



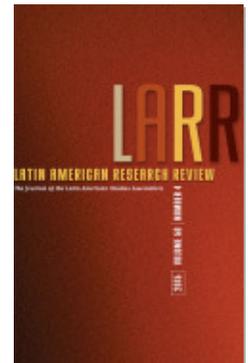
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The Afro-Brazilian Collective Land: Analyzing Institutional Changes in the Past Two Hundred Years

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THE AFRO-BRAZILIAN COLLECTIVE LAND

Analyzing Institutional Changes in the Past Two Hundred Years

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Abstract: Afro-Brazilian communities (quilombos) hold rights to a collective territory where they live and that supports their livelihoods. Historically, Afro-Brazilian small-holders have been subjected to contradictory programs and policies that either restrain traditional practices such as shifting cultivation or aim at empowering these communities. This is the first attempt to adopt the Institutional Analysis and Development (IAD) theoretical framework to study the historical transformation of the institutional structure in Afro-Brazilian territories of the Ribeira Valley, São Paulo, Brazil. Our results reveal a history of long-term, continuous relationships between locals and external groups, sometimes combative and at other times cooperative, reflecting tensions and contradictions. As a result, quilombo communities have gradually emerged as leaders in an institutional arrangement that is moving toward co-governance or partnerships. We believe that if these communities achieve full economic and political autonomy, they might be able to self-govern their territories and reconcile the dual goals of local development and environmental conservation.

The year 1988 was a turning point for Brazilian citizens, especially for groups such as the Afro-Brazilian communities. In that year, a new Brazilian constitution was launched and rural Afro-Brazilian descendants (*quilombolas*) gained rights to land mainly as a result of support from social movements (Marinho 2007; O'Dwyer 2009).¹ In addition to the Amerindians, the quilombolas are the only traditional people in Brazil with legal claim to ancestral lands known nationally as *quilombos* (Barros 2007; O'Dwyer 2009).² The creation of the Afro-Brazilian ter-

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1. Throughout this article, the terms *Afro-Brazilian* and *quilombola* are used interchangeably.

2. *Quilombos* refers to places where escaped slaves joined together in resistance to slavery (Gama 2005). "Traditional population" has become an omnibus or umbrella category in Brazil for a number of social groups, such as Amerindians and quilombolas. Despite being characterized by culturally and

ritories was an attempt to guarantee rights of access and land use for the descendants of African slaves who were brought to Brazil between the sixteenth and nineteenth centuries; it is considered a compensation policy (Schmitt, Turatti, and Carvalho 2002). As a result, over the past twenty years, more than 114 quilombola territories in many states in Brazil have received collective land titles (7.3 percent of the 1,561 Afro-Brazilian communities in those states).³

The creation of the quilombola territories is closely related to the sociocultural importance of land for native peoples who have historically relied upon natural resources for food production through extraction, agriculture, and animal husbandry (Queiroz 2006). Land is more than a source of material goods and carries social and cultural meaning (Escobar 1998). Smallholders throughout Brazil consider land to be of primary importance to their families because it provides them with food, shelter, and hope.

In Brazil, the quilombola territories carry a history of slavery, freedom, land conflicts, access to civil rights, and autonomy. The creation of the territories was only one of the major changes these communities experienced in the twentieth century. Interactions with the external world have increased, especially in the last two decades. In particular, the presence of the state has grown, causing changes in patterns of land use as well as production systems (Adams et al. 2013).

Although these changes and conflicts have been analyzed by other scholars (Arruti 1997, 2008; Coelho et al. 2005), this is the first attempt to adopt the Institutional Analysis and Development (IAD) theoretical framework developed by Elinor Ostrom and her colleagues (Ostrom, Gardner, and Walker 1994; Ostrom 2005) to study the historical transformation of the institutional structure in quilombola territories. This framework considers cultural and biophysical attributes and the rules in use in the realm where the actions and decision making take place (Ostrom 2005; McGinnis 2011). Here, the IAD method is used to investigate the informal and formal governance rules operating at multiple levels (local, regional, and national) in Afro-Brazilian communities.

More specifically, we analyze the historical changes in the institutional arrangements that govern the Afro-Brazilian territories in the Ribeira Valley, São Paulo, Brazil. We assess the institutions at multiple levels from the beginning of the nineteenth century (during the initial formation of Afro-Brazilian black neighborhoods in the Ribeira Valley) up to the twenty-first century (when the quilombola territories began to be officially created).

INSTITUTIONAL CHANGE IN RURAL TERRITORIES

Institutions are difficult to design. They can take many years to craft, and once they are defined and established they are difficult to change (Ostrom 1990,

historically specific forms of land occupation and appropriation of natural resources, they are denied differentiated legal treatment that recognizes their rights to occupy their traditional homelands. This umbrella category encompasses several social groups, whose cultural distinctiveness is expressed in terms of specific territorialities (for further discussion see Barretto Filho 2009).

3. Comissão Pró-Índio de São Paulo, "Comunidades Quilombolas," <http://www.cpis.org.br/comunidades> (accessed November 15, 2013).

2005). Herein, institutions are defined according to Douglass North (1991, 3–6) as “humanly devised constraints that structure political, economic and social interaction. They consist of both informal constraints (sanctions, taboos, customs, traditions, and codes of conduct), and formal rules (constitutions, laws, property rights). . . . Throughout history, institutions have been devised by human beings to create order and reduce uncertainty in exchange.” Rules or norms define use, access, management, monitoring, and punishment systems with regard to goods. Thus rules define the use of and access to natural resources such as land and water. According to Ostrom and Schlager (1996, 131), “rules prescribe which actions are required, prohibited, and permitted, and what are authorized sanctions if rules are not followed.” Specifically, rules convey information about actions that an individual must take (obligations), may not take (prohibited actions), and may take (permitted actions) if she or he wants to avoid sanctions (Ostrom, Gardner, and Walker 1994, 38). The rules are arranged on multiple scales, from informal or customary rules (social norms based on customs, values and beliefs) to the national constitution (the most general law governing a nation’s people).

The IAD provides an analytical tool for understanding institutional structure at multiple levels: operational, collective choice, and constitutional (Ostrom, Gardner, and Walker 1994). Rules are crafted and operationalized in a hierarchical and nested structure. Institutions do not change easily, but they do change over time. Nested institutions are embedded in multiple levels, and “changes in deeper-level rules usually are more difficult and more costly to accomplish” (Ostrom 1990, 52).

