

WHO'S THE EXPERT?
ETHNOGRAPHY, PARTICIPATION, AND STATE FORMATION IN ECUADOR IN THE
TWENTY-FIRST CENTURY

A Thesis

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ABSTRACT

This master thesis explores the relationship between ethnography, participation, and state-formation in Ecuador in the twenty-first century. The analysis is based on participant observation of public forums held in 2015 which discussed the contents of a draft version of the Land Law. This thesis makes three inter-related arguments: first, the Ecuadorian state is back through the enactment of participatory democracy, and the discursive practices around state-led food sovereignty projects, which ultimately aim to empower the state by increasing its control over land and agricultural production. Second, participants of the forums acknowledge the return of the state but also exert their expertise by questioning the very knowledge, authority, and expertise of state legislators. Third, political ethnography is key for understanding the porous relationships between civil-society and the state in Latin America, which is increasingly becoming fuzzy with social movement actors transitioning into state official roles in the past decade.

BIOGRAPHICAL SKETCH

Karla Peña was born and raised in East Los Angeles, CA. Her parents are from Ecuador – from the Galapagos Islands and the city of Guayaquil. Her travels back and forth during her youth - and broader understanding of social and environmental injustices - have deeply influenced her commitment to activist-scholar research. This research on food sovereignty and Ecuador dates back ten years when she first published a short article for Food First in Oakland, CA in 2008. She earned a B.A. in Liberal Studies from California State University-Northridge in 2009 and a M.S. in Natural Resources and Environment from the University of Michigan in 2013.

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I owe this project to my colleagues in Ecuador who sent the introductory emails, vouched for me, and gave me access to the National Assembly – greatly shaping the way in which I understand national politics. Romelio Gualan from the CNC-Eloy Alfaro and his team always answer my calls and grant me last minute interviews. ¡Gracias compañeros!

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PREFACE

Much has happened since I went to Ecuador in 2015 to observe the public forums. The Land Law was finally approved in 2016. Lenin Moreno, Rafael Correa's former Vice-President was elected President in 2017. What this master thesis does is attempt to make sense of changing state-society relations in Ecuador. Ethnography is a key methodological approach to understanding such relations - or so, I argue today. At times you will find grammatical errors or Spanish accent marks missing for a few words – my apologies. For the words or phrases I failed to provide a translation for – that was on purpose. Sometimes you can't directly translate or put into words what you see or observe.

INTRODUCTION

Illustration 1. Public forum held in 2015 in the city of Tulcán, located in the province of Carchi, near the Colombian border. The forum was held in the National Electoral Council. Miguel Carvajal, president of the Committee for Food Sovereignty is in the front explaining to the participants the process of Pre-legislative Consultation and the key elements of the Land Law.



The first slide in the presentation is a chart created by the Food and Agriculture Organization.¹ The upper part of the bar chart illustrates a steady increase in population, while the lower half shows the rapid decline of arable land. While the chart depicts a global phenomenon, the legislators throughout the forums would relate this trend to the case of Ecuador. According to the presentation, the population in Ecuador is growing, but land that can be used for agriculture has remained relatively stable at around 7.32 million hectares. “How are we going to solve this problem?” asks Miguel Carvajal, the president of Ecuador’s legislative Committee

¹ The chart is in Spanish and has a copyright reference to K + S Kali GmbH 2012 and the Food and Agriculture Organization. The chart is titled “*Pronóstico hasta el año 2050 del desarrollo de la población mundial y de la superficie Agrícola útil disponible.*” (2050 Forecast of global population growth and arable land available).

for Food Sovereignty. Addressing the public forum in the city of Ibarra, in the province of Imbabura, with over two hundred participants, he says:

A fundamental way we are going to resolve this scarcity is for the country to invest in improving production and productivity. We have to provide food for more and more Ecuadorians. In the [19]70s we were 4.5 million, now we are 16 million, and for the year [19]50, we are going to be 23 million Ecuadorians.²

The Ecuadorian state is expanding its control over land and agricultural production because of the Malthusian population growth/resource scarcity dilemma, urban development, the expansion of the agricultural frontier, and the decline of arable land, water resources, and soil fertility. While I thought I was attending and observing these public forums to learn about food sovereignty and participation, I ended up learning much about state-society relations. Between June and August 2015, I attended public forums around the country to observe a consultation process for a draft version of the *Ley de Tierras Rurales y Territorios Ancestrales* or Land Law, a national policy that aims to redistribute land to the rural poor, increase access to productive resources such as credits and loans to small-scale farmers and women, and expropriate land not serving its social or environmental function. The legislative Committee for Food Sovereignty within Ecuador's National Assembly was responsible for leading the consultation process *Consulta Pre-legislativa* (Pre-legislative Consultation) - a process adhering to the International Labor Organization Convention 169 which mandates governments to "consult" peoples or communities when there is a given legislation or administrative measure that may affect their collective rights. Taking a closer look at participation in Ecuador for the making of the Land

² *Una de las fundamentales para resolver esto es la necesidad que tiene el país de ir realizando inversiones fuertes para mejorar la producción y la productividad. Tenemos que darles más de comer a más y más Ecuatorianos. En el año 70 erramos 4 millones y medio ...ahora somos 16 millones, para el año 50 vamos hacer 23 millones los Ecuatoriano.*

Law reveals such public forums are a window onto processes of state formation in the twenty-first century.

