

**LAND REGULARIZATION FOR QUILOMBOLA COMMUNITIES IN TOCANTINS:
DEMOCRATIC RESISTANCE AND STATE OMISSION IN THE HEART OF BRAZIL**

**A REGULARIZAÇÃO FUNDIÁRIA QUILOMBOLA NO TOCANTINS: RESISTÊNCIA
DEMOCRÁTICA E OMISSÃO ESTATAL NO CORAÇÃO DO BRASIL**

**REGULARIZACIÓN DE TIERRAS PARA LAS COMUNIDADES QUILOMBOLAS EN
TOCANTINS: RESISTENCIA DEMOCRÁTICA Y OMISIÓN ESTATAL EN EL CORAZÓN
DE BRASIL**



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ABSTRACT

The land regularization of quilombola territories in the state of Tocantins, although guaranteed by Article 68 of the Transitional Constitutional Provisions of the 1988 Brazilian Constitution, faces significant obstacles to its implementation. The process is hindered by the lack of specific state legislation, limited resources, bureaucratic delays, and political omission. Of the 52 quilombola communities officially recognized by the Fundação Cultural Palmares, only one has had its territory titled, and only through a court decision. This situation reveals a deep gap between legal recognition and the realization of territorial rights. This study uses a mixed methodology (documentary, census, and empirical data) and is grounded in the theoretical frameworks of ethnodevelopment, participatory democracy, and human rights. It highlights the crucial role of social movements, the justice system, and academic production as forms of democratic resistance. A comparison with states like Pará and Maranhão shows how specific legal frameworks can significantly advance quilombola land titling. The study concludes that overcoming state omission requires the establishment of state-level legislation, active participation of quilombola communities, and stronger institutional commitment. Land regularization is not merely a technical or legal issue—it is a matter of social justice, historical reparation, and sustainable territorial development for quilombola peoples in the heart of Brazil.

Keywords: Quilombolas. Tocantins. Land Regularization.

RESUMO

A regularização fundiária quilombola no Tocantins, embora assegurada pelo artigo 68 do ADCT da Constituição de 1988, encontra entraves significativos à sua efetivação. No estado, o processo esbarra na ausência de legislação estadual específica, escassez de recursos, morosidade administrativa e omissão política. Apenas uma das 42 comunidades quilombolas

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reconhecidas pela Fundação Cultural Palmares teve seu território titulado, e apenas após decisão judicial. Essa realidade evidencia o descompasso entre o marco normativo e a efetividade dos direitos territoriais. A pesquisa adota uma abordagem mista (documental, censitária e empírica), com base teórica no etnodesenvolvimento, democracia participativa e direitos humanos. Destaca-se o papel essencial dos movimentos sociais, das comunidades quilombolas, do sistema de justiça e da produção acadêmica como formas de resistência democrática. O estudo também compara a situação tocantinense com a de estados como o Pará e o Maranhão, cujas legislações específicas possibilitaram avanços significativos na titulação quilombola. Conclui-se que a superação da omissão estatal passa pela criação de um marco legal estadual, pela participação ativa das comunidades e pelo fortalecimento institucional. A regularização fundiária é mais do que uma demanda jurídica: trata-se de um imperativo de justiça social, reparação histórica e desenvolvimento territorial sustentável para os povos quilombolas no coração do Brasil.

Palavras-chave: Quilombolas. Tocantins. Regularização Fundiária.

RESUMEN

La regularización de tierras para las comunidades quilombolas en Tocantins, si bien está garantizada por el Artículo 68 de las Disposiciones Transitorias de la Constitución de 1988, enfrenta importantes obstáculos para su implementación. En el estado, el proceso se ve dificultado por la ausencia de legislación estatal específica, la escasez de recursos, las demoras administrativas y la omisión política. Solo una de las 42 comunidades quilombolas reconocidas por la Fundación Cultural Palmares ha obtenido la titulación de su territorio, y únicamente tras una decisión judicial. Esta realidad pone de manifiesto la discrepancia entre el marco normativo y la efectividad de los derechos territoriales. La investigación adopta un enfoque mixto (documental, censal y empírico), basado en el marco teórico del etnodesarrollo, la democracia participativa y los derechos humanos. Se destaca el papel fundamental de los movimientos sociales, las comunidades quilombolas, el sistema de justicia y la producción académica como formas de resistencia democrática. El estudio también compara la situación en Tocantins con la de estados como Pará y Maranhão, cuya legislación específica ha permitido avances significativos en la titulación de tierras quilombolas. Se concluye que superar la omisión estatal requiere la creación de un marco jurídico estatal, la participación activa de las comunidades y el fortalecimiento institucional. La regularización de la tierra es más que una exigencia legal: es un imperativo de justicia social, reparación histórica y desarrollo territorial sostenible para los pueblos quilombolas en el corazón de Brasil.