Ostrom and Basurto (2011) explained change in institutions through evolutionary mechanisms, as institutions evolve from a simple set of rules to a more complex arrangement. These authors study rules from the initial stage (a simple set of rules) to a more advanced stage (when rules and the context become more complex), dividing them in seven types (boundary, position, choice or allocation, aggregation, information, payoff, and scope rules). Here we take a political-ecology approach to understanding changes in the institutional structure that governs Afro-Brazilian communities. This approach offers some analytical tools to analyze situations involving multiple stakeholders, use and access to natural resources, social inequality, and power asymmetry. For the purpose of our analysis, we focus on three types of rules: boundary, choice or allocation, and aggregation rules (Ostrom and Basurto 2011, 323–324).⁴

The Political Ecology of Rural Communities and Conservation Policies

Over the past twenty years, scholars have studied political problems involving human populations and the environment on multiple scales. This analysis contributes to a systemic understanding of relationships from local (rural properties,

4. “Boundary rules—frequently called entry and exit rules—define (1) who is eligible to enter a position, (2) the process that determines which eligible actors may enter (or must enter) positions, and (3) how an individual may leave (or must leave) a position. Choice rules specify what a participant occupying a position must, must not, or may do at a particular point in a decision process in light of conditions that have, or have not, been met at that point in the process. Aggregation rules determine ‘who is to decide’ which action or set of activities is to be undertaken” (Ostrom and Basurto 2010, 323).

households, communities) to global scales (Stonich 1993). Especially in developing and emergent countries, social arenas can involve conflicting public policies, unstable property regimes, and power disputes among stakeholders (Sheridan 1988). Public policies often play a major role in the performance of local development and nature conservation (Van Vliet et al. 2012, 2013). In addition, public policies define institutional arrangements, which in turn shape human behavior with regard to the appropriation and provision of natural resources. Conflicts involving local people and conservation policies are common throughout the world (West, Igoe, and Brockington 2006).

In Latin American countries such as Honduras and Nicaragua, for example, governmental programs aiming to replace the practice of using fire to clear land with new technologies to improve soil conservation and food security have been unsuccessful as a result of failing to consider local knowledge and local realities (Shriar 2007). Costa Rica and Brazil have similar histories of land speculation (Alston, Libecap, and Mueller 1999), in which slash-and-burn techniques are used to clear land (deforest) to enhance its economic value as a result of government incentives (Schelhas and Sanchez-Azofeifa 2006). In Brazil, incentives to boost family-based agriculture encouraged small-scale farmers to enter the market but at the same time obliged them to comply with conservation goals. The reconciliation of market-oriented agriculture with conservation is a major challenge because the official rules restrict traditional production systems (Adams et al. 2013).

The quilombola communities studied here are located within the Environmental Protected Area (Área de Proteção Ambiental, APA) of the Serra do Mar. Thus they must adhere to state environmental rules, which restrict shifting cultivation practices (Adams et al. 2013). The history of the Ribeira Valley, which includes infrastructure improvement, new environmental policies, land grabbing, rural exodus, and the rise of social movements, raises questions with respect to how to govern these rural territories (Adams et al. 2013).

Governance, Multiple Stakeholders, and Decentralization

In the new millennium, the governance of common territories presents a challenge to both local people and the government because it involves three main goals: local development, full political and economic autonomy (self-sufficiency and self-governance), and respect for environmental law. Overall, its main goal is to promote sustainable development. In addition, governance should be decentralized and involve multiple stakeholders at multiple levels. Perhaps the greatest challenge faced by local communities are changes in the social and institutional arrangements from relative isolation to being surrounded by numerous external agents, including the (previously absent) government.⁵

Chuenpagdee (2011) discussed three main forms of governance: hierarchical governance, co-governance, and self-governance. In the hierarchical or state-

5. For the purpose of present analysis, we consider the term "relative isolation" or "semi-isolation" as the condition in which local families lived, less dependent on external agents and the market for their livelihood, due mainly to less accessibility.

controlled form, the government makes the decisions and plays a central role. Co-governance involves various parties, including the government, with their roles being determined through participatory and partnership commitments (Jentoft 2003). In self-governance, the decisions are made at the community level according to a customary rule set and monitoring system (Ostrom 1990). The current trend in societal governance is a movement from hierarchical to co- or self-governance, whereby hierarchical governance is being increasingly replaced by partnerships, networks, and markets (Chuenpagdee 2011, 199)

Over the past twenty to thirty years, there have been numerous attempts to include decentralization and participatory models in official government agendas (Livtack, Ahmad, and Bird 1998; Andersson, de Anda, and van Laerhoven 2009). In many Latin American countries, attempts to decentralize power have formed a part of the democratization process that started during the 1980s and 1990s following the fall of the centralized governments of the military period (Peterson 1997; Falletti 2005). Although decentralization is the most desirable system, its implementation at all levels of government in Latin America has been flawed (Andersson, de Anda, and van Laerhoven 2009). For example, democratization has allowed for the emergence and endurance of grassroots and nongovernmental organizations; however, the participation of citizens in decision making has been limited. Decentralization should allow the participation of numerous stakeholders, and it is crucial that we identify these stakeholders and investigate how power is shared among them.

Stakeholders can be individuals or corporations and can represent the government, a nonprofit organization, a business enterprise, or a community at different institutional levels (e.g., international, national, regional, or local levels; Craig and Jeffery 2006; Chuenpagdee 2011). The group of stakeholders might be heterogeneous, differing across scales relative to the distribution of power, the decision-making process, and the extent of participation (Petkova et al. 2010). Governance involves stakeholders at different scales and multiple levels by accounting for historical, cultural, and social factors (Edgar, Marshall, and Basset 2006; Chuenpagdee 2011). Therefore, an increase in the number of stakeholders increases the societal complexity, thereby creating the need for a new form of governance.

DATA COLLECTION AND ANALYSIS

To examine these emerging forms of governance, we performed fieldwork between 2006 and 2011 among Afro-Brazilian communities in the Vale do Ribeira region (São Paulo, Brazil) and used several methods to collect data: interviews, oral history recordings, and trail monitoring. We conducted this study in three communities in the municipalities of Eldorado and Iporanga: São Pedro, Pedro Cubas, and Pedro Cubas de Cima (see map, figure 1).

