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Bureaucratic Autonomy and Policy Change.

Mid-level bureaucrats and implementation coalitions promoting and sustaining pro-poor policy in Brazil.

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A thesis submitted in fulfilment of the requirements for the degree of
Doctor of Philosophy in Development Studies of the University of Sussex

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I hereby declare that this thesis has not been submitted, either in the same or different form to this or any other University for a degree.

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Submitted for the degree of Doctor of Philosophy

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Abstract

In this thesis I examine the role of mid-level bureaucrats in promoting and sustaining pro-poor policies. Based on a case study of a ten-year policy implementation process in Brazil's contested field of land rights and environmental management, I identify and analyse mid-level bureaucrats' skills and strategies used in their interaction with state and non-state policy actors to support policy adaptation and continuity. The policy is the Environmental Rural Registry (*Cadastro Ambiental Rural*, CAR), which unexpectedly acquired and sustained new pro-poor elements during its implementation. My investigation covers its implementation over ten years, between 2012 and 2021, a period that was marked by a series of political shifts. Using a conceptual framework that links bureaucratic autonomy, policy coalitions and policy change, the thesis interrogates how mid-level bureaucrats autonomously promote and sustain pro-poor policy. In this thesis I demonstrate that mid-level bureaucrats can do more than simply resist policy dismantling. They can go further, promoting policy changes and subsequently leading a coalition to sustain those changes. The thesis argues that mid-level bureaucrats' ability to do so depends on their capacity to act autonomously. Diverse implementation coalitions provide the political legitimacy that mid-level bureaucrats need to be able to act without regard to government's preferences. The power of these coalitions to provide such political legitimacy can be enhanced by mid-level bureaucrats' political skills and capacity to follow a horizontal and flexible management strategy. When these factors apply during implementation, the resulting coalition plays a significant role in adapting and sustaining pro-poor policy. The transparency and legality of such strategies, and as a consequence their efficacy in the long term, are questionable. Nevertheless, it is a significant phenomenon that has hitherto been under-examined by the literature.

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Acronyms

Acronym	Portuguese	English
CAR	*Cadastro Ambiental Rural*	Environmental Rural Registry
CAR PCT	*Cadastro Ambiental Rural para Povos e Comunidades Tradicionais*	CAR sub-system for Traditional Peoples and Communities
CNA	*Confederação da Agricultura e Pecuária do Brasil*	Brazilian Confederation of Agriculture and Livestock
CNIR	*Cadastro Nacional de Imóveis Rurais*	National Registry of Rural Properties
CNPCT	*Conselho Nacional dos Povos e Comunidades Tradicionais*	National Council of Traditional Peoples and Communities
CONAMA	*Conselho Nacional do Meio Ambiente*	National Environmental Council
CONAQ	*Coordenação Nacional de Articulação das Comunidades Negras Quilombolas*	National Coordination for the Articulation of *Quilombolas* Black Rural Communities
CPRs	*Regimes de Propriedade Comum*	Common Property Regimes
FNMA	*Fundo Nacional do Meio Ambiente*	National Environmental Fund
FPA	*Frente Parlamentar da Agricultura*	Agriculture Parliamentary Front
GIZ	*Deutsche Gesellschaft für Internationale Zusammenarbeit*	German Agency for International Cooperation
MMA	*Ministério do Meio Ambiente*	Ministry of the Environment

MPF	*Ministério Público Federal*	Federal Prosecution Service
IBAMA	*Instituto Brasileiro do Meio Ambiente e Recursos Naturais Renováveis*	Environment and Natural Resources Institute
IBGE	*Instituto Brasileiro de Geografia e Estatística*	Brazilian Institute of Geography and Statistics
INPE	*Instituto Nacional de Pesquisas Espaciais*	National Institute of Spatial Research
IN	*Instrução Normativa*	Normative Instruction
IT	*Tecnologia da Informação*	Information Technology
OEMAs	*Órgãos Estaduais de Meio Ambiente*	State-level Environmental Agencies
PCT	*Povos e Comunidades Tradicionais*	Traditional Peoples and Communities
PPCT	*Plataforma Populações e Comunidades Tradicionais*	Traditional Peoples and Communities Platform
PPG7	*Programa Piloto de Proteção da Floresta Amazônica*	Pilot Programme for Amazon Rain Forest
SLAPR	*Sistema de Licenciamento Ambiental de Propriedades Rurais*	System for Environmental Licensing of Rural Properties
SFB	*Serviço Florestal Brasileiro*	Brazilian Forest Service
UFLA	*Universidade Federal de Lavras*	Federal University of Lavras

1. Introduction

In October 2019, one of the most popular news websites in Brazil announced that 650,000 families declare themselves to be members of traditional communities' in Brazil (Paulo, 2019). According to the website,

> unprecedented data cross-referencing carried out by the Federal Prosecution Service (*Ministério Público Federal*, MPF) shows the location of traditional communities throughout Brazil. To arrive at this number, the MPF cross-referenced information from government registries. The objective is to create a public digital database to give visibility to these communities and guide public policies. The MPF hopes to launch this digital platform in 2020 (*ibid;* my translation).

The image below was part of the publication and brings coloured dots representing traditional communities and indigenous peoples in Brazil. It is a graphic illustration of the information gathered by the Federal Prosecution Service. It is an effort to make it clear that traditional communities are numerous and cannot be made invisible.

Figure 1 – Traditional Communities in Brazil according to MPF's cross-referencing.
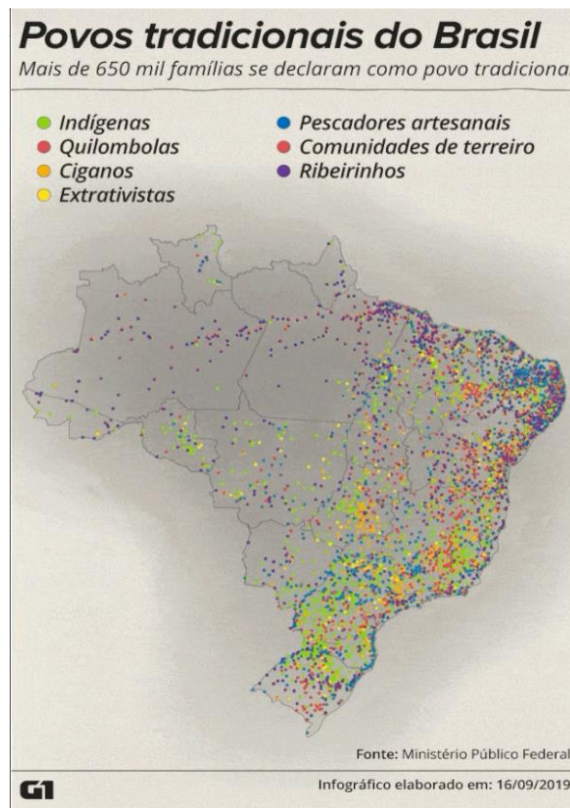
Source: Federal Prosecution Service, published by G1 website.

The message was clear: the Federal Prosecution Service was publicly breaking new ground by announcing that they had gathered data and had decided to use it to 'guide public policies'. This situation is unprecedent since the Federal Prosecution Service is part of the Judicial system and does not have the mandate to guide or implement public policy. The news report was directed to President Bolsonaro and it meant that the traditional communities' agenda would be put forward, regardless of his government's positions. The message was pointing to the future, 2020, when the platform would be ready. Nevertheless, it reflected the recent past. In fact, the digital platform resulted from interactions between members of a coalition previously gathered to implement a policy aiming to give visibility to traditional communities. It was part of a plan conceived by mid-level bureaucrats to protect that policy from dismantling, which could be foreseen from the political positions of the new government regarding traditional communities.

This story reflects a power struggle between the incumbent government, led by the Brazilian President, and its own bureaucracy. The relationship between politicians and bureaucrats has been central to public administration and political science academic debate (Rua, 1997; Peters, 2001; Svara, 2006; Dasandi & Esteve, 2017), either as a dichotomous, or rather, a complementary relationship (Overeem, 2005: 311). According to the Weberian model, politicians formulate ends, while bureaucrats take care of the means. Politicians gain their positions through elections; bureaucrats are selected on the basis of merit. Finally, according to the Weberian ideal, bureaucrats aim for neutrality, not engaging in politics and not openly expressing their opinions about politics or government affairs (Rua, 1997). However, especially in developing countries, 'the Weberian model bears little resemblance to the realities of political–bureaucratic engagement' (Dasandi & Esteve, 2017: 232).

Bureaucratic autonomy is one of the sub-fields within the study of political-administrative relations. Not only autonomy from powerful and illegitimate interests, as in Geddes (1990) and Evans (1995), but also autonomy from the government itself, as in the literature that focus on the opposition between politics and bureaucratic agency (Carpenter, 2001; Fukuyama, 2013; Rich, 2013; Hemmer, 2014; Miller and Whitford, 2016; Olsson, 2016; Ingber, 2018; Abers, 2019; Nou, 2019 and Peci, 2021). The ability of bureaucrats to take autonomous decisions, regardless of the political orientation from the elected officials, has gained centrality in times of democratic backsliding, meaning the 'reversal of democratic standards by incumbent governments' and 'the reduction of

political pluralism' (Bauer and Becker, 2020: 19). The assumption underlying this debate is that under undemocratic governments, not only counter-majoritarian powers such as the Judiciary but also the bureaucracy could rely on their expert neutrality to promote a checking system for the Executive. In bureaucracies' case, a checking system from within the Executive itself (Miller & Whitford, 2016).

However, this research does not focus on the capacity of bureaucrats to resist or check the government's agenda in general. It is not about the common occasions when bureaucrats regard government's decisions as detrimental or even illegal and decide to hinder government's capacity to change policy. My focus is on bureaucrats' capacity to move forward against opposition from the government. I investigate what determines the ability of bureaucrats to advance their autonomous agenda and how this ability is developed. Furthermore, I investigate what they do with their autonomy, and how they apply it to promote policy change.

That said, I am not dealing with all sorts of public policy. More specifically, I am researching bureaucrats' ability to promote 'pro-poor' policy change and continuity. According to Bird and Busse (2006, i):

> Pro-poor policies can be defined as those policies that aim to improve the assets and capabilities of poor people. They include policy interventions that directly target poor people or focus on poverty reduction in general. Some pro-poor policies specifically target the poor. They may be designed with their needs, preferences and capabilities in mind, or may be targeted either by socio-economic or demographic group or geographically. Alternatively, they may aim to improve the terms on which poor people engage in society, politics or the economy. Other policies are not specifically targeted but are assumed to have pro-poor outcomes. These policies are seen as necessary, in order to change the broader policy framework that drives or maintains poverty. Such policies might include rural development programmes, national legislation on gender equality, institutional reforms and good macroeconomic management.

I investigate the role of mid-level bureaucrats adapting a policy to include marginalised groups among its beneficiaries. Inclusive and pro-poor policy processes present specific dynamics and is more affected by the way the coalition of actors interested on its implementation is formed. Pro-poor policy depends, to a great extent, on a coalition that helps balance power, by building up mechanisms for support and adaptation (Bebbington and McCourt, 2007). The strength and scope of the pro-poor

policy coalition are crucial to the policy's successful implementation and durability (O'Toole, 2012:295, Patashnik, 2008: 176).

I am interested in autonomy for policy change and not for resistance; in pro-poor policy and not in policy in general; and, finally, I am interested not in bureaucracy in general but in the autonomous agency of a specific group: the mid-level bureaucrats, which is the group involved with the preparation of policy instruments or, in other words, with policy set-up, a sub-stage of policy implementation. Throughout the research, I have been collecting data about a range of state and non-state actors. Nevertheless, I focus my analysis on mid-level bureaucrats' agency within policy coalitions. The roles and different perspectives of civil society organisations, social movements, business and international agencies have been considered and recognised, but have not guided my analysis.

Mid-level bureaucrats are one of the less studied bureaucratic groups in the literature (Abers, 2015: 147) and one of the central actors in policy implementation. They are not central to the whole implementation process. In fact, they are not directly involved with policy delivery, which is the main activity of street-level bureaucrats (Lipsky, 1980). Instead, mid-level bureaucrats are responsible for managing implementation coalitions, which are policy coalitions formed to implement (set up and execute) the instruments required for policy delivery. Hence, in this thesis, 'implementation coalitions' refers to coalitions functioning in a specific stage of the policy process. In contrast, the term 'policy coalition' defines the coalitions involved in any stage of the policy process. In general terms, policy coalition is the genre, and implementation coalitions are the specimens, formed after the policymakers have formed the policy and it is ready for implementation.

Considering the central role of mid-level bureaucrats in managing coalitions for policy implementation, it is necessary to understand to what extent the strategies used by mid-level bureaucrats, while managing coalitions, impact their capacity to promote and sustain pro-poor policy autonomously. Hence, in this thesis I investigate how interactions between mid-level bureaucrats, the private sector, other bureaucrats, universities, social movements and international co-operation agencies affect their autonomy to promote and sustain change. I explain the extent to which the political skills and management strategy of mid-level bureaucrats foster their autonomy. Furthermore, I analyse what kind of

autonomous actions they take, or on what kinds of 'under the radar' stratagems they rely in order to promote and sustain policy change for the poor.

I argue that implementation coalitions might foster the autonomy of mid-level bureaucrats by providing them with the political legitimacy they need to act autonomously. This happens when mid-level bureaucrats manage the implementation coalition by following a flexible and horizontal strategy. Coalition management means selecting the coalition members, chairing the meetings, moderating the discussions, consolidating the decisions into concrete measures and finding the effective routes to enact these measures. By managing the coalition in a flexible and horizontal manner, mid-level bureaucrats increase their technical capacity, which, in turn, enhances their political legitimacy, which is a condition for autonomy.

Horizontal coalition management means selecting coalition members very broadly and allowing the participation of an array of actors interested in achieving the coalition's objective. It also means mediating the discussions in a democratic and non-hierarchical manner. Flexible coalition management means being capable of framing the problem in different ways. It means not being reactive to innovative solutions and being creative when turning suggestions and decisions into concrete measures. It is also being able to assess the risks involved in each decision and acting accordingly.

Finally, in order to exercise their autonomy properly, mid-level bureaucrats need to have political awareness that enables them to negotiate through politically sensitive matters and interests. This political awareness is similar to the skills in 'Thinking and Working Politically' (TWP) for which development practitioners have recently been advocating, alongside calls for a greater emphasis on 'Problem-Driven Interative Adaptation' (Mcgregor *et al.*, 2020; Andrews *et al.*, 2012). However, this literature is concerned above all with the implementation of development cooperation interventions, whereas my thesis explores the role of mid-level bureaucrats in domestic policy implementation.

In summary, horizontal and flexible coalition management leads to autonomy that, used by politically aware mid-level bureaucrats, might end up in pro-poor policy change and continuity. Thus, my research is about how mid-level bureaucrats manage implementation coalitions in order to gain autonomy to promote policy change towards

the interests of the poor, and to help this change to continue despite the government's dismantling efforts.

The positive impact of flexibility, horizontality and political awareness is not new in public administration (Tendler and Freedheim, 1994; Feldman and Khademian, 2001; Grindle, 2007; Pires, 2011; Sharp, 2021). What can be considered less explored in my approach is that I am not investigating the impact of such management style in policy outcomes. Here, I am looking at the impact of such management style in autonomous policy change and continuity. I aim to understand the determinants of the capacity of these mid-level bureaucrats to change policy against the will of politicians, and to sustain these policies, at least in the short term.

In their work on policy continuity, Bauer, Green-Pedersen and Jordan (2013: 2) argue that the capacity of governments to dismantle policies is related to different variables, including the number and power of policy beneficiaries, the number of veto players, positive political feedback and the strength and scope of supportive implementation coalitions. My argument is that the capacity of governments to dismantle policy is also affected by the way mid-level bureaucrats manage implementation coalitions.

My empirical chapters cover the management of implementation coalitions during three different time. Brazil is a relatively recent democracy, but despite its short (30-year) history, Brazilian democracy is characterized by intense political competition (Garmany and Pereira, 2019: 33). This competition has marked the policy process, which has been 'intensely political' (Barrientos and Pellissery, 2016: 160). Electoral positive feedback has played a role in the rise of development policy to the political agenda over the last three decades. This positive feedback made it possible for different governments to implement successful policies to reduce poverty and inequality between 2000 and 2014. However, it is a truism that, as stated by Luckham, Goetz and Kaldor (2000: 44), 'one of the essential points about democratic politics is that what politics can make, they can unmake too'. That is why 'policy gains for the poor have to be struggled over and re-won periodically' (*ibid.*).

Political shifts in Brazil throughout the last eleven years have gradually moved the government agenda away from redistributive policies. First, in 2011, President Dilma Roussef started to promote regressive policy changes regarding the environmental

protection and recognition of indigenous and traditional communities' land rights (May *et al*., 2016: 77; Hochstetler, 2017: 272; Caixeta *et al*., 2017: 406; Sauer, 2019:117). Furthermore, her agriculture policy was deeply connected with the interests of Brazilian agribusiness (Sauer, 2019: 104; Grisa, 2021: 568), which are, in general, based in a large-scale, export-oriented monoculture mode of production that is inherently associated with environmental degradation (Filus & Lima, 2022: 8).

The economic downturn and political turmoil that took over her term from 2013 onwards worsened the situation. As a result, in 2016, there was a 'conservative restoration' (Garmany and Pereira, 2019: 49) when Michel Temer became the President following Dilma's impeachment. His government represented a more evident ideological shift, 'ushering in policies of economic liberalisation and fiscal austerity, supported by business interests and most of the mainstream media' (*ibid*.). The space occupied by the agribusiness caucus in the Brazilian Congress (known as the *ruralistas*) in Temer's Government increased (Sauer, 2019: 117). Finally, since 2019, Jair Bolsonaro has occupied the Presidency. He was elected with a message of hostility towards any policy identified with previous governments. Moreover, his election manifesto was openly against communal forms of property (Abessa *et al.*, 2019).

