How Marginalised Communities Make Themselves Being Heard in Tropical Forest Governance: A Review of Five Case Studies in the Brazilian Amazon.

Jes Weigelt[1]

1   Introduction

Since the publication of Elinor Ostrom's seminal book "Governing the Commons" (1990) much analytical attention is paid to the collective governance of land and resources.[2] Research conducted in this vein shows that common pool resources – resources characterised by rivalry in consumption and high exclusion costs – can be sustainably governed by their users. Hardin's famous metaphor of "the tragedy of the commons" has been proven to be a rather particular case amongst many others (Ostrom 2007). Scholars advance certain conditions suggesting the cases in which collective governance of common pool resources is likely to be successful. Among them are clearly defined boundaries of the resource and the ability of its users to defend these boundaries against outsiders (Ostrom 2005a, 259, 262). As Dietz, Ostrom, and Stern (2003; my emphasis) summarise "locally evolved institutional arrangements governed by stable communities and *buffered* from outside forces have sustained resources successfully for centuries (…)." Although the aforementioned article is titled "The Struggle to Govern the Commons" (ibid), an analysis of how and under which conditions resource users are able to achieve this "buffer from outside forces" is missing. This is a puzzling omission, given the manifold examples of dispossession of smallholders from economically valuable (common pool) resources. Eviction of rubber tappers in Brazil and their subsequent struggle for recognition of their claims to resources by the state is one among the well-documented examples (Almeida 2002). Vulnerability of smallholders "does not just fall from the sky" (Ribot 2009), neither does its opposite. Analyses of common pool resource

governance omitting these processes run the risk of producing a truncated account of what is at stake when smallholders are to become rights holders over resources.

Consequently, there are calls to broaden the analysis of common pool resource governance. Some call for a more explicit treatment of the role of power within well-established analytical frameworks in governance research (cf. Mwangi and Markelova 2009), yet others argue for a different perspective on the question. Sikor (2006) and Mollinga (2007), for example, advance a relational approach to the analysis of common pool resource governance. Property rights scholars have long pointed out that property is not a thing but a set of relations between members of a society and an object (Von Benda-Beckmann 1995, 312) or benefit stream (Bromley 1991, 15). Further, property is about legitimised claims to a resource by one user that become institutionalised in property rights relations (cf. Sikor and Lund 2009). In the absence of such legitimised claims to land or other natural resources, actors nevertheless access resources. Or they even do so in disrespect of legitimised claims. Ribot and Peluso (2003) distinguish property as "the right to benefit from things" from access understood as "the ability to benefit from things." They distinguish further agents who control access from those who maintain access through the former. Agents may control access because of preferential access to authority, control over market access, or by ownership over other tangible resources such as financial capital. In many cases, establishing secure rights for smallholders to land and other natural resources requires remoulding the relations between smallholders, other agents and the state. This implies politicising the term governance (cf. Borras Jr and Franco 2010), as it relates to the distribution of land and power in rural societies.

The analysis of rural social relations and their change is the hallmark of agrarian change scholarship.[3] Building on the insights offered by this school, the paper argues that an agrarian change perspective yields valuable insights into common pool resource governance. Insights, which often go unnoticed in studies on collective action for communal resource governance (see, for example, Ostrom 1990). The paper builds on case studies on land rights regularisation initiatives located in Western Pará in the Brazilian Amazon. These initiatives are characterised by (i) the recognition of property claims of smallholders to land and forest resources; and (ii) conflicts between these smallholders and other agents (principally, loggers and ranchers) over access to the resources. Hence, land rights regularisation in these cases

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[3] This paper applies a concept of agrarian reform that includes land rights regularisation alongside other measures to democratise access to land (such as redistributive land reforms) (cf. Kuhnen 1982).

involves a redistribution of access. To understand the process of agrarian change the paper advances a conceptual map of power (section 2). The subsequent section 3 briefly introduces the methodology followed. Section 4 describes case study findings. Presentation of findings follows phases of land rights regularisation: mobilisation for land rights regularisation, taking the struggle to other fora, and momenta of responsiveness by the responsible public organ. The process of agrarian change is then analysed from the perspective of power (section 5). Section 6 draws conclusions regarding communal resource governance.

2   Establishing Rights to Resources: A Question of Power

Borras and Franco (2010, 22f) distinguish three cases of contemporary contexts of agrarian reform. First, there is radical social change associated with electoral victories of political parties that represent marginalised segments of society. The election of Evo Morales as president of Bolivia and its implications for Bolivia's indigenous peoples' land rights might count as a recent example. Second, "everyday politics" of the poor can alter national level policies (Tria Kerkvliet 2006). Both are rare cases. The third case is much more frequent, in which "the rural poor and their allies are confronted by the challenge to change their situation with the very structures that perpetuate their problematic conditions" (ibid, 23). Agrarian reform is not in a deadlock, however. Democratic transitions, the gender struggle (Deere and León 1997), or the increased leverage of national and international Non-Governmental Organizations (Borras, Edelman et al. 2008) all create space for agrarian change (on the changing conditions of agrarian reform, see Herring 2000). Environmental discourses allow some to cast their property claims in terms of environmental protection. This framing increases the resonance of their requests (on the unintended consequences, see Medina, Pokorny et al. 2009). A conceptual map to understand power in processes of agrarian reform needs to reflect these various ways power is created. This is not to replace a structural-relational understanding of the power – as it is often adopted in agrarian change scholarship – with a voluntaristic approach but a complement to it.

A principal challenge to such an endeavour is the question of commensurability (cf. Clegg, Courpasson et al. 2006, 218f). Therefore, a conceptual map that attempts to incorporate different conceptualisations of power needs to establish a common point of reference.

Haugaard (2003), for example, advances a framework developed from a post-modern perspective. It takes the reproduction of meaning as its point of departure and derives a framework of "seven ways of producing power" from there. The quest for a commensurable frame to combine different theories of power need not be an elusive one.

The paper adopts a different approach that derives its assumptions from the philosophical school of Critical Realism (cf. Archer, Bhaskar et al. 1998). One of the key concerns of critical realist philosophy (and social theory) is a reflection of causality.[4] While the subject is debated within Critical Realism, key proponents share the following convictions. A conceptualisation of causality, which establishes causality by identifying regularities between events, is rejected (so called "successionist view of causation" or Humean account of causation). Instead they suggest asking "(…) what an object is like and what it can do and only derivatively what it will do in any particular situation" (Sayer 1992, 105). That is they assume a "generative view of causality" (cf. Ekström 1992). Social entities, discourses,[5] social structures, or institutions possess causal powers in their own right, which are not reducible to the agents. These entities co-exist and concurrently exert their influences. A particular event is *contingent* upon other social entities with their causal powers. Take the example of landless people staging a demonstration in front of the ministry of agrarian reform. The effects of this public act might depend on the party affiliation of the minister and his or her key staff, receptive officials within the administration, ongoing relations with international donors, or the availability of allies pressuring for agrarian reform. The paper advances that a commensurable conceptual map of different sources of power is possible by looking at the social entities, which possess the causal powers to produce events. This is not to reify social structures. Social entities other than the agent exercise their influence through the agent. They do not act by themselves. Related to this is the question of whether power is an agency or a structural concept (cf. Mosse 2004). From the perspective advanced here, only agents hold the capacity to act. However, the sources of agential power also originate from other social entities. Three social entities are considered here: individual agents with their particular causal powers, discourses and ideas, and institutions.[6]

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[4] Regarding the close ties between the concept of causality and theories of power, see Clegg, Courpasson, and Philipps (2006, 207ff).

[5] The question of causal powers of discourses or ideas relates to the discussion on "reasons as causes." Those who reject that "reasons can be causes" often base their claims on a successionist view of causation, which I do not share (for an elaborate discussion of this question, see Fairclough, Jessop et al. 2002).

[6] These elements are real in the sense that they have the causal power to produce events. As individuals bring discourses and structures into being they are socially constructed but nevertheless real in their effects.

There are at least three important implications to this assumption of causality. First, power is a capacity not its exercise. To have the capacity to act is to have the *power to* do something. This includes the capacity to get others to do something they would otherwise not do *(power over)*, but it is not exhausted by it (cf. Lukes 2005, 73f). Second, understanding the dynamics of common pool resource governance requires a "thick description" of the process, as it is an empirical question, which causal properties interact in changing governance (see section 3). Third, analyses of common pool resource governance need to take into account the pre-existence of social structures and institutions to individual actions. "As individuals we are born into a set of structures that are not of our making" (Hodgson 2000b, 11). Hence, it is necessary to go beyond methodological individualist approaches in explaining institutional change in resource governance.

If the analysis of institutions and social structures assumes such importance how do they shape agents' differential scope for action?[7] Two processes stand out: the allocation of social positions within social structures and the inducement of habitual behaviour. Within social structures agents obtain certain capacities to act that they would not possess, if they would not inhibit this particular social position. Property rights are a case in point. They allocate two social positions with regard to an object or a benefit stream. One agent, *A*, obtains the position of the rights holder, the other agent, *B*, gets allocated the correlated position of a rights holder. Through the institution property right agent *A* acquires the right to obtain benefits from an object. In the absence of this institution, agent *A* might not be able to obtain these benefits as other agents may benefit from this object by, for example, using force. The allocation of social positions within social structures not only contributes to creating social order. It might also lead to a situation in which some agents are put in a marginalised social position. Think of gender roles discriminating against a particular sex or norms stigmatising certain groups in society. To turn the argument around, some agents also achieve social positions, which significantly enhance their capacities to act. Think of, for example, members of the agrarian elite. The web of social relations in which they are embedded often allows them to obstruct progressive redistributive policies (cf. Kuhnen 1982, 338; Angeles 1999). Hence, social positions capacitate some agents to pursue particular actions and at the same time constrain others agents' scope of action.

