

5 Towards a new institutional political ecology

How to marry external effects,
institutional change and the role of
power and ideology in commons studies

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Introduction

This conceptual chapter proposes to marry two very different approaches: On the one hand it looks at the political ecological (PE) analysis of divergent actors' powers and interests in the governance and use of common-pool resources (CPRs). On the other hand, it tries to relate to the new institutionalism (NI) approach in social anthropology dealing with CPRs, showing how external and internal, as well as market driven, dynamics of a resource context lead to justification strategies and institution shopping (selection of rules and regulations) by the different actors involved, and finally to behaviour and distributional effects related to the commons. The fusion of these two approaches is then called the New Institutional Political Ecology' (NIPE) (Haller 2017).

The reason to bring these two approaches together is that NI provides a well-defined concept of interrelations of factors leading to institutional change and explaining use and overuse of CPRs, while PE brings in a solid analysis of power relations. But why use NI for this and not the so-called old institutionalism? As Olivier de Sardan (2013) argues in an overview paper on institutional approaches in economics, social sciences and humanities, there is no link between old political economy and inspired institutional and neo-institutional approaches. The former supposedly address issues of power while the latter focus on enhancing efficiency and reducing transaction costs in economic activities. However, if we look at the work of Douglass North (1990), it becomes evident that the idea that new institutionalism does not contain issues of power is misleading. North as well as Ensminger (1992) looked explicitly not just at institutions as a means to reduce transaction costs, but at actors' power as bargaining power and their options to select rules and transform as well as ideologically legitimise multiple institutional settings – for example, forms of property rights of CPRs (see also Haller 2013 for a revised version in NI in social anthropology).

I propose a further extension of this aspect in order to unpack the ideologies that contain the discourses (in a Marxist framework) and narratives (in a

post-structuralist Foucauldian frame), which provide both the legitimacy and the possibilities to increase bargaining power of particular actors over others. This process, I argue, facilitates institution shopping within a context of institutional pluralism governing access and use of CPRs and containing not just local but also national and international institutions in a 'glocal' world (Haller ed 2010).

This version of the model, however, still lacks the capacity to deal with the question of how actors gain access to resources through a historical political process of contestation and alienation (see e.g. Blaikie and Brookfield 1987; Bryant and Bailey 1997; Zimmerer and Bassett 2003; Robbins 2004). This 'basic' focus gave way to two PE orientations: One is a more Marxian political economy-oriented version. The other is a more post-structural version, focusing on construction and deconstruction of certain categories such as nature and culture. However, now there is a new wave of 'post-constructivist' political ecology, which criticises the anthropocentrism with its dualism as well as the lack of a concrete ontological reflection of the discipline itself (Escobar 1999, 2011). Oscillating between Descola (2005, 2013) and Haraway (2008, 2016), and by always continuing to ask the basic question of, "Who has the power to define the rules of the game?", the challenge will then be: What shall be used from these debates and resulting concepts? I will argue that integrating elements of the political and power issues as well as issues of construction and ontologies from PE improves the conceptualisation of NIPE.

The paper is organised as follows: After an introduction to PE core thinking, the issue of how to locate the power issue in the debate as well as what can be used from the post-structural and post-humanism approach shall be discussed. I will then turn to the NI model of CPR management and of institutional change, showing what NI has to offer in this marriage. In a related next step, the paper will give a short sketch of ontologies and epistemologies regarding land in three historical African time frames related to the commons. This part provides an understanding of political, economic and ecological conditions, constructions of meaning and ideology as (re)source of legitimacy. It also shows how identity and power driven institutional and material aspirations of actors are contested. A history oriented and institutionally informed analysis on litigations over a pasture to be transformed into an irrigation scheme in Zambia shall illustrate the way NIPE might be used.

The conclusion will then tease out how the model of new institutionalism can be married to the dynamic of power constellations in the human-environment interaction stemming from PE and its new critical turns: I will argue that NI provides a concise way in which different variables are interacting, while PE often lacks the analysis of external factors leading to basic economic changes and the way this impacts local constellations, shapes power relations, selection of institutions and processes of organisation and legitimacy production. PE is often not very well structured on how these global as well as local fine-tuned mechanisms are working and thus can profit from the NI model in the social anthropology version. PE then helps NI to analyse power elements of path dependent developments, which NI is often lacking. It sheds light on the way relative price developments

are shaped by power constellations, the way this impacts bargaining power of actors and groups, who then interactively and strategically select institutions (who has access to which institution) and seeks ideological legitimacy (who has the power to define hegemonic and counter discourses and narratives) leading to specific kinds of distributional power, strategic behaviour and the outcome of the use of CPRs.

This new approach is also suitable to discuss many of the papers in this volume, on the one hand the European commons' cases of historical and contemporary institutional changes and outcomes in the management of the commons in Europe, including bottom-up institutional innovations. Or on the other hand, it helps to explain the impacts of European investments in contexts of CPRs worldwide (such as processes of land, water and green grabbing leading to resilience grabbing). And, last but not least, this new approach allows for a discussion analysing interactions between international institutions and local commons.

'Core thinking' in political ecology

PE deals with critical views on environmental degradation discourses and materialities: Grounded in Marxist or Neo-Marxist perspectives in social anthropology (see Wolf 1982) and human geography, the focus is not on the fact that degradation occurs, but on the reasons why so-called land managers degrade environments. This is not just visible in demographic increase, greed or ignorance, but in political processes and power asymmetries within communities and between actor groups. At the same time, the focus was also laid on wealthy land-owners overexploiting resources for capital accumulation, who, however, never took the blame regarding the overuse of natural resources as the poor people did in the degradation discourse (see Blakie and Brookfield 1987; Robbins 2004). Robbins shows that early political ecologists argued that land managers engaged in unsustainable uses of natural resources such as CPRs because they basically lacked the power to make their own decisions. Interestingly, Alexander von Humboldt was one of the first authors between the 18th and 19th centuries using power specific explanations for overuse of resources such as water levels, deforestation and wildlife in Latin America. He accused the Spanish colonial elites of dominating indigenous peoples and subordinating African slaves while also overexploiting and destroying cultural landscapes created by indigenous peoples. Such elements can be found in many publications of Humboldt such as his diaries as well as in his seminal book project "Cosmos" (see Robbins 2004). Later thinkers such as Marx and Engels also belong to the early fathers of PE based on their analysis of capitalism as an economy of exploitation but with less emphasis on environmental issues (*ibid*).

Human geography and social anthropology scholars after them provided key elements of the basic PE thinking which can be summarised in the following way: The nature of power relations in political ecology is defined by the question

of who is able to control access, actions and activities of others via exclusive property rights on and access to natural resources or via dictating conditions of inclusion and exclusion of the use of these resources (Blaikie and Brookfield 1987; Robbins 2004; see also Ribot and Peluso 2003).

These conditions have historical reasons from which the power asymmetries in a local context stem. The approach also starts from a consideration of the so-called 'natural conditions' of a resource or resource context and advocates that local actors are knowledgeable and do not act in an 'irrational way'. While this does not encompass the view of a narrow concept of rational choice, the basic idea is that land managers, for example degrading a pasture, would do otherwise if they could decide on how to organise the use of resources via secured property and mobility. But restricting mobility from one resource area to another or hindering the use of alternative resources leads to increased pressure on a resource context (see Blaikie and Brookfield 1987; Zimmerer and Basset 2003). Inequality or unclear institutional contexts then lead to overuse of renewable resources and to land degradation.

This constellation provokes so-called positive feedback loops as described in systems theory. Poverty leads to degradation, which further increases poverty. Many parts in African and Australian drylands illustrate these processes. However, these processes are hidden in the dominant discourse of state and national as well as international powerful actors using the narrative of local groups degrading their environment (Blaikie and Brookfield 1987) and needing development. James Ferguson (1994) and Arturo Escobar (2011) both argue that the concept of development as well as degradation acts as an 'anti-politics machine' hiding the historical, political and ideology driven processes of dependency, exploitation and subordination by colonial and neo-colonial powers. Discourses for mending the problem and delivering development range from demographic reduction of the world population, to technological innovation, cultural change and a more market-based involvement of actors. Bailey and Bryant (2005) thus argue that since the mid-1990s, the range of explanations for such processes increasingly included not just the local, but referred to several levels of scales including the global *and* the local scale (thus the 'glocal' view), a point taken up as well by Robbins, who illustrates this in several cases.