Palabras clave: Comunidades Quilombolas. Tocantins. Regularización de Tierras.

1 INTRODUCTION

The struggle for land in Latin America has historically been a key component of democratization processes and social mobilizations for rights, significantly influencing the guarantee of territorial rights for traditional communities. In Brazil, the constitutional recognition of the territorial rights of traditional peoples and communities was marked in 1988, with the enactment of article 68 of the Transitional Constitutional Provisions Act (ADCT). This legal-political advance, however, has not been translated equitably into effective access to land, especially in regions where state action has been minimal or non-existent.

In the state of Tocantins, located in northern Brazil, the situation of quilombola communities is still marked by territorial insecurity, the lack of specific state legislation and an inefficient bureaucracy that postpones land titling. Although there are federal norms that regulate the process of land regularization, the scarcity of resources, bureaucratic slowness and political omission have contributed to the inefficiency of the application of the constitutional right to land, which can be mitigated by the states of the federation.

These issues are aggravated by the limited academic production on quilombola land regularization in Tocantins. Although the topic is recognized in legislation and has been the focus of several social struggles, the lack of research that specifically addresses the obstacles faced in Tocantins reflects a significant gap in the scientific field. Studies such as that of (Franco, Sousa and Ferreira 2024, p. 12) point to the urgent need to deepen the analysis on the subject in Tocantins, since the scarcity of publications and academic debates limit the formulation of more effective and informed public policies.

This article seeks to contribute to overcoming this academic gap in the context of Tocantins, as well as to reflect on the contradictions between the formal recognition of territorial rights and their denial, in practice. It is a political and democratic issue, which transcends legal and administrative aspects: How does the State articulate itself with the historical demands for reparation and social justice? What is the role of social movements in monitoring and demanding these rights?

Based on an approach that combines theories of ethnodevelopment, human rights, and participatory democracy, the article analyzes the main challenges faced by quilombola communities in Tocantins and proposes guidelines for more effective, responsible state action committed to territorial equity.

2 METHODOLOGY

The research adopts a mixed approach, combining qualitative and quantitative methods, to offer a comprehensive analysis of the situation of quilombola land regularization

in the State of Tocantins. The choice for this methodological approach is justified by the complexity of the phenomenon, which requires the triangulation of documentary, census and empirical data for a deeper understanding.

From the documentary point of view, national and international normative instruments were analyzed, such as article 68 of the Transitional Constitutional Provisions Act (ADCT), Decree No. 4,887/2003, ILO Convention No. 169 and reference state legislation (Pará and Maranhão). Institutional recommendations (such as Recommendation No. 6/2017 of the MPF, MPE and DPE) and judicial decisions were also examined, with emphasis on the case of the Ilha de São Vicente community, whose territory was titled by court order, in addition to the Rio Preto and Barra do Aroeira quilombos that suffer from the inertia of state power.

In the census plan, data from the 2022 Demographic Census, from the Brazilian Institute of Geography and Statistics (IBGE), referring to the quilombola population in Tocantins, as well as information from the Palmares Cultural Foundation on certified communities, were used.

The empirical dimension of the research was built on the basis of recent public reports, such as the document of the Pastoral Land Commission (2023), which highlights land conflicts involving quilombola communities in the state, and the data systematized in the public consultation of the Multiannual Plan (PPA) 2024–2027, which identifies quilombola titling as a priority for the population.

The analysis was conducted under the theoretical framework of ethnodevelopment, participatory democracy and human rights, with emphasis on state responsibility and the role of social movements as agents of democratic resistance. The triangulation of these sources and approaches enabled a critical and contextualized understanding of the problem.

3 CONSTITUTIONAL RECOGNITION AND POLITICAL OMISSION

Article 68 of the Transitional Constitutional Provisions Act (ADCT), by recognizing the definitive ownership of lands occupied by quilombo remnants, guarantees more than a possessory right. It establishes a fundamental foundation for the preservation of their traditions, cultural practices and forms of social organization, essential elements for the continuity and strengthening of these communities, the result of a long struggle for the recognition of rights historically denied to the black population in Brazil and represents a milestone in the reparation of the injustices inherited from slavery.

