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## Land grabbing and its environmental justice implications

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*Document Version*

Publisher's PDF, also known as Version of record

*Publication date:*

2018

[Link to publication in University of Groningen/UMCG research database](#)

*Citation for published version (APA):*

Busscher, N. A. (2018). *Land grabbing and its environmental justice implications*. [Thesis fully internal (DIV), University of Groningen]. Rijksuniversiteit Groningen.

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State-civil society  
collaborations in the  
context of land  
grabbing in Argentina\*

## Abstract

We examine the collaboration between the state and civil society in the context of land grabbing. Land grabbing provokes many governance changes including collaborations. The incentives for, limitations to, and contradictions inherent to these type of collaborations are examined. We explore how the collaboration between the provincial government of Santiago del Estero and social movements played out. This province has witnessed many land grabs for agriculture and livestock production. In response to protest and political pressure, two agencies were established to address the precarious land tenure situation. Even though many scholars consider these collaborations to be introduced by nation states only to gain and maintain political power, we show how rural communities are supported by these initiatives. By empowering rural populations, active social movements can make a difference in addressing the negative implications of land grabbing. Nevertheless, the agencies operated in a space of ongoing tension between global forces, political power plays, and stakeholder struggles.

## Keywords

Argentina; land grabbing; social movements; agribusiness; agrarian change; land tenure.

## 5.1 Introduction

Social movements and governments increasingly collaborate to jointly address social and environmental issues (McKay, 2018; Lapegna, 2017; Uitermark & Nicolls, 2013; Vergara-Camus & Kay, 2017). However, the ability of alliances between social movements and governments to contribute to social equality has been questioned (Vergara-Camus & Kay, 2017). Within Latin American literature, many scholars have analysed these collaborations in the context of progressive, popular, left-wing governments. According to these scholars, the ultimate goal of this collaboration is to gain and maintain electoral power and build legitimacy (Lapegna, 2017; McKay, 2018; Vergara-Camus & Kay, 2017). Conversely, collaborations like these allow people who were previously excluded to have a political voice (McKay, 2018; Reilly, 1995). These collaborations exist at the municipal and provincial levels, as well as at the national level (Masseti, 2010; Reilly, 1995; Torres, 2017). Collaborations like these have been present in Latin America since the 1980s when countries transitioned from military regimes to democratic systems (Reilly, 1995). These alliances were a strategy used by governments that lacked the resources to confront social and environmental challenges on their own. The neoliberal austerity and decentralization measures that were introduced as a result of the implementation of structural adjustment programs in the 1990s, are part of the context in which these collaborations have arisen (Reilly, 1995).

This paper explores how such collaborations unfold in the context of land grabbing in Argentina. The incentives for, limitations to, and contradictions inherent in these collaborations between the state and social movements (and NGOs) are examined in this paper. Conflict over access to land produces many types of interaction between different actors, including individuals, NGOs, social movements, governments and companies (Dangl, 2010; Jessop, 2016; Vergara-Camus & Kay, 2017). In Argentina, global demands for commodities trigger agrarian change, altering governance at all levels. The state (represented at the national, provincial and municipal level) plays a central role in the process of agrarian change (Vergara-Camus & Kay, 2017). The outcomes of agrarian change threaten social equity, as resource access for local communities becomes restricted (Reilly, 1995). Different social movements protest against land grabbing and its effects, and have been addressing these issues for decades (Brent, 2015; Jara & Paz, 2013). The exacerbation of unequal land distribution resulting from the commodity export boom in Argentina was another factor in encouraging NGOs to form alliances with the government or to openly support their policies, in the hope that this would improve the situation of rural people (Lapegna, 2017; Vergara-Camus & Kay, 2017). These collaborations clearly show the nexus between the state, society and capital (McKay, 2018).

To understand these collaborations, we build on the concepts of 'governance' and 'collaborative governance' (Ran & Qi, 2017) in their various forms, including state-society-capital nexus

(McKay, 2018), joint venture governance (Reilly, 1995), and policing (Uitermark & Nicholls, 2013). In this context, joint venture governance means collaborations between NGOs and municipal governments. Uitermark and Nicholls (2013, p.975) define policing as the attempt by the state “to neutralize and pre-empt challenges to the legal and social order ... and refers to the range of governmental technologies, rationalities and arrangements – partly centrally orchestrated, partly self-organized locally – developed to align subjects with the state (Foucault 1991, 2009).”

Governance is a concept that implies the presence of a diverse set of actors in the political and social arena. In this paper, governance is defined as a system of regulation involving the interactions between and within a variety of actors across, a variety of geographical scales and the socio-institutional arrangements they take part in (Agnew, 2013; Parra, 2010). The interactions between government at various levels, civil society and market actors also mean a constant renegotiation, restructuring and readjustment of their roles, responsibilities and interests (Agnew, 2013; Corson & MacDonald, 2012; Swyngedouw, 2005). In theory, governance aims to empower people and create equal opportunities for people to participate in decision-making (Swyngedouw, 2005). However, in practice this is not always the case, and therefore governance is sometimes seen as being undemocratic (Cooke & Kothari, 2001; Swyngedouw, 2005). Local communities are often excluded, or not considered as equal, and therefore, governance is known for advancing the agenda of companies and governments (McKay, 2018). Nevertheless, under certain conditions, social movements and NGOs might be included in government structures. This collaboration may result in jointly addressing social issues, like programs for education, housing, public health, waste management, technical assistance, and environmental issues (Reilly, 1995). However, this collaboration can also imply a narrowing of the operational domain of social movements (Reilly, 1995; Uitermark & Nicholls, 2013). The literature highlights different features of the collaborations between state and civil society, which are discussed in this paper, including examples from national, provincial and municipal government.