So, work in the 2000s also included an analysis of local reactions triggering social movements and resistance against dominant groups of actors owning land and social capital for defining the conditions of top-down management of resource use. It further incorporated analyses of the way dominant narratives and discourses are used to construct views in degradation and sustainable use of natural or CPRs (see Zimmerer and Bassett 2003; Robbins 2004) related to protected areas and conservation (Brockington et al 2008; Galvin and Haller 2008; Fletcher 2010), Neo-Malthusianism (Zimmerer and Basset 2003) and institutional change (Haller ed. 2010). Different theoretical orientations viewed the reasons for the same process driving degradation and marginalisation, environmental conflicts, conservation of biodiversity as well as social environmental movements as a reaction to capitalist appropriation, for example, in mining and land grabbing processes.

They also looked at the so-called extension of the colonial frontier in the world system: Marxism focuses on processes of exploitation and primitive accumulation (see Harvey 2005), feminist studies on male dominance of control of resources and gendered division of labour (Narotzky 1997), environmental history by unpacking discourses of degradation reflected on natural environmental conditions (see Neumann 1998), postcolonial and subaltern studies on the construction of environmental knowledge and a view from 'below', while hiding biases in the presentation of the environmental conditions (see Biersack and Greenberg 2006) and deconstructing views of pure nature by natural science with the concept of cultural landscape ecosystems and engagement in local ecological knowledge (see Fairhead and Leach 1996; Berkes 1999; Haller et al 2013). However, the issue still is where the political in political ecology views are located.

Trying to locate the issue of power

While the issue of power is addressed in Marxist and also Weberian thinking, such as the power to be able to pursue primitive accumulation (see Harvey 2005) and actor-oriented bundles of power (see Ribot and Peluso 2003) excluding all other actors from the use of CPRs (see Paulson et al 2003; Paulson and Gezon 2005; Robbins 2004; Fletcher 2010), there is a new reflection on contestations over meaning in ecological resource use and management contexts. Thus, it is about locating the political in the way actors are able to make their economic rights and symbolic views legitimately dominant compared to other actors with the same claims (see also Robbins 2004). Taking this further by using the views of Foucault and Butler, it is the ability to be able to form subjects and linking this to the perceptions of environments, their claims, their aspirations and their role (external and self-inscriptive). Power is thus this notion of being able to define the construction of 'the' reality and who 'the' actors are in a dominant way, acting in a legitimate way (see also Paulson et al 2003). Politics then would be: "the practices and processes through which power, in its multiple forms, is wielded and negotiated" (Paulson et al 2003: 209). Power and its enactment via politics is thus about the way environments are perceived and how knowledge on the environment is constructed, including a whole range of different actors with different power relations and positions (from the local to government to national and international organisations' non-governmental representatives) (see Escobar 1999; Paulson et al 2003).

Political ecology thus also highlights the agency of marginal actors (see Scotts' *Weapons of the Weak* 2008) and underlines that not ecological reasoning alone should be the starting point of analysis, but political disputes and institutional changes, which might have nothing directly to do with an ecological problem, but later turn out to have environmental consequences.

These are reactions to a debate, which Vayda and Walters triggered in 1999 by arguing that political ecology is not at all concerned with ecological issues – an argument, which can also be found in later debates, where authors having a political orientation are said to have no notion of ecological contexts and should

thus not speak up on ecological issues (see Robbins 2004; chapter “Against Political Ecology”). This means that the debate on what is specifically political about political ecology in the sense of locating power issues is not over yet. Perhaps the debate has not even really started, although the *Journal of Political Ecology* and many authors have underlined that the combined interest of political and environmental issues are equally of interest in the approach.

Furthermore, I would argue that political ecology raises the question of power to be able to hegemonically (see Simon 2015) define the labelling of environments, the construction of nature for example as pure nature, often hiding local common property rights (see Haller ed. 2010, 2013; Haller and Galvin 2011). This is interrelated to other features of power, which contain the ability to define what is at stake in a concrete setting and who shapes these settings and the power relations (see also Tsing 2001; Robbins 2004). That also echoes Fletcher’s argument that state and neo-liberal actors do define what is at stake and enact this as different environmentalities (Fletcher 2010), which are then moved up and down different scales (ibid, see Paulson et al 2003) in multiple causalities (see Gardner 2003). Furthermore, other authors such as Swyngedouw (2009), analysing hydro-power projects, highlight how different scales such as the so-called global and the local interact in the relations of production and are metabolised in often unexpected ways in biological processes. These then lead to conflicts, which again are subject to discourses in order to legitimate different strategies shaping control of access to resources. Political ecology thus also looks at neo-liberal discourses that focus on *the* market as an institutional solution and hiding the question to whom, for example, water as a CPR belongs to, meaning the contestation over notions of property rights and the power to define and defend these.

The focus on social power in its different forms and how it is manifested is what political ecology literature regards as being the most important issue (Swyngedouw 2009). This is lacking in other approaches such as social ecological systems and institutionalism approaches (see Berkes 1999; Berkes and Folke 2000; Ostrom 2005). Moreover, the sole focus on institutions seems to create blind spots regarding how agency in politically heterogeneous communities is strategically reproduced, developing unplanned outcomes and this further indicates that the messiness of local constellations does not enable so-called rational choice actions (see Cleaver and Frank 2005). It is true that Ostrom did not address or even downplay politics and different power relations (see Crane 2010; Haller ed. 2010; Fabinyi et al 2014). But this work, especially Cleaver’s (Cleaver 2003) approach focusing on institutional bricolage and critical institutionalism, does pay too little attention to the means, reflections and strategic action of actors themselves, which is hidden behind the notion of messiness. Actors are portrayed as if they did not calculate – not meaning that they are always able to anticipate the outcomes, which indeed are too often too messy (see also Haller 2017).

This brings us to the issue of strategic planning in environmental contexts and thus to the question of how to address resilience under power asymmetric conditions: The challenge is on how to bring in political and power specific issues

in resilience studies which are so vital for political ecology as Fabinyi et al (2014) outline. The question is resilience of what exactly and who is affected? I would argue that using an historical perspective is vital to discuss the issues of speed of external changes and the power specific capability to adapt to these changes dealing with risk and uncertainty. It is at this level that I argue that problems in resilience studies should be looked at: For example, commons systems were far more widespread in pre-colonial times than they are today. Where they are still in use, they provide access to vital resources for marginal and gender specific groups, while dismantling the commons undermines local access and maintenance of cultural landscape ecosystems and the resilience of social *and* ecological systems (Haller et al 2013; Haller 2016).

This clearly moves away from ecological determinism and reductionism (see Orlove 1980), which was the critique of ecological anthropology since the work of Rappaport (1968). Again, the power asymmetries in local communities, transformed by local and external actors who in turn shape internal and external contestations over resources, are key to newer political ecology analysis (see Netting 1993; Robbins 2004; Brosius et al 2005; Haller ed. 2010). This also indicates that the management of resources and related contestations occur through time and are a product of power relations defining processes of inclusion and exclusion to the CPRs.

The power issue is discussed differently in the two main orientations in political ecology: the one focussing on political economy, the other on poststructuralist social theory (Brosius 1999; Fabinyi et al 2014). The first discussion draws on neo-Marxist approaches referring to market and capitalist relations of power leading to poverty and overuse of resources. The other one draws from Foucauldian poststructuralist insights regarding power and the way narratives, discourses and representations hide operating power relations. These also shape how people perceive their environments (Fabinyi et al 2014, referring to Brosius, Agrawal, Tsing, Li and others, I would also count Robbins 2004 to that group). Actors thus become subjects of more powerful state or other dominant actors on the global scale (NGOs, GOs and Global Organisations such as UN and World Bank, etc.). In PE, both streams should be reunited in order to understand that, for example, issues of resilience cannot leave out discussions of power relations in order to define what resilience means in a concrete system and for whom.