In this sense, the political omission of federated entities, especially state governments, translates into an act of institutional negligence that contributes to the deepening of racial and territorial inequalities. In the case of Tocantins, the absence of specific legislation, of a public

budget for land regularization and of political will to implement effective measures shows a scenario of structural invisibility of these communities. The lack of action on the part of the State not only compromises the effectiveness of article 68 of the Transitional Constitutional Provisions Act (ADCT), which recognizes the right of quilombola communities to definitive ownership of their territories, but also constitutes a direct violation of Convention No. 169 of the International Labor Organization (ILO), ratified by Brazil through Decree No. 10,088/2019. In particular, Article 14 of the Convention establishes that the rights of ownership and possession over traditionally occupied lands must be recognized, requiring States to adopt measures to identify them and ensure their effective protection. The state's omission, therefore, represents not only a failure to comply with domestic constitutional norms, but also a failure to comply with international obligations assumed by the country in the field of human rights.

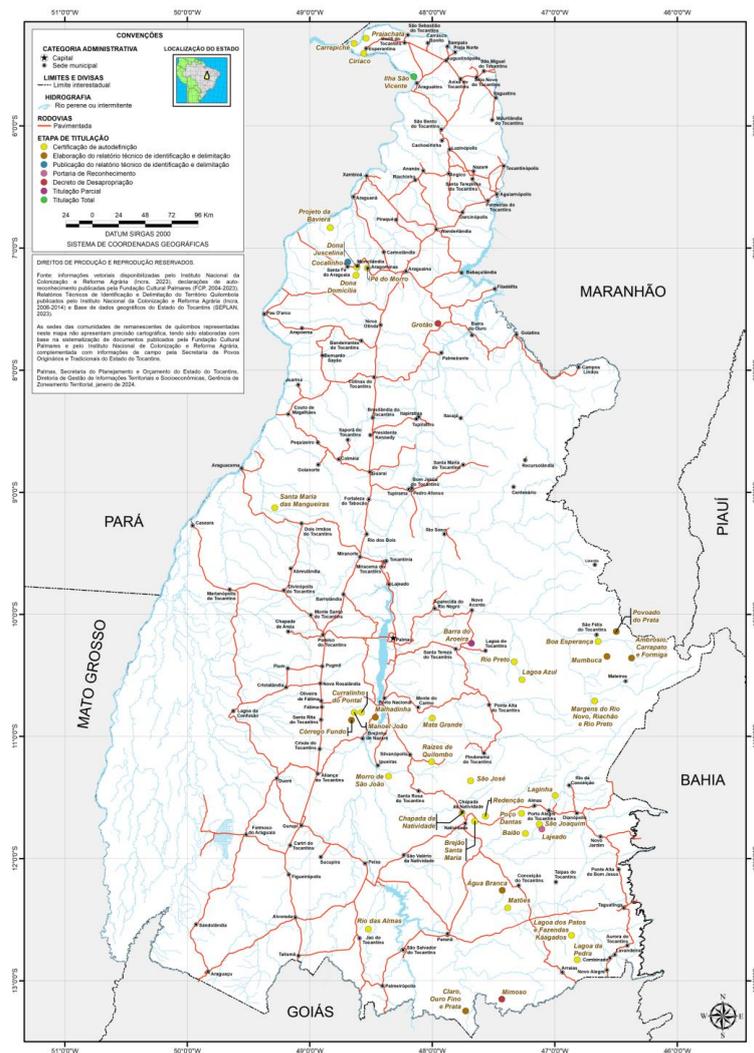
4 QUILOMBOLA COMMUNITIES IN TOCANTINS

In 1988, the National Constituent Assembly created the State of Tocantins, the most recent federative unit of Brazil, located in the geodesic center of the country. However, the presence of quilombola communities in their territory long predates their institutionalization. According to the Palmares Cultural Foundation (2024), the state has 42 certified quilombola communities. The origin of these groups dates back at least to the nineteenth century, when enslaved black people and their descendants began to occupy areas of difficult access as a form of resistance, organizing their own and collective ways of life. In these territories, located mostly in cerrado regions and on the banks of rivers, their own and collective ways of life were developed, based on agricultural production, cultural reproduction and the preservation of black collective memory. Despite being historically marginalized by public policies, these communities play a central role in the construction of the socio-territorial identity of the State, organizing politically in defense of the realization of their rights. As a result of this mobilization, the Permanent Forum for Monitoring the Quilombola Issue in the State of Tocantins was created in January 2010, with the objective of pressuring the State to complete the processes of identification and land regularization of quilombola territories (APA-TO, 2012).

