively powerless or voiceless groups and members of the community—the less affluent and women?” (Brosius, Tsing, and Zerner 1998). Through interviews with quilombo communities that plan to receive titles from the state, this research asks what are the opportunities and limitations of a tenure system for quilombo residents similar to the quilombo model.

The Need for Alternative Modes of Tenure

Though the use rights based approach may have worked within prior favela upgrade programs, the pace with which the Paes administration has removed and evicted residents demands a more sustainable land tenure model. Though both individual titles that integrate irregular settlements into the municipal tax base without necessarily providing services and collective titles that

require claimants to prove some sort of cultural authenticity to the state have their limits, urban planners consistently point to the potential of collectively based long term tenure as a solution for the precarious tenure of residents of informal settlements (Compans 2003; Fernandes and Smolka 2004; Williamson 2015). As Fernandes and Smolka contend, governments need to “contemplate the existence of more than one mode of tenure regularization, including collective legal solutions to collective social problems” (Fernandes and Smolka 2004). One collective problem that real estate speculation and other development forces ignore is the belief of many informal settlement and lower class neighborhood inhabitants of their “collective entitlement...to the use and occupation of the *neighborhood as a whole*” (Blomley 2004). In his study of gentrification and collective land rights in Vancouver, Blomley notes the importance that residents place not only on access to public service within their community, but also to maintaining and reclaiming the history that went into the neighborhood’s construction and maintenance, especially when the city was absent (Blomley 2004, 52).

Prior studies of favelas that focus on the issue of regularization have looked at the existing legal framework within Brazil in order to propose a collective or community based land and housing alternative for Rio’s favelas (Fernandes 2011; Compans 2003; Williamson 2015). Because collective use and memory are an important aspect of favela identity (Perlman 1976; Perlman 2010; Carril 2006; Timerman 2013; Maddox 2014; Cummings 2013a), the quilombo model offers several possibilities to favela residents to both secure affordable housing at the house-hold level and maintain their neighborhoods at the community level. However, due to the potential power dynamics of collective titling, community land trusts, in which the holding entity is a non-profit corporation, present another possibility to favela residents seeking both individual and collective rights to housing and land (Cummings 2013b; Williamson 2013). However, little

research exists on community land trusts in the Global South and informal communities, with Voi, Kenya being the most studied example (Bassett 2005). Through an analysis of the policies that govern quilombos recognition and implementation, along with an investigation into the outcomes of previously successful claims, this research analyzes the ways in which quilombo status facilitate or foreclose access to affordable housing and community preservation for residents of Rio's favelas.

Design and Data Collection

Research Design

Departing from a social constructivist world view in which “[t]he goal of the research is to rely as much as possible on the participants’ views of the situation being studied” and “to make sense of (or interpret) the meanings others have about the world” (Creswell 2014, 8), this research deployed a grounded theory approach to my client’s question of advocating for affordable housing through collective means. By grounded theory, this research strove to “derive a general, abstract theory” of the benefits and limitations of collective forms of tenure for Rio’s favela residents “grounded in the views of participants” and of the analyzed documents (Creswell 2014, 14). Because grounded theory requires “a process [...] using multiple stages of data collection and the refinement and interrelationship of categories of information,” the data-collection was conducted through a mixed-method, non-nested, concurrent design.

By mixed method, I follow Small in his definition of mixed data-collection studies as “those based on at least two kinds of data (such as field notes and administrative records) or two means of collecting them (such as interviewing and controlled experimentation)” (Small 2011a,

60). Because these data were not collected from the same groups, either due to issues of access and because I want to “understand the totality” of the recognition and titling process, this research will be non-nested (Small 2011a, 70–71). In addition, due to time constraints, and because of the iterative process of a grounded theory approach, I gathered data concurrently (Small 2011a, 68). The goal of this approach is complementarity, as “different types of data produce inherently different types of knowledge” about collective forms of tenure (Small 2011a, 66).

This research relied primarily on document analysis and participant observation with some informal interviews during observations. The initial research plan had been to conduct interviews with key informants, such as quilombo and favela residents. Though a few informal interviews were conducted, 2 with quilombo residents and 7 with favela residents, participant observation proved to be a more viable research method given the time of my arrival in Rio de Janeiro during the summer holiday, and the schedules of would be key informants. The lack of interviews with quilombo community members limits my ability to make conclusive claims about certain impacts of titling on community dynamics; however I refer to academic research to fill the gaps. I plan to continue to pursue interviews throughout my time in Rio to complete the quilombo titling section of the policy dossier that Catalytic Communities will present ahead to Rio’s 2016 mayoral elections.

Method 1: Document Analysis

Document analysis serves primarily to answer the fundamental research question: What are the criteria for quilombo status, especially in urban contexts? And related sub-questions: What is the process for recognition? What is the process for titling? To answer these questions, I analyzed

Brazilian legislation and bureaucratic procedures for the Palmares Cultural Foundation (FCP) and National Institute for Settlement and Agrarian Reform-INCRA (INCRA) related to quilombo recognition and titling as well as the anthropological reports submitted by communities to INCRA to begin the request for formal collective titles. The legislation and anthropological reports should to some degree confirm to each other in establishing the criteria for quilombo recognition and titling. Similarly, though many quilombos have had their self-identification authenticated by FCP few have been titled by INCRA, despite this process being laid out in the legislation. For example, FCP authenticated the Sacopã community's claim to quilombola status in 2007, but the community was only granted dominium of their lands 2014—they have yet to receive the final title. Academic research complemented by an interview with a member of the Cultural Association of Camorim, a quilombo in Rio that has been authenticated by FCP but has not begun titling procedures with INCRA, reveal gaps in the process from recognition to titling.

In addition, by comparing these documents to favela histories, my analysis also reveals how quilombos and favelas are similar and different in their self-presentation and identification. These documents were complemented by data available from INCRA and the Brazilian Census on the demographic composition of quilombos and favelas.

Data:

- Federal Constitution of Brazil of 1988
- Presidential Decree 4887 of 2003
- Instructional Norm FCP n.º 98 of 2007
- INCRA Website on Quilombolas
- Instructional Norm INCRA nº 57 of 2009
- Identification and Delimitation Technical Report-Pedra do Sal
- Identification and Delimitation Technical Report- Sacopã
- Ministerial Decrees from the Rio de Janeiro Superintendent of INCRA
- Favela History-Vilá Autódromo

- Favela History- Arroio Pavuna
- Favela History- Morro da Providência
- Favela History-Vila Cruzeiro
- Favela History-Horto
- Demographic data from INCRA and the Brazilian Institute of Geography and Statistics

Data Collection

Prior to travel to Brazil, I was already able to access on line many of the documents that form the basis of this analysis, such as the legislation related to quilombos available through INCRA and presented as the “legislação condensada quilombola,” as it includes relevant articles of the 1988 Brazilian Constitution, Presidential Decree 4887, and ILO 169. I have also obtained the anthropological report filled by researchers at INCRA and the Federal Fluminense University in Greater Rio on behalf of the Sacopã community seeking community land titles within the municipality of Rio (Alves and Neder 2007). Upon arrival I also obtained the anthropological report for Pedra do Sal through search on the website of the Regional Superintendent for the State of Rio de Janeiro of INCRA. I selected these documents because the Sacopã and Pedro do Sal quilombola community reports served as a case study for other urban communities seeking to make collective territorial claims. However, those claims need to be recognized by the state through the process set up by the legislation. Though the legislation is clear that communities self-identify as a quilombos, it also asks for them to “authenticate” that self-identification.

Most of the favela histories were obtained through either community websites, such as the virtual territorial museum for the favela of Horto, or in the case of Vila Autódromo, during a site visit to the favela. Though some of these histories have been produced with the support of local historians and academics, many favela histories are produced by the communities themselves. This perceived lack of academic rigor, or the fact that many of these histories are

available through blog posts, should not discredit their validity. Indeed, O’Dwyer, one of the leading scholars on quilombo recognition and coordinator for the Sacopã RTID, insists on the role of the community in constructing its own history (O’Dwyer 2002). This sentiment is also echoed in the spirit of self-identification found in Decree 4887.