The timeline below illustrates the political shifts against the traditional communities' agenda in Brazil since 2011. Despite these political shifts, the government has created, adjusted and implemented some promising policies during this time, such as the Environmental Rural Registry (*Cadastro Ambiental Rural*, CAR), represented by the squares below the blue arrow. Finally, policies, such as the CAR sub-system for Traditional Communities (*Cadastro Ambiental Rural para Povos e Comunidades Tradicionais*, CAR PCT), have resisted dismantling and continued to exist after 2019, when that political shift reached its highest point with Bolsonaro's election.

Figure 2 - Recent political shifts in Brazilian politics
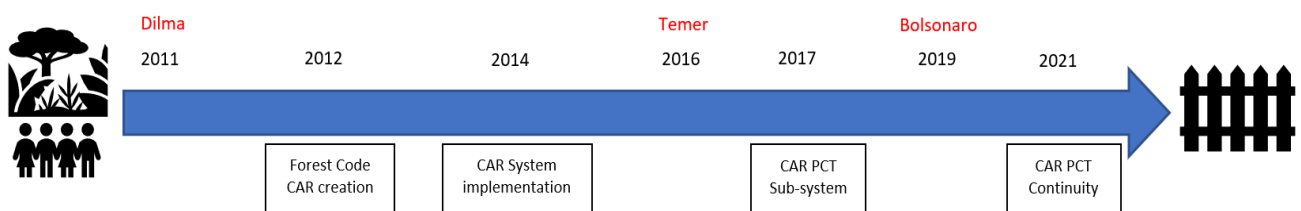
Source: author.

This story is not merely of local relevance. It relates to a global important set of issues that derives from Brazil's position as a key site for political and policy contestation over environmental issues and the rights of traditional communities. Brazil is a megadiverse country, hosting 'between 15 and 20 per cent of the world's biological diversity' (UNEP, 2019). This has led to high level of international interest in the implications of Brazilian environmental policy decisions. Since the 1992 Rio Conference this has been reflected in increasing flows of international development cooperation funding for environmental policy initiatives and growing internationalization of Brazilian environmental Civil Society Organisations (CSOs). As discuss in Chapters 5 to 7 this process of internationalization has played a key role in structuring the context within which mid-level bureaucrats engage with CSOs and other actors in CAR implementation.

In the next chapter, I explain my research process. First, the rationale behind the research and the reasons why I understand that pro-poor policies deserve a distinct research approach from policies that are supported by powerful interests. Then, I justify why I have opted for the use of a single case study as my research method, with qualitative methods of data collection, and the methods I have used to analyse the data by linking them to my conceptual framework. I also explain why I have chosen the Environmental Rural Registry (CAR) in Brazil as my case study. I argue that the level of land concentration and rural violence in Brazil explains why a policy that deals with land tenure for poor rural communities can be considered to be a very contested policy field and, consequently, a good case for the analysis of the dichotomy between politics and bureaucracy. At the end of Chapter 2, I give an account of my fieldwork and data collection (in person in Brazil and remotely), which was hit by the Covid-19 emergency in March 2020. I also disclose aspects of my positionality, which not only affected my interactions with my informants, but also had a decisive influence on the perspective through which I have observed the policy process and have developed my analysis and arguments.

This is followed by Chapter 3, which is a more in-depth elaboration of my conceptual framework, where I explore the key concepts and areas of literature with which I am engaging. The key concepts are 'bureaucratic autonomy', 'policy coalitions' and 'policy change and continuity'. Carpenter's (2001) work on bureaucratic autonomy

provides my thesis with the conceptual tool of regarding political legitimacy as a condition of bureaucratic autonomy. Autonomous bureaucracies act regardless of the political preferences of their superiors. Their autonomy might be used to resist change and also to proactively promote policy change and adaptation.

I discuss the unique role mid-level bureaucrats play in policy implementation, specifically in managing implementation coalitions. This unique role and other particular characteristics, such as longevity and overarching access to policy actors, validate them as a specific object of study among other sub-groups within the bureaucracy. I also go through some important debates related to the democratic problem created by the autonomy of non-elected bureaucrats. Finally, I discuss the idea of bureaucratic neutrality, not only as an ideal but also as a source of technical authority.

As far as implementation coalitions are concerned, I explain the importance of these groups for pro-poor policy implementation and the role played by the mid-level bureaucrats managing them. More importantly, I introduce my argument that when this coalition dynamics is shaped by horizontal and flexible coalition management, it impacts positively upon the level of autonomy of the mid-level bureaucrats responsible for managing the coalition. Finally, I discuss concepts related to policy change and the process of policy adaptation during its implementation. My case study is an example of policy that was adapted not by policy-makers but by bureaucrats while implementing it.

The fourth chapter is about the structural factors and the actors that shape the context in which my case study develops. Brazil's land regime and concentration is the first structural factor I expose in order to demonstrate how challenging it is to advance a policy that goes against centuries of a regime that promotes private expropriation of public land and land concentration. The Brazilian economic model, based on monoculture for export, has shaped a land regime that openly rejects communal and small-scale sustainable forms of production. This land regime directly affects the poor rural communities that benefit from the policy object of my case study - the CAR Sub-system for Traditional Communities (CAR PCT). Then, I discuss aspects of Brazilian federalism that demand a significant capacity to articulate sub-national units with a very diverse level of state capacity. I also present some peculiarities of Brazilian Rule of Law, which make Brazilian policy process very unpredictable.

In Chapter 4 I also introduce several actors that play relevant roles in CAR's implementation, from agribusiness and the parliamentary rural caucus, which represent the opposition to CAR PCT, to traditional communities and civil society organisations that advocate for it. I also analyse the role of federal agencies with different organisational cultures and bureaucratic behaviour, along with the mandates of state-level environmental agencies regarding CAR PCT delivery. Furthermore, I explain how public universities can work as consultants for the government, and the exceptionally broad mandate of the Federal Prosecution Service, which was originally created to prosecute criminal cases, but had its mandate extended. In fact, after years of institutional mutation, the latter has become an umbrella institution that promotes the general interests of Brazilian society, under which even initiatives to guide public policy (Paulo, 2019) fit. The last group of actors that I discuss are the international cooperation agencies, which play a central role in Brazilian environmental policy. In fact, the World Bank and the German Agency for International Cooperation (*Deutsche Gesellschaft für Internationale Zusammenarbeit*, GIZ) have played a pivotal role in both policy changes analysed in this research: the change to adapt CAR and include the poor in its system, and the change to sustain the inclusive sub-system against dismantling efforts by the government.

Based on interviews and government documents, in Chapter 5 I trace back the process through which mid-level bureaucrats from the Brazilian Forest Service (*Serviço Florestal Brasileiro*, SFB) have built up their political legitimacy and, consequently, their autonomy. Throughout the process of setting up CAR's instruments, especially its information system, between 2012 and 2015, mid-level bureaucrats have strenghtened their technical reputation by being horizontal and incorporating solutions contracted out and diffused from sub-national units. They have also tested the limits of such autonomy, when they came up with a solution which would innovate the law that had created CAR. Political awareness was also essential to carrying out this innovative solution under the radar.

In Chapter 6, I explore the impact of coalition management in CAR's adaptation. For the first four years after its creation, CAR had disregarded communal forms of land ownership. However, in 2016, despite a political context hostile to the agenda of the rural poor, mid-level bureaucrats included these marginalised groups in the coalition and autonomously adapted CAR in their favour. The creation of the CAR PCT sub-system was a formidable example of horizontal coalition management, since it was the collective

creation of the rural communities, their allied civil society organisations, the government, the university, the Federal Prosecution Service and international agencies. The sub-system was also an example of flexibility since it encompasses a very creative solution to recognising the rights of the rural poor while protecting the system from a deadlock that could have put CAR to an end. Finally, mid-level bureaucrats carried out policy adaptation within the information technology (IT) system, away from the eyes of the government or agribusiness, in a clear demonstration of sound political awareness.

Then, in Chapter 7 I analyse the relationship between the policy coalition management during CAR's implementation and its continuity from 2019 to 2021. This final empirical chapter also brings considerations about the political awareness and management strategies (horizontality and flexibility) of mid-level bureaucrats that have influenced the continuity of CAR. I present an overview of what has still been operating since 2019 and argue that the interactions of coalition members in a horizontal and flexible coalition have resulted in initiatives that have contributed to the continuity of the CAR PCT's sub-system, the most inclusive and main pro-poor element of CAR. State-level environmental agencies have been working in partnership with the World Bank and GIZ to sustain CAR PCT's operations. Moreover, the Federal Prosecution Service and civil society organisations have engaged with mid-level bureaucrats from the Ministry of Environment and transferred a GIZ cooperation project from the Ministry to the Prosecution Service, where it could be protected from dismantling and provide a source of external pressure for the continuity of CAR PCT.

Finally, in Chapter 8 I review my analytical conclusions. To do so, I present my findings and relate them to my research questions. In summary, I argue that CAR PCT case demonstrates that mid-level bureaucrats that manage implementation coalitions in a horizontal and flexible manner can acquire the necessary technical reputation and political legitimacy to promote pro-poor policy change and continuity autonomously, as long as they have the political awareness to navigate through powerful opposition without creating unnecessary political confrontations. Furthermore, they exercise their autonomy using stratagems which, on one side, require political awareness and flexibility, on the other raise questions about administrative principles such as transparency and accountability. The first stratagem is the 'IT system-level policy change', in which mid-level bureaucrats promote policy change by altering the information system used to implement the policy. The other stratagem I have identified is the 'lateral exit', or the

transfer of a government's project to the Federal Prosecution Service, in what might result in significant institutional distortions in the long run. I argue that these stratagems are detrimental to the beneficiaries of the policy change in the long run.

Then, I present my arguments to justify the relevance of this research, such as the contribution to the discussion about how mid-level bureaucrats must manage implementation coalitions if they want to build up their autonomy, and the level of political awareness they must develop to exercise such autonomy in the long run. In conclusion, I argue that the identification and analysis of the two stratagems used by mid-level bureaucrats to exercise their autonomy effectively is another major contribution of this research.

I then suggest further research that could follow on from this work. I begin by pointing out the room for research opened by identifying the two stratagems. For instance, there is room for an analysis of the deleterious effects of such stratagems. It is also relevant to investigate the use of similar stratagems to advance illegitimate interests. Finally, I suggest that further research should look at the motivations of mid-level bureaucrats in promoting autonomous pro-poor policy change, *i.e.* to what extent they are driven by their personal background, by positive policy feedback, or by the need to prove their neutrality by counterbalancing their political superiors.

2. <u>Research Design</u>

2.1. Research Rationale

In this thesis I investigate how mid-level bureaucrats autonomously adapt and sustain pro-poor policies, understood here as a subset of development policies designed for 'the enhancement of human capabilities, in particular for the people who have the greatest capability deficits' (Bebbington and McCourt, 2007: 4). Pro-poor policy is an important field of analysis for researchers interested in the role of bureaucrats in development because their role is more evident in this subset of development policy, which targets, according to Peters (2006: 128), less well-organised people who lack 'sufficient legitimacy and political "clout" to provoke the desired response from the political system themselves'. Therefore, these policies need bureaucratic agency for 'coordination and policy coherence' (*ibid.*). By contrast, the role of autonomous bureaucrats is less visible in the implementation of policies that respond to general or special interests. The promotion and continuity of those policies are explained by 'well-organized and well-financed lobbying operations' wielding power 'in the normal channels of liberal democratic legislatures and penetrable bureaucracies' (Ascher, 1984: 4).

Pro-poor policies are closely linked to the idea of policy change. In fact, it is an 'uphill battle' (Grindle and Thomas, 1991: 6) to 'shift the balance of opportunities and investments in society towards the poorer and the excluded' (Bebbington and McCourt, 2007: 4). However, under regimes in which power structures are not only trying to preserve the status quo against change but also trying to reverse previous redistributive achievements, shifting the balance towards the poorer and the excluded might mean not only policy change but also policy continuity. The 'current global wave of democratic backsliding' (Bauer *et al.*, 2021) is an opportunity to understand the policy process from a different perspective. If pro-poor activists usually regard policy change as a positive outcome to the policy process, in times of democratic backsliding it is important to use a conservative lens and learn how to promote continuity to sustain pro-poor policy.

Bureaucratic autonomy occurs when bureaucratic agency and governmental political orientation differ (Carpenter, 2001:4; Fukuyama, 2013: 352). Such political

differentiation is key to isolate bureaucratic agency as an explanatory variable for pro-poor policy adaptation and continuity. Besides the well-studied role of public institutions, policy coalitions and social movements, to investigate the agency of mid-level bureaucrats, with specific political skills and adopting specific strategies while managing the coalition during policy implementation, is crucial for understanding pro-poor policy adaptation and continuity. Researchers interested in pro-poor policy processes might look at cases like the one analysed in this thesis to discover how specific political skills and management strategies followed by mid-level bureaucrats can help the establishment of 'guidelines for more effective redistributive efforts' (Ascher, 1984: 8). (*ibid*.). It is important to mention that, in this thesis, I also recognise the anti-democratic aspects of bureaucratic autonomy and the challenges it represents for accountability, and ultimately to the best interests of the poor.

Among the most marginalised groups in Brazil are rural communities that do not have their historical territorial rights recognised by the state. As a matter of fact, state agents have been historically colluding with powerful people trying to exclude them. Like hundreds of millions of the rural poor worldwide, rural communities in Brazil struggle to get state recognition of their traditional territories (Norfolk & Tanner, 2007; Borras Jr. & Franco, 2010). The relevance of investigating land tenure for the rural poor as a development issue is well stated by Cotula, Toulmin and Quan (2006: 39):

> Land is an asset of enormous importance for several billion rural dwellers in the developing world. The nature of rights and how strongly they are held vary greatly, depending on competition for land, the degree of market penetration and the broader institutional and political context. The picture is hugely diverse and complex within and between countries and regions. Nevertheless, certain generalisations can safely be made.
>
> Although there are significant differences in rural demographics between countries, with substantial rural de-population and an aging rural demographic profile in some regions, pressure on land is set to increase over future decades, given the impacts of continued population growth and demographic changes including urbanisation, globalisation of markets and activities, trade negotiations and climate change.
>
> As a resource becomes scarcer and more valuable, those with weak rights to this resource will tend to lose out. In the case of land, particular groups tend to be more vulnerable to such dispossession, including the poor, those in peri-urban areas, indigenous people, women, those relying on common property resources, and those in areas of conflict. The strength of a given person's rights depends on a range of factors, including the resources and contacts that can be brought into play.

Despite the historical negligence regarding land tenure for the rural poor in Brazil, in 2012, the Brazilian Congress enacted a new Forest Code (Law 12.651) that created an opportunity to give visibility to these people. Just like other legislation before it, the Forest Code did not provide specific legal treatment to communal forms of property under which traditional communities had lived for centuries (Marés *et al.*, 2015: 84; Damasceno *et al.*, 2017, 10). The Code has created the Environmental Rural Registry (Cadastro Ambiental Rural, CAR), a geo-referenced system, using a real time system based on satellite images, where individual landowners were supposed to plot their properties and indicate the areas of preserved forest. Originally, communal forms of property were excluded from CAR.

For the first time, Brazil would have a public geo-referenced system, supposedly including all rural properties, to enforce environmental protection laws regarding forest conservation in both public and private land. Furthermore, it would indicate clearly any overlapping of areas claimed by farmers over communal land, indigenous land, protected areas or family farming areas. Land disputes and illegal occupation of protected areas could finally be monitored in real time. However, as mentioned above, according to the Forest Code only individual properties could be registered in CAR. Even though the Code accepts multiple owners in a scheme where every owner has a specific quota, there was no room for communal forms of responsibility over the territory, neither were there any provisions for alternative livelihoods that, instead of engaging in large-scale agriculture, promote the sustainable use of forest assets.

Nevertheless, four years after its creation, in 2016, CAR was adapted and a specific sub-system called CAR for Traditional Communities (*CAR para Povos e Comunidades Tradicionais*, CAR PCT) was created to include traditional communities, despite the opposition of powerful interests within Brazilian agribusiness. These interests, represented by the Rural Caucus in the National Congress, known in Brazil as the *ruralistas*, had gained significantly in power after the Workers' Party President, Dilma Rousseff, was impeached in 2016 and a centre-right coalition took control of the government of her Vice-President, Michel Temer (Andrade, 2020: 1471). Thus, CAR became an instrument for the inclusion and visibility of traditional communities at a time when the political influence of groups opposed to these communities' interests was growing, which is very significant in a country with a history of rural violence and land concentration like Brazil (Damasceno *et al.*, 2017: 9).

Then, in 2018, as mentioned above, President Bolsonaro won the elections with a platform opposed to collective forms of production and tenure. Therefore, CAR and especially the traditional communities sub-system, which is its main pro-poor component, seemed to be at significant risk of being dismantled by the government. Surprisingly, however, it has survived. Furthermore, the Judiciary has taken decisions based on the CAR database. For instance, in June 2021, President Bolsonaro, who had been elected with a manifesto of 'not an inch of land to traditional communities', had to recognise a communal territory in response to a legal action brought by public prosecutors, which had used as evidence traditional communities' land registration on the CAR PCT sub-system (Valente, 2021).