The governance dynamics of state-civil society collaborations are studied in the Province of Santiago del Estero in Northern Argentina. For decades, there have been many major conflicts over the way agricultural expansion has played out in this province, including murders, death threats, physical harassment, and the burning of crops and houses (del Huerto Díaz Habra & Franzzini, 2016; Jara & Paz, 2013; Lapegna, 2012; 2017). After an alarming period of social unrest due to agricultural expansion and the consequent political pressure by social movements, the provincial government established two agencies to assist rural communities to improve land tenure security and reduce land conflict (Jara et al., 2016). Different social movements and NGOs are engaged with these agencies. Santiago del Estero is the only province in Argentina that provides social movements and NGOs with such a space (Interview government official, 2016). The establishment of these agencies can be analysed as being the result of left-wing Latin American

governments granting decision-making power to civil society with the goal of avoiding further social conflict (Jessop, 2016; Lapegna, 2017; McKay, 2018). In the academic literature, the potential co-optation of social movements in government structures is much debated (Uitermark & Nicholls, 2013; Vergara-Camus & Kay, 2017). It is therefore interesting to analyse the mechanisms and characteristics by which this takes place in the agricultural expansion in Argentina. Such collaborations pose questions like: why do they arise?; how do they operate?; and is society transformed for the betterment of rural communities? (McKay, 2018). This paper offers a theoretical overview of the different perspectives on collaborative governance specifically in the context of social movements and NGOs collaborating with the provincial government. This focus brings an original contribution to the scholarship of state-civil society collaborations in the context of left-wing governments in Latin America. Even though the leaders of this period are no longer in power, a reflection on the specific programs that have unfolded at the provincial level around this time is valuable to understand their contributions to social development.

## 5.2 A critical analysis of state-civil society collaborations

Agrarian change alters the logic of how actors operate (Jessop, 2016). The changes can provoke processes in which it becomes desirable for actors to initiate negotiated collaborations with less obvious partners (Agnew, 2013). In the words of Ran & Qi (2017, p.9), collaborative governance is a phenomenon “where diverse stakeholders from public, private, and civic sectors work together based on deliberative consensus and collective decision making to achieve shared goals that could not be otherwise fulfilled individually.” Institutional arrangements adjust to political settings such as the resistance and political pressure of social movements and NGOs. As a pragmatic step of government institutions to maintain or gain power or to fill an institutional void they include social movements and NGOs (Lapegna, 2017; Vergara-Camus & Kay, 2017; Reilly, 1995). However, this does not mean that these new partners are necessarily fighting for the same ideals (McKay, 2018).

### ***The state’s perspective***

Many state-civil society collaborations result as a consequence of civil society pressuring governments in one way or another (Dangl, 2010). Often tensions unfold in the context of natural resource exploitation and territorial issues (Dangl, 2010; Torres, 2017). Because social movements can destabilize societal processes and challenge the credibility of the state (Lapegna, 2017), governments prefer to collaborate only with social movements that are not confrontational or that are moderately critical of government policy (Gera, 2016).

State-civil society collaborations have become an important strategy for the government, espe-

cially when social movements are a potential threat to the state. Social movements that are in alliance with the state are more controllable (Uitermark & Nicholls, 2013). By collaborating with governments, it is more difficult for them to denounce government policies (Uitermark & Nicholls, 2013). Sometimes, connecting with social movements will involve the provision of funding for activities that may flow from this collaboration. This might persuade NGOs to specialize to a narrow scope of activities and/or reduce their use of confrontational tactics directed towards the government (Uitermark & Nicholls, 2013). Alternatively, other scholars argue that collaborations with social movements are especially valuable when provincial or municipal governments lack resources or where social movements have better relationships with certain groups of people they want to target in their policies (Reilly, 1995).

Uitermark and Nicholls (2013) consider that some other strategies for governments to control social movements are 'temporal delimitation' and 'territorial encapsulation'. Temporal delimitation means that through collaboration governments can delimit the scope and vision of the movements to current and near future issues, rather than having to address historical matters. By territorial encapsulation, they mean that the social movements' activities can be limited to a prescribed territory, zone, district or region. This fragmentation (i.e. divide and conquer) helps governments control the activities of the social movements. Moreover, it prevents social movements from growing bigger and more powerful.

### ***The social movement/NGO perspective***

In an attempt to pursue their agendas and to push for change, social movements use diverse strategies, including mechanisms of protest as well as becoming a collaborative partner of the government (Hanna et al., 2016; Reilly, 1995). Collaborations between the state and social movements can be seen as a transformation from confrontation to collaboration. Uitermark and Nicholls (2013) conceptualized this as being a transformation from 'politicizing' to 'policing'. By politicizing they mean the process of "taking an explicitly antagonistic stance against extant institutions, values and practices", thus state policies and practices become changed and challenged through the confrontational actions of social movements (Uitermark & Nicholls, 2013, p.974). By policing, they mean the range of technologies, rationalities and arrangements by which governments facilitate alignment of subjects (and social movements) with the state. Policing, therefore, implies the narrowing of the operation domain of social movements (Uitermark & Nicholls, 2013).

Socio-spatial factors influence how and why social movements choose to be included in governmental decision-making spaces and why they might choose to adhere to their independence (Agnew, 2013; Gupta, 2015; Uitermark & Nicholls, 2013). As mentioned by Gera (2016, p.507), "often more radical movements condemn the motivations of their counterparts who decide to cooperate within the government."

In practice, policing means that governments give social movements an active role in decision-making and participation in policy implementation, possibly extending the meaning of democracy (Masseti, 2010; Uitermark & Nicholls, 2013). The manifestation of the transition from politicizing to policing is especially observed where civil associations stop representing marginalized groups of people in order to become agents of the state in assisting and monitoring the groups of people in need that are being targeted by the state (Uitermark & Nicholls, 2013). A criticism of policing expressed by Uitermark and Nicholls (2013, p.8) is that these (former) social movements “now increasingly serve as the eyes, ears, and hands of the state” while “their spatio-temporal horizons are truncated.” Arguably, this potentially diminishes the range of actions they can use to address inequality, injustice and other socio-environmental issues and wrongdoings of the state and companies (Masseti, 2010; Uitermark & Nicholls, 2013; Reilly, 1995). Moreover, social movements that are busy being agents of the state have less time and energy to spend on the building of alternative societies and/or alternative futures (Uitermark & Nicholls, 2013; Reilly, 1995).

Another outcome of policing is that social actors gradually put less effort into organizing actions and focus instead on managing concrete social problems in cooperation with state administrators. In this context, these social movements might continue to seek collaborations and transnational alliances at other scales to resolve conflict, exercise power, seek to make policy and get across their message (Jessop, 2016) yet the probability that this will happen is diminished severely, according to more critical scholars (Uitermark & Nicholls, 2013).