Method 2: Participant Observation and Informal Interviews

Because this was an iterative research design, I was able to modify my initial plans for a large part of my data to be interviews with key informants. I initially employed participant observation in part to introduce myself to community members in both quilombos and favelas and to generate contacts in the hope of acquiring more informants through a snowball strategy (Small 2009). Though I was able to talk to community members informally during events hosted in both quilombos and favelas, securing more semi-structured interviews with key informants proved difficult, especially in the case of quilombo residents. I also reached out to community members through social media as both titled quilombos in Rio, Sacopã and Pedro do Sal have active Facebook profiles. While some potential informants seemed eager initially, securing an interview, either by phone or in person, proved difficult given the timing of my arrival and the schedules of potential interviewees. Because of these difficulties, even my participant observations were primarily at scheduled events, given IRB protocols of community engagement and my desire to respect communities by not simply entering them uninvited.

Data:

- Favela site visit- Santa Marta
- Favela site visit (multiple)- Vila Autódromo
- Favela site visit (multiple)- Morro da Providência
- Favela site visit- Complexo do Alemão

- Favela site visit- Babilônia
- Favela site visit- (multiple) Manguerinha (in Duque de Caxias, a suburb of Rio de Janeiro)
- Favela and quilombo site visit- (multiple)- Porto Maravilha (includes Pedra do Sal, Saude, Gamboa and Morro de Conceição neighborhoods)
- Favela site visit- Rocinha
- Favela site visit- Vidigal
- Conferences and community events with favela activists (multiple)
- Site visit and interview with member of the Cultural Association of Camorim
- Informal interviews with favela residents-7

The document analysis helped inform the role of participant observation and informal interviews in answering those sub-questions related to the recognition and titling process. The few informal interviews, conducted typically while engaging in participant observation, served to enable me to “understand [...] interviewees’ views of processes, norms, decision-making, belief systems, mental models, interpretations, hopes and fears” (Guest, Namey, and Mitchell 2012, 116). Many of the site visits informed my analysis of the “hope and fears” of both quilombo residents in the case of Camorim and favela residents as they confront threats to their permanence, as well as their “interpretations” of their communities and neighborhoods.

I obtained IRB approval to conduct this research. Following IRB protocol, I sought prior consent before visiting communities unless the site visit was part of a public event. During public events, such as round table discussions, I sought prior verbal consent to audio-record. Similarly, for the interviews conducted with favela residents and the one quilombo resident, I sought prior verbal approval to record the interviews. In cases when a participant did not consent to being recorded, I asked if I could take notes. I also asked community members about how they would

like to be attributed. For the purposes of confidentiality, all informants will only be attributed by their gender and place of residence.¹

Analysis

My analysis was informed by Shore and Wright and their notion of an anthropology of policy, in which policy, broadly defined, can be read as “cultural texts, as classificatory devices with various meanings, as narratives that serve to justify or condemn the present, or as rhetorical devices and discursive formations that function to empower some people and silence others” (Shore and Wright 1997, 7). As research on collective titling demonstrates, the state’s demand for ‘authenticity’ carries with it certain cultural assumptions about what it means to be sufficiently a distinct ‘people’ from the dominant society (Greene 2007). Part of the discrepancy between the number of recognized quilombos and the number of quilombos that have received formal titles may stem from differing notions of property and territory. Or a general lack of political and bureaucratic will, as one informant mentioned.

Complementarity was the analytical goal of the mixed-method design, as I sought to “compensate for the weakness” of any one source of data (Small 2011b, 64). This was especially the case in my use of both favela histories and site visits in order to better understand the dynamics at play on the ground since ultimately they would be the potential beneficiaries of collective titling for my client Catalytic Communities.

To perform this analysis, I employed a coding strategy following Saldana (Saldana 2009). For both documents and interviews I used a mix of In Vivo, lumping and focus coding in the first

¹ All data, interviews, transcripts and translations, field notes, and documents, were stored on an encrypted external hard drive.

cycle in order to arrive at a pattern coding strategy in the second cycle “to search for rules, causes, and explanations in the data” (Saldana 2009, 152). This coding strategy analyzed what criteria (memory, longevity, history, resistance, legal status) are used to determine quilombo status, how those criteria are explained within the legal documents, and how they are addressed in the communities’ anthropological reports. I also applied this coding strategy to my analysis of favela histories, as a crucial question for my client and research is the similarities and differences between quilombos and favelas. The codes (see Appendix 1) also served to develop my interview protocols and the fieldnotes I took during participant observations. This iterative process of coding and data collection required me to not only constantly refine my instruments, but also to modify my research design, as I strove to build a theory of collective tenure for Rio’s favela inhabitants.

Findings

Quilombo Recognition and Titling Steps: The Role of Anthropologists and Bureaucracies

The legislative documents related to quilombo recognition and titling formed the initial basis of my analysis since ultimately any claims of quilombo status would have to meet the criteria set out by said legislation in order to benefit from the full range of tenure rights conferred by that status. Prior to Presidential Decree 4887 of 2003, the Fundação Cultural Palmares (FCP) was responsible for the primary steps in the quilombo titling processes: authentication, recognition, and titling. The decree handed over to INCRA responsibility for the final two, recognition and titling.

Decree 4778 states that quilombo communities have the right to “self-identification.” Findings from this analysis suggest, however, that bureaucratic steps complicate the path between self-identification and state recognition of the right to collective titles granted by quilombo status. There are three broad steps in the process: authentication, recognition, and titling. The first step in the quilombo recognition process is for communities to obtain a “Certificate of Self-Identification” from the Palmares Cultural Foundation (FCP). This certificate serves to authenticate the community’s claims to quilombo status. According to FCP’s own institutional instructions, FCP No. 98, a prerequisite to recognition is legal status as a residents’, cultural, or workers association. This is the entity that will be authenticated by FCP and may eventually be the holder of the collective land title. They must also produce a history of the community accompanied by any relevant supporting materials such as photos, news reports, and prior studies of the community that “attest to the shared history of the group or its cultural manifestations” (Fundação Cultural Palmares 2007, my translation). The largest hurdle is a document with signatures from the majority of residents affirming that they would like the community to be recognized as a quilombo. After providing these documents to the regional FCP office, the FCP evaluates the claim, typically within a month though this process can take and to a year, and issues communities a “Certificate of Self-Identification.”

According to research conducted by Elizabeth Farfán-Santos on quilombo communities in Bahia, a state in the Northeast of Brazil, this documentation, though necessary, is largely symbolic in nature and “as long as all the required paperwork is submitted, theoretically any community can obtain cultural recognition as a quilombo, even an urban neighborhood” (Farfán-Santos 2016, 117). The relative ease with which communities can obtain Certificates of Self-Identification in part explains the discrepancy between the number of communities that have

been recognized by FCP, more than 2600 (“Comunidades Remanescentes de Quilombos (CRQ’s) | Palmares” 2016), and the number of communities that have been titled by INCRA, 207 (“Incra | Quilombolas” 2016), according to both agencies’ latest figures. According to FCP data on certified communities, this process typically takes a few months, though it can take up to a year or more. In an interview with a member of the Cultural Association of Camorim, he reiterated this sentiment of the relative ease of obtaining authentication from FCP—Camorim obtained the certification of self-identification in 2014—and the difficulties in continuing the process through INCRA, especially given the lack of political will from the former Superintendent of INCRA for the State of Rio de Janeiro. In fact, the day that we had met, he was going to a ceremony to welcome the new Superintendent for the State of Rio, who has already begun to work with organizations that support quilombo claims within the state of Rio (INCRA 2016).

Once communities have obtained a Certificate of Self-Recognition, quilombo communities can formally begin the process of requesting titles through INCRA. This is often a long and difficult bureaucratic process consisting of six steps according to Instructional Normative 57: identification, recognition, delimitation, demarcation, de-occupation, and titling and registration of lands. The first three steps of the process are carried out by communities working with an INCRA appointed “interdisciplinary technical group composed of an anthropologist, agronomist, analyst and land surveyor” in order to develop a “Technical Report of Identification and Delimitation” (Relatório Técnico de Identificação e Delimitação-RTID) (Farfán-Santos 2016, 121). This report serves as the basis for recognition, the next broad step in the process, of both the community and its members and the specific geographical boundaries of the territories that they inhabit. According to Farfán-Santos, this process can take anywhere from

2-5 years or more, with the later typically being the case due to underfunding (Farfán-Santos 2016, 120).