In a recently published overview on power theories in political ecology, a similar approach is taken by Svastad et al (2018). They propose a combination of, first, actor-oriented approaches making actors and their power visible (see Ribot and Peluso 2003; Brockington et al 2008), adding, second, neo-Marxist approaches (see also discussion above; showing how political structures are changed by powerful actors, while disempowering others in the context of capitalism, see Harvey 2005), and third, the Foucauldian notion of discursive power, including hegemonic power, governmentality and biopower issues (Svanstad et al 2018). This attempt to fuse several notions of power is similar to what is outlined above, but brings in more differentiation in structuralist and poststructuralist notions. Still, it ignores the relation between ideology (Marx)

and discourses and narratives as well as the insight that power configurations change depending on external and internal contexts. I would also maintain that while we are dealing with three versions of power, the actors and neo-Marxist views are very close/similar and what we are dealing with only two basic views that are interrelated.

PE and the ontological, epistemological and posthumanist turn

However, these two current streams of critical PE and their notions of power are themselves strongly criticized by several new approaches labelled ‘post-constructivist political ecology’ or post-humanism approaches. These state that the discipline needs to be decolonised from humanist and male centred views. In several publications in the *Journal of Political Ecology*, *Geoforum* and elsewhere, the argument is stressed that the discipline is still anthropocentric and oriented in colonial ontologies of sustainability and development (Srinivasan and Kasturirangan 2016; Sullivan 2017). The main argument of this critique is that PE is based on problematic ontologies. A reflection on the way power structures shape these ontologies is needed; how are their uses shaped by neo-liberal orders also inherent in the discipline itself. The ‘nature beyond the human’ approach rooted in a combination of Harawayian and Latourian visions of the world (cyborg spaces and quasi-objects as well as views of the non-human), deals with other ideas of what we call ‘nature’ (see Sullivan 2017), providing room for a concept that actually comes close to Descola’s views on ontologies among so-called indigenous groups (Descola 2005, 2013), such as animism and totemism.

In these ontologies, the divide between ‘humans and other living beings’ does not exist in the same way as in the anthropocentric views in the capitalist and neo-liberal order, a fact that is also highlighted in much older ecological anthropology literature (see Haller 2007b for an overview). Ontology in this critical view of PE as the study of being and what being means, has to be embedded in political realities, which are again contested and multiple (see Graeber 2015). Sullivan argues that we need to see which ontologies are used in a multiple and interacting way and in what kinds of contexts/under what kind of circumstances, also in order to bring so called ‘non-humans’ (again a dichotomy) into focus. Therefore, on the one hand, it is not just about the indigenous peoples in the ‘Amazon’ or the ‘African rainforest’, but also about the animals and plants and, last but not least, all other people labelled as so-called non-indigenous (thus labelled in political terms).

The neo-liberal capitalist order, on the other hand, has a naturalist ontology (see Descola 2013) constructing ‘pure nature’ as a controllable and commodifiable entity (see Haller 2007b, also Sullivan 2017). One could argue that this is in line with the PE idea of construction and with NI’s concept of ideology. But Sullivan indicates that the struggles over ontologies and epistemologies are at the same pace as struggles over land (ibid), in which we all have our place of being but from which not all face the same consequences (see Schulz 2017). While agreeing on

this point, it begs the question of where the issue of multiple ways of being and knowing – requested by the critical and decolonising political ecology – leads the different actors, quasi-actors/objects and subjects regarding the power to control and use CPRs?

In addition, there is a much older view of Escobar (1999) than the current ‘turn’ that encompasses the analysis that the same context – for example deforestation in the Amazon – entails three different ontological and epistemological views on the environment: a) *organic nature* (including local knowledge and views and animistic as well as totemistic ontologies, see Descola 2005, but also including transformations of ‘nature’ by subsistence production and management of CPRs; see Ellen 1982; Fairhead and Leach 1996; Haller ed. 2010); b) *capitalist nature* (including views and knowledge needed for market and commodification specific management of the environment); and c) *techno nature* (which views the environment to be manipulated and transformed radically from large scale infrastructure projects to genetic engendering). These different views also entail different values and perceptions as well as strategies regarding the way these three different forms of nature are perceived and claimed by whom. It also contains the debate on which views are more important and thus more powerful than others in a specific context.

The same is true for Ferguson’s notion of the ‘anti-politics machine’, used for showing that development discourses hide power issues on a national as well as an international scale (Ferguson 1994, 2006). I would argue that this approach is more valuable theoretically than the new turn because the issue is still the old basic PE question: Who has the power to define hegemonic views that are used by concrete groups of people to control, manipulate and legitimate the flow of material, technological and other world realities across the planet? And who defines and enacts the rules of the game from economics to climate issues? These are in fact ever emerging issues in PE and related fields in social anthropology (see the work of Ferguson). These critiques of mainstream PE can be accommodated in a combination of the older approaches outlined above. Finally, however, these have to be rooted in an analysis of power constellations so as to be useful for NIPE.

I propose that these elements can be incorporated fruitfully particularly by showing how existing ontologies and epistemologies are replaced or pushed back by powerful actors over time with their respective ontologies and epistemologies. The interesting aspect is – related to NI, as we will see – that older ontologies and epistemologies might also be re-instrumentalised by powerful actors as they see fit (see for example the conservation discourse; Brockington et al 2008; Galvin and Haller 2008).

This will be illustrated in one of the next sections by a look at the meaning of land after I have outlined NI in social anthropology as a new partner of PE. The basic issue has not yet been addressed in PE, the question being: How does power systematically unfold in interactions on several levels and scales in relation to political and economic pressure? This is, as I would argue, much better addressed by NI.

New institutionalism in social anthropology: commons between transaction costs and power relations

A good starting point to bring in an NI analysis is the detected intensification of land use and land related resources worldwide based on the narrative of repeated hunger crises in African contexts since the 1970s. This created the image of land being degraded due to local people's overuse of natural resources held in common. This in turn triggered a debate on the relation between land and property not just from an economic angle, but from an ecological point of view as well. Reference was made to Hardin's *Tragedy of the Commons* (1968). In this essay, which was not based on any empirical evidence but was a Neo-Malthusian polemic against the freedom of human population growth, Hardin did not want to deal with land issues per se. He painted a picture of pastoralism in which actors are only interested in increasing their herd size, thus illustrating the process of freedom in reproduction (here of cattle or more generally of people, which was his main interest). This freedom then degrades the land because it is governed as common property (not as state or private property) and thus underlies open access conditions (see Acheson 1989; Ostrom 1990; Haller 2007a). This had a strong effect on state policies, especially in supporting justifications of states to control natural resources within their boundaries (see Feeney et al 1990). And it was a welcome ideological legitimacy for stricter state governance and later for neo-liberal privatisation policies.

The arguments picked up by mainstream science and by governments regarding the economic and ecological flaws of traditional land tenure then triggered a process of revision and rethinking. This process was led by Elinor Ostrom (1990), who devoted her Nobel Prize winning work to craft a new picture of CPR management in common property regimes. The main argument was that renewable CPRs, which are subtractable (what is taken away cannot be used by others for the moment) and difficult to defend (but possible by a group that can organise collectively), could be managed in a sustainable way by so-called robust common property institutions. Foremost, she and other scholars highlighted that Hardin erred in his view on the common property as open access, but that resources held in common are the property of a group and not no one's property. Eight design principles for well working institutions in her book *Governing the Commons* (1990) were deduced from mostly social anthropological case studies. They indicated that institutions address the problem of freedom and free riding by reducing transaction costs (information, monitoring and sanctioning). Ostrom's work related to environmental issues and followed the line of argument of the new institutionalism idea on property rights proposed by Douglass North (1990) himself following Roland Coase's theory on the firm and labour contracts to illustrate that institutions do reduce transaction costs.