Several factors should be considered in the analysis of the alliances between the state and civil societies. Some considerations include that collaboration may be a necessity to achieve real change, or a pragmatic choice and opportunity for both parties to learn (Gera, 2016; Gupta, 2015; Moulaert et al., 2013; Reilly, 1995). The ideological convictions that were once important for the social movements may have to be put aside. Whether social movements are adversaries, collaborators, or surrogates of the state is contestable (Reilly, 1995). The scalar dimension and political elements of these collaborations should not be overlooked. Global agendas influence the politics of space (Jessop, 2016). A successful governance system is subject to much more than just the national, provincial and municipal governance activities (Jessop, 2016). Thus, the influence of the state is relative when considered from a global perspective. As Jessop (2016) argues, the multi-scalar influence on governance systems is considerable, which makes it hard to assess the performance of the functioning of a governance system in achieving social goals, given that advances at one level may be offset by regressions at other levels.



### 5.3 State-civil society collaborations in Latin America and Argentina

In Latin America, collaborations between social movements and the government started around the 1980s, when many Latin American countries were still developing the 'contours of democracy' (Reilly, 1995). At that time, engagement of civil society was seen as fundamental to development and democracy building, which was especially important after the fall of the military dictatorships, notably Argentina, Chile and Uruguay (Martinez Nogueira, 1995; Reilly, 1995; Parra & Moulaert, 2016). Social movements were severely repressed during the military dictatorships (Dangl, 2010; Reilly, 1995). However, after the fall of these regimes, provincial and municipal governments started to collaborate with social movements and NGOs to implement, co-develop and shape social policy and services throughout the continent. Social movements possessed the contacts with communities in need, which benefitted the governments to implement programs easily. These collaborations were considered a means to democratize society and to help alleviate poverty and other social and environmental issues neglected during dictatorships (Reilly, 1995). This was very much needed, as the structural adjustment plans adopted in the 1990s and consequent austerity made the provision of essential public services poor in quality and quantity (Casas, 2015; Reilly, 1995). Economic crises in Latin American countries also contributed to poor infrastructure, public healthcare and education, and widespread poverty (Casas, 2015; Martinez Nogueira, 1995; Reilly, 1995). These state-civil society collaborations were useful as municipal and provincial governments in Latin America were ill equipped to address the issues and needs of local residents, but the outcomes are contested (Reilly, 1995).

The collaboration between the national government and social movements in Latin America reached its peak during the so called 'pink tide' or 'left turn' (Vergara-Camus & Kay, 2017). This period started with the presidency of Hugo Chávez in Venezuela in 1999 (Dangl, 2010; Massetti, 2010). The support of and alliances with social movements has been crucial for the election of left-wing governments in Latin America (Dangl, 2010; Massetti, 2010; Vergara-Camus & Kay, 2017). The social movements severely criticised the neoliberal policies introduced by former right-wing governments (Vergara-Camus & Kay, 2017). The new left-wing governments made electoral promises to social movements to support them and alleviate the impacts of the neoliberal policies that had been introduced. This included promises relating land redistribution in favour of rural peasants and the introduction of various welfare programs (Dangl, 2010; Vergara-Camus & Kay, 2017). One example of state-civil society collaborations and the rise of social movements is illustrated in the collaboration between the Ecuadorian Government and the Confederation of Indigenous Nationalities of Ecuador (CONIAE). Another example is the election of *Movimiento al Socialismo* (MAS) (Movement towards Socialism) in Bolivia (Dangl, 2010; Massetti, 2010; McKay, 2018). Conflicts have arisen as not all governments met their promises (Vergara-Camus &

Kay, 2017). Even though some advancements were made, some scholars questioned whether the social movements adequately confronted the governments (Vergara-Camus & Kay, 2017). MAS in Bolivia, for example, has been criticized for losing sight of their original transformative political project. When MAS was elected, the party goals were seen as more important than advocating for their communities (Dangl, 2010). This shows that, in some cases, social movements might lose direction when working together with the nation state.

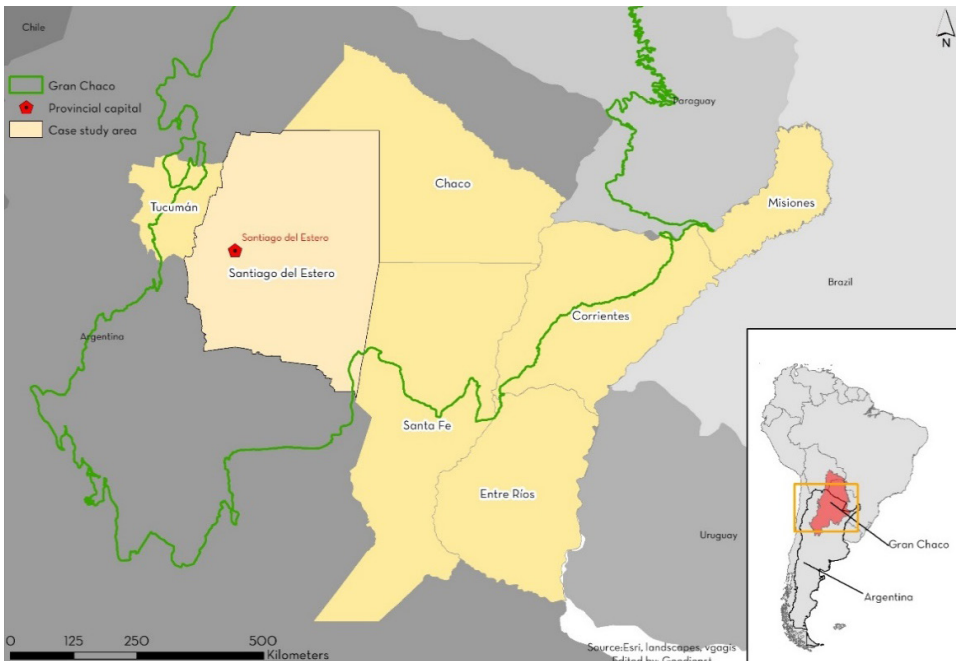
Lapegna (2017) highlighted that in Argentina the governments of the former Presidents, Néstor Kirchner (from 2003-2007) and Cristina Kirchner (from 2007-2015), sought collaborations with social movements to 'repoliticize' society, meaning that they intended for social issues to be put back on the agenda and for people to become re-engaged politically. These collaborations, for example with the *Movimiento Nacional Campesino Indígena* (National Peasant-Indigenous Movement), underpinned the promise to change social structures and to invest in rural development (Dangl, 2010; Lapegna, 2017). From 2003 onward, this policy of including social movements in government structures was transferred to the provincial and municipal level (Masseti, 2010; Torres, 2017). However, the outcomes for rural people were less than expected (Vergara-Camus & Kay, 2017). It is questioned whether these movements were strong enough in terms of organizational capacity to adjust to the new situation (Masseti, 2010). Thus, the pink tide in Argentina had little impact (Lapegna, 2017; Massetti, 2010). Another reason that explains the limited impact on social equality outcomes is the strong ties that the government of Cristina Kirchner had with the agro-industry, leading the country towards large-scale production at the expense of rural people (Newell, 2009).