2.2.   Research Question

This research looks at mid-level bureaucrats' management of a policy implementation coalition and its causal contribution to the policy becoming pro-poor and then continuing in an adverse political scenario. As a response to the current wave of democratic backsliding around the world, scholars have been paying a lot of attention to what bureaucrats have been doing in terms of resistance, drifting or sabotage against policy dismantling (Ingber, 2018; Nou, 2019; Shah, 2019; Abers, 2019; Andrade, 2020; Bauer *et al*., 2021; Peci, 2021). However, that is not the object of this research: I am interested in how bureaucrats acted – instead of reacted - during the policy implementation, and what may have shaped the prospects for policy adaptation and continuity.

I investigate how interactions between federal mid-level bureaucrats and social movements, the private sector, sub-national bureaucrats, public prosecutors, universities and international donors have affected the adaptation and continuity of a specific pro-poor policy in Brazil. I have identified these actors in particular because they have mobilised the most relevant resources for the implementation coalition, including expertise, political and ideological support, and funding.

The research question at the core of this thesis is: *How do mid-level bureaucrats autonomously promote pro-poor policy adaptation and continuity?* In other words, how do mid-level bureaucrats build up their capacity to act regardless of the preferences of

elected politicians, and what strategies do they follow to promote pro-poor policy adaptations that continue despite political opposition.

Taking the Brazilian Rural Environmental Registry (CAR) as my case study, three empirical sub-questions have helped me to answer that main research question. The three sub-questions analyse the skills and strategies that have enabled bureaucratic autonomy while implementing policy:

i) *How did mid-level bureaucrats build up their autonomy during the initial stages of CAR's implementation between 2012 and 2015?* The answer to this sub-question allowed me to understand the conditions for mid-level bureaucratic autonomy and how they fulfil such conditions.

ii) *How did mid-level bureaucrats contribute to a policy change that adapted CAR to include pro-poor elements between 2016 and 2018?* This sub-question allowed me to understand the strategies used by mid-level bureaucrats, while managing CAR's implementation coalition, aiming to adapt CAR to the interests of the poor, despite politicians deciding otherwise.

iii) *How did mid-level bureaucrats contribute to sustaining the pro-poor elements of CAR against dismantling?* This sub-question allowed me to assess the strategies used by mid-level bureaucrats in an attempt to sustain CAR PCT after 2019. Furthermore, this sub-question gave me a clear understanding of the relationship between interactions within the implementation coalition and the later continuity of the respective policy.

2.3. Methodology

2.3.1. Approach

This thesis results from policy process research 'in which attention is focused upon how policy decisions are made and how policies are shaped in action' (Hill, 2009: 5). Policy process studies 'are very often case studies, using qualitative methods such as documentary analysis, discourse analysis, interviews with key actors or direct observation' (*op. cit.*: 10). Although this research is mainly based on qualitative data, I have also used quantitative data regarding the outputs of CAR PCT. The intention of single case studies like the present research is not to find 'a definite answer to the debate over whether a factor matters or not' but rather to develop a 'plausibility probe: a

demonstration that there are at least some cases where a specific variable has made a difference' (Blatter and Haverland, 2012: 70).

In this thesis, I focus my analysis on bureaucratic autonomy as an effect of bureaucrats' behaviour in managing an implementation coalition, such as their openness to participation (horizontality), capacity to take risks and innovate (flexibility) and political awareness to advance such innovations. Single case studies are extremely context-sensitive, and their findings can only be generalised to other cases with similar control variables (Blatter and Haverland, 2012: 69). Regarding the limitations to generalise case studies' results, Hill (2009: 11) argues that:

> Nevertheless, in the social and political sciences we recognise how complexity, change and the consciousness of the actors we are studying limit our scope for the establishment of generalisations (that is, propositions going beyond the investigated cases). We also recognise how, particularly in a field like the study of policy process, the use of experimental methods remains rather exceptional (see Smith *et al.*, 2011, for such applications), and we must often use qualitative techniques in single or comparative case studies to grasp social and political phenomena.

The analytical framework for this research has three levels: macro, meso and micro. At the macro level, the analysis covers the Brazilian political context, which has changed over the timeframe of this research. At the meso level, the foci of analysis are the implementation coalition and the interactions within it among mid-level bureaucrats and other actors. Evidence demonstrates that the CAR's implementation coalition enabled interactions that have resulted in concrete agreements between policy actors that resulted in the exchange of political support, financial capital, technical capacity and other resources. It was not a one-way process. Instead it was the sum of actions and reactions between policy actors. In this thesis I am interested in the agency of mid-level bureaucrats in shaping these interactions. Therefore, at the micro level, the focus of analysis is mid-level bureaucrats' management strategies and political skills. Here, the thesis analyses mid-level bureaucrats as pivotal actors in the implementation coalition. The aim is to discover to what extent their management strategies shapes interactions within implementation coalitions.

The diagram below explains how I frame the analysis throughout the three levels. On the left there are mid-level bureaucrats' management strategies and political skills, which are the independent variables of interest that I analyse at the micro-level. The meso-

level analysis focuses on the interactions within the implementation coalition, which are the intervening variables. Finally, the macro-level analysis concerns the political context and other structural factors that define the space for bureaucratic action within the implementation coalition. Fiscal restrictions, limited budgets and political opposition to pro-poor policies are examples of such structural factors and have remained stable in a changing political context (control variables). In this structural context, mid-level bureaucrats' interactions within the implementation coalition result in policy adaptation and continuity (the dependent variables). This research aims to understand how this happens.

Figure 3: Three-level Analytical Framework
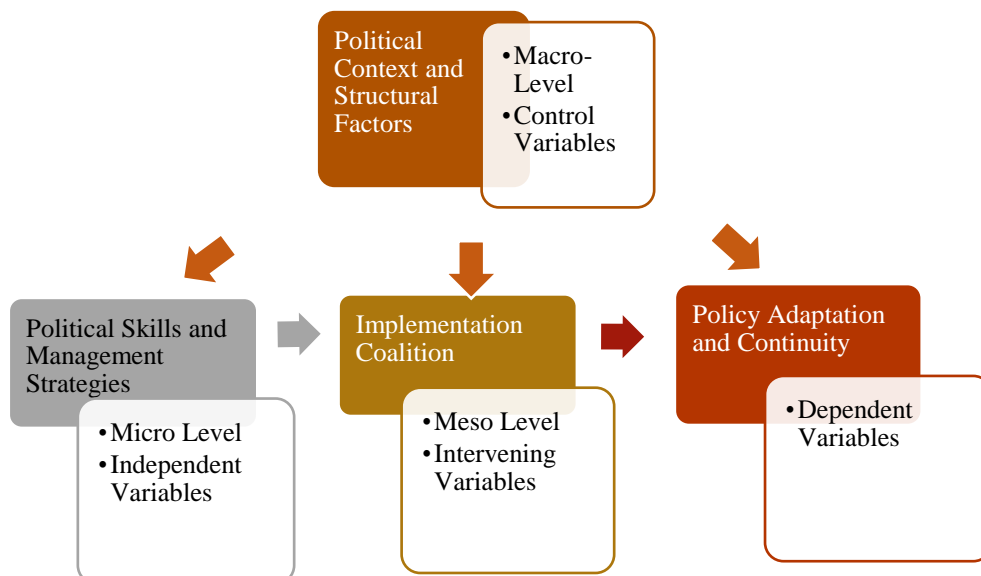
Source: author.

This research focuses 'on the effects of causes and not on the causes of effects' (Blatter and Haverland, 2012: 41). In other words, the research investigates the effects of autonomous bureaucratic agency on policy adaptation and continuity, and not what factors, including autonomous bureaucratic agency, have caused policy adaptation and continuity. Although focused on agency and interactions of actors within the implementation coalition, this thesis does not strictly focus on behaviour, ideas and discourse. As illustrated by the figure above, this thesis also looks at the institutional settings where these interactions occur, their organisational structure and the rules guiding them; however, the structural factors are not considered to be a function of bureaucratic agency. As mentioned above, they are considered to be static control variables. This thesis

does not analyse the impact of these structural factors. However, it provides an account of them since I do not follow a 'reductionist conceptualization' (Blatter and Haverland, 2012: 8) of agency vs. structure that ignores the institutional dimension of bureaucratic agency. According to Blatter and Haverland, a case study is a proper method for 'a thorough understanding and explanation of the social world' and a complete account of the role of both structure and agency dimensions (2012: 8).

2.3.2. Case Study

To investigate the role of mid-level bureaucrats in adapting and sustaining pro-poor policies I needed to promote a 'purposeful selection' of my case study (Yin, 2018: 189). As a result, I have identified a case study that revolves around a policy that mid-level bureaucrats had adapted during its implementation and that later was under significant risk of being dismantled by the government. Case study research is a form of inquiry that aims at an in-depth analysis of a phenomenon (such as pro-poor bureaucratic autonomy) throughout a specific period (Creswell, 2014: 14) and 'within its real-world context' (Yin, 2018: 15). Qualitative case studies provide a close view of the policy process that can show 'important historical variations' although with less amplitude than global comparative studies (Hochstetler, 2017: 272). I have decided for a qualitative case study in a specific setting rather than a general and more replicable investigation across different countries, or different policy sectors within a country, because I was aiming for a more detailed assessment of the object of my analysis: the role of mid-level bureaucrats in pro-poor policy adaptation and continuity. Brazil is a valuable site for this investigation because the country had emerged as a globally significant case of poverty and inequality reduction from 2000 until 2014 (Barrientos & Pellissery, 2014: 160; Sauer *et al.*, 2019: 6), but despite these promising results, since 2011, the pro-poor agenda has faced severe ideological and political pressures (Andrade, 2020: 1471).

Inequality and Pro-poor Policy

As stated by Peters and Pierre (2006: 3), inequality is a political matter since resource allocation derives from a series of political choices based on governments' 'ideological orientation'. Persistent inequality has prevailed in developing countries

where the elite are too powerful, and the 'pressures on them to be pro-poor' are too weak (Hossain and Moore, 2002: 3). As described by the latter (*op. cit.*: 19):

> It seems likely that, the more unequal is income distribution in any given society, the less willing are the elites actually to redistribute resources or otherwise assist the poor. In fact, inequality appears to breed something of a commitment to the maintenance of inequality – or, at least, reluctance and resistance to reducing it.

The authors conclude that although the evidence of this inequality vicious circle is not conclusive (*op. cit.:* 19),

> it is reasonable to assume that, all else being equal, elites in countries with very high levels of inequality, like South Africa and Brazil, are unlikely to be very supportive of attempts to redistribute income (or assets) to the poor (*op. cit.:* 31).

Inequality has many dimensions beyond income (Leach *et al*. 2016: 27), including inequality in access to natural resources, such as land and forest assets. In Brazil, these dimensions are deeply connected with socio-economic structures, where land is concentrated in the hands of a small but very powerful agrarian elite (Paulino, 2014: 136; Cabral, 2016: 55). As registered by Hossain and Moore (2002: 18), 'the clearest general conclusion is that agrarian elites – groups whose income and status derive (in part) from their control of large landholdings – tend consistently to be the least sympathetic to the poor'. Indeed, 'land grabbing' and other forms of violent conflict over land have historically worsened inequality in Brazil, profoundly affecting the rural poor. Land-based violence increases rural poverty, which in Brazil is more severe than in urban settings (Garmany and Pereira, 2019: 5).

Case Study Selection

In order to investigate bureaucratic autonomy in the adaptation and continuity of pro-poor policy, it was crucial to find a policy that has been exposed to a high level of political pressure, *i.e.,* one that faces the risk of discontinuity not only due to fiscal constraints but also due to ideological objections. As discussed above, redistributive policies tend to face these pressures more intensely, especially when dealing with contestation over limited resources, such as land. Furthermore, since this research is interested in the contribution of bureaucratic agency, the policy must also include a

reasonable degree of room for this during its implementation. Accordingly, the policy should not be self-applicable. It should require decisions and actions from bureaucrats while preparing the instruments for policy implementation. Finally, since the thesis is interested in bureaucratic agency within a policy coalition, the policy should be inter-organisational, involving state and non-state actors in its implementation. I was also looking for a case that related to rural poverty, which (as discussed above) is the most severe form of poverty in Brazil.

Thus, the selected case had to be about a policy that was:

1. redistributive or politically sensitive;

2. open to bureaucratic agency;

3. inter-organisational; and

4. rurally-focused.

In order to select the case, I picked out a policy those that dealt with disputes over limited resources and attempted to promote more equal access. Therefore, I excluded the provision of services and those policies that promoted redistribution through the transfer of budgetary resources to the poor, such as cash transfer programmes, since they do not represent a clear zero-sum game, which redistribution of land does. Among those remaining policies, I selected those related to rural poverty.

Within the set of pro-poor policies that the research could examine, CAR was the best option because it is politically sensitive since it enhances the political capabilities of the rural poor in land disputes and serves to highlight cases of land-grabbing (Marés *et al*., 2015: 90). CAR also presents a significant level of room for bureaucratic manoeuvre in negotiating with other actors throughout the policy process. Its implementation is complex and has involved political negotiations and bargaining with beneficiaries, social movements and other government sectors throughout, in a way that was able to promote the adaptation of the initial policy design. This complexity guarantees mid-level bureaucrats a managerial role in implementation, with a reasonable transaction space.

Finally, CAR is inter-organisational, involving not only state and non-state actors but also foreign governments through 'ties between national bureaucracies and international secretariats, and transnational links between and among cooperating national agencies' (O'Toole, 2012: 4). This transnational linkage has recently been

identified as crucial to protecting policy against dismantling (Bauer *et al*. 2021). It also makes the case more relevant to developing countries where external actors, such as aid donors, play a more critical role than in Brazil. It is, therefore, a particular case that is extremely suitable to contemporary debates in development studies and comparative politics on bureaucratic autonomy, policy change and policy dismantling. It is of national and global significance because it impacts on the well-being of many hyper-marginalised segments of the rural poor and on the survival of the biodiversity and carbon resources of their traditional territories. It is also an interesting case because it focuses on bringing environmental considerations into agriculture, which is particularly challenging (Grant, 2006: 319), especially considering the political power of Brazilian agribusiness.

2.3.3. Data Collection

This research relies on two main sources of data, namely key informant interviews and grey literature. These two sources have reinforced each other in two different ways. First, they mutually influenced selection. On the one hand I have identified key informants through the analysis of grey documents, whilst on the other hand, informants have also indicated documents that I should consider. Second, the factual elements that I analyse in my empirical chapter were all verified by the triangulation of what had I been told by the informants and revealed by grey documents, including government reports. For example, the role of the German international cooperation agency (GIZ) in CAR implementation and the extent to which they worked in synergy with the Brazilian Forest Service were mentioned in interviews and also stated in a World Bank document (The World Bank, 2018). Furthermore, the fact that the CAR implementation process helped traditional communities and state-level environmental agencies to interact better was mentioned by an informant and later confirmed by an official document by the Ministry of Environment (Trovão & Rocha, 2018).

Key Informant Interviews

Key informant interviews is a method of data collection in which the selection of the informants is not oriented by sample representativeness; otherwise, the method relies on 'a small number of knowledgeable participants who observe and articulate social relationships for the researcher' (Seidler, 1974: 816, as cited in Hughes & Preski, 1997: 82). My selection criteria have taken into consideration the role played by the informant in the policy process under analysis, which is a proxy for their knowledge about the process and level of engagement into it. Furthermore, I have considered the informant's positionality. The inherent personal bias of the informants, due to their current position and background, was recognised from the outset in order to be adequately appraised.

Relying in a 'vertical' method in which the researcher promotes an in-depth data collection, the researcher carrying out key informant interviews 'develops a relationship with an informant that is maintained over a long period of time. Such prolonged contact allows the researcher to make judgments about areas of inaccuracy or inconsistency in informant data' (Hughes & Preski, 1997: 82). Accordingly, I was able to develop this kind of relationship with some informants, with whom I met repeatedly, not only in follow-up interviews, but also through more informal contact. Such extended engagement allowed me to cross-check the information not only with data collected from other interviews, but also with data provided by the same informant on a different occasion.

The sampling of interviewees was purposive and included key agents of both state and non-state institutions, as listed in the box below:

Figure 4 – State and Non State Key Informants

State Institutions:

- Brazilian Ministry of the Environment (*Ministério do Meio Ambiente*, MMA)
- Brazilian Presidential Office (*Casa Civil*)
- Brazilian Forest Service (*Serviço Florestal Brasileiro*, SFB)
- Traditional Communities Council (*Conselho Nacional de Populacões e Comunidades Tradicionais*, CNPCT)
- Federal Environmental Agency (*Instituto Brasileiro de Meio Ambiente e Recursos Naturais Renováveis*, IBAMA)
- Land Reform Agency (*Instituto Nacional de Colonização e Reforma Agrária*, INCRA)
- State-level enrironmental agencies (*Órgãos Estaduais de Meio Ambiente*, OEMAs)
- University of Lavras (*Universidade Federal de Lavras*, UFLA)
- Federal Prosecution Service (*Ministério Público Federal*, MPF)
- German International Cooperation Agency (*Deutsche Gesellschaft für Internationale Zusammenarbeit*, GIZ)

Non-State Institutions:
Agribusiness
- Agribusiness Caucus (*Frente Parlamentar da Agropecuária*, FPA)
- Agriculture National Confederation (*Confederação da Agricultura e Pecuária do Brasil*, CNA)

Social Movements
- *Quilombos* National Coordination (*Coordenação Nacional de Articulação de Quilombos*, CONAQ)
- Socio-environmental Institute (*Instituto Socioambiental*, ISA)

Source: author.