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[7] This work suggests treating the concept of social structure as a meta-concept to the concept of institution. Institutions – understood as "systems of established and embedded social rules that structure social interactions" (2006, 18) – establish social structures, which comprise agents, a relation between them and emerging properties which are not attributable to the agents alone (Elder-Vass 2007).

"*Institutions* are systems of established and embedded social rules that structure social interactions" (Hodgson 2006, 18; emphasis in original). Ongoing exposure to constraints associated with particular institutions gives rise to habitual behaviour of agents (Hodgson 2007a). Habits can be defined as "the propensity to behave in a particular way in a particular class of situations" (Hodgson 2004, 652). They are particular ways of acting that agents acquire in the process of socialisation. Habits are inscribed in agents' tacit knowledge, knowledge that one cannot easily "put into words" (Haugaard 2003, 100). A focus on socialisation, habits, and tacit knowledge allows retaining the core of Lukes' idea of "false consciousness" while avoiding the problem of outsiders determining what agents' real interests are (ibid, 101).[8] The existence of habitual behaviour draws attention to processes that might lead to the unconscious reproduction of institutions. Martha Nussbaum's work on gender provides compelling evidence. "Even when women appear to be satisfied with such customs, we should probe more deeply. If someone who has no property rights under the law, (…), who will very likely be beaten if she seeks employment outside the home, says that she endorses traditions of modesty, purity and self-abnegation, it is not clear that we should consider this the last word on the matter" (Nussbaum 2000, 42f).[9] In short, habitual behaviour can be a significant source of disempowerment.

Institutions and social structures are not the only social objects that influence agent's power, agent's capacity to act. Discourses matter (cf. Arts and Buizer 2009). First, discourses influence how agents construct meaning (Fairclough, Jessop et al. 2002, 6f). The meaning attached to institutions is essential for sustaining them (cf. Searle 2005). So, discourses shape agents' capacities to mould institutions regulating access to land and other natural resources by facilitating or inhibiting processes of institutional change. Of course, agents hold the capacity to critically reflect on discourses and their influence on institutions by asking for reasons (cf. Bromley 2006). However, even if agents identify reasons for institutional change, there is no guarantee that their "giving of reasons" will alter discourses on institutions and institutional change. Their giving of reasons is more likely to become embedded in discourses, if they refer to other texts in the discourse (intertextuality) and other well-

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[8] Lukes (1974, 34) describes real interests by contrasting them with the interests they hold because of their societal context. In his words: "(…) men's wants may themselves be a product of a system which works against their interests, and, in such cases relates the latter to what they would want and prefer, were they able to make a choice." For a critique of the concept of real interests see Benton (1981) and Clegg, Courpasson and Phillips (2006, 213ff).
[9] I owe this quote to Lukes (2005).

established discourses (interdiscursivity) (Phillips, Lawrence et al. 2004, 644f). Summing up, "discourses make certain ways of thinking and acting possible, and others impossible or costly" (ibid, 638).

Together, the causal effectiveness of institutions, social structures, and discourses emphasise the complexity of factors influencing changes in common pool resource governance. This is not to do away with agential powers of deliberation or agents cognitive or physical capacities. Agents own a "prospective" capacity to imagine and other futures and formulate paths to attain it (Emirbayer and Mische 1998). The presentation of sources of power highlights, however, that there are other sources of agents' power to change institutions of common pool resource governance beyond those of the individual.

3   Understanding Institutional Change: A Note on the Research Approach

In order to understand the manifold influences on processes of institutional change it is necessary to adopt a research approach that allows for openness. Research on which this paper draws followed a case study approach, defined as "a way of organizing social data so as to preserve the *unitary character of the social object being studied*" (Goode and Hatt 1952 in Blaikie 2000, 215; emphasis in original). I followed a comparative case study approach (Yin 2003, 46ff), each case being a land rights regularisation initiative (see table 5-1). Four of these already led to the formal recognition of smallholders' claims to land and forests. Despite of its formal creation, I do not consider the PDS Ademir Federicci as a case, in which land rights regularisation was achieved. Fieldwork revealed that as of September 2008 none of the intended beneficiaries was settled in the area. The RESEX Renascer was decreed after my fieldwork had already ended. In this case, I obtained additional information on the process of reform after 2008 via telephone interviews with my research partners in Pará. All agrarian reform initiatives are located in so called frontier regions in Western Pará.[10] Case study selection criteria are: (i) recognition of smallholders' claims leads to a re-distribution of

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[10] I use the term "frontier" to denote an area that has certain physical characteristics: (i) large areas of primary forest cover that (ii) increasingly become explored or transformed into other uses. I do not associate the term "frontier" with notions of "development" that increasingly progresses into "wilderness" or other connotations that the term frontier might be associated with (for a critical discussion of the term, see Nitsch 1999).

access to land and other natural resources and (ii) those benefitting from the status quo contest the implementation of the forest tenure reform initiative.

Land Rights Regularisation Initiative					Municipality	
Name	Type	Size (ha)	No. of families	Year of creation	Name	Poverty rate (2000)
Ademir Federicce	Sustainable Development Project			Not created	Medicilândia	48.58
Renascer	Extractive Reserve	211 741	600	2009	Prainha	78.55
Riozinho do Anfrísio	Extractive Reserve	736 350	50	2004	Altamira	37.66
Virola-Jatobá	Sustainable Development Project	24 000	200	2003/2005	Anapú	61.6
Verde para Sempre	Extractive Reserve	1 290 000	2500	2004	Porto de Moz	68.57

Table 5-1: Overview over the case studies.

Data was collected during three field visits, which took place from 2006 – 2008 and in total 10 months of field presence. Principal research methods applied are interviews (open-ended questions, which aimed at generating narratives), which I recorded, participant observation, and participatory research exercises (primarily, participatory mapping). My interview partners were inhabitants of the areas subject to reform, their Brazilian civil society partners, representatives of national NGOs, Brazilian researchers, and public officials. I conducted 69 interviews, of which I led roughly 80% with representatives from the first two categories of interview partners. Civil society groups played a crucial role in organising my field access. Therefore, they have an important gatekeeper function. The gatekeeper function influenced access to different groups within the agrarian reform initiative. In effect, I often found it more difficult to interview those who have closer ties with those agents opposing reform. During my stays I worked, as far as possible, together with the civil society groups. The participant observation mainly draws on these insights. Based on the findings obtained during the second field visit, I developed first explanations during the first phase of data analysis (which consists of data classification). Then, during my third field visit, I discussed these fist tentative explanations with my research partners. Based on these discussions, I developed more specific explanations. I used secondary sources, to augment the empirical basis of my research.

The first step in data analysis comprised of the paraphrase of the statements of my interview partners remaining true to the language they used. In the next step, I produced case study reports in which I classified the data according to themes (e.g., agents and their access strategies or forest tenure reform process). In a subsequent step, I applied codes to the data that allow for a fine-grained classification of parts of the data, which I then related to the conceptualisation of power.

Concerning the analysis of habitual behaviour, I build on the "Documentary Method" as presented by Bohnsack (2003b) and Nohl (2006). A key premise of the methodology is agent's inability to give an account of his or her tacit knowledge that underpins habitual behaviour. Tacit knowledge needs to be reconstructed. The term "comparative sequence analysis" captures the core of the "Documentary Method." "Sequence analysis" refers to the insight that interviews giving an accord of a particular course of action exhibit the regularities that underpin agent's (in this cases, interview partner's) habitual knowledge. Hence, responses stand in a meaningful relation to each other that can be reconstructed by analysing the sequence of the statements. Comparison of one sequence with sequences of other respondents on the same topic allows reconstructing each agents' "frame of orientation" *(Orientierungsrahmen)*. This "frame of orientation" is the tacit knowledge that gives rise to the sequence of habitually conducted actions (Nohl 2006, 11f).

4   Struggles for Recognition: A Review of Five Cases in Western Pará

The settlement history of Western Pará is long. Besides several indigenous tribes *(populações indígenas)* who inhibit the area, settlers moved to the Amazon during earlier economic booms such as the extraction of natural rubber at the beginning of the 20th century. Even though these economic activities often became economically unattractive, settlers remained and accommodated their lifestyle to their environment. Subsistence agriculture and extractive activities form the basis of these so called traditional people *(populações tradicionais)*. The proverb "God is great but the forest is greater" *(Deus é grande mas a mata é maior)* captures the necessity to adapt ones lifestyle to the Amazonian environment that those early settlers experienced. The proverb's validity expired when military government's from 1964 onwards

initiated a colonisation scheme for the Amazon. Besides concern for the integrity of Brazil's borders, the military regime intended to ease pressure by social movements for agrarian reform in the Northeastern and Southern parts of the country by opening up the Amazon for "agrarian reform" and colonisation (Ianni 1979, 47f). A settlement programme replaced redistribution of agricultural land in areas characterised by highly unequal land distribution. Government also attracted private investments principally in cattle ranching, by providing, for example, subsidised credit (cf. Binswanger 1991). Whereas the support for smallholders soon ceased, enterprises or large-scale producers continued to receive Government support (Treccani 2001, 184). The newcomers to the region did not start on an equal footing. Nevertheless, the spontaneous settlement by landless people continues up to the current day (cf. Fearnside 2008). The colonisation programme which fundamentally shaped Pará's social and environmental development from the 1970ies onwards implied different relations between the State on the one hand and smallholders and large agricultural producers on the other hand.