In many cases, forming an alliance with or supporting the state is the only real way for social movements to influence policies. However, collaboration with the nation state may lead to the demobilisation of movements altogether (Dangl, 2010). These collaborations can also lead to building human capital, emancipation, empowerment, and the use of local knowledge (McKay, 2018; Reilly, 1995). Governments are often afflicted by elite capture. In Argentina, the federal system means that lower levels of governments have to implement the laws of the higher levels, and may be resource constrained, which means that they are not always able to implement their own policies (Reilly, 1995). Thus, collaborations between the state and civil society always is a paradox.

## 5.4 Methodology

This paper is based on fieldwork carried out between 2011 and 2016. In total, ten months were spent in Argentina (in 2011 from October-December; in 2014 from November-December; in 2015

from April-July; and in 2016 from April-May). This fieldwork was part of a larger study, which focuses on understanding the socio-environmental implications and governance dynamics of land grabbing for conservation, tree plantations and agricultural expansion. A multi-methods approach was used including document analysis, analysis of media reports, participant observation and in-depth interviews. In total, 70 in-depth interviews were conducted in Spanish with different type of actors including government officials, researchers, NGOs, social movements, local communities, company representatives and government institutions. These interviews were conducted in the provinces of Santiago del Estero, Corrientes, Tucumán, Misiones (see Figure 1), as well as Buenos Aires, Córdoba, Entre Ríos and Santa Fe. Moreover, during the fieldwork visits were made to many of the locations mentioned in the paper, including to forestry plantations, large-scale soy farms, and conservation reserves. The lead author also participated in community meetings, demonstrations, and institutional stakeholder engagement activities. From October to December 2011, fieldwork was conducted with the assistance of a local NGO in Santiago del Estero. Aside from enhancing the resilience of local communities, this NGO supports them in issues relating to land tenure. As part of this collaboration, the lead author visited several communities experiencing land conflict. The strategies used by two communities to defend their land rights were intensively studied. To preserve anonymity of sources, they are not named in the paper.



**FIGURE 1.** Map of Argentina, with Santiago del Estero highlighted and Gran Chaco encircled.

Source: Authors

The aim of this paper is to consider the wider political processes that land grabbing provokes. It zooms in on the various collaborations between the provincial government and social movements (and NGOs) in Santiago del Estero. We specifically focus on two examples of such collaboration: *El Registro de Poseedores* (a registry of informal landholders) and *El Comité de Emergencia* (the Emergency Committee). Both agencies were established in a context of social movements and NGOs pressuring the provincial government to address land conflict. This pressure was primarily applied by *La Mesa Provincial de Tierras* (the Provincial Roundtable for Land Issues), a shared platform involving social movements, NGOs and the Catholic Church, and which provides a forum for discussion and action on land issues. These agencies are central to governance dynamics in the province. *El Registro de Poseedores* and *El Comité de Emergencia* were both established in 2007 to assist communities by facilitating land title formalization and to support communities in situations of violence relating to land access.

For this paper, we draw primarily on 20 interviews undertaken specifically for the issues discussed here. Interviews were conducted in Santiago del Estero with community members, researchers, NGO representatives, persons representing (or collaborating with) the agencies being studied, social movement representatives, a land investor, and the key representative of the Provincial Government on these agencies (the Director of *Dirección de Relaciones Institucionales*). In 2018, prior to submission of the paper, we followed up by email with various contacts to verify and update certain information.

Interviews were recorded where appropriate and permission was granted. Where they were not recorded, detailed notes were taken during the interview. Field notes were also taken after all encounters. Informed consent was obtained for all interviews and other aspects of ethical social research were observed (Vanclay et al., 2013). Recorded interviews were transcribed. The transcripts and notes were read several times by the lead author, with condensed summaries made. The quotes used in this paper have been translated into English by the authors. In translating the quotes, we have ensured that the inherent or implied meaning was preserved, rather than necessarily providing the exact literal translation from Spanish.

## 5.5 Background to land grabbing in Argentina

Land grabbing can be understood as a wide range of strategies to control and gain access to land (Borras, 2012; Hall et al., 2015). It leads to local people being expelled or ousted from their land, and a conversion of family farming to industrial farming (Borras, 2012; Cáceres, 2015; Cravio, 2018; Giarracca & Teubal, 2014; Matteucci et al., 2016). The expansion of large-scale agriculture, plantation forestry, and conservation initiatives has led to many issues related to land use,

including rural violence, land tenure insecurity for smallholders, and the violation of the rights of Indigenous peoples (Brent, 2015; Cáceres, 2015; Goldfarb & van der Haar, 2016; Leguizamón, 2014; Murmis & Murmis, 2012). The expanding production frontier has led to food security issues for local communities, as well as to environmental degradation and health issues associated with agrochemical use (Leguizamón, 2014; Otero & Lapegna, 2016). Another impact is the increase in land prices (Bidaseca et al., 2013; Jara & Paz, 2013).