Initially, I selected three key informants who had directly participated in CAR's implementation, according to government reports and other grey literature. From these first interviews a snowballing process identified another twelve informants. Besides the first three informants, I also identified another seven key informants by assessing the grey literature. The snowballing process is illustrated by the diagram below. The key informants are represented by the acronyms of their organisations. The initial interviews were with people from the Ministry of Environment (MMA), the Agribusiness Caucus at the National Congress (FPA) and the *Quilombos* National Coordination (CONAQ). My first interview was with a political appointee from the Ministry of Environment, who indicated mid-level bureaucrats from the Presidential Office (Casa Civil) and the Brazilian Forest Service, besides a GIZ officer. The mid-level bureaucrats from the Presidential Office gave me the contact details of a mid-level bureaucrat who was at the Traditional Communities National Council at the time, while the Forest Service mid-level bureaucrat indicated who I could talk to at the University of Lavras, the Brazilian Environmental Agency (IBAMA) and the Agribusiness Association.

Finally, mid-level bureaucrats from IBAMA indicated a bureaucrat from the Agrarian Reform Institute (*Instituto Nacional de Colonização e Reforma Agrária*,

INCRA) involved with the CAR implementation process. Furthermore, my interview with an IT specialist from the University of Lavras pointed out the need to talk to a member of the Federal Prosecution Service (*Ministério Público Federal*, MPF), who told me about another mid-level bureaucrat from the Ministry of Environment who had played a crucial role in MPF's work in the benefit of traditional communities. Then, the representative of the Agribusiness Caucus mentioned the Agribusiness Association and the same Forest Service mid-level bureaucrat, who had previously mentioned the same person at the Agribusiness Association. Finally, the CONAQ representative told me about some officers from state-level environment associations (OEMAs) and about the team working at the NGO Instituto Socioambiental (ISA), who mentioned once more the GIZ officer. That snowballing process is schematically represented by the diagram below:

Figure 4: Key Informant Interviews' Snowballing.
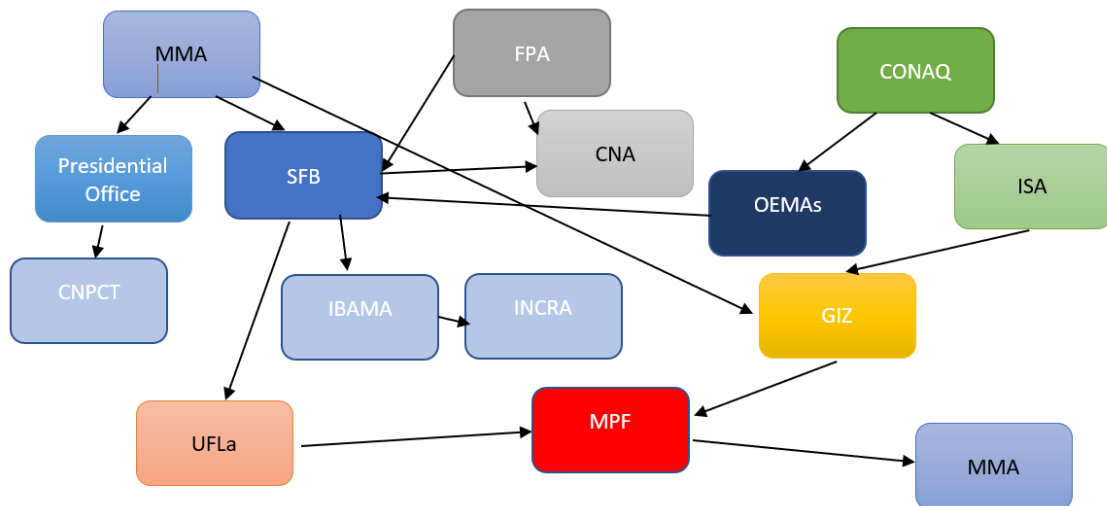
Source: author.

Considering that my research is about the skills and strategies of a specific group of bureaucrats managing an implementation coalition, it was crucial that I interviewed members of the coalition, which is limited in size. Therefore, my sample needed to identify the right informants, those engaged in specific moments of the policy implementation who could inform about the coalition management process. I did not need a representative sample of a large population, as I would have if I were investigating the impacts of different coalition management strategies on street-level bureaucrats' discretion and service delivery.

In all, I conducted 26 interviews, which totalled nearly 50 hours of conversation with 22 key informants. Considering the sensitivity of what was declared by the informants, most of whom are still in their positions, I have kept the interviews anonymous. The interviews were semi-structured and in Portuguese. The translations throughout this thesis are my own. Initially, I usually explained the primary purpose of the research, read the interview protocol and asked if they agreed with the terms of the interview and if I had their permission to record the conversation. In only two cases, interviewees refused that permission for privacy reasons, arguing that they were 'old school' and felt easier with no recordings. My first questions were always about the interviewee's professional background, which would supposedly reveal their position within the broad CAR policy network. These were followed by questions related to the role that the informant had played in CAR's implementation.

From the fourth interview onwards, when I had already gathered some evidence about the management strategy and political skills that marked the behaviour of the mid-level bureaucrats while managing the implementation coalition, my questions were adjusted to cover aspects of horizontality, flexibility, and to what extent they demonstrated political awareness to advance their autonomous pro-poor decisions. Interactions through messaging apps and e-mails followed some of the interviews, when I could discuss reports and other grey literature, along with further comments and follow-up questions regarding issues related to the research. Through these later contacts, informants have also invited me to join – as a listener – in virtual meetings.

It is important to mention that some of the informants had previous experience in other sectors. For example, there was an informant who was interviewed due to her role as a mid-level bureaucrat until 2018, who was currently working for a civil society organisation representing traditional communities in public debates regarding their rights. Similarly, another informant was interviewed due to the role she had played as a federal mid-level bureaucrat, but previously she had been a state-level bureaucrat and, by the time of the interview, was again a state-level bureaucrat, but now in a different state. Initially, these interviews focused on the specific roles that these actors have played during CAR's implementation. However, different perspectives that were clearly formed while they were in other positions were cautiously noted and, when possible and interesting to the investigation, further explored.

Grey Literature

Other data sources were essential to this research, such as webinars and legislative online sessions, along with documents and government reports, such as budgetary provisions for traditional communities' land titling and official replies to information requirements. Furthermore, in order to collect quantitative data I relied on the assessment of government records (from both the Executive and Legislative offices at the federal level) concerning the Brazilian Forest Service budget and CAR PCT output. Reports from the government and civil society organisations have also provided the quantitative data I have used to assess budgetary retrenchment and patterns of inequality. I have also had access to formal contracts and agreements between actors of the implementation coalition and the Brazilian Forest Service that were extremely useful to indicate the formal steps of the policy implementation.

2.3.4. Data Analysis

To analyse the qualitative data from the interviews, I have used thematic analysis. The coding system had themes and sub-themes related to my conceptual framework, according to the table below:

Table 1: Coding Tree from Data Analysis

Conceptual Framework Themes	Sub-themes
Bureaucratic Autonomy	Technical reputation
	Political Legitimacy Neutrality
	Democratic Problem
Implementation Coalitions	Political Awareness Extensive personal network Ability to navigate under the radar
	Management Style Horizontality Flexibility
Policy Change/Continuity	In-system adaptation
	Policy feedback
	Policy Displacement
Brazilian Context	Democratic Backsliding
	Pro-poor policy Agribusiness v. Traditional Communities

Source: author.

While conducting the analysis, I have kept in mind the discourse behind the qualitative data, taking into account the positionality of the informant and my own positionality. I had to conduct a historical analysis since, as mentioned above, I am interested in what bureaucrats had done from 2012 to 2018, during CAR's implementation and adaption, to identify the implications for the policy's continuity between 2019 and 2021. Thus, since the coding system related to different periods, I had every theme and sub-theme coded according to the period covered by each empirical chapter. Finally, throughout the thesis, I have synthesised my arguments in simple and straightforward images that represent and signal the core ideas of my argument.

2.4. Fieldwork process and limitations

In March 2020, I was doing my fieldwork in Brazil and had already conducted some of the interviews and scheduled several others. I had also managed to collect relevant documents and visit the Brazilian Forest Service, the Ministry of Environment and the Ministry of Agriculture. I had also arranged a visit to a rural community. Unfortunately, in late March, the Brazilian government declared a lockdown due to Covid-19. Simultaneously, the University of Sussex prohibited any personal interaction for research purposes. I came back to England and had to conduct the remaining interviews online. The impossibility of doing in-person interviews resulted in a significant drawback regarding two specific groups as follows.

First, the traditional communities. Due to Covid-19 restrictions I could not personally engage with the communities and their leaders. I had arranged for April 2020 a three-day visit to a rural community in the state of Goias. On the first day, I would visit and explore the territory. On the second day, I would focus on open interviews with the traditional people regarding their history, traditional use of the territory, routines and most significant challenges. On the last day, I would finally discuss their experience with CAR's implementation, and their expectations and restrictions towards it. Obviously, I could not visit the community due to Covid-19 restrictions, and the fact that internet connection and computer access are not widespread among these communities restricted the number of traditional people I could interview remotely.

The politicians were the second group of informants whose contacts were hindered due to the Covid-19 restrictions. Online interviews are not simple things to arrange with busy politicians. In Brazil, politicians' staff book in-person interviews more quickly if the researcher agrees to spend hours in waiting rooms until the politician finds the right time for the interview. Online interviews need to start at a specific time, and there is no leverage for these kinds of situations when, between two meetings, the informant calls the researcher for a quick coffee while the interview proceeds. I could not arrange online meetings, not even with politicians whose staff had already arranged those 'waiting room' sittings for me.

Eventually, despite the impact of Covid-19, I was able to collect qualitative data through semi-structured and unstructured interviews, webinar recordings, legislative sessions, documents and government reports. As already mentioned, I have also collected quantitative data from official reports, such as budgetary provisions for traditional communities' land titling.

2.5. Positionality

I have worked for the Brazilian government as a policy analyst for more than 20 years. From 1997 until 2018, I worked for governments from both the right and the left of the political spectrum. I have worked at the Presidential Office for President Fernando Henrique Cardoso (1994/2002), President Lula (2003/2010), President Dilma (2011/2016) and President Temer (2017/2018). I have also worked for the Ministry of the Environment, where I worked closely with rural communities and civil society organisations both in the National Environmental Council (*Conselho Nacional do Meio Ambiente*, Conama) and in the National Environmental Fund (*Fundo Nacional do Meio Ambiente*, FNMA). I have also been involved in negotiations regarding the interests of traditional communities affected by infrastructure projects like the Tucuruí and Belo Monte hydroelectric plants. Working for the Presidential Office, I have liaised with agribusiness both during the debates regarding the Forest Code and in relation to other issues related to Brazilian agriculture. As a 'backyard researcher' who studies organisations of which I used to be part, and people with whom I used to engage, I needed to exercise extra caution to validate and 'demonstrate the accuracy of the information'

(Creswell, 2014: 188), and to avoid the tendency of taking anything that bureaucrats say at face value. The positive point to being a researcher with some experience in the area is that I was able to identify the relevant actors to interview. Indeed, key informants are those who are placed in very specific positions within their organisations. These positions have to be identified case by case, taking into account individual circumstances.

As mentioned, I am a member of the permanent civil service, and since 1998 I have been appointed to mid-level positions by governments from different partisan and political affiliations. It is also important to mention that I am still a licensed member of the Brazilian civil service, and I will return to work for the Brazilian bureaucracy after completing my PhD. Hence, during my interviews with other bureaucrats, I was considered an inside observer, which meant both opportunities and limitations. First, I had to be permanently aware of my biases through a reflexive process that included avoiding taking conclusions based on my first reactions and presumptions. I also needed to take care of how I would approach bureaucrats to avoid only asking what they feel comfortable answering. It was also essential to be aware that some of my informants knew me personally, which might have shaped their answers regarding what they thought I was expecting to hear. On the other hand, being an insider and having access to gatekeepers obviously opened doors. Furthermore, it gave me clarity on what to ask and how to decipher what informants really meant.

As a bureaucrat studying the bureaucracy, I was conscious of my biased decision to focus on what bureaucrats could do to help, not hinder, pro-poor policy change and continuity. CAR's implementation faced many challenges, and some aspects of its implementation could be considered a failure, which was the view of some of my informants, especially those from social movements or traditional communities. Although I recognise that bureaucrats might be responsible for such failures and that analysing these failures is essential, I have focused my research on the positive influence of mid-level bureaucrats on the adaptation and continuity of CAR. Further research on the flaws, drawbacks and backlash caused by mid-level bureaucrats' strategies to promote pro-poor policy autonomously is highly recommended, albeit outside the scope of this PhD research.

Finally, on a personal level, I have always borne in mind my privileged position as an urban middle-class white (in Brazilian terms) male. All these dimensions of my

positionality have influenced the way I interacted with the traditional communities, their members, leaders and organisations. In the same way, my positionality defined the reactions of traditional communities' leaders to my approach, and I had to act accordingly, carefully explaining the objectives of my research, and making it clear that I was there to listen and learn from them.

3. <u>Conceptual Framework</u>

This thesis relies on three different concepts in policy studies: bureaucratic autonomy, policy coalitions, and policy change. In a broad sense, it focuses on autonomous policy implementation – how policies become pro-poor during policy implementation despite a different political orientation from above. The study of autonomous implementation implies the investigation of the role of bureaucrats, since policy implementation is a collective enterprise in which collaboration and cooperation demand 'steering' by the bureaucracy (Hill & Hupe, 2009: 70). Bureaucrats can steer implementation with more or less autonomy. After investigating how they build up their autonomy (Chapter 5), I look at how they apply it, through the analysis of two different stratagems (analysed in Chapters 6 and 7) adopted by mid-level bureaucrats to actively defend their causes 'by proactively seeking creative ways to take advantage of opportunities and circumvent obstacles' (Abers, 2019: 26). I define these stratagems as a 'IT system-level policy change', which means changing policy by changing its information system, and a 'lateral exit', which is the act of changing the policy's institutional locus to prevent dismantling.

The study of pro-poor policy as a sub-field of policy studies is a heuristic device that recognises that rather than the policy process itself, the relevant 'focus of enquiry' for a policy study is the 'social class formations that give rise to policy initiatives and the differential impact of policy on particular classes in society' (Grindle & Thomas: 1991: 22). Such a 'class analytic approach' understands that class interests shape the policy process (*op. cit.*: 20) in a process where unequal economic power generates political inequality and guarantees to the powerful preponderance 'in the determination of the state's policies and actions' (Miliband, 1969: 265). Contrary to that, pluralist theories argue that 'power in many Western industrialised societies is widely distributed among different groups', with no powerless or dominant group (Hill, 2009: 28). Works on pluralism and polyarchies provide possible explanations of how the less powerful manage to see their interests reflected in public policy in western democracies (Dahl, 1978; Manley, 1983).

The problem is that the pluralists have not developed their analytical approach for developing countries with high levels of economic inequality where barriers to 'organised opposition' are high (Dahl, 1978: 191). Thus, it is hard to use pluralist theories to explain how the poor influence policy in developing countries with high barriers to organised opposition. Nevertheless, even recognising that class struggle constrains the policy process in capitalist states, it is not possible to say that 'the state moves exclusively on the interests of capital owners' (Almeida, 2019: 94) or to follow the 'political-power-balance determinism' that believes more equality is unachievable when political power is unequal (Ascher, 1984: 5). In fact, capitalism itself needs a degree of relative state autonomy regarding the economy, in order to survive (Almeida, 2019: 95).

Figure 5: Schematic Representation of my Conceptual Framework
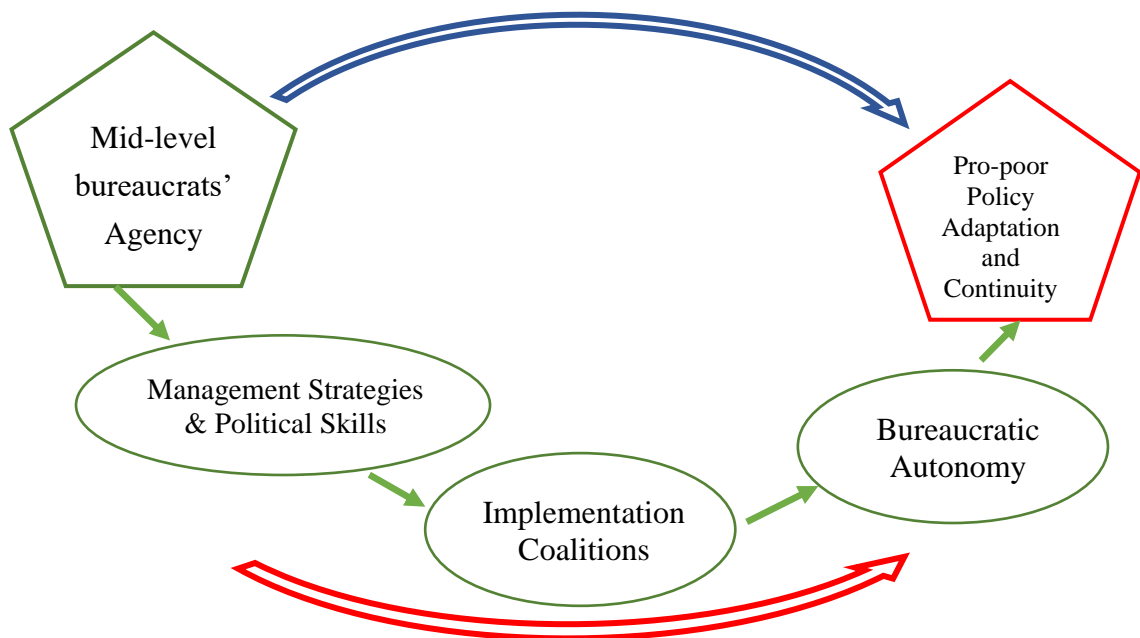
Source: author.

The diagram above schematically represents the conceptual framework of this thesis. The top blue arrow represents the causal relationship between the mid-level bureaucrats' agency as the cause, and (pro-poor) policy adaptation and continuity as the effect, which are the two main variables of interest. However, I propose that to analyse properly how mid-level bureaucrats positively affect pro-poor policy, there is a longer causal path to follow. This longer path, represented by the red arrow underneath, links management strategies and political skills to more strong implementation coalitions that

help to increase bureaucratic autonomy. Finally, bureaucratic autonomy creates the conditions for an effective mid-level bureaucratic agency.

