
STUDY ABOUT THE APPLICATION CONDUCTS OF SUSTAINABLE DEVELOPMENT BY QUILOMBOLAS COMMUNITIES FROM PIRATINI

Márcia Rodrigues Bertoldi

Pós-Doutora pela Unisinos. Doutora em Direito pelas Universidades Pompeu Fabra e Girona. Professora na Faculdade de Direito da Universidade Federal de Pelotas. Coordenadora do Programa de Pós-Graduação em Direito da UFPel.
Email: marciabertoldi@yahoo.com

ABSTRACT

This paper describes the results of the Research Project MCTI/CNPQ/Universal 14/2014 – Quilombolas from the South of Rio Grande do Sul: their knowledge and realization of cultural continuity as a support for sustainable development. This paper quest to identify the practices that perform the sustainable development at *quilombolas* communities in the city of Piratini/RS. At first, it analyzes the sustainable development in its theoretical and legal manifestations; therefore, verify the traditional communities and their knowledge, as well as Piratini's *quilombolas*; and, at last, it manifestations which provide the sustainable development. Thus, it is perceived that those communities executed, in the past, in favorable conditions, the contours of the concept of sustainable development. Nowadays, few practices of the narratives of the members of the quilombola communities analyzed continue, mainly due to the modernization of agriculture and the lack of interest by the young people.

Keywords: Traditional Communities; Quilombolas; Traditional Knowledge; Sustainable Development.

ESTUDO DAS CONDUTAS DE APLICAÇÃO DO DESENVOLVIMENTO SUSTENTÁVEL POR COMUNIDADES QUILOMBOLAS DE PIRATINI

RESUMO

Este trabalho descreve resultados do Projeto de Pesquisa MCTI/CNPQ/Universal 14/2014 - Quilombolas do Sul do Rio Grande do Sul: seus saberes e efetivação da continuidade cultural como suporte ao desenvolvimento sustentável. Tem como pressuposto identificar práticas que efetivam o desenvolvimento sustentável em comunidades quilombolas da cidade de Piratini/RS. Para realizar-se, analisa, num primeiro momento, o desenvolvimento sustentável em suas manifestações teóricas e jurídicas; posteriormente, verifica as comunidades tradicionais e seus saberes e os quilombolas de Piratini; e, por último, suas manifestações que oportunizam o desenvolvimento sustentável. Assim, percebe-se que tais comunidades executaram, no passado, em condições favoráveis, e com habilidade, os contornos do conceito de desenvolvimento sustentável. Na atualidade, poucas práticas das narrativas dos integrantes das comunidades quilombolas analisadas têm continuidade, principalmente em decorrência da modernização da agricultura e do desinteresse dos jovens.

Palavras-chave: *Comunidades tradicionais; Quilombolas; Saberes Tradicionais; Desenvolvimento Sustentável.*

INTRODUCTION

This paper describes the results of the Research Project MCTI/CNPQ/ Universal 14/2014 - *Quilombolas do Sul do Rio Grande do Sul: seus saberes e efetivação da continuidade cultural como suporte ao desenvolvimento sustentável* (Rio Grande do Sul Southern Quilombolas: their knowledge and effectiveness of cultural continuity as a support for sustainable development). It has as presupposition to identify practices that effect the sustainable development, in its environmental and social dimensions, in quilombola communities of the city of Piratini/RS.

The communities so far researched are located in the municipality of Piratini, southern region of Rio Grande do Sul (RS), in the rural and outlying areas of the urban area. They are in different stages in the process of formalization of self-recognition: Rincão do Couro and Rincão da Faxina have a certificate issued by the Palmares Cultural Foundation and registered Quilombola Association; Brasa Moura and Nicanor da Luz have already submitted a request for a certificate to the Foundation and the registration of their associations. However, none has land demarcation.

The text confronts and exposes the relationships between traditional communities/indigenous peoples and the environment, socio-biodiversity, understood as the affinity between the environmental systems (in particular the elements that make up biodiversity) and cultural/social systems (peoples, societies or communities and its know-how associated with sustainable use and conservation of the environment) and its potency (practices) to promote or serve as a framework for the establishment of universal tools and values necessary for the implementation of the sustainable development principle/objective/program/paradigm and, as a consequence, of the realization of the fundamental right to the balanced environment.

As can be seen, the practices referred to above occurred in abundance in past times, which indicates a considerable change in the repositories of knowledge of these communities, their memory, and in the form of diffusion, orality that manifests from generation to generation.

The research activities have been carried out in dialogue with extension practices, also proposed in the research project¹, with the aim

¹ For example: i) a primer on quilombola rights has been elaborated, which includes questions such as the concept of quilombola and traditional knowledge; which tells how to make an association and how to recognize a community; which presents social rights to health and education; and that teaches how

of promoting to these communities the (re)appropriation, creation, and circulation of this knowledge, which are present in their social networks in a pulverized way. In this sense, the methodological contribution of anthropology - ethnography - is important for the understanding of the local contexts and logics that give support to this knowledge, as well as the approach of legal science, provides the reflection on the normative contributions for its preservation, protection, and recognition. To do this, we used semi-structured interviews, which occurred during the year 2016, through which we interviewed one to two members from each of the four quilombola communities mentioned above, in addition to the bibliographic-documentary revision that offered support to the concepts and rights related to the themes that make up the work.