This master thesis is about the role of ethnography in studying participation and participatory institutions and how this method lends itself to exploring the question of “the state” while at the same time highlighting the ways in which subaltern groups part-take in and challenge processes of state formation in the twenty-first century. In this article, I make three central and inter-related arguments. First, I argue the Ecuadorian state is back. The state is back in the sense that previous governments – particularly those of the 1990s and right before Rafael Correa was elected president in 2006 - withered away, were ousted, or outsourced their power to both govern people and land to international organizations like the World Bank, private firms, or national elites, to name a few. In this research, I show how the state is back through the performative practice of participation and the ways in which legislators enact the presence and legitimation of the state in the forums. At the same time, the state is back through the discursive practices around state-led food sovereignty projects and the Land Law that ultimately aims to empower the state by increasing its control over land and agricultural production. Notwithstanding, while the state is “back” or “here again,” piecing the empirical with the final language of Land Law suggests that the state is not a unified thing but rather made of asymmetrical power relations.

Second, while participants acknowledge the return of the state, their own participation calls the legitimacy of the state into question. This is evident in how participants exert their expertise in the forums, questioning the very knowledge, authority, and expertise of legislators. The third argument is about the role of ethnography in understanding the porous relationship between civil-society and the state and how taking a closer look into the history of social movement

actors who transition into the state might provide a nuanced way of understanding processes of state formation in the twenty-first century. This is particularly important for the study of the state within the context of the left-leaning governments of Latin America which have increasingly witnessed such social to state transitions in the past decade.

The following paper is divided into six sections. The first section, “the state’ in question” is about rethinking the state and the role of ethnography in studying the state. The second section is about Ecuador and the centrality of land, agriculture, and development. In the third section, I explain my method of analyzing the public forums of Pre-legislative Consultation. In the fourth section, I illustrate the ways in which the Ecuadorian state is back. The fifth section shows the ways in which participants exert their expertise, raising important questions about participation and the state. The final section reiterates the arguments, while making the case for ethnography in the study of power and politics, particularly for the study of participation and state formation.

“THE STATE” IN QUESTION

In the past decade, we’ve witnessed world-wide renewed efforts to redistribute land to the rural poor as a means to eradicate poverty, inequality, and malnutrition. At the same time, large-scale land deals for the extraction of mineral resources and the production of agro-fuels is creating new forms of capital accumulation and dispossessing rural peoples and indigenous communities from their land (Peluso and Lund, 2011; Borras et al., 2012; Mollet, 2015). Latin American companies are key investors in land grabbing in the region, where the foreignization of land has become an important political matter that is driving several governments to formally prohibit or regulate this practice (Borras, et al., 2012:863). Since the turn of the century, Latin America’s “New Left” has implemented state-led agricultural and redistributive land policies based on *La Via Campesina*’s concept of food sovereignty (See Vergara-Camus and Kay, 2017),

which is a concept that challenges the ‘corporate food regime’ and industrial agriculture and agricultural modernization with grassroots practices of agrarian citizenship and agro-ecology, with a focus on gender equity and recognition of indigenous and traditional knowledge (McMichael, 2006; Wittman, 2009; Peña, 2016; Deere, 2017). Much has been written about the politics, policies, and institutions that govern food sovereignty and their shortcomings (Patel, 2010; Bernstein, 2014; Edelman, 2015), suggesting that food sovereignty is not so much an end goal but a process, one that is relational and multi-dimensional and in constant negotiation and contestation between multiple and competing sovereignties (Iles and Montenegro de Wit, 2014; Shattuck et al., 2015; Schiavoni, 2015).

Food sovereignty projects largely depend on how the state interprets food sovereignty (McKay et al., 2014). For the case of Ecuador, Clark (2015) argues food sovereignty projects are less about food sovereignty per se but about implementing President Rafael Correa’s (2006 – 2017) neo-developmental and extractivist agenda. While my research project on Pre-legislative Consultation originally aimed to understand the relationship between food sovereignty and participation in policy-making – mostly focused on who participates, who doesn’t, and why? (see Peña, 2017) – I ended up learning more about the importance of ethnography and how this method illuminates the porous boundaries between civil-society and the state.

The study of the state has “drifted in and out of academic focus” in the past decades (Krohn-Hansen and Nustad, 2005). The rethinking of the state occurs in a time in which neoliberalism and globalization have pushed the state to outsource state-functions to non-state actors, which is giving rise to “transnational governmentality” or parallel state-like powers to international organizations (Ferguson and Gupta, 2002). Within the context of Latin America, most recently, scholars are studying the relationship between social movement actors who have transitioned

into state official roles and into state bureaucratic apparatuses. These studies call into question the conceptual boundaries between “civil-society” and ‘the state’ and the necessity to integrate ethno-methodological approaches to studying such fuzziness and transient categories (Penna, 2002; Joseph, et al., 2007; Wolford, 2016). This research incorporates political ethnography as a methodological tool to study state-society relations and participation. Political ethnography gives the ethnographer a sensibility to study power and politics because of the face-to-face interaction and engagement (Schatz, 2009). Ethnography, Gupta (2011) argues, “involves both the analysis of the everyday practices of local bureaucracies and the discursive construction of the state in public culture” (212). As such, an ethnography of the state focuses on the “language of stateness” and takes into consideration how social actors part-take in, resist, and challenge state-building processes (Blom Hansen and Stepputat, 2001).

