



# Competing Claims over Land, a Case Study in Santiago del Estero, Argentina:

*Communities' strategies to deal with Land Acquisitions*

**Wageningen University – Department of Social Sciences**

**Msc Thesis LAW**





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## Abstract

Worldwide there is a strong increase in the demand for agricultural land. Because of these demands, the rural landscape of the province Santiago del Estero in Argentina has been undergoing major changes. The agricultural land under production has increased tremendously the past decades because of different drivers like soybean cultivation and cattle ranging. This severely impacts the livelihood of rural communities in this area. These populations, who have been living on the land for many generations, often do not possess formal titles to the land and are threatened to continue to live as they did before. By law their rights are acknowledged when living on the land for over 20 years but these rights are often not respected. This qualitative research investigates how two communities, Kaspi Chaki and Mayu, in the rural area of Santiago del Estero cope with problems arising from increasing land use and acquisition. These cases zoom in on the strategies the communities use in order to defend their rights. Different methods are used like interviewing and attending meetings of the communities to find and analyze these strategies. The major findings are that conflict (violent or non-violent) takes place between actors with an unequal distribution of power, meaning that the rural communities are further neglected and political measures overrule local inhabitants rights. The strategies used by the communities are influenced by this and the communities therefore often need help of other actors in obtaining their goals. Often these competing claims over land, lead to the formalization of land rights under pressure of other actors. This conclusion calls for more recognition of the conflict by the national and provincial government but furthermore, calls for improved access to information for the rural communities on their rights in order to advance their mobilization.

**Keywords:** Santiago del Estero, Soybean Cultivation and Cattle Farming, Rural Communities, Socio-Political Conflict, Access mechanisms

## List of Abbreviations

MOCASE	Movimiento Campesino de Santiago del Estero
MOCASE VC	Movimiento Campesino de Santiago del Estero Vía Campesina
NGO's	Non-Governmental Organizations
RR	Roundup Ready

Ha = a unit of area defined as 10,000 square meters (100 m by 100 m)

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## Preface and Acknowledgment

Looking back on my research in Argentina I look back with a warm and content feeling. Not only have I met great people, I also learned a lot about myself and conducting research in a complete new setting. I have improved my writing skills and found out that conducting research abroad is something that is very inspiring and gives me a lot of energy. I would like to thank those who collaborated in my research by giving their time and information, making this report possible.

First and foremost, I would like to thank the people that I have interviewed. Everybody has been so patient and despite the languages barrier, valuable information came out of the interviews. I would like to give a special thanks to the communities of Kaspi Chaki and Mayu for sharing their story with me. This research would not have been possible without them. Hopefully this thesis will make more people aware of their problems they daily face. I would like to give a special thanks to Natali and Emanuel. I have spent a lot of time with them talking about the community Kaspi Chaki and really enjoyed their companionship. They both do a very important job in helping the rural communities and I hope they will continue this the coming years.

I would also like to thank the development organization Fundapaz. The team of Fundapaz has helped me to get the overall picture clear of the conflict over land in the province and most importantly, made me feel at home in Santiago del Estero. Especially David Morelos Suet and his family supported me and gave me advice while staying in Santiago del Estero. They introduced me in the warm culture of Santiago del Estero where eating dancing, and singing are very important.

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I have developed great respect for all the development workers worldwide who are away from home, working towards a common goal: that is to improve life of others. Hopefully one day I will return to the province of Santiago del Estero and see a better situation for the local peasants.

Nienke Busscher



The welcoming committee at the school of Kaspi Chaki

## *Juntos por nuestra tierra*

*Estamos los que tenemos que estar/ de aquí cerca y más de allá. Todos juntos vamos a trabajar por nuestra tierra que en peligro estás.*

*Niños, jóvenes y adultos, / hombres y mujeres te defenderán, sin perder la Calma, / por vos tierra vamos a luchar.*

*Porque aquí nacimos porque aquí crecimos, porque aquí aprendimos a vivir y a nuestra manera, a ser feliz*

*Porque nos das gratuitamente lo necesario para vivir: agua fresca de tu interior infinitas maderas para el sostén de nuestra casa y también para el calor del fogón.*

*También los más dulces frutos, el color más bello de las flores, el aroma de tus plantas, los remedios para calmar tantos dolores.*

*Tus infinitos senderos nos invitan cada día a caminar, con toda seguridad y confianza que una madre da.*

*Sos tan generosa que cobijas tantas vidas, animales y plantas que a nuestro aire purifican sos rica, sos inmensa, por eso te buscan hombres raros, con poder, que en estos días no hacen temer.*

*Pero aquí estamos, ¿No nos ves? Juntos, por siempre juntos, para esto resolver.*

*¡No temás!... no nos iremos, no te dejaremos, no permitiremos que te encierren con alambres por doquier.*

*Aquí estamos, bien parados, sostenidos por estacas de Santiago, son amigos, son hermanos, que "si" saben comprender.*

*De un lado a otro andan, es un grupo sensacional, que saben de leyes y derechos, que a los pobres nos amparan.*

*Nos enseñan, nos preparan, nos animan, nos alientan, nos escuchan, nos protegen y a nuestro lado también crecen.*

*Por estar aquí muchas gracias, "Comité de emergencias" no te detengas. Te alentamos a seguir andando en defensa de este gran recurso que es nuestra Tierra (Santiago Solidario, 2009) Written by the pupils of the school of Kaspi Chaki, Santiago del Estero..*

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## Executive Summary

The interest in agricultural land is rising and enormous amounts of money are invested in it. Given commodity price volatility, growing human and environmental pressures, and worries about food security, the interest in farmland is likely to increase, especially in the developing world (Deininger, 2011:xiii). The regions that are targeted for these purposes are predominantly Africa, Asia and South America. At an increasing number of places, efforts towards economic growth and attraction of (foreign) investments are accompanied by the forced displacement of local populations and violation of local populations rights (Zoomers, 2010:437).

This research focuses on the situation in Argentina where the rural landscape has been undergoing major changes over the past decades due to the increasing export of agricultural products. The global demand for soy and meat increased the areas under production. Foreign and local investors are attracted by the government to buy land for soy cultivation and cattle ranging. Especially the provinces of Tucumán, Salta and Santiago del Estero are targeted for these agricultural investments (Slutzky, 2008). Because of the intentions of the government to increase the export of these products, the land investments will only increase. The province of Santiago del Estero is affected most severely by the expanding agro-frontier. Therefore, the research focuses on this province.

The investments in land for soy cultivation and cattle ranging led to the rapid clearance of land where local people are living. Local people are forced to leave the land they have been living on for many generation. These populations often do not possess legal titles to the land. By law their rights are acknowledged when living on the land for over 20 years but these rights are often not respected. Several strategies are present to deal with these land acquisitions. There is a gap in the information that deals with how local communities execute these strategies in land conflicts and what the consequences of these strategies are on their tenure security. As a result, the main research question is: **Which different strategies can be found in the communities of Santiago del Estero in dealing with the current land acquisitions and what are the effects of these strategies on the communities' tenure security?**

The theories that are used in this thesis are property, access, and strategies. The access theory of Ribot and Peluso (2003) is very important since it helps in getting clear how communities in Santiago del Estero try to strengthen their access to the land and what kind of strategies are involved in this process. The property claims that can be made by different actors are also important to see the legal side of the conflict. In order to answer the research question desk research and fieldwork are conducted. Qualitative methods were used while doing fieldwork. This includes in-depth and informal interviews. Ten weeks were spent in the province of Santiago del Estero to gain information on the situation of the peasants and rural communities. This was done in collaboration with the development organization Fundapaz. Two case studies were selected by Fundapaz. The communities Kaspi Chaki and Mayu are studied. The fieldwork has not been without difficulties since it was hard to stay in the communities overtime and this has had consequences for the data that has been collected. Not as much data was gathered as was hoped for beforehand.

The land use in Santiago del Estero is normally done communally. The communities live from animal husbandry and keep mostly goats, cows, pigs and chicken. Most peasants lack money for their daily subsistence and have a poor diet. In the rural areas there is little access to electricity or potable water so the living conditions are very different from the city of Santiago del Estero. Most of the communities were formed during the construction of the railroad. Families from all over the country settled in the province of Santiago del Estero to exploit the Quebracho tree. The families have never left and stayed on the land ever since. Most of the people who are now living on the land were born and raised there. Access to the land is consequently done through family. The law grants people the right to be recognized as the holder

of the land when living on the land for over 20 years. But no formal titles are associated to this law. The investors, who are buying the land at the cadastre for soy or cattle farming, are seen as owners and do possess formal titles. The Argentinean law protects both of these forms of land occupation. This is where the conflict starts between the two parties. Aside of the rural peasants and the (foreign) investors, other actors that are involved are: the state, the provincial government, NGO's, local authorities, and the church.

Conflict situations that are very common in Santiago del Estero are forced eviction, usurpation, and more violent processes to threaten families to leave the land. In some areas peasants face daily threats by armed gangs to leave the land. There are even cases where houses are set on fire to threaten the families that are living on the property. Also, the presence of bulldozers to clear the land from trees to be able to cultivate soy or start cattle farming, are threats that are exercised by investors to make the people leave the land. As shown, the rights the rural people have are often not respected.

In the first case study, Kaspi Chaki a very interesting arrangement was made over the land. In 2010 a man appeared stating he was the owner of the land (3.605 hectares) the community has been using for decades. He showed his titles and the community started to organize to see what could be done in order for them to keep the land. The investor was willing to negotiate over the land since he acknowledged the rights of the community. After several meeting they agreed on a new division of the land. Within this process several strategies are seen from the side of the community to secure their tenure situation. After the negotiations the community of Kaspi Chaki obtained the formal title over 1.400 hectares.

The second community that is studied, Mayu, experienced a threat from an investor from one of the neighboring provinces. At that time (2004) the investor wanted to cultivate soy on the land. He threatened to clear the land from trees and appeared with a bulldozer on the property. The families living on the land were threatened to leave. The investor even offered a plot of land with electricity and potable water outside the community to some families within the community in exchange for them to leave the land. He supposedly was in possession of the formal titles to the land but nobody has seen them. The community started to organize and made the investor give in and leave 'their property'. At the moment they are organizing the community to gain the formal titles to the land.

Both communities have achieved a better tenure situation by using different strategies to defend their rights. These strategies are divided into strategies to defend, control, and maintain access. The most important strategies are to gain knowledge on the different dimension in the conflict, visualizing the conflict towards a broader public, and gaining formal titles to the land. The instruments that are used to accomplish these strategies are often done with the help of others. Formalization is done under pressure of other actors. The formalization of the titles is a strategy which does not necessarily gives more tenure security as this is determined by many other factors. Instruments that are used to start achieve the strategy to formalizing the land rights are: to collect evidence on their residence on the land for over twenty years (his way the communities can make use of the law that states that people are holder of the land when living on it for over 20 years) to make an inventory of the animals that are held by the community, to pay taxes over the land, to put fences on the land to demarcate the area, and to attend marches to show the situation of the peasants in the province. The effects of these strategies are in some cases increased tenure security, communal organization, and integration in processes outside their community. What is interesting is that most of the instruments used to reach the strategies are dependent on other actors in the field who are helping the communities. Especially in Kaspi Chaki, which is highly excluded from outside activities, the dependence is very visible.

Accordingly, the situation of the peasants in Santiago del Estero is determined to a large extent by powerful actors. Peasants lack political capital to address their needs and are further excluded from participating and benefiting from the shifting agricultural frontier. At the moment formalization of titles is advocated by many NGO's as a result of the ongoing conflict. Within this process there should be more awareness of aspects like disparities in wealth and power, the lack of access to information for local communities, the lack of enforcement and lack of impartiality on the part of the formal institutions like the government when dealing with tenure security in conflict situations. The question is how long these newly obtained, formal titles of the communities will be respected by investors and if these formal titles give more tenure security to the communities.

## 1. Introduction

This chapter explains the topic of the thesis and discusses the problem statement. After this, the research objective and research question are presented to give a better idea how the research is designed. Next to this, the research limitations are discussed and an outline of the report is given.

### 1.1 Subject of the study

Worldwide the rural areas across the world are experiencing major changes. Increased migration towards urban areas and the increased wealth in emerging economies combined with the demand for agricultural commodities are changing the landscape of global agriculture (Kirsten, 2010:v). Land is seen as an asset in which enormous amounts of profit can be made (Zoomers, 2010:435). Therefore, the interest in farmland is rising and huge sums of money are invested in it. Given commodity price volatility, growing human and environmental pressures, and worries about food security, this interest is likely to increase, especially in the developing world (Deininger, 2011:xiii).

At an increasing number of places, efforts towards economic growth and the attraction of foreign investments, by e.g. local governments, are accompanied by the forced displacement of local populations (Zoomers, 2010:437). Indigenous people whose land is often acquired are the ones most adversely affected. Some of the negative outcomes indigenous people normally face are loss of land, loss of means of livelihood, disruption of economic activities, persistent land-related disputes, relocations to poorly developed areas, and inadequate or late compensation (Kusiluka *et al.*, 2011:66).

The main investors in farmland are food importing countries with land and water constraints but rich in capital, such as the Gulf States. In addition, countries with large populations and food security concerns such as China, South Korea, and India are seeking opportunities to produce food overseas. These investments are targeted towards developing regions where production costs are much lower and where land and water are (supposedly) abundant (Von Braun, Meinzen-Dick, 2009:1). The regions that are targeted for these purposes are predominantly Africa, Asia, and South America. In addition to acquiring land for food, many countries are seeking land for the production of bio-fuel crops (*ibid*) as they create guaranteed markets for decades to come wherein these commodities might get scarce.<sup>1</sup> Some government policies have also provided financial incentives to the private sector to invest in farmland (e.g. in terms of subsidies and tax breaks).

Since these land acquisitions are ongoing and a new development in its current form, they are very interesting to investigate.<sup>2</sup> On top of that, the unprecedented scale and the impacts on local communities and the environment are worrisome. Following Peluso and Lund (2011) there is no such thing as a grand 'land grab' but they are series of changing contexts, emergent processes and forces, and contestations that are producing new conditions and facilitating shifts in both *de jure* and *de facto* land control. Thus, the

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<sup>1</sup> According to UNCTAD, the biggest country investors in terms of outwards Foreign Direct Investment stock in agriculture are, in descending order: the United States, Canada, China, Japan, Italy, Norway, Korea, Germany, Denmark, and the United Kingdom. Apart from the Gulf States, China, Korea, India, Japan, Libya, and Egypt appear among the major investors looking for fertile and water abundant farmland. However, EU countries and European private corporations are also significantly involved (FIAN, 2010:10).

<sup>2</sup> Although some recently reported deals are of unprecedented scale, it must be noted that large-scale land acquisitions are not a new phenomenon. Land acquisitions or what some call 'land grabbing' has been going on for centuries (Grain, 2008; Cotula, *et al.*, 2009; Africa Studies Association, 2010). In the past, land was commonly acquired by foreign investors, for instance to produce rice (Lorrho) and rubber (Firestone). At a smaller scale, South African farmers have been acquiring land in Zambia, Mozambique and Tanzania for decades. Large domestic players have also acquired land in the past, for example to produce pulp (e.g. Mondi in South Africa) (Cotula *et al.*, 2009:40). But on top of that, also more violent conflicts have occurred in the past concerning land. Some examples are the white colonialist taking over territories occupied by the Maori in New Zealand and by the Zulu in South Africa (Grain, 2008:1). What is new in this phenomenon, is the scale and the dynamics that drive countries to invest in land.

current contexts and content of opposition, acquisition, allocation, and access have since become quite different from those in those earlier decades (*ibid*). This thesis zooms in on the current problems arising because of land acquisitions in Argentina. For decades this country has experienced severe changes in its rural landscapes. Local and international investors are more and more attracted to invest in the land because of different drivers like e.g. tourism, mining, soybean cultivation, and cattle ranging. The land under production has increased tremendously with great consequences for the local communities. This thesis shows the current context and content of this phenomenon.

## 1.2 Problem statement

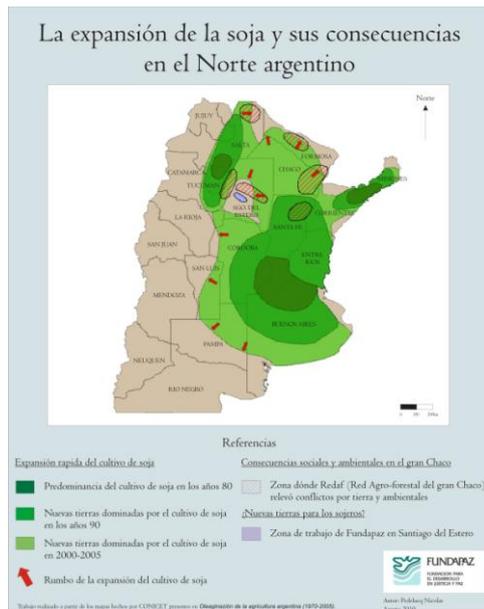
The process of integration of Latin America in the global market for agri-food has begun in the early 80's. This led to different processes such as technological changes in the food system, and e.g. the improvement of transport and conservation systems. Almost all Latin American countries were included in this process and had different products for export. Argentina started to export soy. This automatically led to the enlargement of the areas under production (Reboratti, 2010:64).

The cultivation of soybeans in Argentina increased gradually. Argentina was formerly characterized by a food-based agro-export model that co-existed with regional economies and small and medium producers. This ensured the food supply for the domestic market. With the introduction of the neoliberal model after the last military dictatorship, this agriculture model underwent important transformations. In the 1990's, a new agricultural model was consolidated based on an increased dependence on the large scale production of commodities for export. The transformation in the agricultural model is related to a paradigm shift in agriculture, in which financial activities and interests have become more and more important (Giarracca and Teubal, 2005:28 *cited by CAPOMA, 2009*). From 1996, when Monsanto's genetically modified Roundup Ready (RR)<sup>3</sup> soy was legalized, soy production started to increase vastly (CAPOMA, 2009:7).

Different provinces in Argentina were affected by the production process of soy. Especially in the provinces of Tucumán, Salta, and Santiago del Estero the impact was enormous (Slutzky, 2008). According to the author De Dios the province of Santiago del Estero was affected most severely by the expanding agro-frontier. In the mid 1990's there was a strong increase in the surface under production for transgenic soy and intensive cattle ranging. Meat was historically produced in the pampas of Argentina (in central Argentina), but due to low land prices, a displacement of the cultivated land started towards the north and especially towards the province of Santiago del Estero. Because of this shift, the cattle stock underwent a decline of 17% the past four years. In 2007 there were 58 million cattle and recently this is an average of 48 million. The national livestock plan aims to reach an increase towards 77 million cattle (Giardini, 2011). Different large scale land investors started up the process of productive units for cattle farming. Soybean cultivation is mostly done in the northern part of the province of Santiago del Estero.

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<sup>3</sup> Roundup Ready soy was developed by the transnational seed and agrochemical corporation Monsanto and this type of soy has been genetically manipulated to be resistant to the herbicide glyphosate (Roundup), also produced by the same company (CAPOMA, 2009).



**Picture 1. Soy expansion in Argentina (Source: Fundapaz, 2011)**

The investments in land for soy cultivation and cattle ranging led to the rapid clearance of land where local people were living. Local people are forced to leave the land they had been living on for years (other forms of usurpation are also known and are explained later in this thesis). The actors that are involved in these clearances are on the one hand multinationals, on the other hand there are the agricultural producers that represent a key link to the production chain and are linked to the export market (De Dios, year unknown). The other prominent actors in the production chain are the local populations and the government. These populations, who have been living on the land for many generations, often do not possess formal titles to the land. By law their rights are acknowledged when living on the land for over 20 years but these rights are often not respected. On top of that, in order to gain these rights, the law stipulates a costly process. Not only do these local people not possess the required amounts of money, but they are sometimes not even aware of their rights.

The companies that invest in the land, buy titles to the land which are in conflict with the rights of the local populations who have been living on the land for years. This is why communities face a growing pressure to leave their lands and conflicts arise. Conflicts (violent or non-violent) take place between two actors with an unequal distribution of power, meaning that the rural communities are further neglected and political measures overrule local inhabitants rights. All these macroeconomic factors have jeopardized the ability for the communities to continue their practices without formal titling to the land (Slutzky, 2008). According to Ribot and Peluso (2003) it is not uncommon that laws made under a single government within a single historical period contradict each other, allocating rights to the same resource to different parties, where boundaries of rights and access are not clear. Under pressure of different actors, formalization of titles is becoming more common. According to Slutzky (2008) advocating their rights and claiming their rights to the land they have traditionally owned, are now the principal demands of the communities.



**Picture 2. Map of Argentina with the province of Santiago del Estero highlighted in red (Source: Google Images, 2011)**

Because of these demands, several strategies are present to deal with these land acquisitions e.g. social organization is predominant in this region and emigration to other provinces for paid labor (Pérez-Carrera, Moscuza, Fernández-Cirelli, 2008). Another strategy for peasants, is to lease their land to investors to escape from the agro sector themselves (Slutzky, 2008). These strategies shows that resource conflict is not just driven by instinct but involves calculus and strategy as well as moral judgment (van der Haar, 2010).

There is a gap in the information that deals with how local communities execute these strategies in land conflicts and what the consequences of these strategies are on the communities tenure security. It is not clear how this has been organized, why it has been organized a specific way, and what instruments are used. It is assumed in this thesis that the execution of these strategies have to do with the perceived tenure security that the local peasants feel while living on their land. The communities' perceived tenure security has consequences for the kind of strategies they use. Filling the gap of information on the strategies and instruments that local peasants use is very important in order to help other affected peasants. This can lead to developing adjusted strategies by doing research and evaluating them.

This thesis focuses on the strategies used by local peasants in Santiago del Estero, Argentina use in order to dealing with the current land acquisitions. On top of that, the tenure (in)security in this conflict and the possible relationship between the strategies used is explored.

### **1.3 Research objective and research question**

The aim of the research is (1) to inform about land acquisitions in Santiago del Estero. Next to this, the aim of the research is (2) to show the strategies and instruments local peasants in Santiago del Estero use in order to deal with the current land acquisitions in this region. These strategies are seen as mechanisms to defend control, and maintain access to the land (Ribot and Peluso, 2003:154). This study involves an explanation of the land tenure system, the different laws that are implicated in the land acquisitions for investors and local peasants, the forms of access, the drivers of the land acquisitions, the type of conflicts, the actors involved, and the roles of the different actors in the land acquisitions.

The research looks at different communities in Santiago del Estero that are working with the organization called Fundapaz <sup>4</sup> but in addition, it will study two communities in the departments of San Martín and Robles more in-depth, namely Kaspi Chaki and Mayu. This is done by conducting interviews with the community and key informants. These two communities are chosen specifically by Fundapaz due to the interesting outcome the land investments in this area have had so far for the community. In Kaspi Chaki an interesting arrangement has been made in terms of land division and in Mayu the social organization is interesting. Both communities are very different when you compare them in access to water (and consequently the fertility of the land) and the number of hectares the communities use for their subsistence. Nevertheless, the communities are more or less equal in the number of inhabitants.

The two case studies are described on various levels, that is to say the tenure system, nature of the conflict, the strategies and instruments used to deal with the conflict, the sense of security on the land and the long term planning of the community. To understand the situation, it is important to aim at knowing the nature of the resource, the whole array of decision making arrangements, including property rights regime, and the nature of the interaction among users and regulators (Oakerson, 1986 etc., *cited by Feeny et al., 1990:13*).

Thus, the research question is stated as follows:

**Which different strategies can be found in the communities of Santiago del Estero in dealing with the current land acquisitions and what are the effects of these strategies on the communities' tenure security?**

This report seeks to give a comprehensive answer to this question.

## 1.4 Research limitations

Since conducting research always involves uncertainties and time constraints, there are several limitations to this research that need to be taken into account. On a practical level, the lack of basic necessities in the communities that were studied made overnight stay very hard. This had the consequence that several trips had to be made to the communities in order to gain information. This was very different than planned beforehand since I wanted to stay in the communities for several weeks in a row. Trips to the communities were hard because of bad infrastructure in combination with unpredictable weather which easily floods the road in this area. On top of that I had to deal with the scheme of the organization that was overfull and made it hard to visit the communities as often as I wanted. Interviews were done in groups due to time constraints since I wanted to hear everyone's story. This is why in interviews very little personal feelings came out towards the conflict and no life histories are recorded. The inhabitants found it hard to explain their state of mind towards the conflict in groups towards a foreigner. This could be because of the lack of trust towards me. Also, because the discussed topic of the land acquisition in Kaspi Chaki is still ongoing and painful, it was hard for the inhabitants to talk about it. Consequently, information about the communities is mostly given by key informants instead of the inhabitants of the community. Because of this, the research method has changed during the research and made it that not as much information came out by interviewing the community as was expected. The community of Mayu had its conflict over land in 2004. This made it hard to remember details for the community members.

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<sup>4</sup> Fundapaz is a local aid agency with who I have collaborated to conduct the research. Fundapaz works in Northern Argentina in rural development. Together with aboriginal communities and rural families they promote community-based and solidarity-development participation and sustainable processes based on the indigenous and rural culture (Fundapaz, 2011). Fundapaz is focusing on land, water, and infrastructure issues. Four main strategies are executed: strengthening local communities, access to natural resources for local communities (water, land and forest), to improve the income of the families, and transformation of products. This is done by working closely with rural communities and other actors like NGO's and the church.

The inhabitants looked at the case as something that was already closed. They are still in the aftermath of this conflict but this is not something they like to discuss. Because of this, little information is extracted about the conflict in this community. So, it should be noted that the selected case studies are very interesting although the conflict in Kaspi Chaki is too recent (2010) and the conflict in Mayu happened too long ago (2004). Nevertheless, very valuable information came out of the two case studies.

## 1.5 Outline of the thesis

After this introductory chapter, the second chapter of this thesis presents a theoretical framework to give more background on theories that relate to this conflict. On top of that it serves as a guide to analyze the data that has been collected during fieldwork. The third chapter presents the research design and methodology. After this, the chapter of land acquisitions in Santiago del Estero is presented, focusing on the type of land conflicts, the drivers, the actors in the land acquisitions, the land rights, land use, and the most important laws concerning the rights of local peasants. The fifth chapter will present the case studies of two communities that have experienced different processes of land acquisitions. Chapter six gives a thorough explanation of the different strategies and instruments that are used in the two communities to defend their land and to avoid a conflict over land. This will be presented using the access theory of Peluso and Ribot (2003). After this, the changes in the state of perceived tenure security is discussed. This leads to the conclusion and discussion of this research.

***Note: almost all names of places and persons participating in the research are fictitious in order to protect the persons involved in this research.***

## 2. Theoretical Framework

This chapter presents the different theories and concepts that are used to guide this research and to analyze the data that was gathered. First, the different facets of resource related conflict are explained. In this situation land rights are key for the different actors involved. Following this, the concepts of access, property and strategies are discussed. This framework is used as a guide to analyze the collected data.

### 2.1 Resource related conflict

Before continuing on the concept of 'conflict' it is important to determine what conflict actually entails and what definition is followed in this research. Since the term 'conflict' is a broad term, different scholars tried to construct a more comprehensive definition. According to Turner (2004) resource related conflict is social conflict (violent or non-violent) associated with both struggles to gain (or defend) access to natural resources and struggles resulting from the use of natural resources. It is important to understand that resource conflicts have a history. Instances of overt conflict or confrontation need to be understood in a context of how social and political relations have developed (van der Haar, 2010). Resource conflicts are often not just about resources: materiality is one dimension, but there may be other motivations or contestations as well e.g. moral issues, political differences, and longer-term concerns over vulnerability (*ibid*). Thus, conflicts are complex and often have multiple causes.

Some scholars like Malthus see conflict as something that has to do with population growth and the consequences for the availability of resources like for example food. In this research, this notion is not used. Where Malthus focuses on the consequences of reproduction outstripping production for people, the school of thought of Neo-Malthusianism is highlighted by the consequences of the same factors with respect to the environment and only indirectly at the consequences for people. Since the conflict in Santiago del Estero is much more complex than this, this idea is too narrow to serve the analytical purpose of this research. Another notion that is used often in resource related conflict is Political Ecology. Political ecologists generally see people's access to 'resources' as multi-faceted and contested, shaped not only by social and environmental change but by the meanings attached to these changes. In this way, political ecological analyses have revealed that seemingly straightforward 'conflicts over resources' are produced from a set of broader processes of change within specific historical context (Turner, 2004:865). Resource related conflicts are not simply struggles over resources but reflect a broader set of tensions within agro-pastoral societies, many of which have moral dimensions and which cannot be seen simply derivative of in-the-moment struggles to subsist (*ibid*:885). That is why political ecology asks questions about power relations shaping access and entitlements, differential effects of processes of change, the historical processes of (under-) development, and the global economy (van der Haar, 2010).

The conflict in Santiago del Estero needs a broad view and it is important to analyze the conflicts' different elements to get a better understanding of the different layers and influences. This includes governmental, political, historical, social, and economical processes. Also, the processes of re-ordering of access, entitlements, property arrangements, economical, ecological, and political changes are of importance (van der Haar, 2010). Next to this, Argentina and especially the province of Santiago del Estero are sparsely populated. However, in terms of water Santiago del Estero is resource poor. Therefore, Santiago del Estero was for a long time excluded from agricultural production by large enterprises. Because the increase of land under production in Argentina, Santiago del Estero was targeted for the agriculture of soy and meat (more about this shift in agricultural land is written in chapter four). It is clear that the ambition of the Argentinean government to increase soy production and cattle farming in the region, therefore, a look at the bigger picture is necessary. The intentions of the government are clearly driven by the demand for these commodities worldwide.

What you see in this new wave of land acquisitions are investments in agro-fuel, carbon trade, food, mining, timber, and tourism and conservation. Greed and global scarcity in the future are at the forefront of these investments. The power relations in this conflict are unequally divided and entangled in a web that makes that worlds, economies, and people are more and more dependent upon each other with possible detrimental effects for the future. This thesis is not trying to develop a new theory on resource related conflict but merely tries to explain the important layers that are involved in commercial pressure on land where global influence, multiple actors, greed, and profit due to pressures from the global framework are salient. Thus, in land conflict, involving commercial pressure from different actors, the power relations are often unequally distributed, the gain for investors is often driven by money and the local inhabitants of the land often see their rights disrespected.

To place this into the perspective of this research; important changes are taking place in Santiago del Estero. The actors that are involved in land related conflict are increasing. Investment companies (foreign or local) are getting involved in the agrarian sector of the province where the state wants to increase the export of soy and meat. The provincial government also has a say in this and works closely together with the investment companies or are investing in the land themselves. This is most of the times, at the expense of local communities who are living on the land. Local authorities are also involved in this process, sometimes even helping the investment companies at the expense of the local inhabitants. NGO's, the church and local institutions like the school are trying to stand up for the communities and try to impose laws, rules, and procedures just as the other actors. So, there is a shift in power feasible in Santiago del Estero. However, the problem lies with the role of the state, the role of law, and the increasing demand for commodities. Investors try to make a profit from these demands on the expense of others. Another problem is institutional pluralism concerning land property. The following section will elaborate more on this discussion.