The social and environmental issues associated with land grabbing and the expanding production frontier have led to much conflict. Violence occurs in various ways, most frequently in the form of armed bands pressuring informal land holders to leave their customary land (Lapegna, 2012). There was also the criminalization of environmental defenders by governments (at various levels) (Brent, 2015). A state of hostility existed, which led to social movements being provocative in their activities and protest actions, which, in turn, led to retaliatory and punitive actions by the state, and a downward spiral (Brent, 2015; Lapegna, 2012). The effects of land grabbing can also constitute a type of 'slow violence'. Slow violence refers to the long-term, insidious, negative consequences on communities and individuals that are ultimately severe and that are caused by people, companies, governments and even the processes of change at all levels. It especially refers to the consequences that are not known, are invisible, or overlooked (Nixon, 2011). An example of slow violence is the slowly-diminishing amount of land and water available for communities in locations where land grabbing is rife.

A factor that aggravates the impact of agricultural expansion on rural communities is that land tenure is not adequately formalized in many locations. As stipulated in the Argentinian Civil Code (*Código Civil y Comercial de la Nación*), there is recognition that formal title holders and informal land use can coexist on the same piece of land. Articles 2351, 2385, 2469, 2470 and 4015 of the Argentinian Civil Code describe the rights of informal landholders (see also Fundapaz, n.d.). It suggests that there are three ways by which people have rights over the use of land. The first is *el propietario* (owner, i.e. formal titleholder), someone who possesses formal documentation of ownership of the land. Their possession is independent of its use. The second is *el poseedor* (possessor, i.e. informal titleholder), someone who does not have proof of ownership, but behaves as if they did, and may actually be able to make a legal case for their ownership. The third is *el tenedor* (holder, i.e. renter), a person who uses the land but recognizes that another person (or entity) is the owner, but has certain rights established through lease or rental arrangements.

For *el poseedor* to benefit fully from judicial protection there are two important elements. First, they should undertake activities on the land on a regular basis, for example, having constructed a house, having demarcated the property with fences, utilized the land for grazing, orcharding,

cropping, and/or constructed water wells, dams and/or pens for livestock. These activities are called *actos posesorios* (possession acts). A person's (or group's) ability to claim rights depends on their ability to demonstrate that they have engaged in *actos posesorios* for at least 20 years. Second, they should behave as if they were the real owners and defend it against people who pose a threat to this. In legal terms, they should be able to demonstrate *ánimo de dueño* (the spirit of being owner of the land). The *poseedor* can occupy land that is in hands of the state, individuals or companies.

To obtain formal land title, *poseedores* can apply for a *prescripción veinteañal* (i.e. twenty year procedure). This is a legal procedure meant to enable informal titleholders to gain formal title over land. The most important prerequisite is that people have to have lived on the land continuously for a minimum of 20 years. It is very important that occupation of the land is not interrupted. Occupation rights are inheritable when an informal titleholder dies. Another requirement is that the claim to possession of *el poseedor* must be acknowledged by other people in the community.

As discussed above, land that *poseedores* occupy can be formally owned by the state, a company or a person. Because of the land rush, there are many new buyers present in Argentina (Jara & Paz, 2013). The sale of land by the formal land owners does not necessarily change the rights that *poseedores* have. This generates tension, especially when a land investor unknowingly encounters communities living on the land. Furthermore, the sale of the land is often the moment when local communities start a *prescripción veinteañal*. From a community rights perspective, one issue is that there is a lack of knowledge by local communities regarding their rights and the law, which may mean that they are sometimes persuaded (coerced) to leave the land and thus forfeit their ability to claim the right in the future. There are many factors that constrain people in commencing a *prescripción veinteañal* procedure, including the costs involved, the bureaucracy, as well as the amount of time it takes (Goldfarb & van der Haar, 2016; Jara & Paz, 2013). The agencies studied in this paper play a key role in assisting communities in the *prescripción veinteañal* procedure and in supporting communities in instances of conflict with a formal titleholder.

## 5.6 Land grabbing and land use change in Santiago del Estero

Santiago del Estero is part of the Gran Chaco region, which includes areas in Argentina, Paraguay, Bolivia and Brazil (Matteucci et al., 2016) (see also Figure 1). Gran Chaco is “the biggest continuous dry forest in the world” (Matteucci et al., 2016, p.9). Gran Chaco is also one of the most active deforestation hotspots in the world (Leguizamón, 2016; Volante et al., 2016).

A high percentage of the population of Santiago del Estero are smallholders (Bidaseca et al., 2013). Most of them are descendants of Indigenous populations that historically populated the area. Their production is for subsistence livelihoods or sale in local markets (Lapegna, 2016). Their activities include subsistence and market gardening, livestock raising, hunting and foraging (Altrichter & Basurto, 2008; Jara & Paz, 2013; Volante et al., 2016). Many smallholders practice livelihood and land use strategies in a communal way (Jara & Paz, 2013; Matteucci et al., 2016).

The province has a history of foreign companies exploiting its natural resources, including the Quebracho tree (a hardwood useful for railway sleepers), with severe contemporary ecological and socio-economic impacts for the province (Jara & Paz, 2013). In order to build the railway system in the early 1900s, a large amount of hardwood was required, with British companies being responsible for the deforestation of large areas (Altrichter & Basurto, 2008). After these companies left, many workers stayed on the land without formalizing land titles or adequately demarcating their land use, resulting in contemporary land tenure insecurity for rural communities (Jara & Paz, 2013).

For various reasons, the conflict over land is much more severe in Santiago del Estero than in other provinces in Argentina (Bidaseca et al., 2013). There are many cases of forced eviction, violence towards smallholders, and intimidation (Bidaseca et al., 2013). The sub-secretary of Human Rights of Santiago del Estero reported that from 2004-2011, 422 conflicts over land were registered. This involved 6,747 families (Jara & Paz, 2013). Land tenure insecurity intensified around the 1960s when the influx of investors became more prominent in the province (Dargoltz, 2003; Jara & Paz, 2013). Originally, the investors were interested in cultivating cotton, beans, and conventional soy. From 1988, the expansion of genetically-modified soy cultivation led to a major increase in land tenure conflict. Commercial farming is regarded as superior to small-scale farming and is seen as a strategy to obtain larger returns to governments (Rudi et al., 2014).