However, in a study published in 2024 on areas of restricted legal use and with potential for environmental conservation, the State of Tocantins presented a georeferenced map with the location of certified quilombola communities, evidencing the state's land tenure reality: only one quilombola community has full title to its territory.

Figure 1

Location of certified quilombola communities in Tocantins



Source: TOCANTINS (2024)

The only quilombola community with fully titled territory, as shown in figure 1, is the Island of São Vicente, located in the municipality of Araguatins, in the region of Bico do Papagaio, in the extreme north of Tocantins. However, this recognition was not the result of a spontaneous initiative of the Brazilian State, but rather of the intervention of the Judiciary. The land regularization process was driven by a decision of the 1st Federal Court of Araguaína, in case No. 1001658-74.2020.4.01.4301, which determined the titling of the territory in favor of the community, evidencing the administrative slowness and state omission. Considering that there are 42 certified quilombola communities in the state, the titling of the Island of São Vicente represents less than 2.5% of the total, not counting those communities that do not even have certification. These data reveal the fragility of public policies aimed at quilombola land regularization in Tocantins and indicate that this agenda is not yet a priority for the State.

5 QUILOMBOLAS AS DEMOCRATIC SUBJECTS AND AGENTS OF RESISTANCE

The concept of quilombo, historically linked to resistance to the slavery system, has evolved to encompass contemporary forms of resistance and organization of black communities. This understanding is crucial for the interpretation of quilombola territorial claims, as it highlights the continuous character of resistance and the intrinsic connection between land, culture and identity. In this sense, contemporaneously, the term quilombo does not refer to archaeological residues or remnants of temporal occupation or biological proof. Nor are they isolated groups or a strictly homogeneous population (O'Dwyer 2008, 10).

In this regard, as guided by the CNJ's Protocol of Judgment with a Racial Perspective, the use of the term "remnant" can lead to misinterpretations, by suggesting that such communities would only be historical remains. On the other hand, it is noteworthy that these communities maintain cultural, social and economic practices that are constantly updated and constitute contemporary forms of sociocultural resistance. For this reason, it is recommended to use the term "quilombola community", which expresses the historical continuity, social differentiation, and autonomy of these groups, recognized as subjects of law by ILO Convention No. 169 (National Council of Justice, 2024).

In view of this expanded and updated conception of quilombo, it becomes evident that the issue of land regularization of quilombola communities in Tocantins transcends mere land ownership, configuring itself as a matter of social rights, public policies and regional development.

In the case of Tocantins, this demand for land regularization has progressively intensified. Recommendation No. 6/2017, issued by the Federal and State Public Prosecutor's Office and the Public Defender's Office, reinforces the need for concrete actions by the State to ensure the implementation of the territorial rights of these communities. Added to this is the Public Consultation of the Multiannual Plan (PPA) 2024/2027, which highlights the protagonism of the local population itself by electing the demarcation of quilombola territories as one of the main priorities, especially in the Jalapão region. Thus, the recognition of these demands by civil society and public agencies constitutes a relevant step towards the construction of a dialogue between the State and the communities, promoting a mutual understanding aimed at the realization of territorial rights.

From this perspective, data from the 2022 Demographic Census, carried out by the IBGE, reveal the existence of 13,077 quilombola people distributed in 39 municipalities in Tocantins. However, the land regularization of these communities still faces significant challenges. The report "Conflicts in the Countryside Brazil 2023", by the Pastoral Land Commission (CPT), points out that Tocantins recorded 13 land conflicts involving quilombola

communities in that year, which highlights the urgency and seriousness of the situation.

An emblematic example of this reality is the case of the Rio Preto Quilombola Community, located in Lagoa do Tocantins and certified by the Palmares Cultural Foundation through Ordinance 275/2023. Despite the official recognition, the community was the target of a violent attack on September 24, 2023, involving arson and gunfire (FIOCRUZ, 2024). Such an episode exposes the contradiction between the legal frameworks for the protection of traditional territories and the reality of state violence and negligence. Although the judicial decision of the Court of Justice of Tocantins, dated 09/08/2023 in case file 0000174-53.2017.8.27.2728 and ratified by the Federal Court in case file 1013274-44.2023.4.01.4300, has formally guaranteed the safety of the community, its effectiveness was compromised by state omission. Thus, the case of the Rio Preto Community makes explicit the failure of the State to ensure constitutional rights such as land titling and protection against violence, revealing that judicial decisions, although symbolically relevant, are not enough to change, by themselves, the correlation of forces in the territory.