To collect data on the history of social and political organizations related to the use of and access to land, we applied unstructured and semistructured interviews. A total of thirty-two elders and local leaders were interviewed. For data regarding land tenure, environmental policies, and development projects, we interviewed official representatives and staff from different organizations: ITESP (Fundação

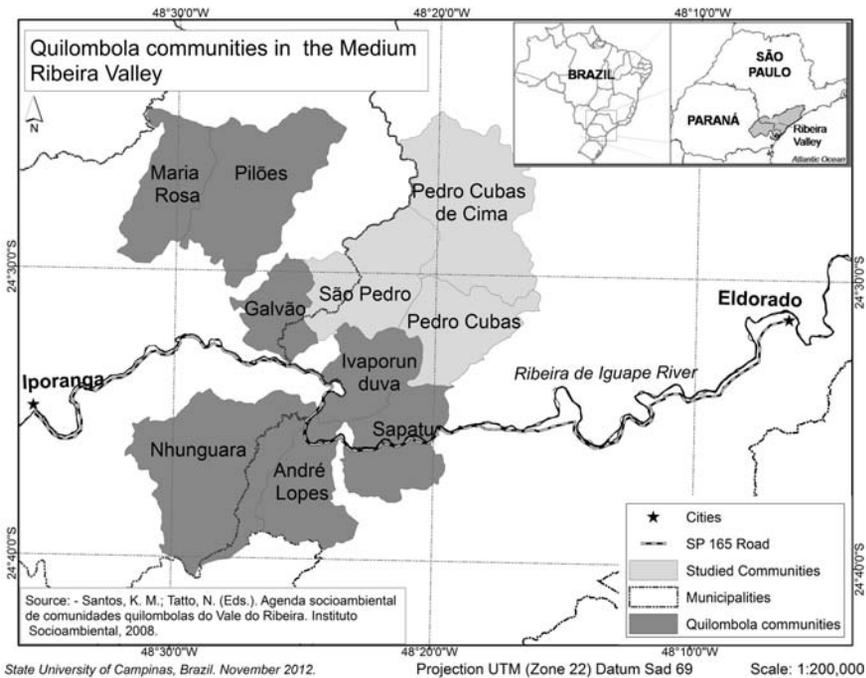


Figure 1 Location of the three quilombola communities: São Pedro, Pedro Cubas, and Pedro Cubas de Cima. Ribeira Valley, São Paulo, Brazil.

Instituto de Terras do Estado de São Paulo, Foundation for Land Tenure of State of São Paulo), CETESB (Companhia de Tecnologia Ambiental do Estado de São Paulo, São Paulo State Agency for Environment), Fundação Florestal (State Forest Foundation), and ISA (Instituto Socioambiental, the Socioenvironmental Institute).

The histories of community land use were reconstructed by combining methods from ethnography, life history, and monitored trails (Shopes 2004). We visited twenty-six different sites, ranging from houses abandoned over fifty years ago to agricultural plots still in use. We recorded the locations by using a GPS unit (Garmin eTrex) and analyzed aerial photographs of the region taken in 1962 and 2000 and maps from different sources (ISA, ITESP, and SUDELPA, Superintendency for the Development of São Paulo Coastal Zone). The methods and an in-depth spatial data analysis have been published elsewhere (see Munari 2010). Finally, we used the IAD framework for our analysis, focusing on boundary, choice (or allocation), and aggregation rules (Ostrom and Basurto 2011).

SOCIOENVIRONMENTAL SETTING

Although São Paulo is the richest Brazilian state, the Ribeira Valley is considered its least developed region and has some of the lowest Human Development Index (HDI) values in Brazil (Hogan et al. 1998). The region has been characterized

by deficiencies in infrastructure (e.g., roads and sewage treatment), lack of health services, and poor access to formal education (Santos and Tatto 2008). The regional economy has historically been based mainly on agriculture (banana and black tea plantations), mining and vegetal extraction (e.g., palm heart, *Euterpe edulis Martius*). The cultural background is rich and diverse, including indigenous groups, native coastal populations, Japanese immigrants and their descendants, and Afro-Brazilian communities (Santos and Tatto 2008). For the majority of the twentieth century, local people were marginalized, invisible to public policy and national/regional society. However, for the past twenty years, populations recognized as traditional in Brazil have emerged as new agents in the social and political arenas. In particular, their local knowledge of biodiversity has made them significant to environmental conservation (Barretto Filho 2009).

The Ribeira Valley harbors one of the largest remnant patches of Atlantic Forest in Brazil, which is one of the most diverse and threatened biomes in the world (Laurance 2009). The 2.8 million hectares of Atlantic Forest, most with high levels of conservation (Santos and Tatto 2008), represent between 5 and 10 percent of the remaining area (Ribeiro et al. 2009).⁶

The communities of São Pedro, Pedro Cubas, and Pedro Cubas de Cima are characterized by kinship ties among their families. Their main activities are agriculture with annual and perennial crops (e.g., rice, corn, and fruits) (ITESP 1998) and animal husbandry (mainly chickens and small numbers of cattle). The community of São Pedro is formed by thirty-nine families and is located between two municipalities, Eldorado and Iporanga, and covers an area of 4,688.26 hectares (4,558.20 ha are public lands, and 130.07 ha are private). The collective land title was issued on January 15, 2001. The communities of Pedro Cubas and Pedro Cubas de Cima originated in 1850 as a single community that later split into two through internal disagreements. The Pedro Cubas community was legally recognized as a quilombo territory in 1998 and its collective land title was issued on March 23, 2003; however, some portions of the land continue to be occupied by ranchers. The Pedro Cubas de Cima community was recognized as a quilombo by the government in 2003 but is still waiting for the land title (Santos and Tatto 2008). Pedro Cubas and Pedro Cubas de Cima are located in the rural area of Eldorado, thirty-five kilometers from the city. The Pedro Cubas territory covers 3,806.23 hectares (2,449.39 ha are public lands and 1,356.84 ha are private; Santos and Tatto 2008), and forty families live in this area. The Pedro Cubas de Cima territory covers 6,875.22 hectares (3,074.97 ha are public lands, and 3,800.24 ha are private). There are twenty-two families in the Pedro Cubas de Cima territory, which is one of the communities with a larger proportion of people without kinship ties within the community (ITESP 2003).