Though the legislation is clear that communities self-identify as quilombos, it also requires for them to delimit that self-identification. That is, communities must document their specific members and the boundaries of the territory to which they seek to claim collective rights. The technical team, and most significantly anthropologists—who are often contract workers with little training in the field—are thus tasked with much of the burden of validating that self-identification (Farfán-Santos 2016). The role of the anthropologist is a theme that does not escape those who wrote the Sacopã RTID. Though they claim a very participatory ethnography, which employed participant observation and structured and unstructured interviews, the RTID, at least in its introduction, is very academic, and in some sense is speaking to the field in terms of how ethnicities are constructed, shaped, and imagined, both by the state and by communities themselves. Their theoretical framework could at once acknowledge and question the criteria for recognition used by the State bureaucracies. One of the leading researchers for the report, Elaine Cantarino O’Dwyer, literally wrote the book on Quilombo recognition used by the field, *Quilombos: identidade étnica e territorialidade* (O’Dwyer 2002). Though the Pedro do Sal RTID is less concerned with the anthropological implications of the report, it does make reference to the role of the anthropologist in understanding how historic and current socio-cultural dynamics shape group identity.

Because anthropologists, or untrained contractor workers hired by INCRA to fill the role of the anthropologist, play such a central role in defining, delimitating, and documented the community’s identify, a future line of research may look into what gaps exist between the community’s own self-identification and that produced by the technical team. Communities may

differ in how they interpret the legislation and their own history thus impacting how they present their eligibility, leaving open opportunities for complementarity that reveal other ‘criteria’ not necessarily related to legislation but to how communities recognize and identify themselves. Future research could look at these potential difference between how quilombo communities self-identify and how that identification is ultimately documented in the technical reports. However, the contracted anthropologists must ultimately contend with and respond to the criteria laid out in the legislation. Farfán-Santos points to the possibility of NGOs and anthropologists exploiting this role that they have in developing the technical report, or even when seeking the initial certificate from FCP, as communities that do not necessarily identify as quilombos may be coerced into that status by parties interested in the territorial rights that it conveys (Farfán-Santos 2016).

Once the report has been finalized, it is submitted to INCRA’s Regional Committee of Decisions (Comitê da Decisão) for review. In the case of irregularities in the elaboration of the RTID, the Committee can recommend additional steps or reject the RTID and archive it. If the Committee accepts the RTID, the regional Superintendent of INCRA will publish a notice in the “Diário Oficial da União,” a juridical publication for federal and ministerial announcement and decrees, and in the local official juridical journal, detailing the geographic limits and property holdings claimed by the community. Once published, the community and other private persons and entities will have 90 days to contest the delimitations. The Regional Superintendent of INCRA will work with public entities at the Federal, state, and municipal level to ensure that the lands do not conflict with indigenous territories, areas of conservation, areas of national security and other territories of state interest. Once counter-claims have been submitted, the Managing Council of INCRA has 30 days to issue its ruling, though this phase often takes much longer.

The Office of the President of Brazil will then issue a “Portaria de Reconhecimento do território,” a federal decree detailing the final territorial identification and delimitation in the “Diário Oficial da União.” This presidential decree is in some sense the most important form of recognition in the process, as it recognizes the rights to a specific and geographical bound territory, thus enabling INCRA to begin the process of dispossession and dis-occupation of private property holders from the quilombo territory.

After the authentication and recognition steps are complete, the process may often slow to a crawl, as INCRA must begin the actual work of demarcation, which includes potential conflicts with private landholders. When quilombos are on public lands, INCRA has the power to simply demarcate the limits of the territory in question; however, when private parties are involved, lengthy bureaucratic and legal procedures are set into motion that can result in years between recognition and titling phases, despite the fact that INCRA and the Federal government through the Presidential Decree have ultimately declared the community’s right to these lands. In the dis-occupation phase, INCRA must compensate local private land owners based on claims held with in the municipal land registry. These titles, at times going back to the colonial period, are often poorly kept, adding to the delays. Private land owners with proper titles can be compensated at market value for their lands, and in certain circumstances may be compensated with other titles. If they lack titles, they are removed only compensated for any improvements to the land. Once private holders have been compensation, the association under which the community sought recognition and title, rather than any private individual is issued collective title to the land (Helfer 2010). At this phase, INCRA and other entities must also contend with public claims to the territory, such as areas of national security. Once INCRA compensates and dis-occupies all private property holders and demarcates around public lands, it will issue a

collective title to the association that represents the community and received the initial “Certification of Self-Identification.”

There is currently a constitutional challenge in the Brazilian Supreme Court to the Decree 4887 since 1) it enables INCRA to dispossess private land owners of their lands, 2) it uses public funds to compensate private property owners, 3) “self-identification” enables false claims of quilombo status, and 4) the regulation for demarcation is too broad. The Supreme Court has yet to rule on the case, and legal scholars doubt the decree will be found unconstitutional, but a report from Duke University Law students from 2010 argues that the case itself reflects a tendency among certain parts of Brazilian society to view quilombos negatively (Helfer 2010, 51–54). A 2007 opinion article in the right-leaning weekly magazine *Veja* claimed that the purpose of quilombos was to “de-miscegenate” Brazil and naturalized black racism toward whites, portraying this an affront to the national myth of racial conviviality and racial democracy (Azevedo 2007). Similarly, Farfán-Santos has documented that way that *Journal Nacional*, part of the similarly right-leaning media conglomerate Rede Globo, in 2007 sought to paint Grande Paraguaçu, a then recently titled quilombo, as conspiring in an opportunistic land grab (Farfán-Santos 2015).

Basic Outline of the Quilombo Recognition and Titling Process

Phase	Procedure	Necessary Documents and Supporting Materials	Agency Actions
1. "Certificate of Self-Identification" from FCP	- (Prior) Register as an association -Submit necessary documents to regional FCP office	-Registration as an association -Any relevant historic documents-photos, newspaper articles -Signatures from the majority of residents affirming the desire to seek self-identification as a quilombo	FCP Issues certificate barring any irregularities
2. Open process with INCRA	-Present "Certificate of Self-Recognition to Municipal or State Superintendent of INCRA	-Certificate of Self Identification	INCRA opens the process and assigns a case number to each community
3. Development of Technical Report by interdisciplinary team	- Interdisciplinary team (Anthropologist, land surveyor, agronomist and analyst) works with community in elaboration of report. (2-5+ years)	-Interviews, photos, family histories, any proof of individual titles	-INCRA appoints technical team -Technical team identifies, recognizes, and delimits the geographic boundaries of land as well as the members of the community
4. Submission of RTID to Committee and Superintendent publishes territory bounds for contention	-Interested parties have 90 days to review the claims	-Land titles of interested parties	-Reviews Claims for irregularity -Publishes territorial boundaries in official juridical journal
5. Presidential Decree of Recognition of quilombo territory outlining final demarcated lands authorizing dis-occupation of other entities	-Reviews boundaries with public lands -Reviews claims of private land holders	-Land titles of private property owners	-Demarcation
6. Dis-occupation	-Compensates private land holders	-Land titles	-Dis-occupation process
7. Titling	-Collective land title submitted to community	-Collective land title	-Collective land title submitted to association

Cases of Sacopã and Pedro do Sal

I selected the Sacopã and Pedro do Sal community anthropological reports because they serve as case studies for other urban communities seeking to make collective territorial claims within the municipality and state of Rio de Janeiro. Both communities received their “Certificates of Self-Identification” from FCP in 2005. Pedro do Sal’s anthropological report was finally completed in September of 2010 and shortly thereafter the Superintendent of INCRA published the boundaries of the quilombo in the “Diário Oficial da União”—the community’s petition has yet to move beyond this phase. Sacopã, though similarly without official title, received the official presidential decree of recognition only in 2014, though their anthropological report was completed in 2007. Again, these reports, elaborated by a technical team contract by INCRA, delimit the bounds of both the members of the community and the territory that they occupy. As a quilombo in one of the wealthy urban neighborhoods of Rio de Janeiro, Lagoa, Quilombo Sacopã shares many of the characteristics with other favelas and informal settlements in Rio—occupation began in the early 20th century, primarily black, extensive family ties throughout the territory, history of resistance to evictions. Similarly, the quilombo of Pedro do Sal, located in the colonial and contemporary Port area of the city, has co-existed with and resisted the changes in the city since it was first occupied by recently arrived enslaved Africans. Sacopã serves as a case for more isolated communities within the hills that surround Rio, while Pedro do Sal points to the experience of a community in the heart of the city.²