In a similar way, the quilombola community of Barra do Aroeira also represents another cut of resistance among many in Tocantins. Located in the municipality of Santa Tereza do Tocantins, its history dates back to the Paraguayan War. According to Amaral and Pereira (2016), Félix José Rodrigues, considered the hero of Barra, volunteered to join the imperial army in the Paraguayan War (1854–1870). After the Brazilian victory, the combatants were rewarded, and Félix, summoned by Dom Pedro II, was able to choose the desired reward, opting for an area of land to live with his family.

Currently, according to Alves (2021), the quilombola community of Barra da Aroeira maintains a participatory and continuous struggle for the regularization of its territory. In the absence of progress in their demands, its members have mobilized strategies of resistance and strengthening of collective organization, with the aim of sensitizing the authorities to a historical problem experienced for many years. An example of this mobilization is the act of interdiction of the TO 247 highway, reflecting the history of resistance of black populations, especially in states such as Tocantins, marked by the expansion of agribusiness and the exploitation of land for cattle ranching and soy agriculture, standing out as an example of organization and resistance in the national scenario.

Figure 2

Interdiction of the TO 247 highway that crosses the Quilombo Barra do Aroeira, TO



Source: Personal collection, 2021.

In September 2021, after almost two decades of formal claims, the Government of Tocantins handed over to the Barra do Aroeira Quilombola Community the collective title of ownership of an area of 1,000 hectares. The delivery was preceded by a direct action of resistance: the interdiction of the TO-247 highway by members of the community, who, in June of the same year, held a protest with banners and a sound car, denouncing the delay in titling and demanding measures from the public authorities (Gazeta do Cerrado 2021). Then-governor Mauro Carlesse participated in the handover ceremony and declared that the recognition of the territory was an "obligation of the State" (Government of Tocantins, 2021). Despite this partial achievement, the community is still waiting for the titling of the territory in its entirety, estimated at around 62 thousand hectares, according to the delimitation already recognized in an official technical report (COEQTO 2025). The episode exemplifies how popular mobilization has been a central element in the realization of territorial rights of quilombola communities. Santos (2024) observes that the quilombola movement has been strengthened in recent decades through the articulation of legal actions, protests, and political strategies to ensure their right to territory. Leite (2008) already warned that the mere existence of legal provisions does not guarantee, by itself, the realization of the rights of quilombolas, and that a constant and politically active action of black social movements is necessary. The case of Barra da Aroeira illustrates this dynamic, reaffirming that organized resistance is a fundamental condition for transforming historical demands into legal recognition.

6 STATE RESPONSIBILITY AND THE CHALLENGE OF REGULATION IN STATE LANDS

In Brazil, the land regularization of quilombola territories is supported by federal legislation, such as Decree 4,887/2003 and Normative Instruction 57 of INCRA, which establish the procedures for the identification, recognition, delimitation, demarcation and

titling of these lands.

Figure 3

Map of quilombola communities titled and in the process of regularization in Brazil



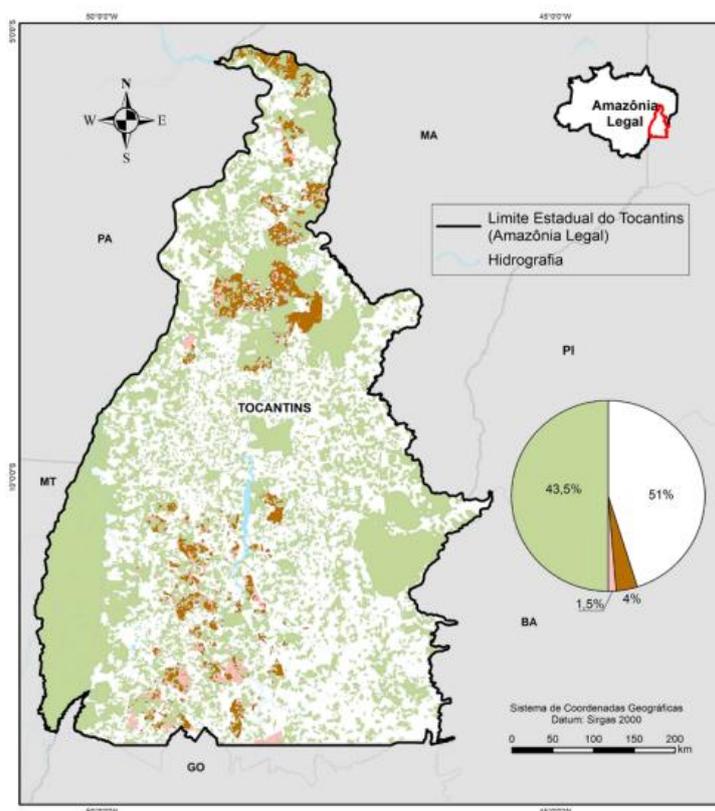
Source: PRO-INDIAN COMMISSION OF SÃO PAULO, 2023.