Among the land grabbers that buy or lease land are investors from other provinces as well as foreign investors. In Santiago del Estero there are large investments from Chongqing Grain, a Chinese company, and Adecoagro, a company that is partly owned by George Soros and investment groups from the Middle East (Infocampo, 2011; Jara & Paz, 2013). The extent of foreign land ownership was limited under the presidency of Cristina Kirchner by Law 26,737 of 2011, but foreign ownership remains an issue of contention (Jara & Paz, 2013). The established rural elite also plays a role in land grabbing in that these historic land owners (*propietarios*) are now increasingly inclined to sell land (Goldfarb & van der Haar, 2016).

Another important issue relating to agricultural expansion is deforestation (Volante et al., 2016). The agency responsible for approving land clearance is the *Dirección de Bosques* (i.e. Director-

ate of Forest). This agency implements the Forest Law of 2007. Despite an extensive zoning, the law is criticized for not being effective regarding controls over clearing and the amount of land cleared (Bidaseca et al., 2013; Volante et al., 2016). In Santiago del Estero, there is much illegal clearing (Foro Ambiental, 2017).

The agricultural expansion in Santiago del Estero has promulgated a change in governance dynamics (Jara & Paz, 2013). Many social movements and NGOs address the insecure land tenure situation, the most important being *Movimiento Campesino de Santiago del Estero* (MOCASE) (Peasant movement of Santiago del Estero). MOCASE was founded in 1990 as a response to the expulsion of peasants in rural areas of Santiago del Estero (Jara & Paz, 2013; Lapegna, 2012). The establishment of this movement can be seen as the most important expression of resistance in the province at the time (Jara & Paz, 2013). In the province, several people have died in defence of the land, including Eli Sandra Juárez (2010), Cristian Ferreyra (2011) and Miguel Galván (2012) (Jara & Paz, 2013; Lapegna, 2012).

## 5.7 State-civil society collaborations in the face of land grabbing

The history of conflict and issues faced in Santiago del Estero were responsible for promoting innovative ways to address these issues. Since 1990, MOCASE had been pressuring the provincial government to find more effective ways to solve land tenure conflict. A turning point was the election of Néstor Kirchner as President in 2003. With the support of the provincial government Néstor Kirchner and Cristina Kirchner implemented policies for greater participation of civil society (Jara et al., 2016). Santiago del Estero's governor Zamora has been very supportive of their politics (Ortiz de Rozas, 2011). Building on the legacy of Néstor Kirchner, Cristina Kirchner continued promotion of social justice policies and left-wing populism (Calvo & Murillo, 2012). At the provincial level, the government entered into a range of collaborations with social movements and NGOs. This was particularly embodied in the two agencies we study in this paper: the '*Registro de Poseedores*' and the '*Comité de Emergencia*'. These agencies were formally established and constitute a joint effort between the provincial government and civil society to address land conflicts. The roundtable, '*La Mesa Provincial de Tierras*', played a fundamental role in the initiation of these collaborations.

According to Law 7054, the overarching aim of '*Registro de Poseedores*' and the '*Comité de Emergencia*' is the management of land tenure issues. The agencies take actions to ensure safe land tenure for rural inhabitants not holding formal land title. The agencies aim to preserve natural resources and ecosystems by safeguarding individual and collective rights. The intention



was that land tenure security would lead to greater community resilience and the development of sustainable and efficient land use, which in turn would assist the communities in establishing formal land tenure. Overall, the law promotes respect for the values and the ways of life of the local communities.

The *Registro de Poseedores* collects and provides accurate and precise information about land in conflict between its *propietario* and the *poseedor*. The *Registro de Poseedores* facilitates the obtaining of technical documentation for those inhabitants who want to formalize their land tenure situation but lack sufficient resources to do so.

The *Comité de Emergencia* will intervene when the possessory rights of an individual, family, group of families, or rural community are threatened, such as by acts of physical or psychological violence, intimidation, harassment, property being damaged, or destruction of natural resources. The committee has responsibilities for: (1) receiving notifications of cases to examine; (2) visiting the site to collect evidence; (3) mediating to resolve conflict; and (4) documenting the case. The *Comité de Emergencia* is also responsible for liaison between the different government agencies in order to contribute to resolving conflict.

One of our interviewees (a social movement representative, 2011) explained the context in which the agencies were created. “It was chaos, the police and the judges did not do anything regarding the violence.” According to our interviewee, there were armed bands active attempting to evict people off the land. ‘The creation of *Comité de Emergencia* and *Registro de Poseedores* was a response to the pressure created by our mobilizations and marches’. An employee of the *Registro de Poseedores* (Interview 2011) gave more detail:

“The *Registro de Poseedores* started in 2007 after a period of many problems like the deaths of some peasants, as well as other issues. MOCASE and *La Mesa Provincial de Tierras* started a series of demands with marches and all of that. At that moment, an agreement was reached. *La Mesa Provincial de Tierras* made a proposal, which led to where we are now. The arrangement was that the provincial government would provide the logistics, which includes paying the salaries, the transport and providing the physical space. In addition, *La Mesa Provincial de Tierras*, would put in the manpower.”

As expressed by the Director of the two agencies (Interview 2016):

“Because of the creation of the two agencies, we have a mixed situation: the convergence of the state [Provincial Government] and the organizations. There is constant interaction. I am not sure that I want to say it is a relationship of tension, but it surely is

an interaction of great challenge with respect to the execution of tasks. I am no longer a lawyer fighting against the state [as he was in his last job]; now I see all the conflict, and the challenge is to see how we can seek to influence and address conflicts together with the state.”