The first small green arrow represents mid-level bureaucrats' agency driven by specific political skills and management strategies. The second small green arrow illustrates that such skills and strategies generate stronger implementation coalitions. The third small green arrow illustrates these strong and supportive implementation coalitions enhancing bureaucratic autonomy. Finally, the fourth green small arrow indicates autonomous bureaucrats eventually enabling policy adaptation and continuity.

In the following sections, I unpack the three main concepts. First, I discuss different theoretical approaches to bureaucratic autonomy, especially Carpenter's (2001) work that explores the conditions for bureaucratic autonomy. Then, I narrow my analysis to a specific group of bureaucrats (mid-level bureaucrats) and discuss some issues that influence and reflect bureaucratic autonomy, such as the idea of neutrality. Second, I explain the connections between coalition management and bureaucratic autonomy drawing from the work of Deleon and Martell (2006), O'Toole (2012), Börzel (1998) and Fox (2010). Finally, I rely on Hill and Hupe's (2009) work on policy implementation and the policy stages framework to discuss policy change during implementation. Then, the works of Bauer (2012), Pierson (1994) and Patashnik (2008) help me to assess the impact of decisions taken during implementation on policy continuity.

3.1. Bureaucratic Autonomy

As I outlined in the introduction of this thesis, the politics/administration interface has been the object of significant work in the fields of public administration and political science since the XIX century (Rua, 1997; Peters, 2001; Svara, 2006; Dasandi & Esteve, 2017). Bureaucratic autonomy is an element of this debate, as a dichotomous form of relationship between the two spheres. The theories on bureaucratic autonomy originated from public administration research that focused on the autonomy of independent regulatory agencies (Maggetti & Verhoest, 2014: 240). Differently, in this thesis I analyse the autonomy of a subset of the Brazilian federal bureaucracy – the mid-level bureaucrats - that, while interacting with each other and other actors within the CAR implementation coalition, have steered a public organisation, the Brazilian Forest Service, autonomously.

For this matter, I understand bureaucratic autonomy to be the capacity of bureaucrats to act according to their own rationale, despite the preferences of politicians (Carpenter, 2001:4; Fukuyama, 2013: 352). I follow Carpenter's approach that highlights 'how bureaucrats can gain autonomy with a process of reputation building over time, wherein they become active political 'players' and eventually may exert considerable political power and shape public policies' (*op. cit*.: 41). Hence, it is not necessarily about actions against the preferences of politicians; it is about actions that do not take into account the preferences of politicians and, consequently, move away from the 'chain of democratic delegation' (Maggetti & Verhoest, 2014: 249), which connects voters to governments, and governments to bureaucrats. Bureaucrats using their autonomy have their own impressions of the political impacts of their actions, and usually try to find stratagems to avoid conflict. As pointed out by Carpenter (2001: 15), 'bureaucrats who value their autonomy will act in measured ways to preserve it, refraining from strategies of consistent *fiat* or defiance'.

In this thesis I analyse how mid-level bureaucrats contribute to adapting and sustaining pro-poor policy despite political opposition from above. Therefore, this thesis is fundamentally about bureaucratic autonomy. However, it is not about bureaucratic autonomy as bureaucratic insulation from special and illegitimate interests as in Evans (1995) nor the 'freedom from particularistic pressures that might jeopardise the impersonal or universalistic implementation of policy' (Bersch *et al*. 2017b: 162). Autonomy here is the capacity to take decisions autonomously within a broad mandate defined by politicians. Hence, it depends not only on the agency of autonomous bureaucrats, which is the focus of my analysis, but also on institutional factors as the mandates that the principal sets to the agent, as argued by Fukuyama (2013: 356-7):

> Autonomy, properly speaking, refers to the manner in which the political principal issues mandates to the bureaucrats who act as its agent. No bureaucracy has the authority to define its own mandates, regardless of whether the regime is democratic or authoritarian. But there are a wide variety of ways in which mandates can be issued.
>
> […]
>
> Autonomy therefore is inversely related to the number and nature of the mandates issued by the principal. The fewer and more general the mandates, the greater autonomy the bureaucracy possesses. A completely autonomous bureaucracy gets no mandates at all but sets its own goals independently of the political principal. Conversely, a nonautonomous or subordinated bureaucracy is micromanaged by the principal, which establishes detailed rules that the agent must follow.

Bureaucratic autonomy contradicts the Weberian ideal of bureaucrats as 'essentially rule bound implementers of decisions made by political authorities' (Fukuyama, 2013: 359). According to the principal-agent theory the relationship between politicians and bureaucrats is always underpinned by the 'asymmetrical relationship in which hierarchical authority is located on one side and informational advantage on the other' (Miller & Whitford, 2016: 27). Hence, all bureaucracies experience some level of autonomy, since autonomy is intrinsic to the principal-agent dynamics under which bureaucrats operate. Nevertheless, to change policy instruments toward the interests of the poor against the incumbent government, bureaucrats need an extra level of autonomy, higher than the one that is intrinsic to the information asymmetry between the principal (politician) and the agent (bureaucrat).

Bureaucrats are accountable to politicians' decisions; in other words, bureaucrats must justify their decisions according to politicians' preferences (*ibid.*). However, bureaucrats also use the opportunity created by the principal/agent information asymmetry to defy 'harmful political goals', acting as a 'check' to the system (*op. cit.*: 76). Such bureaucratic resistance, which is 'inevitable in hierarchies with imperfect information' (Nou, 2019: 381) is defined by Ingber (2018: 143) as 'any action or inaction within the executive branch that hinders movement' and 'frustrates the stated will of political leadership'. It is 'grounded as often in ideological or political considerations as it is in technocratic ones' (Hemmer, 2014: 803). Bureaucratic disobedience, in turn, includes open acts of resistance or, in Nou's (2019: 353) words, 'overt, good-faith acts of protest by civil servants acting in their official capacity in violation of executive directives'.

Nevertheless, autonomous bureaucrats can do more than just react by resisting or disobeying for the purpose of 'slow[ing] down political change for better or for worse' (Shah, 2019: 634). Bureaucrats might also actively use the 'policy space', defined by Grindle and Thomas (1991: 8) as the room for manoeuvre and influence regarding policy decisions, to promote policy adaptation toward normative ends of, for instance, inequality reduction. In this sense, autonomous bureaucracies 'can change the terms of legislative delegation' and 'initiate and manage programmes without statutory authorisation', making 'program innovations that elected officials did not direct them to take' (Carpenter, 2001: 15).

Abers (2019: 38) defines as 'bureaucratic activism' the 'defence of contentious causes against perceived powerful forces, through 'the proactive pursuit of opportunities to promote those causes'. Other definitions of bureaucratic activism have been proposed in the past few years: Jessica Rich (2013: 20), for example, defines activist bureaucrats as state actors 'who support civic organization and advocacy as a means to achieving their policy goals'. Olsson and Hysing (2012: 258) also link activism inside the state with civic engagement, when they define 'inside activist' as 'an individual who is engaged in civil society networks and organizations, who holds a formal position within public administration, and who acts strategically from inside public administration to change government policy and action in line with a personal value commitment'. Abers' (2019: 38) definition of bureaucratic activism disregards the engagement of bureaucrats with civil society organisations. Abers' (*ibid*.) definition also disregards the secrecy of bureaucratic actions. In fact, for her, what defines bureaucratic activism is the 'proactive pursuit of opportunities' no matter whether undertaken openly or secretly. In this sense, Abers' definition differs from Olsson's (2016: 5), who, when investigating the subversive action in public organisations, focused on secret actions.

In this thesis I use a definition of bureaucratic activism that broadly aligns with Abers' definition, which considers it to be any action against the will of politicians in power, regardless of bureaucrats' formal connections with social movements or the secrecy of their actions. Bureaucrats might act 'under the radar', not calling the attention of antagonistic politicians and avoiding unnecessary exposure, if it helps them to seize the opportunity for action. Their actions might go unnoticed, but they are not secret. They are law-abiding and are open to eventual public scrutiny. Nevertheless, bureaucratic activism is not the sole object of this research: beyond the study of mid-level bureaucrats' activism, in this thesis I investigate bureaucratic autonomy as a pre-condition to a kind activism that does not limit itself to resistance, but also proactively promotes change against the political will of the incumbent government.

Structural factors, such as state capacity and the number of veto players, also affect bureaucratic autonomy. State capacity and bureaucratic autonomy are directly proportional, but only to a certain degree: the more capacity a state presents (including its bureaucracies), the more autonomy it might experience (Geddes, 1990: 217; Fukuyama, 2013: 360). However, according to Fukuyama (2013:357), the relationship between bureaucratic autonomy and government quality can be represented by the inverted U

pictured in the chart below, where the x axis is bureaucratic autonomy and the y axis is government quality.

Figure 6: Fukuyama's Chart on Bureaucratic Autonomy and Quality of Government.
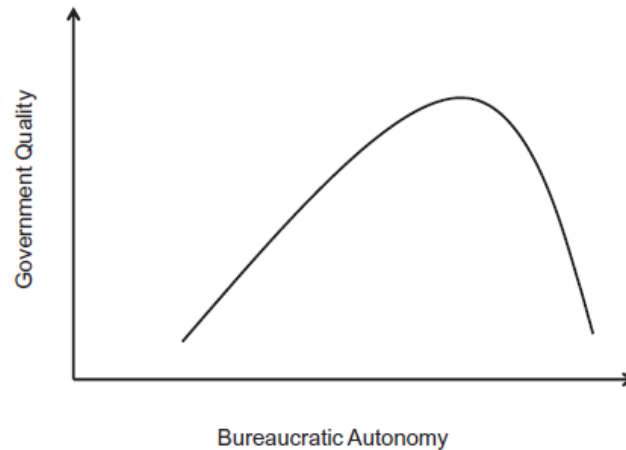
Source: Fukuyama, 2013: 358.

Fukuyama (2013: 357/9) argues that after an equilibrium point, more autonomy means worse government:

> At one extreme, that of complete subordination, the bureaucracy has no room for discretion or independent judgment, and is completely bound by detailed rules set by the political principal. At the other end of the x-axis, that of complete autonomy, governance outcomes would also be very bad, because the bureaucracy has escaped all political control and sets not just internal procedures but its goals as well.
>
> […]
>
> The inflection point of the curve in Figure 1 is shifted to the right, however, due to a general recognition that the dangers of excessive micromanagement are greater than those posed by excessive autonomy. A high degree of autonomy is what permits innovation, experimentation, and risk taking in a bureaucracy.

Indeed, autonomy is a challenge to governance, considered by Fukuyama as 'the performance of agents in carrying out the wishes of principals' (2013: 350). There is also a causal relationship between the number of veto players and bureaucrats 'more independent from government' (Tsebelis, 2002: 236). Miller and Whitford (2016: 106) agree with the proposition that 'the greater the number of constitutional veto actors', 'the more autonomy available to the bureaucracy'. The same authors add 'political conflict' as a cause for more autonomy. According to them, 'it is only when politicians are divided into conflicting factions that bureaucrats find a zone of independent authority.' (Miller &

Whitford, 2016: 101). The high number of veto-players and political conflicts tend to slow down the implementation process. As a consequence, there is an increase of both policy space and demand for bureaucratic activism. As stated by Lotta and Santiago (2017: 33), the conditions for bureaucratic autonomy involve both individual (capacities and reputation) and structural aspects, such as the number of veto players, level of political conflict and formal autonomy of the organisation.

Although I recognise the role of these structural factors, in this thesis I focus on the conditions related to the political legitimacy of bureaucrats since 'legitimacy is the foundation of bureaucratic autonomy in democratic regimes' (Carpenter, 2001: 14). As coalition managers, bureaucrats can foster their political legitimacy and, as a consequence, their autonomy to take decisions on behalf of their organisations. Indeed, as mentioned by Lotta and Santiago (2017: 37), while the organisation's autonomy directly impacts the way bureaucrats exercise their autonomy, by limiting or providing the necessary resources for influence, bureaucrats can also promote the organisation's autonomy through their agency. In this thesis I demonstrate that bureaucrats can raise their political legitimacy by managing the implementation coalition in a certain way.

In this thesis, bureaucratic autonomy is the capacity of bureaucrats to follow their own rationale, regardless the preferences of politicians, as in Fukuyama (2013: 352) who defines bureaucratic autonomy as 'the notion that bureaucrats themselves can shape goals and define tasks independently of the wishes of the principals'. Carpenter (2001: 17) also defines bureaucratic autonomy as bureaucratic action not constrained by politicians. For the author, 'bureaucratic autonomy prevails when a politically differentiated agency takes self-consistent action that neither politicians nor organized interests prefer but that they either cannot or will not overturn or constrain in the future'.

My research investigates the autonomy of well-reputed bureaucrats, who were able to override political preferences. I am not considering bureaucratic autonomy as the isolation from special or illegitimate interests as in Evans (1995). Neither as the open disobedience against executive directives as in Nou (2019). Here, bureaucratic autonomy facilitates bureaucratic resistance, understood, by Ingber (2018), as the bureaucratic agency that frustrates the political will. Accordingly, autonomous bureaucrats are better equipped to resist. Similarly, I understand bureaucratic autonomy as a capacity that enables bureaucratic activism. According to Abers (2019), bureaucratic activism is the

pursuit of causes against the government's political orientation. It does not matter if the conditions for the success of such activism are present or not. According to the definition used in this thesis, bureaucratic autonomy is one of such conditions. Bureaucrats' chances to promote their causes and be successful in their activism are directly proportional to their autonomy level. Bureaucratic autonomy enables the active use of the policy space to influence policy decisions, adapt policy and eventually sustain policy adaptation. In this sense, bureaucratic autonomy is a condition to a kind of bureaucratic activism that goes beyond passive resistance, proactively promoting and sustaining policy change.

It is also necessary to clearly distinguish bureaucratic autonomy and discretion. According to Lotta (2017: 31), while discretion is part of the contractual agreement established between political actors and the institution, the limits of autonomous action are related to the features of the bureaucracy itself. Autonomy is external to the contract, and ultimately autonomous bureaucrats can change the very terms of the delegation (Carpenter (2001: 17). As stated by Lotta (2017: 33), it is clear that, differently from discretion, the conditions for bureaucrat's autonomy are not exclusively defined by rules, as they involve the individual bureaucrat and his/her skills, recognition, and position within the organisation. While discretion is inherent to bureaucratic action, autonomy requires some conditions. Henceforth, in this thesis, I am interested in how a specific group of mid-level bureaucrats build up their autonomy, how their autonomy level was tested and how it was concretely used. Despite focusing on the autonomy of a group of bureaucrats and not on the autonomy of the public organisation in which those bureaucrats act, they are interconnected. As a matter of fact, the organisation's autonomy directly impacts the way bureaucrats exercise their autonomy by limiting or providing them with the resources necessary to enhance their influence. Simultaneously, individual bureaucrats can promote the organisation's autonomy by mobilising support that reflects on the organisation's reputation and political legitimacy (Lotta, 2017: 37; Carpenter, 2001: 17)'.

In order to build up a level of autonomy sufficient for the promotion and continuity of pro-poor policy adaptation, bureaucrats depend on political legitimacy based on their reputation as technical experts (Carpenter, 2001: 14; Miller and Withford, 2016: 7). Technical competence and merit are the sources of bureaucratic legitimacy (Rua, 1997: 146). Accordingly, bureaucrats are able to build up their autonomy when they have a technical reputation and the consequent political legitimacy to push for autonomy. My

argument is that mid-level bureaucrats can manage implementation coalitions in a way that enhances their political legitimacy and, consequently, their autonomy, enabling them to promote and sustain policy change. Bureaucrats' political legitimacy is essential for their autonomy because despite reflecting a dissociation from politicians, bureaucratic autonomy is not apolitical. In fact, as mentioned earlier, bureaucratic autonomy is constrained by the nature of the mandate defined by the principal. Consequently, it is tacitly negotiated between bureaucrats and politicians, and ultimately reflects a political decision. According to Carpenter, even when apparently exercised under the radar, bureaucratic autonomy results from politicians' cost-benefit calculations regarding their interests in what the bureaucracy is doing and the costs of restricting it (2001: 18).

The figure below illustrates the main theoretical proposition of this thesis: specific strategies followed by bureaucrats while engaging with the implementation coalition result in strong implementation coalitions. These coalitions are strong because they are able to attract actors with relevant expertise that bureaucrats can use to innovate and increase their own technical reputation. This reputation for technical expertise gives them the political legitimacy to act autonomously.

Figure 7: From Bureaucratic Agency to Bureaucratic Autonomy

Source: author.

3.1.1 Mid-level bureaucrats

In this thesis I investigate the autonomy of a specific group of bureaucrats, namely, the mid-level bureaucrats whose central role in managing implementation coalitions (Carpenter, 2001: 29) puts them 'in the best position to experiment, learn, and innovate' (*op. cit.*: 21). Consequently, mid-level bureaucrats are in a privileged position to find innovative ways to adapt and sustain pro-poor policy. Notwithstanding that, mid-level bureaucrats represent one of the less studied segments of state bureaucracy (Cavalcante & Lotta, 2015: 13, 14; Pires, 2018: 185; Lotta *et al.*, 2015: 25; Abers, 2015: 147). Close to the politically-appointed decision-makers, and counting on reputed 'non-

political' technical expertise, mid-level bureaucrats link officers at the upper echelons with those at the 'operational' level. The mid-level bureaucracy is responsible for the operationalisation of the strategies established by the political strata (Lotta et al., 2015: 25).