Although the smallholder population, which is at the core of this article (small settlers and traditional people) do not hold title to the land they live on their settlement is not illegal. Brazilian legislation establishes that people can settle on unclaimed public land. If they live on the land and cultivate it *(cultural efectiva and moradia habitual)* for a year and a day, they acquire the right to land through its appropriation *(direito de posse)*. In Western Pará, the size of the plots claimed by smallholder families is 100 hectares. To turn posse into a title a legal process applies (regularisation of posse). Generally, this process is difficult to follow for a smallholder family forcing them to live without regularisation of their land by the state. Needless to say, that this process does not pose much of a constraint to better-capitalised agents (Foweraker 1981, 112f).

When Western Pará experienced a further inflow of logging companies and large ranchers from the 1990ies onwards, the recognition of smallholders' rights to land and the resources on it by the state was not very advanced. Infringements of smallholder's rights and land conflicts ensued (cf. Sauer 2005). Withdrawal of logs from smallholders' lands without their consent and expulsion of smallholders from their lands are some of the consequences (cf. Treccani 2001). The municipalities covered by this paper are no exception in this regard. This situation gave rise to attempts by the smallholders and affiliated social movements to regularise smallholders' posse.

This struggle for recognition implies that smallholders inhabiting the area subject to regularisation need to agree on a particular modality to regularise their land. Brazilian legislation foresees a wealth of options for land rights regularisation. Modalities differ among other things with regard to whether titles are given to a collective or individuals or whether smallholders actually obtain the right of alienation (for an overview over the options, see Carvalheiro, Treccani et al. 2008). Next, smallholders need to closely follow up on their request, as the responsible agencies usually do not have the capacity to address all the claims (ibid). Smallholders need to establish ties with the administration at state or federal level to push their claims forward. Lastly, the respective agency needs to take a decision on the request and start taking steps to regularise smallholders' land. The following description of the land rights regularisation process – the process of establishing property rights to land – follows these three broad steps.

4.1   Municipal Politics: Mobilising for Institutional Change

Mobilisation for institutional change involves activities such as land literacy or assistance to the founding of community organisations. Those arguing for land rights regularisation within the municipalities had to confront two principle challenges. One, they had to raise awareness on the long-term impact of the prevailing land use practices on livelihoods in a social context often characterised by dependency relationships between loggers or ranchers and smallholders. Second, they had to operate in a municipal political context strongly influenced by the very same actors whose land use strategies infringed upon smallholders' lands. Under these conditions, mobilisation for institutional change followed varied pathways in the five case studies. First, section describes these different trajectories and then, second, turns to the strategies of the proponents of and the opponents to land rights regularisation. The latter part will allow an analysis of the challenges encountered during mobilisation for land rights regularisation.

In the late 1990ies pressure on smallholders' lands increased substantially in Porto de Moz. At that time, the social movements of Porto de Moz could already look back on a history of resistance to other agents appropriating resources pertaining to the communities. At the beginning of the 1980ies, the fishing grounds in Porto de Moz increasingly became the target of so called "geleiras." Geleiras are fishing vessels equipped with ice *(gelo)* to allow storing

fish. In comparison with the amount of fish caught by communities, the size of the caught by geleiras was significantly higher. Depletion of fishing stocks resulted, which negatively influenced the livelihoods of the traditional people for whom fish forms an essential part of their diet. Catholic priests sympathising with liberation theology played a vital role in this resistance as the "Comunidades Eclesiais de Base" organised by them served as a starting point for political mobilisation of the communities. This opposition finally led to the creation of fishing accords *(acordo de pesca)* stipulating rules for fishing. The accords prohibit, inter alia, access by the geleiras to the fishing ground regulated by the accord. By the end of the 1980ies and towards the beginning of the 1990ies, timber extraction intensified. Principally from the municipality of Breves small loggers arrived which began opening up logging roads in the forest. This practice led to land conflicts, which in turn created the first demand to protect the land against intrusion. At the beginning of the 1990ies, communities demarcated four so called community areas *(áreas comunitárias)* to protect land and the natural resources located on it. These community areas never obtained legal recognition by state agencies, however.

A high degree of involvement of various social movements and members of the communities affected by illicit resource use practices characterise the case of Porto de Moz. An example is the broad participation in the several seminars on natural resource use in the municipality of Porto de Moz, which were held in 1995. As well in the mid-1990ies, the Committee for Sustainable Development in Porto de Moz was founded. It serves as an umbrella organization for the community associations of the municipality. The committee even receives external financial support by the German Development Service (DED). When the pressure on land and forest resources intensified, the social movements organised what became known as the "Fechamento do Rio." Disappointed by the lack of response by state agencies on their several claims to halt illegal resource use, a decision was taken to make their claims being heard. From September 19 to September 21, 2002, smallholders from Porto de Moz and social movements of the region blocked the river Jauruçu. Greenpeace provided support to the "fechamento." This river served as the principle exit route for timber that was illegally withdrawn in the area that is now the RESEX Verde para Sempre. As an effect of this blockade, several boats transporting illegally cut timber were intercepted and reported to the federal environmental agency IBAMA. National media covered the "fechamento" increasing its outreach.

The situation with regard to mobilisation is very different concerning the Sustainable Development Project *(projeto do desenvolvimento sustentável, PDS)* "Ademir Federicci." On the one hand, organised civil society is less diverse in Medicilândia than in the other cases. The key entity is the Rural Workers Union *(sindicato dos trabalhadores rurais, STR)*. Its members hold diverging positions regarding the implementation of the land rights regularisation scheme. There are those who actively strive for land rights regularisation through the envisioned modality of a Sustainable Development Project. In 2008, when fieldwork ended, they hold a minority position. Those who are sceptical to its realisation focus on the settlement aspect of the PDS. They advance that it is difficult to settle people in a region distant to the municipal capital, as service provision will be very costly. Access roads are of poor quality and difficult to use in the rainy season. The needs of the traditional people already living in the area were not equally reflected in their accounts. A member of congress of Brazil's Workers Party, who is closely allied with the heads of the STR, supports this sceptical view. Further, the church – a strong supporter of RESEX implementation in the case of Porto de Moz – is less involved in the land rights struggle. The few members of the STR working for the implementation of the STR need to shoulder the time consuming and costly work of raising awareness alone. On the other hand, the people already living in the area subject to future land rights regularisation were not well informed on the process or the implications of the envisioned modality. Discussions sometimes even revealed lack of awareness that there is a process of land rights regularisation underway.

Moving further north to the municipality of Prainha and the RESEX Renascer, the situation is again different. When the first proposal for the creation of the RESEX Verde para Sempre emerged, the two RESEX were proposed as one connected area. Contrary to the original proposal, only the RESEX Verde para Sempre was decreed in 2004. The discussion of the original proposal contributed to awareness raising and mobilisation in general. In 2007, about 80% of the population of the RESEX Renascer had already voiced their desire for the creation of the RESEX during the meetings with IBAMA. The land rights regularisation process receives strong support from the rural labour union of Prainha. Further, a representative organisation for the communities living in the area covered by the RESEX was founded Catholic priests in Santarém provide further support to mobilisation. In comparison to the case of the PDS Ademir Federicci, support by social movements for mobilisation of smallholders rests on a broader alliance of entities. Leading representatives of the social movements in Prainha unequivocally supported the land rights regularisation initiative.

As the case of the RESEX Renascer, the RESEX Riozinho do Anfrísio forms part of a larger proposal covering an area called "Terra do Meio." The term Terra do Meio refers to a region roughly located between the highway BR – 163 in the west and the river Xingu in the east. It covers about 7,9 million hectares in the municipalities of Altamira, São Felix de Xingu, and Trairão. About 80% of the area is located in the municipality of Altamira. Indigenous lands boarder the Terra do Meio in the South, the North, and the North-East. Their demarcation dates back to the beginning of the 1980ies. Their demarcation was a response to invasions by loggers extracting mahogany. Later, these indigenous lands provided some protection of the Terra do Meio as they made access to the area more difficult. Towards the end of the 1990ies, the Terra do Meio suffered from more invasions leading to an increase in the number of land conflicts. To address this situation a broad alliance of social movements began to reflect on possible solutions to these threats to smallholder livelihoods. Among others, the alliance comprised the Pastoral Land Commission, the prelacy of the Xingu, the FVPP (an umbrella organisation for several social movements in the region of the Transamazon Highway and the Xingu). The Brazilian NGO Instituto Socioambiental (ISA) provided further support. The result of the ensuing discussions was a proposal to create a mosaic of conservation units *(mosáico das unidades de conservação)*. A fully elaborated study on this mosaic commissioned by the federal ministry for environment was finalised in 2003. In the case Riozinho do Anfrísio the decision in favour of the modality RESEX rather reflects the discussions of the aforementioned agents. Mobilisation of the communities was limited before the process of land rights regularisation began. The proposal to create a RESEX was then discussed with the respective communities living in the area. Some communities claim that they were not consulted in the discussion process. Despite of this neglect the majority of the smallholder families living in the area supported the RESEX proposal when IBAMA conducted the study necessary for RESEX's implementation.