## 2.2 Property

Given this context, the extent to which local landholders have secure rights to their land is an important part of the legal framework regulating land deals – not only because people may depend on land and natural resources for their livelihood and food security, but also because fundamental human rights are at stake: the human right to property, which has been consistently interpreted as including collective, customary rights even where these have no legal recognition under national law; the right to food, which is directly relevant where people depend on natural resources for their food security (De Schutter, 2009, *cited by Cotula, 2011:34*); the right to housing, which includes protection against forced evictions; and the rights of indigenous peoples over their ancestral lands, enshrined in the 1989 Convention Concerning Indigenous and Tribal Peoples in Independent Countries and the 2007 United Nations Declaration on the Rights of Indigenous Peoples (Cotula, 2011:34). All these rights must be respected, protected and fulfilled by states (FIAN, 2010:11). Unfortunately in practice this works out differently and many people worldwide see these rights violated. So, not only livelihood continuity is threatened for local communities facing land conflict, but moreover rights to land, food, and shelter are often not respected in this context.

As mentioned by Bruce *et al.* (1993:627), a long historical evolution has left Western tenure systems radically more simplified in to a one-size-fits-all tenures (ownership, lease). This allows rights in land to be traded easily as a commodity. However, indigenous land tenure systems or that of Santiago del Estero, involve multiple tenures, each of which defines different rights and responsibilities for land under different resource use. In broad terms, land tenure rights are often classified according to whether they are 'formal' or 'informal'. There can be perceptual problems with this approach because, for example, some so-called informal rights may, in practice, be quite formal and secure in their own context. Despite these perceptual problems, the classification of formal and informal tenure can sometimes provide the basis for useful analysis (FAO, 2002:11). Formal property rights may be regarded as those that are explicitly acknowledged by the state and which may be protected using legal means (*ibid*). Informal property rights

are those that lack official recognition and protection. In some cases, informal property rights are illegal, i.e., held in direct violation of the law. An extreme case is when squatters occupy a site in contravention of an eviction notice. In many countries, illegal property holdings arise because of inappropriate laws. For example, the minimum size of a farm may be defined by law whereas in practice farms may be much smaller as a result of informal subdivisions among heirs. Property rights may also be illegal because of their use, e.g., the illegal conversion of agricultural land for urban purposes (*ibid*). In other cases, property may be “extra-legal”, i.e., not against the law, but not recognized and protected by the law. In some countries, customary property held in rural indigenous communities falls into this category (Assies, 2009). Customary tenure is a very important way for local communities to safeguard their rights to the land (Ellis, 1993).

At the local level, land rights may be hotly disputed. In relation to disputes, outside investors may think they have successfully purchased land, only to find that the tenure situation may in fact be very complex, involving customary rights. This means careful assessment of local contexts is important, as well as long-term engagement with local interests (Cotula et al., 2009:104). Also, it is not unusual that laws made under a government within certain period contradict each other, allocating rights to the same resource e.g. land to different parties. Every so often new policies or laws do not clearly delineate all the rules and powers associated with particular rights. Then, conflicts follow over these ambiguities where boundaries of rights and access are not clear (*ibid*).

In conflicts where institutional pluralism is at hand, this often leads to formalization of property rights in which transformation is given within a certain system for local inhabitants. Land rights can be formalized in individual or communal titles and are frequently thought of as strengthening tenure security. Often this is not the case. As Broegaard (2005:848) mentions, other elements, such as social networks, local norms and duration of possession, may actually create an even higher degree of tenure security, regardless of the possession of formal land titles. Another aspect that is often overlooked is that in order for someone to use land titles for ensuring their rights to a piece of land, they require access to social, economic and political resources (*ibid*). As a result, land titles often only provide a feeling of tenure security to the well-off landholders who do own e.g. financial resources (*ibid*).

What is happening at the moment in Santiago del Estero is that many titles are formalized under the pressure of other actors. These actors are often investors who put informal tenure systems under pressure. Local communities are forced to formalize their titles if they want to continue to live on the land. Because of access to financial means, this is often done communally since the formalization procedure is very costly. Nevertheless, formalization does not always give them more tenure security over the land.

What should be noted is that tenure security is not something that is easily conceptualized and is different per person. Depending on many aspects tenure security is determined, varying in different settings. However it is interesting to see if there is a relationship between formalization and tenure security. The empirical analysis of the relationship is important in situations where institutional pluralism exists, whereby several institutions are competing over the authority to recognize property claims as rights (Lund, 2001 *cited by Broegaard, 2005*). This analysis should be done in order secure tenure adapted to the needs of local communities where tenure security is defined through their benchmarks. Ideally, the institutions responsible for recognizing the legality of a land title should take action to ensure that relevant authorities enforce the property rights, as well as sanction the cases where property rights are violated as is the case in Santiago del Estero. However, for enforcement to be efficient there must be transparent, easy and equal access to these institutions, even for poor, rural farmers (Broegaard, 2005).

## 2.3 Access

Access includes a broad set of factors that partly differentiate access from property. As Ribot and Peluso (2003) put it “access is the ability to derive benefits from things.” There first must be a distinction made between access and property: it lies in the difference between “ability” and “rights.” “Ability is akin to power, which they define in two sentences- first as the capacity of some actors to affect that practices and ideas of others, and second Ribot and Peluso see power as emergent from, though not always attached to people” (*ibid*:156).

In this research the theory of Ribot and Peluso is used to define access to land. With this method, the constellation of means, relations, and processes that enables various actors to derive benefits from land can be identified. Ribot and Peluso’s (2003) definition of access is “the ability to benefit from things including material objects, persons, institutions, and symbols.” This formulation brings attention to a wide range of social relationships that limit or facilitate people to benefit from resources without focusing on property relations alone. This can be influenced by the government, NGO’s, the church, local inhabitants, and so on. The concept that Ribot and Peluso (2003) use, aims to facilitate grounded analyses of who actually benefits from things and through what process they are able to do so. Access retains an empirical “focus on the issues of who does (and who does not) get to use what, in what ways, and when (that is, in what circumstances).” So, what you see in land related conflict is that often the ones with most political power have the means to access land using different forces to do so. In reality there can be a distinction made between gain, control, and maintain access (*ibid*). In Santiago del Estero you see that the communities already have gained access to the land since they have been using the land for decades and see the land as their property. Therefore, the first step of access to the land is to defend it. The other steps towards access are also used to analyze the strategies and instruments used in this research.

Following Ribot and Peluso (2003) the notion of access is seen as access as bundles and webs of powers that enable actors to gain, control and, maintain access (*ibid*:154). Technology, capital, markets, knowledge, authority, social identities, and social relations can shape or influence access. A fence can be an example of a simple technology to gain access. An example of controlling access is by shooting everyone of your land and protecting it. Capital can be used to maintain access, used to pay rents, formal access fees or to buy in rights based means over people who control resources. Within this method, the constellation of means, relations, and processes that enables various actors to derive benefits from resources can be identified.

What you see there is that access relations are always changing, depending on the powers at place in a certain society. In Santiago del Estero you see the same process within governments, investors, local authorities and communities. You see that these relationships are dynamic. Access depends on all possible means by which persons are able to benefit from thing. In land related conflict you see that the ones with access to economical resources and political powers change the access relation of others. When institutional pluralism is in place, access is often determined by occurrences. So, the land relations are embedded in large sets of political, economical and ecological relationships (*ibid*).

Thus, like property, “access to a resources can be always changing, depending on an individual’s or group’s position and power within various social relationships. Generally people have more power in some relationships than in others, or at some historical moments and not others” (*ibid*). A chief in a specific village may have better access to resources than his fellow village member due to his status. Placing this analysis within a framework, helps to identify the circumstances by which some people are able to benefit from particular resources while others are not (*ibid*) and how these people defend, control, and maintain access. All has to do with the political capital people possess and the way they use this. This means that different strategies and instruments are used to benefit from resources like land. The concept of strategies is given in the next section to see how access strategies are defined to land.

## 2.4 Strategies

Within this thesis the concept of strategies is salient. As Durand (2009) describes, using Touraine as guideline, social movements are a collective action, oriented to bring about changes in a particular system in a specific society. People within a social movement, have the same objectives, a collective challenge, common goals, sustained interaction and solidarity. Having the same or overlapping values and common interests is key. This can lead to different strategies to achieve this common goal. Hence, these strategies can also be implemented by just one family or smallholder. To achieve these strategies different steps need to be undertaken. In this thesis this will be referred to as instruments.

To be more specific about these strategies and instruments the book of James Scott (1985) is used; *Weapons of the Weak, everyday Forms of Peasant Resistance*. Scott describes the ordinary weapons of resistance of relatively powerless groups (like those in Santiago del Estero) as: foot dragging, dissimulation, false compliance, pilfering, feigned ignorance, slander, arson, sabotage, and so forth. Other forms can be passive non compliance, subtle sabotage, evasion and deception. These Brechtian modes of resistance or soft oppositions as Scott calls them are not insignificant (*ibid:30*). Scott describes a case in Malaysia of the effort to stop the usage of a combine harvester in a community by peasants. Here several groups and individuals pressure the farmers who hired this machine. They were opposed to this modern technology that made the peasant lose their jobs. The resistance was shown among others by removing batteries from the machines and throwing them in irrigation ditches. Another example is passive non-compliance in a situation where there is a negotiation over land between an investor and a community. Non-participation in this situation on the side of the community is a strategy to bring about change. The motives of these strategies are hard to tell, this could be to take advantage of the situation in whatever form, or to stretch negotiations without any visible intention or advantage. Nonetheless, these forms of resistance are seen as instruments to accomplish strategies.

It is worth recalling that “even at extraordinary historical moments when peasants-backed revolution actually succeeds in taking power, the results are at the very best, a mixed blessing for the peasant” (*ibid:29*). This is where the discussion over the effects of formalization of land rights starts. The effects on the tenure security is still in the middle. Nevertheless, even a strategies revolt may achieve something. “What these weapons or strategies have in common is that they require little of no coordination or planning: they often represent a form of individual self-help: and they typically avoid any direct symbolic confrontation with authority of with elite norms.” These strategies are used, as described by Scott, when peasantry comes to pose a threat to the state and to the existing international order (*ibid:28*). Exactly this is the case in Santiago del Estero: the government wants to expand soy production and cattle farming. The companies are attracted to invest in the land by tax advantages but the peasants occupying the land are in the way in achieving the goals of the government and investors since they can claim rights to the land. These claims from the communities form a risk to achieve the governments’ ambition to increase export of soy and meat.

Following this, the concept of strategies in this thesis is: collective action, oriented to bring about changes in a particular system, in a specific society. This is all done in order to defend, control and maintain access to a natural resource, namely land. These strategies can be implemented by a group, just one family or a smallholder taking into account its history and meaning of livelihood. Different instruments may be used to achieve these goals.

As described, these strategies all have a final goal, that is to bring about change in a particular setting. What is investigated in this research are the strategies that are used and the effects of these strategies on the tenure security. The effects will, most probably, bring about change in the perceived tenure security of the inhabitants of the communities. This is why this concept is very important to investigate to see if the strategies have been effective. Perceived tenure security is conceptualized as being composed of both

feeling states and thinking states (van Gelder, 2007:220). This can be the sense of security that is derived from a probability estimate of the chance of eviction or other factors that threaten a tenure situation and may cause involuntary relocation. This characterization illustrates, firstly, that it is important to stress that perceived tenure security is not only related to the probability of eviction by governmental actors, but can also stem from other factors that endanger the tenure situation of a resident, for instance threats coming from other inhabitants of a settlement. Secondly, the characterization makes clear that perceived tenure security essentially consist of the risk dwellers in informal settlements face with respect to their tenure situation. These risks threaten the tenure situation of the dweller and the perception of these risks constitutes his or her perceived level of tenure (in)security (*ibid*:221). This degree of safety can stem from formal titles to the land, fencing the land to demarcated the area of the community or, by paying taxes over the land.

As mentioned by van Gelder (2007) it is a thinking and feeling state so by personal conversations these states of perceived tenure security will come to fore. In Santiago del Estero these acts of getting to know more about the perceived tenure security, is by learning more about the personal, group or communal willingness in gaining a title to the land, fencing their land, or the degree of protection of their animals from robbers. This degree of perceived tenure security is very interesting since there is a possibility that this influences the instruments used to protect land and avoid conflict over this natural resource.

The strategies that are found, that will answer the main research questions, will be analyzed by using Ribot and Peluso (2003) as a guideline.

## 2.5 Concluding Remarks

Having specified the theoretical framework we have learned that conflict over natural resources like land, is multi-faceted. There are different ways to approach these type of conflicts. It needs to be analyzed on different layers like history, politics, governance, social, and economical processes in order to understand the situation. Also, it is important to look at the bigger picture, taking into account the global politics and its influence on the local circumstances. This is why, in this research, several actors in the conflict are distinguished and their roles and goals are highlighted. The influence of these actors on property, access, strategies, and perceived tenure security are all factors that shape conflict over land. Based on this, the methodology of this research is presented in the next chapter.

### 3. Research Design and Methodology

This chapter gives insight in the research design and methodology that is used to gather data. First, the main research question is discussed with the sub-questions that are designed to stepwise answer this question. Thereafter, the research design is discussed with its methodology, fieldwork specifications, research reflections, and data analysis. Following this section, a methodological discussion is set up.

#### 3.1 Research Questions

The main research question is:

**Which different strategies can be found in the communities of Santiago del Estero in dealing with the current land acquisitions and what are the effects of these strategies on the communities' tenure security?**

To answer this question, the following sub-questions need to be answered:

- What does the *history* of the communities look like concerning land use and land acquisitions?
- What does the *tenure system* look like in the communities (past and present) and how is it regarded?
- What are the *actors* involved in the land acquisition and what are their roles?
- What *strategies* are present in the communities in dealing with the land acquisition?
- To what extent is there a sense of *long term planning* in the communities with regard to land management?
- How is *tenure security* described by the inhabitants of the communities and how has this changed overtime?

The *history* of the communities involves the story of the land investment in the community and the social organization in this process. Next to this, it is important to get to know more about how the land is used overtime and how this is done in a communal setting. Also it includes for how long the community exists and how it was established. Concerning the *tenure system* it was important to know more about the value of land, how the land is used, and what kind of rights are extracted from the land. The *actors* were found by talking with colleagues at Fundapaz. The different roles these actors have are interesting and the relations among them is of interest to get to know their motives and goals. To see how the communities organize and what *strategies* they use to deal with the land acquisitions, the communities explained more about the land conflict that took place and their reaction to it. The *long term planning* of future activities concerning land management is investigated by asking about plans to secure their future on the land and in what ways they will utilize the land. The *tenure security* is evaluated by asking questions to the inhabitants about their sense of security overtime.

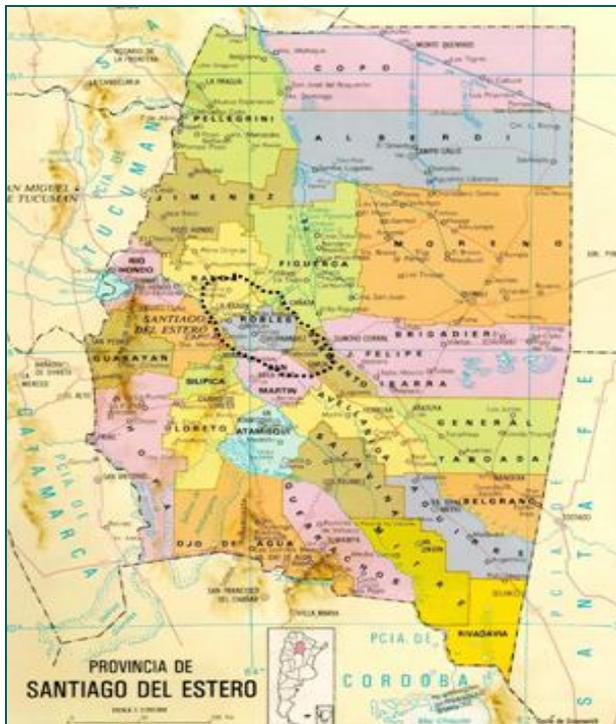
#### 3.2 Research Design

The research design refers to the logic of the study: the what, how and why of data production (Green and Thorogood, 2009). This is why in this section the set-up of the research is discussed focusing on the location and organization of fieldwork (what), research methodology (how), reflection on research set-up and the analysis of the data (why). This is all done in order to generate data that will answer the research questions (*ibid*). After these sections a methodological discussion is presented.

##### 3.2.1 Fieldwork specifications

This research is carried out in close collaboration with the NGO Fundapaz. Fundapaz has been working in Santiago del Estero for over 30 years. Data collection has been done through different contacts of Fundapaz and by accompanying Fundapaz in its daily work. Fundapaz mainly works in the departments of San Martin, Robles and Garza (see picture 3). Since it is impossible to navigate alone in this province, the

data is restricted to this area and consequently to more organized communities since they all have support of Fundapaz. It is important to note that there are a lot of communities that do not work with any NGO in this area. This may give a different vision of the reality in Santiago del Estero than I lay out in this thesis.



**Picture 3. Province of Santiago del Estero, the working area of Fundapaz is indicated in the dotted line (Source: Fundapaz, 2011)**

The research looks at different communities that are working with Fundapaz but in addition, two communities in the departments of San Martín and Robles were studied more in-depth, namely Kaspi Chaki and Mayu.

### 3.2.2 Research methodology

In order to answer the research questions several steps need to be undertaken. First of all it is important to specify the type of design that is chosen in this research and justify this decision. All of the data that is gathered is of qualitative nature since numeric data is not of value to answer the research question. An in-depth understanding is necessary of the tenure situation of different communities in Santiago del Estero so qualitative methods are chosen. The case study approach is chosen to study the communities. Since this research zooms in on behavior of people, it is important to study the people in their natural environment and study the community in-depth. This is why the designs like surveys, observational studies, action research experiments are out of the question. A case study involves studying a phenomenon within its context (Green and Thorogood, 2009) and in this case this means to study the community within their natural environment. Even though it was the intention to make an more ethnographic study, were I would have spent many months in the communities, this was not possible due to constraints to stay in the communities for more than a week.

#### 3.2.2.1 Secondary data collection

To get to know more about land acquisitions in general and the global drivers of this phenomenon, desk research was conducted in order to get to know the dimensions worldwide. The most important aspects of this desk research were the drivers, the effects, governance, land tenure, and the scope of the land

acquisitions globally. Following this, there was a thorough literature study on the land acquisitions in Santiago del Estero. This involved the same aspects as the former approach but also historical information on the province, the demographic and health situation, and the dimensions of the land acquisitions were looked into. Documentary sources were used like public records, media outputs, and research outputs of local academics. Also, data was gathered on conducting fieldwork abroad and the ethical restrictions of this.

### 3.2.2.2 Primary data collection

Next to secondary data collection, a field study in Argentina itself is necessary to answer the research questions. Ten weeks is spent in Santiago del Estero in order to meet the objective of the study. Different strategies are applied to gain information. This includes watching what happens in different settings, listening to what is said, asking questions in formal and informal interviews, and collecting data and artifacts – in fact, gathering whatever data are available to throw light on the issues that are the emerging focus of inquiry (Hammersly and Atkinson, 2007:3). So, the information gathered here is done by deploying qualitative techniques. This is done since a detailed understanding is necessary of the communities and the strategies they use in order to deal with the land acquisitions.

Thus, the qualitative research techniques participatory observations and in-depth interviews are used. Participatory observation is performed in order to get to know the players in the field, their behavior, their understandings towards each other. This was done by for example participating in (community) meetings. This is especially useful since interviews only provide access to what people say, not what they do (Green and Thorogood, 2009:102). Next to this, in-depth interviews are held with the local people, especially the people who are affected by the large scale investments and the people in the communities Kaspi Chaki and Mayu. This was either in a formal or an informal setting. Several days are spent at the local school in Kaspi Chaki. With the help of the teacher a lot of data is gathered and all the families were visited for an informal talk. Next to this a questionnaire was filled in by 12 families on the land conflict in Kaspi Chaki. Also a community meeting was held at the school of Kaspi Chaki. Mayu was only 10 kilometers from the office of Fundpaz (located in Hatun) so this community is visited several times. By the help of the two employees of the association for agricultural smallholders in Mili, data was collected in this community. This was by visiting several families and having group meetings.

It is important to state that not only the community inhabitants proved valuable for gathering information, key informants are interviewed as well to answer the research questions. Various interviews are held with key informant of the school, the church, and the title holder of the land in Kaspi Chaki. I participated in several meetings of Fundapaz and sometimes in collaboration with other NGO's. On top of that, interviews were held with different actors in Santiago del Estero (e.g. MOCASE (Movimiento Campesino de Santiago del Estero), Fundapaz, Registro de Poseedores, a cattle ranging company, a real estate agency who sells agricultural land).<sup>5</sup> Also, a protest march for the murder of Cristian Ferreyra was attended and the assembly and mobilization for indigenous peasants. This also provided valuable information for the research.

In order to get a broad range of different stories and experiences, as many interviews are conducted as possible. It is important to note that it is not possible to get a holistic view on the situation in the communities of Kaspi Chaki or Mayu. So this report is a reflection of the peoples' opinions I talked to and what these persons told me and consequently my own perception of this.

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<sup>5</sup> For a list of interviewees, see appendix I.



**Picture 4. Monthly meeting of Fundapaz ‘El espacio de tierra de Ritiy’**

### 3.2.3 Reflection on research design

Beforehand the idea in the research proposal was to study the communities Kaspi Chaki and Pichu. Mayu was chosen instead since this is closer to the office of Fundapaz and easier to reach. On top of that, the men of Pichu are often away all day for work on the land which would make it impossible to talk to them and get their insights on the matter of land acquisitions. Also, the idea was to stay in the two communities for over three weeks each in order to gain more detailed information. Since the distances are far and the infrastructure is bad, this has changed. In Kaspi Chaki I stayed in a school instead of in one of the family houses due to the threat of a disease called Changas. This is transmitted by an insect and this disease you carry with you for your entire life. This made the school a better option due to a better construction of the building (these insects nest in roofs made of reed and the school has a corrugated roof). During the weekends there was nobody to guide me in the community so I had to go back to the city. Mayu I visited several times, but always with somebody that accompanied me. Because of this, an ethnographic type of study, which was the idea beforehand, is out of the question. Also, the interviews I planned in the communities were mostly with the inhabitants but overtime I discovered that information from the church and school were of more value since these actors responded more in-depth to questions and these actors are very well aware of the situation in the communities. Key informants interviews makes the study more descriptive and gave more room for interviews with governmental actors in this field.

In addition, I read more about the concept of perceived tenure security during my stay in Santiago del Estero. Due to all the happenings in Santiago del Estero concerning threats, murder, and corruption I decided to include this in my study and make the research more analytical instead of descriptive by analyzing the relation between the strategies the communities use and the perceived tenure security. Beforehand, the idea was only to describe the strategies in the communities.

#### Important events during fieldwork

While I was in Santiago del Estero for field work, an incident happened that had a great influence on this research. On November 16, 2011 a peasant was murdered in the province of Santiago del Estero over a land conflict. Cristian Ferreyra, aged 23, was shot and killed at his home in Campo de Mayo, department Copo, and another man was seriously wounded in the incident.<sup>6</sup> Cristian was a member of the farmers

<sup>6</sup> Cristian Ferreyra was not the only death in the conflict over land in Argentina. The last two years 4 deaths have been reported (see below) and innumerable violence offenses against peasants are known (CLOC, 2012).

† Javier Chocobar, Tucumán, Sandra Ely Juárez, Santiago del Estero and Roberto López, Formosa.

organization MOCASE Via Campesina (Movimiento Campesino de Santiago del Estero Vía Campesina). The land conflict in this area has been going on for quite a while and has a very violent history. Especially in this department the land acquisitions are very aggressive according to Carlos (a colleague at Fundapaz) due to the fertility of the land and consequently the possibility to sow the very profitable soybean. Cristian was one of the men who guarded the land claimed by the indigenous community (Latin America Bureau, 2011). After several threats of MOCASE, two men alleged to have been hired by the local landowner Ciccio, murdered Cristian who was organizing the community to stand up against the local landowner who had planned to clear the land of the area he was living in. The provincial media was first talking about a fight between neighbors but after a well-organized campaign of MOCASE VC (among others a protest march in Santiago del Estero and Buenos Aires and a social media campaign) the true nature of the murder came out and the national government officials had no choice than to acknowledge the problem. But as seen in the news, some provincial officials still stay with the explanation of the murder as a fight between neighbors.

On November 21, 2011 the provincial government announced the following measures to solve the conflict over land in Santiago del Estero: to suspend the authorization of all productive plans that involve deforestation in the entire province for 180 days (until May 21<sup>st</sup> 2012); next to this a commission was set up to investigate several cases with major potential for violent conflicts over land and to resolve this; the third measure is the creation of the 'Superior Tribunal de Justicia' which is there to have peasant organizations express their vision on the problems concerning land conflicts and pose solutions to these issues (Nuevo Diario, 2011). Sadly, on November 23 2011 some companies are still destroying forest close to the community Ritiy. A bulldozer was found with traces of activities of the day before. On top of that, right before I departed to the Netherlands (December 2012), more violent conflicts occurred in the department Copo close to the community where Cristian was murdered. Two men were shot who wanted to protect their land against four armed men who wanted to enter the communal land in order to fence it (El Coyuyo, 2011). This community has been dealing with several conflicts since 2009. In 2010 this situation was reported to the police, but no measures have been taken to protect the villagers.

Next to these violent events, an assembly and mobilization march was held on December 15, 2011 for local communities. This was held in order to ask for more acknowledgement of the situation that many communities face concerning threatened continuation of their livelihoods on their lands due to land investments.

These events may have had influence on the feeling of insecurity of the communities on their land and consequently the strategies they use in order to defend their land. This might have influenced the outcome of the research.

#### 3.2.4 Data Analysis

The findings of the research are intended to give a detailed analysis of the land investments in Santiago del Estero and to explore the strategies that are used by the communities in dealing with the land acquisitions. As is the aim in most qualitative analysis I seek to reflect the complexity of the phenomenon studied, and present the underlying structures which 'make sense' of that complexity. So, the aim is a twofold and at times a contradictory one since it involves simultaneously 'telling the story' from the point of view of the situation in Santiago del Estero, and unpacking that story in such a way that the broader meaning is elicited (Green and Thorogood, 2009:197). This means giving different dimensions to the research in terms of political actors involvement and underlying aims of the different actors.

Four common approaches of analysis in qualitative research can be distinguished; thematic content analysis, grounded theory, framework analysis, and narrative analysis (*ibid*). Since in this research specific data is needed on topics like strategies, motives, behavior, and feeling of security on the land, thematic

content analysis is chosen. This is the most basic type of qualitative analysis. It reflects the key elements of the respondents' account and is in this case combined with the findings of the participant observation method.

In this analysis, interview notes and transcripts are used. In this research, the majority of the more formal interviews outside the communities were recorded. The interviews in the communities were not recorded since the inhabitants were not used to this and several of the interviewees hesitated when I asked to record the interview. I decided not to record anything to let the interviewees feel more comfortable and let them speak more freely. After most of the interviews, meetings and fieldtrips I made a summary of the most important happenings and information, by choosing the topics that were most interesting to me.

### 3.3 Methodological Discussion

The difficulty in conducting research abroad is the language barrier. In Santiago del Estero the official language is Spanish and in the province there are influences of the ancestral language Quechua. Fortunately my Spanish is quite good, though, in conversation about a specific topic like land issues it was occasionally hard to grasp the details of a conversation. No translator was present at meetings and almost nobody spoke English. On top of that, at Fundapaz there was only one person who spoke English and she was not always there to interpret the ins and outs of a conversation. This is why details were not always understood and the richness of some conversations was lost.

Since the topic of land acquisitions is sensitive for some of the interviewees I have the idea that socially desirable answers were given at some of the interviews. This could have been because there was a lack of trust towards me and the interviewees thought the intentions of my research were dishonest. As a foreigner and not speaking the native language it is hard to ask to the point questions to gain the information you are looking for. Especially while interviewing a real estate agency on their sales of agricultural land in the province of Santiago del Estero it was very obvious they did not want to give the information I was looking for. When asking about the presence of indigenous communities on the land they sold they answered "we always check if people are living there, otherwise we would not sell it". Although I will never know the true answer, my gut told me this was not the factual answer. These kind of practices also occurred while interviewing the title holder of the land in Kaspi Chaki and a cattle ranging company. They told me they have the best intentions with the people living on the land and they would never do something that would have a negative impact on them. Since there was not always time for cross referencing these kind of conversations and this is not always possible, this is a drawback of the research.

The other drawback of the research is that I was hardly alone with the inhabitants of the communities. This might have influenced their answers. Since it is very hard to get around in the villages (everything looks alike and the distances are far) I was always accompanied by the teacher in Kaspi Chaki. If the inhabitants would have been alone with me they might have said something about the role of the school teacher as well or they would have given me different answers. In Mayu I was accompanied by a well-known person of a neighboring community, Mili. She works at an association that helps smallholders in their agricultural practices by giving them subsidies. This association is supported financially by Fundapaz. Because of the important role this person has in Mayu, this could have made that the data I gathered is biased. Respondent at the interviews in Mayu might have been afraid to express their real opinions on their land problems since this could have influenced the opinion of my guide on the inhabitants. On top of that, the women I worked with in Mayu said she only helped me because of a close relationship she had with one of the employees at Fundapaz. For the rest she was not very fond of Fundapaz. She did not agree with the way they worked with smallholders. In the time I spent with her I noticed that she wanted to 'get rid of me' as soon as possible. Because of this, not as much data was gathered in Mayu. Next to this, the conflict over land already started in 2004. The peak of organization within the community was

over six years ago. This made it hard to gain information on the history of the conflict and the response to the conflict by the inhabitants.

In Kaspi Chaki the presence of the teacher also caused a biased information retrieval. To give an example: in one of the interviews (when the teacher was present) a respondent answered my questions 'if they received any subsidies of the state' with "No." After the interview, the teacher said she *did* receive subsidies. It is unclear why this happened. It could be that because of the presence of the teacher, the interviewee found it hard to be open in her answers. But it could also have been the other way around: the interviewee was more open with the teacher and did not want to talk about financial matters with a foreigner. But it was clear that when during the interview, the teacher left the conversation, the interviewee was more open.

During my fieldwork I have participated in quite a few group meetings. Because of time constraints it was impossible to interview all the inhabitants of Kaspi Chaki and Mayu individually. Therefore, I organized group meetings. What was interesting, is that people would often not talk in group meetings. This was not only in the meetings we had with Fundapaz but also a meeting I set up for this research in Kaspi Chaki. It was remarkable that quite a lot of people showed up but only few wanted to share their opinion. The explanation could be that they had a feeling of distrust towards me. The teacher helped a lot to encourage the inhabitants to talk, but this could also have had influence on the responses the people gave. It is remarkable that in group meetings, in Kaspi Chaki, there was no shame in having a completely different opinion on a specific topic and sharing this with the group.