² Because these anthropological reports needed to contend with the normative framework established by legislation, particularly the Constitution and Decree 4887 my coding strategy and analysis began with the legal texts. During my first cycle of coding, I employed a mixture of In Vivo and a pattern coding in order “to search for rules, causes, and explanations in the data” (Saldana 2009, 152). I employed an In Vivo strategy, or verbatim coding (74) because in a legal document the particular words that are used, or not, can have a specific normative quality. For instance, Article 68 of the Constitution on quilombo recognition and titling makes no reference of an explicit racial or ethnic identity; while Article 215 on cultural patrimony specifies that it is the duty of the State to protect Afro-Brazilian culture, as

A fundamental research question of this study is what are the criteria for quilombo status, especially in urban contexts. In essence, the question is what is a quilombo in the eyes of the state and its bureaucracies. Article 68 of the 1988 Constitution states that “to the remaining communities of quilombos that have been occupying their lands definitive property is recognized” (República do Brasil 1988, my translation). Presidential Decree 4887 is more specific, with Article 2 stating that: “The remaining communities of quilombos are considered those ethno-racial groups, according to criteria of self-identification, with their own historical trajectory given their relationship with specific territories, with a presumption of black ancestry related to resistance to an endured historic oppression” (Presidência da República

well as Indigenous culture. In a sense, the In Vivo codes established the patterns of usage of certain key words and phrase that might reveal the “rules” or criteria needed for quilombo status.

Though I also began coding the anthropological reports with an In Vivo strategy, I soon found that due to the lengthy passages, “lumping” was a more worthwhile strategy (19), though I did look for the In Vivo codes that also appeared in the legislative documents, as the objective of the anthropological document was to highlight how the Sacopã and Pedra do Sal communities meet the criteria for quilombo status. In Vivo codes were still useful in the anthropological text to think about the nuances of such terms as “memory,” which were taken as a given in the legislative documents. For example, the kitchen of Tia Neném is a frequent site through which the family recuperates and practices living memory through feijoada (the Brazilian national dish of beans and pork) and samba (Alves and Neder 2007). Similarly, the Afoxé Filhos de Ghandi carnival group is just one of many cultural groups in Pedra do Sal that enact the memory of Afro-Brazilian cultural expression in the community (Ministério do Desenvolvimento Agrário 2010). However, I tended to use holistic codes—to find themes within larger sections of the data (118). In my analysis, I also noted how the anthropologists mobilized the data, that is, what types of data (primarily interview responses) served as evidence for the status claim since a favela seeking quilombo status would need to produce a similarly collective and coherent narrative to make claims to quilombo status. The primary codes, and also criteria, that emerged during this round of coding in both documents were: self-identification—of an ethno-racial collective group identity, relationship with territory, history of resistance, and black ancestry and memory. These were all In Vivo codes within the legislative document, but they also appeared in the anthropological reports as well. However, in the Sacopã anthropological report, an additional category emerged as a criterion within their own analysis, the question of citizenship. In some sense this category was present in the legal texts as they outline the State’s duty to guarantee and protect the rights of quilombo residents, as part of the post dictatorship “multicultural citizenship regime” that the Constitution sought to establish by recognizing historically stigmatized and marginalized groups (Hooker 2005). Within the Pedra do Sal anthropological report, cultural production and patrimony, in the form of Samba and Candomblé (a syncretic Afro-Brazilian religion that incorporates parts of Catholicism into religious practices that stem from those of the Yoruba people in Nigeria) played a significant role in their claims to continuity and citizenship within the territory.

In the second round of coding, I adopted a theoretical strategy, once I perceived that many of the codes/criteria converge around the notion of continuity (Saldana 2009, 164). Many of the broader categories like territory, cultural practice, and social organization seemed to stress a continuity of those relationships, through continuous collective occupation of a space or social relationships that persist within the present-day community seeking status.

2003, my translation). Black ancestry in a territory that has resisted some “historic oppression” are the primary criteria on which self-identification should be based and will be recognized by that state. As implied by the word “remaining” the question of continuity with the past—either through territorial occupation, continuous resistance (to slavery, territorial encroachment), cultural practices, and a certain way of life or cosmology—is both fundamental to quilombo status, but also ambiguous. The implication is that “remaining quilombo communities” have existed since slavery, even though the legislation makes no explicit reference to slavery. Quilombos are thus settles communities that started in the past, often in the context of “resistance to an endured historic oppression”—that may or may not be slavery—and that to some degree continue to exist to present day in specific territories by a specific, somewhat delineable community. This issue of a delineable community, of in-group out-group, of belonging, will be addressed further on, though it is related to the notion of continuity as family ties are registered by INCRA as part of its evaluative process. Foundational figures of Manoel and Dona Eva are central to the Pinto family’s territorial claims in the Sacopã anthropological study, as is Pedra do Sal’s proximity to Rio’s principal slave port and its subsequent evolution into a hotbed of Afro-Brazilian cultural expressions including samba and Candomblé religious practices.

The question of continuity is tied to the culture and social organization of afro-descendants in Brazil that the quilombo legislation is attempting to preserve. In Brazil, to varying regional degrees, the colonial state did not attempt to wipe out African cultural practices among newly arrived enslaved Africans from numerous nations to the same extent as in the Antebellum South of the United States. In fact, some colonial administrators recommended allowing diverse groups to continue their cultural practices to create divisions amongst the numerous ethnic groups

(Conrad 1994; Schwartz 1985). However, with the end of the Atlantic Slave Trade in 1850, and the arrival of fewer Africans, and the later abolition of slavery in 1888, experience of slavery became a unifying memory for Afro-Brazilians, though it was often silenced due to its trauma and stigma. Members of the Sacopã community recall how the topic was taboo within the household (Alves and Neder 2007, 6).

Resistance among enslaved Afro-Brazilians also has a continuous history, with quilombos being relatively common throughout the colonial period (IBID 75). However, most quilombos only lasted a few years at most before being destroyed by the colonial administration. Several sections of the Sacopã anthropological report seek to tie the Pinto family, the primary inhabitant of the territory, to slavery and slave resistance by reference to both family memory and a historiographic study of quilombos in the Lagoa neighborhood of Rio (Alves and Neder 2007, 6, 81). Similarly, Pedra do Sal's proximity to the historic slave port, the largest in the Americas, and the community members' continuous history in labor associated with the port as stevedores and transporters serves to establish its continuity with the colonial institution (Ministério do Desenvolvimento Agrário 2010). The legal documents, however, only make reference to historical oppression; that is, they do not mention the history of slavery at all, though they do recognize a continuity of resistance. A frequently asked questions reference guide on quilombos, recently published on the INCRA site, does however make reference to the period of slavery in its definition of quilombos: "The term quilombo is a juridical category used by the Brazilian State since the ratification of the 1988 Constitution with the purpose of ensuring the definitive property rights to black rural communities with their own historical trajectory and relationships with specific territories, as well as black ancestry related to the period of slavery" (INCRA, n.d.). Many of the attacks against quilombo communities' validity frequently appeal to a

perceived lack of continuity with the history of slavery for both community members and the territory, reflecting a societal association between the quilombos and the colonial institution that also appears in the anthropological reports and INCRA's own simplified language (Farfán-Santos 2015; Helfer 2010).

This continuity of resistance, ultimately, is based on a territorial resistance. In both reports, what is at stake is the question of quilombos as places imbued with meaning through continuous occupation by a family or community, through continuous, though changing, "ways of life" and cultural practices. Within the Sacopã anthropological report, collective memory serves as the primary evidence of this continuity, as the family had little documentation of their territorial claims until the 1970s when they were under threat of eviction. The families' struggles against eviction as real estate prices rose in the Lagoa neighborhood play a central role in documented the families continual resistance to endured oppression; however, it is no longer "historic" in the sense that it is tied to colonial forms of oppression, particularly slavery (Alves and Neder 2007, 57–60).