Weber (2008) in *Politics as a Vocation* defined the state to be “the relationship of rule by people over people based on the means of legitimate force” exercised within a given territory (157). Building on this working ideal-type conceptualization of the state, Abrams (1988) argues to shift our focus to the state effect and how the state manifests itself as something above and beyond society – how the state exercises legitimation. Foucault’s conceptualization of governmentality and the “art of governing” is a way of understanding how the state disciplines society and how power functions – how power is produced and reproduced suggesting that power is everywhere, even beyond the state (Foucault, 1980, 2004). Such examples of governing or techniques of rule include how land tax assessments, land mapping technologies, and property registries are used to render land, nature, and society legible to the state - bringing these subjects into the reach, purview, and gaze of the state (Foucault, 1980; Scott, 1998). Rule and power can

be exercised through a wide range of actors and institutions such as scientists, policy-makers, and non-governmental agencies (Li, 2005).

State formation is a cultural process that entails a moral ethos – or moral regulation - “a project of normalizing, rendering natural, taken for granted, in a word ‘obvious,’ what are in fact ontological and epistemological premises of a particular and historical form of social order” (Corrigan and Sayer, 1985:4). These cultural forms of state-making include the symbols, rituals, and daily practices of the state – agencies, bureaucracies, and state actors, which present and represent, and reify the state as a unified thing, object, and ominous power (Gupta, 2011). Critical to understanding the state is to study the political processes through which the limits and boundaries between society and the state are created and reproduced (Mitchell, 1991). State formation, as Yashar (1998) argues, is a “contested and contingent process” in that, “while political elites define institutions, other social actors often subvert them by contesting the terms and practice of citizenships” (38). National-territorial models of state formation often “obscure our understanding of the multiplicity of ways in which assertions of legitimate rule are insinuated into the fabric of everyday life in the Andes” while at the same time, concealing “vested interests and [silencing] subaltern and unofficial voices” (Krupa and Nugent, 2015: 5). Thus, critical to studying the state is to consider the dialectical and contested relationship between subaltern groups and popular cultures and everyday forms of state formation as they unfold in particular communities (Joseph and Nugent, 1992; Mallon, 1995; Clark and Becker, 2007).

Key to my argument about the state is to consider modern state formation to be “produced by a broad and continuously shifting field of power relationships, everyday practices, and formations of meaning” (Krohn-Hansen and Nustad, 2005:12) in which ethnography or political ethnography lends itself to study such power and politics (Joseph et al., 2007; Schatz, 2009).

Ethnography of participation allows us to unpack what Wedeen (2009) terms “performative practices”– the repeated and learned practices that make particular social beings - the very practice of “the state” and “participant” or “civil-society.” In other words, by studying the performative practices of participation and how legislators present and discuss the Land Law across these forums allows us to understand processes of state formation. In doing so, we also study the discursive practices around food sovereignty and the Land Law and observe how individuals participate and enact their role as citizens and subjects that both legitimate and challenge the state.

THE POLITICS OF LAND IN ECUADOR

I traveled in inter-provincial buses to get from forum to forum. Looking out the window of the buses, you can see first-hand the regional differences in agricultural production. Agriculture makes up nearly one third of all exports in Ecuador. Most large-scale agriculture is located in the coast, in the provinces of Manabi, Guayas, and Los Rios, where you’ll find the concentration of cacao, banana, and sugar cane production. African palm production most recently has expanded in the province of Esmeraldas, making it the province with more than half of the national production. Notwithstanding, Ecuador is primarily made of small and medium-scale farmers who produce a variety of grains, vegetables, livestock and dairy for internal consumption. These farmers represent 84.5 percent of all farms but control only 20 percent of land (Quevedo, 2013). More than sixty percent of the food consumed in Ecuador is produced by small-scale farmers (FAO, 2013).

The indigenous and peasant movements in Ecuador were key in instituting food sovereignty into the 2008 Constitution, which has become the legal basis for a number of policy changes in the country. In the constitution, food sovereignty is defined as a state obligation and national

strategy to assure all peoples have sustainable access to culturally, nutritious and healthy food (Article 281). One of the major tenants to achieve food sovereignty is centered on the state's role in redistributing land and prohibiting *latifundios* and the concentration of land (Article 282). While the *Ley Orgánica de Soberanía Alimentaria* (Food Sovereignty Law) of 2009 elaborates on the constitutional definition of food sovereignty (See Peña, 2016), the Land Law is a concrete step forward in addressing unequal landed relations and poverty in the country. The Land Law was approved in 2016 and aims to radically transform land tenure and property rights by appropriating land not serving its social or environmental function and redistributing this land to landless campesinos and indigenous communities. The way in which the Land Law will be implemented remains unclear to date.

In the mid-twentieth century, as with the rest of the region, Ecuador was governed by two military dictatorships. The *junta militar* led the the land reforms of Ecuador in 1964 and 1973 which ended the semi-feudal relations of the hacienda economy and separated the landowner and peasant economies, in which wage labor would come to replace the former labor rent system, the *huasipungo* (Barsky, 1984). Only organized communities or formal rural associations such as cooperatives were legitimate beneficiaries of land reform. As a result, the state had perhaps unwittingly become the impetus for creating the community-based organizations that are the very foundation of contemporary indigenous and peasant movements (Yashar, 2005; Solo de Zaldivar, 2014).

In the 1980s – 1990s, democracy was consolidating in the country in what Huntington (1991) broadly terms the third wave of democratization. It is during this time in which the Ecuadorian state adopts a series of bait-and-switch market reforms which prioritized agro-exports and the privatization of mineral extraction (Roberts, 2015). The approval of the Land

Law in 2016 marks an important shift from previous agricultural policies, replacing the 1994 Agrarian Development Law, a neoliberal land policy which focused on liberalizing land markets and expanding large-scale export-oriented agricultural production over small-scale and subsistence farming. When the law was approved in 1994, movement organizations took to the streets to protest, forcing then President Sixto Durán Ballén (1992 – 1996) to form a special committee to review the law which also involved the participation of the landed oligarchy and representatives of the indigenous movements (Sawyer, 2002). While discussions were limited in the special committee, movement representatives were able to recommend changes to the law, including securing credits and other productive resources for small farmers who produce for the local markets, and strict measures for the selling of community land (Yashar, 2005).