The amount of work coming out of Ostrom's approach to new institutionalism as related to the commons is immense. There is now a digital library of the commons, as well as journals linked directly to the issue or picking it up. This is proof of the broad scholarly interest, also manifest in the growing participation

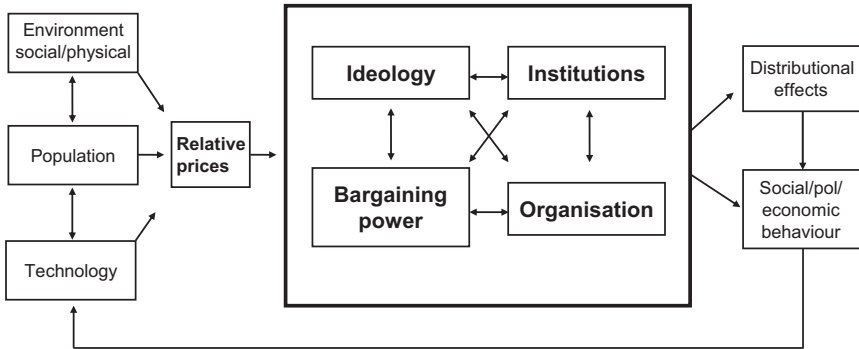


Figure 5.1 Modelling institutional change.

Source: Jean Ensminger (Ensminger 1992:10), see also Haller ed. 2010, Haller 2013.

at the *International Association for the Study of the Commons* (IASC), previously named *International Association for the Study of Common Property*. However, some variables that the economic historian Douglass North had integrated in his model were missing in Ostrom's work. She was more concerned with the possibility of self-organisation and sustainable use of CPRs, neglecting a historical embedment or issues of politics and of power. In spite of recognising that institutions are also embedded in larger systems her primary focus was thus not multi-layered as viewed by political economy and ecology. In these perspectives, local systems are often not articulated, but still related parts of state constitutions, legal systems and state elites, as well as of international global governance regimes and global markets with all the power constellations these scales entail (Haller ed. 2010, 2013).

While many studies focusing on the way self-organisation is made possible as a puzzle stemming from game theory (see Ostrom et al 1994), a new approach from social anthropology emerged that was not often paid attention to but which I consider as the most valuable approach in order to combine NI and PE. Starting from models in economic anthropology, Jean Ensminger, an US social anthropologist, proposed an interrelated NI model, in which external factors (environment, demography and technology) lead to changes in relative prices of goods and services and have a local impact (Ensminger 1992).

In her model, local context variables (in the black box) are influenced by the externally driven changing prices and relative value that a specific resource or a region is gaining. In line with the work of North, Ensminger (1992) argues that the bargaining power of actors, the way they organise and the way they select and craft institutions and legitimate institutions selected by ideologies, impacts the distribution, use and reproduction of CPRs (see feedback loops). Therefore, she does – in line with North – not follow other economists who predict that the market will choose the optimal institutions

(see Williamson 1989). Rather, institutional settings and later distribution are shaped by bargaining power and ideology, as a resource of legitimacy. This means that, for example, a rise in the relative price of land will not automatically trigger immediate privatisation, but can have different outcomes depending on the bargaining power of actors and the way they are able to produce legitimacy (ideology) for their strategic choice of a certain institutional option (institution shopping). This model has been enlarged, looking closely at issues of bargaining power and ideology (including constructivist approaches regarding discourse and narrative to produce legitimacy, often in either so called traditional or modernization ideologies) (Haller 2013).

This point will be taken up in the next sections, in which the marrying of the two approaches will take place. A central issue where the two approaches merge is the question on how land and land related CPRs are governed and managed. While PE looks at power constellations, NI looks at the structured way institutions such as property rights are transformed and selected over time. In a much more structured way than PE, NI focuses on the interactions of political and economic forces at several scales. NI looks at how these then change the commodification of a context and how this in turn structures the power constellation, the institutions selected and crafted as well as the ideologically legitimated production in a fine tuned and interrelated way as proposed by the NI model of institutional change. It thus contributes to the understanding of structural dynamic processes, which PE lacks. It brings in especially the concept of institutional pluralism and the way the selection of institutions and strategies of legitimacy production works out. Therefore, I argue that we have a valuable link between the newer strands of PE and NI as PE can profit from NI by using these structured interrelations and detect where power, defined in the above sections, unfolds.

Before turning to the case study to illustrate this dynamic process, I will pick up the third of the three strands from PE and draw attention to the way pre-colonial, colonial and post-colonial ontologies and epistemologies of what the environment is and who interrelates with it in an ideologically legitimacy producing way. I argue that these ontologies and epistemologies provide an ideological basis for discourses to legitimate ownership of resources in contemporary contexts and for NIPE to work out. These ontologies and epistemologies contribute massively to the unfolding of the concept of ideology in the NI model. As I will argue, this is well related to critical positions and non-human to human interactions in political ecology, however with a different focus than the ontological change proposes. But I will use a historical and plural ontological approach illustrating the change of institutional meaning of land in African contexts focusing on different timelines of actors with their corresponding paradigms.

Historical changes of ontologies and epistemologies of the meaning of land

What land means as a central aspect in PE and NI depends – very much in line with newer versions of PE – on ontologies and epistemologies. In this section

of the paper I will show how these ontologies and epistemologies have changed but still contribute to sources of ideology. I distinguish three processes in cases studied in African floodplains: the ontological meaning of land including the non-human in pre-colonial times, the ontology of the colonial and post-colonial state with epistemologies of disconnections and the ontology of neo-liberalism including the paradox of the state being present and absent at the same time.

Ontology of the meaning of land in pre-colonial contexts

Several authors emphasise that the notion of land in Africa is shaped by numerous factors, which involve tenure systems, type of land use and what ontologies and identities land generates. They argue that land is not – and never has been – based on the notion of state and market related private property. Instead, it was always based on an interrelated mix of private and communal property under the governance of leading offices (elders, specialists, etc.) in more politically symmetric or leaders in more asymmetric powerful groups. And it was related to the so-called first settlement of such groups, or, as a consequence of conquest, on feudal or more powerful systems (see Benjaminsen and Lund 2003; Toulmin 2009; Chanock 1985, 2005; Haller ed. 2010, 2013; Peters 2013). These authors then argue that the ‘traditional tenure systems’ we see today do no longer represent pre-colonial tenure but are mostly the result of imposed colonial transformations of property rights labelled ‘customary law’ (see Chanock 2005; Haller ed. 2010). Regarding the emic perception of land in pre-colonial times, comparative research in African floodplains (African Floodplain Wetlands Project, AFWeP, see Haller ed. 2010) revealed that the category ‘land’ is embedded in views of territory and landscape with all its resources, which are perceived as being interconnected and used for securing economic and political existence. Four issues are of importance to understand what ‘land’ as we understand the term means as seen through the different socio-cultural lenses:

- 1 First-comer – late-comer relations: In all cases there are groups who claim to have arrived first in the area and that land is just part of a territory, often controlled by spiritual beings. The territory is transformed into cultural landscapes through the use of these first comers. They take the lead when other groups join.
- 2 Coordination: they do this in order to coordinate and organize reciprocal use of the territory containing interlinked CPRs (pasture, fisheries, forestry water, wildlife, etc.), which are not perceived as separate but as part of a whole entity.
- 3 Spiritual relations: related to this, we often find organised spiritual landscape relations for successful use. The relation with these beings, usually via rituals that legitimise the first comers in their management role as they argue that they have a special relationship with the spiritual beings for land and related resources.
- 4 Institution building: thus they craft institutions for CPR management, which the different groups usually create based on their bargaining power

constellations. Like this conflicts and contestations can be resolved in new institutional forms often combined with older rules. The emerging institutions – for example access rules to a pasture – can thus be seen as a compromise (Haller ed. 2010).

In addition, the adaptation to seasonality was one driving force for developing these rules. Another one was conflict and conflict resolution. The institutions, established for the use of pasture, wildlife, fisheries and land use, as for example in the Kafue Flats in Zambia or in other floodplain cases studied comparatively (see Haller ed. 2010), were often established *after* conflicts occurred. They are based on myths and oral history, well remembered and contributed to the establishment of a complex, but well working governance system. This, in turn, reproduced and created the cultural landscapes found by the colonisers. To conclude, I argue that in these pre-colonial contexts land is part of a larger, symbolically viewed complex of a cultural landscape ecosystem. It is inhabited by spiritual beings that influence people's production and consumption. The occupants, who arrived at various stages in time, occupy different (hierarchical) identities. Moreover, the different resources that we view separately are in fact closely interconnected. The institutions show a certain flexibility across the annual cycle needed in complex cultural landscape ecosystems. This 'legal pluralism' is of a different order than the one externally established during colonial and post-colonial times (see below).