HISTORY OF OCCUPATION OF, ACCESS TO, AND USE OF LAND

The occupation of the Ribeira Valley by Afro-Brazilians dates back to the beginning of the nineteenth century and is marked by land conflicts and state intervention (see figure 2 for a timeline).

6. One hectare is equivalent to 2.471 acres.

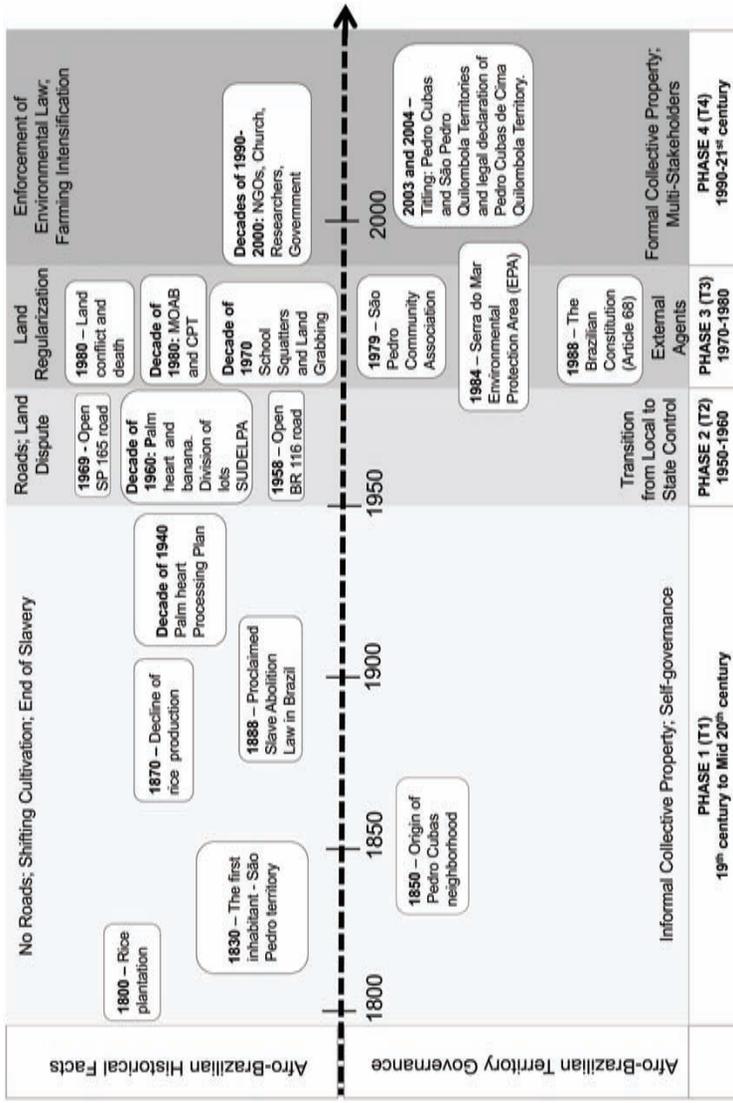


Figure 2. Timeline depicting historical facts and changes in governance of the quilombola communities from the nineteenth century to the twenty-first century.

*The Nineteenth Century to the Mid-twentieth Century:
The Bairros Negros (Black Neighborhoods)*

In 1888, slavery was abolished in Brazil, officially freeing the Afro-Brazilians. While some former slaves remained in the old sugarcane plantations as free rural workers, others obtained a portion of land from their former owners or decided to move to small rural communities formed by slaves who had escaped in the past (Gama 2005; Barros 2007). In the Ribeira Valley, which was unsuitable for large plantations, slaves were brought to work in gold extraction during the sixteenth and seventeenth centuries (Carril 1995). After the discovery of gold in other regions of Brazil in the eighteenth century, the white population left their farms and slaves behind. Access to the region throughout the nineteenth century was impeded by the lack of roads and by steep slopes.

By the nineteenth century, gold extraction collapsed and rice production was growing. Rice was brought to the Ribeira region in the mid-eighteenth century to supply the Portuguese royal family, which had moved to Rio de Janeiro (1808–1820; Valentin 2006). For this reason, rice production became the most important crop in the agricultural system of these former slaves in the nineteenth century, losing its role in the 1890s. In the 1940s, the first palm heart processing plant was installed in the Ribeira Valley. Meanwhile, locals have also cultivated manioc, corn, and other edible roots and fruits through a shifting cultivation system (Pedroso Junior et al. 2008; Mertz et al. 2009).

During the nineteenth century up to the mid-twentieth century, the families lived far away from one another because of the space demands of field crops and animal husbandry (Munari 2010). Nevertheless, they met frequently at parties and seasonal celebrations and for collective work, locally known as *mutirão*, which was performed in several phases of their farming system, such as cutting trees, clearing areas, and harvesting (Pedroso Junior et al. 2008).

The main cultivation areas were locally called *capuova* and usually included a small barn (*paiol*) (see Munari 2010 for detailed description of the *capuova*). According to Munari (2010), *capuovas* were spread throughout the entire region. Families used two main types of criteria (environmental and institutional) in choosing an area for farming. Specifically, they considered the fallow age, topography, type of soil, direction and steepness of the slope (e.g., they avoided cultivating the south-facing slopes, which receive less sun), and social ties (kinship) based on customary rules.

Even in a stateless and nonmarket society, property rights can be well defined within a customary system (Netting 1993). In the case of the quilombo, the customary rules regarding the use of and access to an area to establish a *capuova* were based on system of usufruct, or “first come, first served.” The family who arrived first in the area and decided to clear it and grow crops could use it as long as they wanted with no restrictions on the size of the area. Despite not having formal and fixed ownership of the area, each family held a piece of land large enough to rotate their fields occasionally. Figure 3 illustrates the spatial distribution of ancestor’s land within the São Pedro community as reported by their descendants.