1 EXHIBITIONS ON THE CONCEPT OF SUSTAINABLE DEVELOPMENT

The concept of sustainable development originated from studies of environmental economics, was materialized in the Brundtland Report or Our Common Future and was consolidated in Rio/92 with Agenda 21, and with the adoption as a principle² by the Rio Declaration. It is understood as “development that meets the needs of the present generations without compromising those of future generations to meet their own needs” (COMISIÓN MUNDIAL DEL MEDIO AMBIENTE E DEL DESARROLLO, p. 67 - author’s translation) and is integrated with the idea of social justice. In fact, sustainable development supports the *status* of social justice and provides for the achievement of some dimensions: economic and social developments in synergy with environmental protection; therefore it is a transdisciplinary and complex concept. Although the author disagrees with the disjunction of the concept in this triad - preferring the integral comprehension of the expression, it is opted to use it for pedagogical questions and because this work examines both issues related to sustainable environmental practices, as well as those that articulate social equity.

Accordingly, this Report presents common concerns, common

to implement the demarcation of territories. ii) Conversation wheels were developed for the exchange of traditional knowledge among members of the communities on agricultural and healing practices.

2 Principle 3: The right to development must be exercised in a way that allows the development and environmental needs of present and future generations to be addressed fairly.

tasks and common efforts that States must observe in order to implement this idea, which contains two fundamental concepts:

- i) the concept of “needs”, in particular, the essential needs of the poor, which should be given priority
- ii) the idea of limitations imposed by the state, technology and social organization on the ability of the environment to meet present and future needs. (COMISIÓN MUNDIAL DEL MEDIO AMBIENTE E DEL DESARROLLO, p. 67 – author’s translation).

Since then, it has become a very explored idea, the exponential proposal to face the great crisis, the ecological - the limits and exhaustion of natural resources and the urgent limits to development as it has been reproduced - the social and economic flaw, externalities of the modern system of the globalized and neoliberal world, the deficit of environmental rationality. Perhaps, the maintenance of irrational development in another way, or, as Porto-Gonçalves (2015, p. 16) tells us, is a paradigm that, by its superficiality, certainly prepares today all of tomorrow frustrations.

The concept of sustainable development presupposes a plurality of dimensions, which implies observance of an integral and integrated approach with the social, economic and political dimensions that aim at the sustainable use of natural resources, economic efficiency, social equity, imposing restrictions to the economic system in force, to the consumer society, to the purely material developmental ideal. It is a concept, a goal, a principle and a paradigm of support to a necessary reordering in the parameters of the advancement of the international community, still difficult to operationalize within the system of world power that only aggravates the looting of natural resources and the consequent problems environmental³.

According to Ruiz (1999, p. 33), sustainable development pursues the achievement of three essential objectives: a purely economic objective - resource efficiency and quantitative growth - a social and cultural goal - to

³ The environmental implications of this global power of neoliberal globalization period can be observed in the ecological footprint of each region of the world (number of biologically productive hectares of land to produce the food and wood that people consume, the infrastructure that uses and to absorb the CO₂ produced in the burning of fossil fuels). Thus, the world average is 2.8 hectares per person, but the United States consumes 12, Europe 5, Africa, Asia and the Pacific 1,5 and Latin America, the Caribbean, the Middle East and Asia, the world average. (PORTO-GONÇALVES, 2015, p. 40-43)

limit poverty, maintain various social and cultural systems and social equity - and an ecological objective, the preservation of physical and biological systems (natural resources *lato sensu*) that support the life of human beings (author's translation). That is, socially inclusive, environmentally sustainable and economically sustained in time (LATOUCHE, p. 103 et seq.).

On the other hand, regarding the notion of sustainability based on the three pillars - economy, society and natural resources, Winter (2009, p. 1-4) points out that a new reading of the Brundtland Report suggests that the scope of the principle must be defined in a stricter way. It points out that sustainable development means that socio-economic development remains sustainable, as supported by its base, the biosphere. Biodiversity thus assumes fundamental importance, with the economy and society being weaker partners, since the biosphere can exist without humans, but humans can not exist without it. So the schematic picture of this interrelationship would not be three pillars, but one foundation (natural resources) and two pillars (economy and society) supporting it. In Sacks' perspective (2008, p. 13-15), development objectives go far beyond economic growth, from the mere multiplication of natural wealth, and are based on five pillars: social, environmental, territorial, economic and political.

As can be seen, it is a difficult concept to implement, because contrary to the reality that prevails today: "resources can be exploited in any way unless there are strong reasons to keep them" (WEISS, 1999, p. 80) and these reasons still do not inhabit our collective consciousness. The expected balance between economic, environmental and social needs, the absence of which inevitably leads to poverty and the degradation of the environment, points to the difficulty of effectively valuing capacities. Social exclusion is present even in rich countries when capacity is not tailored to deciding priorities reasonably. Indeed, the value of a person's ability can move a community to demands for modern technology, at any cost, rather than investment in education and culture, for example. Income is not to be underestimated as a vehicle for attaining capabilities, but its mold will depend on the effective freedom of a person or a people to effectively choose and decide freely, enhancing the results of those choices endowed with alterity and self-determination.

In Amartya Sen's (2000) line of reasoning, capacity can improve

understanding of the nature and the causes of poverty and deprivation, diverting the main focus from the means (and a specific medium that usually receives exclusive attention, ie income) to the ends that people have reason to seek and, correspondingly, to freedoms to achieve those ends.

Hence the need for society to decide freely on what it wishes to preserve in citizen spaces of free participation, equal opportunities and prior access to current and credible information. Inescapably this would represent the effective path to social justice and to the expected sustainable development, the re-signification of human development.

In short, a development based on environmental rationality, built upon on the ecological potentials, identities, knowledge and cultural rationalities that give rise to the creation of others, diversity and difference, far beyond the dominant tendencies, objectified in the reality that is closed about itself in a supposed end of history (LEFF, 2008).