The map above shows the disparity between the states with regard to the progress of the regularization processes, highlighting those with the highest number of titles issued and ongoing processes. This variation is largely due to the performance of the federative entities. The competence to legislate on state lands lies with the states themselves. Some, such as Pará, Maranhão and Bahia, have already advanced in the regulation of the quilombola issue with their own laws and decrees, which facilitates and speeds up the process of land regularization in their territories.

On the other hand, according to the Institute of Man and the Environment of the Amazon (IMAZON, 2021), approximately 56.5% of the entire territory of the State of Tocantins has no defined destination or lacks information about its destination.

Figure 4

Distribution of areas not designated or without destination information in the State of Tocantins by responsible government sphere



Situação fundiária	Cor no mapa	Hectares	Percentual do Estado (%)
Total de áreas destinadas (eliminando-se sobreposições)	Verde	11.828.605	43,5
Área possivelmente estadual não matriculada em nome do estado	Branco	13.872.878	51
Área federal para futura regularização fundiária	Laranja	1.125.605	4
Área federal aguardando decisão sobre destinação	Vermelho	358.972	1,5
Área estadual matriculada em nome do estado	Cinza	84	*
Total de áreas não destinadas ou sem informação de destinação		15.357.539	56,5
Área total do Tocantins		27.186.144	100

* Percentual inferior a 0,001

Source: <https://imazon.org.br/wp-content/uploads/2021/03/LeisRegularizacaoFundiarTocantins.pdf>

Therefore, the high proportion of land without a defined destination in Tocantins reveals not only a structural deficit in the state's land governance, but also an omission by the government to ensure legal certainty and territorial justice, especially for historically marginalized populations.

According to the Pro-Indian Commission of São Paulo, Brazilian states have played a crucial role in the land regularization of quilombola territories, accounting for about 79% of the titles carried out since the promulgation of the 1988 Constitution, which recognized the right of quilombolas to land. This state protagonism reflects the capacity of local administrations to promote public policies aimed at guaranteeing the territorial rights of these communities, often with greater agility than the Federal Government.

In this context, the state of Pará stands out as one of the states that has made the

most progress in the titling of quilombola lands in recent years. In 2023, the Land Institute of Pará (Iterpa) was responsible for the titling of 15 territories, benefiting more than a thousand quilombola families, which shows the local commitment to the regularization of these areas (PARÁ, 2023). In addition to Pará, Maranhão has also shown significant advances in the land regularization of quilombola territories. Through the Land Institute of Maranhão (Iterma), the State has titled three territories, benefiting more than 300 families in 2023.

In contrast, in Tocantins, the absence of specific state legislation for the regularization of quilombola lands in state areas creates a significant obstacle. Without clear guidelines and defined procedures, the process becomes more complex and time-consuming, making it difficult to guarantee the territorial rights of quilombola communities and perpetuating situations of legal insecurity and social vulnerability.

Given this scenario, the legal gap in Tocantins highlights the urgent need to create a state regulatory framework that complements federal legislation, streamlining and facilitating quilombola land regularization on state lands. The experience of other states shows that the existence of specific laws can bring more speed, legal certainty and effectiveness to the process, guaranteeing the right to land and the sustainable development of these communities.

Little (2014) argues that ethnicity development and economic advancement are intertwined, so that the absence of adequate economic development for an ethnic group can lead to marginalization and poverty. In addition, an economic development that ignores and destroys the cultural bases of this ethnic group would be a setback to the cultural homogenization promoted by modernization (LITTLE, 2014, p. 40).

In this scenario, land regularization should not be understood only as a legal obligation, but as a central strategy for regional development. By ensuring land tenure for quilombola communities, the State fosters food production, strengthens environmental conservation practices and encourages the development of sustainable economic activities. At the same time, it promotes the appreciation of Afro-Brazilian culture and contributes to the construction of a more just and equitable society, as recommended by the Statute of Racial Equality (Law No. 12,288/2010).