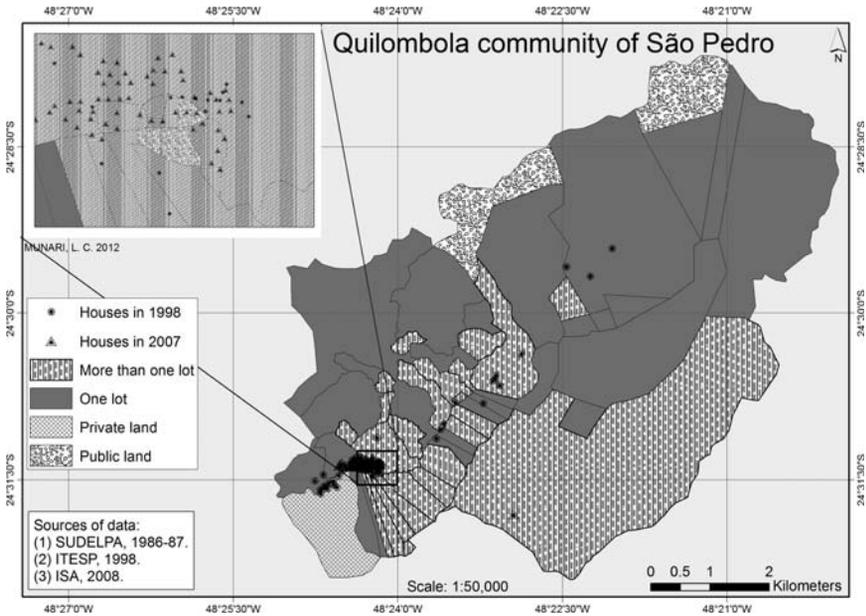


Figure 3 Location of private and public lands in the quilombola community of São Pedro and its respective houses in 1998 and 2007.

The map shows an informal division of land that was passed on from one generation to the next.

Thus the use and occupation of land for housing and farming was based on self-governance (Ostrom 1990). Although at first glance this system might appear to be open access (Ostrom 1990; Feeny et al. 1992), with no rules or control over resources, it was in fact a collective landholding in which each family delimited a portion to be used for agriculture and housing. This stage can be considered “time one,” according to Ostrom and Basurto (2011), meaning when institutions were simple.

Operational rules to regulate the ownership and use of land were crafted and enforced locally in the quilombola communities:

1. BOUNDARY rules

- B1. Family member: belong to a defined family within a community in order to be eligible to use an area of land
- B2. Community member: belong to a defined Quilombola community/association in order to be eligible to use an area of land
- B3. License: official license to use land for farming

2. CHOICE/AUTHORITY rules

- C1. Animal production: define limits and conditions to raise animals
- C2. Fixed amount of land: two hectares

Table 1 Rule or norm configuration inventory in the quilombola communities. Adapted from Ostrom and Basurto (2011).

Period	Boundary rules			Choice rules					Aggregation rules
	B1	B2	B3	C1	C2	C3	C4	C5	A1
T1 (1900–1940)	P	0	0	0	0	0	0	0	0
T2 (1950–1960)	P	0	0	F	0	0	0	0	0
T3 (1970–1980)	P	0	0	F	0	0	0	0	0
T4 (1990–2000)	0	S	R	F	R	R	R	R	R

Note: S = Should; P = Permitted; R = Required; F = Forbidden.

C3. Fixed time: five to ten years

C4. Forest use: define types of forest for farming (only initial secondary forest ten years old or less and outside of areas for permanent preservation)

C5. Clear land: define techniques to clear an area for farming (not fire)

3. AGGREGATION rules

A1. Community agreement and vote: members of the association vote for change in land occupation and use rules

Table 1 shows one norm (a boundary rule) in the first period (T1): members of a kinship family or kindred group (group of kin families) could access a piece of land and use it for farming or building a house. Thus customary rules defined what residents could and could not do in terms of the occupation and use of land.

The 1950s to the 1960s: Infrastructure, the State, and Outsiders

In the 1950s, the federal government started to build roads in an effort to develop the hinterlands. One of the main highways was the BR-116 (inaugurated in 1951), which connected the states of Paraná (south) and Rio de Janeiro (north) and crossed the Ribeira Valley. The BR-116 was followed by other local roads built by the São Paulo government, rendering the region more accessible to outsiders and facilitating the access of Ribeira dwellers to the main cities in São Paulo and Paraná.

The presence of the government (state and federal levels) gradually began to be felt in the Ribeira Valley. State intervention, on the one hand, brought better accessibility to the region, based on a development paradigm (Braga 1999); on the other hand, its role was ineffectual. First of all, state intervention carried out without adequate regional planning did not improve the well-being of local people as much as planned. Second, this want of opportunity also accelerated the entrance of outsiders interested in large-scale ranching and forest products, mainly palm heart. Outsiders were mainly land grabbers, who could more easily enter this region; the government did not react sufficiently to stop this land-grabbing process, as described below.

In this period (T2 in table 1), we observe the emergence of state-crafted rules.

Thus the institutional structure clearly reflects the role of the public sector in crafting, enforcing, and monitoring higher-level rules (collective choice) that affect the production system of these local farmers (Ostrom, Gardner, and Walker 1994, 46–47).

The 1970s to the 1980s: Land Grabbers and Outside Support

In the 1970s, certain infrastructure projects were completed, such as the construction of elementary schools and health centers, and local families were driven to concentrate in small villages surrounding the Catholic chapels. Such spatial changes placed families very close to one another. In addition, electric power was installed in the 1980s.

The 1970s to 1980s were also marked by land conflict. Families from the three communities under study were expelled by squatters who relied on threats and violence, and land grabbers and their subordinates (gunmen) destroyed crop fields, killed small animals, and burned houses to force local families to leave the land. Such conflicts remain etched in the memory of quilombolas in these communities. For example, in São Pedro, one particular land grabber and his subordinates killed a young man, and several interviewees reported this crime in vivid detail, which caused them significant distress. After the land titling process began, the land grabber left the area, but one of his subordinates stayed and remains in charge of taking care of the land. According to ITESP, he legally holds only 200 hectares (for which he will be compensated by INCRA, Instituto Nacional de Colonização e Reforma Agrária, National Institute for Colonization and Agrarian Reform), although he claims 1,580 hectares. The subordinate continues living in São Pedro and recently became engaged to a local quilombola woman. This situation raises concerns among ITESP staff members because he is known to be violent and may continue to cause trouble.

During the land-conflict period, feeling helpless and fearful, many families left the region and moved to large cities such as São Paulo and Curitiba to find a place to live and jobs (usually as guards or housekeepers or in the construction sector). However, some leaders resisted and tried to stay in the region to confront the squatters and the police. Locals were to be arrested if they resisted, and some stayed away from home for ten to twenty years.