Coding these anthropological reports reveals that religious and cultural practices and the quilombola communities' resistance serve as the primary base for both Pedra do Sal's and Sacopã's claims to continuity. Like the community members of Sacopã, the Pedra do Sal quilombo also actively fought against rising prices within the Port Zone. Throughout the 20th century, much of the area being claimed by the community was administrated and owned by the Venerável Ordem Terceira de Francisco da Penitência (VOT), a religious order associated with the historic Portuguese presence in the area that rented out many of the buildings to Afro-descendants. Much of Pedra do Sal's conflicts in the region center around the community's tenuous relationship with VOT, both as a property lender and as a religious institution that

threatened Candomblé practice. In 1987, the State of Rio de Janeiro recognized Pedra do Sal as a site of cultural patrimony for its relationship to Candomblé practices, samba music (Pedra do Sal is widely considered to be the birth place of the form), and the long history of black labor in the port area. Though VOT had initially only charged residents a symbolic price as low as 2 reals, shortly after this recognition prices began to rise within the region, and the Catholic order began charging market prices in the 1990s. VOT even went through a legal battle to have 30 families removed from their homes in 2005. In response, community members organized to occupy buildings vacant VOT owned buildings. The constant struggles with real estate in the region in part led the community to seek recognition from FCP in 2005 (Ministério do Desenvolvimento Agrário 2010).

Continuity, be it of cultural practice or resistance, ultimately serves to make the case for a localized ethnic identity, making in-group and out-group dynamics important. Who belongs to a community seeking quilombo status is a fundamental question of the Decree 4887. The first step in the process, obtaining the certificate of self-identification, requires a majority of signatures from members of the legal association representing the community in order to combat false claims or coercion. At the second recognition stage, in which both the community and the territory is recognized, the legislation tasks the technical team contracted by INCRA with the responsibility of taking a census of the community seeking status and mapping its relationship with the other nearby actors. Within the Sacopã report, this process of ethnic identity formation is ultimately a political one (O'Dwyer 2002, 7), as the Pinto family seeks to define its own social boundaries in order to secure their territorial claims. They achieve this by connecting the family to the history of slavery and slave resistance through the family and the community's founders, Manoel Jr. and Dona Eva Pinto, who moved to the area in 1929. José Luiz Pinto, known as Luiz

Sacopã, is one of Manoel and Eva's seven children and a prominent leader in the community who has even been profiled by the Huffington Post (Planas 2014). According to data from INCRA, the quilombola community constitutes 13 families for a total of approximately 50 people, 20 of whom presently reside in the territory (Carvalho 2015; INCRA 2015)

Throughout its occupation, the family fought against the expansion of condominiums in the area, which would claim 14,000 square meters of the territory that originally constituted 32,000 square meters (Carvalho 2015), and actively prohibited other people from settling in the fear that it would "turn into a favela" (Alves and Neder 2007, 62). This fear was in part informed by their cultural practice of preservation and a continuous way of life, as they actively sought to conserve the native forests and brush around their houses (63). Turning into a favela could mean increased urbanization at the expense of the environment, a clear threat to the Pinto family's way of life. Conservation, while typically more probable in rural quilombos, is also actively sought by the legislation, citing traditional forms of relationships with land as an important reason to preserve quilombo communities. Ultimately, however, the Superintendent of INCRA for the State of Rio de Janeiro only recognized 6,404 square meters of the Pinto family's claimed territory in its ministerial decree; claims that appear not only in the official anthropological report but also in an annotated version featuring Sacopã for INCRA's "Terras dos Quilombos" (Quilombo Territories) booklet series showcasing quilombola communities.

For Pedra do Sal, the cultural and religious practices of the area and their links to foundational figures in the history of samba like João da Baiana and important candomblé practitioners like Mãe do Santo Rosa Olé e Sadata, give the community a distinct Afro-descendant character and forms the basis of much of their claims to continuity. The nucleus of the community consists of the family members of Luiz Torres, Dona Tereza, Damião Braga, and

Marilúcia Luzia. The report underlines that “they are all militants of black and community movements...they are all “do santo” [practitioners of *candomblé*]” and “they are all [play] samba” (Ministério do Desenvolvimento Agrário 2010, 66). Data from INCRA states that there are 25 families that identify as belonging to the quilombo community (INCRA 2015).

While the boundaries of Pedra do Sal’s “black ancestry” are somewhat clearly defined by these cultural practices, those of Pedra do Sal’s territory are less so. Though INCRA official recognizes the area as 3,534 square meters in the Port Zone at the base of Morro da Conceição, the community routinely claims that the territory is 9 hectares, a figure that has even been used in a Rio de Janeiro Municipal Report (Município do Rio de Janeiro 2013). In an informal conversation with a Pedra do Sal community member during a site visit to nearby Morro da Providência, he stated that the actual territory of the quilombo includes the neighborhoods of Saude—where Pedro do Sal is located, Gamboa, and Santo Cristo, an area known as “Pequena Africa” or “Little Africa.” Indeed, the Pedro do Sal anthropological report frequently makes references to the entire region as an important site of Afro-Brazilian cultural expression and resistance within Rio.

Through an analysis of these documents, the central criteria for quilombo status is a bounded continuity, meaning that a particular, delineable community, with a continuous identification with and expression of black ancestry, has occupied a similarly particular and delineable territory, and that that territory is essential to the continuous expression of that black ancestry. The centrality of territory in expressions of black ancestry and cultural practices is often evident in the community’s resistance to outside actors that would either make claims to the territory and/or try to quell those cultural practices. Maintaining territory allows for the continuation of the community’s differentiated “historical trajectory.” For my client, Catalytic

Communities, for any given favela to have their claim to quilombo status authenticated, recognized, and eventually titled by the state, a majority of the members must self-identify as a black ethno-racial collective that has continually occupied the territory and prove that self-identification to the state.

The Importance of the Timing of Titling

Given that the process can be convoluted and often involves delays between original certification, recognition of demarcated land, and receiving the official title, other actors could vie for claims within quilombo territories. Delays in the process are especially significant for urban quilombos given the high likelihood that other actors may own property within the claimed territory—as is the case with the VOT in Pedra do Sal—and that they must contend with the real estate market and urban revitalization plans of the city. Though symbolically significant, the “Certificate of Self-Identification” issued by the FCP has little legal weight. The official recognition comes with the publishing Presidential Decree of Recognition in the “Diário Oficial da União,” as it serves to announce the official boundaries and properties demarcated by the state to which the quilombola community has gained exclusive collective property rights. However, the steps between the elaboration of the technical report, which itself can have significant delays, and the Presidential Decree depends on funding and the political will of bureaucrats (Farfán-Santos 2016).

While a history of resistance against rising rents and real estate encroachment forms part of the basis of their claims to a continuous relationship with their territory, both Pedra do Sal and Sacopã faced threats to their territory and cultural practices following authentication. Because

the “Certificate of Self-Identification” authenticates the right of communities to “self-identify,” it serves to legitimize the community and its members but not the territory that fosters that identification. While the territory of the Sacopã quilombo has been formally recognized by Presidential Decree, the community has yet to receive the final title and members continue to feel threatened by their much wealthier neighbors as their land is valued over \$130 million (Brunhuber 2016). In 2013, a judge banned the community from hosting the popular samba and feijoada events that have been a tradition for the community for over 40 years (Gordon 2014). Similarly, Pedra do Sal has been locked in a legal battle with VOT over the final demarcation of its territory (Raquel Rolnik 2010). Data from INCRA lists the community as having finished the RTID stage—which was submitted in 2010.

The importance of timing is especially evident when one visits the Quilombo of Camorim. After turning off the main road lined with gated-condominiums toward the Pedra Branca state park, one takes a narrow road that eventually ends in front of the blue 17th century chapel that welcomes you to the Quilombo of Camorim. Yet the quaint image of small houses covered in vegetation as the community continues into the vast forest is interrupted upon turning around and seeing a gated-condominium complex that will house media for the 2016 Rio Summer Olympics. The member of the Camorim Cultural Association that I spoke to views the condominiums as a clear encroachment on the community’s historic territory: “They say they bought the land, I don’t know from whom.” The President of the Cultural Association echoed this in an interview with *O Globo* newspaper. While the condominiums are likely to stay even if Camorim receives an eventual title, the President of the Cultural Association would like the company responsible for the condominiums to eventually build a cultural center within the

community as a form of recognition of its encroachment on the territory to which the community has constitutional rights (Rubim 2015).

Similarities and Differences between Favelas and Quilombos

Since the question of quilombo status ultimately rests on the definition of what is a quilombo, this study also investigated how favelas identify themselves and are identified and how those identifications are similar to and different from those of quilombos. These similarities and differences would inform how Catalytic Communities could best advocate for quilombo status for favelas that fit the state criteria. Though Rio's over one thousand favelas prohibits any one definition of what a favela is—and quilombos are also vastly different—Catalytic Communities initially proposed the study due to the numerous similarities between the two: both are historically, practically, and even conceptually black spaces; both are incubators of Afro-Brazilian cultural expression, and both resist territorial encroachment. Some favelas even claim their origins in quilombos from the colonial period. That even policy makers in Rio have debated the similarities between the two speaks to the potential for favela residents to claim territorial rights as quilombos. However, the overwhelming perception of quilombos as rural coupled with the overwhelming perception of favelas as the neighborhoods of the urban working class poor, complicates the possibility of the state recognizing a given favela as a quilombo. Similarly, the overlaps between property claims within favelas would make the practical matter of demarcation incredibly burdensome and time consuming for state bureaucracies, delaying any eventual title.