The colonial and post-colonial disconnect

This analysis is important in order to understand the impact colonization had on the way land and land related issues are perceived by powerful actors in state and administration until today, thus creating a state and naturalist ontology. Although there have been changes during precolonial times in the interaction between Europe and Africa, highlighting global trade and slavery also in other parts of the world (see Wolf's seminal work "Europe and the People Without History" 1982, and Bodley's "Victims of Progress" 1975 [2014]), the changes brought about by the colonial administration cannot be underestimated: It served as – despite all the differences in national colonial policies and formal procedures – a blueprint leading to legal pluralism of another order (see Mamdani 1996). Scott's work (1998) on the way that states see resources, reveals the basic perspective adopted by colonial administrations to control and measure resources for colonial profit. Previously created cultural landscape ecosystems were labelled as 'pure nature' to be controlled by colonial and post-colonial policies leading to four disconnections. These are based on the central institutional change from common to state property of land and land related resources:

First was the separation of areas into a) those of special interest to the state under state law; and b) areas of lesser colonial interest (or only for reserve labour army) under indirect rule and managed by selected leaders (for example, African Chiefs) to satisfy the colonial power's demands (see also Moore 1986;

Berry 1993; Benjaminsen and Lund 2003; Chanock 2005; Peters 2013). Legally, there was the dualism between ‘modern’ European Roman law for land (applied by the state and by white private owners linked to the colonial power) and the ‘traditional’ but state controlled, formalized ‘customary’ laws (Benjaminsen and Lund 2003; Lenz 2006; Haller ed. 2010; Peters 2013). The *second* source of pluralism as outlined above, refers to the way the state looks at resources in a fragmented way. This fits nicely into market, global and neo-liberal logics later on, changing the more integrated spiritual view (including the living and the dead and mystical powers influencing all elements) to a perception of different isolated resources which can be commodified. This leads to a *third* form of disconnections: The colonial states separated the resources of the cultural landscape ecosystems, made them into state property and managed/administered them in different departments such as agriculture, fisheries, wildlife, veterinary, water and energy, tourism, etc. All these departments continue to base their actions on their own legislation and legal settings, leading to a disconnect in management extended into the so-called independent states (Haller ed. 2010; Mhlanga et al 2014). The problem is therefore not a regard or disregard for formal or informal institutions, but an undermining of existing local institutions – which (inter)connected CPRs used in complex ecosystems – through a set of external pluralistic rules. These external rules then lead to institutional disconnections of interrelated CPRs with a territory, creating confusion and contradictions. This pluralism, I argue, then leads to institution shopping by those powerful actors who know how to use this plurality in their interests. From the post-structural and post-naturalist debate in critical PE, one could argue that this echoes a naturalist ontological position (see Descola 2005).

The present-absence of the state and the paradox of neo-liberalism

Most institutional pluralism was taken over by the new independent states, but was also additionally enlarged into international and global economic trade networks. Several international arrangements were installed, influencing the management of natural resources. The new, post-independence African states tried to continue the raw material export oriented economic structures they inherited from the colonisers. In all cases studied in AFWeP, states depended on one or two basic resources for cash and foreign exchange revenues. This was the economic basis with which the elites in power wanted to finance what they saw as the economic basis for imports in order to modernise the countries. Large infrastructure buildings and services (road networks, dams, large plantations, green revolution and agrarian subsidies, etc.) were set up. Often, they were paid for with foreign loans, anticipating high revenues from the raw material exports (mines, plantations, etc.) in the future. Between 1975 and 2000, changes in relative prices, such as the oil price increase (imports) and the decrease of other raw materials (metals, food and fibre cash crops for export, etc.) then led to a

financial crisis and to weak state structures as staff and infrastructure could no longer be financed. Suddenly, governments were in the position that ‘making state’ got too expensive, while, at the same time, state activities could not contribute to the project of modernisation any more (see also Ferguson’s book *Expectations of Modernity* 1999).

So, due to the lack of financial means, governments faced the financial inability to ‘make state’. This means that state institutions responsible for the management of all the disconnected resources could not be enforced since neither staff nor infrastructure could be financed (see Gibson 1999 for a detailed study on Kenya and Zambia, but generally Haller ed. 2010). In most of the cases studied, this situation led to an institutional change from state property to a de facto open access situation of CPRs because the state was present (via laws and notions of citizenship, giving access to resources according to specific rules) and absent at the same time since it is too poor to finance the enforcement. This contributed to the overuse of most CPRs studied in the AFWeP cases (see Haller ed. 2010; Haller 2016).

This historical change giving way to the paradox of the state being present and absent at the same time, is rooted in a wider paradox of neo-liberalism of wanting and not wanting the state: James Ferguson’s work on neo-liberalism (2006), referred to above in the section on PE, illustrates the issue nicely. Ferguson describes an international policy that tries to cut state costs by delegating management of activities to the market and to lower levels of action arenas under the state and into the private sectors. This strategy seemed to be a central remedy to cope with state debts all over the continent – and elsewhere as well (we observed this also in Europe). And herein lies the paradox of neo-liberalism: the idea of a state that, ever since colonial times, has been the driving vessel for protecting capitalism, now is much too expensive and needs a cure based on the medicine of dismantling the state.

The discourse of efficiency, also in relation to Africa (see Ferguson 2006), develops in the direction of dismantling state services, as these seem to be too costly. Hegemonic internalised discourses on the waste of resources, on corruption of elites, on mismanagement and inefficiency in formal legal processes, merge with the notion of the state as a colonial construct. As Harvey (2005) points out from a Neo-Marxist perspective, neo-liberalism can be seen as a political process of ‘accumulation by dispossession’, by which the state reduces its legal capacities and controls, favouring the economically and politically strong elites as it creates cheap room for their manoeuvrings. But these powerful actors still need the state because the state is the body that restructures the legal order to create what I would call open opportunities. At the same time, the state provides a security-net for powerful market actors and provides legitimacy for their actions (“all actions are made in the name of a democratic state”). This again opens up a space for external as well as internal investment and for privatisation and/or further open access constellations of the commons to be illustrated by the case studies from Zambia.

Case study from Zambia: irrigation on the former pasture

The case study was carried out in Southern Province in Zambia among the Ila agro-pastoralists of the chiefdom Nalubamba (see Haller 2013 for full details; see also Haller and Merten 2008, 2010; Haller et al 2013). It shows how external and internal processes are historically interlinked and, in combination with specific power relations, contribute to the selection of institutions. Also, ideological justifications play a pivotal role in the selection process, leading to the undermining of local as well as ecological resilience in the management of pastures. This case illustrates a land dispute in which a former commons in the Kafue Flats pasture in the Nalubamba chiefdom should be transformed into an irrigation scheme (Haller 2013; Haller et al 2013).

The basis for the conflict was a New Land Act from 1995, which gives the president and the local chiefs the power to hand out leasehold titles for 99 years within the chief's territories. It was based on the neo-liberal ideology demanded by the World Bank to create private property as incentives in order to attract investments. Such lands were about to be allocated in the best pastures in the Kafue Flats, a fact that led to opposition and created great conflicts. The chief had leasehold titles himself and also wanted to attract agricultural projects from the government and foreign investors in a time of a hunger crisis in 2002–2004. The context of this crisis was that in the 1990s many households suffered a great loss of cattle through a *theileria parva* epidemic (also called East Coast Fever; leading to 50 to 80 per cent loss of cattle among the Ila) due to changed flooding by a dam (the area got dryer creating better conditions for ticks that transmit the disease) and a lack of veterinary services (financial crisis of the state). Due to governmental privatisation campaigns based on a law declaring that common property such as cattle should be the private property of orphans and widows, many individuals sold cattle. Under local, older rules it was forbidden to sell animals if a group had less than about 40 heads, numbers being based on notions of securing subsistence and being resilient.