During the 1980s, external agents started to enter the region and interact more closely with quilombola communities. One state organization that gave support to the locals to solve the land conflicts was SUDELPA (Superintendência para o Desenvolvimento do Litoral Paulista, Superintendency for the Development of São Paulo Coastal Zone).⁷ To regularize the land occupied by the black neighborhoods (mostly public lands belonging to São Paulo, with no official title) and solve land conflicts, SUDELPA decided to parcel out the communally held land between 1982 and 1986. Each family or man eighteen years old or older received 0.25 hectares (25 meters × 100 meters). Officials delimited the lots according to

7. SUDELPA was created on September 1, 1969 (Decree 4) by the governor of São Paulo, Roberto Sodré, and it was discontinued on July 22, 1992 (Decree 680), by Governor Luiz A. Fleury Filho.

each family's traditional landholding, and officials attempted to take into account the historical occupation of the land.

The state's action to stop land grabbing was not enough. The presence of members of the Catholic Church, some of whom were linked to CPT (Comissão Pastoral da Terra, Land Pastoral Commission) and MOAB (Movimento dos Ameaçados por Barragens, Movement of Those Threatened by Dams) was key.⁸ They started to work in the Ribeira Valley, giving support to the quilombos involved in land conflicts. The CPT, founded in 1975 by bishops, priests, and followers, was a highly active organization whose main goal was to eradicate poverty by strengthening civil organizations and empowering poor people to fight for civil rights. Ideologically, CPT had its foundations in liberation theology, with Leonardo Boff as the main representative in Brazil and Latin America.⁹ In the Ribeira Valley, CPT activities ended by the beginning of the 1990s (Sister Sueli, pers. comm. 2012), although some members of the Catholic Church or MOAB who arrived at the end of the 1980s continue to provide advice and guidance.

During this period, the Afro-Brazilian communities started to connect more intensively with institutions at the regional and national levels. Land regularization led to changes in production systems and land ownership. Each family that held a lot gained rights to sell, transfer, or rent their plot (Ostrom and Schlager 1996). Private ownership by each family facilitated land transactions with externals (land grabbers), especially by families that were illiterate and unaware of their civil rights. SUDELPA and the Church helped local families stay in their communities. Therefore, the governance of the area was transitioning from state-centered control to a partnership arrangement or co-governance system.

The 1990s to the Twenty-First Century: Quilombola Territories and Environmental Regulations

Article 68 of the Constitution of 1988 recognized rights to land for Afro-Brazilian rural descendants by creating the "Quilombola Territory," a collectively held domain (Gama 2005). The land belongs to a community rather than to an individual or a family. The communities are no longer allowed to sell, transfer, or rent the land (Ostrom and Schlager 1996).

In the Ribeira Valley, collective ownership cancelled out the previous division of land conducted by SUDELPA in the 1980s. After SUDELPA was discontinued in 1992, some staff members moved to ITESP, a new agency founded in 1994. Despite the collective title, the usage of land continued to be based on informal usufruct rights of the first period. However, infrastructure, conservation, and social policies and programs have changed the traditional shifting cultivation system in recent decades (Adams et al. 2013), and the old capuovas have been replaced by areas closer to the village so that farmers can work and return home in the same

8. MOAB was created in 1991 and it is a regional movement against the construction of river dams in the Ribeira Valley (Coelho et al. 2005).

9. A discussion of the role and implications of liberation theology are beyond the scope of the present study. For additional information, see Boff (1988) and Gutiérrez (1996).

day. Vestiges of old barns and abandoned capuovas can still be found hidden in the surrounding vegetation (Munari 2010). Although subsistence crops (manioc, corn, banana, and edible roots) were still being grown, quilombolas invested mainly in market-oriented crops, such as vegetables (horticulture) and extractive palm heart (*E. edulis*), which is considered a delicacy.

Environmental policies and regulations were the main drivers of change in the quilombola agricultural system (Adams et al. 2013). Despite having rights to collectively held land, the Afro-Brazilian communities lost their traditional full usufruct rights to use and decide how to use the land (table 1, T4/B1). According to the Forest Code of 2012, a landowner must maintain a forest reserve within a rural property as well as vegetation on the tops of hills and gallery forests (i.e., natural forest growing on the margins of rivers or any bodies of water); the latter two are defined as Permanent Preservation Areas (Federal Law 12.651/12).¹⁰

The Forest Code of 2012 prescribes that a minimum of thirty meters from each margin of river or watercourse in Brazil must be preserved, as must 20 percent of the forested area (Forest Reserve) in rural properties in the Atlantic Forest biome (table 1, T4/C4; Legal Forest Reserve, Provisional Executive Order 2116–67/2001). Afro-Brazilian smallholders, however, reported that one of the best soils in which to grow many crops (e.g., corn, beans, and banana) was located on the riversides, and for this reason, they did not agree with the prohibition. In the past, the law was not enforced, and the riverbanks were frequently used for growing crops. Overall, with increasing law enforcement and more restrictive federal rules such as the Atlantic Forest Law (Federal Law 11.428/2006 and Federal Decree 6.660/2008), farmers are no longer allowed to cut advanced secondary or mature forests (table 1, T4/C4) or to use fire for clearing the land (table 1, T4/C5) as they have done traditionally in the shifting cultivation system. Additionally, a license must be obtained to cut young secondary forest (table 1, T4/B3). In São Paulo, this license is issued by CETESB (São Paulo State Agency for Environment) under Resolution 027 (issued in 2010). To obtain this license, quilombolas must fill out an official form with questions regarding the farmer, the property, and the cultivation system. They also must have the area to be cultivated mapped and a technical assessment report must be issued by the state government (in this case, ITESP). This process is highly bureaucratic, and it can take months for the license to be released by CETESB.

Due to the problems associated with obtaining the license, most, if not all, of the Afro-Brazilian communities from the Ribeira Valley have signed a petition demanding that the state government make changes in Resolution 027 allowing them to cut more advanced secondary forest. The petition was sent to ITESP, which is in charge of analyzing the demand and issuing a final decision. ITESP, however, may not decide against the federal and state environmental laws, and an agreement between the agency and the local communities must be reached without breaking any laws.

10. Forest Reserve refers to an amount of native or advanced secondary forest that must be conserved within a rural property. This amount varies according to each region in Brazil (Law 12.651, May 25, 2012).