Founding and History of Resistance

While the policy framework regarding quilombos is interested in preserving “remaining communities,” it is unclear what or from when they are “remaining.” The historic, popular and even somewhat official—as evident in the INCRA FAQ text —conception is that quilombos are inhabited by communities that have “remained” with their own “historical trajectory” since slavery. It is quite common to hear favela community members say that the earliest inhabitants of their present-day neighborhoods were run-away slaves. Academic research attests to the presence of quilombos in Rio during the colonial period (Machado 1994). As the largest slave port in the Americas, an estimated 2 million of the 5 million enslaved Africans that were forcibly brought to Brazil came through Rio, it is hard to doubt that such claims are true. Newly arrived, Brazil-born, emancipated and run-away enslaved Africans and their descendants as well as their supporters created complex networks of support and resistance within the city (Karasch 1972). Brodwyen Fischer’s research points to the roots of Rio’s informality in mocambos, wooden shacks typically constructed and inhabited by people from poor and marginalized groups, typically run-away or recently emancipated slaves in urban areas throughout Brazil during the colonial era and well into the 20th century (Fischer 2015). People built mocambos in a variety of locations—on public lands, on properties of the Catholic Church, on the properties of former slave-owners, and near construction sites as the city rapidly urbanized in the early 20th century. In some parts of Brazil, quilombos are also referred to as mocambos, showing both that informality has long historic roots in Brazil prior to 20th century urbanization, and that that informality has clear links to the history of slavery given the precarious social position that both run-away and freed slaves found themselves in (Fischer 2015).

The Pinto family derives both the community's and the territory's claims to quilombo status from a family lineage directly linked to slavery. Manoel and Dona Eva were the first occupants of the land, and although they were not themselves enslaved, their own lineage and their arrival in the area near Lagoa a few decades after emancipation, points to a continual occupation of the territory by a particular family (Alves and Neder 2007). According to the then president of the nearby Lagoa residents association, the territory near Sacopã was linked to both a plantation and a quilombo during the pre-emancipation, colonial era (Alves and Neder 2007, 21). The members of the Pedra do Sal quilombola community similarly trace their ancestral lineage to enslaved Africans who labored both in the port area and in the Vale da Paraíba Fluminense coffee plantations outside of Rio when the economy shifted from port activities to coffee cultivation in the mid-19th century (Ministério do Desenvolvimento Agrário 2010, 39).

The Quilombo of Camorim- Maciço da Pedra Branca, which received a Certificate of Self-Identification from in FCP 2014 and has recently re-initiated the process of seeking titles from INCRA, traces its origins to both a local plantation from the 16th century located near and within what is now the Pedra Branca State Park and to run-away enslaved people who used the vast forest as a place of refuge. The still-standing São Gonçalo do Amarante Chapel, built in 1625, is a testament to the labor of enslaved Afro-descendants and has been recognized as cultural landmark by the State Institute of Cultural Patrimony (Instituto Estadual do Patrimônio Cultural). On a site visit to Camorim, one member of the community showed me numerous slave hideouts that extended into the hillside forest allowing those enslaved at the Camorim plantation to flee deeper and deeper into what is now a state park.

The foundational moments of favelas are nearly as numerous as the number of favelas, one thousand, themselves. Veterans returning from the “War of Canudos” (1896-97) in Brazil’s

northeastern state of Bahia, founded Providência—considered Rio and Brazil’s first favela—after the young republican government failed to keep its promise of providing them with housing (Ill-Raga, 2015; Douglas 2016). Like Camorim and Sacopã, the favela of Horto, located in the present-day Botanical Gardens traces its origins to a 16th century sugar plantation and mill originally in the area, evident in the archeological remains of the site where enslaved women would wash laundry (Museu do Horto 2016). Different waves of occupation, one in the early 19th century of workers in a nearby factory and another in the early 20th century of workers in cotton mills, attest to the continual occupation of the area since before the abolition of slavery in 1888. During an informal interview, one resident of the Complexo do Alemão, a conglomerate of many favelas, stated that the nearby favela of Vila Cruzeiro has its origins in the Quilombo da Penha, something that many quilombo and black social movements similarly claim (“RJ - Vila Cruzeiro Tem Origem No Quilombo Da Penha” 2016).

Other favelas have much more recent histories. Vila Autódromo traces its origins to fisherman who occupied the area around the Lagoa Jacarepaguá in the 1960s. This was prior to the real estate boom in the Barra de Tijuca neighborhood of the 1980s and 90s. The community has fought against removal since the 90s, and received a lease from the State of Rio de Janeiro as an area of special interest for housing in 2005. Residents of Camorim, less than 3 miles away, have consistently supported Vila Autódromo in recent years against their struggle to remain in the area as the Olympic site is constructed around them. A member of the Camorim Cultural Association linked their fight to that of quilombos: “For me as a resident of the quilombo of Camorim, for me they are our brothers, they are within our territory. We need to unite forces for the same goal [the right to stay].”

However, it bears repeating that the legislation does not make explicit reference to slavery. Both the Constitution and Decree 4887 grant the right to collective land titles to “the remaining communities of quilombos” who embody some form of “black ancestry” and have “endured historic oppression” within a given territory. While quilombo could and often is translated to run-away slave community, I have left it in the original Portuguese to highlight this intentional ambiguity, as the “historic oppression” is never outright named. In fact, the claims to status outlined in the Sacopã and Pedra do Sal technical reports, while referencing connections to slavery, rest more on 20th century resistance to real estate speculation and expansion. While the territory of Pedra do Sal is clearly linked to a history of slavery given its proximity to Rio’s main slave port, Sacopã derives much of its connection through family lineage, and the community’s founding figures Manoel and Eva, did not arrive in the area until 1929. Self-identification, outlined in both Decree 4887 and the international legal framework of ILO 169, in part accounts for this ambiguity in terms of history and founding since there is no legal criterion for a connection to slavery but rather a conceptual one.

[Cultural and Environmental Patrimony: Music, Conservation, and the Question of Afro-Brazilian Traditions](#)

Much like the question of the importance of slavery within quilombo identification, favelas seeking quilombo status will have to contend with the question of what constitutes black ancestry. Though a 2014 profile in the [Huffington Post](#) characterized quilombo recognition and titling as “the World’s Largest Slavery Reparations Program,” and though nearly all Afro-descendant Brazilians can trace their family history to the colonial institution, the legislation is primarily concerned with a particular, though ambiguous, form of “black ancestry” (Planas 2014). Quilombo recognition and titling is part of a broader policy framework outlined in the

Constitution to protect and safeguard Afro-Brazilian patrimony. Both Pedra do Sal and Sacopã community members claims to “black ancestry” stem from cultural practices of samba and Candomblé. In addition, the Sacopã quilombo traces its practices of local environmental conservation to Manoel and Eva’s careful attention to not expanding and building more houses within the territory. Due to the language of both national and international laws that protect traditional and tribal cultures, the ways in which cultural practices tie into conservation practices serves as a way to legitimize the granting of rights to certain ethno-racial groups.

In the minutes from a meeting of the Conselho Estratégico de Informações da Cidade (Strategic Council of Information on the City) looking at the issue of favela integration, Jaílson de Souza e Silza clearly states the ethno-racial question surrounding favelas: “The ethnic question is fundamental, it cannot be denied that the favela is the place of black (negro) and mixed race (pardo) people” (De Souza e Silva 2012, 8, my translation). But simply because favelas are demographically black, does not mean, at least in terms of authentication and recognition, that their community members are engaging in practices that stem from “black ancestry” within a given territory. The question of whether favelas are sufficiently “black” in a cultural sense is beyond the scope of this study; however, musical expressions like samba and funk, religious practices like Umbanda and Candomblé, and even the very self-constructed nature of houses within favelas have been linked to Afro-Brazilian socio-cultural practices (Gonçalves 2013; Karasch 1972). Many favelas, like Vila Autódromo and Horto, are also concerned with questions of conservation since their livelihood stems from fishing in the case of Vila Autódromo and the cultivation of local plants in the case of Horto.