7 STATE OF PARÁ AS A REFERENCE IN TITLING

The State of Pará has made significant progress in the construction of a legal framework aimed at promoting the rights of quilombola communities, especially with regard to access to land, cultural identity and development with social justice. State Law No. 8,878/2019, Decree No. 1,190/2020 and, more recently, Decree No. 4,372/2024 form a

normative tripod that establishes and operationalizes the land policy and the full protection of quilombola rights in the state.

Since the promulgation of the Federal Constitution of 1988, with article 68 of the Transitional Constitutional Provisions Act, quilombola communities have the right to the recognition and titling of their traditional territories. Pará legislation incorporates this guideline at several levels. Law No. 8,878/2019, for example, recognizes "quilombola state territories" as one of the specific forms of land regularization, by including in article 4, item IX, "quilombola state territory – TEQ" as a legitimate category for the allocation of state public lands. This regularization, according to article 12 of the same law, can occur in a non-onerous way, that is, through donation to consolidated occupations, without charging the Value of Bare Land (VTN) or administrative fees: "In the non-onerous sale (donation) individual or collective, the beneficiary will be exempt from the Value of Bare Land (VTN) and procedural and agrarian costs" (§1, art. 12).

Decree No. 1,190/2020, which regulates this law, reinforces the priority of traditional peoples in regularization processes. According to its article 6, in case of conflict of land interests over the same area, the remnants of quilombola communities, traditional communities and family farmers will have priority in regularization. Such a priority recognizes not only the historical vulnerability of these groups, but their legitimacy in the continuous and collective use of the land.

With the advent of Decree No. 4,372/2024, the State of Pará took a step forward by instituting the State Policy for Quilombola Communities, a legal framework that structures the rights of these peoples in a transversal way. Article 1 of this decree establishes that the policy will be implemented "based on a set of plans, projects and systematic and articulated actions between the bodies of the direct and indirect state Public Administration." In paragraph 2 of the same article, the text defines "quilombola communities" as "ethnic groups made up of descendants of enslaved black people who share identity, ancestry, traditions, cultural practices, common historical references and endowed with specific territorial relations."

One of the central axes of the decree is territorial recognition. Article 21 establishes that "the recognition, identification, demarcation, titling and registration of lands occupied by quilombola communities shall respect the self-recognition of the community and the self-identification of the territory." In addition, paragraph 2 of the same article ensures that the territory to be titled comprises not only the living area, but also "spaces for environmental conservation, economic exploitation, socio-cultural activities, including spaces for religious worship and leisure."

Titles issued to these communities must respect special legal guarantees. Article 22 is

clear in determining that the title will be registered "with clauses of indivisibility, non-transferability, imprescriptibility, unseizability and inalienability", ensuring that the territory continues to be for the collective use of the community and cannot be fragmented or negotiated, not even in the case of debts.

With regard to social participation, the decree creates the State Council of Policies for Quilombola Communities, a joint collegiate body, with representatives of the government and civil society, as provided for in article 25. Article 26 defines the council as "a privileged space for the participation of quilombola communities, acting as a forum that facilitates and proposes the actions of the Government aimed at meeting the needs of these communities."

This set of norms consolidates a public policy model based on historical reparation, social justice, and the appreciation of diversity. He recognizes that land, for quilombola peoples, is more than an economic good, it is the basis of their identity, culture and collective existence. By ensuring secure titling, sustainable development and the direct participation of communities in decisions that concern them, the State of Pará contributes to the construction of a more equitable and plural society, which respects the past and projects the future with dignity.

According to data available on the official website of the Land Institute of Pará (ITERPA), the state of Pará currently registers 96 titled quilombola communities, the result of a land policy supported by specific state legislation, such as Law No. 8,878/2019 and Decrees No. 1,190/2020 and No. 4,372/2024 (ITERPA, 2025). In contrast, the state of Tocantins has only one quilombola community with titles and lacks its own legal regulations that discipline the land regularization of quilombola territories. This disparity reveals the centrality of the state legal framework in the process of enforcing the territorial rights guaranteed by article 68 of the Act of Transitory Constitutional Provisions of the Federal Constitution. The existence of specific legislation is a determining factor for the structuring of continuous public policies, endowed with institutional and operational mechanisms capable of ensuring the identification, demarcation, titling and legal protection of traditional territories, according to constitutional guidelines and international commitments assumed by Brazil, such as ILO Convention 169.