According to an interview with two government officials (2011), the work of *El Registro de Poseedores* contains a number of tasks. The first task is to do a technical survey and develop the documentation (*plan de levantamiento territorial para la prescripción*) needed to start a legal procedure. This includes taking GPS coordinates, measurements, determining surface area, and establishing evidence of having occupied the land for over 20 years. This information has to be approved by the provincial cadastral office/register of land titles (*Dirección de Inmueble*) before a legal procedure can be commenced. The second task is the legal part, especially the assemblage of the documentation to establish continued occupation of the land. A variety of documents can be used including sworn testimonies, photos, statements of payment of taxes and utility bills, birth certificates, school records, and records of vaccination of children and/or animals. An assessment is done to establish the validity, legitimacy and adequacy of the survey details and the documentation about occupation. If the results of the assessment are satisfactory, the community can apply for inscription of their property in the property registry (*Registro de la Propiedad de Inmueble*). However, as a response to this registration, it is possible that the legal title holder will start a counter claim (*Juicio de Reivindicación*). For all these steps, a lawyer needs to be contracted, a notary and a surveyor. The whole legal procedure, which is relatively expensive for local communities, can take years. The *Registro de Poseedores* does assist with the costs involved.

The *Registro de Poseedores* also has a role to assist *poseedores* to be able to strengthen their case to claim possession. To the frustration of one employee (interview 2011), this role was not regarded as important by the Provincial Government. He argued this was unfortunate because: “It’s like you send them [the *poseedores*] to box against Mike Tyson, but you do not give them boxing gloves, nor do you teach them how to box.” To ensure that *poseedores* can retain their possessory rights, assisting communities to remain independent and viable is very important. If at any time they would become vulnerable, they could get into a precarious situation, where they may have to move and potentially lose their continuity of occupation and forfeit their rights. The *Registro de Poseedores*, therefore, actively promotes actions that enable people to continue to live on their land, including through the creation and maintenance of roads, and the provision of water supply and other infrastructure necessary for the livelihoods and wellbeing of rural communities. Rural decline has affected many rural areas in the province as there is an absence of the state from key responsibilities. During an interview, local government officials indicated that Santiago del Estero has been historically marginalized in terms of the allocation of

funding by the national government, leading to poor essential service provision. If there would be no support for strengthening rural communities, they feared that there would be little future for peasants in Santiago del Estero.

The commodity boom in Argentina has led to an increasing demand for land, changing who the land owners are, and how they relate to the pre-existing rural people (see Jara & Paz, 2013; Murmis & Murmis, 2012). The federal and provincial governments actively support agricultural expansion by various policies, which results in land grabbing. The historic land owners were often indifferent regarding the occupation of land by local communities and the condition of the property, and therefore formal title was not always high on the list of priorities of local communities. However, the new land owners (i.e. the land grabbers) have a strong motivation to get rid of *poseedores*, and their lack of formal land title puts them in a precarious situation. Sometimes, the new investors do not inspect the land before acquisition, and subsequently encounter people and communities living on what they consider to be their land, leading to conflict. In some cases, communities first hear about their land being for sale by seeing advertisements from real estate agencies in newspapers. For them, an impending change in land ownership is a harbinger of future conflict.

Investors have several ways of coping with the presence of *poseedores*. They may try to expel *poseedores* using various tactics both legal and illegal, make a deal to entice them to leave, hire them as employees, and/or let them stay on a smaller part of the land (thus making them worse off). When there is a new investor, it is only in very rare circumstances that the status quo will prevail. The reason there is an emphasis by the *Registro de Poseedores* on strengthening possession is because this improves the position of *poseedores* in cases of conflict with new buyers, and is a precaution against being evicted while a legal procedure is underway.

As observed during our fieldwork, many communities in the province are assisted in one way or another by the two agencies. To provide an example, we discuss the case of one community assisted by the *Comité de Emergencia*. In this case, a local businessman inherited formal land title of over 3,600 hectares of land, on which a local community had lived for generations. Although this man's family did not actively use the land, when he inherited it, he developed the plan of establishing a major ranching operation and initially wanted to expel the community. The behaviour and manner of him and his staff led to some members of the community feeling threatened, and it was evident that their continued occupation was at risk. The community contacted the *Comité de Emergencia*, which clarified their rights and assisted them in negotiating with the formal land owner. People from *Comité de Emergencia* were present during community meetings, and the negotiations with the *propietario*. They also assisted the community to take steps that would enable them to stay on the land. This made the community members feel safe

and assisted. With the help of the *Comité de Emergencia* and a local NGO, and without judicial involvement, the community was eventually able to negotiate with the *propietario* to have formal land title to 1,400 hectares. The owner paid all legal costs. He settled on owning 2,200 hectares. The case is regarded as an exemplar and as proof of the success of the two agencies. This was especially the case because during the course of negotiations, the *propietario* came to realise the rights of the community and changed from being an adversary to being a champion of the community, of the two agencies, and of the rights of *poseedores*.

## 5.8 Potential limitations to collaboration

One issue is that the agencies can only work on demand and only have limited capacity and resources. This means that communities often encounter situations and only then ask for assistance, which may be too late. In some situations, conflict may have already escalated before the communities ask for and receive assistance. As one interviewee said:

“*El Registro de Poseedores* works on demand. This means we do not need to have a publicity campaign to get work. We go where the communities call for us. And when they call for us, this means that they already have a conflict, or where there is a real necessity to work with the community. It is not like we are going out of our way to look for the communities in need. There are only a few of us. We are talking about a team of 20 persons for the entire province.”

Another issue is potential constriction on the operational space of social movements that are in collaborations with government. Constriction can occur in several ways: by self-imposed reprioritisation of the issues considered to be important; a conscious awareness of being tolerant of new friends, even when you don't agree with them about everything; or actual or perceived external restriction. In our interviews, there was very little mention of constriction, perhaps because of a reluctance to talk about this issue, given the general approval of the current collaboration arrangements. When the lead author of this paper raised this topic in the interviews, most interviewees were evasive, non-committal or vague in their responses.

A third issue is that the creation of the two agencies did not stop the violence towards rural communities or all of the expulsions taking place. The violence meant that the agencies could not focus only on their core tasks but had to deal with the pressing issues. It also made employees feel unsafe. This fear affected their willingness to visit communities. Social movements again took up action strategies against the provincial government. As a response to the presence of armed bands and the other tactics of the land investors, and especially because of the

death of Eli Sandra Juárez in 2010, MOCASE blocked Highway 34 for almost two months and held demonstrations in the capital city. This suggests that, even though the social movements (including MOCASE) were working together with the provincial government, political pressure was able to continue. Another example of violence relates to the actions of the beverage company, Manaos, which had been expelling people by using armed bands who had been firing threatening shots to scare people off their land. Foro Ambiental (2017) has claimed that Manaos' employees were involved in deforestation activities. A government official we interviewed in 2016 stated that illegal deforestation was common in the province and forms a major issue in land grabbing practices.