The last discussion on the methodology is the role Fundapaz has had as an organization on the data gathered. Since Fundapaz works with most communities I spoke with, most probably, have been associated with Fundapaz. People might have felt a drawback in answering questions to me due to the fear of losing the support of Fundapaz or saying something Fundapaz does not agree with. It could also be the other way around: maybe they only helped me because I was working with Fundapaz. This might have been a reason for the inhabitants of the communities I worked with to help me. Next to this, Fundapaz has his own agenda when it comes to dealing with land conflicts. In community meetings Carlos (a colleague from Fundapaz) was trying to mobilize the communities by proposing road blocks and the cutting of fences to draw more attention to the conflict over land. Also, Fundapaz encouraged Kaspi Chaki to gain a communal title to land. These responses to the land conflicts have all an influence on how the communities that work with Fundapaz, see their problem over land. The role Fundapaz has had on this report will never be clear, though it is interesting to think about their influence.

All of these former comments on the methodology have had influence on the research and made it that the analysis might not be a reflection of the real situation in Santiago del Estero. This should be taken into account while evaluating the validity of the outcome of the report.

### 3.4 Concluding Remarks

This chapter gives insight on the methodology that is used to set up this thesis. The research questions are discussed, as well as the methods that are used to gain the data to answer these questions. As described, due to different circumstances the data that is gathered is biased. This is a common drawback in qualitative research. It is essential in these kind of circumstances to look critically at your role as a researcher and other circumstances that can influence the data. It is important to keep the drawbacks of this study in mind while reading this report.

## 4. Land Acquisitions in Santiago del Estero

This chapter discusses the land acquisitions in Santiago del Estero. First, it gives information on land acquisitions in Argentina in general, while focusing on the province Santiago del Estero after this. The background and the drivers of the land acquisitions are very important to understand the conflict over land. What is crucial in understanding the conflict, are the land use and land rights of the local communities. These are thoroughly discussed in section 4.2 and 4.3. The actors are discussed after this to see their roles and functions. The types of conflicts over land are clarified after this, before giving some concluding remarks on the land acquisitions.

### 4.1 Background and drivers

The process of integration of Latin America in the global market for agri-food has begun in the early 80's. This led to different processes such as technological changes in the food system e.g. the improvement of transport and conservation systems. Almost all Latin American countries were included in this process and had different products for export. Argentina predominantly started to export soy. This automatically led to the enlargement of the areas under production (Reboratti, 2010:64). Due to the strong increase of areas under production for cattle farming and soy cultivation, which was historically produced in central Argentina (the Pampas), the production areas started replacing towards the north. This northwards replacement was made possible due to the favorable land prices in this area. The increasing soy profitability against the low price of beef generated a significant growth of soy agriculture in the Pampas, where traditionally also cattle farming was carried out. As a result, there was a significant reduction in cattle stocks in the Pampas. In recent years the cattle stock suffered a 17% decline. While in 2007 there were 58 million heads, currently it is an average of 48 million (Greenpeace, 2011). The coming 4 years this number will recuperate and the northern province will be targeted for that. These provinces will be the main producers of the meat in Argentina.

The last ten years the meat price remained in low values but this trend is changing; specialists on this topic assure that the internal market price will be on the same level as the international price. Next to this, experts predict that by 2050 nearly twice as much meat will be produced as in 2008, for a projected total of more than 465 million tons. Argentina has been a leading player in the world beef market. Consumption of meat and other animal products also continues to grow. Currently, nearly 42 kilograms of meat is produced per person worldwide, but meat consumption varies greatly by region and socioeconomic status of consumers. In the developing world, people eat about 30 kilograms of meat a year. But consumers in the industrial world eat more than 80 kilograms per person each year (World Watch Institute, 2012). Because of the economic development in developing countries, Argentina expects an enormous increase in livestock the coming years to meet these demands (Greenpeace, 2011). Similarly the demand for soy will not seize. The demand for soybean is expected to be stable since there is a huge demand for this protein serving as the fodder for animals and the by-product of sol (oil) is very lucrative (FAO, 2004:5). Argentina accounts, together with the US, Brazil and China, for almost 90% of the global soy output (*ibid.*:3). On top of that, soybean covers a leading role in oil crops at the global scale. The EU and China are the most important importers of soy and due to the increasing world population, the demand for this commodity is likely to increase.

The goal of the Argentinean government is to increase cattle farming and soy cultivation to meet global demand for meat and soy (especially from the EU). The low land prices in Santiago del Estero are an important driver to invest in this province for primarily cattle farming. Santiago del Estero is a dry area (therefore not as suitable for soy cultivation as provinces in the Pampas) with little agricultural production until recently. These conditions are very appropriate for the current cattle farming enlargement. Companies are attracted by the government tax holidays and other benefits. For investors it is not only

attractive to invest in Santiago del Estero for the low land price but also for the raw materials that are at hand in the province for cattle ranging companies. “All the commodities needed to feed the animals are cultivated within the province.”<sup>7</sup> This includes raw materials like corn, alfalfa, fibers, and cotton. These are all mixed and serve as fodder for the cows in the cattle ranging. The province of Santiago del Estero is now starting to be fully equipped in terms of the possibilities for fast and cheap export. Alongside La Ruta Nacional 34 (which borders with Bolivia and heads towards Buenos Aires) slaughterhouses for cattle, processing farms for soy, gas stations, and banks are recently built to improve the transit. Also, new infrastructure projects spur out of the ground.<sup>8</sup> As stated by CAPOMA (2009), this has been promoted by agribusiness companies, the local rural elite, local government institutions, media, and even some more ‘sustainable development’ foundations.<sup>9</sup>

Companies, or private investors invest in the land to start cattle farming. Traditional systems of meat production are replaced by intensive cattle ranches (more animals on the same surface) due to the growing demand for meat. Areas are ‘cleaned up’ (trees and people are removed) and taken into production by local, national or even international investors. This was first done in higher valued lands: lying closer to the road, with electricity, potable water, and preferably without inhabitants. At the moment, uninhabited areas are getting scarcer and a growing conflict is arising between investors and people living on the land.<sup>10</sup> At the forefront of this conflict is the process of globalization that is accelerating the rate at which agriculture activities are replacing or impoverishing native forest (Nepstad *et al.*, 2006, on Brazil). Since soy cultivation is a monoculture this has far reaching effects on the fertility of the land in the future. Cattle farming is also very harmful for the environment due to the emissions and poisoning of the soil.

As shown, these developments bring along a lot of opportunities for the investors but pose a threat to the local inhabitants of the rural areas in Santiago del Estero and their livelihood. The following section will tell more about how these local communities use their land and how they subsist.

## 4.2 Land Use and Subsistence

Santiago del Estero has a surface of 145.690 km<sup>2</sup>. The most important cultivated crops are soy, sorghum, sunflower, corn, cotton, and forage crops (Pérez-Carrera, 2008:6; de Dios). The production of goat milk

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<sup>7</sup> In an interview with employees of Don Corral (Beltran, November 2011) (a large cattle ranging company in the province of Santiago del Estero alongside of the Ruta 34) it became clear that this company had invested in land in Santiago del Estero only a few years ago. They started their enterprise in 2007. They told me that every raw material they needed is cultivated within the province. They use a lot of corn, hay, fibers, and cotton to feed the cows. Also the commercial centre of Tucuman is close by. At Don Corral they own approximately 8.000 cows on 25 hectares. They have contracts with investors who bring their cows and have them gain weight in a specified amount of days. This is usually done within 70-90 days. Per day the cows gain approximately 1,5 kilo. When they have reached their desired weight the cows are either transported to Buenos Aires or go directly to the slaughterhouse close to Don Corral. These companies are all equipped for the export of cows or meat. As told by the employee of Don Corral, export quotas are controlled by the government.

<sup>8</sup> As mentioned in the interview with the employees of Don Corral, these investments are all done recently (e.g. the slaughterhouse was established in 2009). Most of the companies are not even running at their maximum capacity at the time of this interview (November, 2011). This shows that more activities are expected.

<sup>9</sup> As said by Carlos (lawyer Fundapaz) in a communal meeting: “In conflicts over land the judges in a court also see these investments in land as progress. Even land that is cleared from trees is seen as progress in Santiago del Estero. When I go to Córdoba and see the land that is worked for agriculture with tight rows of seeds I think about progress. Here people only see animals with their bones feasible and poor people. This is not progress. Therefore there are so many people in favor of these investments. We should make clear that we can develop this. We need to value ourselves more in order for people to see the worth of the land for the inhabitants. This way this might also be feasible for others and judges might choose our side.”

<sup>10</sup> Interview with a real estate agent who sells agricultural land in Santiago del Estero (Inmobiliaria Bertino, Santiago del Estero, November 2011).

and goat cheese for consumption are activities that are practiced in the rural areas of Santiago del Estero.<sup>11</sup> From a demographic point of view the province Santiago del Estero counts a population of 802.557 inhabitants, 35% of which is rural population (Municipalidad de la ciudad de Santiago del Estero, 2012: census from 2001; de Dios, year unknown). The rural population is characterized by smallholders (*pequeños productores agropecuarios*) and rural laborers. The region is far away from progress in science or modern technology (Paz and de Dios, 2011). This is seen in the houses the rural populations live in, these are often built from mud with reed on the roof with little improvements made over the years. They often live in a small house with only one or two bedrooms with the entire family (which can easily exist of 8 family members or more).

One of the most important water resources is the river Salado. Most of the aquifers are of bad quality due to the presence of high concentrations of arsenic. This level of arsenic is extremely toxic for human health and can lead to different types of skin cancer (Pérez-Carrera, 2008). People are often not aware of the consequences of drinking or bathing in this toxic water.<sup>12</sup> On top of that, the communities lack basic necessities. 43% of the population does not have access to a gas network, and around 50% of the homes do not have potable water and electric energy. 11% of the population above 10 years is illiterate, and the percentage of people that attended college is very low (less than 40%) (*ibid.*:13).

The land in the area of study is characterized by the predominance of public land, on the one hand, and the existence of large private estates on the other. Historically, in both cases these lands were occupied by extended families of Wichi people. Since late 1800, also the Creole settled here. Private farms were acquired for the exploitation of the 'virgin forest resources' (known as the Quebracho Colorado tree which needs over 150 years to reach maturation) after the arrival of the railroad (which is at the moment only in service for cargo).<sup>13</sup> Many foreign, and especially British, companies settled in Argentina to work in the railroad. The railroad also crossed the province of Santiago del Estero. Strong men were attracted to the province to work on the railroad. When trees for the construction of the railroad began to be scarce due to the devastation that this activity caused, the area was generally abandoned by the investors (Revista de capacitación derechos posesorios, Prescripción veinteñal, 2010). Within this period the current communities have settled here. The men who worked on the railroad and their families settled on the land until today. At the moment the Quebracho tree is hard to find in the area under investigation since the maturation time is so long. Thus, in Santiago del Estero land occupation is characterized by people who have settled on the land for decades. The owners of the land in times of the construction of the railroad, recently returned to take advantage from the expansion of the agricultural frontier (Revista de capacitación derechos posesorios, Prescripción veinteñal, 2010).

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<sup>11</sup> Fundapaz is a very important player in goat cheese production. Fundapaz collects goat milk from local farmers and produces goat cheese from it in their factory in Hatun. In some villages, that have access to water, the families make the cheese themselves.

<sup>12</sup> In Kaspi Chaki the inhabitants drink, bath, and wash their clothes in water that is poisoned with arsenic. On top of that, the animals are drinking from this water. The meat of the animals the inhabitants also consume. While staying in Kaspi Chaki an animal died next to a water reservoir and his remaining leaked away in the water they used for their subsistence. As described by Natali, nobody felt the need to clean up the reservoir. Because most of the communities are so remote and education is only basic, the people are not aware of the health threats the water poses. Even if the inhabitants do know the risks of taking the water, some still consume it. When I was interviewing one of the inhabitants and asked if she treated the water to make it more secure for consumption, she answered that she knew about the dangers of consuming the water but the water tasted better when not boiling it and killing the bacteria's.

<sup>13</sup> The construction of the railroad started in 1860. Large railroad companies arrived from Britain along with British capital. Many foreign railroad companies were doing business in Argentina at that time. The railroad of Argentina was the largest and the most important railroad of Latin America. By late 1910 the railroad system totaled 30.000 km and with still 8.000 under with construction (Lenz, 2005).

The interior of the province of Santiago del Estero is a very dry area which is known for the dense vegetation. The term ‘monte’ is used to name this area. The communities that have settled here exercise an ancestral possession, but often without being able to access formal domain titles. As they explain, as wanting to say they do not need a title; “they were born and raised on the land” (“nacido y crecido”). This shows their strong connection to the land.<sup>14</sup> Most inhabitants work and live on the land holding cattle. The animals they hold vary from goats, cows, horses, pigs, ducks, and chicken. Interestingly, within this ancestral custom the communities use and manage the grazing areas for animal husbandry together, without attempting to impose the ‘logic’ of individual subdivision and appropriation (Paz and de Dios, 2011).<sup>15</sup> Animals walk around freely, since most of the communities do not have perimeter fencing (yet) to restrict them. Contemporary notions about the fencing of the land are divergent. On the one hand you see that people do fence their land because this protects them in a legal sense from outside investors (see chapter five). So fencing is a phenomenon that provides tenure security. Nevertheless, fencing the land of a community also brings along restrictions. Animals cannot wander freely on the land so when there is scarcity in fodder or water, they cannot walk to other communities in search of this. When there are no fences, it can happen that animals get stolen. All animals have a brand mark with the initials of the family it belongs to. When wandering around the field, it can occur that a newborn gets lost. There is a change it will be marked with the initials of another family from another community and it is seen as their property. Another reaction on fencing is that people feel enclosed on their land when it is fenced.<sup>16</sup> As is shown in the following table (table 1), over the years (until 2002) more smallholders started working without perimeter fencing to have their herd look for food and water elsewhere. Nevertheless the current image of fencing is still two folded. There are different opinions on the pros and cons of fencing. The table of Paz and de Dios does not reflect on this image but is a reflection of how the trend was around 1988 and 2002.

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<sup>14</sup> In many interviews the term “nacido y crecido” was used to define the property rights. On top of that, the interviewees told me about their parents and grandparents who had been living on the land before them. This highlights their connection with the land but also the rights they possess and can claim.

<sup>15</sup> In this research individual subdivision is not seen as a panacea to land division nor for living without conflict. Though, the lack of subdivision could have consequences for the sustainability for the subsistence of communities. Interestingly in literature and in practice there are people in favor of individual subdivision like de Dios, who is an author from the area but also the head of the ‘Registro de Poseedores’ (see section 4.4). Fundapaz has so far stimulated the communities to think about communal property. For more information on this topic see the case studies and the concluding chapter.

<sup>16</sup> What is interesting in this sense is that the an inhabitant of Kaspi Chaki did not want to fence the community because he felt enclosed on his land. He wanted his animals to be able to enter the other communities in search for food. Generally speaking, the inhabitants of Kaspi Chaki were more averse to the idea of fencing their land than they were in favor of it (see chapter five). When presenting the averseness to fencing to the directors of Fundapaz, who work in two other provinces in Argentina (Salta and Santa Fe), they were surprised. Fencing the land to protect the community from outside investors is something they do in these provinces much more often. They told me that almost all communities have already fenced their land to demarcate communal property. The inhabitants in this area are supposedly more active in fencing and do this for their identity and self-governing attitude (informal talk with the directors at Fundapaz, Forres, December, 2011).

Santiago del Estero counts 15 000 ‘farms’ or ‘peasant families’ (explotaciones agropecuarias) following the National Census of 2002.

Kind of Exploitation	Amount 1988	Amount 2002
Peasants families with demarcated limits	4.992	4.096
Peasant families without demarcated limits	9.329	10.119
Peasant families total	14.321	14.215
% of peasant families with respect to the total	68,60%	67,80%

**Table 1: Quantity of peasant exploitations with or without demarcated border by the Censo Nacional Agropecuario (Source: Paz and de Dios, 2011)**

There is still a gap of information on the current situation when it comes to fencing the land. Fencing the land is a change in mindset for the rural inhabitants that is a new way of thinking about land use and animal welfare. For example, fencing can improve breeding opportunities, to include silvo-pastoral management in their community, and closing of areas for the implantation of pastures in order to improve the health and genetics of the herd (Paz and de Dios, 2011). These practices are all new in the attitude of the peasant in Santiago del Estero.<sup>17</sup> Due to overgrazing, soil degradation, the lack of adequate food, and marginal agro ecological conditions there is excessive mortality of animals and low quality of production (Paz and de Dios, 2011). Since the animals walk around freely they also lack basic health control (*ibid*, 2011). Fencing could help rural communities in the management of the land and animals but it is unclear if communities have the money and labor forces to fence the land and if they have the intention to really manage the land of solely live from it.

Thus, some community property lack defined boundaries, nevertheless the inhabitants of the land know these boundaries by heart and the same counts for the neighboring communities. Without landmarks they can precisely tell you where their land stops and where another community begins. The consequence is that the men in the household are away looking for the animals the entire day. Also the children help in different activities during the day like: watching or looking for the animals in the pasture area, herding, collection of wood, the carriage of water or harvesting. For the management of the land few technologies are used due to the lack of money, knowledge on this and lack of accessible information on this topic.

As mentioned, most of the communities are far away from the city and lack basic necessities like potable water and electricity. Water is a serious problem in this region and has an entire different meaning than it has in the city of Santiago del Estero where they curse the rain due to bad drainage systems. On the one hand the communities are very happy with the water since they can use this for irrigation and subsistence

<sup>17</sup> That this type of thinking is new in the communities is also shown in meetings with Kaspi Chaki and other communities. They did not think about the management of the land. The communities never cultivate any fodder for the animals on the land because they do not have to do so. Animals search for the fodder themselves. On top of that, no trees were sowed for e.g. shadow for the animals. Carlos (the lawyer of Fundapaz) did tell the communities in a meeting to take better care of the animals and land and that this type of ‘taking care of the animals and land’ shows a bad image of peasantry in Santiago del Estero. The animals are thin and the land is degraded. Because of this, he stated, investors think they can do a better job on the land than the rural inhabitants (meeting Garza, December 2011).

but it is also seen as a curse since it will flood their roads and they cannot leave the community.<sup>18</sup> To live with this problem most of the communities possess wells, dams and other drinking water facilities.



**Picture 5. Water collection system (Source: Fundapaz)**

The area of study has two rivers, the Rio Dulce and the river Salado. A vast difference can be found between the communities who can enjoy the benefits of these rivers. Communities that are situated close to the river can e.g. have an orchard for their subsistence. On top of that, the animals in these communities are healthier by drinking water from the river which is not contaminated. Also, there is more fertile ground for the animals.

For their daily subsistence families get allowances by the state; ‘asignaciones sociales’. This is financial support for ‘the ones who need it most’. The allowance could be per child, for the unemployed or persons who are retired. Since there is little monitoring of these allocations (since the area is too big to control this), it is susceptible to fraud and people are not stimulated to find a job. The intention of the allowance for the children is to spend it on healthcare, education, and clothing but this is often not done. Seldom children in the rural areas of Santiago del Estero are well fed. Sometimes their only meal is at school.<sup>19</sup> On top of that, some people receive this money even though they have a job and are not entitled to this allowance.<sup>20</sup> Next to this, couples (but primarily women) are eager to have more children in order to obtain this money.<sup>21</sup> This being said, there are families in need of this allowance but due to political mismanagement the allowances are susceptible to a bad reputation and corruption.

As shown in this section, land use and the means of subsistence is something that is a constantly changing process with possibilities for developments. Communities often have no idea about the possibilities they have to improve their land use and life in the rural areas. There is a lack of access to information to do so. The lack of investments in the household, land, and animals is what characterizes most rural inhabitants as peasants (smallholders who do not invest in their daily practices) instead of farmers. Farmers are seen as

<sup>18</sup> In a community meeting with Fundapaz, Carlos (the lawyer of Fundapaz), made the communities aware of the value of rain and the different attitude the villagers in the city of Santiago del Estero have towards the rain in comparison with people from the rural areas. Carlos said the communities should celebrate the water coming from the sky with a ‘rain dance’.

<sup>19</sup> In Kaspi Chaki the teacher arranged to get a subsidy for the entire year to have one hot meal every school day. According to her, the children are often without energy because they are underfed.

<sup>20</sup> The teacher from Kaspi Chaki told me there is a man in a community (name unknown) that has a fairly successful business within the community but still receives this allowance since there are no local authorities who monitor the income of the people who receive the allowance.

<sup>21</sup> In informal spheres many people from Santiago del Estero told me about the financial incentive of this allowance for many young women. When receiving this allowance they often do not have to work. This is why they may choose to have several babies often from different men.

people who do invest in their household, land, and animals. The next section explains more about the rights the communities can claim from the land and how they can claim these rights.

### 4.3 Land rights

In Santiago del Estero land rights are defined in the civil code. Possession in the civil code of Argentina is stated in article 2351. In Argentina three different types of land occupation are distinguished according to the legal system; the owner (*el propietario*), the holder (*el poseedor*), and the user (*el tenedor*). These form will be explained hereafter using the journal *derechos posesorios* of Fundapaz, 2010:

- *The owner* is a registered proprietor who has the property deed on his name regardless of the use of the land. This right is also called ‘*el dominio*’. This is the best right that you can obtain over a piece of land.
- *The holder* is someone who does not possess a document concerning the property he inhabits, though he behaves as if he is the only and real owner of the land. Moreover, he is exercising acts of a proprietor. This form of land occupation is also protected by Argentinean law.
- *The user* is somebody who occupies the property, though recognizing that there is somebody else who is the rightful owner of the land. Therefore, a user can be evicted by expiration or a breach of the agreement that enables you to enter the land. Examples of these arrangements are contracts or lease uses over the land i.e. for the pastures it has.

According to the law there are two elements that shape the possession to land: literally translated the body and the soul (*el cuerpo y el alma*). Both should be present for having a possession. *The body* is the objective element of the possession and consists of having the land under your power and perform activities on that land that are part of everyday life. These events constitute possessory acts. Some examples of possessory acts are to have a well in the community, to have perimeter fencing, a pen for animals, a canal in the community, or a bee nest. According to the law, this is only something you would do if you feel the sole proprietor. This is what is called *the soul* or what is also described as ‘the will to do so’. It is the subjective element of the possession and consists of having the will to be the sole owner of the land despite not having the land on your name. This means that everything that is done on the land like building a well, is done without asking prior permission, recognizing no other proprietor and to defend the land to whomever who wants to occupy the land.

Conflict over land occurs since the one that holds the legal titles over a plot of land is not the only one who can claim rights over it since the holder also extracts rights from his occupation of the land when the body and soul are exercised. This is what a lot of communities are experiencing in Santiago del Estero: companies or private investors buy the land and possess a title to the land whereas the holder also possesses rights. This leads to a conflict with different legal aspects.

Not only legal aspects are of importance in land rights. Evenly important issues arise when talking about property rights. Legal rule created these notions of property but in social sciences they can mean so much more than just law from a book. The rights the communities in Santiago del Estero normally subtract from the resource are of interest here. Honoré (1961, *cited by Cole and Ostrom, 2010*) identifies different rights and duties that are typically present in the case of full ownership of land. These are the rights to exclusive possession, the right to use, the right to mortgage, the rights to the income, the right to the capital, the right to security, transmissibility, absence of term, the prohibition of harmful use, liability to execution, and the right of residuary character. It is noted by Honoré that not all rights and duties exist in a certain land relationship. In Santiago del Estero you can find almost all rights and duties exercised in a community except for, at least, the right of exclusive possession, and liability to execution. In practice you

see that the people in the communities Santiago del Estero use the right to exclusive possession since they do not allow any other persons on their land. You have to be part of the community to enter the village. They use the right to use the land and manage it. From the yield they have (if any) they also use the money for their subsistence. The land grants them the right to security. In most of the communities dogs are watching the perimeter of the house to safeguard the security. The rights the communities feel they have to the land are transferred to the next generation. Though the rights are not transferable to outsiders. In principle the communities also feel as if they can live on the land without any term set. Furthermore, there are no duties set by anyone for the communities to meet. Stating these forms of rights and duties to the land is important since “there is no standard cross-disciplinary agreement on a common set of names, contents, and meanings of property rights” (Cole and Ostrom, 2010). Rights that people subtract from land in practice and what they acquire by law are very divergent. By law different rights are granted to the holders, which are discussed in the following section.

#### 4.3.1 Possessory Rights

Coming back to the legal part of land rights again, the holder of the land in Santiago del Estero possesses various rights if the elements of the possession are exercised. However, this does not grant tenure security and conflicts can still arise. The law grants the land holders (men and women) the following rights (Subsecretaría de Derechos Humanos):

- 1) The right to acquire the property by the passage of time by trial of prescription
- 2) The right to exercise the defense of the possession
- 3) The right to protect yourself against civil injustice
- 4) The right to protect yourself against criminal injustice

The right that is used most often is the first one which allows holders to acquire the property through the passage of time. This is done by the law *Ley Veinteñal* (law of twenty years). This law is discussed more thoroughly in the following section since it is very important in the history of Santiago del Estero and for the communities that inhabit this province.

The second right is exercised when the holder is terrorized in any way on the land. The law authorizes the holder to defend its possession. The third right is practiced in cases of discomfort, usurpation, and/or eviction from the property. A lawyer should be approached to face the judge to make these practices stop and have them return the property. It is important in this situation that the representative can prove that he or she has been living on the land as a holder and possesses the elements of possession of this arrangement. The fourth right is exercised when an offense has been made which is punishable by imprisonment. This can be for example threats, the breaking of pens or corral on the property, the stealing of water, or secretly trying to enter the property. In this case, a declaration should be made in front of the police, who is obliged to take this statement without asking for the evidence of being the holder of the property.

#### 4.3.2 Ley Veinteñal

La ley Veinteñal (the law of twenty years) has been in the Civil Code since 1869 (article 4015). It is exercised when a holder has been living on the land for over 20 years. This can be on public or private land. The most important conditions to claim this rights is that the possession is public, meaning that it is acknowledged by e.g. neighbors. Next to this, the possession is exercised pacifically, meaning without violence. On top of that, the holder has been living on the land without any disruptions of time during those 20 years. This does not mean he or she cannot leave the property but the property should not be abandoned. The possession can also be exercised by assigning somebody else to exercise to do so (in case

the holder is away for one year or more). The right to be holder and to use this law is inherited, so when the holder dies, you do not have to start counting all over again as family member, so the years still count.

This law is used a lot by communities to defend their rights to investors and to obtain the formal titles to the land. A prescription trial is held (called *juicio de Prescripción Veinteñal o Usurpación*) which is very costly for the local population since the trial takes up a lot of time. The waiting list is over a few years before your case is put forward. This way many communities continue to live in insecurity and often choose not to obtain formal titles over waiting several years for a trial.<sup>22</sup> Coming to an agreement with the title holder is another option, though this is very costly too and depends on the willingness of the dominial holder if he is willing to negotiate over the land.<sup>23</sup>

What is required in this trial to be able call on the *ley veinteñal* to is to be the holder of the land and exercise the elements of possession. The holder should be living on the land for over 20 years, and have an attorney to represent him at the notary. Next to this, a cadastral survey is needed, conducted by a surveyor approved by the cadastre. This survey contains the exact location, the surface, and measurements of the boundaries of the allotment. Also, proof is needed stating the holder has been living on the land for over 20 years. This can be by collecting by pictures, birth certificates, marriage certificates, school subscriptions, or e.g. receipts of the purchase of agricultural products or animals. Actually, everything that can demonstrate the rightful holder. What is also decisive in this trial is the paying of taxes over the land (*Subsecretaría de Derechos Humanos*).

Moreover, a technical study can be conducted to provide a professional opinion on the state of the property which can be essential for the judges in forming their judgment on the holders proficiency. In the event that an investor claims a part of the land that is usually occupied by animals for grazing, this must be proved by documentary evidence. This is done by recording marks and signs stating the animals use a certain parts of the land through records of vaccination and receipts of sales. From this, the number and species of animals are demonstrated that use the land. Consequently it can be exactly demarcated which parts the animals use. This way, the number of hectares needed to keep certain livestock species is determined (*Revista de capacitación derechos posesorios, Prescripción veinteñal, 2010*).

What is often mentioned in informative leaflets for the communities that it is very important not to sign any papers without asking an attorney for the meaning of it. Because if they do sign, this can make them loose their rights to the land if it something that is dubious of nature and also the right to claim the *ley veinteñal* expires (*Subsecretaría de Derechos Humanos, Revista de capacitación derechos posesorios, Prescripción veinteñal, 2010*).<sup>24</sup>

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<sup>22</sup> The long waiting list became evident when talking to Carla, Maria, and Carlos from Fundapaz. They experienced that a lot of communities did not buy the titles because of this waiting list. They also acknowledged the insecure tenure situation the communities continue to live in.

<sup>23</sup> Many dominial holders do not want to negotiate over the land since this costs a lot of time. On top of that, as Carla and clergyman Emanuel told me, many dominial holders do not acknowledge the land rights of the rural inhabitants.

<sup>24</sup> An interesting story came up at a meeting of Fundapaz in Hichpa (October,2011). Here an older man came to the reunion telling he has got a problem with a man. This person came out of nowhere to the village and started to get familiar with him and his family. They became 'friends' and they worked the land and worked on his house in the community. One day they man who did not formerly lived in the community asked the man from the village to sign a paper stating it was for material he wanted to invest in the house. Since he trusted the guy he signed the paper. It turned out he signed a paper stating that the property is in the possession of the other guy. Fundapaz let the men collect all the evidence stating that he was living on the land for over 20 years and show that he is the holder of the land. The men from the community now walks around with this proof in case people show up to take in the land.

### 4.3.3 Forest Law

Another law that is of great importance for the peasant in Santiago del Estero is the forest law (Ley del Bosque). Rural communities base their livelihood on the vegetation on the land, this is why the forest is of great value. But also in terms of biodiversity and ecological benefits the forest of Santiago del Estero should be respected. Not only is the wood used for economic resources like furniture but it is also important, especially in this region, for medical use, and e.g. the production of honey. Already it is seen that the equilibrium of the biodiversity is out of balance.<sup>25</sup> The trend that is seen in Santiago del Estero and other provinces of Argentina, is deforestation by using heavy machinery for soybean cultivation and cattle farming since this requires clean areas in order to start up this process. Deforestation with these heavy machinery is detrimental for the long term fertility of the land.<sup>26</sup>



**Picture 6 and 7. Land clearances on the road between Ritiy and Kaspi Chaki**

With the current livestock development and the demand for soy millions of hectares are in danger of being cut for these practices. Without a law to protect the land, the eviction of indigenous communities would be even easier. The Forest Law that was adopted in Argentina in 2007, served not only to protect native forest but also indirectly serves to protect rural communities.

Looking at the area of native forest in 1998, 2002 and 2006, a shocking development is visible. What is clear is that vast amounts of native forest are wiped away. Table 2 demonstrates this. According to Greenpeace (2011), the province of Santiago del Estero is the province with most deforestation by far in Argentina.

	Surface of Native forest (ha)			Surface deforested (ha)		Rate of annual deforestation (%)	Rate of annual deforestation (%)
	1998	2002	2006	1998-2002	2002-2006	1998-2002	2002-2006
<b>Santiago del Estero</b>	6.608.826	6.193.836	5.678.608	306.055	515.228	-1,18%	-2,17%

**Table 2. Surface of native forest and rate of annual deforestation (Source: Greenpeace, 2011)**

<sup>25</sup> This was mentioned by Maria from Fundapaz but also in informal talks with people from the area they told me different animals were spotted in the province that have never been spotted before.