Ecuador had one of the “most unstable party systems in the region during the [neoliberal] critical juncture” in the 1990s (Roberts, 2015: 138). After Duran’s presidency, Abdalá Bucaram was elected in 1996 and later removed from office by congress in 1997. Jamil Mahuad elected in 1998, was later ousted by a military coup (with aid from CONAIE and other popular movements) in 2000, days after the country had to adopt the U.S. dollar as its national currency because of high inflation rates and the devalued sucre (Becker, 2011). Lucio Gutierrez (2002 – 2005) was similarly removed from office by popular demand. At the turn of the century, similar political and economic turmoil in the region opened the opportunity for the emergence of new populist leaders and leftist movements in Venezuela, Chile, Brazil, Nicaragua, Argentina, Ecuador, Bolivia, and Uruguay (Levitsky and Roberts, 2011).

As part of this “New Left” turn, Rafael Correa campaigned in 2006 and formed a new political movement *Alianza Pais* with the promise of “ending the long and sad night of neoliberalism” (Conaghan, 2011: 275). After a decade in the presidency, a headline labelled

Rafael Correa's administration a "Left-wing success story" for increasing social spending in education and healthcare, and reducing poverty by thirty-eight percent (Weisbrot, 2017). What this headline obscures, however, is that Ecuador and the "New Left" in Latin America are highly dependent on resource extraction such that neo-extractivism in mining, petroleum and agroexports has spurred new waves of land concentration and land dispossession (Perreault and Valdivia, 2012; Gudynas, 2012; North and Grinspun, 2016). Recent scholarship similarly suggests the populist technocratic government of Rafael Correa has demobilized and co-opted social movements and constrained spaces for civic engagement - betraying the vary movements who helped put him into office - and opting a "top-down" approach to decision and policy-making processes (de la Torre, 2013; Martinez-Novo, 2013).

Figure 1. Map of Ecuador indicating where the public forums were held for the Land Law.



THE PROCESS AND METHODS

Pogrebinschi (2013) argues the left-leaning governments of Latin America are making a pragmatic shift from liberal and representative democracy towards inclusive, decentralized, deliberative and participatory democracy by instituting new constitutions, constituent assemblies, and consultation processes. Examples like the widely and longstanding study of participatory budgeting processes in Porto Alegre, Brazil are characterized as successful because both the state and civil-society are committed (Fung, 2011), and society is autonomous enough to play “dual roles of coalition partners within these new institutions and loyal opposition when and if they perceive their interests to be threatened” (Nylen, 2011: 484). Other examples of participatory institutions are reliant on a “power sharing” relationship between the state and a range of stakeholders (Arvitzer, 2009). While the design of these participatory institutions, the issues they address, and the scale at which they are implemented all differ - the burgeoning literature on participatory institutions in the past decade suggests these processes give voice to underrepresented citizens and “improve the performance and legitimacy of democracy, increase accountability and responsiveness, and foster more active and engaged citizenship” (Cameron and Sharpe, 2012: 234).

But participation has its limits and the case of Ecuador is indeed an example of the limitations of participation. In particular, processes such as Pre-legislative Consultation are non-binding, meaning that the state doesn't necessarily have to incorporate any demands or suggestions to a policy or project before it is approved. Political will seems to be the encompassing force behind what makes these institutions “successful” in some respect (Fung, 2011; Nylen, 2011). Perreault's (2015) study of *consulta previa*, or prior consultation in Bolivia suggests consultation is a technology of government (in Foucauldian terms) that aims to “mollify

local grievances while permitting extraction to continue” such that, “consultation is a regimented, choreographed, and formalized practice, which can be considered a kind of political performance” (434). While this is true for the case of Ecuador, this research takes a closer look at participation to understand processes of state formation – how legislators enact the state and how participants part take and challenge the state in the twenty-first century.

This research and analysis also has its own limits. I borrow from Haraway’s (1988) “situated knowledges” framework to suggest that my presentation of the forums is partial, while I am fluent in Spanish and have Ecuadorian citizenship, I cannot fully capture nor completely understand the meanings, emotions or intentionality of the legislators or participants. What I do at best is attempt to make sense of the process through an analysis of the performance and the discursive practice of legislators and participants. Accessibly and time constraints did not allow me to attend all the forum nor execute interviews with the forum participants. While I conducted a handful of interviews with participants, an enhanced methodological design that allowed for interviews or surveys with participants could have revealed more about participation than what I present in this research.

Elsewhere I have detailed the process (Peña, 2017), but in short there are three phases to Pre-legislative Consultation. The first phase requires civil-society organizations, such as *comunas*, associations and cooperatives to register in the government's national Registry for Civil-Society Organizations. Once registered, organizations receive a draft version of the Land Law and a document which asks whether they (the organization, community, etc.) agree or disagree with the language of the Land Law. Participants were specifically asked about three themes which pertain to collective rights: 1) the process of recognition and the legalization of land and ancestral territories; 2) the social and environmental function of land; and 3)

participation in conflict resolution of land and territorial disputes. Organizations registered for the first phase in March 2015. There were a total of 428 civil-society organizations that registered for the first phase, with 292 representing indigenous- based organizations, 113 representing *montubios*, and 23 representing Afro-Ecuadorians. The results of the first phase show there was a 93.7% general consensus or agreement around the language of the law.