Thus, the change of this older rule led poorer households to divide their small herds of cattle even more and to sell them due to their constant need for quick cash (issues of so-called catastrophic health and other expenditures). Finally, they sold too many animals, remained poor *and* ended up with no cattle at all. The richer households ignored the new law, and tried to keep the cattle herds as an extended family commons. Nevertheless, relative prices for cattle were nationally and locally on the rise due to increasing demands in urban centres. At the same time, pastures were reduced as a consequence of the environmental changes due to the dams discussed above (less inundation in dry years). This, in turn, led to an increase of the value of pastures and coincided with increased demands of individual cattle camps, where cattle did not move, overusing the areas around these camps.

Adding to the degradation were absentee herd owners, who increased their herd size following the rise in relative prices for cattle and pasture. These herd owners tried to make arrangements with individual herders to let their foreign

cattle graze for several months. Thus, local users lost access to pastures due to the de facto open access situation of the resource and their diminished power to react to this institutional change. Last but not least, decreasing rains and the loss of subsidies for seeds and inputs led to decreasing yields of maize, while access to fisheries became difficult because commercial users and traders gained more power and thus access to this CPR. This means that the four basic subsistence strategies (three of them based on common property) were severely undermined.

In this context, Chief Nalubamba of the Mbeza territory proposed an irrigation scheme (Mbeza Irrigation Project). An area of 3,600 hectares of pasture land should be converted for irrigation (water from the Kafue River should be used for the production of rice, wheat etc., following the national Poverty Reduction Scheme of the government at the time). But the chief's proposition triggered opposition from a local leader, an ex-major of the Zambian army, who became the spokesperson of the richer cattle owners fearing to lose the pasture. This group questioned the authority of the chief, threatened to kill him and organised counter-rallies to the chief's rallies in support of the project. In this context the chief as well as the opposition leader were acting like pre-colonial first-comer big men, attracting supporters by promising to distribute land, resources and money as well as relief food.

The two sides used different strategies regarding institutions and ideologies for legitimacy. The opposition leader followed an Ila tradition ideology, based on the commons institutions as being threatened. In his discourses he used ideas evoking the traditional way of life and the narrative of a harmful state development. He argued that the Ila had been rich in the past and had a secure system of cattle wealth before the outbreak of *theileria* because the Itezitchezi dam dried up the floodplain, creating good conditions for the ticks which function as a vector of the disease. He further stated that the project would threaten the use of the commons and the traditional way of life of the cattle breeders by undermining the possibility to secure a livelihood and increase social security via 'tradition'. Here, the basic narrative was ethnicity: The Ila had been successful cattle herders in the past, the problems came from the government and the irrigation project would violate commons and identity of the Ila as cattle herders and undermine their future as an ethnic group. This ethnicity discourse was coupled with the narrative that the chief was not a son of the soil – his ancestors were not former big men ritually and spiritually linked to the territory, but had been installed by British powers during colonial times based on the strategy of indirect rule. Via these discourses and narratives, the opposition leader tried to attract more followers against the irrigation scheme.

The chief himself followed a modernity ideology, also containing different discourses and narratives: His major discourse was based on the notion of modern development. The chief argued that he wanted to improve the livelihoods and social security of 'his' people. Irrigation would reduce their vulnerability to governmental relief food and was portrayed as the alternative to cattle because of the *theileria* outbreak and bad yields of rain fed agriculture. He also argued that this would be done in a participatory way as the pasture caretaker group

was on his side (he selected a village headman who was not the acknowledged representative regarding pasture issues).

His narrative was that the conflict is based on a ‘class-conflict’ pushed by actors stuck in ‘tradition’. The rich (those who have cattle), he argued, are against irrigation and do not want the poor to produce food. The chief’s narrative could be summarised as follows: “We, the Ila, are poor because of traditional ways of production and because agro-pastoralism is out-dated as a model in the changing ecological situation”.

The hidden agendas of both main actors were neither to keep the commons alive nor to provide development to the area, but their institutional choice and the ideologies interlinked with discourses and narratives were influenced by their own interests. The opposition leader had title deeds in the pasture area and was longing for more. He manipulated the caretaker group with the aim to privatise the commons and get payment for the access to cattle camps (one cow each year from every family). In addition, he wanted to get rid of the chief who would never grant leasehold titles to him. The chief, on the other hand, had the power to grant leasehold titles (together with the President) via the new land act and so decided land issues would solve his financial problems. He had no cattle and needed project funds to have financial means to redistribute among his followers to regaining prestige in the community.

Thus, the New Land Act only increased the conflict. Both actors had high bargaining power and central interests, but the chief had more power, forcing the opposition leader to act. The conflict was fought at local, regional and national level (media and government). In the end, the government withdrew its support to the chief, arguing that the project was too conflictive. The irrigation project finally failed. The opposition leader, however, did not receive his leasehold title either (Haller 2013).¹

Discussion: towards a new institutional political ecology

The case study serves to illustrate how the fusion of NI and PE could be made by using the structural, scalar, historical and feedback-mechanism related analysis of NI and the analysis of how power is constructed and recreated from the three different branches of PE. The case study summarised in the adapted Ensminger model (see Figure 5.2) shows how external factors such as environments (legal, political, economic and natural environment changes), demography (increase in people interested in the area) and technology (road networks, new communication means – both bringing the area closer to urban centres) rise relative cattle prices, which again change the bargaining power of local actors. Outsiders get more power to use pastures; the chief gets more bargaining power via the increase of land value due to privatisation laws; opposition leaders of the groups rich in cattle argue that they want to maintain the commons, which are under price pressure due to the scarcity and increase of relative prices for cattle. In a first step the opposition leader wanted to get rent money for the use of the commons, actually representing a kind of privatisation by itself. But then, in opposition to the chief

and against his own high bargaining power based on the new land act, he selected common property as an institution to be defended. This was a strategic move to organise his followers.

These actors thus drive either for common property, open access or privatisation as part of institution shopping processes. This can be legitimated as follows: On the one hand, the chief argues that the planned irrigation project is part of national and international legal schemes to fight hunger and that this can be done on the legal basis of private property like leasehold titles. To further boost his bargaining power, he selected ideologies of modernity, discourses of citizenship and modern development and a narrative of tradition as being backwards. The same is done by the absentee herd owners, who see themselves as citizens who should have access to the state resources. The opposition leader, on the other side, legitimates his claims with the pre-colonial institution of pastures as common property, rooted in the ideology of 'tradition' and the discourse of this being part of 'the Ila people's identity' in which the agro-pastoral traditional way of life – as a positive narrative – is glorified.

Now, what are the triggering factors of this interactive process and how can NIPE provide a better form for analysis? I will focus on how external variables of state related political, legal, economic and ecological environmental factors as well as demography and technology impact changes in relative prices of an area and its resources. Based on these changes, NI can show how the main property rights in land and land related CPRs have historically changed: In pre-colonial times, big men as leaders managed the land and land related resources like spiritual, cultural landscape ecosystems seen as organic nature, based on an ontology and epistemology of an interconnected world with spirits, with whom humans have to arrange themselves. The big men coordinated access and gained prestige in distributing CPRs; they also attracted followers in a political environment, in which one was safer in a larger settlement. This ontology was transformed in colonial times. Chiefs were installed as part of the indirect rule system and had much more power than the former leaders. They still managed access, but no longer to the commons, but to what has become the property of the state – land and land related CPRs, fragmented into several administrative departments with their corresponding institutions.