The term 'mid-level' also relates to the mediation role played by these bureaucrats that serves as a medium of transmission between the politics and the administration. They connect politicians to the executive machinery, serving as the articulation between state institutions. Normally, they are the ones who also connect the state with extra-governmental actors (Carpenter, 2001: 22), such as CSOs, international agencies and other state actors, such as public prosecutors. Bureaucrats at the mid-level tend to remain in their posts for a long time. Such longevity, along with 'structural access to numerous organizations and individuals outside the agency' (Carpenter, 2001: 19), allows them to build their technical reputation and political network among political actors and civil society. As stated by Carpenter (2001: 29):

> Where professions, guilds, or certain schools hold a monopoly over particular forms of expertise, their acquaintance ties (or "weak ties") to government bureaucracies can be an important well of talent for the state. As Skocpol has argued, state capacity depends on "historically evolved relationships among elite educational institutions, state organizations, and private enterprises that compete with the state for educated personnel." Again, because they are the durable career officials in federal agencies, middle-level managers and monitors hold the central positions in these networks.

Besides their connections and reputation, the position of mid-level bureaucrats in the hierarchy gives them a privileged position to learn, since 'they are sufficiently elevated to observe differences across offices but low enough to know the necessary details about programs' (Carpenter, 2001: 22). They also have the capacity to learn from experimentation, and have 'sufficient authority' to promote change and, as a consequence, to innovate (*ibid.*). Such authority to innovate is a manifestation of the political legitimacy that is a condition of autonomy. The strategic position that mid-level bureaucrats occupy, which gives them access to all actors in the policy network, facilitates their political legitimacy. Brazilian authors, like Camões, Cavalcante and Knop (2015: 67) argue that 'the bureaucrat, especially the mid-level [one], seems to gather relevant information for decision-making, and to interact with several other actors (negotiating, co-ordinating, managing and mediating relations)'. Their work is basically communicative, mainly related to mobilisation, articulation and awareness, 'by and

through interactions' (Pires, 2018: 193). Throughout policy implementation, these interactions take place within implementation coalitions, where mid-level bureaucrats can promote different strategies to adapt and sustain pro-poor policy.

Mid-level bureaucrats have played a more central role in the last few decades since information technology has been used, not only 'to register and store data, as in the early days of automation, but also to execute and control the whole production process' (Bovens & Zouridis, 2002: 180). The implementation backbone is no longer the street-level bureaucrats who had autonomy to design the policy within the limits of their discretion (Lipsky, 1980). Nowadays, system designers, who are usually mid-level bureaucrats (or work under the scrutiny of those), are the ones who present more discretion during policy implementation, as argued by Bovens and Zouridis (2002: 181):

> Because of this transformation [extensive IT use], the concept of policy execution has acquired a wholly different character. Execution no longer relates to the application of rules to individual cases but to the design of separate executive information systems and to linking separate processes and information systems. Execution has become mainly a matter of translation and policy design. This invokes new questions about the embedding of these system-level bureaucracies in the constitutional state.

> The system designers, legal policy staff, and IT experts in particular are to be regarded as the new equivalents of the former street-level bureaucrats. By this we mean that they are the persons whose choices can affect the practical implementation of a policy. These system-level bureaucrats have the discretionary power to convert legal frameworks into concrete algorithms, decision trees, and modules. They are constantly making choices—which definitions should be used, how should vague terms be defined, how are processes to be designed and interlinked? Therefore, just as the street-level bureaucrats were not in their time docile policy implementation robots, but policy makers themselves.

Political appointees and operational-level bureaucrats are respectively identified with decisions and actions (Hill, 2005: 8); mid-level bureaucrats are involved in both. Notwithstanding that, the mid-level bureaucrat's role in implementation is ignored by scholars from both the top-down and the bottom-up perspectives. The former looks at policy implementation 'often with special interest in upper-level decision makers' and the difficulties in enforcing their decisions on the ground, whereas the later emphasises 'the influence that front-line staff have on the delivery of policies' (Winter, 2006: 152-153). Mid-level bureaucrats play a relevant role, not only in policy implementation but also in policy continuity, due to their above-mentioned longevity. According to Abers (2015: 173), besides the intermediation role played by mid-level bureaucrats between top-

level and street-level agents, they can also play a role between the present and the future, as a guardian of the policies they had been involved with. The table below lists the distinctive roles of mid-level bureaucrats and the resources that enable them to play those roles, which make them pivotal in managing implementation coalitions and promoting autonomous change.

Mid-level positions in Brazilian bureaucracy are mainly occupied by career civil servants, with a low percentage of lateral entry (Pires, 2018). Regarding access and recruitment, the mid-level bureaucracy is marked by the greatest endogeny in the Brazilian federal bureaucracy. Although these positions can be freely appointed and filled by political indication, on average, 71% of all mid-level positions were held by public servants in 2015. In addition, of all mid-level positions, 92% had previous work experience in the federal government, and 76.5% had previously held other middle-level positions – accumulating, on average, 6.6 years of experience in mid-level positions (Pires, 2018). Such endogeny provides the Brazilian mid-level bureaucrats with the stability and sense of belonging that motivates them to build up their autonomy to promote constitutional rights, regardless of the incumbent's political decision.

Bureaucracies mainly formed by career members, with no significant lateral entries, could suggest insulation from civil society. Nevertheless, it is not the case in Brazil. In the last 25 years, civil society participation has been remarkably expanded in the Brazilian policy process. Most policies count on some form of socio-state interaction at both local and national levels (Pires and Vaz, 2014). Over the course of the 20th century, Brazil transformed itself from a country with a low associative propensity, with few forms of participation, to one of the most participatory countries (Avritzer, 2008). Consequently, Brazilian bureaucrats have developed a practice of responding to the inputs and demands coming from governance councils. Furthermore, in recent decades, public policies have been implemented more horizontally. Different contractual and financing regimes have challenged traditionally verticalized bureaucratic structures. These new, more horizontal organizational formats have generated greater functional interdependence, which has an impact on professional trajectories, promoting more participatory forms of work by middle-level bureaucrats (Pires, 2018).

Table 2: What Mid-level Bureaucrats do and how they manage to do so.

Mid-Level Bureaucrats	
Roles	Resources
To link top-level decision-makers with bureaucrats at the 'street-level'	Position within state hierarchy
To operationalise the strategies established by the political strata	Reputation for 'non-political' technical expertise
To gather relevant information for decision-making	Interaction and collaboration with other actors
Sustaining Policy	Longevity
Mobilisation, articulation and awareness, 'by and through interactions'	Position within policy networks

Source: author.

3.1.2. Bureaucrats and the Poor

The entire political spectrum criticises the motivations of the bureaucracy (Peters, 1996: 47; Miller and Whitford, 2016: 8, 27). According to right-wing criticism, bureaucrats are essentially rent-seekers and 'risk-averse' (Joshi, 1999: 10). Their rationality and ambition orient their decisions towards maximising their self-interest, rather than the general interest (Peters, 1996: 24). According to the left-wing critics, bureaucrats – who often originates from higher classes (Joshi and McCluskey, 2018) - are insensitive and hostile to the poor and marginalised groups who most need the State. According to these critics, the bureaucracy, like the rest of the government machinery, has been increasingly 'dominated by the affluent, the educated and the powerful' (Peters, 1996: 14) and has become an instrument of class domination. These arguments are two sides of the same coin; they are both based on the idea that bureaucrats do not work for the general interest, which includes reducing poverty and social inequality.

Nevertheless, this thesis relies on a different premise: namely, that bureaucrats have no inherent reason to act in favour of the poor or the ruling class. (Leonard, 1991: 284). Despite the alleged class domination and self-interest, mid-level bureaucrats help to adapt policy towards a more pro-poor orientation for reasons related to the 'historical,

political, and social circumstances' they are embedded within (Grindle and Thomas, 1991: 33). Contextual factors, such as the need to improve bureaucrats' work situation and even the support of public sector unions (Joshi, 1998: 6), can help them to develop a more progressive and 'people-oriented approach' to policy (*op. cit.*: 3). Those elements form the ideology behind the strategies to protect and sustain pro-poor policies. Accordingly, I argue that self-interest is not the only 'basis of all political action' (Grindle and Thomas, *op. cit.* 4). Other factors influence state direction, such as 'the character of the players, coalitions, and agreements made around the operation of power' (Hickey, Sen and Bukenya, 2014: 22). The state and its bureaucrats are not always 'rent-seekers' and 'often articulate goals for their societies and for the activities of the state and strategize about how change can be introduced' (Grindle and Thomas, 1991: 5).

According to Grindle and Thomas (1991: 60), bureaucrats have an expanded role in the policy process of developing countries due to their steadiness through political change and consequent experience operating with the government. Such a prominent role is mainly played during policy implementation rather than in policy design or agenda-setting (Kingdon, 1995: 31). Their relevance is related to 'the environment of underdevelopment, the legacy of a statist orientation to development, and the ambiguous cues derived from an incompletely organized political society' (Grindle & Thomas, 1991: 68). In summary, bureaucrats' preferences still have considerable weight since the underdeveloped and unorganised political society that distinguishes developing countries puts them in a powerful position in relative terms. Hence, in developing countries there is a clearer link between the bureaucrat's technical reputation, their political legitimacy and their autonomy.

Even when bureaucrats have a pro-poor attitude and want to promote social change, they will need to overcome pressures from outside and from within the government. In fact, according to Joshi and McCluskey (2018: 6), there are four kinds of pressure surrounding bureaucrats who decide to be more responsive to citizens: 'from within the bureaucracy (organisational); from peers (professional), from outside the organization (elites); and from rights-holders affected by policies (citizens)'. Bureaucrats that want to promote pro-poor policy must negotiate all these sources of pressure. It significantly helps when citizens and bureaucrats develop mutual trust 'through repeated interactions that demonstrate integrity' (op. cit.: 9). As a matter of fact, 'engagement with citizens can transform public officials' perceptions of citizens' claims and their

legitimacy' (*ibid.*). My argument is that such repeated interactions, with both citizens and other state actors, develop a coalition of support that provides political legitimacy to the bureaucrat – a condition for autonomy. Indeed, bureaucrats' durability and the consequent consistency of their agency – including these interactions - are features that work for their political legitimacy (Carpenter, 2001: 17).

In this research I investigate the role of mid-level bureaucrats adapting policy to make it pro-poor and to resist dismantling by powerful economic and political interests. This active role is puzzling if we consider the civil servants to be conservative and anti-reform allies of the economic elite (Miliband, 1969: 123). However, as argued above, policy decisions are not determined solely by the interests of the ruling class. As this thesis demonstrates, bureaucrats use the policy space to counterbalance anti-poor positions taken by the political elite. In doing so, bureaucrats, instead of being an instrument of class domination, help the state to fulfil its function of mitigating such domination (Miliband, 1969: 266). Within such policy spaces, bureaucrats who had their pro-poor perceptions regarding policy choices shaped by the historical, political and social context within which they are embedded (Grindle & Thomas, 1991: 33), can exert their autonomy from the interests of the ruling class by promoting a 'dense network of ties that bind them to societal allies with transformational goals' (Evans, 1995: 219). Complete insulation from society could turn bureaucrats into 'effective predators' (Evans, 1995: 219). Working within the optimal level of autonomy, bureaucracies 'interact with their environments, but they are not overwhelmed by them' (Geddes, 1990: 220).

Although it is not the theoretical framework used in this thesis, I investigate an example of embedded autonomy (Evans, 1995: 219), in which mid-level bureaucrats had the political autonomy to protect the state from capture by the most powerful segments of society (well-represented within the government) and were also embedded enough in social dynamics to help organise coalitions of citizens that were struggling for change. However, unlike Evans' concept, this thesis treats autonomy not only as freedom from lobbying and special interests, but also as freedom to lobby for pro-poor change - changes that, as this thesis will demonstrate, are more easily achieved through gradual and marginal adaptations, operated under the radar, seizing opportunities and circumventing obstacles (Abers, 2019), 'without direct confrontation' or 'significant realignment of political forces' (Bersch, 2016: 208). Such incremental reforms tend to last longer and resist dismantling. One of the explanations for this relies on the fact that bureaucrats who

lead gradual reforms avoiding confrontation have more chance of remaining in their positions and later extending or at least working for their reforms to endure (*op. cit*.: 211).

3.1.3. Counter-majoritarian Bureaucrats and the Democratic Problem

Politicians 'face incentives that are inconsistent with social efficiency', whenever they are affected by what is called 'political moral hazard' (Miller & Whitford, 2016: 79). This situation leaves room for bureaucrats to 'contribute the most by checking, rather than implementing, those perverse incentives' (*ibid*.). Such a 'right to resist' is a corollary of the guarantee of minority rights, which is one of the pillars of modern constitutionalism (Duarte, 2009: 6835), which 'privileges the protection or rights, while democracy prioritizes the government of the majority' (Oscar Vilhena Vieira cited in Barreira, 2017: 102). Such a 'democratic problem' (*op. cit*.: 104) underlies the global expansion of 'counter-majoritarian' institutions over politics (Tomio and Carvalho, 2013: 8) as a remedy against the 'tyranny of the majority' (Barreira, 2017: 111). The counter-majoritarian theory establishes that constitutional courts, 'who have not been popularly elected, can override the constitutional interpretation of political agents endowed with a representative mandate and democratic legitimacy, with their own' (Barroso, 2019: 125). This role of non-elected judges 'generates an apparent incongruity within the democratic state' in what constitutional theorists call the 'counter-majoritarian difficulty' (*ibid*.).

Bureaucracies do not have the judges' formal power to overrule the majority will. However, like the judiciary, bureaucracies interpret the law whilst implementing it. This interpretative role gives the bureaucracy the power not to overrule political decisions in a counter-majoritarian way, but to adapt them against the majority will, to the benefit of the minority. Similarly, Barroso (2019: 143) moves beyond and defines the 'enlightenment role' of courts, through which 'they promote social advancement regardless of circumstantial political majorities'. Despite the major distinctions between the autonomy of executive bureaucracies and the judiciary, the 'democratic problem' undermines the reassuring arguments that 'a high degree of autonomy is what permits innovation, experimentation, and risk-taking in a bureaucracy' (Fukuyama, 2013: 359), and that 'granting bureaucrats independence increases their capacity to make welfare-improving decisions' (Miller and Whitford, 2016: 10).

In fact, it is essential to avoid a normative view of bureaucratic autonomy. If autonomy means protection from political control and its 'corrosive effects' (Bersch *et al.*, 2017: 106), it also means less accountability. This is the trade-off that politicians should consider when designing policy (Peters, 1996: 6) and when conceding more autonomy to bureaucrats during implementation. The bureaucrats/politics dichotomy is underpinned by the need to balance 'the public need for hierarchy and discipline among the ranks of civil servants with the parallel public need to have their experience and expertise to contribute to sound administrative policy-making' (Mintz, 2019: 625). Bureaucratic autonomy raises 'important questions of democratic governance, not least the spectre of unelected officials with broad policymaking power' (Carpenter, 2001: 4), which could allow a 'tyranny of the minority' (Barreira, 2017: 116). Therefore, bureaucratic autonomy ultimately means autonomy from political control but also means less vertical accountability since autonomy breaks the 'upward hierarchical chain' through which principals control their agents within the bureaucracy in 'traditional electoral democracy' (So, 2014: 343).

In this thesis I argue that the democratic problem also refers to one of the stratagems followed by autonomous mid-level bureaucrats to carry out their decisions under the radar. Specifically, in Chapter 6 I analyse the 'IT system-level policy change' manoeuvre of adapting policy through the IT systems that are part of the policy instruments. Referring to the 'requirement of legality' in the continental legal tradition, followed by countries like Brazil, Bovens and Zouridis (2002: 176) explain that:

> The actions of administrative bodies must ultimately be founded on generally prevailing laws. Hence, the legislature strives to set standards by which to discipline the actions of the executive authorities. … This formal, positivist approach to developing legal rules is believed to provide assurance to citizens about their legal position, the presumption being that they are protected from random actions on the part of the administration.

3.1.4. Neutrality as an Ideology

Bureaucrats' political legitimacy is a condition of their autonomy and also relates to a reputation for neutrality. According to Peters (2001: 182), politicians benefit from the neutrality ideal because bureaucratic actions taken 'as the result of the simple application of rational, legal, or technical criteria to questions of policy' can make unpopular decisions more 'palatable to the public'. Politicians tend to recognise as neutral

the advice from the most expert of bureaucrats, enabling these bureaucrats to resist political upheaval and remain in their positions (Miller and Whitford, 2016: 8). The more that bureaucrats demonstrate neutrality, the longer they will probably remain in their positions no matter what the electoral results. According to the bureaucratic ideology that tends to resonate among the public, appropriate technical decisions are those neutral and apolitical decisions based on 'explicit, objective standards rather than on personal or party or other obligations and loyalties' (Kaufmann, 1956: 1060).

This is particularly true in technocratic policy spaces, where highly influential unelected actors draw 'their legitimacy primarily from their technical competence and administrative expertise' (Bickerton & Accetti, 2017: 186), 'to the detriment of the traditional type of politician' (Putnam, 1977: 384). Technocrats have the 'legitimacy of impartiality' based on the general perception that the most objective and impartial institutions are those 'most likely to serve the common good' (Rosanvallon & Goldhammer, 2011: 86). Technocrats define their own role in apolitical terms (Putnam, 1977: 385) and because of this anti-political and anti-democratic mentality (*op. cit*. 386) they are often regarded in pejorative terms as 'less responsive, more remote, less sensitive to the needs of disadvantaged groups, perhaps even more of authoritarian' (*op. cit.* 409). Again, the 'democratic problem' arises, as when Kaufman (1956: 1070-2) calls attention to the risk of backlash since the quest for neutrality risks turning the bureaucracy into an 'aristocracy of talent' that represents an 'independent source of decision-making power' and is extremely hard to control.