<sup>26</sup> The machines that are used are made more ponderous by using water. Companies flatten all the trees and bushes with this machines as shown in picture 7.

The Forest law includes the following points:

- A moratorium on deforestation permits for one year;
- Mandatory environmental impact studies and public hearings;
- A Land Use Plan for each province according to ten environmental sustainability criteria;
- Respect for the rights of indigenous and peasant communities (CAPOMA, 2009:15).

When the Forest Law was introduced, each province was obliged to develop a Land Use Plan, categorizing their high value forest, medium value forest, and low value forest. Accordingly, plans were made for the distribution of permits to use this area and clear it from trees. While the new Forest Law was being fought heavily by agribusiness interests, it also spurred an enormous increase in the number of permits applied for and granted in 2007, before the new law was in place. This means that throughout 2008, 'legally' allowed deforestation continued heavily with these permits (CAPOMA, 2009:14).

Argentina has signed various treaties and declarations on environmental matters at the international level, such as the Convention on Biodiversity (Law 24,375), the Rio Declaration on Environment and Development and the Johannesburg Declaration on Sustainable Development. At the national level, the principal law relating to environmental protection is the 2002 General Environment Law (Law 25,675) (CAPOMA,2009:13). In practice these treaties and declarations are not lived up to.<sup>27</sup>

Since there is a lack of effective control and corresponding fines, the deforestation continues illegally and intentional forest fires are practices often seen (Greenpeace, 2011). The Forest Law is not lived up to and not well managed. At the moment there is a prohibition on deforestation altogether due to the murder on Cristian Ferreyra.<sup>28</sup> This regulation is set up due to the pressure of the national government on the provincial government. Deforestation practices are illegal until may 21<sup>st</sup>. In the meantime a solution is sought for the massive, and often illegal, deforestation and the continuous threats to local communities. Though, right after this regulation was put in place, a bulldozer was spotted clearing trees close by the village of Kaspi Chaki.

#### 4.4 Actors

To get a better view on all the actors in the field of the conflict in Santiago del Estero, the actors are briefly discussed in this section. In this research actors are all the people, organizations, companies, or governments that are involved in the land acquisitions in Santiago del Estero. Thus, this can be on both sides of the arrangements, meaning the ones that are initiating the land acquisitions but also the ones that try to change the arrangements for themselves or for others. For this research the following actors are salient; the Argentinean state; the government of Santiago del Estero; the investing companies (local, national or foreign); local authorities like the police; the local communities; NGO's and the church.

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<sup>27</sup> Interview with clergyman Dario (Santiago del Estero, December, 2011).

<sup>28</sup> After the murder on Cristian Ferreyra the deputies of the provincial government came together to find a solution to the conflict over land. In the conflict over land in the community where Cristian Ferreyrawas living, a permit was given by the Ministry of Forestry to clean the area of trees. This is seen as a determining step in the development of the conflict and has had influence on the murder of Cristian.



**Picture 8. Asamblea y Mobilización in Santiago del Estero at the Ministry of Forestry, December 15, 2011** <sup>29</sup>

#### 4.4.1 the National Government

The national government of Argentina is responsive to economic signals and is stimulating investments in agriculture. The goal is to give a boost to the economy. The national livestock plan is executed in order to answer the demands for meat. The idea of the livestock plan is to arrive to 77 million heads within five years to reach 12% exportation of meat. This means 30 million heads of stock need to be included in the production. For soy the market has been steady for years.

In the reaction on the murder of Cristian Ferreyra on November 17 2011 the different intentions and goals of the governments got really clear. The government of Zamora (governor in Santiago del Estero), did not publish the story truthfully or with the importance this topic needed. Only when the politics in Buenos Aires started to issue the death of Cristian Ferreyra. the death and conflict started to be known in the province.

What is interesting is that the history of land distribution in Argentina reveals a policy permanently in favor of large landowners, in many cases despite legal norms. According to the National Agricultural Census of 2002, 60% of the land of smallholders did not add up to 5% of the registered hectares while 10% of the largest farms concentrated on 78% of the total hectares of the country (Episcopal Conference of Argentina, 2005, *cited by Redaf, 2010*). This means that smallholders are unrepresented as land owners in Argentina and are not valued and stimulated to buy land.

#### 4.4.2 the Provincial Government

The national government and the provincial government of Santiago del Estero play different roles in the conflict over land. The role of the national government of Argentina is more or less steering and the role of the provincial government lies more in the implementation of the design of the national government. Within this process, the governments have some differences in dealing with the conflicts. The national government seems to stimulate a more open debate of the land conflicts in Santiago del Estero and the provincial government seems to have more hidden agendas. The politicians in Santiago del Estero are seen as not to be trusted in their politics.<sup>30</sup> The inhabitants of the province have a very bad image of the policy they apply.

<sup>29</sup> At this specific spot the mobilization was more fierce than at the rest of the mobilization since this is the Ministry of Forestry who approved the deforestation of the area Cristian Ferreyra was living in.

<sup>30</sup> When talking to citizens, especially young people, of Santiago del Estero, working at the government is seen as something that is done by people uneducated. Under many educated youngsters, local politics are seen as corrupt. They do not feel as if they want to be part of politics since it is corrupt and they cannot change anything. Some even say that young uneducated men are bribed to become police men.

There are some cases known where local politicians are involved in land conflicts and have played an ambiguous role. E.g. Publius Araujo, the Director of Forestry, gave permission to clear the land of the community of San Antonio. The community that was living there faced serious threats from 2010 on by armed gangs from the investment company. These gangs were clearing the land by using stolen machinery. Publius Araujo visited this community to see the bad situation for himself in 2010. Even though he was aware of the situation in this area, he gave permission for the deforestation of this area. When this permit was executed, a violent situation was created for the community. They had to leave the land they had been living on for years. In this conflict, Cristian Ferreyra tried to organize the community but was murdered instead. Next to this, two other persons who tried to help Cristian were injured. This shows that Publius Araujo was aware of the pressing situation and did not act upon it. Another example is Luis Fernando Gelid (minister of Production in the Province), Daives and Emilio Ricardo Neder (ministers of Justice and Interior) they are also under suspicion of mal-practices like looting, corruption in the sale and delivery of land, and the involvement of activities of armed gang in the province hired by businessmen associated with the political and judicial power of the province (MOCASE Blogspot, 2011). Clearly, the provincial government has (obvious) intentions to increase soy cultivation but especially livestock production. They are well aware of this important role they have in order to fulfill the goals of the national government in the national livestock plan. Not only is this about obeying orders from the national government but it is also about money. The provincial government gain a lot of money through the investments in land. These revenues are drawn from e.g. taxes. High officials in the provincial government also invest and own land.

To enhance this process without too much contestation by local communities, Zamora suspended all the folklore festivals of Raly Barrionuevo, Claudio Acosta, and Juan Savedra in a corporate memo. These are very famous local musicians committed to the dreams and struggles of the peasantry. The artists sing about the value of the land, mobilization, dissenters of the corruption in Santiago del Estero, dignity in life, and freedom. Folklore is a very important element in the life in Santiago del Estero. Many contemporary songs deal with the struggles over land and the difficulties peasantry faces in life. Also concerts are suspended (from December 2011 on) by “budgetary reasons.” Claudio Acosta for example was called 4 days prior to a concert of him that it was cancelled because of budgetary reasons. So, he could not play at the ‘festival de Quebracho’ which is a very popular folk festival. When he offered to go and pay for his own expenses, they did not permit him to play. According to the newspaper *La Banda Diario* (2012) the organizers disconnected the phone. Raly Barrionuevo, Claudio Acosta, and Juan Savedra are working closely with MOCASE VC. At the assemble and mobilization of MOCASE and MOCASE VC in Santiago del Estero the march was ended with a concert of these singers. Their songs are valued under the peasants. As mentioned during this concert, they fulfill a very important role in mobilizing peasants in land conflicts.<sup>31</sup> On top of that, Zamora's government rescinded the contract of two doctors who are members of the MOCASE.VC. These are just some examples of the policy of the provincial government (MOCASE VC Blogspot, 2011). The provincial government obviously tries to minimize contestations of their policies.

On the other hand the rural populations are very important in times of elections. That is why, in election periods, communities are visited and given commodities in the exchange for votes. These are rare visits in the rural areas of politicians.

The measures announced by the provincial government after the death of Cristian Ferreyra (see chapter three) seem not lived up to. These measures tried to stimulate a safe environment for peasants and stop deforestation for six months. By enhancing this, local violence was thought to decrease to avoid other violent situations. But just a month after the murder on Cristian (December 2011) two brothers were shot

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<sup>31</sup> This was mentioned by Natali, the school teacher in Kaspi Chaki (Santiago del Estero, December, 2011).

in the same district by a company from the province of Tucumán. Public authorities even protected the owner of the company after this occurrence and he was only arrested after a week. Several declarations were already made towards this investor from Tucumán before this, but the policemen of this district were not listening to the peasants and did not do anything to stop this violence against them (Blogspot MOCASE VC, 2011).

As shown, the role of the provincial government is ambiguous. On the one hand it needs to create a safe environment for their citizens and protect their rights, but on the other hand they are concealing the opinions of the inhabitants by suspending concerts and allow the mismanagement in land conflicts by local authorities. Since many actors are involved in this conflict it is hard to find a solution with all the power relations entangled.

#### 4.4.3 Investing Companies and Multinationals

Most of the investing companies or private persons that invest in land are from the province of Santiago del Estero or from other neighboring provinces. The majority are from the province of Tucumán, bordering to Santiago del Estero. So, the investors are predominantly national but some international investors are spotted from France.<sup>32</sup> The investing companies that are attracted to the province are not only interested in land, cattle farming, and soy cultivation. They also include opportunities for slaughterhouses and soy processing companies. These companies are often offered taxes breaks to settle there. This means that they do not have to pay as much taxes as they normally would.<sup>33</sup> Also real estate agents see profit in selling the land and an enormous growth can be seen in the number of agencies.<sup>34</sup> Looking in the just a random newspaper, you will see pages of ads of land that is offered for sale. They specify the number of hectares, if there is potable water and/ or electricity, if it is situated close to the road, and for what kind of agriculture it is suitable. It is a very attractive business since the land prices have increased substantially. These real estate agencies of course state they do not sell land with people living on it, but this is often untrue since land that is not utilized by peasants is hard to find.<sup>35</sup> Even in dodgy bars offers are made to persons who give note of being interested to buy land.<sup>36</sup>

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<sup>32</sup> This became clear in an interview with the real estate agent Inmobiliaria Bertino (Santiago del Estero, November, 2011).

<sup>33</sup> Interview real estate agent Inmobiliaria Bertino (Santiago del Estero, November, 2011).

<sup>34</sup> Interview real estate agent Inmobiliaria Bertino (Santiago del Estero, November, 2011).

<sup>35</sup> As I was told in the interview with the real estate agent (Santiago del Estero, November, 2011), land without people living on it is hard to find. When I asked if they sold land with people living on it they answered “no.” Because of the atmosphere in the company and the way they answered this questions, my intuition told me this was not true. There is no hard evidence for this but many people told me, there are almost no real estate agents who sell land without people living on it or using the land. That is just too hard to find.

<sup>36</sup> The real estate agent told me they faced some competition from random persons who sell land in bars. These are said to be dodgy bars where “you can buy anything”. While interviewing clergyman Dario in a hotel in Santiago del Estero (December, 2011), Dario told us that business man were talking about investing in land simultaneously to our conversation. They were discussing the possible profit they could make out of this investment. The topic of land is so hot in this area and so much money is made in this sector that you can find it anywhere.



**Picture 9. Cattle ranging Don Corral, Ruta Nacional 34 (Source: Don Corral)**

As FAO (2007) already mentions livestock production and densities have increased significantly to satisfy this higher demand for meat products, often close to urban centers. Industrial animal production has become more concentrated, using fewer but more productive livestock breeds. To give a better impression of the practices of cattle farms that arise in the area of study, a brief explanation is given on this. A cattle ranch exist of hundreds of cows that are fattened. Within 70-90 days the cows or calves will gain among 1 kg to 2 kg a day depending on the fodder they get and if hormones are added. The animals are not only from the company itself but there are also third parties who bring their cows to the cattle ranging to let them gain weight. They make a certain arrangement concerning the weight they need to increase. Within this process the animals are also fed antibiotics to avoid diseases in the cow population.

The land price in this region has increased tremendously. In November 2011 the price of land was about \$5000-7000 USD in the north of the country with water and fertile soil, but this price depends on a lot of factors. Most favorable are the lands close to the road, with electricity, access to water, without people living on it, and fertile soil (depending on the rainfall). These land are getting scarcer. This is why the conflict will be more pressing for local communities.<sup>37</sup> Forested land is cheaper, around \$1500 USD per hectare, since this still needs to be cleared from trees for cattle farming or soy cultivation. Sometimes the companies hire the peasants who were formerly living on the land.<sup>38</sup> There is a lot of competition for cattle ranging companies. The only way to distinguish yourself is by quality of meat.<sup>39</sup> Though, the margins are very little since the cows need a lot of food and the meat price is low (\$ 10,5 peso to 14 peso kg.) The meat industry lack clear rules from the government concerning export import and fixed prices. For export and slaughter, the slaughter house at la Ruta 34 is used. This has been established 1,5 years ago. End of 2011 it was not even up and running for the full 100%. This shows that there is still a lot of growing potential. They prepare everything here for the export of the meat. Also, a lot of cattle ranging and soy processing companies can still intensify their production.<sup>40</sup>

#### 4.4.4 Local Authorities

The local authorities in Santiago del Estero have, like in any other place, the role to serve the state and the people. However, locally this is often seen differently. The police is seen by many people in the area of Santiago del Estero as corrupt and helping investing companies. In some parts of the province the police refuses to take declarations on violence from companies towards peasants (see also Blogspot MOCASE VC). Judges on land issues are often working together with companies and frequently serve multiple interests. Even officials from the government are working with the investing companies or invest in the

<sup>37</sup> Interview Don Corral (Beltran, November 2011), interview Inmobiliaria Bertino (November, 2011).

<sup>38</sup> This is also done at Don Corral. The entire family that used to live on the land is working at the cattle ranch. The house they owned is now located just outside the perimeter of the ranch.

<sup>39</sup> Interview Don Corral (Beltran, November 2011).

<sup>40</sup> Interview Don Corral (Beltran, November 2011).

land themselves what local people are using and living on. Generally speaking it is not seen as an ambition to work at a governmental owned authority. This is why there are a lot of employees with low education (or without education) and who are recruited for this purpose.

There are two organs of the government to register the number of land holders in the area and who help in cases of emergency in land conflicts. These two organs (Registro de Poseedores and the Comité de Emergencia) have a somewhat ambivalent role since they are financed by the government. On the one hand they help the local people to register their land and help in cases of emergency. On the other hand they work for the government which is at the same time stimulating the companies to make investments in the land.<sup>41</sup>

The other two important components of the provincial government are the INTA and the Subsecretaria de Agricultura Familiar who are stimulating the cattle ranging investments (Greenpeace, 2011) and are more and more shifting towards a program without land questions.<sup>42</sup>

#### 4.4.5 Business icon 'Ick' and Media

In Santiago del Estero there is an unhealthy overlap between politicians, media, and business. A lot of the companies, banks, and newspapers are owned by 'el Grupo Ick'. This company is obviously in favor of the large scale investments that are made in the rural areas on land since this group can make a profit out of it. An example of being in favor of land acquisitions, showed itself in the newspaper they own 'el Liberal'. This newspaper did not publish information on the death of Cristian Ferreyra and if they did this was false. They wrote about a fight between neighbors instead of a cold blooded murder. On top of that, they did not mention the large scale mobilization and assembly in the city of Santiago del Estero in the newspaper. It is all about informal networks and corruption is hidden behind a formal scene. If you need anything you arrange it the unofficial way, not the official. The presence of true critical and independent press is hard to find in Santiago del Estero.<sup>43</sup> The big newspapers are spokesmen of the big political parties. The only real independent voices stem from the bloggers (Scholten, 2012, on Hongary, which also accounts for Santiago del Estero). MOCASE VC for example makes some very controversial comments on the situation in Santiago del Estero. Also in Buenos Aires there are bloggers who tell the ambiguous land story of Santiago del Estero.

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<sup>41</sup> This relationship is complicated since the government influences the decision making processes of the organs. While interviewing employees of the Registro de Poseedores (Santiago del Estero, December, 2011) they told me that in the past the entrance to a certain area was restricted by higher officials. This area faced a serious conflict over the land with an investor. The reasons why they could not enter this village were never mentioned in this interview but it became clear that the government influences the whereabouts of the two organizations (Registro de Poseedores and Comité de Emergencias). According to the employees, they did strive for more independency after this occurrence and it seems that they do have this at the moment. But they will always be influenced by the government in their work.

<sup>42</sup> I tried to interview one of the employees of the Subsecretaria de Agricultura Familiar. This person even invited me to come on a field trip with her. We were supposed to go to an area where land was bought to start a tourist project on the land where local communities were living. When posting a message on her Facebook page, asking at what time we were supposed to meet and if she could send me some documentation on the conflict in that area we were supposed to meet, she warned me through a friend never to do this again. This friend told me that this person at the Subsecretaria de Agricultura Familiar has a lot of difficulties at work since this organization did not want to intervene in land conflicts anymore and this person had a very hard time since she was trying to help the communities who were having conflicts. When meeting her again at a march she whispered to me that she was having trouble and that it was not possible to provide me with more information. It was obvious that this organ of the government has a very distinctive opinion on the matter.

<sup>43</sup> According to a guy I spoke with, 'Ick' controls many things in Santiago del Estero (e.g. the banks, the newspapers, and local politics). He says "everywhere you look is Ick." He stated that the corruption in Santiago del Estero is also because of this 'Ick' network. "Hidden agendas are at the forefront of this provincial enterprise".

#### 4.4.6 The communities

The most affected actor are the local communities who see their livelihood threatened by more powerful actors. Families and peasants are suffering lawsuits, harassments, constant threats and attacks by companies and individuals, with land control as an objective. Agriculture that is practiced in Santiago del Estero is influenced by the capitalist economy trying to access land for agricultural practices. It becomes clear that land control is crucial in this context. Global demands for commodities change the resource involved and the actors that are present. New relationships are established that are complex and with an unequal power divide. Enclosure, territorialization, and legalization all serve to have control over land (Peluso and Lund, 2011:668). Land control is therefore most often executed by the most powerful actor at the expense of, often, local communities. Within this field, resources and people have other controls imposed on them (*ibid*:673). This makes clear that often the local communities are the ones with little political power to defend them against this control imposed on them. They are excluded to control the access over land. What is needed are strategies to deploy this.

Peluso and Lund (2011) mention, and which is true in this case, that the rule of law frequently legalizes and legitimates the dispossession of the powerless. In many instances, government agencies and their corporate associates operate in an area of impunity, while weaker actors may see rights vanished in the name of formalization, standardization, the global common good, or state territorialization. So, what should be clear from this section is that communities own very little political power in this context and will remain powerless unless they are organized and find drastic strategies to defend themselves.<sup>44</sup> They are often forgotten by the state and this means that the peasants of Santiago del Estero are being marginalized and this will continue if nothing is done to stop these threats.

#### 4.4.7 NGO's

In Santiago del Estero a lot of NGO's are active, all trying to improve the wellbeing of the inhabitants and solve problems they face in their daily life. These organizations among others spend time on capacitating and improving productive systems of the communities. At the moment they also focus on capacitating the communities with their rights to the land and teach them how to defend it. So, more juridical tasks are now implemented by NGO's since the start of the conflicts over land. Some organizations have the means to provide small loans to let the communities fence their land.<sup>45</sup> Also, environmental NGO's can be found in Santiago del Estero to protect the milieu like e.g. Greenpeace. The most important NGO that supports communities is MOCASE. MOCASE was split up in two different bodies over 20 years ago where one body got more aggressive in their approach to conflicts and the other body stayed more conservative. The more aggressive body joined Via Campesina and is now called MOCASE VC. This organization now stems some contestation in some communities and some even say they attract violent problems themselves with their aggressive approach.<sup>46</sup>

What is seen in Santiago del Estero is that NGO's are sometimes subsidized by the provincial government. The consequence is that the government can influence their work by deciding the area they work in for example.<sup>47</sup> Though, generally speaking the NGO's mutually decided to divide the area of Santiago del Estero in order to help every department equally. As part of a strategy to build power, these organizations also joined their forces with other stakeholders (NGO's, state agencies, unions, individuals, etc.) concerning land issue. They have created gatherings to approach the problems over land together.

<sup>44</sup> Generally speaking, distinctions can be made between smallholders communities, indigenous communities, and aboriginal communities but since the similar threats they are facing, no distinction is made between these types in this thesis.

<sup>45</sup> Several communities fenced their land by the help of Fundapaz and a subsidy of Nuevo Surco (an organization who supports communities in their conflict over land by financial funding to certain projects).

<sup>46</sup> Especially after the murder of Cristian Ferreyra (who was a MOCASE VC militant) these stories came to fore.

<sup>47</sup> Fundapaz also receives a subsidy of the government, though I do not know what the influence of the government is on their work. Maria (employee of Fundapaz) told me that it does or can influence the program of NGO's.

These spaces are formed as Boards, Tables, Assemblies or Committees, in order to reflect, propose and act together (CAPOMA, 2009). These ‘Mesas’ as there are called, are organized. An actor that often joins these Mesas is the church, since most of the NGO’s work closely with them. On top of that, these Mesas are often hosted in the church.

#### 4.4.8 the Church

A very involved actor in Santiago del Estero is the church. This actors is involved in many processes in the communities. The pastoral already helps for over 14 years in Santiago del Estero on wide ranging topics. It helps when there are problems concerning the health of inhabitants, or community problems.<sup>48</sup> Thus, the role of the clergyman is to guide them, not only spiritually. Conflicts over land are included in this strategy to assist the people in this matter. This is why the church is present at meetings or assemblies concerning land and consequently helps with this conflict by e.g. contacting NGO’s, el Registro de Poseedores or el Comité de Emergencias to help in a pressing situation in a community. In addition, the church is an active participant in setting up, participating and hosting ‘Mesas’. Also, the clergyman’s are very crucial in spreading information on conflicts by using YouTube (sharing video’s), social media like Facebook, or distributing information on land conflict by email.<sup>49</sup> Though, the receivers are mostly people outside the community since many communities lack these facilities. The church in the department San Martin does have a radio station ‘Radio Brea Pozo’ where Clergyman Emanuel (of the local church) broadcasts information on land rights and important happenings (more about this you can find in chapter five). The aim of the church is to be equally represented in the different communities in a specific area so that they all get the same attention.

### 4.5 Types of conflicts

In Santiago del Estero the struggle over land has been going on from the sixties. From this decade on, land has been taken from smallholders and their rights are not fully guaranteed. The first land eviction dates back to 1963 and was located in the village of Suncho Pozo (Barbetta, year unknown). Regrettably, these practices occur more and more due to current developments in Santiago del Estero concerning soy cultivation and meat production. As Barbetta and Lapegna (2005) describe it, the procedure is as follows: a company or a private investor, usually not based in the province, presents himself as the owner of the land occupied by peasants (in the majority of the cases, the current communities have been existing for over 80 years). This deed is endorsed in Buenos Aires and Santa Fe and generally appealing to the police and with the support of bulldozers to destroy farms and fences, evict the inhabitants, who -at best- are relocated to a nearby town or given small parcel of land.

While doing research also other forms of taking land into occupation were found. The first one is buying illegal papers of sale at the cadastre.<sup>50</sup> This is easy when you know officials in the region. The other example was heard by an informal talk with a student. His fellow student was very interested in investing in land, so went to communities where older people live to ‘gain’ access to the land. He threatened them by driving on their terrain all day and waited long enough until they were willing to give them all their papers that could state they had been living on the land for over 20 years, or even papers that stated they bought the land ages ago. After this, he made them sign a contract stating the land was his possession. It can also occur that random persons present themselves to be the owner of the land while not having

<sup>48</sup> This information is obtained in interviews with different clergyman’s of the church and the spokesperson of the bishop.

<sup>49</sup> In the department I conducted research in, Emanuel (clergyman of the church in Hatun) spreads information of MOCASE VC on events or other happenings. He also distributes pictures of important occurrences to people in his network. The communication with the communities is mostly done by telephone but if there is important news for the communities this is broadcasted on the radio by the him. Emanuel was also very active in spreading new of the murder on Cristian Ferreyra through Facebook.

<sup>50</sup> The buying of illegal papers at the cadastre was mentioned by Carlos the lawyer of Fundapaz.

papers at all. The inhabitants often do not have the means to check the validity of the papers.<sup>51</sup> These examples show the corruption in Santiago del Estero and how vicious the conflict over land is in this province. Also, it shows that when the government does not legitimize the property of local communities, conflict arises despite the right of residents to continue to occupy the land, which is stipulated by law. Striking, it is not always known by the inhabitants that this law exist or that they can claim these rights (Barbetta, year unknown).<sup>52</sup> Also because these rights are not protected the conflict is aggravated.

Broadly speaking, three different approaches can be distinguished for companies to gain possession over the occupied land. One method to have the families evicted is by using force and with the help of public pressure. As stated, it is often seen that policemen help the investors with the eviction of the communities. Also, some police stations do not accept denunciation from the communities stating the theft of land in order to help the investors. The other two are highlighted by the partial eviction of inhabitants. One of them is described by Barbetta as the establishing of a local administrator on the land who regulates the production in a specific area that is owned by a community. The other method is initiated when the company wants to take a lot into production. When this is not possible, the investor tries to come to an agreement with the community. It often happens that the families are then moved to another place (Barbetta, year unknown). This has led to a territory of disputes between the companies and the occupants of the land (Slutzky, 2008).

Thus, several conflicts can be found in Santiago del Estero ranging from violent to non-violent conflict. REDAF put together a list of the types of conflicts that are occurring in the province. The most common conflict is usurpation of land the communities have been living on for years. This can be either violent or non-violent. Conflicts have been reported where armed gangs threaten local communities to leave the land.<sup>53</sup> Houses are burned in order for them to leave. Usurpation also occurs in the form of investors fencing a part of the land. So, when animals of the community next to this cross these fences or appear in the fenced area, they need to pay a certain amount of money to get them back.<sup>54</sup> Eviction also occurs, where local communities are threatened or actually evicted from their land. On top of that, contamination is a struggle local communities face from mining activities.<sup>55</sup>

What is striking is that local communities not only are threatened to continue their livelihood from outside threats of the community but inside the communities also conflicts take place. Instances where neighbors all of a sudden fence the land and let their community members know that they will sell the land is not

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<sup>51</sup> This was what happened in Kaspi Chaki. A person presented himself as the owner of the land and showed papers. He never returned, but nonetheless the inhabitants of Kaspi Chaki believed him but could not check the validity of the papers.

<sup>52</sup> This became also evident in community meetings of Fundapaz. People often do not know what kind of rights they have and that they can defend the property they live on. Conflict over land is a new reality for them. Lawyer Carlos e.g. explains at almost all communal meetings of Fundapaz the basic rights of the rural populations.

<sup>53</sup> This type of conflict is especially reported in the northern part of the province. Here the main intention of the investors is to cultivate soy. From different interviews it got clear that the conflict over land for soy is more violent than that for meat production. Soy cultivation is more profitable than meat production.

<sup>54</sup> In one of the first meetings I attended I asked about the main problems the communities that attended the meeting have concerning land conflict. One of the women told about her new neighbor that fenced his entire lot. Since her cows were used to wander around the land they often cross the fence of the neighbor. In order to get them back she has to pay a substantial amount of money. This made her life very hard at the moment since the animals are all she has and she does not possess much money. On top of that, this neighbor was not a very nice guy and he did not approach her on a nice way when she came to retrieve her cows.

<sup>55</sup> Especially in the north of the province there is a lot of contamination from the mining activities. It is said that Monsanto is spraying Round Up in this area from the air without taking into account the populations that are living in the area. This is done to increase the yield of soy. Supposedly there are many people here that suffer skin diseases, cancer, or other disabilities. Drinking water is also contaminated through this malpractice and communities face serious problems because of this. Unfortunately, these areas are so remote and far from the political area that there is little political capital to combat this occurrence.

uncommon.<sup>56</sup> These community members feel like they can claim more rights over the land than their neighbors and come with powerful people to pressure their former community members. These persons are attracted by the money that is involved in these kind of transactions. It can also occur that neighbors do not let other neighbors pass a certain part of the road.<sup>57</sup> Also, in Hichpa a communal conflict occurred because a community member cut some fences of the neighboring parcel. This piece of land was fenced by a large scale land investor. This community member who cut the fences was nowhere to be found but another guy was accused instead by his community members. He had to take in a lawyer to defend himself.<sup>58</sup> The reason why he was accused is unknown but underlying disagreements at communal level might be in place.

This explanation of the conflict in Santiago del Estero shows that conflict changes the resources involved, directly or indirectly (van der Haar, 2010). Land and family are now something to protect and the ties within the community are under pressure. This involves violence, fear, and insecurity of continuing livelihood on the land. Formalization of land rights is often seen as the panacea to defend the land. On top of that, a shift is feasible in the institutions governing access and entitlements to the resource. Nevertheless, it also creates opportunities for the communities (*ibid*, 2010). People in the rural areas of Santiago del Estero are more capacitated because of this conflict over land.<sup>59</sup>

#### 4.6 Concluding Remarks

As described, this fast-evolving context in Santiago del Estero creates opportunities, challenges, and risks. Increased investment may bring macro-level benefits (GDP growth and government revenues), and create opportunities for raising local living standards. For poorer countries with relatively abundant land, incoming investors may bring capital, technology, know-how and market access, and may play an important role in catalyzing economic development in rural areas (Cotula *et al.*, 2009:15). Though, the relative importance of land control is shown, especially since there is a dependence on land for livelihoods of rural communities in Santiago del Estero. As revealed “new mechanisms of land control and new actors notwithstanding, practices and technologies of governance and control, subtle or violent, are still employed to acquire, secure, and exclude others from land in intense competitions over control” (Peluso and Lund, 2011:668). The actors that once controlled the land are now excluded when often using violence or practicing the threat of it. So, these practices are all driven by capitalism, profit maximization, and the idea that the world economy should grow. Strikingly the downside of these investments are overlooked by powerful actors or are seen as collateral.

As shown in this chapter, the rural communities of Santiago del Estero live in precarious situations. The agricultural frontier has shifted and this has grave consequences for the rural communities. Violence or the ongoing threat of it, is a major component in the making of territory and property (*ibid*:676). The demand for soy and meat will rise and the conflicts will increase accordingly. As stated by Peluso and Lund (2011) today’s landlords are more likely to be corporate or state actors rather than local elites, making them less known personally to land users, yet highly powerful claimants. More actors are present

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<sup>56</sup> While staying in Santiago del Estero an older man came to Fundapaz to talk to lawyer Carlos. His neighbor all of a sudden fenced the land they were living on together already for many decades and was trying to sell it. He asked for legal advice on this matter.

<sup>57</sup> In Mayu for example there are many neighbors that are having problems within the community. When interviewing some community members it got clear that they have trouble deciding who can pass an entrance in the community. The people I spoke with of course felt that they have the exclusive right to do so and are in a fight for over years already on this topic. According to my guide Soledad in Mayu, many community members face similar problems.