Pasture was still in the chiefs' hands, but water and all other related resources such as fisheries and wildlife are fragmented and disconnected from the land and pastures. In the first phase after independence we see an increase in state power in Zambia, a socialist African nation. But then, the reduction of copper prices – the main state revenue – finally contributes to high debts for the country, which is then forced to adopt a neo-liberal order of privatisation and open access. However, already during the decline of state control, state property already deteriorated to de facto open access for several CPRs, including pasture in some areas. Since the neo-liberal order, increasing privatisation tendencies developed (private cattle camps, private ownership of cattle), both leading to degradation of pasture areas as a result of uneven distribution processes and strategic behaviour

of herders (see part of distributional effects in Figure 5.2). The final step in this privatisation process is the New Land Act that allows for a 99-year leasehold titling in order to attract investments, while for other resources and areas open access prevails. In combination with environmental changes (locally human induced via dams or globally via climate change), the quality of pastures is diminished. Sometimes pastures are also overused due to absentee herd owners and in spite of cattle diseases having reduced the number of animals in the area. It also means that people are experiencing commons grabbing tendencies because the powerful are trying to openly or clandestinely transform pastures into parts of private property via irrigation or by demanding rent.

In order to understand these processes a combination of NI and PE helps to analyse *external factors* and the way these shape *changes in relative prices* as one of the most important triggers for change. The way NI sees external factors operating has been outlined above (see Figure 5.2 as well), while PE helps to understand what dynamics of power operate in the environmental, political, legal and economic aspects in which African states such as Zambia find themselves in. In an inherited and mining resource dependent economy, which gets ‘too expensive’, as revenues from copper as a main cash source are reduced, a neo-liberal order that calls for privatisation is forced on the country as a remedy for development. From a PE analysis, making use of Ferguson’s ‘anti-politics machine’, these external factors create incentives for dismantling the commons by hiding the economic and political dependencies the country has been in for many decades. Thus, the neo-liberal order influences the change in relative prices from a PE analysis and leads to a commodification of CPRs, which are facing the paradox of the state being present and absent at the same time. These are state resources that are not state controlled and which give elites and powerful actors the options for legal and informal private claims. This is the first element leading to a rise in prices for cattle and pastures. PE helps to analyse the paradox of a neo-liberal order which at the same time reduces state power and increases it by providing tools on all levels for the elites (“repertoires of domination”, see Poteete and Ribot 2011) to appropriate resources once these are of economic interest.

This is the context that clearly shows the combination of PE and NI. NI outlines how different resources suddenly gain more value via such a process, while PE shows how this is legitimated via powerful discourses and mechanisms of ‘anti-politics machines’. The other two external variables are also important as a contribution of NI to the new model, while PE shows the power related issues of in- and out-migration in an area following economic and political state policies and decisions where and what type of technology is implemented. The decision for a dam or a road as well as for technologies and how to use resources – big plantation irrigation schemes or an extended vet service are processes, which do not just increase relative prices, but include power dynamics in the decision making in favour of (or against) such infrastructure. The dam was not discussed with local interest groups and subsidies/grants for veterinary services are given or stopped in a top-down manner without involving local communities and

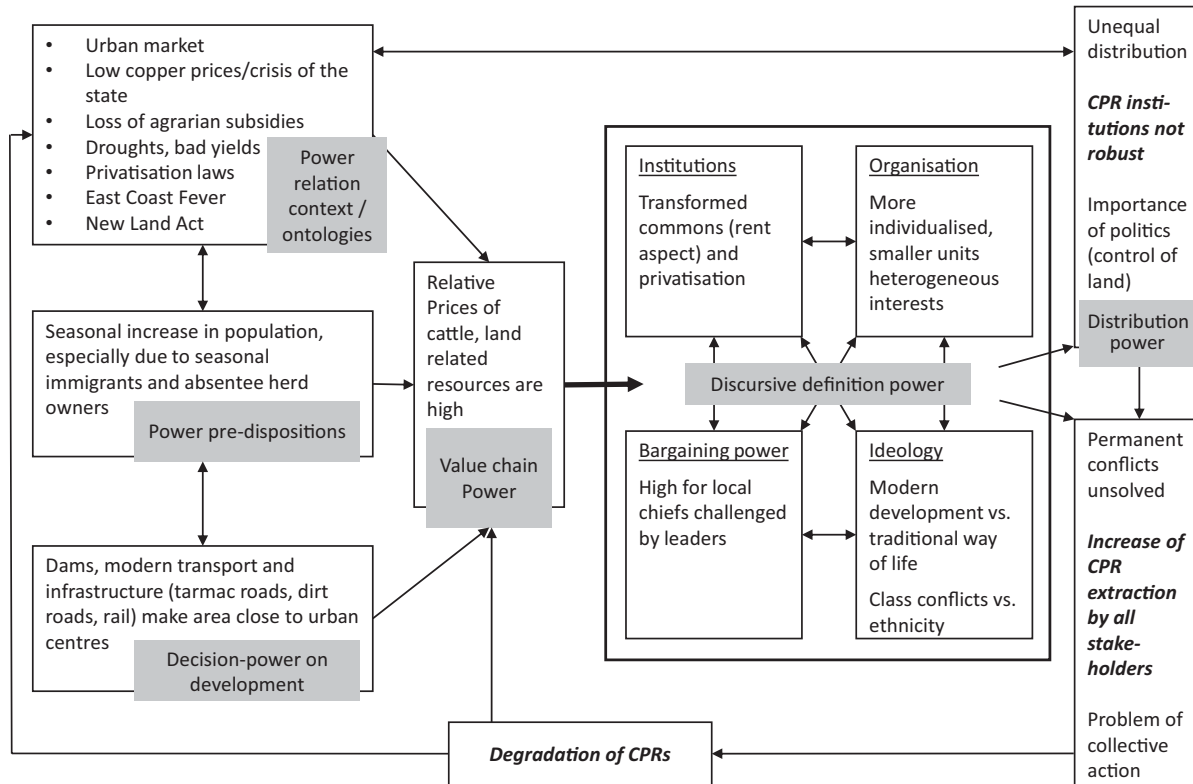


Figure 5.2 NIPE analysis of irrigation conflict.

representatives. These processes lead to an increase in value of pasture and cattle and also need to be looked at in terms of power relations stemming from PE.

In a further step this impacts *bargaining power of local actors* from a NI viewpoint. PE can contribute considerably to the analysis on what this power was based in the past and on what powerful actors rely on now and in the future. From PE, the pre-configurations of power are rooted in colonial contexts of indirect rule. Chiefs as well as other wealthy and powerful actors outside the area can rely on the notion of state citizenship or on the idea of pre-colonial autochthony. These issues combine with how changes in relative prices trigger changes in the power constellations of all these actors. The important point is that a specific actor's power is to be understood in relation to other actors' power in the field. While PE helps to conceptualise power, NI sheds light on this interrelated notion of *bargaining* power, important for the analysis.

In a further step, NIPE represents a better analysis on how the institutional change happens on the basis of *institutional pluralism* and the *process of institution shopping*. It shows which rules of ownership and access to land and land related resources are selected by whom and based on what interests. It also shows how institutions compete, highlighted by several researchers through the issue of how land and belonging are interlinked (see Benjaminsen and Lund eds. 2003; Kuba and Lenz eds. 2006; Derman et al eds. 2007). Interestingly, it seems that different institutions, starting with the basic option of property rights ranging from common, state, private as well as open access constellations, are linked to a large variety of sub-institutions. These have been crafted from pre-colonial times until today: starting from operational rules on the use of the commons in a floodplain from pre-colonial times (traditional legal flexible pluralism in a seasonally changing environment). But since common property is undermined because of colonial state property, a variety of formal and informal rules are created, ranging from different state rules to international rules for development and environment (from veterinary service to the protection of wildlife or fisheries). This produces an institutional pluralism as options and basis for institution shopping. Thus, the case study nicely shows which institutions are selected and transformed.

Again, PE highlights who has the power to select what type of institution on different levels and scales. The case shows that in the local context the chief and the opposition leader use other institutions than those they make use of on the district and national level, where they also have to be present in order to secure the investment or to undermine it. While it is clear that there might also be a process of not really strategic mixing rules called institutional bricolage (Cleaver 2003), I would argue that this case and others our research team studied in comparative research projects, indicate a clear strategic orientation based on the available information of actors. Using the term 'bricolage' might underestimate political manoeuvring and power specific strategic interrelated action. For example, while the chief selects and activates the new land act, the opposition leader strategically focuses on the old common property institutions to attract the richer followers.