It is important to emphasize that the term sustainable development has reached other levels (everything has become falsely sustainable or green) and distortions (sustainable globalization, green economy, sustainable economic growth, economic sustainability, etc.). Even within the United Nations, there is an expressive tendency to deal with the issue with the terms green economy and green growth, enshrined in Rio + 20. In this sense, while noting that “the green economy concept is not a substitute for sustainable development”, the UNDP RIO + 20 Report states that “the green economy must become a priority in strategic economic policies to achieve sustainable development” (UNEP, p. 17).

However, it is a concept that is loaded with expectations, which promotes many possibilities, which gives it the ability of passing through the most varied discourses, bringing it advantages, for example, in the perspective of realizing the right to a balanced environment, and drawbacks, for example, to constitute the fuel for the sustainability publicity machine of all. Certainly a yet empty concept of effectiveness, at least in the global sphere which, for the time being, would mean, in this dimension, only a fable or fiction. However, it is understood that it is reasonable at the local level, based on the practices of the original peoples, despite the results presented in the course of this work.

2 SUSTAINABLE DEVELOPMENT IN THE JURIDICAL UNIVERSE

2. 1 International law

Although the concept of sustainable development has been consolidated with the Brundtland Report in 1987, even though as a global program for change, some earlier international legal instruments have disseminated their main ideas in *soft* and *hard law documents*⁴.

In 1972, at the Stockholm Conference, the Declaration of Principles presented some elements, such as the intergenerational dimension in Principle 2; recognition of the finiteness of natural resources and the need to plan economic development, with particular regard to nature conservation (Principles 4 and 5); the manifestation of the importance of social and economic development for the improvement of the quality of life (Principle 8); the inclusion of environmental conservation measures in States' development plans, as well as the need to adopt an integrated and coordinated approach to development planning with a view to protecting the human environment (Principles 12 and 13) (UNITED NATIONS, 1972).

The World Charter for Nature, prepared by the International Union for Conservation of Nature (IUCN) in 1980, also presents important precedents for a sustainable approach to development. The general principle of number 4 establishes that man-made resources must be managed in order to maintain their optimum and continuous productivity without endangering the integrity of other ecosystems and species and, on the other hand, warns that the planning and social and economic development activities must take into account the conservation of nature - Functions, number 6 - (UNITED NATIONS, 1980).

Another important international legal instrument, the 1982 United Nations Convention on the Law of the Sea, provides in Article 119, I, a, the obligation to preserve or restore populations of the species caught at

⁴ The International Environmental Law, in addition to manifesting itself as a hard law, with clear and defined obligations, presents itself predominantly in the form of a soft law, especially in cases where it is impossible to advance on tax rules, and even if they were established, they would not be able to succeed effectively. In this sense, among the instruments analyzed below, have characteristics of soft law: the Stockholm Declaration, the World Charter for Nature, the Rio Declaration, Agenda 21, the future we want; and hard law: the United Nations Convention on the Law of the Sea, the ASEAN Agreement on the Conservation of Nature and Natural Resources and the Convention on Biological Diversity.

levels which can produce the maximum sustainable income⁵ (UNITED NATIONS, 1982). The ASEAN Agreement on the Conservation of Nature and Natural Resources, 1985, for the first time uses the term sustainable development in its article 1. 1 on fundamental principles (ASEAN, 1985).

In the later decade, the 1990s, the second major United Nations meeting on the environment, Rio-92, as already described, adopts in its Declaration, sustainable development as a principle (Principle 3), in addition to stating in Principle 4 that the achievement of sustainable development is connected with environmental protection. To achieve results, the Rio Conference also approved Agenda 21, an instrument for planning the construction and implementation of this development model (UNITED NATIONS, 1992). It is also important to mention the Convention on Biological Diversity, adopted at that Conference, which establishes the conservation and sustainable use of biodiversity as an environmental objective and encourages countries to respect, preserve and maintain the knowledge, innovations and practices of local communities and indigenous peoples with a traditional lifestyle relevant to the conservation and sustainable use of biological diversity (Article 8). It can be mentioned that this article introduces, in a more definite way, the recognition and protection of communities and traditional knowledge (UNITED NATIONS, 1992).

Finally, the political document coming from the United Nations Conference on Sustainable Development, Rio + 20, held from June 13 to 22, 2012, *The future we want*, considers that the green economy and the eradication of poverty are the most important for the achievement of sustainable development. In this sense, we highlight some conjunctures that state policies to promote the green economy, supported by the document, should observe: i) the sovereignty of states over their natural resources; ii) sustainable and inclusive economic growth that offers opportunities, benefits, and empowerment for all, as well as respect for human rights; (iii) the needs of developing countries, in particular, those in special situations; iv) the well-being of indigenous peoples and other traditional communities, recognizing and supporting their identity, culture, and interests and avoiding jeopardizing their cultural heritage, their practices and their traditional knowledge. (UNITED NATIONS, 2012, p. 10-14).

On this last aspect, the aforementioned document emphasizes the

⁵ In the legal document in English, sustainable; in Spanish *sostenible*; and in Decree No. 1,530 of June 22, 1995, which declares the entry into force of the Convention in Brazil.

necessary observance and protection of traditional peoples, their knowledge, culture, and identity in the sense of their outstanding importance in promoting sustainable development and strategies for its implementation. The document thus distinguishes and invokes, to the fullest extent, the urgent and imperative knowledge by the States Parties of the fundamental rights of this vulnerable contingent⁶.

2. 2 National law

Even if it does not use the term sustainable development, the National Environmental Policy, Law 6981/81, opens the predictions about this challenge. The objectives of the Policy are to reconcile socioeconomic development with the preservation of the quality of the environment and ecological balance, in its article 4, I (BRASIL, 1981). In addition, it establishes the Environmental Impact Study as the main instrument to control environmental protection for activities that modify the environment.