Similar to the case of Verde para Sempre, the social movements of Anapú could look back to a long history of striving for recognition of peasant's property claims when the struggle to create the PDS began. The colonisation plans for the Amazon designed under military rule distinguished two types of areas. One in which settlement schemes for landless settlers are to be implemented and the other destined for large agricultural enterprises, primarily cattle ranching. The region in which the municipality Anapú is located belongs to the latter type of area. From the mid-1970ies onwards, Federal Government conceded lands on the basis of so

called alienation contracts *(Contratos de Alienação de Terras Públicas)* to ranchers. The recipients often did not physically occupy the land, giving way to occupation by others. Spontaneous settlement by landless people occurred alongside occupancy of the area by other ranchers or loggers. A tenurial chaos evolved, which facilitated the illegal acquisition of public lands. Land conflicts ensued. Analyses conducted by the national land reform agency INCRA in 1980 and 1981 found that many of the alienation contracts did not comply with the regulations stipulated therein and requested to devolve the land to federal jurisdiction. In this context, the social movements began struggling for secure land rights for Anapú's peasant population. Only in 1996, INCRA began to create the first settlement projects *(projetos de assentamento)*. Lack of support to implementation made these projects fail leading to distress sales of land. Ensuing disappointment with the traditional settlements led the social movements to search for a different agrarian reform modality. At the end of the 1990ies, the proposal to create PDS emerged as a potential solution to this impasse. This modality foresees individual lots and a large consecutive area, which harbours primary forest to be managed jointly. The assumption being that timber will serve as an economic basis for the settlers. In 2002, INCRA created the PDS Anapú I and II (known as PDS Esperança) and PDS III and IV (referred to as PDS Virola-Jatobá). However, the respective areas were still occupied by ranchers and loggers who took legal action against INCRA. The PDS' demarcation did not take place leaving the smallholder population living in the area under the very same conditions than before the creation of the PDS. Despites of this new disappointment, their struggle continued until 2005, when first steps were taken to implement the PDS.

The long history of mobilisation for land rights regularisation in Anapú rests on a broad alliance of social movements. The key entities within the alliance are the rural labour union of Anapú, the pastoral land commission *(Comissão Pastoral de Terra, CPT)*, and the Catholic Church of Anapú. The members of these entities have close ties within the communities. These well established contacts lead to a high degree of mobilisation within the communities living in the area subject to land rights regularisation. A very prominent person in this mobilisation was Sister Dorothy Stang, a nun originating from the United States naturalized Brazilian who worked for the rights of peasants since the opening of the Transamazon highway.

Her assassination on February 12, 2005 and the death threats she has been exposed to serve as a starting point for the analysis of the strategies of the opponents to reform. In all five cases

described above, land rights regularisation begins with the organisation of smallholders and awareness raising efforts. These activities depend on members of the social movement visiting the communities on a regular basis. In the course of this mobilisation some representatives of the social movements become more exposed than others. This happens primarily because of the positions they assume in the movements. The president of a rural labour union and the president of an association of inhabitants *(associação dos moradores)* are examples. Leading representatives (or their family members) of the social movements involved in the quest for land rights regularisation suffered from death threats in all five cases. Sometimes, threats were even voiced in the municipal chambers by council members, displayed publicly on placards, or even distributed by radio. In most of the cases the threats intensified after first steps towards land rights regularisation were achieved. In the example of Porto de Moz, threats intensified after the "Fechamento do Rio." To understand the danger of such a threat, it is necessary to take into account the judicial and public security situation in which they occur. From 1972 to 2005, 772 assassinations occurred in the context of land conflicts. In only three of these cases were those ordering the assassinations *(mandante)* finally judged upon (Sauer 2005, 43ff). Further, analyses of the role of the military police – the police under the jurisdiction of the state of Pará – in land conflicts find that its members often act on behalf of those committing the crimes (Treccani 2001, 264ff). The investigation into the assassination of Sister Dorothy confirms this general finding for the case of Anapú (Senado Federal. Comissao Externa "Dorothy Stang" 2005). The day before her assassination, Dorthy Stang sought support by the police to enter the PDS. This support was not granted. Death threats limit the outreach of representatives of social movements. In the case of Porto de Moz, prominent members of the social movements did not leave their houses anymore after 5 o'clock in the afternoon.

In the cases of Porto de Moz and Prainha, destruction of social movement's property accompanied violence against persons or the threat of it. In both cases, small motorboats essential to reach the communities were destroyed. In Prainha, the building of the association of fishermen was set on fire. Due to their limited financial capacities and the difficulty in replacing much needed infrastructure, actions such as these can severely restrict the ability of the social movements to realise their activities.

There is a further challenge to mobilisation within the municipal political context. Municipal politicians are often themselves involved in illicit resources or allied to those exercising them.

The municipal administration – the state's representation closest to the smallholders – in these circumstances does not defend smallholders' rights. Apart from the omission to protect smallholders' rights to land and forest, members of municipal administrations openly acted against land rights regularisation. Municipal administrations are often a key employer in Amazonian rural municipalities. In the cases analysed here, leading officials within the administration used this position to exert pressure on their employees. This practice proved to be an effective way to influence public opinion against agrarian reform. Members of municipal councils also openly acted against land rights regularisation. After the "Fechamento do Rio" council members were among the group which tried to lynch the co-ordinator of the Comitê do Desenvolvimento Sustentável de Porto de Moz. The investigation of the assassination of Dorothy Stang finds that the hypothesis that there was a net of supporters of the one ordering the assassination is "nearly unrejectable" (Senado Federal. Comissao Externa "Dorothy Stang" 2005, 32). The report identifies a key public official as a member of this net of supporters. The influence of economic elites within the federal environmental agency IBAMA and the land rights agency INCRA made smallholders' position even more difficult. It often restricted smallholder's ability of accessing Government organs other than municipal administrations to call for protection of their rights.

Dependency relationships between municipal administrations and smallholders were another challenge to mobilisation. The absence of public services characterises large areas of the municipalities covered by this paper. Under these circumstances, the allocation of a service – such as the building of a school or the installation of a generator – serve to establish ties between public officials and recipient families. These ties make mobilisation for land rights regularisation a difficult task. If members of municipal administrations oppose agrarian reform, smallholders fear that support to agrarian reform would leave them without access to the little services they have.

Dependency also characterises relationships between private agents and smallholders. Particularly in areas very distant to the municipal centres, ranchers or loggers are the only agents, who are in a position to offer some services to the communities. This might encompass activities like taking an ill family member to a hospital, job offers (for example, guard or employee in a sawmill), or the distribution of working material otherwise difficult to obtain. In exchange, the private agent offering the service can access natural resources such as the timber located on the land pertaining to a smallholder. A statement of a civil society

member of Anapú describes this type of relationship: "The lack of a street, the lack of a agricultural production policy, the lack of a credit policy for smallholders, (…) in this desert there, in this abandoned place (…). He [a smallholder] needs to have his land cleared. In exchange, he gives away the timber located on his lot." The extent to which private agents can operate to their liking provide another indication of the degree to which the state is only sporadically present in rural areas. Within the area that will eventually be covered by the PDS Ademir Federicci the logging company operating in the area put up a gate restricting access to the community Pontal. Similar to the situation described above dependency of smallholders on private agents turns mobilisation into a challenging task. One, it facilitates co-optation of smallholders by loggers or ranchers. The absence of the state combined with the option of support by smallholders presents a strong argument in favour of co-operation with loggers or ranchers. Mobilisation within a community, in which a respected member forcefully argues against land rights regularisation, becomes very difficult. Second, several members of the social movements commented that families living in regions characterised by a strong presence of these actors are very receptive to their reasoning. The assessment "Where we [member of a social movement] need hundred words, they [member of the economic elite] need one word" captures this tendency. In this context, spread of misinformation was a frequently applied strategy. Opponents of land rights regularisation told inhabitants that they would not be allowed to plant their fields or to raise chicken or own dogs. They coined the term "settlement of hunger" *(assentamento de fome)* to describe the modalities for land rights regularisation. Third, as in the case of the relationship between smallholders and municipal politicians, smallholders fear loosing access to the limited support systems offered by these agents.

Further, these dependency relationships can lead to a situation, in which smallholders attribute a positive role to the agents exploiting resources pertaining to the community. The statement of one of my interview partners in the community Pontal (area destined for the PDS Ademir Federicci) is illustrative in this regard. Despite of the fact that the logger operating the sawmill exploits the valuable timber species in the area[11] and forecloses access to timber and land by smallholders living in the area, he stated, "the sawmill is like our father." Members of social movements in other cases confirmed this kind of attitude for the areas they are working in. Mobilisation for institutional change in these contexts becomes a challenging task.

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[11] See Godar (2008) for an analysis of the extent of selective timber extraction.

Besides counteracting mobilisation efforts of the social movements, there is another strategy that opponents to land rights regularisation employed. My respondents referred to it as "making the settlement unviable" *(inviabilização do assentamento)*. This strategy implies the increased harvest of valuable timber or the creation of large deforested areas. Based on the analysis of satellite images, Velásquez, Villas Boas, et al. (2006, 1066) find that in comparison to the 2002-2004 period deforestation in the RESEX Riozinho do Anfrísio increased for about 200% in the 2004/05 deforestation period. That is the period shortly before the RESEX was decreed.

In summary, analyses of smallholders and social movements' endeavours to mobilise for institutional change point at two challenges they needed to overcome. One, economic elites often exert strong influence over municipal politics. Municipal administrations, under these circumstances, become allies of those agents opposing reform. Support to acknowledge peasant's property claims by the representation of the state closest to them becomes unattainable. Second, dependency relationships between smallholders and loggers or ranchers frequently occur. This exacerbates problems of mobilisation, as smallholders within these relationships rely on those agents, who appropriate resources pertaining to them.