This strategic selection process needs *legitimacy based on ideologies including discourses and narratives*. Literature on African land tenure debates and CPR management (Benjaminsen and Lund 2003; Kuba and Lenz 2006; Haller ed. 2010) show that from the past to the present, identity is built and constructed in relation to state institutions, meaning that a scarcity of resources changes relations between ‘first-comers’ and ‘late-comers’ in a local context. Here identity production is an aspect brought in by PE, while NI further shows how this institution shopping necessitates ideologies, including discourses and narratives, to legitimise the selection of institutions in a concrete setting, based on concrete economic and political options and preferences. These options and preferences are relational and also dependent on price changes. Therefore, the new institutionalism model of Ensminger/Haller can be further adapted to political issues and informs the analysis of ideologies used.

An obvious ideological dichotomy that is often used is the one between ‘modernity’ and ‘tradition’ (Haller 2013), which is similar to Ferguson’s ‘cosmopolitan’ and ‘local’ (Ferguson 1999). Newer versions of PE also refer to the need to analyse multiple ontologies and epistemologies produced since pre-colonial times in order to strategically employ discourses and narratives for the production of legitimacy (see Escobar 1999; Haller et al 2013; Sheridan 2016). Following are some examples: ‘Sons of the ancestors in a living landscape’ versus citizenship in a state with fragmented ownership of resource by chiefs; pre-colonial big men versus customary, but colonially transformed leadership; modernity (neo-liberal ‘development’ based on private property) versus tradition (‘traditional way of life’) might be ideological and discursive elements to be picked by actors. These are linked to issues of belonging and indicate that autochthony (as discussed in Kuba and Lenz ed. 2006) are also discourses that actors might choose. This is especially relevant in contexts of neo-liberal ontologies and epistemologies, in which local proof of autochthony and belonging signifies belonging to the ones who can legitimately select the institutions used for ownership and access rights to land and related CPRs. While NI provides guidelines on which aspects to look at, PE helps to analyse the power specific context: Neo-liberal and decentralising policies give more power to the construction of the local as they provide legitimacy to the construction of private ownership of local actors, mostly colonially constructed local elites.

Following the *overlapping* areas of the different PE branches (the political economy/Marxian and the post-structuralism and the posthuman/feminist branches) power is inherent in pre-existing political economy differences, which are manifest in and backed up via *legitimacy and symbolic production and reproduction of power* of actors. Bringing in the three branches from PE, we can argue that in the Mbeza irrigation project and related conflicts we have a political economy analysis of neo-liberal ideologies, focusing on private ownership as a modern way of development. It matches the construction of first and late comers and makes use of ontologies and epistemologies of powerful actors, either by playing an important role in a spiritual landscape, or for modern capitalist development. This power stemming from using different ontologies and epistemologies is then

further used to shape and make use of the institutional pluralism via selection and transformation. This is one of the aspects where NI contributes to a better understanding of systemic interrelations.

In a further step, NI and PE can be married, also in regard to the *distributional and behavioural outcome leading to commons and resilience grabbing*. The chosen institutions can be looked at via Ostrom's design principles as to whether they are robust and lead to sustainable resource use or not (Ostrom 1990). These give an indication of the ecological outcome from the use of CPRs. But again, the use is depending on an institutional and power specific distribution of these resources – not analysed by Ostrom but by Ensminger and better conceptualised by PE – between actors thus impacting their further behaviour (see Figure 5.2). However, as criticised by the newer PE approach, this analysis is based on an anthropocentric type of analysis, leading to a critique of the perception of general commodification of resources. These are analysed as being subjugated to a detachment process from the wider landscape ecosystem context and free for sale, backed by the above-mentioned notion of modernity by which not only foreign, but also local investments are justified. These investments, I argue, undermine local livelihoods because CPRs in cultural landscapes become legally and also physically fragmented and access to them is undermined for the less powerful.

At the same time, 'expectations of modernity' do not come true as there are fewer jobs and less income, while subsistence crop production and access to the commons is restricted or made impossible. Already existing asymmetries are strengthened and new ones are created because many households loose access to buffer resources – which common property represented – important sources of everyday survival during times of crisis, while having to take higher risks in troubled times to be able to make a livelihood. Thus, we do not just see commons, but resilience grabbing as well – not just the removal of access to the commons, but undermining the ability to recover after a shock. In PE, this process is related to the old debate on degradation and marginalisation with a link to loss of resilience rooted in political constellations rather than in a mere *Tragedy of the Commons*.

What is missing so far – and this answers the question of where to take the debate – is to clearly analyse how local actors view this process, how they view the deals and conceptualize aspirations. Again, this is where NI can be married to PE studies: It is about the way that environmental contestations and conflicts can lead to the building of *new environmental identities and social or identity movements and constitutionality*. Ideas of being local and defending local resources as well as ideas of a new deal and a new way of sharing are rooted in this process (see Robbins 2004; see Haller and Merten 2008, 2018). It is interesting to see, then, what type of strategies and resistance as well as institution shopping local actors adopt in order to buffer the problem of the commons grabbing. This is then vested in strategies to change and devise own institutions that might lead to a bricolage (Cleaver 2003), but also to a strategic selection of options based on bargaining power and possible within institutional pluralism. As is shown

in a case not covered here on the problem of overfishing in the Kafue Flats, a crisis can also lead to what is called constitutionality, the conscious bottom-up institution building process that enables all actors to participate and thus create a sense of ownership of the institution building process (see Haller et al 2016, 2018).

Conclusion

To conclude, NIPE as a new approach indicates that NI in social anthropology profits from the debate on power relations and the production of power on several scales stemming from PE, while PE profits from NI as it outlines more concisely and in a systemic model, how changing relative price constellations occur. NI then continues to look at how this leads to changing interactive bargaining power positions of actors, their perceptions and selection of institutional options backed by ideological justifications, which are interrelated in a systemic way, leading to distribution and behavioural strategic constellations. This does not just apply to the powerful, but to all actors, even the less powerful ones. It will be important to study such processes and to discuss what the dominant strategies selected by the less powerful local actors are in a regaining of resilience in the use of cultural landscapes. Communal titles and mapping of resources, new discussions on the local level about institutions for the management of resources (by-laws, local conventions) as well as refocusing on pre-colonial ontologies might be important strategies in a 'glocal' world. I do not speak in favour of formalisation, but of true participation. Despite local political asymmetries, most actors will thus gain a sense of ownership of the institution building process, that has been framed as constitutionality (Haller et al 2016, 2018). Studying such processes can also lead to policy driven ideas to support the protection of local resource users from the commons grabbing and to strengthen resilience of their livelihoods and their cultural landscape ecosystems.

Furthermore, NI brings in a better analysis of: a) the history of power relations and outcomes in the use of CPRs in context; b) external changes, relative price developments and power relations; c) how actors and actor groups shape and select institutions as well as legitimise processes (how institution shopping interrelates with ideology via discourses and narratives of different ontologies and epistemologies as resources of legitimacy); and d) how this triggers distribution, consumption and impact on the resource base of cultural landscapes and their environmental status. NI thus can help explain path dependency and strategic behaviour, while PE adds the power specific element of such behaviour leading to 'sustainable use' or 'overuse' of CPRs. In the NI model this feeds back on the external variables, mostly on the environment. But as I have outlined elsewhere (Haller 2013), it will feed back on relative prices as well as on the internal constellation as we have also seen in the case presented (i.e. increased price for land). For these systemic elements and interactions, PE contributes power analysis and the way how discourses and narratives are produced and employed.

However, the outcome cannot be predicted conclusively: We are still facing not the tragedy, but the drama of the commons: The irrigation project itself did not materialise, but the project might still be waiting on the shelves of the next chief to be reactivated if land prices increase ... NIPE also means that the 'show' will go on, but with certain optional predictions and not really in the form of institutional bricolage (Cleaver 2003), twilight institutions (Lund 2007) or environmentalities (Agrawal 2005) as state embodied subject-building.

Note

1 For reason of space not all details of the case can be presented here. For the full discussion, see Haller 2013, Chapter 8.

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