Environmental restrictions and licenses for farming are two aspects in which Afro-Brazilian leaders and farmers have demonstrated skill in politics and negotiation. Local families have wanted to continue using fire to clear areas because there was no feasible and affordable technology available to replace burning. Additionally, they also wanted to clear more advanced secondary forest (forest at least ten years old) to cultivate the land and obtain a better harvest. They argued that initial secondary forest (less than ten years old) has unproductive soil for cultivation. Thus, these farmers have learned how to negotiate and choose their partners. For example, in 2009, they negotiated with scientists from University of São Paulo seeking to conduct research in their territory, granting permission in exchange for help in organizing a meeting with former DEPRN (Departamento Estadual de Proteção dos Recursos Naturais, State Department of Protection of Natural Resources) and ITESP to discuss the delay in obtaining farming licenses. Two months later, a meeting was held in the city of Iporanga, and agents including CETESB, ITESP, ISA, University of São Paulo (researchers) and Afro-Brazilian leaders participated to discuss licensing and possible changes in environmental rules. The result of this meeting was Resolution 027 (2010), which was a step forward relative to previous regulations, as it allowed two hectares of forest to be cut per family per year and granted collective community licenses that are valid for five to ten years (table 1, T4/C2 and C3). If local families want to grow for a longer time, they must repeat the application process to renew the license.

Over the last twenty years, quilombola families faced crucial changes in their production system. Farming and animal husbandry activities became more restricted due to environmental regulations (Adams et al. 2013). State and federal rules began to be enforced by limiting agricultural activities in forested areas in the 1990s. Thus the design, enforcement, and monitoring systems at the collective choice and constitutional choice levels (state and federal governments) began to replace the local customary system.

CHALLENGES TO GOVERNING COMMON TERRITORIES

The previous historical overview revealed a partnership framework of Afro-Brazilian territories in the Ribeira Valley, including the involvement of many organizations and individuals. In our case study, six main groups of stakeholders, the CETESB, ITESP, ISA, Catholic Church, researchers and scholars (universities), and, most of all, the quilombos, were involved in the governance of the three Afro-Brazilian territories. Locals started to interact with several different agents in different arenas (economic, political, institutional) and at different levels (local, state, federal).

From Single to Multiple Stakeholders

As described above, Afro-Brazilian groups previously lived in semi-isolation and made decisions on their own. Over time, external stakeholders were added into the institutional structure that governs their lands, mainly through state gov-

ernance. The extent of decentralization or preparation of a state agency to adopt both participatory and bottom-up approaches (Twyman 2000; Tang and Zhao 2011) varied from one agency to another.

In São Paulo, decisions continue to be centralized in a top-down approach at CETESB, and officials have a distant relationship with local farmers. This state organization has four main institutional functions: elaborating, enforcing, and monitoring rules and authorizing licensing for farming. Tasks related to licensing (table 1, T4/B3) for farming and monitoring systems were added in 2011. As a result of these new tasks and undertrained staff, delays in releasing licenses occurred, and local farmers were apprehensive and irritated. According to Ostrom and her colleagues (1994, 2011), information rules are important for operationalizing the flow of information and symmetrical and face-to-face communication among different social actors within an institutional arrangement. In other words, full access to and flow of information and communication among stakeholders are fundamental to effective governance (Craig and Jeffery 2006). In this study, there were no such specific rules regarding communication and information. The state agency of São Paulo did not have a forum for discussion in which citizens could be heard or participate in discussions or in the decision-making process. Most of the time, if not always, CETESB technicians defined rules and procedures without listening to users and other stakeholders. This attitude created a gap between CETESB and local people or citizens, and ITESP has often had to work as a “bridge agent” between CETESB and the quilombolas of the Ribeira Valley. Thus the relationship of CETESB with locals is more conflict driven than that of ITESP.

Although ITESP is also a São Paulo state agency, it has appeared to be more flexible and acts more as a partner to local communities than does CETESB. ITESP technicians from both São Paulo and Eldorado (Ribeira Valley) have worked closely with local families and came to know local people by name, which was important in building a close, trusting relationship. ITESP has played an important role as a mediator in land and environmental conflicts, and its representatives sought to work as partners in a bottom-up approach to change the historical pattern of state-centered control. Furthermore, there is a generation of staff who have been working in ITESP since its foundation in 1994. Many of these employees are now between the ages of forty and sixty, nearing retirement age. Through interviews, we noticed that due to their experiences probably during the Brazilian military period (1964–1985), these staff members have developed a social-oriented agenda. It is not known whether future generations will be as committed as they have been.

Beyond the state agencies, numerous nongovernmental organizations (NGOs) have emerged since the 1980s and played important roles in working with local communities in development and conservation programs in developing countries (Lewis 2001). In many cases, NGOs replace the public sector, providing the poor with services and financial support; however, this close relationship may also create dependency on NGOs if empowerment and autonomy capabilities are not properly developed. The main agenda of ISA is social and environmental, and according to staff members, their intention is to foster self-organization in

these quilombola communities. In the Ribeira Valley, this NGO has a long-term, close relationship with several communities and has been working with them on several initiatives, such as capacity building through courses and workshops, organizing meetings among stakeholders (with agendas covering issues including farming and fire), and providing support to alternative sources of income (e.g., tourism and handicrafts). The NGO acted as a mediator and facilitator between locals and government, locals and researchers, and locals and donors. It also has a main office in the city of São Paulo and, particularly, one regional office in Eldorado, close to the local communities. Overall, the local people perceive ISA as being committed to their cause.

Compared to all other stakeholders, the Catholic sisters have had the longest partnership and the most trusting relationship with the Afro-Brazilian communities.¹¹ The sisters visit and know every single Afro-Brazilian community in the region (more than fifty communities) and can provide information regarding each individual. Afro-Brazilian leaders have sought their advice regarding any issues that they do not know how to manage, including regarding norms and rules. It is likely that this strong and enduring relationship has made local leaders more powerful, self-confident, and politically articulate. Similarly, in the Amazon region, numerous (if not all) social movements that originated from land and fishing conflicts have had support from the Catholic Church through grassroots organizations such as the Union of Rural Workers (*Sindicato dos Trabalhadores Rurais*) and Fishermen's Grassroots Organizations (*Colônias de Pescadores*) (Castro 2000; Fudemma 2000). Thus, the Catholic Church has been a key partner, offering a straightforward example of social capital formation based on long-term relationships and trust (Coleman 1988; Portes 1998).