4.2   Taking the Struggle to Other Arenas: The Link to the National Level

Mobilisation of communities and submission of a request for land rights regularisation are necessary steps. In the cases reviewed, they did not prove to be sufficient, because the responsible state entities receive a large amount of requests and are only able to respond to a few of them at a given point in time. Smallholders therefore need to draw attention to their particular request.

Given the Transamazon highway region's history of abandon, the social movements also have a history of trying to hold Government accountable. A pivotal organisation in establishing the links to federal level entities is the Fundação Viver, Produzir, Preservar (Foundation Live, Produce, Preserve)[12] the judiciary representation of the Movimento Pelo Desenvolvimento da Transamazônica e Xingu (Movement for the Development of the Transamazon and Xingu). The foundation serves as an umbrella foundation for several social movements in the region.

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[12] The focus on the FVPP does not intend to undervalue other civil society organisations. Paper highlights the FVPP because of its importance in the region where the case studies are located. Other regional centres with a well-organised civil society in Western Pará are Marabá and Santarém.

Among them are, for example, the regional federation of smallholders FETAGRI. In trying to make Government act within in the region the FVPP employed several means. Public events the so-called "Outcry of the Transamazon" (Grito da Transamazônica) or "Outcry of the Land" (Grito da Terra) were one instrument. Besides calling for attention these events intended to achieve a participatory discussion with public officials on areas such as education, health, agricultural production, or smallholders' land rights. Another means to make Government entities act were reports made to them on illicit land use practices or the precarious situation in which many smallholders find themselves. In the year 1999, the Grito already called for the creation of Conservation Units and other modalities for land rights regularisation to counteract the illicit resource use practices prevailing in the region. From 2002 onwards, the FVPP together with the Pastoral Land Commission focused on the implementation of the RESEX Verde para Sempre, the PDS in Anapú and the mosaic of conservation units in the Terra do Meio.

To voice their claims at other administrative tiers, the social movements drew on their close ties with Brazil's Workers Party *(Partido dos Trabalhadores, PT)*. Many members of the social movements are at the same time PT party members. Members to congress and to the state assembly of Pará defended land rights regularisation in parliament and assisted in establishing contacts with officials in the administration. In particular after the election of President Lula da Silva (Brazil's first president who is a member of the PT) PT politicians served as intermediator between members of the social movements and public officials.

In 2002, the regional movements acquired a new partner. The Federal Ministry of Environment contracted ISA to conduct the aforementioned study on a mosaic of conservation units to be implemented in the Terra do Meio. Based in Brasília and São Paulo, ISA had already well-established contacts to politicians and public officials. Further, international environmental NGOs intensified their activities in the region from 2000 onwards. An example is the involvement of the Environmental Defence Fund in the discussion on the mosaic of conservation units in the Terra do Meio. Further, Greenpeace conducted two studies that demonstrate the extent of illegal resource use practices and the violations of human rights and environmental legislation (Greenpeace 2001; Greenpeace 2003a). Translated into English, accompanied by an annex on the link between illegal logging in Pará and timber consumption in the USA (Greenpeace 2004), and distributed via the Internet national and international repercussion followed their publication. The study

commissioned by the MMA and conducted by ISA further confirmed the findings described in the studies published by Greenpeace. The increasing involvement of environmental NGOs coincided with the approval of the National System of Conservation Units in 2000 *(Sistema Nacional de Unidades de Conservação)*. This law encompasses so-called sustainable use Conservation Units (such as Extractive Reserves) acknowledging collective use rights hold by communities within these Conservation Units. This involvement of environmental NGOs increased the outreach of smallholder's claims. Further, these NGOs had the financial means to protect some of the more exposed members of the social movements by moving them from their home municipalities to a different locality. However, environmental NGOs also influenced the selection of the modality for land rights regularisation. Whereas the proposal to create an Extractive Reserve received substantial support by the involved NGO, in the case of Porto de Moz, the proposal formulated by communities to create so-called communal areas did not advance (Medina, Pokorny et al. 2009). The influence of environmental NGOs also extends to priority given to initiatives located in the Terra do Meio. My interview partners commented that the RESEX Riozinho de Anfrísio was selected as a priority area, because of the integrity of the forest.

Social movements did not only count on support by non-governmental entities. A member of the "Ministério Público Federal," a federal ministry hosting state attorneys responsible for ensuring that federal laws are applied properly, supported land rights regularisation.

4.3   Momenta of Responsiveness: Government Responses vis-à-vis Smallholders' Demands

Land rights regularisation initiatives do not necessarily progress up to the state of implementation even though all the necessary preparatory steps are finalised. Often, this is attributed to insufficient financial resources. Besides the lack of financial means hindering implementation, there is scope for political influence on the implementation of land rights regularisation. According to a figure devolved by The Economist (2009) the group of agricultural lobbyists (so-called "bancada ruralista") comprises 20 – 25% of members to national congress. This group has a history of impeding progressive land policies in Brazil (cf. Mendes 1992). A recent example is the discussion on the alteration of the limits of the National Forest Bom Futuro in Rondônia. According to Millikan and Monteiro (2009), its size is being reduced to cater for the needs of regional politicians illegally operating in this area.

There are two principal routes for influencing decisions on land rights regularisation on the national level. One, there is the party affiliation of leading public officials within the agencies responsible for implementation of the agrarian reform initiative. Second, proposals to create a RESEX have to follow a consultative process within Government. This opens up ways for political influence. In the cases RESEX Verde para Sempre and Renascer, transfer of land from the jurisdiction of the state of Pará to the jurisdiction of federal entities further increases complexity of land rights regularisation.

The case Renascer demonstrates how this kind of political influence can play out to the detriment of smallholder's property claims. In November 2006, one month before he had to hand over Government to the recently elected Ana Júlia of the PT, that time Governor of Pará Simão Jatene intended to create two state conservation units in the area claimed by proponents of the RESEX Renascer. The type of conservation unit chosen would have permitted the continuation of the prevailing resource use practices in the area. Among the political allies of Jatene is one of the largest logging companies operating in the region. Upon an intervention by the Ministério Público Federal the proposal was halted by a judiciary sentence in January 2007. Even the change in Government to a party with stronger ties with the social movements of the region did not accelerate the process of land rights regularisation. PT in Pará relies on a coalition with the Partido do Movimento Democrático Brasileiro (PMDB), whose politicians are often linked to the interests of the logging and ranching sector. Members of the social movement of Prainha commented that they did not receive much support from members of the PT for their quest for land rights regularisation at the end of 2006. They attributed this little support to the fact that there were election times and large logging companies operating in the area.[13] The preparatory studies for the RESEX Renascer were finalised in December 2007 and the process was transferred for the president's approval in May 2008 (Instituto Socioambiental 2008). It took until June 2009 to finally create the RESEX. This delay occurred irrespective of the fact the judiciary sentence of January 2007 foresaw a period of 30 days for the creation of the RESEX Renascer. When it was finally created, its size has been reduced about 50% excluding the area in the south of the RESEX harbouring a large consecutive area of primary forest.

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[13] A later supervision mission by IBAMA confirmed the extent of logging activity and the degree of its illegality (Instituto Brasileiro de Meio Ambiente e dos Recursos Naturais Renováveis 2010).

The political context was different for the RESEX Verde para Sempre and Riozinho do Anfrísio before the federal and state elections of 2006. After the election of Lula da Silva in 2002 many politicians, who have a personal history of working within Brazil's social movements assumed leading positions within the administration. Marina Silva, a former colleague of Chico Mendes in the quest for land rights regularisation in the state of Acre became Minister of the Environment. The head of the secretary of the Amazon and the co-ordinator of the secretariat of "agroextractivismo"[14] have personal ties to leading members of the social movement in Altamira. President Lula himself received members of the social movement of Pará to discuss their concerns. In effect, public officials within the organs got proactively involved in the creation of the two RESEX.

Advances in the regularisation of smallholders' land in Anapú occurred after the assassination of Sister Dorothy Stang. Deployment of the army, heavy presence of the Federal Policy, and other organs such as IBAMA and INCRA followed her killing. This led to the eviction of logging companies from the area and the enforcement of human rights and environmental legislation in the municipality. Members of the social movement of Anapú commented that the two PDS were de facto created after her killing. Among other steps in the implementation of the two PDS, two land parcels subject to judiciary decision in the PDS Virola-Jatobá were judged upon in favour of the settler population after the homicide.

President Lula's first term in Government (2003 – 2006) and the increasing influence of the social movements represent a momemtum of responsiveness for smallholder's claims. The assassination of Dorothy Stang – despicable as the crime is – and the following national and international outcry had a similar effect. The political negotiations in 2006 did not open up political space to respond to smallholder's claims. Fundamental advances in smallholder's access to land and other natural resources require momenta of responsiveness by Government. The case of Medicilândia demonstrates the necessity of mobilisation for institutional change, which is easier to achieve when several social movements operate together. Contrasting the case of Riozinho do Anfrísio with the other successful agrarian reform initiatives, the decisive role that civil society organisations external to the communities can assume. Despite of low levels of community organisation before the inception of land rights regularisation, the initiative was nevertheless successful. Table 5-2 summarises the description of the phases and the factors influencing institutional change.

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[14] The term refers to the activities practised by traditional people, whose livelihoods partly depend on extractive activities.