In turn, the Federal Constitution of 1988, which receives the aforementioned Policy, in its article 225 establishes the directives capable of effecting environmental protection in the main sphere of use of natural resources, development in its quantitative variables. In this point of view, it is worth applying the concept of Porto-Gonçalves (2015, p. 62): development is the name-synthesis of the idea of domination of nature.

In addition, when it addresses the social function of property (articles 170 and especially 186), it elaborates requirements on rural properties related to the dimensions that make up sustainable development: i. rational and appropriate use (economic dimension); ii. appropriate use of available natural resources and preservation of the environment (environmental dimension); iii. compliance with the provisions governing labor relations (social dimension); iv. exploiting that favors the well-being of owners and workers (social dimension).

So many subsequent laws have also integrated sustainable development into their wording, such as Law 9985/2000 establishing the National System of Conservation Units and the Forest Code of 2012. However, it should be mentioned, especially since the subjects studied in this study refer to Decree 6040/2007 on the National Policy for the

⁶ See: NACIONES UNIDAS. El futuro que queremos. Rio de Janeiro, 2012, p. 8, 9, 11, 14, 24, 28, 37, 42, 45, 49 and 50.

Sustainable Development of Traditional Peoples and Communities and the Legal Framework for Biodiversity, Law 13. 123/15. Both diplomas acknowledge and promote the safeguarding of these populations and their knowledge as drivers of sustainable development.

3 THE SUSTAINABLE DEVELOPMENT ACTIVITIES OF THE QUILOMBOLA COMMUNITIES OF PIRATINI

3. 1 Ideas about traditional communities and their knowledge

The so-called traditional communities are responsible for the development of repertoires of knowledge reproduced in their cultural, religious, medicinal and environmental dimensions. This knowledge, as pointed out by Paul Little (2010, p. 17), can translate into “[...] an immense collection of models of environmental management and organization” that can support ecologically sustainable interventions. Traditional communities have their own rationalities, be they environmental, economic, political, legal and social. They are culturally and singularly made up of values and principles of their own.

In Brazilian legislation, the protection of these peoples and their knowledge is manifested in Decree 6040 of 2007 and in the recent Legal Framework of Biodiversity⁷. It is also presented in Decree 3551 of 2000 on registrations of intangible cultural assets⁸ and Law 9985/2000⁹, in addition to the constitutional protection provided in articles 216 (cultural heritage), 231 and 232 (indigenous), and 68 of the Transitional Constitutional Provisions Act (quilombolas).

The first two regulations bring the legal definition of traditional communities as below, which, as can be seen, are equivalent:

⁷ Article 1 recognizes the rights related to traditional knowledge associated with genetic heritage, relevant to the conservation of biological diversity, the integrity of the genetic heritage of the Country and the use of its components; Article 8, paragraph 2, states that traditional knowledge is part of Brazilian cultural heritage; and, in turn, the 9th establishes the procedure for legally constituted access, including the right to perceive the benefits arising from its use (Article 10, subsection III).

⁸ In this sense, Article 1, paragraph 1, informs that the records relating to this category of intangible cultural heritage will be made in the Book of Knowledge.

⁹ Article 4, item XIII, aims to protect the natural resources necessary for the subsistence of traditional populations, respecting and valuing their knowledge and culture and promoting them socially and economically.

Culturally differentiated and recognized groups that have their own forms of social organization that occupy and use territories and natural resources as a condition for their cultural, social, religious, ancestral and economic reproduction, using knowledge, innovations and practices generated and transmitted by tradition. (BRASIL, Decree 6040/2007, article 3, item I)

A culturally differentiated group that recognizes itself as such, has its own form of social organization and occupies and uses territories and natural resources as a condition for its cultural, social, religious, ancestral and economic reproduction, using knowledge, innovations and practices generated and transmitted by tradition. (BRASIL, Law 13. 123 of 2015, Article 2, subsection IV).

The legal definition was careful not to reproduce the common misconception of this concept - primitive societies, in perfect harmony with nature, separated from the civilized world - since they are no longer outside the central economy, nor in the periphery of the system, as presents Manuela Carneiro da Cunha (2009, p. 289):

The use of the term traditional populations is purposefully comprehensive. However, this scope should not be taken by conceptual confusion. Defining traditional populations by adherence to tradition would be contradictory to current anthropological knowledge. To define them as populations that have a low impact on the environment, and then to assert that they are ecologically sustainable, would be mere tautology. If we define them as populations that are outside the sphere of the market, it will be difficult to find them today.

For their part, traditional or local knowledge is particular customary practices of these human groupings. They can be manifested in communities, groups, or even individually. These practices need to be outsourced, provided the boundaries of access stipulated by the groups are respected since circulation is bound by its own rules so that there are broad recognition and a consequent appreciation, diffusion, and use.

Such a system of knowledge has lost its perenniality, dynamicity and potency in the face of the advent of commodified cultural colonization and technoscience, which impose its rules and ways of being/doing, as well as the result of subalternization of local knowledge projected and implemented with praise by the settlers in the New World, which resulted in the production of 'monocultures of the mind' (SHIVA, 2003, p. 25), or

universal Eurocentric thinking, rejecting the ecology of knowledge or post-abyssal thinking¹⁰ through negation and the creation of a mythological or legendary stigma for such knowledge, which is wasting experiences and universes of propositions of solution.

It is important to note that science, whether modern or traditional science, is dynamic, if it resigns according to the way of societies and their new frontiers, and in this sense it is necessary to reject the idea that traditional knowledge is outdated or old and that deserve to be preserved or rescued as finished products (LITTLE, 2010). Therefore, the best way to safeguard this knowledge is to maintain the sociocultural and ecological conditions that make them possible and effective.