8 QUILOMBOLA LAND REGULARIZATION IN TOCANTINS

The search for land regularization of quilombola communities in Tocantins is part of a broader context of dispute for resources and power in the public sphere. As Silva and Almeida (2020) point out, the public sphere is a field of dispute where several actors, with often divergent interests, negotiate and seek to influence public policies. This complex dynamic makes consensus-building a constant challenge. In this sense, the demand for recognition

and titling of quilombola territories is another chapter in this dispute, marked by a constant tension between private, market and state interests. Understanding this dynamic is essential to analyze the challenges and opportunities present in the land regularization process in the state

According to the Atlas of Quilombola Territories of the State of Tocantins (GONÇALVES et al., 2024), the state currently has 52 communities recognized by the Palmares Cultural Foundation, organized into 41 quilombola associations. Despite the normative framework and the socio-political mobilization around the agenda, only one of these communities had its territory fully regularized, while 13 others are in different stages of administrative processing, and 25 are still awaiting the formal start of the land regularization process (GONÇALVES et al., 2024, p. 3). This reality points to a worrying asymmetry between ethnic-cultural recognition and the legal realization of the right to territory.

Such a scenario becomes even more challenging when observing the state's land structure. It is estimated that 56.5% of the territory of Tocantins remains without specific destination. Of this percentage, most (51%) corresponds to state public lands, while the rest is divided between federal areas and those under destination analysis (GONÇALVES et al., 2024, p. 3). On the other hand, only 43.5% of the state's land has already been officially allocated, revealing a significant stock of public lands still subject to agrarian reform policies and land regularization of traditional territories, according to the provisions of article 188 of the Federal Constitution and article 13 of Law No. 8,629/1993.

Nevertheless, land governance encounters institutional obstacles that hinder the advancement of quilombola regularization. The absence of documentary validation of private properties registered in the Land Management System (SIGEF/INCRA), for example, raises suspicions about the legitimacy of part of these possessions, which requires a careful review of existing records, in order to ensure legal certainty and avoid undue land conflicts (GONÇALVES et al., 2024, p. 15).

Quilombola land regularization cannot be reduced to the merely formal fulfillment of a constitutional precept, but must be understood as a strategic public policy, capable of promoting redistributive justice, cultural recognition and sustainable territorial development. In this sense, the vast tracts of undesignated state public lands are configured as a relevant geopolitical resource, whose proper use can substantively reconfigure the state's land structure and consolidate rights historically denied to quilombola populations.

9 CONCLUSION

The reality of quilombola land regularization in Tocantins makes explicit a serious

mismatch between the legal framework that guarantees rights and the concreteness of the public policies that should make it viable. Although the Brazilian constitutional system and international treaties ratified by the State recognize the legitimacy of the territorial rights of quilombola communities, these rights, in the context of Tocantins, remain largely denied. The titling of the community of the Island of São Vicente, conquered only by virtue of a judicial decision, is emblematic of the pattern of omission and institutional inertia that prevails in the state.

The absence of specific state legislation emerges as one of the main obstacles to the effectiveness of the right to land, perpetuating the slowness and fragility of administrative processes. On the other hand, experiences developed in states such as Pará and Maranhão demonstrate that political commitment, translated into their own normative instruments, is capable of significantly boosting the processes of recognition, demarcation and titling of traditional territories. This contrast shows that the realization of rights does not depend only on the existence of general norms, but on the concrete action of the federative entities, through articulated public policies, sustained by political will and guided by the active listening of the collective subjects of law.

In this scenario, social movements, the justice system, and academia play fundamental roles as counterweights to the omission of the state Executive. The work of the Public Defender's Office, the Public Prosecutor's Office, and community organizations has been consolidated as mechanisms of resistance and democratic affirmation, even though they often operate in contexts of institutional adversity and scarcity of resources. It is these forces that, articulated, have kept the quilombola agenda alive, demanding the fulfillment of the constitutional and international commitments assumed by the Brazilian State.

To understand quilombola land regularization in Tocantins only as a technical or legal challenge is to reduce its complexity and empty its transformative potential. It is, above all, an ethical, political and historical requirement, which calls on the State to recognize and repair structural inequalities produced and reproduced over centuries. The construction of the idea of competition of obligations between the State and the Union and prioritizing historical reparation, based on territorial justice, racial equity, ethnodevelopment, and democratic participation, is the way to break with the invisibility imposed on quilombola communities and fully guarantee their dignity, autonomy, and future.

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