The second phase entails hosting a series of *audiencias provinciales públicas* or provincial-level public forums to allow civil-society organizations to provide more concrete feedback on the law. The third phase of the consultation process involves a meeting or National Roundtable with national-level organizations – which took place in late 2016 with the participation of 13 national-level organizations.

For this research, I attended eight forums of the twenty-three held between June and July of 2015: two forums in the coast, in the cities of Portoviejo and San Lorenzo; four in the Andean highlands, in the cities of Ibarra, Tulcán, Riobamba, and Quito; and two in the Amazon, in the cities of Puyo and Tena (See Figure 1.). The forums were about three hours long usually held in the morning in a local government auditorium or within the *Consejo Nacional Electoral* (National Electoral Council). The legislators would initiate their presentation of the Land Law with a power-point presentation that walks the audience through the legislative process of drafting the law, key themes the law addresses, and the results of the first phase of the consultation processes (see Illustration 1.). The legislators also provide historical context and background on previous agricultural policies and land reforms. In all the forums I attended, the layout was the same. The legislators would present for half of the forum while the other half would open up for the public to provide comments.

Table 1. Organizations registered to participate in the public forums of Pre-legislative Consultation for the Land Law in 2015

City, Province	Number of Civil-Society Organizations Registered
Cuenca, Azuay	16
Guaranda, Bolivar	44
Azogues, Cañar	5
Tulcán , Carchi	18
Riobamba, Chimborazo	117
Latacunga, Cotopaxi	17
Machala, El Oro	31
San Lorenzo, Esmeraldas	25
Guayaquil, Guayas	24
Ibarra, Imbabura	16
Loja, Loja	20
Vinces, Los Rios	29
Portoviejo Manabi	52
Macas, Morona Santiago	10
Tena, Napo	24
Coca, Orellana	44
Puyo, Pastaza	9
Quito, Pichincha	27
Santa Elena, Santa Elena	27
Santo Domingo De Los Tsáchilas	40
Lago Agrio, Sucumbíos	25
Ambato, Tungurahua	23
Zamora, Zamora Chinchipe	No forum held
Total Organizations	618

The Committee for Food Sovereignty reports there were 618 civil-society organizations that registered in the forums. Table 1. Shows the number of organizations registered per forum. While data on the number of individual participants registered per province is not publically available, the committee reports there were a total of 6,763 individuals that registered and participated in the forums. In my own accounts, there were an average of 100 - 200 participants in the forums, with a few forums with over 500 participants. In the forums I attended, there were an average of 10 – 15 participants that would stand and use the microphone to provide feedback on the Land Law. Participants were given about five minutes to speak and provide feedback on the law, but many of them would speak for over ten minutes. Participants introduce themselves, stating where they are from and the organization or community they represent. Indeed, most of the participants

that voiced their concerns represented an organization or community, and were primarily male. Women were present at the forums, but seldom participated in voicing their concerns to the larger forum.

All the forums were audio recorded and later transcribed and analyzed with the software Atlas.Ti. I coded for 68 participants who voiced their concerns in the forums. I coded the first half of the forum focused on the state, while the other half I coded for what participants said. I created over four hundred codes that were later categorized into thirty-six major groups that centered around themes such as land quality, land and productivity, agrobiodiversity and conservation, and the foreignization of land. These thirty-six categories were then sorted to understand state discourses, participants and their identity, participants and their relation to land, and participants and their relation to the state. In the next sections I further illustrate the processes of state formation and the return of the Ecuadorian state and how participants, through their participation, both legitimize the state, and call the state's legitimacy into question.

¡NO ES DEL ESCRITORIO, PERO DEL TERRITORIO!

Miguel Carvajal in a forum once said, “*es la ética del estado*” – it's the state's moral obligation - that land “*siempre esté controlada por el estado Ecuatoriano para garantizar la soberanía alimentaria*” (always be controlled by the Ecuadorian state in order to guarantee food sovereignty). *La ética del estado* is fundamentally about the return of the state. The return of the state is 1) about the performativity of participation and the legitimacy of the state appearing to be there, in front of the participants, enacting an inclusive policy-making process and 2) about controlling land and territorial sovereignty and promoting small-scale farming and cooperatives as a means to national-development and food sovereignty. *La ética del estado* draws on history to make the case for state-led food sovereignty projects. Moreover, the state adopts social

movement framings of food sovereignty and movement critiques of land grabbing, or the foreignization of land, to promote state-led national development. In what follows, I outline the ways in which the Ecuadorian state is back.

The legislators establish the legitimacy of the state by comparing their own undertakings, or Rafael Correa's *Revolución Ciudadana*, to previous governments, particularly those of the 1990s. This was succinctly articulated in a catchy phrase a legislator once said in the forum of Tulcán about the making of the Land Law, "*¡no es del escritorio, pero del territorio!*" What this meant was that Correa's administration and the Committee for Food Sovereignty, specifically, were not writing this law within closed doors or *el escritorio* as previous governments had or in the interest of the neoliberal market. Rather, legislators justified the importance of Pre-legislative Consultation and how this process was incorporating the demands of civil-society through these public forums - from *el territorio* – from the people working on the land. Legislators talked about the constituent assembly of 2007 and how progressive and participatory the writing of the 2008 Constitution was compared to the 1998 Constitution. In particular, you would hear both legislators and the participants reference how Rafael Correa's government was different, inclusive, and participatory when compared to previous governments. As one participant said, Rafael Correa, "*es el único presidente que ha trabajado por el pueblo Ecuatoriano*" (is the only president that has worked for the Ecuadorian people).