	Mobilisation				
	Alliance of social movements	Experience of the communities in struggles for recognition	Ties between the social movements an the affected communities	Link to other arenas	Momenta of responsiveness
PDS Ademir Federicci	-	-	+ / - (some members of the STR)		
RESEX Renascer	+	+	+	+	-
RESEX Riozinho do Anfrísio	+	-	+ / - (established during the process of land rights regularisation)	+	+
RESEX Verde para Sempre	+	+	+	+	+
PDS Virola-Jatobá	+	+	+	+	+

Table 5-2: Factors influencing the process of institutional change in the five case studies. (+) signifies that a factor was present, (-) that it was not.

5 Navigating the Sources of Power in Institutional Change: A Discussion

This section analyses the trajectories of the five land rights regularisation initiatives applying the conceptual map of power outlined earlier. Presentation of analysis follows the outline of phases suggested in section 5.4: mobilisation for institutional change, taking the struggle to other arenas and momenta of responsiveness orient analysis' presentation. The thesis is that smallholders occupy a marginalised social and political position, power created by the allocation of social positions. Overcoming this situation not only necessitates mobilisation for institutional change but also alliances with other agents to take their struggle to other arenas. Environmental NGOs were decisive in this regard. The operation of this type of organisation, their acknowledgement by public authorities and the Brazilian public is interpreted as power created by discourse. Finally, returning to the conceptualisation of causality, section shows the contingency of institutional change. In the absence of momenta of responsiveness, otherwise favourable conditions are insufficient to bring about fundamental advances in the recognition of smallholders' property claims. In terms of the role of power in institutional change, the argument is that change occurred because of agents drawing on very different

sources of power; sources of power that cannot be coherently theorised from an individualist perspective. In the following paragraphs land rights regularisation is conceptualised as a process of institutional change. The institution under analysis is property rights. Explanations refer to the different sources of power as influences on the processes of institutional change or stalemate.

At the beginning of the process of institutional change, smallholders and social movements needed to mobilise for change. A key obstacle is the influence of ranchers and loggers on decisions taken within municipal administrations. Actions by the police in favour of those violating legislation or support to those practicing illicit resource use strategies are outcomes of this influence. Through their ties with the municipal administration and other public authorities, economic elites operating in the municipality acquire a social position that allows them to use natural resources as they do. Smallholders, to the contrary, cannot call upon municipal administrations to enforce their rights. Smallholders and economic elites occupy social positions that are emergent properties of the relations in which they are embedded. These social positions are interdependent. Due to economic elites preferential access to municipal administrations, smallholders occupy a marginalised position in municipal politics.

Further obstacles to mobilisation for institutional change arise because of the dependency of smallholders on loggers or ranchers for the acquisition of goods or services, which they cannot obtain on their own. This dependency relationship is constitutive of another social structure, which I will refer to as clientelism here. A clientelistic relation can be defined as an asymmetric reciprocity relationship between individuals or groups of different economic, social, or political standing (Powell 1970; Scott 1972). Through the institutional setting constituting clientelism, the economic elites obtain a social position, which facilitates influencing the decisions taken by smallholders. This creates additional obstacles to mobilisation.

There is a further aspect to social structures as a source of power. Clientelistic relationships prevail in much of rural Pará. Their history dates back to the beginnings of Amazonian colonisation. The debt peonage system established by the early rubber barons is one example (Bunker 1984). Further, clientelism is a ubiquitous phenomenon in the rural areas from which many of the migrants moving to the Amazon originate (such as Maranhão) (Roniger 1987). It is therefore likely that many of the smallholders were socialised within clientelistic

relationships. Embedded social rules like those associated with clientelism can induce habitual behaviour. As shown above, habitual behaviour can be a significant source of smallholder's disempowerment or, vice versa, of the power of their patrons. The findings presented above and the historical embeddedness of clientelistic relationships and the rural Amazon suggest that the opponents of land right regularisation could draw on this source of power in their attempts at maintaining the status quo.

The combined influence of these social structures (ties between municipal economic elites and municipal administrations and clientelism) leaves smallholders in an over-determined social position, as the two social structures reinforce the social position allocated to smallholders by each of them. Successful mobilisation for institutional change demonstrates that the over-determined position, which is further sustained by habitual behaviour of some, is not cast in stone. Those arguing for institutional change were able to convince fellow smallholder of the benefits of land rights regularisation. They were able to jointly reflect on their position and achieve a joint understanding of the need of land rights regularisation. In the cases of the RESEX this is most clearly evidenced by the democratic decision in favour of creating the reserve, which forms part of the legal requirements for creating a RESEX. Those arguing for land rights regularisation also achieved joint action in favour of land rights regularisation. The "Fechamento do Rio" and the resistance by the settlers in Virola-Jatobá after its official creation in 2002 despite of the level of violence and intimidation they experienced are examples in this regard. Notwithstanding their marginalised position, smallholders retain their agency, their ability to reflect on the current position and to prospectively formulate other courses of action (cf. Emirbayer and Mische 1998; Bromley 2006; Schmidt 2008). Collective action by smallholders in this context is about recognition of their rights vis-à-vis other agents by the state (cf. Johnson 2004, 418). It is a means in a distributive conflict. The cases reviewed here suggest that achievements in land rights regularisation demand this type of collective action.

On municipal level, opponents to reform drew on another agential source of social power: coercion through violence or the threat of it. It is a tactic applied in all the case reviewed. There is an aspect to coercion worth emphasizing, its relation to the social structural context in which they occur. It is questionable whether death threats would be an equally forceful means, if Pará more assassins and their "mandantes" would be convicted. Impunity of

homicides – in particularly of those ordering the crime – is a fertile ground for death threats or their execution.

In taking the struggle to other arenas, social movements drew on established ties with the PT and build new alliances with environmental NGOs. Both relationships allow social movements to gain access to people or fora otherwise foreclosed. In the conceptualisation offered here, this access represents an emergent property of a social structure. Representatives of smallholder movements acquire a social position (which provides access to public officials) by entering a relationship with another type of agent. Apart from power created by the allocation of social positions, there is another important source of power that comes into play in taking the struggle to other arenas: discourses. In the cases discussed here, discourses are a source of power in two ways. First, the environmental discourse and Brazilian and international concerns regarding environmental destruction within the Amazon provide the context in which environmental NGOs operate. Schmink and Wood (1992, 16) observe a general "greening of the discourse" in the Amazon. The United Nations Conference on Environment and Development in Rio de Janeiro 1992 gave rise to the Government of Brazil's Pilot Programme to Conserve the Amazon and the Atlantic Rainforests of Brazil. Acknowledgement of the necessity of environmental protection by parts of the Brazilian society provides justification for environmental NGOs' operations in the Amazon. Discourses provide legitimacy to the operation of these entities that are crucial mediators in social movements attempt at making their claims heard at other administrative tiers. That is, in building their alliances social movements drew on discourses as a source of power. In Porto de Moz, this led to a situation, in which the form of land rights regularisation developed by the smallholders themselves (the community areas) was replaced with Extractive Reserves as a modality for land rights regularisation. The latter land rights regularisation modality foresees more influence of IBAMA on resource use decisions by the inhabitants of the area. From the point of view of smallholders, alliances with environmental NGOs can have unintended consequences (cf. Medina, Pokorny et al. 2009). Second, environmental discourses allowed phrasing smallholder's property claims in environmental terms.[15] Alluding to their "sustainable" resource use practices, their way of managing resources appears as one solution to the global policy concern tropical deforestation. The ability to link one's

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[15] Both modalities for land rights regularisation have an environmental protection component. Extractive Reserves are a type of conservation unit recognised by the Brazilian System of Conservation Units. Sustainable Development Projects are a type of settlement project that intend to sustainably and collectively use 80% of the settlement area (on the history of the PDS modality, see Greenpeace 2007).

expressions with well-established discourses (interdiscusivity) enhances the probability that these expressions are taken up and lead to institutional change (cf. Phillips, Lawrence et al. 2004, 644f). In smallholder's struggle for recognition, environmental discourses enhanced their ability to link their property claims to global concerns. They were a means in taking their struggle to other arenas and, hence, a further source of power smallholders drew on.

The conceptual map of power set out by suggesting a generative view of causality as a useful basis for conceptualisation of power. The generative view of causality highlights that social entities possess causal powers irrespective of whether they are exercised at a given moment. Social entities with their causal powers co-exist and their joint operation causes events. Whether entity's causal powers lead to an event is contingent upon other entities with their causal powers operating at the same time. This co-existence of objects with their causal powers offer an explanation of the dependence of recognition of smallholder's property claims by the state on what I refer to as "momenta of responsiveness." The cases suggest that it needs extraordinary circumstances to break the influence of the logging and ranching sectors on political decisions regarding the distribution of land taken in Brasília. In the absence of momenta of responsiveness the RESEX Renascer suffered from severe reductions in its size. This is not without historical precedence. The creation of the first Extractive Reserves in the state of Acre followed the assassination of Chico Mendes and the ensuing national and international uproar (Silva 1994). In this context, it is also worth remembering that the decision against altering the agrarian structure in Southern and Northeastern Brazil stood at the outset of the colonisation of the Amazon in the 1970ies. There is not only historical precedent; there are also similar contemporary processes in different localities. The case of the Flona Bom Futuro provides an example from Rondônia (cf. Millikan and Monteiro 2009).