It is important to understand that neutrality is a principle, an ideal 'for any state, under any regime' (Faoro, 1997: 369). It is true that the slogan 'take administration out of politics' and the politics/administration dichotomy are the rationale for the quest for neutrality (Kaufman, 1956: 1060; Peters, 1996: 5). Nevertheless, the actual manifestation of neutrality that is expected from bureaucrats is neither related to the idea of unquestionably following the rule of the incumbent government regardless of bureaucrats' personal beliefs, nor does it mean that neutral bureaucrats must be apolitical. The meaning of the neutrality ideal is that civil servants are expected to hold non-partisan views about policies (Peters, 1996: 4). Their personal views will necessarily be not neutral and political since the politics/administration dichotomy and the isolation of bureaucrats from politics is theoretical. As pointed out by Leonard (1991: 249), some bureaucratic tasks, such as 'obtaining consensus on goals, inspiring commitment, negotiating interunit

conflicts' are essentially political and turn management into a form of 'art, not a science'; hence, one cannot expect an apolitical bureaucracy, but at best a non-partisan one.

Finally, it is important to note that bureaucratic neutrality is framed by the rule of law. In constitutional regimes, 'civil servants are required to take oaths not to the President, but rather to support and defend the Constitution' (Nou, 2019: 378). Regarding this constitutional approach and its relationship to bureaucrats in a more advisory role, as the mid-level bureaucrats in Brazil, Overeem (2005: 314) states that:

> It might be thought that the rationale underlying political neutrality is that administrators operate on a subordinate, technocratic level, too low to have an involvement and interest in political questions. Although this will be the case for a number of specialist public employees, it can hardly be said to be plausible for many civil servants, especially on senior level, with a strong executive or policy advisory role. To establish the importance of political neutrality in their cases, it is more helpful to adopt the constitutional approach advocated by Rohr and Vile, among others, and assert that public administrators operate in the service not merely of the government of the day, but of the polity's sovereign which is designated in different countries as the state, the Crown, the Constitution, or the people.

Constitutions translate the general interest into principles. For example, the Brazilian Constitution regards the reduction of social inequality as a national objective (art. 3rd, III) and a principle to be followed by the economic order (art. 170th, VII). So, no matter how the incumbent government decides to achieve the goal of inequality reduction, or how it decides to follow the principle of inequality reduction, any government or civil servant is constitutionally bound to it. Based on their oath to the Constitution, no matter the incumbent government's ideology, 'bureaucrats can still manage to sustain pro-poor policy options, based on fundamental principles of equality' (Berman, 2013: 228).

In fact, the political neutrality required and expected from bureaucrats is related to 'partisan politics' rather than to 'policy politics'. According to Overeem (2005: 321):

> In these two different types of politics, the stakes seem to be different: (in) "partisan politics" the stakes are the powers to make decisions (votes and offices), whereas in "policy politics" the stakes are the contents of those decisions. The two may not be neatly separable in practice, but it would make a tolerably good start for theorizing to agree that - in accordance with the principle of political neutrality and the politics-administration dichotomy – public administration can have an involvement in the latter, but not in the former.

Accordingly, in this thesis I argue that any effort from the bureaucracy to reduce social inequality is within its neutrality range, provided it does not select beneficiaries according to private concerns and does not act according to partisan interests. As stated by Rua (1997: 141), bureaucratic neutrality must not result in political irresponsibility or lack of commitment to democratic values. According to this Brazilian scholar, a depoliticised bureaucracy, which behaves as a simple instrument for carrying out orders from above, might serve either democratic regimes or dictatorships, as demonstrated by Latin American history.

3.2. Defining Policy and Implementation Coalitions

The problem of joint action, which underpins the policy networks theoretical framework, has been central to implementation studies (Meier and O'Toole, 2003: 689; Hill and Hupe, 2009: 67). However, while the link between state capacity and bureaucratic autonomy is well studied (Geddes, 1990: 217; Fukuyama, 2013: 360; Bersch et al. 2017b: 160), the role of policy coalitions in building up bureaucratic autonomy has not been researched with the same impetus. Some authors use 'policy networks' and 'policy coalitions' as interchangeable terms (Pierson, 1994) and there is a profusion of concepts and applications for both terms available in the literature (Börzel, 1998: 253). In this thesis, policy networks are understood to be 'the body of actors that interacts regularly' within a broader 'policy community', which involves actors interested in the policy issue (Deleon and Martell, 2006: 41). Accordingly, policy networks are non-hierarchical groups of actors that have interests (common or opposite) with regard to a policy and who have resources to exchange within the network. Thus, policy networks have a broader scope than policy coalitions. Policy networks are inherent elements of any policy since they are the sum of 'all actors involved in the formulation and implementation of a policy in a policy sector' (Börzel, 1998: 260).

On the other hand, policy coalitions are gathered for specific goals, such as implementing a policy or guaranteeing its continuity. This is why they are often qualified by adjectives concerning their aims, such as implementation coalitions, supporting coalitions or 'anti-dismantling' coalitions (Bauer et al., 2012). They include only those actors that might collaborate for a 'specific policy event', which may relate to

implementation, adaptation or continuity, with the actors engaging in their 'policy-influencing activities' (Knoke, 2011: 211). In this sense, coalitions are 'networks in action mode' (Keck, cited in Fox, 2010: 486).

The actors of a policy coalition do not necessarily belong to the same epistemic community, which is a network of 'knowledge-based experts' (Haas, 1992: 2). According to Haas (1992: 3), 'what bonds members of an epistemic community is their shared belief or faith in the verity and the applicability of particular forms of knowledge or specific truth'. Hence, it is possible that, within a policy coalition, people share the same short-term goal (implementing a policy) despite not sharing values, causal beliefs or discursive practices, which are characteristics of epistemic communities (Haas, 1992: 3). The feature that most distinguishes epistemic communities 'from other groups often involved in policy coordination' is the 'recognised expertise' of their members (Hass, 1992: 16) and their 'particular mind-set' (Eimer, 2014: 133) rather than short-term objectives, such as those that distinguish policy coalitions. Like the technocrats, members of epistemic communities rely on their expertise as their source of political legitimacy. They are an 'ideal-type of social actors whose political influence exclusively relies on science-based knowledge resources' (*op. cit.:* 134).

3.2.1. Bureaucrats and Implementation Coalitions

Support from implementation coalitions is a crucial enabler for bureaucracies aiming to promote pro-poor policy implementation autonomously. To a great extent, it is through interactions within the implementation coalition and the coordination of its efforts that mid-level bureaucrats promote policy implementation, in what O'Toole calls a 'managerial network' (2012: 302). According to this author, 'the task is less one of directing and controlling and more that of assessing contexts of interdependence and seeking to influence these, often in subtle ways, to increase prospects for successful cooperation' (O'Toole, 2012: 300). Building support means taking an active, although not always visible, role. Bureaucrats responsible for the implementation of a public policy must actively work to build up support (O'Toole, 2012: 300). This effort includes convincing other bureaucrats from the same organisation 'to make allies of actors both outside the state and within' (Joshi & McCluskey, 2018: 4). Drawing from this literature, this thesis argues that mid-level bureaucrats play a key role in managing the

implementation coalition by connecting other actors (Pires, 2018), since they are virtually the only ones who interact with every segment involved in the policy network and are, therefore, those capable of constraining or boosting their interaction.

Through interactions within the broader policy network, bureaucrats can select resource-holding actors and, with them, build up 'the shared goals, mutual trust, and understanding needed to form coalitions capable of collaborating on specific campaigns' (Fox, 2010, p. 487). Bureaucrats' management role in implementation coalitions is not hierarchical and does not involve a top-down coordination. In fact, it is related to the identification of the resources required for the campaign and of those who have the resources and might agree to make use of them. Furthermore, bureaucrats' management role in implementation coalitions is related to mobilising the actors and providing the material conditions for their collaboration.

Even in a non-hierarchical coalition, mid-level bureaucrats have a prominent role as coalition managers. Since they are permanent, they 'may in fact create an environment allowing for more participation and frankness than political appointees who were dependent upon the whims of their political masters would have' (Peters, 1996: 12). They are also required 'to balance the need for timely decisions with the need for participation and to develop some criteria for the probable relevance of input from prospective participants' (*op. cit.*: 57). As stated by Olsson (2016: 4), the study of policy change and continuity is focused on collective actors, like policy coalitions. According to the author, 'the importance of individual key actors', such as the mid-level bureaucrats who manage implementation coalitions, has got little attention.

In general, policy coalitions enhance state capacity since they promote 'action coordination' (Fox, 2010: 486). To make opposition from elitist politicians more costly, bureaucrats look for political support among professional groups and epistemic communities to which bureaucrats belong and also from public service clienteles (Kaufmann, 1956: 1060; Pierson, 1994: 37). The relationship between policy coalitions, political legitimacy and bureaucratic autonomy has been clearly explained by Carpenter (2001: 14):

> Bureaucratic autonomy requires political legitimacy, or strong organizational reputations embedded in an independent power base. Autonomy first requires demonstrated capacity, the belief by political authorities and citizens that agencies can provide benefits, plans, and solutions to national problems found nowhere else in the

regime. These beliefs must also be grounded in multiple networks through which agency entrepreneurs can build program coalitions around the policies they favour.

In this sense, bureaucrats who develop a reputation and significant social capital throughout their careers have better chances of building up the political legitimacy that enables bureaucratic autonomy. Furthermore, the diversity of actors within the coalition is crucial for its capacity to support the campaign to which they have been mobilised. According to Carpenter (2001: 33):

> Officials who hold numerous and varied ties of this sort are able to ground their agency's reputation in a broader embedment in society. The broader this embedment, the more legitimate the agency appears. An agency whose activities and innovations have only monolithic support—the backing only of farmers, only of the wealthy, only of one trade—will appear captured. Multiple and crosscutting networks support the mien of bureaucratic neutrality, the image of public-spirited service.

> Just as important, crosscutting ties help bureaucratic officials to build a stable and inviolable coalition behind a new program. An agency without any external affiliations will depend entirely on politicians or on the beneficiaries of its programs for political support. An agency with ties to a single clientele group, however strong that group, is not autonomous but more likely to be captured because it depends all the more on that clientele. A coalition formed of network ties to multiple, diverse organizations, however, renders the agency less dependent on politicians and less dependent on any one of the partners in this coalition.

Nevertheless, in a coalition you do not 'necessarily have a significant horizontal exchange between participants' (Fox, 2010: 487). One of the arguments of this thesis is that this horizontal exchange is one of the variables that turn the implementation coalition into an instrument to promote bureaucratic autonomy. A horizontal implementation coalition – one with intense horizontal exchange among its members – guarantees the capacity that is often absent in an insulated bureaucracy. Moreover, horizontality enhances trust and credibility, which, according to scholars like Cisneros (2019) and Lubell (2007), are central elements of an effective coalition. In such coalitions there is what the German philosopher Jürgen Habermas defines as "communicative rationality", where 'there would be no hierarchy of individuals or of ideas' (Peters, 1996: 55). In such cases, the bureaucracy can temporarily 'borrow' political legitimacy from these 'enabling' implementation coalitions and create the opportunities and means to implement and adjust the policy autonomously regardless of government's opposition.

Therefore, I identify the role of implementation coalitions in fostering the autonomy of mid-level bureaucrats, and also the influence of their management strategies and political skills in creating the conditions for the formation of coalitions that foster bureaucratic autonomy. The frequency, intensity and openness of the interaction among coalition actors constitute the 'governance structure' of a policy coalition (Börzel, 1998: 259). My argument is that the level of horizontality and flexibility of such governance structure directly impacts the coalition's ability to provide political legitimacy to enhance bureaucrat's autonomy. Consequently, well-managed implementation coalitions play a central role in supporting the implementation of pro-poor policy against the will of the political status quo.

According to Fox (2010: 491), the literature on coalitions tends to deal specifically with civil society's collective action dynamics. By contrast, the role of implementation coalitions – or, in other words, policy coalitions coordinated by state agents during implementation processes - is less explored. During the policy design stage, policymakers might form coalitions to inform and campaign for specific policy aspects and demobilise them immediately after. However, the coordination effort is permanent during implementation because policy implementation demands continuous mobilisation. The importance of concepts from 'policy coalitions theories' can be explained by the work of Hjern (1981: 216), who has developed the idea of 'implementation structures', or clusters of private and public organisations that implement public policy. The 'implementation structures' concept reaffirms implementation as a collective enterprise, in a 'less formal structure and fewer authoritative relations' with decisions 'based on consent and negotiation' (*ibid*.). Hjern's argument of horizontal implementation structures influencing policy outcomes reinforces the idea that the way that mid-level bureaucrats, as managers of such structures, negotiate such decisions matters to the prospects of successful implementation.

According to Pierre (2006: 489), 'policy implementation is normally an inter-organisational process, frequently transcending the border between the state and the surrounding society'. Consequently, according to the author, in order to serve as an efficient mechanism of interaction, coalitions require coordination. Thus, policy implementation requires 'inducing cooperation, and perhaps even coordination, among interdependent actors' (O'Toole, 2012: 300). Bureaucrats are the natural managers of implementation coalitions since they always take part in them. Non-state actors can play

central roles in policy implementation but public bureaucracy is necessarily involved (MacRae and Wilde, 1985: 229). Furthermore, bureaucrats are the actors who are logically and even legally responsible for coordinating a public policy (Hill, 2005: 235). During implementation, bureaucrats can innovate when 'feedback from the operation of programs' indicates that policies need to change (*ibid.*). These decisions to adapt policy might be manifestations of bureaucratic autonomy. A diverse and broad coalition provides the support that bureaucracies need to act autonomously, giving them an aura of neutrality, 'the image of public-spirited service' that, in a virtuous circle, helps 'bureaucratic officials to build a stable and inviolable coalition behind a new program' (Carpenter, 2001: 32).

It is important to consider that the dynamics of pro-poor policy implementation are different from those of 'general interest policies' in many aspects, especially regarding the need for political support. For a pro-poor policy to be implemented, it needs a broad coalition behind it (Bebbington and McCourt, 2007: 219; Ascher, 1984: 10). These coalitions must produce what Hossain and Moore (2001: 13) call a 'persuasive narrative', capable of reversing political support from the inertial tendency towards wealth concentration. Only a narrative that associates equity with the general interest can persuade the most powerful portions of society that inequality matters, not only as an element of market efficiency but also due to moral values of distributive justice. As stated by Bebbington and McCourt (2007: 16), 'policy that co-opts the advantaged to support the interests of the disadvantaged is more likely to stick'.

Hence, along with organisations that benefit from pro-poor policies, pro-poor policy implementation coalitions need the participation of other non-poor allies. As stated by Hickey, Sen and Bukenya (2014: 74), the idea of 'pro-poor political action' is paradoxical since, 'as individuals, poor people have little ability to change the world by influencing others; nor […] do they anywhere form a coherent or united class with an idea of their common interests and the ability to advance them as a group'. Therefore, many different actors might form pro-poor policy coalitions, but most of these will not be poor people themselves. As stated by Whitehead and Gray-Molina (2003: 37), 'in order to exercise sustained influence and achieve cumulative growth in capabilities, the poor need allies'.

3.3. Policy Change and Continuity

According to Whitehead and Gray-Molina (2003: 47), a pro-poor policy must be seen 'in a long-term perspective'. They argue that 'the eventual success of pro-poor policies must therefore be considered not just over a single generation but over several' (*ibid*.). For Bebbington and McCourt (2001: 6), in a very normative proposition, a development policy can only be considered successful when it has endured at least ten years and, in a competitive electoral system, when it has survived a change of government. Tsebelis presents 'a more agnostic position with respect to policy stability' when he reminds us that the decision for policy change or continuity depends on one's view of the status quo (2002: 8). Thus, the need for policy stability is a contextual, not a theoretical, debate.

On the same path, Hill (2005: 8) points out that 'policies invariably change over time'. Extreme policy stability, when governments find no room to change policy through adjustments and adaptation, might 'lead to political instability' (Tsebelis, 2002: 3). Hence, policy change is not only the formation of new policies; adaptation is also a form of policy change that enables policy continuity. Indeed, the policy process is dynamic, and within it, antagonistic forces seeking to maintain or undo policy are always at play (Patashnik, 2008: 27). Policies are often disrupted or rescaled according to fiscal restraints or new social demands. However, there are also times when governments terminate policies due to political or ideological choices that redefine or deny the problem itself, not only the instruments used by the policy to tackle it (Kingdon, 1995: 110). For instance, when a government understands that traditional communities' sustainable livelihood is not a solution to deforestation and an economic opportunity for the communities, and instead argues that their livelihoods is the cause of their own poverty and must be replaced by more lucrative forms of production. This is a clear example of ideological policy termination.

According to a pluralist perspective, policies change according to the balance of power (Bebbington and McCourt, 2007: 15). In the same way, policies continue or are dismantled depending on a dispute over political influence among policy supporters and groups opposing it (Patashnik, 2008: 176). Policy coalitions play a central role in resisting policy dismantling. For Pierson (1994: 158), the continuity of welfare policies depends

on 'the political influence of welfare state supporters'. Governments who want to dismantle welfare and pro-poor policies must weaken these supporters. As stressed by Patashnik (2008: 176), 'reforms without interest-group friends have nothing to protect them beyond policy inertia and the support of academic experts'.