A fourth issue was the difficulty in maintaining security of funding. In an interview with some staff members of the *Registro de Poseedores* they indicated that after one year of operation, the provincial government stopped paying the subvention. This is why the two agencies started looking for other sources of income and identified that the *Subsecretaría de Agricultura Familiar* (Sub-secretary for family farming, part of the Ministry of Agroindustry) at the national level was willing to support the program. However, after a while, they discovered that there was a strong political motivation associated with its support. Therefore, the team from the *Registro de Poseedores* successfully re-initiated a dialogue with the provincial government. A lack of funds was another reason the two agencies had to suspend visits to communities for a time.

The collaboration between social movements and the provincial government in the context of land grabbing in Santiago del Estero has different outcomes (see Table 1). As a final reflection on this matter:

“MOCASE has been key [for the establishment of the *Registro de Poseedores* and *Comité de Emergencia*]. We are now in discussion with organisms of the state, we are part of the state! Before we would oppose the state and fight them. Today we have the possibility, of course with some progress and regression, to contest issues. We have 20 colleagues assigned to doing this. And they do not do it in their free time! They dedicate themselves to it. Today we have two pickup trucks. Before, we would travel by bus from our own money. Before we did not have lawyers, today we have 4, 5 or even 10. Of course, it is few, and there is still a lot to improve, but from the situation where we came from it has been an extremely interesting transformation. We are able to take charge of the situation. All these issues are forging a political entity of peasant subject.”

**TABLE 1.** Overview of the incentives for, limitations to and contradictions inherent in collaborations

Social movements/NGOs		Provincial Government	
Incentives for collaborations with the provincial government	Limitations and contradictions	Incentives for collaboration with social movements	Limitations and contradictions
Better access to judicial system for rural communities	Dependence on the intervention of the provincial government	The government is informed of the whereabouts of social movements and the conflicts in rural areas	Funding – provincial government is engaging in a collaboration that costs them considerable money
Better informed rural communities	Long-term commitment to the provincial government	Partially restore peace and quiet in a conflictive region	Long-term commitment
Better administration, structure and protocols to assist local communities	Possible influence on agenda setting by the government, narrowing down the scope of activities	Credibility of state is raised by including alternative voices	Continuation of violence which may provide reasons for social movements to put more political pressure on the government
Social movements are paid for their work and are provided with the means to do so like vehicles, equipment (before activist would pay it from their own pocket)	Continuation of violence and land grabbing	Influence the agenda of social movement	
The local communities trust the social movements they work with		Social movements are possibly limited in growing more powerful	
Knowledge sharing and skill building		Knowledge sharing	
Communal learning and awareness building		Adopting social movements' knowledge and practices to their benefit	
Seeing the problems in the entire province instead of a encapsulated view on land issues in different parts of the province		Using movements to reach people that might fail to fully trust state actors	

## 5.9 Conclusion

Land grabbing triggers governance dynamics that have contributed to a number of non-state and state actors to cooperate to actively strengthen land rights and defend the rural peasantry. The provincial government of Santiago del Estero took initiative to create arenas for discussion with NGOs, which led to a rethinking of the roles of the state and social movements. This collaboration developed and strengthened the institutional arrangements to protect and assist rural communities. Civil society has now seen land issues better addressed. Coming from a background of weak technical and institutional capacity, by joining with social movements the province was able to make a significant contribution to addressing land conflicts. The provincial government benefitted greatly from establishing these agencies. Social movements and NGOs also benefitted but still have many challenges ahead to improve land tenure for marginalized communities in Santiago del Estero. This state-civil society collaboration does show that creative initiatives can occur. Thus, our findings differ somewhat from the more critical literature on state-civil society collaborations.

Even though land titling and formalization are used as a solution to address land grabbing in Santiago del Estero, scholars such as Dwyer (2015), question whether this ‘formalization fix’ is the most appropriate and efficient way to address land grabbing. In fact, in certain cases, formalization may provide opportunities for land grabbing to occur (Loehr, 2012). The question is whether formal land titles mean that local communities safeguard access to their land on the long-run and whether formal land title can prevent distress sales in the face of demands by investors. As underlined by Loehr (2012), formalization can lead to a capitalization of land. Therefore, there is a need to protect communities against the pressure market actors may exercise to sell the land after formalization. These considerations arguably need more deliberation in the agencies studied.

As shown in the empirical data, there is a constant dialogue and an ongoing renegotiation of roles and responsibilities within the collaboration between the state and civil society. In fact, this collaboration is one of cooperation and tension. MOCASE, as a well-organized social movement, continues to pressure the government and is active on a global/continental scale to address land grabbing and its related effects. This is different from how the collaboration between the government and social movements is often portrayed in the literature; which is normally depicted as one of governments co-opting social movements (Uitermark & Nicholls, 2013). Because the state is forced to be adaptive, this creates opportunities for social movements to have their demands addressed and to participate in political decision-making (Hall et al., 2015; Jessop, 2016). Especially in a province like Santiago del Estero, where a majority supports Kirchnerism, this ethos of collaboration will arguably continue to be important.

Some specific outcomes of our research into the collaboration between social movements and the provincial government are a better-informed civil society, empowerment, and improved land tenure security. However, as also expressed by other scholars, the negative dimensions of agricultural expansion continue at the expense of local people (Lapegna, 2017; McKay, 2018; Vergara-Camus & Kay, 2017). *El Registro de Poseedores* and *El Comité de Emergencia* are not strong enough to stop companies from expanding their land acquisition at the expense of social equality. Given that the provincial government is keen on attracting foreign investments, social movements are not able to provide a counter balance against international companies, which seek to produce agricultural commodities for the global markets in Santiago del Estero. Communities continue to be seriously affected by land grabbing practices. This indicates, that these types of collaborations need to be seen as an attempt to create more equality but they include friction, dilemmas, contradictions, pragmatism and tactical politics. In this case of Santiago del Estero, we can conclude that without this collaboration, communities would have been worse off.



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