There are two concluding comments to this discussion. First, the strategies of opponents and proponents of reform highlight that power also has a material basis. Without the necessary financial means, to give a deliberately simple example, printing and distribution of pamphlets becomes impossible. The distribution of material benefits is not only an epiphenomenon to institutions or discourses; it becomes a source of power in its own right. Second, concerning the sources of power after the creation of the RESEX and the PDS. Recognition of smallholder's property claims by the State implies that the state assumes responsibility to protect smallholders claims once contested. Smallholders become rights holder. This social

position arises because of the state assuming its responsibility vis-à-vis the smallholder population. That is, the state assumes a facilitating role in creating the necessary conditions for communal resource governance.

6   Conclusions

This paper set out suggesting that analyses of processes that create the necessary conditions for communal resource governance can be quite different from those processes of institutional change highlighted by "collective-action scholarship." The five cases reviewed in this paper support this assessment. Fierce distributive – and often violent – conflicts replace self-organisation for the collective benefit as a driver of institutional change. Institutional change needed to begin in a context characterised by resource use decisions dominated by economic elites well entrenched in municipal politics. This elite – to only comment on one of the characteristics of users conducive to self-governance as outlined by Ostrom (cf. 1999) – is not dependent on forest conditions in a particular locality. Valuable timber can be logged elsewhere in the Brazilian Amazon and standing forest only impedes cattle raising. To the extent that those benefitting from these illicit activities live in other parts of Brazil and are able to reinvest profits in other economic activities (Repórter Brasil 2008), salience on the resource is even further reduced. There is a further comment regarding the role of the state within self-governance of common pool resources. Within "collective action scholarship" the state often appears as an agent who restricts collective action by resource users (Ostrom 2005b). This paper's findings, to the contrary, show that the state can assume an essential facilitating role in making collective resource governance possible. This is not to say that collective resource governance by its users is impossible. But the cases highlight that a sole focus on collective resource governance without a description of the processes that create the enabling conditions runs the risk of producing a misleading picture of what is at stake when marginalised segments of the rural society are to become holders of rights over valuable natural resources.

The paper further suggests to approach processes of institutional change that are at the core of this paper through an agrarian perspective focusing on the distribution of power and the social relations between the different societal groups. This perspective allows an explanation of the

smallholders' marginalised position within the rural society. Moreover a focus on the different sources of power permit an explanation of how smallholders overcame this marginalised position. The conceptual map of power proves useful in explaining institutional change. With this conceptual frame and its application to the cases, the paper also questions narrow methodological individualist conceptualisations of power. A relational approach to power offered by an agrarian perspective offers a more fruitful basis for a conceptualisation of power (cf. Isaac 1992).

Concerning agrarian change in the Brazilian Amazon and the prospects of broader access to natural resources by its smallholder population, the cases reviewed here caution optimism. It needed a wide array of factors to bring about institutional change. Their replicability in all those localities in need of land rights regularisation is unlikely. Overcoming smallholders' political and social marginalisation requires challenging deep-rooted social relations. As Borras and Franco (2010, 23) observe, "the rural poor and their allies are confronted by the challenge to change their situation with the very structures that perpetuate their problematic conditions." This is the very situation, in which Amazonian smallholders find themselves.

The paper also contributes to a discussion on the role of environmental movements within this struggle. From smallholder's points of view alliances with these groups can yield ambiguous outcomes. On the one hand, alliances with environmental NGOs offer leverage and links to other arenas essential to progress with land rights regularisation. On the other hand, environmental NGOs have their own objectives, which they try to achieve through this alliance. As the case of community areas shows, environmental movements are more powerful than the communities when it comes to deciding on modalities for land rights regularisation (Medina, Pokorny et al. 2009).

I doubt that the results of this paper come as particularly surprising ones to scholars of agrarian change. I hope, however, to contribute to a critical appraisal of communal resource governance (cf. Campbell, Mandondo et al. 2001). Last but not least, this critical appraisal is necessary from a policy point of view. Some of "collective action scholarship's" results are presented in a manner which makes them susceptible to policy uptake (cf. Mollinga 2001). "Collective action scholarship's" conceptualisation of natural resource management already influences what donor agencies think (for example, IFAD 2001, 187ff) and do about forest management (cf. Sunderlin 2006). If translated too easily into development policy, the lack of

attention to power and distributive conflicts might also characterise policy initiatives and "development projects." Policies or "development projects" building on an apolitical conceptualisation of resource governance might already imply substantial risks for the communities involved. Furthermore, development policy is frequently driven by fashion (see, Rauch 1996b for an example on participation). Its changes in policy prescriptions often resemble pendulum swings rather than amendments to the course. Inattention to the limitations of "collective action scholarship" might then lead to a situation in which "the baby communal resource governance may be thrown away with the bathing water" in the future. Such a decision would be to the detriment to smallholders and the conditions of tropical forests alike.

References

Almeida, M. B. d. (2002). "The Politics of Amazonian Conservation: The Struggles of Rubber Tappers." The Journal of Latin American Anthropology **7**(1): 170-219.

Angeles, L. C. (1999). "The Political Dimension in the Agrarian Question: Strategies of Resilience and Political Entrepreneurship of Agrarian Elite Families in a Philippine Province." Rural Sociology **64**(4): 667-692.

Archer, M., R. Bhaskar, et al., Eds. (1998). Critical Realism. Essential Readings. London, Routledge.

Arts, B. and M. Buizer (2009). "Forests, discourses, institutions: A discursive-institutional analysis of global forest governance." Forest Policy and Economics **11**(5-6): 340-347.

Benton, T. (1981). "`Objective' Interests and the Sociology of Power." Sociology **15**(2): 161-184.

Binswanger, H. P. (1991). "Brazilian policies that encourage deforestation in the Amazon." World Development **19**(7): 821-829.

Blaikie, N. (2000). Designing Social Research. The Logic of Anticipation. Cambridge, Polity Press.

Bohnsack, R. (2003). Rekonstruktive Sozialforschung. Einführung in qualitative Methoden. Opladen, Leske+Budrich.

Borras Jr, S. M. and J. C. Franco (2010). "Contemporary Discourses and Contestations around Pro-Poor Land Policies and Land Governance." Journal of Agrarian Change **10**(1): 1-32.

Borras, S. M., M. Edelman, et al. (2008). "Transnational agrarian movements: Origins and politics, campaigns and impact." Journal of Agrarian Change **8**(2-3): 169-204.

Bromley, D. (1991). Environment and Economy: Property Rights and Public Policy. Cambridge, Basil Blackwell.

Bromley, D. (2006). <u>Sufficient Reason. Volitional Pragmatism and the Meaning of Economic Institutions.</u> Princeton, Princeton University Press.

Bunker, S. G. (1984). "Modes of Extraction, Unequal Exchange, and the Progressive Underdevelopment of an Extreme Periphery: The Brazilian Amazon, 1600-1980." <u>The American Journal of Sociology</u> **89**(5): 1017-1064.

Campbell, B., A. Mandondo, et al. (2001). "Challenges to Proponents of Common Property Recource Systems: Despairing Voices from the Social Forests of Zimbabwe." <u>World Development</u> **29**(4): 589-600.

Carvalheiro, K. O., G. D. Treccani, et al. (2008). Trilhas da Regularização Fundiária para Populações nas Florestas Amazônicas. Como decidir qual a melhor solução para regularizar sua terra? Belém, CIFOR, FASE.

Clegg, S., D. Courpasson, et al. (2006). <u>Power and Organizations</u>. London, Sage Publications.

Deere, C. D. and M. León (1997). Women and Land Rights in the Latin American Neo-liberal Counter-reforms. <u>Women in International Development</u>. Michigan, Michigan State University.

Dietz, T., E. Ostrom, et al. (2003). "The Struggle to Govern the Commons." <u>Science</u> **302**: 1907-1912.

Ekström, M. (1992). "Causal Explanation of Social Action: The Contribution of Max Weber and of Critical Realism to a Generative View of Causal Explanation in Social Science." <u>Acta Sociologica</u> **35**: 107-122.

Elder-Vass, D. (2007). "For Emergence: Refining Archer's Account of Social Structure." <u>Journal for the Theory of Social Behaviour</u> **37**(1): 25-44.

Emirbayer, M. and A. Mische (1998). "What Is Agency?" <u>American Journal of Sociology</u> **103**(4): 962-1023.

Fairclough, N., B. Jessop, et al. (2002). "Critical Realism and Semiosis." <u>Journal of Critical Realism</u> **5**(1): 2-10.

Fearnside, P. M. (2008). "The Roles and Movements of Actors in the Deforestation of Brazilian Amazonia." <u>Ecology and Society</u> **13**(1): art. 23 [online].

Foweraker, J. (1981). <u>The Struggle for Land. A Political Economy of the Pioneer Frontier in Brazil from the 1930 to the Present Day</u>. Cambridge, Cambridge University Press.

Godar, J. (2008). A expansão da fronteira na Transamazônica: O impacto comparado da agricultura familiar e da pecuária, Universidad de León.

Greenpeace (2001). Parceiros no crime. A extração ilegal do mogno., Greenpeace.

Greenpeace (2003). Estado de Conflito. Uma investigação sobre grileiros, madereiros e fronteiras sem lei do estado do Pará na Amazônia., Greenpeace.

Greenpeace (2004). The U.S. Connection to Illegal Logging in the Brazilian Amazon. Amsterdam, Greenpeace.

Greenpeace (2007). Assentamentos de Papel, Madeira de Lei. Parceria entre INCRA e madeireiros ameaça a Amazônia. Manaus, Greenpeace.