This legitimacy was not only about emphasizing how participatory and inclusive Correa's administration was or is, but also about how Correa's *Revolución Agraria* (Agrarian Revolution) and the Land Law would remedy the landed inequality resulting from the 1994 Law on Agricultural Development. Throughout the presentations, legislators argued the 1994 policy liberalized the land markets in Ecuador, allowing foreign companies the opportunity to produce

and export their products. Mauricio Proaño, the Vice President of the Committee for Food Sovereignty, in one of the forums gave an example of how previous policies allowed the Peruvian company La Gloria to buy land and produce sugar solely for exports. In sum, legislators made the case that Correa's government is a stark contrast to the neoliberal governance of the 1990s and political turmoil of the early twenty-first century.

The Land Law is focused on promoting the *Agricultura Familiar Campesina* (peasant and family based agriculture) as a means to national development and food sovereignty. The law also aims to expropriate land not serving its social or environmental function. While the social function of land has precedents in the agrarian reforms of the mid-twentieth century, the environmental functionality of land is fairly new. It regulates land-use practices in an attempt to protect agrobiodiversity and promote conservation initiatives and sustainable development (Article 11 – 12). The state can only expropriate land not serving its social or environmental function if they are above 25 hectares in the highlands, 75 hectares in the coast, and 100 hectares in the Amazon and Galapagos Islands (Article 100). Setting limits to the amount of land that can be expropriated based on regional characteristics was an issue participants acknowledged and recognized was needed in the law. The law also recognizes collective property rights and ancestral territory as inalienable and indivisible, and allows communities to oversee the administration of their land and *usos y costumbres* (customary practices) (Article 23). Indeed, the Land Law articulates social movement framings of food sovereignty while at the same time, normalizing state control, power, and authority over land and agricultural development.

A key example to illustrate how the state uses social movement framings of food sovereignty for state-building is how, throughout the forums, legislators would constantly recall “*la extranjerización de la tierra*” or the foreignization of land to warn the participants of the

possibility of land grabbing in the country. The legislators used case study examples from Argentina, Brazil, Uruguay, and Africa to argue Ecuador is different in that it will achieve food sovereignty by prohibiting foreign companies from purchasing land. “*Y los nacionales que están allí muriéndose de hambre?*” (What about the [Ecuadorians] dying of hunger?) – asked Miguel Carvajal in a forum. It was evident that legislators were aware of the the problems of land grabbing and food security in the region and elsewhere. This fear of losing territoriality, land, and sovereignty in Ecuador was also directed to foreigners. This sentiment was clearly captured in what a legislator said in a forum in Ibarra:

In the constitution, we declare that we are citizens of the world, and in the Ecuadorian constitution, we welcome citizens of the world. After five years of being here, a foreigner has the same rights as an Ecuadorian born citizen. They can vote, they can elect or be elected, can be public officials, and can get married to our beautiful Ecuadorian women... they can also buy land. Tomorrow, a Colombian can buy ten hectares or one hundred hectares, or buy one thousand hectares or one hundred thousand hectares. This happens how. Shouldn't we regulate the purchasing of land by foreigners?³

All participants in the forums applauded legislators for their commitment to prohibiting land grabbing. Throughout the writing of the Land Law and in various draft iterations of the law, foreign enterprises were prohibited from purchasing land in Ecuador. Such framings about land grabbing suggest that food sovereignty to the state legislators - is about the state's sovereignty and protecting the state's territory from la *externalización de la tierra* or from foreign investment. Notwithstanding, while legislators were firm about prohibiting land grabbing, Rafael Correa's partial veto in early 2016 made several changes to the law, one of them allowing foreign entities the opportunity to purchase land in Ecuador. What this illustrates is the contradictory

³ *También permite que vengan cuidadnos del mundo. Después de cinco años de un extranjero de estar en el Ecuador, tienen los mismos derechos que los Ecuatorianos. Puede votar, pueden elegir, puede ser elegidos, pueden ser funcionarios públicos, pueden casarse con nuestras guapas ecuatorianas al pesar ...y pueden también comprar tierras. Puede ir mañana un colombiano y comprar 10 hectáreas o 100 hectáreas, o comprara mil hectáreas, 100 mil hectáreas, ahorita ocurre eso...no será de poner regulaciones de la compra de tierra de extranjero?*

views on national sovereignty and territoriality. Whereas legislators made the case for food sovereignty, Rafael Correa argued that prohibition was discriminatory against potential investors and development in the country.

The final approval of the language of the law shows the limitations of participation and also highlights the uneven power relations within the state. Rafael Correa's partial veto is a clear example of the asymmetrical power relations within the state and how different institutions and actors and configurations produce particular policy outcomes. A focus on the outcome doesn't allow us to understand how other state actors and institutions, such as legislators articulate food sovereignty. On the other hand, a focus on the process without the outcome, also limits our understanding of the nature of the state and participation.

“NOSOTROS ENTENDEMOS LAS REALIDADES”

I traveled all night and morning from Tulcán and Ibarra to get to the town of San Lorenzo, located in the province of Esmeraldas, in the north east of the country. San Lorenzo is a small port town, surrounded by vast amounts of land used for African palm oil production. The climate is hot and humid, completely different from the climate in Tulcán, which was cold and windy, attributed to its higher elevation. The forum was held in a large hall called the *Teatro Patrimonial* (Patrimony Theater), which hosted about 250 participants with dozens more outside. It was more hot and muggy inside than it was outside. A central theme in San Lorenzo and in other forums was the feeling or idea of *esperanza*, or hope. This hope in San Lorenzo was tied to how Pablo de la Torre, a legislator from San Lorenzo, was able to make this forum happen. Participants in this forum, many of which identified as Afro-Ecuadorians, recalled their ancestral ties to land and territory in this region to make claims against the expansion of African palm oil production. They recalled their history of slavery and exploitation when talking about land, and related

contemporary neo-extractivist projects for agro-fuels as new forms of exploitation, accumulation, and dispossession.