<sup>58</sup> Carlos helped this man to defend himself in front of the police.

<sup>59</sup> Community members are stimulated by Fundapaz to come to meetings and to share their stories on land conflict. In Kaspi Chaki a real change is visible in the way they organize since they have had a conflict over land. According to Natali internal conflicts were set aside for a moment.

seeking hegemony. This makes this conflict more unequal and opponents often unknown in power and capabilities.

This new context also creates new property relations between subjects and state actors. Thus, as Peluso and Lund state (2011:674) a complex transformation in social power relations is taking place and changes the forms of control. Eventually opportunities and benefit flows are created unequally for different groups. As demonstrated, this unequal flows of benefits are already noticeable. It is very hard to obtain the formal rights for communities since it is so expensive and the corruption in the province does not make it easier to obtain them. Claims go unrecognized because land users are marginalized from formal land rights and access to the law and institutions (Cotula *et al.*, 2009:100). It is shown that the law is not adjusted to the current situation and a conflicting situations is created. If the conflict continues this way and the government does not stand up for the communities this has consequences like massive urbanization and useless soil in the future due to monocultures and intoxication of land. However, as mentioned, it also bring opportunities for the rural populations since it starts to be aware of their rights and communities are organizing their selves. This involves well thought through strategies and forms of mobilizations that are important in catalyzing change.

Concluding, contemporary forms of land control have been made possible by globalizing political economies, patterns of investment, movements of industry, resources, and ideas (Peluso and Lund, 2011:677). Let us now take a look how this works in practice and see how these forms of land control are exercised in two different communities. Catalyzing change is salient in this context where the communities try to defend their land rights by using multiple strategies.

## 5. Cases of Competing Claims over Land

This chapter presents the two cases this thesis analyzes. The two communities that are studied are named Kaspi Chaki and Mayu. This chapter will be descriptive since an understanding of the communities is needed to gain information on the strategies that are used and consequently to answer the research questions. First of all, a brief introduction is given on the communities following the history of the communities concerning their conflict over land. The two communities are located in different departments and because of their locality have different means of subsistence. Interestingly, there is a significant difference found in the way they organize. More is told about this in the following sections. As already mentioned, the explanation of the two conflicts is more into detail in the case of Kaspi Chaki since this happened very recently (it started in March 2011). The conflict in Mayu had its peak in 2004-2006 so a detailed description was not possible.

### 5.1 Case study I: Kaspi Chaki

Kaspi Chaki is situated 23 kilometer of the city Quru, and 120 kilometer of the provincial capital Santiago del Estero (for an impression of the cadastral map, see appendix I). Kaspi Chaki is located in the department of San Martin, which does not have a municipality (interview with clergyman Dario). This is why, according to clergyman Dario, the communities in this area lack a lot of basic necessities. As many other communities, Kaspi Chaki was formed because of the location of the main railway station of Quru. At the time of the construction of the railway station (around 1900) the land where the community Kaspi Chaki is now, was full of Quebracho colorada trees. These trees were very important and valuable at that time. They were cut for the construction of the railway in the entire country. Different families moved to Kaspi Chaki to work in this business. Not only men but also their families came to live here.<sup>60</sup> According to a book on the history of Kaspi Chaki, that is written by a former school teacher “they lived a modest but honorable life”.<sup>61</sup> It was told by clergyman Emanuel (an important actor in Kaspi Chaki, and local clergymen from the church of Hatun) that the people who worked in this industry got paid either in money or in food and necessities. Most of the workers chose to get paid in merchandise. It is said, that this explains the attitude of the inhabitants in this region that they do not value nature, their land, or whatever tangible good. They have never learnt to deal with it and respect it.<sup>62</sup> This is also confirmed by many more persons in the region and even outside the region. The directors of Fundapaz, who work in different provinces also see the difference in attitude towards valuing e.g. land because of this history.

“The majority of the workers stayed to live in the village and started to dedicate their lives to animal husbandry on a small scale.”<sup>63</sup> At the moment, the community counts approximately 120 inhabitants. 23 families live in the settlement divided over 19 ‘properties’. Most of the inhabitants have been living in the village for all their lives.<sup>64</sup> According to Natali there is one exception; a woman that moved to Kaspi Chaki for amorous reasons. The community was holder of 3.605 hectares until 2012 which they use for animal husbandry. By adding up the animals of private persons, the animals that are owned by the families are approximately 740 goats, 140 cows, 220 pigs, and 55 sheep.<sup>65</sup> Depending on one’s wealth, breeding skills,

<sup>60</sup> Interview with Natali, Kaspi Chaki, November, 2011.

<sup>61</sup> This book also authenticates the history of many inhabitants of the community. Confirming that they moved to this place because of the railroad construction.

<sup>62</sup> Interviews with Natali Carla and Emanuel (Kaspi Chaki, November, 2011).

<sup>63</sup> Book on the history of Kasi Chaki.

<sup>64</sup> This was told by Natali who has been working in the village for over 16 years. She knows all the inhabitants and has taught many of them at school. At the time of study she was teaching children of people she once had in her class herself.

<sup>65</sup> This is an estimate since many animals are wandering around in the field. On top of that, the counting was done for the purpose of the negotiations over the land with the owner of the land. This is the number the inhabitants gave to Natali. She exaggerated this number slightly for the negotiations. It stays unknown how precise this number is since the inhabitants of Kaspi Chaki could have increased this number before they gave it to Natali themselves too.

personal preferences, labor capacities etc. some families own more animals than others. Other animals are ducks, donkeys, dogs, horses, geese etc.. There is one primary school that is located in the middle of the community. The teacher, Natali, has a fundamental role in the organization of the community.<sup>66</sup> She has been teaching in the community for over 17 years. The school has around 35 pupils (5 years to 12 years). For secondary education children must go to Dialo, a neighboring community, or Quru. The organizations that are active in Kaspi Chaki are Fundapaz, and the church of Hatun.<sup>67</sup>

As Natali said “it is hard to find traditional families (mother, father, kids and maybe grandparents) in Kaspi Chaki.” The notion of traditional is used by her since in her opinion this is traditional. Nonetheless, in this communal settings the notion of traditional may have a complete different meaning. A lot of women are single and have children from different men. Sometimes, if the mother does not have the means to take care of the child, it is given away, without the child knowing its real parents.<sup>68</sup> This causes problems because intercourse with family members occurs without them knowing it. Marriage is hardly executed. The majority lives as they call it in ‘concubinato’. This means living together without any paper stating their being together.<sup>69</sup> The women hardly live alone with the kids in their houses. An uncle, brother, father, or mother will probably accompany them.<sup>70</sup> The houses in which they live are overcrowded. In some houses 12 persons reside. The houses are more or less located close to each other with the school as the center. The community does not have electricity or potable water. The men are often far away to do other work, like harvesting potatoes or looking for animals in the field.<sup>71</sup> This is why women in Kaspi Chaki mainly take care of the kids and do other physical work around the house (fetching water from a well, washing clothes etc.). Water is a serious problem in the community. In the months September till October it is at its driest. Without exceptions, the children also work in the household. <sup>72</sup> Twice a year the youth (18 years and older) of the community goes to other provinces to work in the harvesting of vegetables for about 2/3 months.<sup>73</sup> This money serves for the entire family. From the time the primary school is over until their 18<sup>th</sup> birthday there is little for them to do in the community since there is no secondary school and only 1 out of 10 attends this type of education.<sup>74</sup>

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<sup>66</sup> This was not only seen while doing research in the community, but this was also confirmed by Carla and clergyman Emmanuel.

<sup>67</sup> Interview Natali, Kaspi Chaki, November, 2011.

<sup>68</sup> This was told by Natali. She also mentioned that some pupils of the school asks her who their father is. She knows that some children have the same father without the kids knowing it. She states that it is bad for the children they do not know this because this would stimulate them to have their own identity.

<sup>69</sup> Interview Natali, Kaspi Chaki, November, 2011.

<sup>70</sup> It was often seen that the house is crowded with family members.

<sup>71</sup> This was discovered in some questions I gave every household on how their daily lives looked like.

<sup>72</sup> While visiting one of the families even four year old children are washing clothes. In another family the children (around six to eight years old) clean the pen of the goats and collect them from the field every evening. So, the children work in the household on their own specific tasks.

<sup>73</sup> This is a common way of subsistence in Santiago del Estero. Many communities in the province apply the same means of subsistence where youngsters are going to other provinces in the search for work.

<sup>74</sup> Interview Natali, Kaspi Chaki, November, 2011.



**Picture 10. Fetching water in Kaspi Chaki**

The main means of subsistence is keeping animals. They drink goat milk and produce goat cheese from the milk. They sometimes eat the meat of the animals. This especially occurs when there are festivities.<sup>75</sup> Sometimes a truck crosses the community, this is when they sell animals. They bake a lot of bread and tortilla and drink ‘mate’ (kind of tea) with enormous amounts of sugar. Fruit and vegetables are hardly eaten, that is why many inhabitants are malnourished.<sup>76</sup> The schoolchildren are given one hot meal a day. The mothers help to prepare this. This is paid by funding of an NGO in Buenos Aires. The teacher Natali is active in attracting funds. At least once a year she visits this NGO to tell them about the progress she is making at the school. The mothers also help in cleaning the school. The school building was replaced by a modern one in 2005. This is accommodated with toilets and a sleeping part for the teacher. Natali has a very important role in the community. When problems occur, the community comes to her to find a solution or ask for advice. On top of that she is aware of community problems.<sup>77</sup>

Almost all families receive allowances from the government.<sup>78</sup> This could be for unemployment, for the number of children a mother has or for retired persons. Most of this money is used on cell phones, motorbikes and telephone money. Especially the motorbike is seen as a status symbol. According to Natali, this is more important than nutrition.<sup>79</sup> There are two persons who are entrepreneurs in the community and are working almost year round. There is one beekeeper in the community who was helped by a NGO called ‘Rugby Solidario’ who gave five beehives to the beekeeper and made the arrangement that half of the returns go to the school. At the moment the number of beehives is expanded to 20. The beekeeper receives technical support of Fundapaz and is a member of the beekeeper group in Quru. Another person created a kiosk (the only one in the village) where you can watch television, play soccer and drink something. Most youth’ gather here at night. So this place has an important role in the

<sup>75</sup> Interview Mari (an inhabitant from Kaspi Chaki), Kaspi Chaki, November 2011.

<sup>76</sup> Interview Natali Kaspi Chaki, November, 2011.

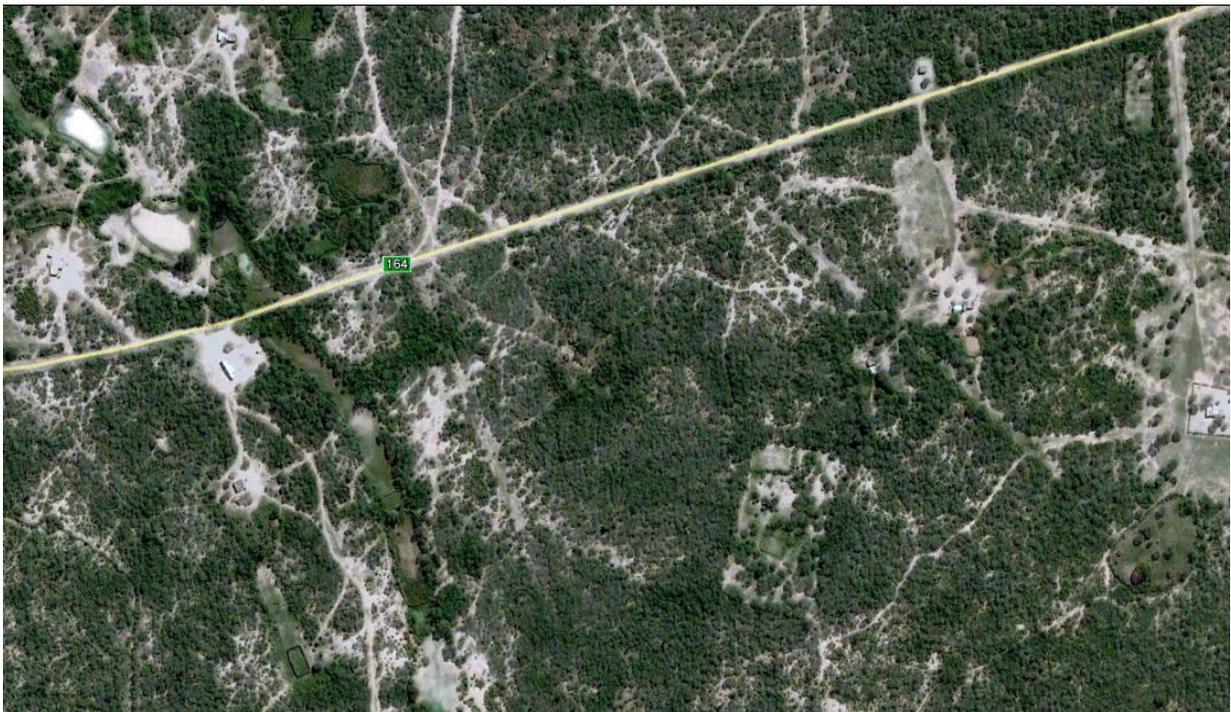
<sup>77</sup> One of the daughter of a community member is abused at home by her husband. On top of that, the children are also beaten by their father. The mother came to Natali to ask her what to do. She did not want to declare it at the police since this could cause her a bad reputation with her son in law. She asked Natali what to do.

<sup>78</sup> This is confirmed by Natali (for more information on the allowance see chapter four). Every month the inhabitants go to Rityi to collect their money. This is how she knows this.

<sup>79</sup> Also Mari confirms this. She showed her dislike to the fact that most of the families do buy a motorbike instead of feeding the children well. She grew up the province of Salta were the people have different preferences concerning the expenditure of money.

community. Alcohol addiction as well as teen pregnancies are daily struggles under youth. Sexuality and sex education if a taboo topic.<sup>80</sup>

Just like in the rest of the county, there is little monitoring of the allowances received in this village.<sup>81</sup> One family took advantage of the allowance from handicapped nieces (which is substantially higher than a normal allowance) and let them work for them day in day out under precarious conditions. She was abused by a community member which resulted in a pregnancy. Though, without any consequences for the perpetrator. With the help of Natali and the church this situation is managed and the girl was placed out of the home.<sup>82</sup> Also, domestic violence is something that occurs a lot according to Natali. There is a certain psychological boundary to declare it to the police so this is often not done. Natali says that the “consciousness of the wrongness or rightness of these kind of incidents is not seen.” “People continue their lives as if it not occurred.” Next to this, there are tensions between different families and persons for various reasons.<sup>83</sup> Violence or fights between people are practices that occur regularly in this community. The solutions to these problems come from Natali, Fundapaz, or from the church. Their roles, as they see it, is to put a different perspective to these happenings. They label these happenings with ‘right’ or ‘wrong’. This is why these players also influence the strategies that are used in the community. The actors are powerful in executing their perspectives on the situation because, as was mentioned by the community, these actors are most important for the community and have helped them in conflicts, especially the conflict over land.



**Picture 11. Overview Kaspi Chaki (On the left the houses are visible) (Source: Google Earth)**

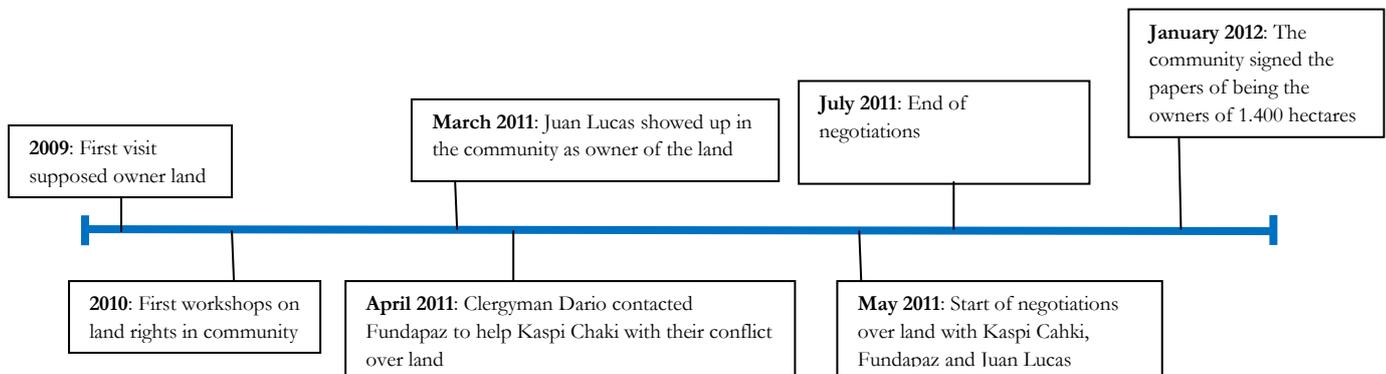
<sup>80</sup> Natali sees this as a problem in the community. To her communal demographics are not supposed to look this way. She is more in favor of the western, classical way of family household composition with a father, a mother and children. When the children grow up they would leave the house and e.g. move in with his or her boy or girlfriend. One of the inhabitants might also have a problem with this as well. She was very sad because she found out that she was pregnant and her daughter of 14 was pregnant at the same time from a unknown guy.

<sup>81</sup> This story is confirmed by Carla, clergyman Emanuel, and Natali.

<sup>82</sup> Interview clergyman Emanuel and Natali, Kaspi Chaki, November, 2011.

<sup>83</sup> This was told in a group meeting (Kaspi Chaki, November, 2011) where the inhabitants told me they had to put their indifferences aside while negotiating over the land.

### 5.1.1 History of the Land Conflict in Kaspi Chaki



#### Historical line with important events in the conflict over land in Kaspi Chaki

This life in Kaspi Chaki was ‘disturbed’ for the first time in 2009 when Kaspi Chaki got its first visit of a supposed owner of the land. This owner told that the land they lived on was in his possession. The people of Kaspi Chaki were surprised by the visit, especially because they thought their land was useless.<sup>84</sup> They were astonished that someone else would want to have the land and would like to take it into production since they always thought cultivation was hardly possible because of the dry soil.<sup>85</sup> Their initial reaction was to give the land to the owner.<sup>86</sup> This alerted the clergyman of the church in Hatun.<sup>87</sup> Directly after the visit of this man, he contacted Fundapaz (who had no former history in the community) to organize workshops on the rights the communities have and how they can exercise these rights. This monthly meeting of Fundapaz rotates between different communities in this district. After this visit nothing was heard of this supposed owner ever since. Other people started showing up afterwards (in 2009 and 2010) but when the villagers asked for his papers they left.<sup>88</sup> The reaction of the people in the first place was not to defend themselves or achieve information on the owner at the cadastre (land register). The place was not fenced as is often prescribed by Fundapaz and life continued as before. The inhabitants have gained more knowledge on their rights by attending the meeting of Fundapaz. The reason for this is, as Natali mentioned, that the inhabitants felt the land was not fertile, and it is not worth anything, thus nobody would really claim it. Natali started conducting research on the real value of the land and started informing the community about the value of the land.<sup>89</sup> She started with small exercises for the families to write down the meaning of the land, the importance of the land for the youth and the importance of communal organization. Also, la Mesa de Tierra (see actors chapter four) gave workshops on land rights and how the community could defend themselves.<sup>90</sup> This was around the year 2010.

<sup>84</sup> Group interview (Kaspi Chaki, November, 2011) and group work of the school.

<sup>85</sup> Interview Natali (Kaspi Chaki, November, 2011).

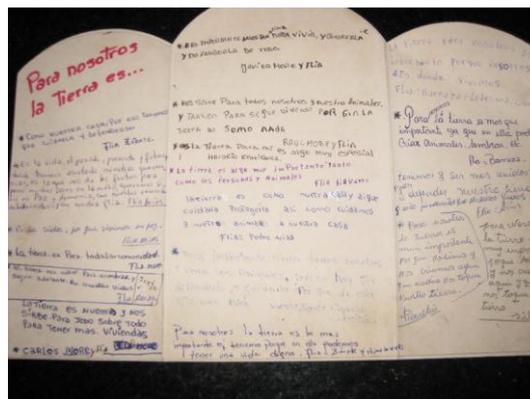
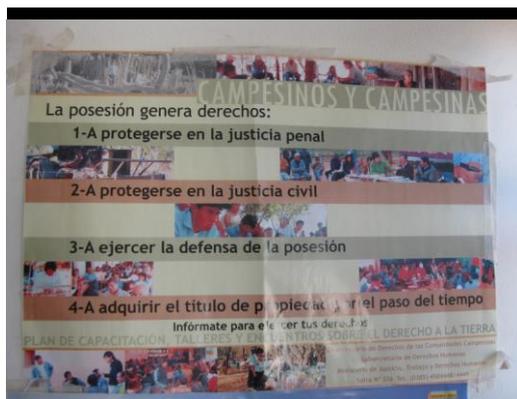
<sup>86</sup> Group interview inhabitants Kaspi Chaki and interview Natali (Kaspi Chaki, November, 2011).

<sup>87</sup> Interview former clergyman of Kaspi Chaki (clergyman Dario) (Santiago del Estero, December, 2011)

<sup>88</sup> Interview Natali (Kaspi Chaki, November, 2011).

<sup>89</sup> Interview clergyman Emanuel (Hatun, November, 2011).

<sup>90</sup> Group interview inhabitants Kaspi Chaki (November, 2011).



**Pictures 12 and 13. Explanation of the rights of the holder and a communal exercise concerning the value and meaning of land in Kaspi Chaki**

In March 2011 another man showed up as owner of the land. He said he was the owner of the 3.605 hectares that are registered in the cadastral plan and the registration of property of the province. With the help of the lawyer who works at Fundapaz (Carlos) the titles were verified. This indeed stated that Juan Lucas was the formal owner of the land. The titles of the land were on the name of his father who bought it for his children as a future investment when the land was still relatively cheap. The land was bought in 1982 for an amount of 200 000 000 pesos.<sup>91</sup> The community gathered and the inhabitants' first reaction was that they would leave the community and move to another place. According to Christina (a young inhabitant of Kaspi Chaki) only few people attended these first meetings over the land. Because of Natali her efforts, the community started to realize they could defend their land and they slowly started to be aware of what the land meant for them. She started asking questions on where they would go, the value of the land for them (where do you get your water from, your food, what do you use land for). They started to realize that it would not be easy to move and that the land is very important for them since their cows eat from the pastures, and their ancestors have been living here for ages.<sup>92</sup> The most important inhabitants at this first stage were Guillermo, Christina, Maria, Odila and two other women.<sup>93</sup> This was when the process of negotiations over the land started.

The dominial holder (Juan Lucas) stated that he was open for negotiations over the land. He already knew of the existence of the community when the land was bought by his father. He recognized the rights of the inhabitants.<sup>94</sup> Therefore, negotiating over the land was the only logic option for him.<sup>95</sup> For Fundapaz, who was again contacted by the church, Natali, and Clergyman Emanuel<sup>96</sup> this also seemed a good idea. They started arranging meetings with Juan Lucas. In this process the lawyer Carlos from Fundapaz was very important. He always attended the meetings, as well as one of the sociologists of Fundapaz.

<sup>91</sup> Interview Juan Lucas (La Banda, November, 2011).

<sup>92</sup> Group interview inhabitants Kaspi Chaki (November, 2011).

<sup>93</sup> Unfortunately not all the names are known from the inhabitants. That these are the most organized persons in the community is stated by Carla and Natali.

<sup>94</sup> Interview Juan Lucas (La Banda, November, 2011).

<sup>95</sup> Interview Juan Lucas (La Banda, November, 2011).

<sup>96</sup> The role of Emanuel in the conflict was only to support the community. He explained that the people of Kaspi Chaki liked him to be present but only in his role as the clergyman of the church. He said they especially liked this because the families in Kaspi Chaki are families that do not receive that much visitors. The only thing that was really important for him and in which he supported the people was to tell them to put their communal conflicts aside for the sake of the problem over the land. The ones that were talking during negotiations were the inhabitants of Kaspi Chaki not him or Natali. He did not want to interfere in this since he said it is the role of the community (Interview clergyman Emanuel, Hatun, October, 2011).

When Juan Lucas showed up again with two lawyers to negotiate over the land the people did not say anything to defend what was by law also theirs.<sup>97</sup> According to Emanuel they were scared. Natali and Christina said that more people started showing up at these meetings since the importance was now known. But, “they were impressed by these people and felt subordinate.”<sup>98</sup> The community is not used to see people from outside the community, and feels insecure about their language skills and is easily impressed by outsiders.<sup>99</sup> The main objective of the community (of course in dialogue with Carlos since he knew what the possibilities were in these kind of conflicts) was that the rights to the land were acknowledged which correspond to the ley veinteñal.<sup>100</sup> To achieve this, Fundapaz worked on capacitating the community and stimulating them to participate in the meetings and think about the future on the land.<sup>101</sup> This approach is typical for Fundapaz. They try to make communities think about the possibilities for the future. This way they force them to have a different perspective than just the here and now.

While negotiating, Natali and the team of Fundapaz were always present.<sup>102</sup> Natali instructed the community to be present at all negotiations. When they were not there, they would lose their right to give opinions on other negotiations. A notebook was made stating the presence of the inhabitants, the main outcome of the negotiation, and the signature of each family representative. There after more people were present according to Natali. In addition the younger people from the community were also present in the meetings. Also, the ‘Registro de emergencia’ was contacted to help in this pressing situation. They were occasionally present at the negotiations but they also help in capacitating the community with their rights they have.<sup>103</sup> The negotiations were not executed by a judge since this takes up years. This could be a strategic move of Juan Lucas to be able to take the land into production sooner or sell it.<sup>104</sup> Nevertheless, this was also a better option for the community since this involved a faster outcome of the negotiations. Natali needed to tell the community not to sign anything while negotiating. The community had to discuss everything first with the lawyer of Fundapaz. A few women of the community almost signed something in early 2009 when they hired a surveyor to measure the land. They did not know the content of the paper and a lot of money was lost.<sup>105</sup>

### 5.1.2 the Negotiations

Juan Lucas is a business person who owns more agricultural land. Formerly, he was a consultant at his own consultancy agency in industrial developments. For the land he owns in Kaspi Chaki he hired a neighbor from Hichpa, a neighboring community to Kaspi Chaki, to watch the land for him over the years. During this period he made sure the taxes were paid over the land.<sup>106</sup> For the rest this arrangement was non-violent. This neighbor, Alberto Calvari is a man who is allegedly violent. In an interview Emanuel mentioned that he walked around armed quite often. Also during the negotiations he entered the school with a gun. On top of this it is said that he is aggressive.<sup>107</sup> Juan Lucas states to be very involved with the

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<sup>97</sup> Interview Natali, Kaspi Chaki, November, 2011.

<sup>98</sup> Interview clergyman Emanuel (Hatun, October, 2011), clergyman Dario (Santiago del Estero, December, 2011) and Natali (Kaspi Chaki, November, 2011). In these interviews it often became clear that the people in the communities in Santiago del Estero do not feel comfortable with their language skills and their general appearance. On top of that, many cannot read so these are reasons for them to feel subordinate.

<sup>99</sup> Interview Natali, Kaspi Chaki, November, 2011.

<sup>100</sup> Interview clergyman Emanuel, Hatun, October, 2011.

<sup>101</sup> Material on the negotiations of Kaspi Chaki.

<sup>102</sup> Interview Carla, Hatun, October, 2011.

<sup>103</sup> Interview Registro de emergencia, Santiago del Estero, December, 2011.

<sup>104</sup> This was mentioned during an interview with clergyman Emanuel (Hatun, October, 2011) but also in the interview with Juan Lucas (La Banda, November, 2011) himself he said he wanted to negotiate over the land instead of going to a lawyer.

<sup>105</sup> Interview Natali, Kaspi Chaki, November, 2011.

<sup>106</sup> Interview Juan Lucas (La Banda, November, 2011).

<sup>107</sup> Interview clergyman Dario (Santiago del Estero, December, 2011), clergyman Emanuel (Hatun, October, 2011), and Natali (Kaspi Chaki, November, 2011).

rural populations of Santiago del Estero and does not want his kids to think bad of him when one day talking about his land, what they one day will inherit.<sup>108</sup> Therefore, he says, he is very compassionate with the community. To show his compassion, Juan Lucas delivered drink water for the school kids and made an effort to show he was a good person. Though on the note he wrote “that he, owner of the land of Kaspi Chaki, wanted to offer the water to them.” Natali did not like this and wrote back that “we holders of the land of Kaspi Chaki through an ancestral possession, will thank you for the water.” After this Juan Lucas did not send any water. It could be that he knew that the community did not want him to help them in this aspect.

Juan Lucas is aware that other investors take up a different strategy but since he is familiar with the rights of the community, his conscience tells him to act upon these rights.<sup>109</sup> Juan Lucas’s wife has got a public function and worked in Kaspi Chaki when a disabled girl went into supervision and placed in a home for disabled people. Since Lucas’s wife has a public function it is assumed by Natali, Sergio, and Carla that he does not want to make a big conflict out of the land and he was willing to negotiate over the land in order not to damage her position. On top of that it is said that he wanted to negotiate over the land since he preferred this over going to the judge and make a lawsuit out of it, this takes years according to Sergio.

The community was asked to think about the land they wanted to negotiate on and think about what they wanted to achieve with the negotiations. This was asked by Fundapaz. The inhabitants know the land by heart and know exactly what parts of the land is most fertile, where the tallest trees are, and where the landmarks are. This helped them to demarcate the land that they felt was really theirs and what they used daily. Every family drew a map of the community and this helped them visualizing the area they used and needed for their subsistence.<sup>110</sup> Also, they had to think of the implications for the future since taxes needed to be paid over the land, which they never did before. By using GPS the community recognized 1.725 hectares as ‘theirs’ and as the land they wanted to defend and negotiate over, with Juan. This process is interesting since the division of land is done communally. This habit was not questioned and the community continued to defend the land communally. Also, to do defend the land communally is much easier and cheaper than doing so individually. It is not clear whether Fundapaz also gave the inhabitants of Kaspi Chaki the option to choose for individual titles. Individual titling could in the long run have effect on the marketability of the land: inhabitants may want to sell their land.

Also Juan Lucas needed to measure the land. This took place around may 2011. He was supposedly in a hurry since he found a partner who wanted to work on the land with him.<sup>111</sup> This is why he asked Alberto Calvari to go with two community members and a surveyor into the *monte* to take GPS points. Juan Lucas was not there at the time. The community members did not like this Calvari and one of the men decided not to show up since Calvari was not trusted. They also did not like it that Juan Lucas was not there. The next visit of Juan Lucas he was very mad at the community since one did not show up and did not meet their promises.<sup>112</sup> This turned into a conflict between the woman and Juan Lucas. They were screaming at him according to Natali. Thus, the negotiations started with a lot of tensions on the part of the community and on the side of Juan Lucas too.<sup>113</sup>

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<sup>108</sup> Interview Juan Lucas (La Banda, November, 2011).

<sup>109</sup> Interview Juan Lucas (La Banda, November, 2011).