Perhaps a better question, is whether these practices of “black ancestry” within favelas foster a collective identity that is tied to the neighborhood. Here demographics may be the largest

hurdle for favelas that would seek quilombo recognition, as the boundaries of one neighborhood—both in terms of inhabitants and territory—is not clear. In-group and out-group distinctions are muddled, as noted by member of the Strategic Council of Information on the City when they discussed the very issue of favela and quilombo similarity (De Souza e Silva 2012). Nowhere in the legislation are quilombo territories designated as essentially rural, and indeed a number of urban quilombos are in some stage of the recognition/titling process. The first to receive a (partial) title was Quilombo Família Silva in Porto Alegre in 2009. For Maria Alice of the Council the “mercantile, modern, urban” characteristics of a favela that tie it to the “labor market, an identification with workers, and with urban rights” which are by and large conceived as individual, are an impediment to a collective identification within favelas despite the clear cultural and ethno-racial similarities between favelas and quilombos (De Souza e Silva 2012, my translation). As individual workers, rather than an ethno-racial collective, their “historical trajectory” is not perceived to be different from that of other workers in the city. Even for quilombos like Sacopã and Pedra do Sal, many family members live outside the community and often return to take part in larger family and cultural events. For Catalytic Communities to advocate for the quilombo status of any given favela, that favela would need to both self-identify and have the self-identification recognized as a bounded, black ethno-racial collective within a specific territory.

Discussion

This study attempted to answer three interrelated questions: what are the criteria for quilombo status? What is the process of recognition and titling? How are favelas similar to quilombos? The analysis of the legal texts and the anthropological reports suggest that while communities

have a right to self-identify as quilombos, that self-identification must ultimately be authenticated and recognized by the state in order to benefit from the territorial rights of quilombo status. While the bureaucratic steps for a community to be authenticated as a quilombola community by the Palmares Cultural Foundation are relatively simple, the Certification of Self-Identification has little legal weight, with true recognition and title only coming after a lengthy bureaucratic process through the National Institute for Settlement and Agrarian Reform (INCRA). INCRA validates and recognizes quilombo community claims through an anthropological report that serves to document the community's claims to a collective identity grounded in black ancestry and the continuous occupation of a delineable territory such that the community has its own "historical trajectory" separate from the dominant cultural of the nation-state. Even once INCRA recognizes these claims, the presence of other actors complicates the path to receiving full collective title of the territory. Favela communities bear many resemblances to quilombos, yet those that would seek quilombo status would need to prove a continuous relationship between their territory and their practices of black ancestry. Though Sacopã and Pedra do Sal demonstrate that those claims can be recognized within the urban context of Rio, the relationship between territory and culture is often perceived as essentially rural.

An initial observation is that, like most public policies, the legal framework that details the path to titles for quilombo communities are most legible to government bureaucrats, especially those in the agencies that deal with titling issues, such as INCRA, FCP, and state and municipal agencies that keep land registries, since much of the legislation outlines bureaucratic functions. Anthropologists and other social scientists who work with communities seeking quilombo status, either in the service of INCRA, universities, or NGOs, would also be very

familiar with the legal dimensions of these documents. For this reason, Farfán-Santos warns of the possibility of exploitation of quilombo communities by these other actors, even those who seek to support quilombola community claims (Farfán-Santos 2016).

Sometime at the end of 2015 or the beginning of 2016, the INCRA website revamped its page on quilombolas to include a frequently asked questions document that would be more legible to communities seeking status and annotated sample anthropological reports that are part of a booklet series titled “Terras do Quilombos” (Quilombo Territories). FCP has also begun offering workshops informing communities of their rights. This may in part be due to claims that quilombo communities are not being readily made aware of their rights and that the processes is intentionally difficult to understand (Farfán-Santos 2016), a complaint that a member of the Camorim Cultural Association expressed to me in an interview. Similarly, in a 2015 interview with the national newspaper *O Globo*, president of the Camorim Cultural Association, Adilson Batista da Almeida stated that the community had tried to begin the process as early as 2004 through INCRA, though the community did not receive authentication from FCP until 2014, showing how convoluted the process can be to communities who lack support and full knowledge.

In recent years INCRA has taken strides to make the process more accessible to quilombola communities seeking recognition and titling. However, the extent to which this process is accessible to favela residents and community associations is the primary question of this study. Frequently on site visits or in interviews, it was common for favela activists to express to me a certain appreciation for but also wariness of researchers and NGOs. One resident of Babilônia described feeling like a “rat in a laboratory” due to the constant flow of outsiders interested in researching and helping favelas without any real community input. The desire to

seek such a status would have to come from the favela communities themselves, which in part speaks to the requirement of having a majority of members sign the petition for authentication through FCP. Favela community associations may also have limited knowledge of the possibility of quilombola status within urban communities, though Rio's urban quilombos, especially Pedra do Sal, also actively engage with other movements seeking rights to housing, adequate education and health, and mobility, such that these networks are aware of the possibility of claiming quilombo status.

Part of the Babilônia resident's unease when it came to researchers and NGOs is that they often ignore the unequal realities that already exist in favelas. Fischer's research has especially stressed the point that while some academics try to paint favelas as unified neighborhoods fighting for collective rights—be they territorial, cultural, or related to housing—social dynamics of client/patron relationships, landlords and renters, militia and traffickers, illustrate that informality financially and socially benefits people both within and outside the favela (Fischer 2015). Gonçalves attributes part of their durability to the systems of inequality and exploitation in which they operate: landlords need not make improvements to buildings, residents need not pay for utilities, traffickers have a client-base beyond police oversight (Gonçalves 2013). While community or worker associations ultimately receive title from the municipal, state, and federal government, the existence of these multiple actors, especially in large favelas that cover vast areas of urban territory, complicates the perceived image of a quilombo as a unified, singular community. Under certain conditions, titles could become yet another means of exploitation within neighborhoods, with individuals having little recourse to combat mismanagement or exploitation of less privileged residents by favela leadership and more privileged residents given their collective nature.

Even if favelas avoid problems of exacerbating or producing inequalities through collective titling actions, favelas also face a paradigmatic challenge in acquiring a quilombo status. Quilombos are often perceived as essentially rural by both Brazilian society and the anthropologists who study them and work to authenticate their claims; evident in Farfán-Santo's statement that "even an urban neighborhood" can have its claim to quilombola status authenticated by FCP (O'Dwyer 2005). The legislation does not specify that quilombos are rural, though the perception that they are even appears in the definition of a quilombo in the FAQ document on the INCRA quilombo webpage. That Farfán-Santos, a trained anthropologist, would emphasize the peculiarity of an urban quilombo, speaks to a bias not only within society at large, but also within anthropology as a discipline. Self-identification as a quilombo is not only for the state to confirm, but for the anthropologist in the field, outside the city.

Anthropologists, according to Eduardo Restrepo, have played a key role in both creating ethno-racial groups like quilombos and advocating for their territorial rights (Restrepo 2007).

Anthropologists in the field document the cultural and territorial practices that differentiated these ethno-racial groups from not only the Euro-centric, culture of dominant, ruling classes in urban areas, but also from other racial groups who had been "absorbed" into the dominant culture. This is especially the case of urban racial subjects who participate in and contribute to the housing and labor markets and the cultural production of the city (Arboleda 2004; Restrepo 2007). The "historical trajectory" of all urban peoples is perceived to be relative the same despite issue of racism and discrimination. Shane Greene, reflecting on ILO 169 and the number of constitutions in Latin America that grant specific rights--including rights to territory—to both indigenous and Afro-descendant peoples, affirms that one issue facing all communities, be they

rural or urban, stems from criteria to authenticate a sufficient difference from the general population:

Often implied in state campaigns of Afro-Indigenous recognition is what I have come to think of as the "holy trinity" of multicultural "peoplehood." Culture + language + territory = un pueblo. To have "legitimate" claims to all three is, it seems, necessary to be considered a recognizable, even if not fully recognized, collective: a semi-sovereign polity within but defined against the national one. To be perceived as missing one or more of these key ingredients (and especially the ingredient of "culture" as Restrepo...reminds us) is to be considered already absorbed by another, fully recognized collective: the formally sovereign polity of the nation-state itself. (Greene, 345)

While this "holy trinity" is perhaps most tenable for indigenous peoples rather than afro-descendants given the loss of the use of African languages in Brazil, policies concerning quilombola status are particularly concerned with "black ancestry" and its manifestations in the relationship between culture and territory. For the state, and society at large, rural communities with traditional practices of subsistence and cultural expressions are much easier to recognize as sufficiently different. The negative perspective that many have of quilombos, especially in urban areas, stems from a perception of false collectives trying to gain rights that are meant for specific though ambiguous groups that have been historically marginalized and disposed of their land by the state and thus have a different "historical trajectory."