Haugaard, M. (2003). "Reflections on Seven Ways of Creating Power." <u>European Journal of Social Theory</u> **6**(1): 87-113.

Herring, R. J. (2000). Political Conditions for Agrarian Reform and Povery Alleviation. <u>IDS Working Paper</u>. Sussex, Institute of Development Studies.

Hodgson, G. M. (2000). Structures and Institutions: Reflections on Institutionalism, Structuration Theory and Critical Realism. Hertfodshire, The Business School, University of Hertfordshire.

Hodgson, G. M. (2004). "Reclaiming habit for institutional economics." <u>Journal of Economic Psychology</u> **25**(5): 651-660.

Hodgson, G. M. (2006). "What are institutions?" <u>Journal of Economic Issues</u> **40**(1-25).

Hodgson, G. M. (2007). "Institutions and Individuals: Interaction and Evolution." <u>Organization Studies</u> **28**(1): 95-116.

Ianni, O. (1979). Colonização e Contra-reforma Agrária na Amazônia. Petróplis, Editora Vozes Ltda.

IFAD (2001). Rural Poverty Report. New York, Oxford Universtiy Press.

Instituto Brasileiro de Meio Ambiente e dos Recursos Naturais Renováveis. (2010). "Ibama, PF e ICMBio apreendem mais de 40 mil m³ de madeira ilegal na Resex Renascer." Retrieved April 22, 2010, from http://www.amazonia.org.br/noticias/print.cfm?id=350197.

Instituto Socioambiental. (2008). "Decreto que cria Reserva Extrativista em área de conflitos no Pará só depende de Lula."   Retrieved July 11, 2009, from http://www.socioambiental.org/uc/4764/noticia/61344.

Isaac, J. C. (1992). Conceptions of Power. Encyclopedia of Government and Politics. M. Hawkesworth and M. Kogan. London, Routledge.

Johnson, C. (2004). "Uncommon Ground: The 'Poverty of History' in Common Property Discourse." Development and Change 35(3): 407-433.

Kuhnen, F. (1982). Agrarreform und Siedlungswesen. Sozialökonomie der ländlichen Entwicklung. P. v. Blanckenburg and H.-D. Crever. Stuttgart, Verlag Eugen Ulmer: 330-347.

Lukes, S. (1974). Power: A Radical View. London and Basingstoke, The Macmillan Press Ltd.

Lukes, S. (2005). Power. A Radical View. Houndmills, Basingstoke, Hampshire, New York, Palgrave Macmillan.

Medina, G., B. Pokorny, et al. (2009). "Loggers, Development Agents and the Exercise of Power in Amazonia." Development and Change 40(4): 745-767.

Medina, G., B. Pokorny, et al. (2009). "The power of discourse: Hard lessons for traditional forest communities in the Amazon." Forest Policy and Economics 11(5-6): 392-397.

Mendes, C. (1992). "Excerpts from Chico Mendes's Fight for the Forest." Latin American Perspectives 19(1): 144-147.

Millikan, B. and T. Monteiro. (2009). "Troca Indecente."   Retrieved June 20, 2009, 2009, from http://www.amazonia.org.br/opiniao/print.cfm?id=314949.

Mollinga, P. P. (2001). "Water and politics: levels, rational choice and South Indian Canal irrigation." Futures 33: 733-752.

Mollinga, P. P., R. S. Meinzen-Dick, et al. (2007). "Politics, Plurality and Problemsheds: A Strategic Approach for Reform of Agricultural Water Resources Management." Development Policy Review 25(6): 699-719.

Mosse, D. (2004). Power Relations and Poverty Reduction. Power, Rights, and Poverty: Concepts and Connections, Washington, International Bank for Reconstruction and Development / The World Bank and Department for International Development.

Mwangi, E. and H. Markelova (2009). "Collective Action and Property Rights for Poverty Reduction: A Review of Methods and Approaches." Development Policy Review 27(3): 307-331.

Nitsch, M. (1999). Amazonien zwischen Raubbau, nachhaltiger Nutzung und Naturschutz. Zu den Konsequenzen von alternativen Denkmustern und Diskursen über die "Grenze". Naturräume in der Dritten Welt. Ausbeutung, nachhaltige Nutzung oder Schutz. G. Meyer and A. Thimm. Mainz, Johannes-Gutenberg-Universität: 113-133.

Nohl, A.-M. (2006). Interview und dokumentarische Methode. Anleitungen für die Forschungspraxis. Wiesbaden, VS Verlag für Sozialwissenschaften.

Nussbaum, M. C. (2000). Women and Human Development: The Capabilities Approach. Cambridge, Cambridge University Press.

Ostrom, E. (1990). Governing the Commons: the evolution of institutions for collective action. . New York, Cambridge University Pess.

Ostrom, E. (1999). Self-Governance and Forest Resources. <u>CIFOR Occassional Paper</u>. Center for International Forestry Research. Bogor, CIFOR.

Ostrom, E. (2005b). Policies That Crowd out Reciprocity and Collective Action. <u>Moral Sentiments and Material Interests</u>. H. Gintis, S. Bowles, R. T. Boyd and E. Fehr. Cambridge, MIT Press**:** 253-276.

Ostrom, E. (2005a). <u>Understanding Institutional Diversity</u>. Princeton, Princeton University Press.

Ostrom, E. (2007). "Going Beyond Panaceas Special Feature: A diagnostic approach for going beyond panaceas." <u>Proceedings of the National Academy of Sciences of the United States</u> **104**(39): 15181-15187.

Phillips, N., T. B. Lawrence, et al. (2004). "Discourse and Institutions." <u>The Academy of Management Review</u> **29**(4): 635-652.

Powell, J. D. (1970). "Peasant Society and Clientelist Politics." <u>The American Political Science Review</u> **64**(2): 411-425.

Rauch, T. (1996). "Nun partizipiert mal schön. Modediskurse in den Niederungen entwicklungspolitischer Praxis." <u>Blätter des iz3w</u> **213**: 20-22.

Repórter Brasil (2008). Conexões sustentáveis. São Paulo – Amazônia. São Paulo, Repórter Brasil.

Ribot, J. (2009). Vulnerability does not just fall from the Sky: Toward Multi-scale Pro-poor Climate Policy. <u>Social Dimensions of Climate Change: Equity and Vulnerability in a Warming World.</u> R. Mearns and A. Norton. Washington DC, World Bank.

Ribot, J. C. and N. L. Peluso (2003). "A Theory of Access." <u>Rural Sociology</u> **68**(1): 153-181.

Roniger, L. (1987). "Caciquismo and Coronelismo: Contextual Dimensions of Patron Brokerage in Mexico and Brazil." <u>Latin American Research Review</u> **22**(2): 71-99.

Sauer, S. (2005). <u>Violação dos direitos humanos na Amazônia: conflito e violência na fronteira paraense.</u> Goiâna, CPT.

Sayer, A. (1992). <u>Method in Social Science: A Realist Approach</u>. London, Routledge.

Schmidt, V. A. (2008). "Discursive Institutionalism: The Explanatory Power of Ideas and Discourse." <u>Annual Review of Political Sciences</u> **11**(1): 303-326.

Schmink, M. and C. H. Wood (1992). <u>Contested Frontiers in Amazonia</u>. New York, Oxford, Columbia University Press.

Scott, J. C. (1972). "Patron-Client Politics and Political Change in Southeast Asia." <u>The American Political Science Review</u> **66**(1): 91-113.

Searle, J. R. (2005). "What is an institution?" <u>Journal of Institutional Economics</u> **1**(01): 1-22.

Senado Federal. Comissao Externa "Dorothy Stang" (2005). Comissao Externa Para Acompanhar as Investigacoes Relativas ao Assassinato da Missionária Dorothy Stang. Relatório. Senado Federal, República Federativa do Brasil.

Sikor, T. (2006). "Analyzing community-based forestry: Local, political and agrarian perspectives." <u>Forest Policy and Economics</u> **8**(4): 339-349.

Sikor, T. and C. Lund (2009). "Access and Property: A Question of Power and Authority." <u>Development and Change</u> **40**(1): 1-22.

Silva, E. (1994). "Thinking Politically about Sustainable Development in the Tropical Forests of Latin America." <u>Development and Change</u> **25**: 697-721.

Sunderlin, W. D. (2006). "Poverty alleviation through community forestry in Cambodia, Laos, and Vietnam: An assessment of the potential." <u>Forest Policy and Economics</u> **8**(4): 386-396.

The Economist. (2009). "The Amazon. The Future of the Forest."   Retrieved June 22, 2009, from <u>http://www.economist.com/PrinterFriendly.cfm?story_id=13824446</u>.

Treccani, G. D. (2001). <u>Violência e Grilagem: Instrumentos de Aquisição da Propriedade da Terra no Pará</u>. Belém.

Tria Kerkvliet, B. J. (2006). "Agricultural Land in Vietnam: Markets Tempered by Family, Community and Socialist Practices." Journal of Agrarian Change **6**(3): 285-305.

Velásquez, C., A. Villas Boas, et al. (2006). "Desafio para a gestão ambiental integrada em território de fronteira agrícola no oeste do Pará." Revista de Administração Pública **40**: 1061-1075.

Von Benda-Beckmann, F. (1995). "Anthropological approaches to property law and economics." European Journal of Law and Economics **2**(4): 309-336.

Yin, R. K. (2003). Case Study Research. Design and Methods. Thousand Oaks, Sage Publications.