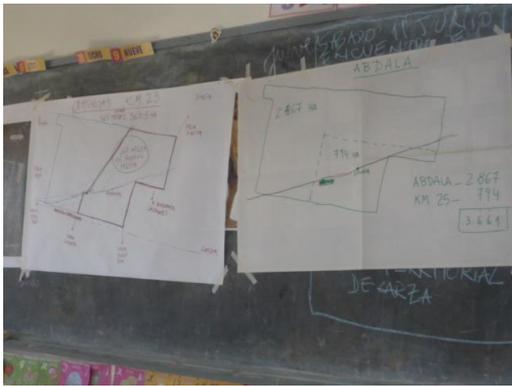
<sup>110</sup> Interview Natali and Emanuel (Kaspi Chaki, November, 2011).

<sup>111</sup> This was said by clergyman Emanuel and Natali (Kaspi Chaki, November, 2011). They felt pressure from his side since they felt that he wanted to take the lot into production as soon as possible. Also, he was talking about an associate that was helping him with the land. This could have evoked this pressure.

<sup>112</sup> This is confirmed by Juan Lucas. He was not happy with the proceedings of the community.

<sup>113</sup> This story stems from conversations with the community, Natali, Clergyman Emanuel, Fundapaz, and Juan Lucas himself.

After the different measurements it was time to start expressing the land the community wanted to have. Juan Lucas adjusted his strategy due to former occurrences and came alone to meetings or with his lawyers who were silent during the meetings. Juan Lucas first offered 700 hectares to the community. So, a difference of 1.000 hectares was left to negotiated over. Different drawings were made to indicate the best pieces of land for the community. The community lowered their offer to 1.500 hectares since the payment of the taxes over 1.725 hectares (what they felt was theirs) was too much. A lot was spoken about the access to the canal on the land. Juan Lucas made the promise that whatever would happen the community would keep access to the canal since they have been working on the canal for over years.<sup>114</sup>



**Pictures 14 and 15. Maps of Kaspi Chaki while negotiating over the land**

At this point of the negotiations Natali was not always present, otherwise they would let her speak all the time since the community felt she represented the community. Natali mentioned she did not feel comfortable with this role since the land 'belonged' to the community. Two other persons are seen as prominent persons in the community. These two persons are also the persons who are the most entrepreneurial in the community and work as beekeeper and who owns a small business (Guillermo and Christina). Natali made them write everything down and stimulated everyone to be present at negotiations. Everyone needed to sign after the meeting. She also told the community not to talk to Juan Lucas alone and they made an estimate on the number of animals the community possessed. Every family gave the number of cows, pigs, horses etc. Natali exaggerated this number because this was an important number to negotiated over more land with Juan Lucas.

This was the last phase of the negotiations and two options were giving by Juan Lucas. Either the community would opt for 1.500 hectares and the costs of the surveyor, lawyers, and notary would be paid by them or the community would get 1.400 hectares and all the costs would be covered by him. The majority of the inhabitants immediately chose to have Juan Lucas pay for everything and gain the communal titles over 1.400 hectares without having to do anything for it. Christina opposed this and stressed the importance of the land for future generations. She said she was thinking about the children and that the children would have little land to work with the animals. Christina thinks that the other inhabitants think that their children will move to Buenos Aires and that only few will stay in the village. So, the influence from outside (possibilities to work in Buenos Aires are also taken into account by the inhabitants of Kaspi Chaki). Nevertheless, this idea was overruled by the rest. Interestingly it is said in many interviews that there was no difference in the decision making between women and men. Everybody participated and nobody had a special role. Though in the general process of the negotiations the men went to into the *monte* to do the measurements since they know the land so well. The land that was opted for is located favorably, it is close to the road and to the community, this makes Juan Lucas's land hard to

<sup>114</sup> Interview Juan Lucas (La Banda, November, 2011).

access.<sup>115</sup> Also the land they have opted for was has been used all this years since in reality not all 3.605 hectares were used over the years by the community.

On the day the agreement had to be signed many of the families did not show up.<sup>116</sup> Natali said that she had to get them and encourage them to come, although they knew their presence was needed. In February 2012 this agreement (drawn up by a notary) was signed by both parties. This means an enormous change for the community. From this date on Juan Lucas can also work on the land. His intentions are to set up a cattle range, a program of forest enrichment, and to cultivate grain. He said that he is open for a collaboration concerning job opportunities with the community since they know the land so well. Also, he wants to improve the lives of the inhabitants of the community in terms of clean water and education.

### 5.1.3 Important meetings in the negotiations

To get more into detail in the strategies that were applied in the process of negotiating over the land and to see the roles of the different actors, two meetings are studied in-depth. The meetings were held on June 8 and June 15 at the school building of Kaspi Chaki and are simulated below. By having several conversations and in-depth interviews with the inhabitants of Kaspi Chaki, Fundapaz, Juan Lucas, Natali, and clergymen Emanuel the meetings are described. The first meeting was held just after Juan Lucas had differences with the women over the measurements of the land.

#### **Meeting June 8**

*The following attendees are present: Natali, Carla, Carlos, Juan Lucas (plus probably his lawyer), and inhabitants of the community Kaspi Chaki.*

Juan Lucas starts by saying that he wants to come to an agreement with the community. He wants to work on the theme of the houses and animals and would like to work on that for this meeting. He wants to continue in a manner of mutual respect since the last time the meeting did not end that well. He makes clear that he only wants to come to an agreement if everybody is happy with it. He want to know more about the animals and the quantity in order to come to a new agreement.

The people present start making a round, telling how many and what type of animals they own. Juan Lucas asks about the type of animals, the number of animals and the area where they are kept.

There is a paper that states the number of all animals which is made by Natali. Carla proposes that they work from this paper since she says “it is hard to remember the quantity of all the animals”. Carla tells that the paper was made as part of a program of Fundapaz.<sup>117</sup> In this program Fundapaz tries to get an idea of the number of animals, the soil use, and overgrazing in different areas in order to be able to improve the land use and the quality of the animals. She also mentioned that the quantity of stock is very high in this area. Overgrazing is daily reality in this area.<sup>118</sup>

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<sup>115</sup> Juan Lucas confirms in an interview (La Banda, November, 2011) that his land is not most favorable. But he said he acted upon the needs of the community. In the negotiations it became clear that the area he now owns is used the least by the animals.

<sup>116</sup> Interview Christina, Carla, Natali and clergyman Emmanuel (Kaspi Chaki, November, 2011).

<sup>117</sup> Relavamiento de stock ganadero para pequeños productores.

<sup>118</sup> Whether this is true or not, it makes the list that was made on the number of animals more plausible.

Juan Lucas tries to continue asking for the number of animals to people he knows by name like Christina, Chikitin, and Nancy.<sup>119</sup> It might be that they are scared or frightened of the question.

Since there is little response from the inhabitants of Kaspi Chaki, Juan Lucas addresses Carlos (this is done with the word doctor) to help him with the topic of the walking area of the animals, the fodder that is available in the field, and the theme of water. Natali tells that the animal live in the north of the area and that they always return for water close to the school.

Juan Lucas asks how the situation concerning water is in Dialo (a neighboring community). Here there is also little water. Then he asks about the other neighboring community Hichpa: “are there animals from Hichpa on the land of Kaspi Chaki?” The community agrees and tells that there are animals from this community walking on their land. Juan Lucas asks if there are problems with the stealing of animals in the community. They say they do not steal animals. Though they state that animals are stolen from them. Natali adds that the communities fight over the water between the communities. Juan Lucas then tries it a different way by asking “with what neighboring community do you have the most problems?” They concluded that there are no real problems that are worth mentioning. So they do not have serious problems with one of the communities.

Juan Lucas continues with asking about the most serious problems that affect daily family live. He gives an example like the stealing of animals. Everybody answers that the most serious problems is the water. Then he asks about the second most serious problem Mari answers “you”. Everybody started laughing and joke that *he* actually is the first most serious problem.

In the meeting one of the inhabitants asks about a project in Dialo concerning a canal. Natali adds that they requested access to this canal with the governor though it was never fully constructed. The community has cleaned the canal for years but until now there is no water in it. Nevertheless it is fenced by the inhabitants of Kaspi Chaki. Carla adds that the water has arsenic if it would be there. Responding to this Juan Lucas adds that he has asked a water expert about the quality of the soil. He was told that the area is an area of great geological movements in the past. This could mean that there is better water under the ground.

Juan Lucas tells the community that the negotiations not have been peaceful but he wants to change this. He specifically addresses Mari and tells that he wants the community to work with him and he will ratified everything that has been said so far. On top of that he adds that they will have access to the canal in the agreement.

With this they close the meeting. The next meeting will take place the week after where decisions will be made on the land divide. Carlos states that he wants as many people present as possible.

### **Meeting June 15**

*The people that are present are Carlos, Carla, Veronica (sociologist Fundapaz), Natali, Emanuel, Juan Lucas and his lawyer, and many of the inhabitants of Kaspi Chaki.*

Juan Lucas says that he is very happy with the amount of people that are presents. He states that it are many. Juan Lucas continues and refers to the former meeting where they had agreed to come with a new proposals on the land divide. This would be done in correspondence with the animals that live on the land and the land use. Juan Lucas starts with stating he likes to make two proposal and likes the communities to say yes or no to it. He wants to come to an agreement that all inhabitants are happy with.

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<sup>119</sup> In this area the real names are not used often. They are called after pet names.

He likes to change his last offer and enlarge the surface it concerned. Juan Lucas offers 1.150 hectares and he would pay for all the costs that have been made like the taxes of the former years, the transferal, the measurements that were done and the valuation of the land. But they will need to let him in charge to ratify this and draw up the titles. He continues that obviously the inhabitants have to pay the taxes that follow the coming years. “But after this you will have a title that is on your name.”

Carlos ask to the inhabitants if somebody wants to speak up and tell what they think about this offer since it are “*they that have to decide*”. People are doubting the offer, they say it is only little land. Juan Lucas responds that they are all taking in, and that they are coming closer to each other with this offer. Juan Lucas has risen 350 hectares in comparison with the former offer last week.

Juan Lucas mentions that there is a 300 hectares difference in what the community wants (according to former negotiations where the offer of the community was 1.580 hectares) and what he is offering. Veronica says that the community wants 1.580 and that it is a large difference to go down to 1.500. The inhabitants are now stating they want to round up the number of hectares to 1.600 hectares. One man says in the meeting “*esto es para quedar*”. Meaning this is going to stay like this and can be interpreted that they need to fight for the 1.600 hectares since it is little land.

Carlos present the drawings of the four proposals the community has been working on:

- 1) 1.725 hectares
- 2) looks like the former proposal but then in a different form: minus 67 hectares (minus the road of the first proposal)
- 3) 123 less hectares that the first proposal
- 4) 1.580 hectares

They talk about the trespassing of the road for the different proposals since this has an influence on the accessibility for the community. Juan Lucas says the community also needs to take into account that the land would be worth more if they have access to the road. “When people ask about the worth of the land they also ask about the access it has.” Carlos starts talking about the access to the canal. Juan Lucas states that within all proposals this would be no problem. They will have access to the canal. “I will put this in writing” states Juan Lucas. Carlos brings up the idea that the community can also share the costs that need to be paid (Juan Lucas had offered to pay these costs).

Veronica asks if there is a possibility to talk about the sharing of the costs. Juan Lucas responds that the possibility is there. So the offer is now either that they can have 1.350 hectares and Juan Lucas will pay the costs or 1.500 and the costs will have to be paid by the community. Carlos tells the inhabitants more about the costs. He refers to the case of Pichu where Fundapaz experienced the same problem. Carlos states that the payment of the costs is something they can do and achieve. However, he worries about the future. There will be more people and their land may be too little for the animals they may have then. They need to be aware of the changes in the future. Veronica says that if the community is not sure about the decision making they can wait with their decision and they can overthink it. Veronica continues that they will have the financial support of Fundapaz. One man says it is “*Mucho plata*” meaning it is a lot of money and this factor will be something that will help them in the decision making. Christina says that 1.400 is very little land.

Natali explains that the community also had to think about the children. Christina states that 1.350 hectares for her is little. Nobody is agreeing with her on this point.

The discussion leads to the people being ok with the 1.350 hectares without having to pay the costs. This is where Natali steps in. She mentions that they can really achieve paying all the taxes themselves and having more land as Christina proposes. She states firmly that they have achieved many things already in the community. She says that what Christina is proposing is also possible.

Eventually the people state to Juan Lucas that they want to agree on 1.350 hectares and want to have him in charge of the costs. Juan Lucas states that he is content with this. He agrees and will pay the costs of everything.

Veronica asks how he will work his land and how they will continue now. Juan Lucas says he wants to do some feedlot activities, an enrichment program of the native forest, and pasture activities of a grain. He also states that the land is not suitable for just one activity. Then he continues that he will be a good neighbor. “You have my word and I will keep this word.”

Carlos tells that the contract entails the recognition of the rights of the families they have according to law, also they have to recognize the dominial holder of the land. They agree on that Juan Lucas will only work on the land when the titles are there so that it will not stem frustrations.

This is how the meetings end with Juan Lucas and where the community will gain their legal titles over the land<sup>120</sup>.

#### 5.1.4 Reflections on Conflict

As described Juan Lucas has been steering a lot in the negotiations.<sup>121</sup> This steering has always been done in a polite way. From the talks with the inhabitants these polite manners on the side of Juan Lucas have not always been this way but at least the negotiations were closed in a nice way as told by the inhabitants.<sup>122</sup>

Fundapaz only had an advisory role in the negotiations. Also Natali and Emanuel said to be silent during the negotiations. Only Natali has interfered every now and then. As stated by Juan Lucas in interviews, his lawyers were always present. They also stayed on the background in the conversations.

On a more descriptive level, the conflict over land have had enormous impact on the inhabitants of Kaspi Chaki. As stated on most of the questionnaires, the community is more organized and at the time of the negotiations, personal problems were set aside. However, some inhabitants say, like Natali, Mari and Christina, that the community feels like they can negotiate again over the land. “The inhabitants do not have a feeling what has happened to them is real” as said by Mari. “They have no idea what it will mean on the long term that they have lost so much land” as stated by Natali. Emanuel mentioned in an interview that Kaspi Chaki was very lucky with the efforts that Natali made to help them. She really stimulated the community to organize and always be positive in meetings over the land.<sup>123</sup>

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<sup>120</sup> When asking about the most special moment in the conflict over the land one of the inhabitants said it was beautiful to have come to an arrangement with Juan Lucas and feel the true owner of the land and be able to own the titles.

<sup>121</sup> A few descriptions were given on Juan Lucas by the inhabitants of Kaspi Chaki when asking about the perception of him in a questionnaire. Nobody said something negative on his account. “Juan Lucas is a great person, he always had a good character and nice humor” “He is a treatable person” “He is a person that tries to come to a solution” “A great persons, he did not have the intention to drag us from our land” “Nice and treatable” “A man of his word” “In his way of being he is very calm”.

<sup>122</sup> Emanuel mentioned in an interview (Hatun, October, 2011) that Juan Lucas changed his strategy after the inhabitants had a disagreement on him with the measuring of the land. Emanuel says that after this conflict he started to collaborate more with the community and work at their pace.

<sup>123</sup> This is also confirmed by Carla from Fundapaz.

As heard in the interviews, the communal organization has increased, their connection to the land is stronger than before, and the inhabitants now know and stand up for their rights. The community has got a legal title now to the land which makes them aware of the obligations this brings along. In a group interview it came to fore that at the beginning of the conflict, clergyman Dario had a very beautiful gesture to the families to which was referred to regularly to make the community see the importance of communal organization. By radio he asked all the families of the communities to come to a reunion. At this reunion he divided some bread (just like they say Jesus Christ did) and offered it to all the families. Who did not take the bread was said: this is the piece of land you will use if you do not organize as a group. This made a strong impression on the community since they referred to it in interviews with me. What is striking in this community is that there was no difference in the role of women and men in the negotiations. Everybody could speak, even when they have a completely different idea of the situation. This is what happened with Christina during the meeting when she stated she wanted to opt for more land. So, people are not scared to have a different opinion and say it. Also men spoke during the negotiations. Youth is little concerned with the problem of the land. Only few attended meetings but at the point where it was really important like the meetings of the negotiations, they were said to be present.<sup>124</sup>

Since arrangements like this are hardly struck in this area, Emanuel stated that “The community has been very lucky with the dominial holder of the land.” The intentions of Juan Lucas so far have been sincere, Emanuel states, and show he is a better person than some other investors. Juan Lucas also mentioned in an interview that from the beginning he respected the rights of the community. Nonetheless, it should be clear that also Juan Lucas had his personal agenda. As stated by Emanuel and Natali he knew exactly where the most fertile land was located and what part he needed in order to make his plans work out. When he was talking to a woman in the community he told about a certain part of the land he wanted. Rumor has it that he is thinking about, or bought, a piece of land that is located next to his new plot from the neighbor Calvari.<sup>125</sup>

The negotiations were fairly mild and peaceful as said by the inhabitants and stated in the filled in interviews, though, while negotiating over the land, one of the inhabitants (that moved into the community from outside of the province) took advantage of Juan Lucas in order for her personal enrichment. This was told by Natali and Juan Lucas also confirmed that he helped her financially in an interview. “Every time when Juan Lucas arrived in the community he first went to the house of Mari.<sup>126</sup> Since she is a diabetes patient she asked for medicine, food, and telephone money” as stated by Natali. “This was not accepted by the community so she was asked to stop this.” It is not clear if it was Natali who was opposed to this or the entire community. Natali was opposed to this because she thinks seeing Juan Lucas alone and receiving gifts from him is not fair in front of the other inhabitants but also, she thinks the relationship with Juan Lucas should be more professional. She does not want Juan Lucas to see the community as poor and asking for money or goods since this can possibly influence the negotiations. Juan Lucas could have used this to blackmail the negotiations. As Emanuel also mentioned, it was said to the inhabitants several times not to meet with Juan Lucas alone. Juan Lucas needed to know that he could not enter the community, no physically but neither mentally. Emanuel admits that for poor people, like in Kaspi Chaki, the temptation to meet with a rich person like Juan Lucas is immense since he can offer them something they cannot afford. Emanuel also states that it would be an ‘unpleasant sign’ to the other

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<sup>124</sup> Interview Christina (Kaspi Chaki, December, 2011).

<sup>125</sup> This was heard in an informal talk with some women of Kaspi Chaki. Though this is not confirmed by Juan Lucas. It might be so that this land will also be worked by him. When in November a bulldozer was working on this land to clear it from trees a more fearful attitude was created towards Juan Lucas as said by Natali (Kaspi Chaki, November, 2011).

<sup>126</sup> Mari is a person who is different from the rest of the community as stated by people from Fundapaz, Natali and Emanuel. She had the possibility to graduate and due to this diploma it feels as if she might feel superior to the rest of the community and sees them as backwards.

community members if others would meet with him. Emanuel does not know if Juan Lucas has offered inhabitants land or other things in exchange for e.g. information, but he states that this happens a lot in these type of conflicts.

### 5.1.5 changes in Land Tenure and Tenure Insecurity

The land tenure in Kaspi Chaki is completely changing since the community has come to an arrangement over the land with Juan Lucas. You see that the forced land right formalization process has led to many tenure security changes. At the moment of writing Kaspi Chaki is working on a subsidy to fence their land. This is a subsidy by an organization Nuevo Surco that works closely together with Fundapaz. This funding will cover most of the costs for the fencing of the land. However, the community also has to invest in this new situation their selves and buy e.g. poles. The closure of the land can have many advantages for the community but at the moment the fencing is seen by some as something that is superfluous. The fencing is not directly seen as something that grants more security. By some people in the community it is seen as something that restricts them. Some inhabitants of Kaspi Chaki think about fencing their own plot of land, although the title they now own is communal and the money is not intended for that purpose.<sup>127</sup> Also, other inhabitants have a rejection towards fencing because their animals will not be able to walk around freely in search for water and pasture elsewhere. This means a very long process of finding consensus in the community. Fundapaz is stimulating the community to fence the land.<sup>128</sup>

Another idea of the subsidy of Nuevo Surco is to think about the future concerning land management, this is also something that Fundapaz is stimulating in different meetings. They stress the importance of land management and thinking about the children in the future and if they have enough land to practice animals husbandry. At the moment it is said by Fundapaz that the land in Kaspi Chaki is used excessively. This means the soil is degraded and the pasture is exhausted. Fundapaz is trying to let the inhabitants think about the closing of areas for several years so the animals cannot eat on these pastures and new trees can grow. There is a lot of opposition to these plans. Carla confirms this but says this is only a matter of changing the mentality towards the management of land.

At the meeting when the contract for the subsidy needed to be signed (stating that the community wanted to receive this subsidy and would live up to the requirements of the program), almost nobody showed up.<sup>129</sup> The inhabitants feared the devolution they have to give for the project (30% of the money should be returned to a specific goal, serving the community or other communities within one year). This fear was shown by different women in the meeting. They had more questions about the devolution of the subsidy and told that they did not know if they would be able to meet these demands. This devolution can be either in going to reunions and tell about their experiences to help other communities (only one person, Guillermo, in Kaspi Chaki is interested in coming to reunions, other members do not feel the need to do so they stated in reunions, yet the church and Fundapaz find this something very important <sup>130</sup>)

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<sup>127</sup> The thought of fencing an individual plot was an idea of one inhabitant of the community. This was heard in informal talks with some women in the school.

<sup>128</sup> In one of the meetings where Carla told the community about the fencing possibilities she said that the community might have to pay a part of the costs themselves. One inhabitant (Julio) did not like this idea and after the meeting he went to Anna (another inhabitant of Kaspi Chaki) quite angry at Carla because she could not see how much money he could spend (Interview Natali, Kaspi Chaki, November 2011).

<sup>129</sup> I was present at this meeting (December, 2011) but only few women showed up. The men were working on the land but they did not talk about the decision making on this topic. So nothing was signed and the meeting was rescheduled. Carla stressed in the meeting that if they did not want this subsidy this does not mean the end of the support of Fundapaz, to show that they did not have to sign for her.

<sup>130</sup> People told me they do not always have the time to go to meeting or do not have the money or transport to go there.

or by giving money or food to the school. On top of that they fear the deadline that is stated in the program, stating that the fencing should be in place within 6 months.<sup>131</sup>

What is also another enormous change is the taxes that need to be paid over the land. Money is something that is scarce and especially when it is paid on something you will not see any return from, this is hard to organize. The most organized persons (Christina and Guillermo) tell about breeding programs and wanting to vaccinate animals to improve their stock and consequently sell animals in order to pay the tax. In reunions it was mentioned that the families who would not pay the tax would have to leave the community. Also, there are disagreements on the amount of money every family has to pay.<sup>132</sup> Since some families only have few animals they do not want to pay for the other families because they feel they do not use the land proportionally. These are all long term challenges the community has to face but can change their livelihood in a positive way.

What these changes all lead to is more security from outsiders, though some pressing situations are seen already within the community that threaten their tenure security. The community is not feeling 'one' because of internal disagreements as described before. This concerns the taxes they need to pay and how they have to work the land they now own. When community members decide not to pay taxes over the land this has a consequence for every family. On top of that, if they also fence their own plot of land and divide it proportionally, the land use they have so far practiced will get very complicated since there is so few land available and an enormous shift has to be made in animal husbandry. The worst case scenario is that neighbors feel so little connection to their land that they want to sell it.

## 5.2 Case study II: Mayu

Mayu is situated 10 kilometers of Hatun (where Fundapaz is located) and consequently 50 kilometers from the province capital Santiago del Estero (see appendix III). The department is situated in, is Robles. The community is located next to the river Dulce (el río Dulce) which makes this zone fertile. Mayu consists of 23 families with over 100 inhabitants. The community is continuing to grow: in 2004 the community only consisted of 10 families.<sup>133</sup> Mayu are holder of approximately 1,450 hectares on which they practice animal husbandry, and cultivate vegetables. Just like Kaspi Chaki, the former inhabitants of Mayu settled here because of the railway construction. As told in interviews, most families are third or fourth generation on the land. Mayu does not have a school in the community. The children go to the primary school in Mili which is a community located next to Mayu. As told by Soledad, these two communities work closely together. For the secondary school the youth goes to Hatun. Most of the youth in Mayu attends the primary school and secondary school. There are even youngsters who study at the university in Santiago del Estero. The subscription for regular education in Argentina is free.<sup>134</sup>

The infrastructure in the community is good. It is located next to a cement road where twice a day a bus comes by, to either Ritiy (south) or Santiago del Estero (north). This road will be reconstructed by government initiative in 2012.<sup>135</sup> This because of the importance of the road for transit from and to Bolivia. The roads that lead to the houses are sandy. More inhabitants possess cars so leaving and entering the community is easy, even with bad weather. Since the community is easy accessible and close to the city it could be that because of this, more stakeholders are present than in Kaspi Chaki. Fundapaz has been working with the communities for years, next to this the municipality of Hatun, Derechos Humanos, and

<sup>131</sup> This was all explained by Carla in two meetings.

<sup>132</sup> This was mentioned by Natali in an informal interview (Kaspi Chaki, November, 2011). This problem was also mentioned in a group meeting.

<sup>133</sup> Interview Soledad and Carla Fundapaz (Hatun, December, 2011).

<sup>134</sup> This all became clear in interviews in the community of Mayu (Mayu, December, 2011).

<sup>135</sup> This was stated by clergyman Emmanuel (December, 2011). He uses this road regularly to go to Ritiy. According to Emanuel this road is only reconstructed due to the indirect income increase it will generate for the government because of an increase of transport over the road.

the church. They all give assistance to Mayu in different forms. With the help of Fundapaz, Mili has an association of smallholders which is also favorable for Mayu. This alliance helps inhabitants of the community to e.g. obtain subsidies, give technical advice on animal husbandry, technically maintain the communities, and seek for collaborations with other institutions.



**Picture 16. Asociación Pequeños Productores Agropecuarias de Mili-Robles**

The means of subsistence in Mayu are mainly goats just as in Kaspi Chaki. Some smallholders sell their milk to Fundapaz. They produce cheese from it and sell it to consumers. Technical support is given by Fundapaz to increase the yield of milk and keep their goats and corral up to standards. On top of this, due to the fertility of the land, people can seed their own vegetables for self-subsistence. Also, it is common to have jobs in the capital city or elsewhere. The traditional work in the harvesting of potatoes, corn etc. in other provinces is done too. Another source of income are the different allowances from the state. Since the community has electricity and potable water since 2006 the diet of most of the inhabitants is different than in communities without these facilities. People can have vegetables gardens, but on top of that, there is also access to more balanced and healthy food.

There are great difference seen between the inhabitants concerning verbal skills, level of education, knowledge on land rights, and housing within the community.<sup>136</sup> The houses differ in terms of luxury. Some families possess a television, radio, or a refrigerator. Broadly speaking the families with more luxury are better organized in the community. Some community members have a life that stretches outside the community. Women have a very prominent role in Mayu in the organization of the community.<sup>137</sup> Most of the inhabitants in Mayu have daily contact with persons from outside the community. This makes them verbally stronger. Nevertheless, there are also people who cannot write or read in the community.<sup>138</sup>

Most of the families lack legal titles to the land but do own documents stating their grand-grandparents bought the land decades ago. Though this does not cover all of the land in the community. Picture 17 gives an idea of how the community looks like from above.

<sup>136</sup> Some people were aloof to my presence and did not really want to talk to me. They only gave brief answers and acted as if they wanted me to leave quickly.

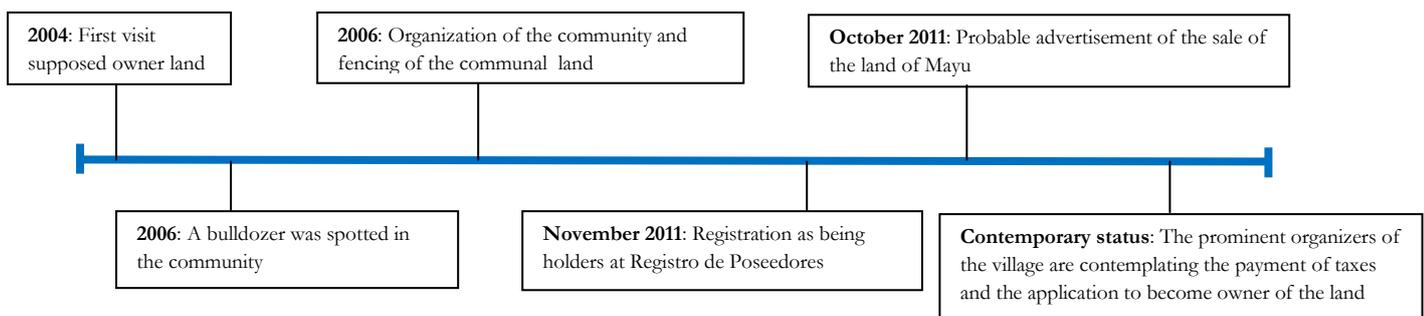
<sup>137</sup> The most organized families are led by women. Also, Maria from Fundapaz says partly joking that the men in Mayu are more in need of emancipation skills than the women.

<sup>138</sup> This was told by one woman while interviewing her (Mayu, December, 2011). Soledad told me this was the case with many inhabitants in Mayu.



Picture 17. Overview Mayu (Source: Google Earth)

### 5.2.1 History of the Land Conflict in Mayu



#### Historical line with important events in the conflict over land in Mayu

The history of the conflict over land was told by different inhabitants in Mili Norte. Interviews showed that the conflict over land in Mayu started in 2004. A supposed owner of the land appeared saying he owned 1.000 hectares of the land. The man, from the Chaco region, never appeared after this. In 2006 a bulldozer was spotted in the village with all the equipment to destroy the vegetation in the community and consequently to cut all the trees. The investors, one Cuni Suarez, offered one of the inhabitants, on the outskirts of the community, potable water and electricity in exchange for letting the bulldozer in and helping the supposed owner to deforestate the plot. Other families were offered land in order for them to

leave. This was approximately 10 hectares per family. The intentions, according to the villagers was to sow soybean, which was very profitable in this period. The village assembled by the initiative of Magi, a middle aged woman who has been living in the community for all her life. Magi and two men avoided that the bulldozer entered the village and made sure there were constant guards on the entrances of the village. The investor was threatened by the community that they would fire his dozer if he would enter the village. This was as violent as it got. The investor gave up and nothing was heard from him publicly ever since (it could be that this investor did contact some members of the community afterwards to bargain over the land but this is not known).

After this incident they (Magi and two friends of her) contacted Fundapaz to get to know more about their rights. They had been working with them for a long time already. Most of the inhabitants already knew the rights they possess over the land but needed information on how they could implement this. They were aware of their rights among others, through the radio. There were five families that were very involved in defending the land and one of the employees of the association of Mili close to Mili Norte. The most involved of these families were the women. The families were helped in their mobilization by the church. The first thing they needed to do was to go to the police. This was done by Magi. She reported the problem and arranged everything with them.<sup>139</sup> Next to this, they had to measure their land and fence this for future investors interested in the land. This was proposed by Fundapaz since this is a good strategy to defend your land.<sup>140</sup> To pay the surveyor the community organized to sell empanadas (local food) in neighboring communities. With the help of a subsidy from Nuevo Surco they obtained money to fence the entire lot, they even bought a land mark sign that states the name of the community. The youth in the community also helped to fence the land and most of the inhabitants saw the value of the fencing.<sup>141</sup> Though, the five most organized families conducted most of the work as said by Soledad. Of course this information is all subjective. Since the information that was gained in Mayu was mostly given by the people who wanted to talk this information can be very different in the eyes of the people who did not participate according to these women. The other inhabitants might also have their own strategies in dealing with the conflict.