In this signification, by means of particular methods of making and glimpsing life, including the environment that surrounds them, these groups possess a particular cultural and historical identity, so that mechanisms of protection and stimulation are indispensable for their perpetuation over time: Keep the story alive. They are also potencies to promote or serve as a panorama for the establishment of universal tools and values necessary for the implementation of the ideally, perhaps imaginary, principle/objective/program/paradigm of sustainable development and, consequently, of the realization of the fundamental right to the balanced environment.

3. 2 Ideas about quilombolas, quilombola communities and Piratini

The remaining communities of quilombos are perfectly capable of being considered traditional communities, as well as the indigenous, caiçaras, ribeirinhos, extrativistas, etc. Before the abolition of slavery, the quilombos were spaces of coexistence and development of autonomous production on the part of blacks resistant to the colonial model and to the process of enslavement. Until recently, since the legal representation - including in the course of the Constituent Assembly, while approving the transitional provisions (Article 68)¹¹ by parliamentarians - a quilombo was understood” as something that was outside, isolated, beyond civilization and

¹⁰ “As an ecology of knowledge, post-abyssal thinking has as its premise the idea of the epistemological diversity of the world, the recognition of the existence of a plurality of forms of knowledge beyond scientific knowledge” (SANTOS, 2010, p. 52).

¹¹ “To the remnants of the communities of the quilombos that are occupying their lands the definitive property is recognized, and the State must issue the respective titles to them”(BRAZIL, 1988).

culture, confined in supposed self-sufficiency and denying the discipline of work”(ALMEIDA, A., 2002, p. 49), and its members”escaped slave and far from the domains of the great estates”(IDEM, page 61).

In the current context, and especially after the promulgation of the 1988 Federal Constitution, in which black communities were finally (re) known and protected, the definition of quilombo took on other dimensions, even though ideas referred to by traditional historiography survive.

The notion of the remnant, as something that no longer exists or is in the process of disappearing, and also that of quilombo, as a closed, egalitarian and cohesive unit, has become extremely restrictive (Leite, 2000, p. 341). In the expectation of advancing the concept and giving dynamicity to the term, the Brazilian Association of Anthropology (ABA), convoked by the Public Prosecutor, elaborated the following concept of quilombos remnants:

Contemporaneously, therefore, the term does not refer to residues or archaeological remnants of temporal occupation or biological proof. Nor are they isolated groups or a strictly homogeneous population. In the same way, they were not always constituted from insurrectional or rebellious movements, but above all, maintenance and reproduction of their characteristic ways of life in a certain place (ABA, 1994, p. 81).

Among the elements for the construction of a comprehensive concept, it is worth noting from the legal concept the understanding of the need to incorporate collective identity and the particular territorial relationship, which refers us to the idea of traditionally occupied lands¹².

The municipality of Piratini, which has seven quilombola communities, is located in the pampas region of the state of Rio Grande do Sul. Its territory was colonized in the late eighteenth and early nineteenth century by couples of açorianos who received modest pieces of lands (datas) as well as by high-ranking military patrons who received from the colonial and imperial governments, in exchange for defending territorial borders, generous sesmarias, transformed into ranches directed to livestock (ALMEIDA, D., 1997; D’ÁVILA, 2007). The slave system permeated the

¹² In relation to the dominance of land traditionally occupied, it is important to note the rules contained in ILO Convention 169: Article 14 (ownership and possession rights over land traditionally occupied by the peoples concerned) and Article 16 (where possible, these peoples should have the right to return to their traditional lands as soon as the causes that led to their relocation and resettlement cease to exist).

daily life of the place with the presence of enslaved women from various parts of Africa, occupying the most diverse spaces, both in agricultural activities and in the domestic environment (RUBERT, 2013).

In line with the reality of the other quilombola communities in RS, those located in Piratini originated from the most diverse strategies of territorialization, which were articulated in a complementary way: fugue processes; donation of peripheral areas of large estates to (former) slaves, consummation of customary rights negotiated during generations that alternated within these agricultural enterprises; purchases of devalued areas that began to house entire families, who occupied them from their own normative codes and strategies of reproduction, conforming a differentiated ethnic group; the reception of freed Negroes and other black relatives in areas of land under their control, and also the sociocultural reproduction of ethnically differentiated groups. Thus, the present quilombola communities of this region appear.

3.3 The sustainable actions of the quilombola communities of Piratini

As is well known, the equalization of knowledge for development, which eventually divided humans into civilized and barbarous (or primitive, savage, underdeveloped) degraded the local knowledge of the original peoples. Thus, this knowledge, which have come to be disregarded from the universe of knowledge that was not born of the center of the world - universal knowledge and developmental - the European continent, are disappearing. In addition, the use of raw materials to feed the quality of life of world power, through the payment of a so-called foreign debt, means the extensive use of natural resources, which implies the advance over areas originally occupied by populations of other cultural matrices, indigenous peoples, and rich collections of biodiversity are giving way to monoculture. (PORTO-GONÇALVES, 2015)

This is what we can observe from the following accounts of the quilombola communities of the town of Piratini on their associated knowledge, above all, the conservation and care of food crops (corn, beans, oats, linseed, wheat, among others), environmental dimension of sustainable development, as well as their social relations, mainly related to land cultivation and food production.

It is important to mention that the interviews were conducted with

people older than 50 years. Also, the interviews conducted so far point clearly to a significant erosion of agricultural biodiversity, caused by the process of modernization of agriculture, which implements the said civilized, developmentalist knowledge and rejects the traditional, local one. Still, it is important to report that a considerable percentage of these knowledges refer to the past; in synthesis, very little of this knowledge can be verified in the present time, besides composing old memories.