The forum with the largest number of participants was the forum in Riobamba, located in the province of Chimborazo, in the Andean highlands of the country. I traveled to Riobamba on a bus from Quito with members of the Committee for Food Sovereignty and even stayed in the same hotel with them. This forum was held in the local government building - *Gobierno Autónomo Descentralizado de la Provincia de Chimborazo* (Decentralized and Autonomous Government of the Province of Chimborazo). The forum had over 700 participants, with at least 117 organizations registered, the greatest number of organizations registered at any forum. The overflow patio had a large screen projecting the forum from the inside (see Illustrations 2- 3). Riobamba, and the province of Chimborazo more broadly, is historically known for being a major site of protest, resistance, and agitation. The emergence of the indigenous movement has deep roots in community-based organizations in Riobamba. Being with the committee “behind the scenes” gave me a glimpse into the micro-level tensions of political parties within the legislative committees and how these parties are often linked to indigenous and peasant movements of Ecuador. An example of this is how CONAIE refused to participate in the consultation process and called on their grassroots member organizations to boycott the process.

I make the note here that in the forum in Riobamba participants articulated their concerns about the Land Law in Kichwa, an indigenous language in Ecuador. One of the legislators of the Committee for Food Sovereignty, Rosa Elvira Muñoz (member of *Alianza Pais* and also legislator for the province of Chimborazo), translated to Spanish for the public. Those who spoke both in Kichwa and Spanish in the forum would often reference the landed inequality that has stemmed from the semi-feudal relations of the *huasipungos* and the failed attempts to redistribute

land. Central to the demands in this forum were for the protection of *páramos*, which are ecosystems located in higher elevation that are characteristic of the Andean highlands. Participants want the state to regulate and assure *páramos* are used sustainably. Indeed, they recognize that farming in the *páramos* is a source of income for many, while not profitable, but that nonetheless needs to be regulated to protect local watersheds.

Illustration 2. Public forum in Riobamba, Chimborazo



Illustration 3. Overflow area of the public forum in Riobamba. Mauricio Proaño is projected on the screen.



The demands in the forums held in the Amazon region of the country were in some ways similar, yet particular to the local context. In the forum of Tena, in the province of Napo, participants called into question the large-scale mining projects which are dispossessing them from their land and encroaching on their frontier. But similarly, participants acknowledge that Tena and Puyo, as the largest cities of their respective provinces, are increasingly seeing urban development and population growth which is also affecting land tenure in the region. In these forums, participants were assertive of how the Land Law needs to consider the regional ecological characteristics of the country. As with the issue of *páramos* in the forum of Riobamba, participants would often reference the *chakra*, a particular way of farming which is based on traditional knowledge and intercropping. Participants acknowledge that “*los suelos Amazónicos no son tan rentables y eficientes económicamente*” (soil in the Amazon is not lucrative or economically efficient). It is in the *chakra* where you find food security, said the same participant in the forum. While there were central themes that resonated in every forum -

each forum, and the participants in those forums - highlighted the particularities of every place and region and how this Land Law has to both, remedy the past, and attend to contemporary conflicts over land, territory, and natural resources. Ethnography and discursive analysis of the forums allows us to understand these particular social relations to land and how it complicates the state's initiative to institute a national and broad redistributive land policy.

Legislators in their presentation and performance lend legitimacy to the process and the state by relating to the participants. César Umajinga (from the *Pachakutik* political party) told the audience in Tena, “*todos somos del campo*” (we are all from the land), “*somos del sector del campo y sabemos de lo que hay que hacer*” (we are from *el campo* and know what to do). Being from *el campo* is what César says gives them (the legislators/the state) the experience they need to write this new land law. Some participants acknowledge this expertise. As a participant said in the same forum, “*los asambleístas son campesinos y que conocen realmente la realidad del campesinos*” (legislators are *campesinos* and they know the reality of *campesinos*). In all forums, participants gave praise to the local politicians, the legislators, and to Rafael Correa for allowing such participation to happen and for involving them in the process. Such praise comes from the feeling that “the state” in the past had forgotten them. As a participant said in the forum in San Lorenzo, “*el pueblo en verdad ha sido abandonado por las políticas públicas*” (the people have been forgotten by public policies). This appreciation of the state is succinctly articulated in what a participant said in one of the forums:

I believe that every Ecuadorian that looks towards *el campo* would agree with this law. At the end of the day, there is an Ecuadorian that lives in *el campo* waiting for this law and the agrarian revolution. For this reason, I congratulate the *compañeros* here and everyone who traveled to the different provinces of the country. You all did an excellent job so that not only leaders of organization know this law, but the public in general.⁴

⁴ *Yo pienso que todo ecuatoriano que mira hacia el campo estaría de acuerdo con esta ley. Al final de cuentas hay ese ecuatoriano que vive en el campo que está esperando en esta ley y en la revolución agraria, es por eso que felicito a los compañeros presentes y a todos quienes se han hecho presentes de las diferentes provincias del país. Hicieron un excelente trabajo para que la provincia y no solamente los dirigentes conozcan el proyecto de ley, sino que sea el pueblo en general.*

Participants acknowledge the return of the state, particularly because previous governments had forgotten them or never attempted to consult them in the first place. Participants undergo what Nugent and Krupa (2015) say is the cycle of hope and despair in the Andes, in that “somewhere this time, under this leader and this fate, things will turn out differently” – it is an “enduring yet contradictory mode of sentimental engagement with the state... the perceived obligation that helps breathe life into the state” (15). While participants breathe life into the state – they also call the legitimacy of the state into question by critiquing the expertise of legislators.