What the community also did, by the initiative of Magi, was to register at the Registro de Poseedores so they stand more strongly in the case another supposedly owner shows up. The Registro de Poseedores makes sure that the community is recognized as being the holder of the land and that they have been living on it for over 20 years. The subscription to this government organ is free. More initiatives are currently taken in order to stand stronger in defending the land. As Magi explained, she is also looking into the possibilities to pay taxes over the land. This has stopped in 2005 but she does not know why. This process is very difficult she mentions because, also in this community, people find it hard to look at the future and pay money for something that is not feasible. On top of that, the taxes over the land are substantial she says.

At the moment (year 2011) the community is in the process of thinking about gaining legal titles to the land.<sup>142</sup> It could be that organization and willingness to gain titles now is low since there is no direct threat. The situations in the community is rather stable. It is said to be a very slow process to gain the formal titles to the land and as told by Magi, not all of the inhabitants see the added value of the title. Since it is hardly possible to pay the cost for an individual title, this must be done by the whole community. To gain

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<sup>139</sup> Interview Soledad (Mayu, December, 2011).

<sup>140</sup> Informal talk women from Mayu (December, 2011).

<sup>141</sup> This all got clear in the interview with the most organized women from Mayu (December, 2011).

<sup>142</sup> Carla thinks this is very interesting since now (2011) the community has seized their organized behavior more or less. Carla says they are in a state of contemplation. What I saw in the community is also a lot of confusion about what this process of gaining the formal titles entails. So, the lack of clear information could also be a problem for their impasse.

the formal titles is very expensive, this is another drawback which counts very strongly. On top of that, it is unclear if this title would give more perceived tenure security.

### 5.2.2 Reflections on Conflict

The conflict that occurred in Mayu happened over a short period of time, but nevertheless has an enormous impact on the life the community used to know it. The inhabitants of Mayu could all very well remember this period even though it has been over 5 years ago. What is seen from the conflict is that in general, three types of groups can be distinguished in Mayu.<sup>143</sup> There are the families that are very organized (and they also see themselves like this), like 5 families. These are consequently the people who have had secondary or tertiary education and who have e.g. children who attend the university.<sup>144</sup> They organize meetings concerning the wellbeing of the community and attend reunions (like Mesa de Tierra) to inform other communities about their problems and try to help them by doing so.<sup>145</sup> The organization of these families was crucial for the history of the conflict and the achievements made.<sup>146</sup> Next to this group, there are people who do not participate in reunions but do care about the land. They are not well informed about their rights and let other families practice their rights since they feel not capable of doing so. In an interview it came to fore that one family did not understand their rights and thought they could only claim the rights to her house. In reality they could also claim rights to the land they have used in the past years but she did not know this. Because they (the heads of the household) could not write or read she did not attend meetings she said. It looked as if she did not feel comfortable in the group of people that were hosting these meetings. Her strategy was not to attend. The last group are the people who are said not to worry about the problems concerning land and are unaware of the problems the community is facing. This was mentioned in different interviews with organized people in the community but when asking some families what they would do to avoid another conflict or how they feel about the fact that the bulldozer did not enter their home, they do not answer or 'just live'. There are different explanations for this answer: it could be that they did not want to talk about this or that is concerns a certain disinterest in the problems. Overall, this community faces more severe problems than land issues. Within all of these groups there are people with communal problems over land. This might also be why at the moment there are no decisions made on the application for the formal titles on the land. For this step a certain coherence is needed within the group.

The organization of Mayu was dependent most of all on Maggie and Soledad. Soledad is a very important person in the region since she is working at the association in Mili.<sup>147</sup> By organizing meetings she knows a lot of people in the village and is very involved in community life and community organization. The majority of the women in Mayu are seen as very emancipated by outsiders. At Fundapaz this is a topic that is talked about often. This emancipation is probably also why this community is so strongly organized. Since the men are away during the day for the animals this practice also asks this from their women. This forces them to speak up during the day. Though, not all inhabitants are participating and one of the reasons for this is that they do not feel part of the community because they cannot write or read. This makes them feel inferior and they rather let other families arrange everything. This could very well be a strategy for not participating while simultaneously getting 'thing done'.

It is seen in this community that it is not a unity. Of course every community has its struggles but in Mayu these struggles are very salient comparing it to e.g. Kaspi Chaki. In Mayu families have a stronger sense of

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<sup>143</sup> This was confirmed by Soledad and observed during my visits to the community.

<sup>144</sup> Interview Mayu with elderly woman (December, 2011). She graduated as well as her daughters and sons. Her son is even going to the university.

<sup>145</sup> With the help of Fundapaz a group of women even went to another province to tell about their way of organization in the conflict they had over the land.

<sup>146</sup> Confirmed by Carla in an informal talk.

<sup>147</sup> Interview Carla, Soledad, inhabitants of Mayu, and one inhabitant of Mili (December, 2011).

protecting their family than the community as a whole. Looking at western habits this is also a very logic occurrence. In Mayu they are also talking about individual titles.<sup>148</sup> So, the historical practices are more or less replaced by new ones with the influence from outside. It could be that now that they feel safer on the land by the fencing arranged with Fundapaz new forms of management are contemplated. They are thinking about buying a tractor for the families to work on the land by a subsidy of the association in Mili. Other families that were less interested in community matters did not participate that much in the organization during the conflict but neither in the obtaining of the subsidy of the tractor.<sup>149</sup> So these families are clearly thinking about the future and alternatives for technologies and land management. The other less interested families in the tractor could not grasp the fact that when the investor would take the land into production their animals could not use the pastures as they did before and this would have grave effects on their livelihood. This was said by Magi and this was also mentioned by her as a reason why not everybody is interested in this proposal. This distinction of different groups is something that has been going on for years. Since it is a process that happens habitually, it makes people unaware of the social exclusion this may cause.

### 5.2.3 changes in Land Tenure and Tenure Insecurity

The future for Mayu has changed a lot since the conflict. They now have more means to protect themselves against new investors since they have fencing stating their domain and have made improvements on the land like the installation of water and electricity. If they are also going to pay taxes over the land their case is legally even stronger. Nevertheless, they lack formal titles to the land which could give them more tenure security at this moment of the conflict. At the moment these titles will give more tenure security since investors rather invest in land where the communities are holders of the land instead of owners. The question is for how long this attitude of the investors towards titling will hold.

In Mayu several threats can be found concerning land use. An ongoing threat are the communal conflicts but next to this, in October 2011, a local broker in Hatun advertised the sale of a plot of 1.450 hectares with potable water and electricity 10 kilometers from Hatun. This plot was sold for little money since it was known that there were people inside the land. The only community in this zone with these kind of facilities is Mayu, moreover, it fitted the profile of the community. Fundpaz announced this to the inhabitants of Mayu but nothing was heard from this ever since in terms of e.g. the sale of the land. Nonetheless, in December 2011 an airplane has been spotted flying very low over the land of Mayu.<sup>150</sup> According to Magi nothing had been done after this and this did not increase the willingness of the people to buy the titles. As mentioned by most of the 'organized' women, they feel they have a very strong case and will be able to defend their rights by the law of twenty years (*la ley veinteñal*). Most of the 'organized' women do not feel any type of fear for conflicts or outside investors of the land.<sup>151</sup> They are very firm and due to the knowledge they have. The women know they can defend their land. Because of the organization in the community they are trained. They know investors will enter in the weak spots of the community. This is threatening because there are people who will believe the investor when the investor would offer them a new house with more facilities in exchange for helping him.<sup>152</sup> This will only increase if their way of life is threatened and poverty is worsened consequently in these area's because of the decreasing possibilities to continue their livelihood and practices as a small producer. People in this area know little alternatives and the harvesting in other provinces is also more and more standardized so there is little work to be found in this sector outside the community. On top of that, as heard by different

<sup>148</sup> Interviews in Mayu with Soledad (December, 2011).

<sup>149</sup> Interview Magi (Mayu, December, 2011).

<sup>150</sup> Interview Magi (Mayu, December, 2011).

<sup>151</sup> Opinions of other inhabitants on this topic are not known since they were not willing to talk openly about this matter.

<sup>152</sup> Interview Soledad and Magi (Mayu, December, 2011).

inhabitants of Mayu, some inhabitants do not feel a strong connection with the land although they have been living on the land for decades. This makes them see the conflict differently.

Within the community you see a lot of changes. What affects all inhabitants is the closure of all the plots in the neighboring communities. This reduces the areas for the animals to look for pastures and water. Fact is that the community of Mayu has to find alternatives for its way of living. From all sides they are limited in the use of the land. This makes that their animals cannot walk around freely anymore and this has major influence on the livelihood of the community. Animals will die this way and will not be able to feed themselves.

The interesting thing is that even individual families are fencing their houses. One inhabitant also mentioned that her neighbor is replacing her fence every now and then. Every time she does this, she moves her fence closer towards her house so she is left with lesser land. She is afraid to speak up and knows this will not help. Next to this, a problem many inhabitants are facing is the dog of a neighbor. This dog kills animals in the field. Since this community does not own that many animals these are great losses. For some inhabitants this even led to a drop of income since they cannot let their cows or goats graze as they want to but need to have their animals enclosed all day.<sup>153</sup> Therefore families have little milk and less income. Several times this has been declared to the police but they did not do anything in order to solve the problem. It is said that the neighbor is denying the threats and nothing is done to work out the problem.

Other conflicts over land within the community are that community members deny the access of certain persons over a road towards their house.<sup>154</sup> They feel that they own this. These conflicting interest do not lead anywhere and have been going on for ages. Next to this community members declare conflicts between each other to the police. One community member wanted to fence a small piece of land in order to protect this and be able to protect this better in case of land investments. This lady has been working on this particular piece of land but the other inhabitant found this unfair and reported it at the police. Next to this, the entire community faces the threat from a woman who says to be the owner of the land in Mayu. Nobody has ever seen her papers or speaks to her regularly. This person is seen as a threat since she can choose to sell the land.<sup>155</sup>

### 5.3 Concluding Remarks

The communities discussed have become involved in market relations of a vastly different order of magnitude than from those relations that existed before (Wolf, 2001:195). The communities need to adapt their internal organization to changes in the total social field of which they are part. Integration into a larger socio-cultural whole is a historical process (*ibid*:196). As shown, this is an ongoing process that is highlighted by many struggles. The main conclusion that can be drawn from the case studies is that the rural populations have little access to information on their legal rights, they are often not aware of the land rights they can claim, and they are little prepared or able to organize the community themselves. Organizations are needed to help the communities to defend their land and let them be able to integrate in these different market relations. This often leads to the formalization of land rights since this grants protection for the communities. The defense of their rights to the land in these two case studies is

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<sup>153</sup> Magi is an example of this. Her goat milk she sell daily to Fundapaz has decreased with many liters. So her income has increased substantially (Interview Magi, Mayu, December, 2011).

<sup>154</sup> Informal talk with an elderly couple in Mayu (December, 2011).

<sup>155</sup> Many people in Mayu told me about this woman but there is little known about this.

demarcated by non-violent conflict. Historically, the peasants in Santiago del Estero are not known for their violence.<sup>156</sup>

The structure in the communities are product of historical practices both objectified and incorporated. So all rights they claim are done communal. Since the communities are operating in new territory, little is known about the consequences of these new arrangements on the long run. The communities behave a certain way but without expected results. From a European point of view the organization in the community would be valued low but if you look at the possibilities people are given in the rural areas of Santiago del Estero you see that there are little substitutes given to act upon accordingly and organize the community well. Most rural inhabitants have a low self-esteem and there has never been a reason to organize. So it could be that this is not in the nature of the people of Santiago del Estero. As a result of this and other reasons, communities lack a sense of future thinking. As heard very often in conversations with NGO's, decision making is very difficult for them. Only when a problem occurs they are able to grasp the sense that they can act and react on this. But following Wolf, what we are dealing with here is not only with lack of knowledge, an absence of information but also with a defensive ignorance, an active denial of outside alternatives that if accepted, might threaten the corporate structure (Wolf, 2001:202). So, as stated by Wolf on Latin America peasantry, "the unwillingness to admit outsiders as competitors for land or as carriers of cultural alternatives may account for the prevalent tendency towards community endogamy." Thus, the conflicts that the communities are facing could also be seen as something that ought to give them opportunities *though* this is often not acknowledges due to the fear of losing the community structure. An example is the effort it took in Kaspi Chaki to have them sign the contract with the organization Nuevo Surco to have them paying for the fences. Another example is that communities would not easily gain a formal title to the land to feel more secure from outsiders if they were not told to so. Fundapaz has played a very important role in the process of the formalization of titles and state of mind thinking, as well as other organizations in Santiago del Estero. Next to this, instruments to defend, control and maintain access to land are only practiced when communities are threatened. An example of this is that the communities feel enclosed in the land when it is fenced. They would only apply this instrument of defense when they are told to do so. This also confirms the free living standards of the communities in the past concerning animal husbandry and their lack of using alternatives in terms of improving land and livestock.

What is clear from the story from Kaspi Chaki is that they were very lucky with the dominial holder to be able to negotiate over the land. This is something that does not happen that often in the region of Santiago del Estero. What you see in Kaspi Chaki is that the communities have often received commodities without paying for it. This has a strong incorporation in their ability to value land. This partly explains the decision of the inhabitants in Kaspi Chaki in obtaining the formal title to the land without having to do and or pay anything for it. They agreed with the offer of Juan Lucas and had him pay for the costs. As shown, the inhabitants almost all chose to obtain the titles without having to pay for it. Following Wolf this is something that is common in Latin America; peasants aim at subsistence, not at reinvestment. "The starting point for peasants is the needs that are defined by their culture. The money they obtain is used to buy goods and services, that they require to subsist and to maintain their social status rather than to enlarge their scale of operation or security in this matter" (Wolf, 2001:196).

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<sup>156</sup> This does not mean that there is no violence used in Santiago del Estero. More violent strategies are found in dealing with conflict in e.g. the neighboring community to Kaspi Chaki, Hichpi. Here a community member cut the fences of an investor who fenced the land.

Also in marches more controversial methods are used to make the claims of the peasants clear. On many governmental buildings were put graffiti and when the authorities showed up there was a lot of screaming at them and the peasants were calling names at them.

The difference that can be seen in the two case studies is the way of organization. Generally speaking it became clear that the people from Mayu live closer to the city and have more access to education and are more aware of their surroundings by television and the radio. They are accustomed to see people they do not know and are more adjusted to act upon irregularities in their community. This makes them more organized. In Kaspi Chaki they are more marginalized from education, infrastructure, public transport, mainstream markets and economy, and most importantly from access to information. This separation has its effects on the organizational skills of the community. You can also distinguish the more historical peasant in Kaspi Chaki who has little ties with the outside world, and who invest little in the household, land, and animals.

What is interesting is that there are little differences between the decision making processes of women and men in both communities. They all participate equally and in some cases the women were even more active in participating in conflict matters. Conflict between neighbors is very common as shown and conflicts are likely to get worse just about anywhere in the region and in the two communities due to changing land tenure. This will cause major problems in the future. Urbanization is one of the alternatives the communities have, especially when the connection to the land is diminishing due to communal conflicts. It is also seen that the taxes that need to be paid over the land is a difficult issue within the community. Any imposition of taxes, any increase in expenditures relative to the productive capacity of the community, or the internal growth of the population on a limited amount of land, must result in compensatory economic reactions in the field of production (Wolf, 2011: 202). As is seen in this regions, some communities have difficulties to acknowledge the alternatives they have in the global economy and that they can exploit the land themselves and hold the key to success themselves.

What is now of interest is the analysis of the different strategies that are shown and the instruments that are used in this process. The next chapter is based on the information given in the two case studies. This information is of importance in answering the main research question on the strategies the communities use in dealing with land conflicts.

## 6. Strategies and Perceived Tenure Security

The foregoing chapter discussed the two case studies and their conflict over land. The main strategy that is found is the formalization of land titles. Different instruments are implicitly explained here. This chapter elaborates more on the instruments that are used in order to defend the access to land. On top of that, the perceived tenure insecurity is highlighted in this conflict and the possible relationship with the strategies used is explored. The strategies that are used are responses to the changing structural conditions in agriculture in Santiago del Estero and the governance of different actors. A brief history is given on the phases of the conflict. After the discussion of the history on the strategies, the perceived tenure security is discussed. A divide is made between external and communal threats to tenure security. Following this, the possible relation between the strategies and instruments used by the communities in Santiago del Estero and their perceived tenure security is described. The cases of Kaspi Chaki and Mayu are salient in this chapter.

### 6.1 Strategies

As shown, in the rural areas of Santiago del Estero the two sectors of society and economy confront each other. Peasant holdings and other advanced agricultural activities meet with many players in the field. As shown in Kaspi Chaki and Mayu this leads to conflicting situations where the local peasants are forced to use well thought through actions to face these threats. As Wolf (2001:230) describes it, “the nature of the relation between the two sectors is the key political problem of our time; the search for an adequate resolution of the dichotomy.” What is meant with this referral to Wolf in this context is that the two sectors (peasants and economy) are dispersed by the land politics of the Argentinean government and other actors. In Santiago del Estero you clearly see the more powerful investors overrule the local inhabitants with agricultural advancements, this influences the strategies used. The government is stimulating these investments to increase their gross national product and respond to worldwide demand for soy and meat. In economic terms this is arguable, nevertheless, the peasant is forgotten in this development while creating an even larger gap between the two sectors, especially between the peasants and the global economy.

The challenge is to look for a resolution to close this gap. The peasants are doing this by using several strategies. These strategies are divided into strategies to defend, control, and maintain access. The most important strategies found are to gain knowledge on the different dimension in the conflict, visualizing the conflict towards a broader public, and gaining formal titles to the land. The instruments that are used to accomplish these strategies are often done with the help of others. The following sections explain more about strategies and access.

#### 6.1.1 Peasants and mobilization

Given that peasants are often forgotten in contemporary economy in terms of development strategies, different attitudes can be seen towards them. According to Wolf (2001:231) “the predominant approach has been to counsel the backward to shed their backwardness in favor of advancement. Yet, backwardness is not simply the absence of advancement; it involves a specific relationship, developed over time, between the advanced and backward sectors, a relationship with multiple constraints, in which the backward sector has been made to serve the purposes of its dominant opposite number.” So, the position of the peasant is misused in order for other sectors to achieve their goals. As seen in the previous chapter, the peasant sector lacks political capital. They face an insecure situation wherein the integration of the two sectors has caused a change in traditional life ways of local populations.

As rightfully mentioned by Wolf (*ibid*) the advancement of one sector has been bought at the price of dislocation and rearrangements in the other. The rural communities in Santiago del Estero are in the middle of this process and the conflict is not nearly at its highest point. With the forecasts that the

investments in the meat sector will continue to increase to meet national agreements, it is likely that the conflict over land will only get only. Little land is left without people living on it to invest in and the rural strategies are getting stronger to deal with these investments. The peasants in Santiago del Estero are getting more organized and more institutions are in place to assist them. Nevertheless, the strategies of the investors also need to be taken into account and is enfolded in more rogue practices. The presence of armed gangs, violence against peasants, bribery, and threats are growing every day.<sup>157</sup> Thus, peasantry and investors find themselves in a common situation of asymmetry with respect to the decisions that affect their lives. Investors are solely interested in their own gains instead of legal practices in their sector. However, as pointed out by Wolf (2001:232) all peasants are to some extent competitors themselves for available resources within a certain area. This can affect the way peasants deal with these changing and the alliances they make over time. Their involvement in the outside world aligns them differently with other peasants. This means that the peasants also face threats from within their sector. Next to this, the past exclusion of peasants from participation in decision making deprives them all too often of the knowledge needed to articulate their interest with appropriate forms of action. Fortunately, in Santiago del Estero more and more institutions are at place to capacitate them in this process. Hence, peasants are often merely passive spectators of political struggles or fantasize about solutions that are out of scope. Or as Wolf (2001:232) puts it “they may fantasize the sudden advent of a millennium, without specifying for themselves and their neighbors the many rungs on the staircase to heaven.” What becomes clear from this is that they need other organs to help them to face these struggles and get a realistic picture of the situation, the implications, and the possible solutions. They need organizations to support them, inform them about their rights, and organize them in terms of mobilization.<sup>158</sup> Only by including organizations the problems peasants are facing will be visualized.

### 6.1.2 Peasant strategies in Santiago del Estero

Santiago del Estero has already seen fluctuation in the surfaces that peasants inhabit for over 100 years. This is caused by different transformations in agriculture. Marginal lands were expanded due to the shifting agricultural frontier for years by private investors or multinationals. As already mentioned, the peasants of Santiago del Estero were not included in most of the advancements made on the land. The dynamics of the land investments in Santiago del Estero are especially targeted on short term revenues maximization. What is highlighted in the work of Domínguez (2009) is the importance of MOCASE in the organization of the peasants in Santiago del Estero. It is seen as an organization that tries to bring back the family traditions and the recovery of community sense. In 2001 MOCASE was split up in two different organizations, both exercising different levels of involvement in society and using different strategies to help peasants. MOCASE Via Campesina focuses more on international level and MOCASE on local level by using different methodologies. As is stated by Dominguez, it was in Santiago del Estero where the peasants found back their identity. This even have had impact on other peasant communities in the country. The resistance in Santiago del Estero can be divided into three phases according to Domínguez. The first phase dates from 1970 – 1990, the second phase from 1990 – 2004, and the third face from 2004 – until now.

The first phase starts with the first real conflicts over land that are known. This was in 1963 in Suncho Pozo where the inhabitants were evicted from the land they had been living on for over 20 years

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<sup>157</sup> The website of MOCASE VC ([www.mocase-vc.blogspot.com](http://www.mocase-vc.blogspot.com)) sends out messages regularly on communities that are at threat of armed gangs and violence.

<sup>158</sup> In one of the meetings of Fundapaz Carlos tried to help the people mobilize in one of the marches. He said they had to do something different. He referred to the Zapatistas movement in Mexico where they declared war against the Mexican state. Their member are supposed to be predominantly rural indigenous people. The movement uses masks to be visible for a broad audience. Carlos advised the people to do something similar.

(Barbetta). The first forms of organization stem from this happening. These were acts of resistance where the peasants started marching on the streets of Taboada as opposing to the evictions. This mobilization had one major objectives: that the rights to the land are acknowledged and that they are recognized as owners to the land by the law *veinteñal*. The goals were to seed terror and opposing the Argentinean dictatorship and the chosen government at that time under Juarez. The government did form a new law concerning the more equal distribution of land and the possibilities for small peasant farmers to enter the land market but never complied to this. This makes up for the 'parallel market' that has been created nowadays where large investors buy land where people have been living on for years. After this followed a series of denouncements from collective groups who stated the dispossession of their land. This is very interesting since at this time there was still a lot of fear of repression of the military government. On top of that, these denouncements were done without organizations or peasant unions. In 1990 the peasant organization MOCASE was set up in order to organize peasant resistance. This had not solely effect on the peasants of Santiago del Estero but also on the peasant issues in Argentina as a whole.

The second phase is demarcated for more vicious conflicts over land. In 1993 a rebellion started due to the economical and institutional crisis. Public buildings were destroyed and burned. Until now the province of Santiago del Estero is intervening in the conflict and has a significant role. The provincial government also modified a law called the *Código de Procedimiento Criminal y Correccional* (article 182) which enables the immediate eviction of peasant families from the land who accused supposed land owners of usurpation. Nevertheless, the peasants also regained strength, they enlarged their reach at local, provincial, national and international level. Different alliances were made with different organizations to increase the peasant resistance movement. Also in this phase great successes were booked. The story of a community called Simona who successfully evicted bulldozers from their land by lying under a black carpet for days in front of the bulldozer. This is a often referred success story and had great media attention by the help of MOCASE. This practice is repeated already many times. Also other strategies of mobilization were used in this period like a peasant habit of wire cutting. Strategies from the side of the organizations are seen too. MOCASE made an alliance with a state program which can be seen as the possibility to have easy access to dialogue with national authorities. MOCASE VC adopted the strategy to be visible internationally.

The third phase (from 2004 on) starts with the victory of Zamora (who is still in power in the province). The hope of the peasants was that he would change the conflicts over land in a positive way for the peasants of Santiago del Estero. This period was important for the massive soy boom. Booming yields were reached. This period was highlighted by the massive move of soy companies towards Santiago del Estero due to low land and lease prices. The coordination between state security and private actors was also striking for this period. This became visible in attacks with fire weapons, evictions while destroying housing and infrastructure, deforestation, fumigation, and fencing of areas. These security companies of the state also detained several peasants and mistreated them. None withstanding, the peasants stayed on their land. Also cases are known that inhabitants were detained by the security company and when they came back on their land saw everything destroyed. These companies are said to even have detained police men who accepted denunciations from peasants, denouncing usurpation. In this period the organization of MOCASE and other organizations have been fundamental in the visualization of the conflict.

Nowadays the influence of this history is still visible in songs and famous poems. Especially in Santiago del Estero, which is known for its rich cultures, songs about conflict over land, repression of peasants and poems of Martin Fierro, where a gaucho is illustrated to fight for his culture and against corruption. This poem of resistance is known among youth and older people.

## 6.2 Access

Coming back to the two case studies, this section discusses the contemporary strategies used in Kaspi Chaki and Mayu to defend their land. Strategies and instruments are used in this context to increase *access* to land. Access is divided into defending access, controlling access, and maintaining access. Access theory is important because, according to Ribot and Peluso (2003) it can “identify the constellations of means, relations, and processes that enable different actors to derive benefits from resources.” As described, the peasant in Santiago del Estero are facing a decrease in access but more and more tactics come to fore to counter this trend. The theory of Ribot and Peluso is used to analyze this since it includes a wide range of social relationships that constrain or enable to derive benefits from resources like land which is very important in the complex situation of land acquisitions in Santiago del Estero.

Thus, this section serves to study access and understanding the multiple ways in which people can exercise this. As already mentioned the most important strategies found are to gain knowledge on the different dimension in the conflict, visualizing the conflict, and gaining formal titles to the land. Instruments are means used to accomplish these strategies. These instruments are divided within the three types of access forms to land.

### 6.2.1 Defending Access

As mentioned before, the rights that the inhabitants of most of the land in Santiago del Estero subtract from the land was done by custom through family inheritance. People moved here because of employment possibilities. In this process, the rights the inhabitants had moved into a right when living on the land for over 20 years by the national code of conduct. As said by Ribot and Peluso (2003:156) “property generally evokes some kind of socially acknowledged and supported claims or rights – whether that acknowledgement is by law, custom, or convention.” Now they have to work really hard to have this custom acknowledged by the different actors. They need to defend their access accordingly.

So, the first steps that need to be taken in conflict over land are strategies to defend access. The strategy that is found here is to gain knowledge. The steps to defend access are more or less the same in all communities in Santiago del Estero depending on their former knowledge and activities. A crucial instrument in this process is *gaining information on rights* the community has. As seen in Kaspi Chaki and Mayu this process is initiated by the inhabitants and commissioned by development organizations. Fundapaz, el Registro de Poseedores, el Comité de Emergencias has played a very big role in this. As is also seen in the history of peasants in Santiago del Estero is that other actors are needed to supply this information and alliances are made with different organizations. Nowadays the church is an important link in this process, peasants often have very close ties with development organizations. In Kaspi Chaki the church initiated the first contact with Fundapaz. On top of that, in many departments the church has influential radio stations with a weekly program adverting the rights of the peasants. In the region of Kaspi Chaki (Radio Brea Pozo) this is done in the form of a novel. Many peasant listen to this radio station. The knowledge on rights makes peasants stand stronger against outside threats and this way the inhabitants get an idea on how to defend their land. This makes the inhabitants aware that they do own rights to the land and makes them conscious about their residence on the land for over years and the meaning they can connect to this. In Kaspi Chaki people listen daily to the radio and know the proceedings of the novel by heart. In the conflict in Mayu the radio was not yet as important as it is now. In 2004, when the conflict started there, the radio was not as common to listen to.

As already mentioned, the peasants had little knowledge from the outside world, especially in Kaspi Chaki this was visible. Kaspi Chaki is more excluded from the outside world. There is a serious lack of information on outside matters. Thus, most of the instruments used to defend access are not done independently. This is a drawback to mobilization for the peasants. What was also needed in this process for everybody to participate. Actually the foundations of the conflict are developed in this phase since

everybody needs to participate and know the rights they have. Everybody should be unanimous about the goals of the community. In Kaspi Chaki you can see that not everybody was interested in this phase. Not many people showed up at meetings according to Natali. Many actors in Kaspi Chaki like Natali, clergyman Dario and clergyman Emanuel stressed the importance of setting communal disputes aside for a moment. This phenomenon of not showing up can be seen as something as showing disinterest towards the problem or just wanting to continue the life they were living without any changes. It could be seen as denial of what is happening. The initiation phase of gaining knowledge on your rights is something that can provoke frustration since this will give access to the practices in the outside world.

Usually the strategy of gaining knowledge on the rights of the community is followed by the instrument of *community mapping of the land* adding existing farm infrastructure such as pens, fences, dams, wells and number of animals in each family to the map. What becomes clear from the case of Kaspi Chaki that they used this instrument in the negotiations to influence the hectares of land that would be assigned to them. The inhabitants increased the number of animals they own. Who initiated this is unknown but what is known is that Juan Lucas mentioned in an interview that he did not think they community had that many animals. He knew that if they wanted to sustain their livelihood he had to offer them more land than he planned to.



**Picture 18. Mapping of the community in Hichpa**

After this, all *evidence is gathered that states that the community has been living on the land for over 20 years*. This is done by pictures or statements with buying agreements or school enrollment. Some inhabitants take this so serious that they walk around with these papers all day long in case an outsider enters the land stating it is his. This way they feel stronger in protecting their land. Next to this, in order to defend access, *GPS points* need to be taken of the land. This step is very definitive so this is a process wherein many are appealed to confiscate the process. As seen in Kaspi Chaki one inhabitant did not show up at this very moment. Juan Lucas had arranged a meeting for Julio and Guillermo to measure the land with Alberto Calvari. Julio did not show up. This could have been because Calvari is seen as somebody violent but it could also be that this moment was too final for him. Decisions are made in this process that have a great influence on the future of the land. This can be seen as procrastination and non-compliance to agreements that were made to take these points. The gains that were to get out of this are unknown but it shows clearly that is stems from displeasure with the situation.

Within the process to defend access it is very important that peasants did *not sign anything or talk alone to investors*. Natali and Emanuel stressed this several times to the inhabitants. According to Natali the inhabitants of Kaspi Chaki do not have an idea about what it means to sign documents and that this can have detrimental effects on tenure situations.<sup>159</sup> On top of that they are easily persuaded by the power of

<sup>159</sup> Natali mentions an example where she teaches some women of Kaspi Chaki to sign a document for an official paper. The women did not know what was expected of them and what it meant with this document. After this day,

the investors. As seen in Kaspi Chaki it turned out that Mari had personal conversations with Juan Lucas to arrange all sorts of personal favors. Mari clearly tried to take advantage of the situation. Mari is seen by Natali as somebody who has little connection to the land since she has been living on it for only a few years and was 'married into the community'. This might have been a driver for her behavior. As is also heard in the negotiations Mari talks about 'they' instead of 'we' when talking about the land divide. This already shows a distance from the community and might explain her behavior. As Emanuel explained, talking and have personal conversations with Juan Lucas is seen as an ugly sign ('signo feo') towards the community for every inhabitant.