Research institutes and universities—such as the Institute of Botany of the State of São Paulo, University of São Paulo, and the State University of Campinas—have been conducting scientific research and also offering extension services. Overall, these academic studies sought to contribute to public policies and programs regarding the development of rural communities and environmental conservation. Nevertheless, the relationship between researchers and local communities has varied: in certain cases, the community was friendly and welcomed the researchers, whereas in others, relationships were hostile and permission to conduct research was difficult to obtain. Nevertheless, few communities in the Ribeira Valley have closed the door to researchers.

Finally, the most important social and political actors in this arena (Ostrom 1990, 2005) have been the Afro-Brazilian groups, or quilombolas, themselves. Currently, each community governs its own territory through a legal association composed of a president, vice president, and secretariat, although some communities have been unfamiliar with this system because it is an outside mode of organization and representation (Maria Ignez Maricondi, pers. com. 2012). Decisions with respect to norms and rules regarding land occupation and use have been made within the association, in which members of the community vote

11. They are the Pastorelle Sisters or Sisters of Jesus Good Shepherd. One of the more influential sisters, Sister Sueli, arrived in 1986 in the Ribeira Valley.

(table 1, T4/A1). The level of organization among the Afro-Brazilian communities differs significantly. Some communities were well organized with strong leadership and acted as leaders in the governance of the area. However, in other areas, mainly those with poorer and more marginalized conditions, quilombos have been less organized and almost leaderless. Some communities chose not to cooperate with researchers because they thought they would derive no benefits from answering questions and receiving strangers in their homes. This reaction may be indicative of positive developments regarding their capacity of making their own decisions and gaining empowerment. However, such choices may lead these communities to isolation and marginalization, which in contemporary political and economic contexts might create a barrier to collaboration and community welfare. Some well-organized communities had strong partnerships with many external organizations, which created opportunities for local families to receive capacity-building training, diversify their incomes, certify local products (e.g., organic bananas), and access the Internet.

From Self-Sufficiency to Dependency to Autonomy

In June 2010, indigenous communities from the Ribeira Valley—Afro-Brazilians and some other smallholders—wrote a document addressed to the Legislative Assembly of São Paulo in which they expressed their dissatisfaction with the quality of public services regarding health care, education, and roads, and restrictions imposed by the environmental laws. These communities most likely had assistance from external agents (Pastorelle Sisters and ISA). This fact indicates a shift toward more proactive community behavior and attitudes. Therefore, partnership between locals and externals was apparently productive when they pursued the same goal and agreed on the methods needed to achieve a specific outcome. Recently, quilombola people have spoken in public forums to demonstrate their political autonomy.

One instance that illustrates this proactive behavior refers to the agricultural system. Shifting cultivation has always played an important role in the social organization and culture of quilombola people; thus, they have been trying to negotiate for more flexible rules. Ostrom and her colleagues (Ostrom 1990, 1992, 2005; Ostrom, Gardner, and Walker 1994) have argued for the importance of local communities being able to craft and change their own rules to produce more positive outcomes. Regardless, in this case, top-down rules crafted and enforced at the state level have been typically difficult to change and involve long and bureaucratic processes (Fréchette and Lewis 2011; Ostrom and Basurto 2011). The government has created policies and programs in the past ten or twenty years that (directly or indirectly) discourage agricultural production, especially shifting cultivation, as describe above (Adams et al. 2013). The governance of the Afro-Brazilian territories has improved over time; however, further changes in the current governance system are needed. Co-governance revealed the emergence of Afro-Brazilian leaders, especially in the case of land tenure dispute and environmental restrictions. Since the 1960s, external organizations—for example, churches, NGOs, and government—have been key partners to the his-

torically marginalized rural Afro-Brazilian people. Gradually, local leaders are taking control of their land as well as the destiny of their people by understanding the laws (rights and duties) and learning how to negotiate with different stakeholders and deal with bureaucracies. More recently, several Afro-Brazilian individuals, including men and women, have come forward as candidates for city council in municipal elections, and one of them was elected in 2010. This decision most likely shows their willingness to craft their own future and to lessen their dependence on the external help they have received over the past thirty to forty years.

Despite the evolution of customary systems in quilombola communities, in which rules became more complex and nested into multiple levels of decision making, the institutional dynamic is affected by external factors that were critical in changing rules and norms over time. In an earlier, more isolated period, these Afro-Brazilian people were able to self-govern by crafting their own rules. After the opening of new roads, they became more dependent (politically and economically) on foreign aid. The state began to expand its control by creating additional mechanisms to enforce rules, especially with respect to environmental restrictions. We also observed changes in the behavior and attitudes of some official employees, who had previously been characterized as authoritarian, self-centered, and accustomed to a top-down model. Some of these employees have tried to adjust to a new socioenvironmental agenda with a more participatory approach. For these officials, the government should act as a partner rather than as the sole decision maker and policy maker; the local people and citizens should participate as well.

CONCLUDING REMARKS

This temporal perspective reveals political and ecological facts that have influenced changes in institutions governing the quilombola territories for over two hundred years of history in the Ribeira Valley. We showed that Afro-Brazilian smallholders have been subjected to contradictory programs and policies that either restrain traditional practices or aim at empowering these communities. In the nineteenth century, the Afro-Brazilians lived in rural communities with little external interference in their livelihoods and were able to craft their own norms (although some scholars have argued that they were already involved in the production of market-oriented rice; Munari 2010; Valentin 2006). Land disputes led to changes in forms of appropriation from informal collective to formal private and finally to formal collective ownership. Natural resources within these territories have also been the target of disputes and restrictions, which led to changes in rules of access and use, from simple customary rules to a more complex set of institutions. By the end of the twentieth century the conquest of an officially recognized collective territory occurred in the context of rising social and environmental movements throughout the world and in Brazil. In this way, changes in institutional structures that create new forms of governance, from state-centered to decentralized forms, have been proposed by development agencies and scholars by implementing participatory approaches and the empowerment of citizens,

including poor and marginalized people. However, restrictions on local production, especially with respect to shifting cultivation (due to the enforcement of state environmental laws) have created tensions between locals and some external agents. Thus relationships between local and external persons were at times either combative or cooperative, reflecting tensions and contradictions. In response, quilombo communities have gradually emerged as leaders in an institutional arrangement that is moving toward co-governance or partnerships. Perhaps in the future, when these communities achieve full economic and political autonomy, they might be able to self-govern as in the past and to reconcile the dual goals of local development and environmental conservation.

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