Participants draw on their identity and particular relations to land to justify why they are the experts and should be consulted in the writing of such policies like the Land Law. These social relations to land are based on participants’ lived experiences – as a *campesino*, as *montubios*, *afro*, *indígena*, or *huasipungueros* or *mujer indígena* or *campesina ama de casa*. In all forums, participants would constantly recall their own experience and *experiencias* to say that “*nosotros entendemos las realidades*” (we understand the realities) or claim that they are “*especialistas del campo*” (we are the experts of *el campo*). They would also say, “*campesinos tienen experiencia de producir alimentos*” (*campesinos* have the experience of producing food) and “*damos de comer con alimentos a las grandes ciudades somos nosotros*” (we are the ones who provide food to the big cities). It is because of this experience, this expertise in *el territorio* that participants would often tell the legislators to - “*tomen en cuenta desde el punto de vista de esas necesidades que tenemos en el campo*” (take into consideration the point of view of the needs we have in *el campo*) or such things like “*les invito que vengan al campo y que vean la realidad*” (we invite you to come to *el campo* to see the reality we live). Participants acknowledge they are the experts of the land and know how to live and work on the land. In this way, participants are the experts for the making of the Land Law – and through their participation – through their expertise and

questioning of the knowledge of the legislators – they also part-take in processes of state formation.

A closer look into the performative aspect of participation, it is evident several of these legislators have a longstanding relationship with civil-society organizations. This particular relationship between participants and legislators is what gives participants hope the Land Law will move forward. However, this particular relationship between civil-society and the state challenges us to historicize such relationships such that we have a deeper understanding of the state in question. It allows us to explore state formation as part of longer historical process of contestation. Since the 1990s, the indigenous and peasant movements have been characterized as important political actors – particularly because of their role in electoral politics, at the local and national level. Increasingly, under both Rafael Correa’s and recently elected Lenin Moreno’s administration (2017 – present), social movement actors continue to move into state official roles. To understand the state effect and how power works, we need to take a closer look into whether and what extent social movement actors shape state discourse and practices and how they in turn part take in state-building.

CONCLUDING REMARKS – WHO’S THE EXPERT?

This research is about the role of ethnography in understanding participation and processes of state formation in Ecuador in the twenty-first century. This paper first sets out to situate the literature on state theory and state formation and the emerging role of ethnography in studying power and politics. Central to understanding these processes of state formation is to contextualize the relationship between social movements, the state, and agricultural development. The aim of this thesis is to illustrate how ethnography of participation is an ethnography of the state and processes of state formation.

This research is focused on a series of public forums held throughout Ecuador in 2015 as part of the process of Pre-legislative Consultation. I make three arguments. First, I argue the Ecuadorian state is back. The state is back through its performative practice of participation and the new forms of participation and policy-making processes such as Pre-legislative Consultation that have allowed the country's marginalized groups – rural, indigenous, Afro-Ecuadorian communities – to voice their concerns. Second, the state is also back through the discursive practice around food sovereignty and land reform – which ultimately aims to empower the state by increasing its control over land ownership, land-use practices, production and productivity. The final approval of the language of the law shows the limitations of participation but also how the state does not function in unison, rather is made of asymmetrical power relations. This was clearly evident in the different way legislators and President Rafael Correa argued for and against foreign companies owning or leasing land in Ecuador and how the final language reflected the executive power of the president.

Participants gave praise to the state and acknowledge its return or presence. They know the legislators and believe they will move this Land Law forward. Participants have hope. They trust in legislators, but also question their expertise and legitimacy by asserting their own expertise about land. This expertise is based on their lived experiences – as a *campesino*, *montubios*, *afro*, *indígena*, or *huasipungueros* or *mujer indígena* or *campesina ama de casa* - to claim their role in the making of the Land Law. In every forum, I heard something different but local context matters. It matters in making national-level policies relating to land. According to participants, there are historical landed relations – some stemming from the post-colonial land tenancy systems to more modern forms of exploitation and extractivism like the case of African Palm oil plantation production in Esmeraldas - that need to be remedied through the Land Law. My

second argument is about how participants understand the importance, the limits, and constraints of their participation, which at the same time, allows participants to call into question the legitimacy of the state. This is not only evident in the forums – in how participants call into question the legislators’ expertise – but also how the outcome – and final language of the law – shapes future state-society engagements and contestations.

A third and final point I make in this thesis is how ethnography plays a critical role in understanding processes of state formation and possibly, spaces of state formation – the forums themselves as a lens to understanding state-building. Paying close attention to the performance of participation, an important question arises about history and how social actors maneuver between the limits and reach of the state. As evident through the public forums, participants seem to have known several of the legislators and public officials, suggesting we need to take a closer look into the longstanding history these social actors have within the state – or whether such categories of “social actors” still characterize who they are. What this research brings to light is how ethnography, or political ethnography specifically, can illustrate how these limits of the state and boundaries with “the other” are made and reproduced, and how understanding the asymmetry of power relations might be a critical political opening for subaltern groups to contest and challenge the state.

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