With regard to pest care, it is important to rescue the conversation with a member of the Nicanor da Luz Community:

Researcher: What care did you have for the land? How did you work the land to take care of the plagues that could attack?

Interviewed: Thanks to God, we had the divine. The divine, my daughter that we made a promise that no insects could enter the field. When people plowed or digged, because usually we did not have the conditions to have the plow, if you had the plow, you had no tip to put in the plow and could not buy and you know what we did? We gathered and dug with hoe and rakes, then came the elders and made a procession, around 8 or 9 people carrying the divine, and entered the fields. That no insect invaded that food, and only what struck me was an ant, but thank God...

Researcher: This divine you say was some image?

Interviewee: No, it's a cloth...

Listener: It is the banner of the divine.

Interviewee: It is the flag of the divine and has a dove.

Researcher: Isn't it the scarecrow?

Interviewee: No, it's not the scarecrow.

Listener: There is the procession of the divine, which they did in the field, so I understand it.

Researcher: No, it was not there, they did a ritual in the field.

Interviewee: It was a bit like this from here. But here in the divine it is red and here is the dove.

[...]

Researcher: Just let me recover a little. Did you take the banner of the divine in a group, and turn the field around, or just enter the field?

Interviewee: No, I was going around the farm. We went into the fields, everything had a back side. We came in from the right side and left from the left side. Everyone praying the Lord's Prayer, Hail Mary, Holy Mary.

In the Brasa Moura and Rincão do Couro Communities, the benzedura (a form of blessing) was also a used practice. According to interlocutors, respectively:

She (the grandmother) would take a clean white cloth and also used a sewing needle, which could not be used either the needle or the thread. It is only for that benefit there of the animal that yielded the paw or anything belonging to the animal. Then she sewed, sewed, sewed. She had the words she used there, and she would sew. And it was good because I saw it.

She also blessed with ember; she would come out blazing out of the field if she had to, any kind, could be a chicken with a wart or could be a sheep, anything that presented a risk. She did not leave anyone twisted.

Interviewee: The rust, it affects as much the wheat as it affects the beans, right, and they had to bless it all, that's hard.

Researcher: But did you have a blessing then, to rust?

Interviewee: Yes. Or if not, I will not say it is a blessing, but it is like a charm, put the rust in a bean field, picks up an old can like that, takes it, drops it in the middle, the rust goes all the way to the can. This is the charm.

In the past, since the chemically treated seed dominates the fields of cultivation today, the quilombolas kept the seeds from one plantation to another. This is what can be observed in the narrative of a member of the Rincão do Couro Community on wheat seed care and also a member of the Rincão da Faxina Community on the loss of Creole seed and fragility of treated corn, respectively:

Researcher: But after a walk, did you have any special way of storing those seeds? To prevent rot or mold, did you put something, what was it like?

Interviewee: I did not put anything. You know what I used to keep it from spoiling, to prevent the wheat from rot, it was kept, I do not know if you knew, in barrels, first, at a time like this, others had some big boxes, that I got tired of watching my mother do, the eucalyptus leaf, and put it into the barrel and set it on fire, smashed it with fire, and then put the food in it, lasting until the end of the other year. And to keep the corn on the cob, we pull out the eucalyptus leaf, it can be green, make a layer of eucalyptus, another layer of corn and it lasts all year long, and the weevil is very small. Avoid, the eucalyptus, of rotting.

Researcher: Did you make the seed from this own wheat?

Interlocutor: Yes. At that time it was all seed from home now there is no more. At that time they were harvested, they started to bring seed from the outside they began to change so today it is not producing anything. Now will tell me, they are done with the corn. Where's the old corn? Now the new corn when it does not rot in the cob it rots when we're grinding it. Sometimes, you know, everything comes rotting around the edges and when you beat it, it already defoliates. Everything is gnawed in the inside.

Still on seed care, one of the interlocutors of the Nicanor da Luz community states that the integrity of the bean seed was guaranteed from one year to the next because it was “immunized” with ash, that is, the beans were mixed with ash in a wooden barrel, guaranteeing its conservation. Both the beans and ash were largely exposed to the sun before storage for the removal of all moisture. In the words of the speaker:

Ashes on the floor, because we cooked on the floor, my daughter. We was always putting together the ashes, the elders had a lot of those things in detail, right. So they would make a little hole, and there you would put the ashes, when it came to doing that process there, we would sift the ash well to get the coal, right? And to soothe, dry the ash very well to put in the barricade of beans. So it was all natural because we did not use any poison. No poison, that was it.

In addition to the environmental dimension that underpins sustainable development, social/cultural was a common practice among the quilombola communities of Piratini. Although under the yoke of partnership relations, the process of producing crops in former times was carried out collectively, at which time knowledge was shared and new experiments were carried out, as well as the possibility of a more equitable social development, at least among the members of the black families who cleaned and prepared the land, planted and harvested communally.

In this sense, we perceive the division of labor and cultivation among the workers of the land in the Nicanor da Luz Community and:

Interviewed: Almost everything was black, in the sacrifice that we worked, everyone together. We used to work in the fields. Because we only had the house to live in. We used to plant in the crops of others, who had more [land]. And we have always been

a community that always helped in farming. Weeding, planting beans, harvesting beans, cutting wheat, cutting oats, making charcoal...

[...]

Interviewee: But it were just to eat, my daughter. It was from there we took our living.

Researcher: But was everything shared among the people who worked the land?

Interviewee: Yes, that way [...]; this boy was going there with us, right? Then he would say: "Well, I could plant a corn machine for myself, right? Then the father gave [...]. So if it were to be said: "Well, I'll help you harvest, you'll share that corn?" Then he (the father) said: "If you give 4 sacks, 2 is mine and 2 is yours".