Conclusions

For the Strategic Council of Information on the City, the difficulty in acquiring status similar to quilombos for favelas departs from that fact that they are not only "the place of black and mixed-race people" but also the "territory of poor workers" and as such "should not be thought of as cultural territories of poor blacks in the city" (De Souza e Silva 2012, 16). As Fischer's research

emphasizes, the relationship between favelas and the formal city is one of interdependence (Fischer 2015). Many favelas were built by workers as affordable housing near factories or construction sites. Residents often need to leave favelas to find work in the formal economy. Favela residents rely on many of the services—health and education—provided by and located within the formal city.

This interdependence, this characterization of favelas as the “territory of poor workers” is perhaps the biggest hurdle to quilombo status as it touches on issues of continuity, resistance, collective cultural identity, and in-group out-group distinctions. Quilombos, be they urban or rural, are similarly interdependent on other actors and institutions, but their heavy association with an often idealized rurality makes the distinctions between the community and its territory and other groups clearer, especially in terms of the practical question of demarcation. This is not to say that quilombo status is beyond the reach of a number of Rio’s over one thousand favelas, and indeed some are already in the process, such as Chácara do Ceu.

Another important consideration is the question of what favela residents want for their communities. Despite decades of conflict with the city that intensified in recent years due to construction for the Olympics, Vila Autódromo situated their struggle within claims to rights to the city not ethno-racial rights. Their Popular Plan for Urbanization indicates a desire for more integration with the city, not a separate though overlapping territory of relative autonomy (Associação dos Moradores de Vila Autódromo 2016). Some academics have even postulated that the relative autonomy of both black and indigenous territories within Latin America, like the quilombo, is a form of out-sourcing such that the community, and not the government becomes responsible for providing some services, thus perpetuating marginality and precariousness

(Escobar 2008; Oslender 2007; Hale 2005). Many favelas essentially want to lose that title and become part of the formal city through urban upgrades and better services.

At stake is a more equitable integration given the interdependence between formal Rio and the informal favelas. At a community meeting in Babilônia, one resident passionately advocated against individual titles. She saw them as yet another means, like high utility bills, to extract money from residents without the city providing services. For her, they would only contribute to the problem of gentrification that the community already faces. Future research could consider community land trusts and the Lincoln Institute of Land Policy believes community land trusts are a viable affordable housing and community based solution for the urban poor (“Community Land Trusts” 2015). The basic premise of a community land trust is that households own the property that they inhabit but lease the land from a non-profit entity. This allows the home-owner to gain equity from the land, and the collective to maintain ownership of a community, thus keeping housing prices low while encouraging community and municipal investment (J. E. Davis 2010). Though the idea of CLTs has been around since the 1970s, and they have steadily gained popularity, especially in the USA and the UK (Moore and McKee 2012; J. E. Davis 2010; Abromowitz 1991), they have not been very widely adopted in the Global South. The municipal and state tax structure and tax exempt status of the CLT model would be important to consider in future studies of CLTs.

However, again, what communities want should remain a key consideration for Catalytic Communities. Informality, as the woman from Babilônia makes clear, has its own benefits. Residents can build houses without having to go through the burdensome bureaucracy of obtaining a permit, funk parties can take place without having to consider noise ordinances, and homeowners can open small businesses in their homes as a form of income generation. Yet, if

residents can no longer afford to live in favelas, or feel threatened by public security measures like the UPP within them, the benefits of informality will not remain sustainable. While some form of collective titling may be a solution to questions of land tenure within Rio's favelas, it should not be embraced as a panacea for inequality within the city.

Recommendations

Taking into consideration the findings, this study recommends that Catalytic Communities:

- Research what types of tenure (collective/individual) favela communities seek, if at all
- Continue research within quilombos to better understand community dynamics and the potential for exploitation of less privileged community members by leadership
- Research the potential for community land trusts in Rio

Additionally this study recommends that INCRA:

- Hire trained anthropologists to write quilombo technical reports
- Change language in any documents that define quilombos as rural
- Create, at the state level, panels of quilombo community members from both rural and urban areas to monitor whether collective land titling mitigates or exacerbates existing inequality within communities

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Appendix 1: Document Analysis Instrument

Questions:

1. What are the criteria for quilombo status, especially in urban contexts?
2. How are favelas and quilombos different and similar?

Documents:

- Legislation related to quilombos (Constitution, Decree 4887)
- Anthropological reports, for both rural and urban quilombos submitted to the agency mandated with recognizing quilombos, INCRA

	Category	Answers question	Justifications
1	Continuity	1	The idea of remaining communities is central to the legislation
A	Territory	1	Continuous occupation
B	Cultural	1	Traditional practices and ways of life
C	Resistance	1	Continuous

			resistance to oppressive systems (slavery, land grabs, evictions)
D	In group/Out Group	1	Who belongs?
2	Local history and identity	2	Does group conceive of itself collectively?
A	Collective memory	2	Role of collective history
B	Founding of neighborhood/Community	2	Continuity
C	Relationship to surrounding communities	2	In group/ out group
D	Perceived threats to community	2	Resistance
E	Social organization		

Appendix 2: Interview Protocol for quilombo interviews

Demographic Questions

- What is your name?
- How old are you?
- Who do you live with here in the community?
- Do you have a specific role within the community?

Questions about Recognition Process

- When did the community first recognize itself as a quilombo?
 - How did that self-identification come about?
 - How was the political climate of the time?
 - Were their dialogues with other neighboring communities?
 - What documents or family histories that informed that recognition?
 - Was there already a sense of collective ownership of the territory?
- How did the community begin the process of formal recognition with the state?
 - Were particular community members more active in pursuing the process?
 - Did any specific NGOs or scholars help with the recognition request?
 - What was the relationship like with X?
 - How would you characterize community participation in the recognition process?
 - Were state officials involved in anyway?
 - How did you feel about the process?

- Were you confident?
 - How would you characterize the process? Difficult? Straight forward?
- What aspects of community life did you think were important to making the case for quilombo recognition?
 - Collective memory
 - Collective practices
 - Afro-descendants

Questions about Titling Process (not all questions applicable)

- When did the quilombo receive titles?
 - How long was wait?
 - Can you please describe the steps between recognition and titling?
 - How was the demarcation conducted?
 - Were there any territorial conflicts with other communities or people?
 - How would you describe the community's interaction with the state between the recognition and titling stages?
 - Were there any territorial conflicts within the community?

Questions about post-titling (not all questions applicable)

- How has titling affected the community's relationship with others?
 - Do you feel more secure in your tenure of your land?
 - Does the community continue to interact with the state in anyway?
 - Are other entities still interested in the land?

- How does the community go about selling any resources or products from the community?
- How has titling affect the community's internal relationships?
 - Are certain plots individual? Collective?
 - How are resources shared?
 - What happens if a family wants to leave the community?
- Do you think your children and grandchildren will continue to live in the community?

Appendix 3: Interview Protocol for favela communities

Demographic Questions

- What is your name?
- How old are you?
- Who do you live with here in the community?
- Do you have a specific role within the community?

Questions about Living in a Favela

- How long has your family been in the favela?
- What is the history of this favela?
 - How did it begin?
 - Is there a sense of shared local history?
 - Do people document their history individually? Collectively?
- How would you describe the relationship between favelas?
- How would you describe the difference between favelas and the rest of the city?
 - Do you have a strong sense of being from here?
 - Does that make things more difficult for you in terms of getting a job/going to school?
 - How do people from the favela combat that stigma?

- Have residents sought titles, either individually or collectively?
 - Can you describe that process?
- How have the changes in the city affected the favela?
 - Do you feel under threat of removals? Evictions? Gentrification?
 - Has the community faced removals/evictions before?
 - How have residents confronted these changes?
 - Do you think titles would make residents feel more secure/
 - What would those titles look like to you?
 - Individual
 - Collective