A more extreme instrument that is applied is to *cut fences* in order to defend access when investors made boundaries on the land. The idea behind this is to show discomfort with the situation and moreover to show the land is owned by the perpetrators. In Kaspi Chaki this has not happened so far, but as explained in this thesis, this strategy has been applied in other communities such as the neighboring community to Kaspi Chaki, Hichpa.

As shown, there are different forms of instruments that are applied to defend access. The extent to which people participate is different. Because in Kaspi Chaki the real value in terms of what the land could offer and brings them daily (food for the animals, livelihood etc.) was not known, this could also have been a reason not to participate. When Natali did several exercises, the real worth of the land became more visible to the inhabitants.

The differences between the peasants is very broad in terms of organization and power relations. In Mayu it got very clear from the stories of the inhabitants that participation in this phase and consequently the use of instruments is demarcated by abilities to talk a certain way (be persuasive, talk to other actors, etc.) and if the person could write.<sup>160</sup> Due to these differences, as also mentioned by Wolf (2001) and Scott (1985), participation is highlighted. Also as mentioned before, it are usually the middle peasant, who work their own land with the labor of their own family, who are the prime movers to rebellion (Wolf, 2001:234-235). This explains the participation pattern in Mayu. Here the women who were the prime movers of this process, were middle peasants. As is seen by Wolf, middle peasants are more likely to stay on their land they work their selves than poor peasants. The women are now buying a tractor to work the land whereas the poor inhabitants of Mayu might have more difficulties to sustain their livelihood in the community due to the decreasing land available. Also in Kaspi Chaki it is seen that the better-off peasant, Christina and Guillermo were very eager in standing up for the community and what it stands for. The poor peasant usually cuts their ties to the land and moves to the city to work in small shops or fabrics. Middle man usually intertwine life in the city and life on the land.

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the women continue to come to Natali if they need to sign anything (Interview Natali, Kaspi Chaki, December, 2011).

<sup>160</sup> As mentioned, some people in Mayu feel left out because they cannot read and write (Interview with woman in Mayu, December, 2011).

To have a more clear picture of the instruments used to defend access, the following table will help. As shown in the text, the strategies and instruments are often initiated by other actors.

### Instruments to Defend Access

Instruments to defend access Kaspi Chaki and Mayu	Kaspi Chaki Next to community, commissioned by:	Mayu Commissioned by:
Gaining knowledge on rights	Fundapaz, el Registro de Poseedores, el Comité de Emergencias	Fundapaz
Community mapping of the land (plus exaggerating number of animals on the land)	Fundapaz, Natali	Fundapaz
Gathering evidence that states that the community has been living on the land for over 20 years	Fundapaz, Natali	Fundapaz
GPS points	Fundapaz	Fundapaz
Not sign anything or talk alone to investors	Fundapaz, clergyman Emanuel and Natali	unknown
Participation and community unity	Natali	Inhabitants
Listen to the radio	-	-
Getting to know real value of land in Kaspi Chaki <sup>161</sup>	Natali	-
Other communities: cutting of fences		

**Table 3: Instruments to defend access**

#### 6.2.2 Control Access

“Control access is the ability to mediate others’ access. Control refers to the checking and direction of action, the function or power of directing and regulating free action” (Rangan, 1997, *cited by Ribot and Peluso, 2003:159*). In this context the peasants of Santiago del Estero need to regulate the entrance of investors by closing their land for outsiders. This process started around 2000 (Paz and de Dios, 2011). At the moment many communities are *fencing their land communally* though there are some controversies around the topic of fencing as is shown in chapter four. On the one hand fencing is seen that can keep outsiders from your land but on the other hand people might also feel enclosed in the land. Different subsidies can be applied for to be able to pay these fences. In Mayu the fencing was placed in 2005 by using a subsidy from Nuevo Surco that was suggested by Fundapaz. According to Fundapaz, in this community the fencing of the land did not stumble upon any problems. At the moment in Kaspi Chaki there is a lot of contestation towards the subsidy they can also apply for and consequently towards the fencing of the land.

<sup>161</sup> It is not known if this was an issue in Mayu, but in Kaspi Chaki the value of the land was not known or appreciated according to Natali.

In Kaspi Chaki the fencing of the land is seen as a total new process with a lot of pro's and con's. In the process of deciding if the community wants to fence the land several strategies were present. The first meeting was held just after an agreement was struck with the dominial holder of the land. In a while they were to be legal land holders. In the first meeting Fundapaz told more about the advantages of the fencing of the community everybody was very enthusiastic. A contribution was needed if they wanted to fence the land since the money of the subsidy was not sufficient for the entire plot. Almost all families, or at least one representative of the families were represented during this meeting. Fundapaz asked them to assign two persons to manage the money and to think about reciprocity in terms of money or efforts in other communities. In a month they would be back to sign the contract to apply for the subsidy. Meanwhile a whole different process occurred. One of the inhabitants completely turned the project down and started to create a gap between the community and Fundapaz. This person was Julio who also had a problem with the process of the measurement of the land. He went to Carla (an inhabitant of Kaspi Chaki) and told her that he was mad at Fundapaz that they asked to contribute to the project since they could not know the amount of money he had. On top of that, the first so positive reaction to the communal fencing changed also by other inhabitants. They did not want to fence the land but only wanted to fence their own plot. Others did not want to fence at all. The day that Fundapaz returned to have the community sign the contract, only four women showed up.

The idea to have arranged two representatives before this meeting was not met. The inhabitants had a vague idea about who they wanted to be that person and so in an informal meeting with me Christina and Guillermo volunteered. Though, no decision was made on this. The woman that did show up at the meeting to sign the contract were scared to make a decision and all of a sudden had an enormous doubt on the content of the subsidy (which already had been answered in the first meeting). In this example you can see possible strategies to *postpone decision making, create a gap between different parties from within or outside the community, asking questions in order to create confusion, and to postpone any form of commitment towards other parties.*

In January 2012 the contract has been signed and the majority of the community is in favor of fencing the land. Thus, access to technology is something that shapes the control of access to land. As also mentioned by Ribot and Peluso (2003:160), "access patterns change over time, they must be understood as processes." So within this process the most crucial decision has been made. Fundapaz did not push this decision. After the meeting where only few women showed up to sign the contract Carla of Fundapaz made it clear that they should all be in favor of the fencing and that they did not have to be afraid that if they did not sign, Fundapaz would not be there to help them anymore.

Other instruments to control access is to *walk around with paper that states that the land is yours* in cases when investors come and claim the land. It is unclear if this has been done in Mayu. Though in Kaspi Chaki some men mentioned this instrument as a protection when going into the field. To help other communities to control their access to the land many communities *visit different meeting of Fundapaz* to share their knowledge. In Mayu the most prominent community members even visited another province to make their story heard. This was hosted and paid for by Fundpaz. In Kaspi Chaki little people visit meetings. Fundapaz is not happy with this as Carla mentioned. Fundapaz sees this as reciprocity and also that can help other communities. Only Guillermo visits other communities to tell the interesting story of Kaspi Chaki and their victory. Christina mentions that most of the community members do not visit these meetings due to the lack of money, other things they have to do, and the travel distance. That most of the community members are not attending these meetings is by many people seen as the lazy attitude people in Santiago del Estero have.

As another instrument, a lot of peasants use is to *go to protest marches* in Santiago del Estero. This is something to attract attention to the pressing situation of the peasant in Santiago del Estero. Mobilization in the streets is also seen in the history of peasant revolt and has proven to be an effective instrument.

This is rooted in the peasants organization in Santiago del Estero. While staying in Santiago del Estero there was an important march. The inhabitants of Kaspi Chaki were also invited and everything would be paid for. At the end nobody of Kaspi Chaki showed up at the march. Again this can be seen as a passive attitude towards this conflict. In this march MOCASE was very effective in reaching the people to attend the march. The use of Facebook and other media showed to be very effective.



**Picture 19. Mobilization of different communities in Santiago del Estero to raise awareness for land conflicts**

The following table will serve as a synthesis of the strategies and instruments used to control access over land. Also here it becomes clear that the communities are dependent on the help of other actors.

**Instruments to Control Access**

Instruments to control access Kaspi Chaki and Mayu	Kaspi Chaki	Mayu
Communal fencing of land  (In Kaspi Chaki you can see possible instruments of postponing decision making, creating a gap between different parties from within or outside the community, asking questions in order to create confusion, and to postpone any form of commitment towards other parties)	Fundapaz	Fundapaz
Walk around with paper that states that the land is yours	-	-
Visit different meeting of Fundapaz	Fundapaz	Fundapaz
Go to protest marches	Fundapaz (at the end nobody of Kaspi Chaki showed up at the march)	Fundapaz

**Table 4: Instruments to control access**

### 6.2.3 Maintain Access

To maintain access to land different strategies and instruments can be applied. As seen in the former section, *access to capital* to fence the community is a factor that shapes who is able to benefit from resources by controlling or maintaining access to them. Also on the side of the investors access to capital is important. Access to capital is generally thought of as access to wealth in the form of finances and equipment that can be put into the service of extraction, production, conversion, labor mobilization, and other processes. But, access to capital can also be used for resource access control through the purchase of rights. It can be used to maintain resource access when used to pay rents, formal access fees or to buy influence over people who control a resource (Ribot and Peluso, 2003:165). In Santiago del Estero the payment of taxes over land is seen as something that strengthens the inhabitants who want to maintain access to the land according to the law *veinteñal*. On top of that, formal owners are obliged to pay these taxes.

In Mayu as well as in Kaspi Chaki you see struggles in paying these taxes. The communities do not possess this kind of money. This is where you still see the powerful position of the investors who do have this money. On top of that, conflicts arise between the inhabitants because it is hard to determine who should pay which part of the tax. Since the animals are not communal and every family owns a different amount of animals, it is hard to let everybody pay an equal share. In Mayu they are just at the commencement of paying the taxes and there are only the prominent inhabitants who want to pay this. Mayu is still only holder of the land, which makes them not obliged to pay this. So here it is only at the beginning phase where people should be open for the payment. In Kaspi Chaki this is different and here they need to decide who is going to pay what part. If they decide to pay it according to the number of animals fraud is likely to be practiced since it is easy to decrease the number of animals you own because there is little possibility to verify this. Nevertheless, the payment of taxes is a very strong method in maintaining access. In Kaspi Chaki they now really own the legal titles to the land so this formality is even more important. If they do not pay, eviction might be a future measure. Here they threaten inhabitants who are not willing to pay taxes with the eviction from the community. Kaspi Chaki has a few inhabitants who are willing to change their way of livelihood to be able to pay the taxes (to invest in animal husbandry). Especially Christina is open for this kind of change. She is thinking about instruments to make money by improving her cattle breed and selling this to be able to pay taxes. On top of that, they are developing strategies to keep the land fertile for animals so they yield more money when they sell them. This is also a process wherein everybody should participate since the animals are wandering in the field and in order to improve the cattle the bulls need to get out of the field to avoid incest in the cattle. As mentioned by Wolf (2001) the problem is that many peasant societies remain intact in social form, without undergoing effective parallel changes in function. The peasant continues to be burdened by inherited tradition, but the social relations required to uphold that tradition show ever more severe signs of strain. This is also applicable in the case of Kaspi Chaki.

To maintain access there also need to be *plans for the future on how to manage the land*. In Kaspi Chaki Fundapaz came with a plan on the management of the land. Since there is little land, they need to make a plan for the future to be able to keep their animals alive. This is also important in Mayu where they now try to adapt more to contemporary methods of agriculture.

Another instrument that is important for Mayu and Kaspi Chaki is to *keep in close contact with Fundapaz, the school and the church*. As shown, Fundapaz is an organization with a lot of knowledge and they have so far, helped to solve the most important problems in the communities. Also the church is crucial in signaling problems. As also rightfully stated by Ribot and Peluso (2003:154) “some people maintain their access *through* those who have control”. In Mayu you see that they are more independent and some disturbances are already seen in the bond with Fundapaz. This is mainly because of dissatisfaction with the milk price Fundapaz gives per liter to the inhabitants. Nevertheless this is something that shapes their relationship.

In Kaspi Chaki you can see the appreciation of the inhabitants with Fundapaz. Because of the fieldwork that has been done you can see that this instrument unfolds itself in their participation to the fieldwork. It would be probable that the participation of the inhabitants would have been different if I was not linked with Fundapaz. Also in the example of the subsidy for the fences you could see that they were relieved that Carla told them Fundapaz would continue to visit them even without them signing the fencing contract for the subsidy.

To get an overview of the strategies and instruments used to maintain access the following table is presented.

### Instruments to Maintain Access

Instruments to control access Kaspi Chaki and Mayu	Kaspi Chaki	Mayu
	Next to community, commissioned by:	Next to community, commissioned by:
Access to capital	-	-
Paying of taxes	Fundapaz  (Christina is wanting to improve the cattle to make money to pay the taxes)	-  (Magi is very involved to get the community to pay taxes)
Keep in close contact with Fundapaz, the school and the church.	-	-
Plans for the future on how to manage the land	Fundapaz	Fundapaz

**Table 5: Instruments to maintain access**

So, the strategies that are formed by these instruments are to gain knowledge, to visualize the conflict over land, and to formalize land titles. The following section will describe a relationship between those strategies and the perceived tenure security.

### 6.3 Describing a Relationship between Strategies and Perceived Tenure Security

The strategies and instruments used have changed the tenure situation in both communities. As described, people feel and perceive the land tenure they have differently than before the conflict. In Kaspi Chaki this is because among others since they are now the owner of the land and in Mayu this refers to the fencing they now have and the knowledge they have on their rights to the land. The goal of most of the strategies and instruments used serve to improve the tenure security. This section tries to explain the changes in the tenure situation in Mayu and Kaspi Chaki and whether there is a relationship between the number of strategies and instruments used and the perceived tenure security. This concept is very important to investigate to see if the strategies have been effective. The hypothesis is that when the community feels that their tenure security is low, this affects the measures they take in order to deal with and avoid land acquisitions. This means that when there is a strong feeling of insecurity on the land, more drastic measure are taken in order to eliminate these feelings. This can for example be by social organization within the community, or the cutting of fences from investors on their lands.

External threats to tenure security are distinguished and communal threats to tenure security. These risks threaten the tenure situation of the dweller and the perception of these risks constitutes his or her

perceived level of tenure (in)security (van Gelder, 2007:221). As described in the theoretical framework, perceived tenure security is conceptualized as being composed of both feeling states and thinking states (van Gelder, 2007:220). This can be the sense of security that is derived from a probability estimate of the chance of eviction or other factors that threaten a tenure situation and may cause involuntary relocation. The degree of safety can stem from formal titles to the land, fencing the land to demarcated the area of the community or, by paying taxes over the land.

These states of security come to fore by, for example, the willingness to invest (labor or capital) in a community or premises (like sowing seeds of planting trees or fodder for the animals), but it can also have influence on the resistance a person, group or community possess to protect what they feel is theirs. This can be affected by other factors like unrest in or outside the community.

Since there is already a lot known about the land situation of the two communities it is not hard to make an analysis on the strategies used and the perceived tenure security. Starting with Kaspi Chaki and their external threats to the tenure situation, there was a lot of fear at the beginning of the conflict.<sup>162</sup> This fear included fear to lose the land, fear because the situation was insecure concerning the future, and fear on how to continue. From the description on the strategies and the actors that were present in these phases, it becomes clear that they were all initiated by other actors. Within these processes you do see instruments like e.g. not showing up, linking up with Juan Lucas, and participating in meetings. These instruments are not directly linked to the improvement of the tenure situation but are means of dealing with conflict. They constitute a mean to achieve the strategy to gain formal titles to the land. When you look at the contestation the community has towards the fencing of the land, you can see in some people's approaches that they do not want to improve the tenure situation. As described, there are roughly four ways of approaching the fencing: some families want to fence their own plot (which will not help them to improve the communal tenure situation but maybe has an influence on the individual perceived tenure security) on the other side there are inhabitants of Kaspi Chaki who only want to fence the part of Juan Lucas so he cannot come in, others do not want to fence their land at all so the animals can wander around in the field in search food. Of course there are also persons who do want to fence but the others need to be stimulated by Fundpaz to do so. This means that when you look at outside threats to tenure security there are other actors needed to increase the perceived tenure security. There is a lack of information on how to apply strategies to improve tenure security and in Kaspi Chaki the people, generally speaking, do not feel the need to change something concerning tenure on their own. On the inside threats to the tenure security, there are threats of people having to leave the community when not paying the taxes over the land. Christina was thinking about improvement of the cattle to gain enough money to pay the tax. This shows an individual instrument to improve tenure security. Christina mentioned "I do not have any fear at the moment on the land". Because she does not have this fear, it might be that she can think of the future. On top of that, the social status Christina has within the community as more wealthy and entrepreneurial and her ideas to pay taxes are also a sign of the tenure security improvement related to the statement Broegaard (2005) makes on better-off peasants who can enjoy tenure security improvements through formalization. This is because in his article he states that people who have access to e.g. financial means do enjoy more benefits in terms of tenure security to the land.

Other inhabitants are neither afraid on the land but are less organized to think about these new measures. This also shows from the meetings of Fundapaz where they try to let the community think about new ways of managing the land. The initiative also shows the retracted position of the community towards change and tenure security. So, in Kaspi Chaki there might be a relationship between the perceived tenure security but the set-up of the instruments has to come from other actors.

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<sup>162</sup> This became clear in interviews with Natali (Kaspi Chaki, November, 2011), Emanuel (Hatun, October, 2011), Juan Lucas (La Banda, November, 2011), and the inhabitants of Kaspi Chaki (November, 2011).

In Mayu this is different since there are five prominent women are naturally more organized than in Kaspi Chaki. Interestingly in Mayu there was an advertisement in a newspaper in November 2011 of a plot of land that was for sale. This was very probable to be the land of Mayu. On top of that, an airplane was spotted in December flying very low over the land. This was an interesting happening for the women of Mayu that organize the village but they did not attach any measure to it. In 2006 when the conflict over land started you can see a clear relationship of perceived tenure security and strategies and instruments used on the side of the organized women. The perceived tenure security was very low at this moment and Magi and the other women did everything in their power to improve this. They contacted Fundapaz their selves and executed the instruments with help of Fundapaz since they did not possess the right connections (Fundapaz e.g. helped in the application for the subsidy). As became clear from the interviews with the women from Mayu, the instruments to sell food in return for money for the payment of some costs of the conflict were all initiated by them.

So, it can be said that the lack of access to the possibilities of using these instruments are inadequate. This influences the agency of the communities. In Mayu this access to information is easier because they are closer to the city and have more contact with people from outside the community. Therefore it is assumed that for the organized people there is a more direct relationship between perceived tenure security and strategies. The organized women here are so sure of their rights that even the advertisement of the sale of the land did not stem on any other measures. The only step they have to make in this process is to become owner of the land and formalize the titles. This is something that is still contemplated, mainly because the organization of the community is hard. Also for the less involved community members in Mayu this happening did not give any reaction. It is assumed that they just live their lives as it comes and that they are helped by the community structure since here others more organized people arrange access.

Concluding, the inhabitants of the two communities studied do not take the measures that they should make in order to improve their tenure situation their selves. They do not feel the necessity to make decisions when there is no problem therefore the other actors serve as an intermediary. As also described by Wolf, “peasant tend to live in different asymmetrical conditions in economic terms, social, or political. All these conditions have consequences that are cognitive: they increase the number of kinds of unpredictable events, hence increase also the sense of a prevailing disorder and a willingness to see existing institutions as disorderly and therefore, illegitimate” (Wolf, 2001) . What this means for this case is that because of the notion of other actors, they are less willing to accept the influence they might have on their situation. Therefore, a dependence is created on other actors who do know the power of different institutions.

So, looking at the two case studies there is a relationship found between perceived tenure security and strategies used, though as mentioned this mostly stems from other actors. The inhabitants of Mayu are more aware of the active role they can play in improving their tenure. However, in Kaspi Chaki the inhabitants are more passive spectators. They have less agency to improve their tenure security from threats from outside since there is little access to information. Therefore, they are dependent on other actors.

## 6.4 Concluding Remarks

As described in this chapter the strategies and instruments used in the past and present highlight the dependence on organized institutions. Communal strategies to increase tenure security are hardly executed when there are no other actors to help them. There is a lack of action due to the lack of knowledge on the strategies that can be used to increase tenure security. Within these strategies that are implemented by the organizations with the inhabitants you find instruments like passive non-compliance, not showing up at meetings so decisions are made by other actors, and e.g. feeling inferior and therefore not participating in meetings. Generally speaking it can be said that since the inhabitants from Mayu live closer to the city and

the higher education system is better, they can express feelings better as well. This has also influence on how they use strategies and if they need other actors to help them with these strategies. Also, as Scott (1985:305) mentions, peasants react on interpretation instead of objective conditions. This means that strategies used are based on the perception of the information they get. The feeling they have towards this are the basis for the reaction on the conditions set. Individual strategies to improve tenure arrangements are executed by some inhabitants without attempting to hold on to communal preferences. This includes the individual fencing of the land. Thus, the peasants are individualizing their methods and strategies. The community sense is more and more influences from outside actors who are present due to the shifting agricultural frontier.

What you see is the main strategy that the peasants are forced into: formalization of land rights. This is an overlapping strategy which is done under the pressure of other actors. It is seen as something that is ought to give more tenure security but as shown in the theoretical framework, formalization often is only improving tenure for better-off peasants. This is something that needs more investigation to see this is the right way of dealing with this land conflict.

Aside from how these strategies are implemented and by who, the two case studies show a remarkable outcome where the communities are able to access the land and be in power their selves. As mentioned by Ribot and Peluso (2003:163), "a state often remains the ultimate mediator, adjudicator, and power holder". So, in the end, the demonstrated cases are very inspiring but the state will always be in control and the demands for commodities will not cease. Many communities still live in an ambiguous situation where conflicts over land still plays a role and influences the daily lives of the communities.

The account of the shifting agricultural frontier and the social consequences this has on the local peasants is different from the perspective of the investors. Actors that are in favor of the large scale land acquisitions do not see the difficult situation they put the peasants in. Though, there are also positive points to be mentioned in this process for the local peasants. The first steps to organization is made, peasants are more involved in the process of organization, gain more knowledge on their rights, and are more integrated in the outside world. It could be that in the near future the peasants will react more on the tenure threats they have and will put this into action by using effective strategies for defending, controlling, and maintaining access.

## Conclusion and Discussion

As shown in this thesis, public and private interests are at conflict due to global demands for agricultural land. This puts the land rights of local people under pressure and consequently their livelihood. The peasants of Santiago del Estero are heavily oppressed by powerful actors like the provincial government, investors, and local authorities. In Santiago del Estero the existing legal system does not foresee in the equitable representation of the interest of the local populations in these conflict situations. The result of this are sometimes violent situations where the peasants are the ones with the least political capital to change their situation. Corruption in this field is not uncommon and several examples are described in this thesis to show that the rights to land of the local peasants are not respected. Under pressure of different actors, the formalization of peasants' land titles is enforced. As stated by Peluso and Lund (2011) power is seen as a legitimate authority and by enforcing the possession of land to peasants through government instruments like in this case law, the wealthiest actors assume they are establishing absolute hegemonic positions of land control. Therefore, more and more strategies are found wherein peasants try to organize themselves towards these actors. They try to take back this control and try to improve their own tenure situation. The main research question that is stated at the beginning of this report is: *Which different strategies can be found in the communities of Santiago del Estero in dealing with the current land acquisitions and what are the effects of these strategies on the communities' tenure security?*

These strategies can be divided in strategies to defend, maintain, and control access over land. As shown in the two case studies Kaspi Chaki and Mayu, these strategies are often commissioned by local organizations such as the church, the school, and development organizations. The most important strategies that are found are strategies to gain knowledge on the different dimension in the conflict in order to be able to defend themselves, visualizing the conflict towards a broader public, and gaining formal titles to the land. Instruments are means used to accomplish these strategies. There is a lack of access to information, education, and infrastructure for the communities to mobilize and see how they can initiate these strategies. On top of that, the inhabitants of Kaspi Chaki and Mayu lack the knowledge on their rights. Therefore, a dependence is created in this conflict on other actors to help them. The most important instruments that are used as means to accomplish these strategies are to gain knowledge on the rights the inhabitants have, to obtain information on their rights to collecting evidence on their residence on the land for over twenty years, to map the land and show the infrastructure on it, to make an inventory of the animals that are held by the community, to pay taxes over the land, to fence the land, and to attend meetings and marches to show the situation of the peasants in the province. Most of these strategies are commissioned by other actors. Their roles are indispensable and often create situations wherein they stimulate the communities to mobilize against the ruling forces.

Within these strategies it can be seen that communal disputes are set aside. Nevertheless, as seen in Kaspi Chaki, tensions still remain on the execution of these strategies. The effects of these strategies are that a stronger legal situation is created in the tenure situation of the communities. People are more informed about their rights and are included in a process where they are forced to think about the future. This way they can defend themselves and adapt their livelihood to the new future perspectives gained in the conflict. The ruling assumption in Santiago del Estero that peasants here have a low self-esteem is up for discussion and it is seen that the peasants are more organized and willing to speak up. However, little peasants are able to benefit from the shifting agricultural frontier. The downsides of all these strategies and in particular fencing, is that for Kaspi Chaki and Mayu neighboring communities and their selves are all shutting off their premises. This has influence on the land they can use and the alternatives they have in their land management. Also, in this context Mayu and Kaspi Chaki keep on to their ancestral custom to use and manage the land together. This has an influence on the future organization of the community.

Difficult choices need to be made in terms of communal land management and communal taxpaying. Because of the little options the land offers, especially because of the limited land, the attraction to look for livelihood alternatives in the city is a serious issue that threatens these communal arrangement. Thus, it can be said that the effects of the strategies are both seen as negative as well as positive.

Since this situation is very new for all the actors involved in having the communities improve their tenure situation, they are often unaware of the results of the strategies they use. As mentioned, formalization of titles is a strategy that is often applied to secure the tenure situation. Nevertheless, the consequences of titling on the tenure situation of local communities is disputed. It is unknown if formalization of land titles really equates to a higher level of tenure security. Next to this, there is a lack of impartiality on the sides of the formal institutions when addressing tenure security. As shown, governments in Santiago del Estero have different interest in the distribution of land and often favor the sides of the investors since they bring along more benefits for the government.

This calls for more research on this topic to see what the long terms effects are of strategies like the formalization of titling and specifically about communal titling. There need to be a serious debate on the effectiveness of communal titles vs. individual titling in this fast changing context. Different strategies are found in Santiago del Estero where better-off community members try to link with the market system and threaten the tenure security of other community members by wanting to sell their rights and land. Also, community members fence the land what they see as theirs and shut themselves off from the community. The alternative rights that need to be obtained instead, need to be sustainable and the risks of communal disputes should be eliminated. There need to be a debate on what constitutes tenure security for local peasants and how tenure security is regarded for them.

Next to this, the conclusion is that the national as well as the provincial government is not acknowledging the problems the peasants have in Santiago del Estero. They provide very little support to have the communities use effective strategies. They not only stimulate the investments in land but they also make it expensive to have the communities gain formal titles over the land, which is needed to have secure tenure situation at the moment. So, this again confirms the marginalization of the peasants in Santiago del Estero. Land administration should be accessible for poor people. On top of that, peasants should not be forced into inevitable relations with their community members because the inability to pay individual titles. This way, taking into account personal preferences of local inhabitants and the history of the community, sustainable practices in land management may be guaranteed.

What will be of interest in the debate on titling is whether the titles that are recently formalized in the communities will mean anything in the future. So far it is known that formal titles to the land are respected by investors but when the advancement of the agro-frontier continues, these titles might also be disrespected by investors. The consequences for the rural communities is therefore still uncertain.

On top of that, the government organ of the provincial government, el Registro de Poseedores and el Comité de Emergencia that is set up to help the peasant to register as holders of the land, also has a double agenda. The provincial governments shows to have influence on their practices and this yet again undermines the peasants of Santiago del Estero. In the progression of this conflict, you see that politics are getting more entangled and intertwined. Therefore, finding a solutions to this conflict is very hard because more and more stakeholders are involved and depend on each other.

Concluding, there is a strong need to formalize, legalize, and legitimize all of the titles communities have. The government should provide guarantees and legal remedies against eviction. Following Broegaard (2005:845) “there must be more attention paid to aspects such as inequalities of wealth and power, lack of enforcement and lack of impartiality on the part of the formal institutions when addressing tenure security in an institutional unstable setting.” This can be done when actors like NGO’s and policy makers work

together. Policy makers should adopt long term approaches to improve security of land and property rights for those in informal settlement and rural poor. This will improve the marketability of the land and includes the peasants of Santiago del Estero in the decision making part and the global economy. Within this process there is need for capacitating the younger generation to not forget the value of land and the possibilities it has. In Mayu and Kaspi Chaki you already see the young generation leaving to the cities. When capacitating the youth is not done, more and more youngster will go to the city and leave their ancestral land. Next to this, the global community should put pressure on multinationals to develop sustainable codes for these kind of investments for effective governance of land resources. Globally the consequences of the demands for commodities like soy and meat should be visualized.

Hopefully this report gives insight in the local context of land conflict, the process by which decisions are made regarding the access to, and use of, land, the manner in which those decisions are implemented, and the way that conflicting interests in land are reconciled. It also hopes to show that there are also partially good outcomes possible in the conflict over land, as is the case in Kaspi Chaki where the community now has more tenure security because of the well willing attitude of the dominial holder Juan Lucas. Future work on this topic is recommended, especially on the consequences of the formalization of communal rights and what constitutes tenure security for local communities. Because of the exceptional land rush, the consequences of this communal right is overlooked. Next to this, the role of the law should be investigated in this communal setting since the peasants within the communities face difficulties to secure their tenure within this communal right.

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## Appendices

Appendix I List of Interviewees

Appendix II Cadastral map Department San Martin (Kaspi Chaki)

Appendix III Cadastral map Department Robles (Mayu)

**Appendix I List of Interviewees**

Carla	Project coordinator Fundapaz
Carlos	Lawyer Fundapaz
Clergyman Emanuel	clergyman of the church in Hatun. Kaspi Chaki is one of his assigned communities
Clergyman Dario	former clergyman of Kaspi Chaki
Comité de Emergencias	Government organ
Community of Kaspi Chaki	
Community of Mayu	
Don Corral NOA (name unknown)	cattle range Beltran
Inmobiliaria Bertino (name unknown)	real estate agency that sell land in the province of Santiago del Estero
Juan Lucas	owner of plot of Kaspi Chaki
Maria	Sociologist Fundapaz
Natali	teacher at the school of Kaspi Chaki for over 16 years
Soledad	Asociación Pequeños Productores Agropecuarias de Mili-Robles
Registro de Poseedores	Government organ

### Appendix II Cadastral map Department San Martin (Kaspi Chaki)