In the same understanding, reports a member of the Rincão da Faxina Community:

If you wanted to, you would create all the cattle together; today is a real crime some few eating the things of others. In the old days, it didn't happen, the cattle was freed here, and at the other end, on the bridge of the empire, one was taking care of the others. When all the cattle were gathered together they would take a group of men and ride horses and gather everything. If you had twenty, the other had five, they created everything together; one would notice when the cow gave birth to another, it was just like that.

As can be observed, the reality of the kin that makes up the black communities of Piratini was historically marked, for the most part, by the precariousness of access to land. It was not uncommon, in this sense, to plant the land by means of partnership relations, a device of customary law whereby the landlord receives a percentage of the production by the planter. These relations of partnership were established either with other black families who held larger portions of land, or with white families, changing the character of relations in one or other of these situations: in the first case a relationship of solidarity between the family cedent of the land and the one that planted it, because it was not uncommon for them to maintain relations of kinship; in the second case - a black family enjoying white family land for planting - the vertical relationship, a mark of the slave-owning period was reproduced, aimed at directing abusive percentages of production for the payment of land rent (BERTOLDI, RUBERT, p. 239).

FINAL CONSIDERATIONS

Sustainable development is a transdisciplinary concept, complex and difficult to implement in the current system that advocates consumption in the molds of programmed obsolescence, considering the natural resources, the raw material of goods offered, infinite. However, from the legal point of view, there is a wealth of international and national instruments that favor its implementation.

The quilombola communities of Piratini have, in the past, performed in favorable and skillful terms the outlines of the concept of sustainable development, as can be inferred from the interviews conducted. At present, very few practices of the narratives of the members of these have continuity, mainly and due to the modernization of agriculture that caused not only the loss of the basis of reproduction of agricultural biodiversity, but also serious fractures in the social fabric of the black communities of Piratini, due to of territorial squalor and of the closure of possibilities in continuing the planting by the partnership regime previously in force. These factors, coupled with the lack of adequate technical assistance to the traditional populations, have in turn caused a strong rural exodus. In addition, the living knowledge is still in the memory of old people, a few who still resist the modern system, who maintain sustainable relations with the earth, who use this knowledge, as far as possible, in agriculture, almost always, for survival. The young people are not interested in knowing and giving continuity to this knowledge, and, for the most part, they have called to the city in search of the ideal of the promising future off the field. This is what can be seen from the interviewees' reports.

In this sense, it is urgent to stimulate the reconstruction of memories, as well as an adequate record of them, capable of supporting development projects with better cultural and socio-environmental adequacy for the quilombola communities of Piratini, since they can restore this knowledge in circulation, so that they can be resumed, reproduced and experienced, including redefined and expanded. In addition, it offers self-management capacity and, consequently, restricts the dependence of the market system, which favors at the local level the sustainable development project which, as mentioned, is the only spatial dimension, according to the current system, capable of implement this ideal.

REFERENCES

ABA. *Documento do Grupo de Trabalho sobre comunidades negras rurais*, 1994. Disponível em: http://www.abant.org.br/conteudo/005COMISSOESGTS/quilombos/DocQuilombosABA_1a.pdf . Acesso em 03.02.2017.

ALMEIDA, Alfredo Wagner Berno. Os quilombos e as novas etnias. In: O'Dwyer, Eliane Cantarino (org). *Quilombos: identidade étnica e territorialidade*. Rio de Janeiro: Editora FGV, 2002.

ASEAN. *Acordo da ASEAN sobre a conservação da natureza e dos recursos naturais*, 1985. Disponível em: <<http://environment.asean.org/agreement-on-the-conservation-of-nature-and-natural-resources/>>. Acesso em: 06.03.2017.

BERTOLDI, Márcia Rodrigues; RUBERT, Rosane Aparecida. Conhecimentos tradicionais em comunidades quilombolas da cidade de Piratini (RS). In: Bartira Macedo Miranda Santos; José Fernando Vidal De Souza. (Org.). *Direito ambiental e socioambientalismo I*. Florianópolis: CONPEDI, 2017.

BRASIL. *Política nacional do meio ambiente, Lei 6981*, 1981. Disponível em: <http://www.planalto.gov.br/ccivil_03/LEIS/L6938.htm>. Acesso em 06.03.2017.

BRASIL. *Constituição Federal de 1988*, 1988.<http://www.planalto.gov.br/ccivil_03/constituicao/constituicao.htm#adct>. Acesso em 27.01.2017.

BRASIL. *Decreto 3551 de 2000 sobre registros de bens culturais imateriais*, 2000. Disponível em: <http://www.planalto.gov.br/ccivil_03/decreto/D3551.htm>. Acesso em 26.01.2017.

BRASIL. *Lei 9985/2000. Sistema Nacional de Unidades de Conservação*, 2000. Disponível em: <<http://www.planalto.gov.br/ccivil_03/leis/L9985.htm>>. Acesso em 26.01.2017.

BRASIL. *Decreto 6040. Política Nacional de Desenvolvimento Sustentável dos Povos e Comunidades Tradicionais*, 2007. Disponível em: <http://www.planalto.gov.br/ccivil_03/_ato2007-2010/2007/decreto/d6040.htm>. Acesso em 25.01.2017.

BRASIL. *Lei 13.123 de 2015. Marco Legal da Biodiversidade*, 2015. Disponível em: http://www.planalto.gov.br/ccivil_03/_Ato2015-2018/2015/Lei/L13123.htm>. Acesso em 26.01.2017.

COMISIÓN MUNDIAL DEL MEDIO AMBIENTE E DEL DESARROLLO. *Nuestro Futuro Común*. Madrid: Alianza Editorial, 1988.

CUNHA, Manuela Carneiro da. “Populações tradicionais e a Convenção da Diversidade Biológica”. In: *Estudos Avançados*. Vol. 13. N°. 36. São Paulo, 1999. Disponível em: <http://www.scielo.br/pdf/ea/v13n36/v13n36a08.pdf>. Acesso em 20.01.2017.

_____. *Cultura com aspas*. São Paulo: Editora CosacNaify, 2009.

D’ÁVILA, Jayme Lucas. *Povoadores de Piratini: açorianos (casais d’el-rei), militares, tropeiros, aventureiros e outros*. Porto Alegre: Suliani Letra & Vida, 2007.

LATOUCHE, Serge. *La apuesta por el decrecimiento. ¿Cómo salir del imaginario dominante?* Barcelona: Icaria, 2009.

LEFF, Enrique. *Discursos sustentables*. México: Siglo XXI Editores, 2008.

LEITE, Ilka Boaventura. Os quilombos no Brasil: questões conceituais e normativas. *Etnográfica*. V. 4. N. 2. Lisboa, 2000.

LITTLE, Paul. Prólogo. Os conhecimentos tradicionais no marco da intercientificidade. In: LITTLE, Paul (org). *Conhecimentos Tradicionais para o século XXI. Etnografias da Intercientificidade*. São Paulo: Annablume, 2010.

NAÇÕES UNIDAS. *Carta Mundial para a Natureza*, 1980. Disponível

em: <http://www.meioambiente.pr.gov.br/arquivos/File/agenda21/Carta_Mundial_para_Natureza.pdf>. Acesso em: 06.03.2017.

NAÇÕES UNIDAS. *Convenção das Nações Unidas sobre o Direito do Mar*, 1982. Disponível em:<<http://www2.camara.leg.br/legin/fed/decret/1990/decreto-99165-12-marco-1990-328535-publicacaooriginal-1-pe.html>>. Acesso em: 06.03.2017.

NAÇÕES UNIDAS. *Declaração do Rio sobre meio ambiente e desenvolvimento*, 1992. Disponível em:<<http://www.onu.org.br/rio20/img/2012/01/rio92.pdf>> . Acesso em: 06.03.2017.

NAÇÕES UNIDAS. *Agenda 21*, 1992. Disponível em:<<http://www.onu.org.br/rio20/img/2012/01/agenda21.pdf>> . Acesso em: 06.03.2017.

NAÇÕES UNIDAS. *Convenção sobre a diversidade biológica*, 1992. Disponível em: <http://www.planalto.gov.br/ccivil_03/decreto/1998/anexos/and2519-98.pdf>. Acesso em 06.03.2017.

NAÇÕES UNIDAS. *El futuro que queremos*, 2012. Disponível em: <https://rio20.un.org/sites/rio20.un.org/files/a-conf.216-1-1_spanish.pdf>. Acesso em 10.01.2017.

OIT. *Convenção 169 sobre povos indígenas e tribais*, 1989. Disponível em:<http://www.planalto.gov.br/ccivil_03/_ato2004-2006/2004/decreto/d5051.htm> . Acesso em: 05.02.1017.

PORTO-GONÇALVES, Carlos Walter. *A globalização da natureza e a natureza da globalização*. 6ª Ed. Rio de Janeiro: Civilização Brasileira, 2015.

RUIZ, José Juste. *Derecho Internacional del Medio Ambiente*. Madrid: MacGraw-Hill, 1999.

RUBERT, R. A. (org.). *Relatório antropológico de caracterização histórica, geográfica, econômica e sociocultural da comunidade remanescente de*

quilombos de Fazenda Cachoeira (Piratini-RS). Pelotas: Fundação Simon Bolívar; UFPEL, 2013.

SACKS, Ignacy. *Desenvolvimento includente, sustentável sustentado*. Rio de Janeiro: Garamond, 2008.

SEN, Amartya. *Desenvolvimento como Liberdade*. São Paulo: Companhia das Letras, 2000.

SHIVA, Vandana. *Monoculturas da mente: perspectivas da biodiversidade e da biotecnologia*. Tradução de Dinah de Abreu Azevedo. São Paulo: Gaia, 2003.

SOUSA SANTOS, Boaventura de; MENESES, Maria Paula. Introdução. In: SOUSA SANTOS, Boaventura de; MENESES, Maria Paula. *Epistemologias do Sul*. 1ª Ed. 2ª Reimp. São Paulo: Cortez, 2010.

UNEP. *Rumo a uma economia verde. Caminhos para o desenvolvimento sustentável e a erradicação da pobreza*, 2011. Disponível em: <http://web.unep.org/greeneconomy/sites/unep.org/greeneconomy/files/field/image/green_economy_full_report_pt.pdf>. Acesso em 06.01.2017.

WEISS, Edith Brown. *Un mundo justo para las nuevas generaciones: Derecho internacional, patrimonio común y equidad intergeneracional*. Madrid: Mundi-Prensa, 1999, p. 80.

Artigo recebido em: 13/03/2017.

Artigo aceito em: 20/10/2017.

Como citar este artigo (ABNT):

BERTOLDI, M. R. ESTUDO DAS CONDUTAS DE APLICAÇÃO DO DESENVOLVIMENTO SUSTENTÁVEL POR COMUNIDADES QUILOMBOLAS DE PIRATINI. *Veredas do Direito*, Belo Horizonte, v. 14, n. 30, p. 317-340, set./dez. 2017. Disponível em: <<http://www.domhelder.edu.br/revista/index.php/veredas/article/1024>>. Acesso em: dia mês. ano.