> One important conclusion is that reforms may persist for reasons other than those which prompted the reforms' original adoption. In recent years, political modelers have argued that the longevity of public creations such as laws and agencies depends in part upon the partisan configuration of enacting coalitions as well as upon the persistence of these coalitions over time. According to this line of scholarship, the durability of previously enacted political bargains will be threatened, for example, when control of government flips from one party to another, or even when there are losses in the partisan composition of seats falling short of switches in party control. (Patashnik, 2008: 161)

By definition, pro-poor policies benefit those with less economic resources and are primarily supported by them. The lack of economic resources is reflected in the low level of political influence of the poor. That is why pro-poor policy needs to build support beyond its direct beneficiaries. Coalitions that include not only state bureaucrats and beneficiaries of the policy but also organisations involved with the provision of services and goods as part of the implementation process might protect the policy from dismantling (Pierson, 1994: 170). These organisations have economic interests in policy continuity and, therefore, tend to be a significant force in sustaining the policy. As stated by Bebbington and McCourt (2007: 219), to prevent a policy from decaying, policy coalitions must become 'feedback mechanisms that facilitate adaptation'.

3.3.1. Policy change during implementation

In this research I investigate bureaucratic autonomy during the implementation of pro-poor policy. Essentially, four phases form the 'stages framework' of the policy cycle: i) agenda-setting; ii) formation; iii) implementation; and iv) evaluation (Hill and Hupe, 2009: 115). As stated by Hill (2005: 21), 'stages are not insulated from each other and there may be a succession of feedback loops between them'. However, the stage perspective is analytically helpful. Indeed, 'there are somewhat different things to say about agenda setting, policy formulation and implementation respectively' (*ibid*.). For instance, implementation is the policy stage where the role of bureaucrats is more visible (Peters, 1996: 5; Kingdon, 1995: 31). It is also during implementation that, 'through

feedback from the operation', bureaucrats can innovate and promote policy change aiming to sustain and protect the existing policy (Kingdon, 1995: 31).

During policy implementation, the policy content 'may be substantially modified, elaborated or even negated' (Hill and Hupe 2009: 7), although previously framed by legally-mandated policymakers. Such modifications might occur in policy delivery, mainly promoted by street-level bureaucrats. However, policy change also happens during the sub-stage of policy implementation that is the focus of my attention: the 'policy set-up', or the constant development and improvement of instruments for policy delivery, which is one of the core responsibilities of bureaucrats, often at mid-level positions. Mid-level bureaucrats create the instruments for implementation and often need to adapt the policy due to enforcement limitations that lawmakers had not been able to foresee. Politicians, when designing policy, define its ends (Hill and Hupe, 2009: 5) whereas mid-level bureaucrats, when setting up policy instruments, define its means. These bureaucrats - who are not directly involved with later policy delivery - are responsible for making decisions to enable – or not – a policy in what Kingdon (1998: 27) calls 'post-legislative stages of decision-making'.

3.3.2. Policy Dismantling

Most of the academic debate about policy change concerns policy formation. Policy changes in the opposite direction - policy dismantling – is a much less investigated subject (Green-Pedersen *et al*., 2012: 3; Bauer *et al*., 2012: 2). Policy dismantling is 'a change of a direct, indirect, hidden or symbolic nature that either diminishes the number of policies in a particular area, reduces the number of policy instruments used and/or lowers their intensity' (Bauer, 2012: 4). According to Bauer (2012), a policy can be dismantled in its density, when there is a reduction of the range of policy instruments, or in its intensity, when the government reduces the quantity of policy output. For the author, policy dismantling is not an absolute concept: it is a spectrum of change aiming the end of a policy from subtle changes in its scope to open and radical termination of it. Governments can also dismantle policy under different levels of transparency. Finally, governments can dismantle policies by changing the 'core elements of a policy' or 'manipulating the capacities to implement and supervise [it]' (Bauer, 2012: 4).

More recently, 'policy dismantling studies' have engaged with the present context of democratic backsliding (Bauer *et al*., 2021; Craviotti *et al*., 2020; Andrade, 2020; Peci, 2021) that has been undermining policies and policy instruments responsible for reducing inequality in previous periods. These authors argue that the current 'global wave of democratic backsliding' (Bauer *et al*. 2021: 2) requires the study of policy change to address 'the directions of change' (Andrade, 2020: 46). In this sense, bureaucrats' autonomy might be considered a resource for resisting changes championed by 'illiberal governments' (Bauer *et al*. 2021: 6). In fact, the literature on policy dismantling pays attention to its main effects, political rationale, strategies, the way in which governments dismantle different types of policy, institutional constraints for dismantling and, finally, the role of support coalitions (Bauer, 2012). Indeed, support coalitions are one of the 'factors that explain why termination is so rare' (Bauer *et al*., 2013: 2) insofar as the strength of support coalitions influences the strategy and target of policy dismantling (Bauer *et al*., 2012: 16).

Self-evidently, government shifts, or electoral realignments, create opportunities for policy change (Kingdon, 1984: 171; Baumgartner and Jones, 2009: 286). Naturally, these policy windows may result either in the creation of new pro-poor policies or in the dismantling of existing ones. When new governments decide to dismantle pro-poor policies, some collapse but others resist. The resistance efforts of support coalitions is one of the explanations for the survival of pro-poor policies (Bauer *et al*., 2013: 2).

When discussing the dismantling of the welfare state by Reagan and Thatcher, Pierson (1994) examines, among other contextual factors, the power, influence and agency of organised interests. He follows historical institutionalists in arguing that policy structures and the consequent policy feedback 'creates strong coalitions of program supporters' (Bauer, 2012: 8-9). Furthermore, the lock-in effects of 'path-dependency' increase the costs of change for actors, well adapted to previous policy arrangements (Pierson, 1994: 45 and 181). Such 'networks of interests', which are responsible for increasing the political costs of dismantling (*op. cit*.: 164), are not only formed by beneficiaries. The engagement of public interest groups and providers (or any other actor engaged in the policy implementation, such as sub-national governments) are also pivotal in avoiding dismantling (*op. cit*.: 166 and 169). Governments trying to dismantle policy have to minimise opposition and political costs. They often use strategies of 'obfuscation, division and compensation' against the support coalition (*op. cit*.: 30). When the

dismantling costs are concentrated and the benefits diffused, as in most of welfare or pro-poor policies, governments are not usually transparent about the changes and promote a 'struggle over information' (*op. cit*.: 8) to dispute the narrative about the 'causes and consequences of policy change' (*op. cit*.: 180).

Patashnik (2008) also argues that policy feedback effects can help protect the reforms from inhospitable policy change, creating a self-reinforcing dynamic in which social actors adapt themselves to the new policy regime (2008:30). Policy feedback creates 'expectations among individuals and groups that make it difficult or unattractive for leaders to reverse course' (Patashnik, 2008: 29). In other words, positive policy feedback can generate policy inertia, understood as 'forces for continuity' resulting from 'simple practical hurdles of making the gears of an enormous organization move' that create the incentives to bureaucrats to 'continue their work as usual' 'until they receive clear, direct guidance from a superior' (Ingber, 2018: 265/266).

3.3.   Conclusion

While the relevance of coalitions in supporting policy implementation is evident in the literature, the role of these coalitions on building up bureaucratic autonomy is less explored. Similarly, the role of mid-level bureaucrats in managing the coalitions, or the management style or bureaucratic behaviour that work better to create a powerful and collaborative coalition, are not sufficiently analysed. In this thesis I draw on the analysis of a notable example of policy adaptation and survival in Brazil to argue that the capacity of the implementation coalition to enhance bureaucratic autonomy is influenced by mid-level bureaucrats' behaviour, translated into specific political skills and management strategies.

My argument is that when mid-level bureaucrats manage implementation coalitions based on horizontality and flexibility, these coalitions provide the political legitimacy that enables autonomous pro-poor policy adaptation and protection against dismantling. Furthermore, political awareness is required to take forward the autonomous decisions. In this sense, mid-level bureaucrats need 'to be mindful of which battles to pick, of whether persuasion is likely to work, and how much political and social capital to invest in each instance' (Joshi & McCluskey, 2018: 4). Political awareness means to

be aware of the political costs and benefits of every action, and to have the ability to clearly identify what is at stake, the individual and collective winners and losers, and the influence of each of these interests on the decision-making process.

Horizontality and flexibility are both identified by different theories about bureaucratic behaviour and efficient service delivery. Horizontality, which entails participation, teamwork and equity, is considered to be an element of the 'performance-oriented management style' that, for Grindle (1997: 487), is one explanation for why some organisations in developing countries perform relatively well. According to her, in these countries 'managers had relatively open and non-hierarchical styles for interacting with staff. They consulted widely and encouraged participation in decision making and problem solving' (Grindle, 1997: 489).

Flexibility, which encompasses risk-taking, innovation and adaptation is also essential in modern public administration. According to Feldman and Khademian (2001: 339):

Communities are increasingly heterogeneous, economies and communications are more accessible and global, connections and partnerships between organizations, the public and private sectors, and policy arenas multiply, and members of the public are better able to scrutinize government performance and demand improved performance. Traditional governance structures built upon command and control organizations, centralized rule structures, and formulaic policy responses do not function well in this new environment, which demands flexibility.

Similarly, flexibility to promote a more '"customized" way of providing services to clients' is mentioned by Tendler and Freedheim (1994: 1783-4) as one of the explanations for the good performance of health workers in Ceará, Brazil. Furthermore, 'experimentalist governance' theorists also promote the idea that more efficient public organizations

assume the provisionality of their goals and institutionalize social learning by routinely questioning the suitability of their current ends and means, and by periodically revising their structures in light of the answers' (Sabel, 2004: 4 as cited in Pires, 2011: 46).

Furthermore, flexibility and horizontality are both central to the concept of 'adaptive bureaucracies', which describes public organisations that emphasise 'flexibility over adherence to rigid plans and rules' (Sharp, 2021: 9); forms of contract 'which emphasises trust and personal relationships' (*op. cit.*: 15) and also

a more collaborative, user-centric approach to service delivery; a blurring of policy design and implementation, which prioritises incrementalism, experimentation and learning by doing; a perspective which sees a bureaucracy as less capable of commanding and controlling the world it works upon, but instead as stewarding various actors within it (Sharp & Harrison, 2020: 8)

Policy continuity might result from 'policy stasis', which happens when a policy has outlived its usefulness but is 'trapped in place by a political equilibrium of power entrenched interests and weak coalitions for change' (Grindle, 2007: 80, 99). Bureaucrats can become representatives of such entrenched interests if there is no routine of 'creative adjustments', which, according to Grindle (2007: 79) 'may therefore be one way of such policies endure over time and continue to provide benefits to significant sectors of a population'. When policy implementation can promote the proper creative adjustments, change does not mean the end of the policy, nor does continuity represent the entrenchment of vested interests. Therefore, the right balance between change and continuity is crucial for achieving policy goals despite political shifts.

In this chapter I have shed light on concepts that are the building blocks of this thesis: first, concepts related to how bureaucrats build up their autonomy, including their quest for political legitimacy through the development of a reputation of neutrality and technical expertise. The chapter also interrogates the normative ideal of autonomy, highlighting the risks of autonomy regarding lack of accountability. The conceptualisation of a specific group of bureaucrats – the mid-level bureaucrats – identifies particular features of those actors who are central to policy implementation. Theories on policy coalitions explain the extent to which those implementing structures can help enhance mid-level bureaucrats' capacity and political legitimacy to promote and sustain policy change autonomously. Finally, theories and concepts of policy change, continuity and dismantling inform us about the role of support coalitions and how mid-level bureaucrats operate in scenarios where the government has decided to dismantle policies.

The diagram below illustrates how the concepts that underlie this thesis relate to its empirical chapters. First, in Chapter 5, I analyse how mid-level bureaucrats build up their autonomy. Then, Chapter 6 tells us about the process of policy adaptation aiming to respond to the poor. Finally, in Chapter 7 I analyse to what extent the policy adaptation process has contributed to its continuity.

Figure 8: Conceptual Framework and the Empirical Findings
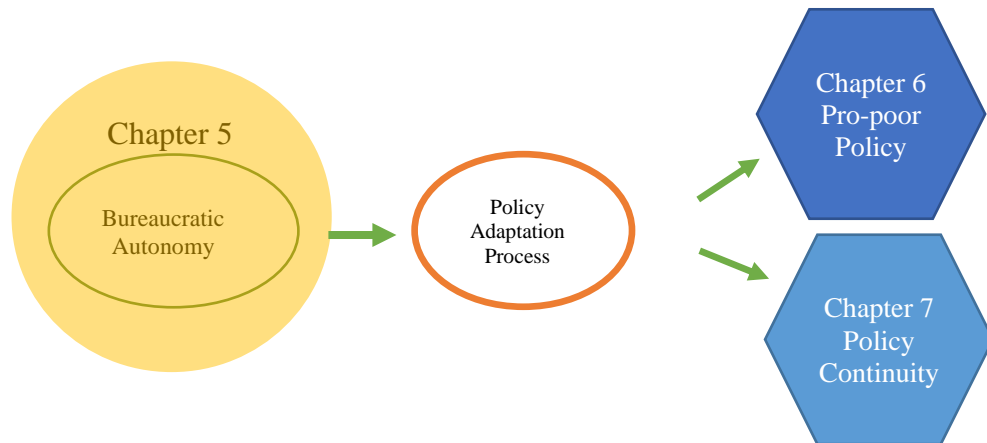
Source: author.

Finally, it is important to mention that 'the manifest policymaking role of the public bureaucracy arises most clearly' (Peters, 1996: 6) during policy set-up, when governments enact regulations for efficient policy enforcement. Arguments about the role of the bureaucracy in policy adaptation confirm the evidence that, even when politicians design a policy that neglects social inequality, there is room for change during the implementation stage. Mid-level bureaucrats coordinate policy set-up, not street-level bureaucrats or political appointees. As mentioned above, those bureaucrats connect the political sphere, represented by Ministers and their closest politically-appointed advisors involved with policy design, with bureaucrats involved with policy delivery. Policy set-up is an opportunity for innovation and has become more dependent on the extensive use of Information Technology (IT). The empirical case analysed here is an example of bureaucracies increasingly using information systems when developing instruments for efficient policy delivery. The use of IT in policy set-up, under specific conditions of technical expertise and political awareness, might represent an opportunity to promote policy adaptations under the radar, circumventing conflicts through the system, although presenting some risks to democratic values, such as transparency and accountability. The next chapter links these concepts and theories with the Brazilian context, analysing the specifics of Brazilian actors and structural factors.

4. <u>Context</u>

This chapter outlines the contextual background against which mid-level bureaucrats have autonomously promoted and sustained pro-poor policy in Brazil. For this purpose, this chapter covers both institutional and agential elements necessary to contextualise the case. In an attempt to illustrate the interplay between actors and institutions as policy variables, Tsebelis says that 'institutions are like shells and the specific outcomes they produce depend upon the actors that occupy them' (2002: 8). Accordingly, this chapter analyses both institutions and actors relevant to the case: first, institutions that frame the policy process in Brazil and the power dynamics behind it: the historical background of land concentration in Brazil and the particularities of Brazilian federalism and rule of law: then, the state and non-state actors that have 'occupied these shells' during the CAR's formation and implementation, namely: bureaucracies, universities, public prosecutors, agribusiness, traditional communities, civil society organizations and international cooperation agencies.

4.1.   Structural Factors

This research is about bureaucrats acting autonomously. Due to the focus on agency, institutions and structural factors are considered to be permanent. In fact, throughout the time span of this research, there were no significant changes in structural factors, such as commodity export dependence, racial injustice and land tenure structure that favours the political elite, etc. This section presents the institutions and ideologies that have shaped the strategies and behaviour of actors towards a policy that has implications for land inequality in Brazil.

The table below lists the institutions and the contextual explanations they provide that are important in understanding the constraints and opportunities faced by the actors involved in my case study.

Table 3 - Institutions and what they explain.

Institution	Contextual Explanation
Brazilian Land Concentration	• Traditional communities' marginalisation. • Agribusiness's political power.
Brazilian Land Regime	• Official negligence and opposition to traditional communities.
Brazilian Federalism	• Autonomy of environment bureaucrats. • Role of state-level environment agencies.
Brazilian Rule of Law	• Autonomy of environment bureaucrats. • Co-ordination role of environment federal bureaucrats.
Socio-environmentalism in Brazil	• Mobilisation of traditional communities. • Alliance with environmental activism.

Source: author.

4.1.1. Brazil's Land Regime and Concentration

In Brazil, 1% of rural properties account for 48% of agricultural land (Instituto Brasileiro de Geografia e Estatística, 2017), which means an extreme level of land concentration. This land concentration reflects Brazil's colonial background. The Portuguese occupation of the South American's East coast from 1500 onwards, and the exploitation of its natural resources, were guided by a commercial logic of 'large scale crops aiming at export' (Lerrer and Medeiros, 2014: 114) produced by the forced labour of millions of women and men trafficked from Africa as slaves. According to Prado Jr. (1963: 33), the option for large-scale monocultures, such as sugar cane, in early colonial times, 'determined the type of agrarian exploitation in Brazil: the large estate'. Furthermore, 'this type of export-oriented production, which remained hegemonic, consolidated Brazil's place in the international division of capitalist labour' (Filus & Lima, 2022: 5). Hence, Brazil's colonial background is deeply connected to 'questions of international development, trade, politics and globalisation'. (Garmany and Pereira, 2019: 158, 160).

When the Portuguese crown colonised the vast Brazilian territory in the 16th century, it conceded land units for cultivation through the *sesmarias* system. Portugal had created this system in the 14th century, based on the right of the government to concede tracts of land to its subjects that had the resources to cultivate the land. The government

had the right, on occasion, to retake uncultivated tracks of land from those subjects who had not met the expected productivity. If the beneficiaries did not cultivate the land, it would return to the government, which would then lease it to someone capable of exploiting it. From 1532 until 1822 Portugal set up their colonial project for Brazil using this system, or a distorted version of it (Motta, 2005: 2).

Initially, in medieval Portugal, the system was managed to respect the social purposes of the territory by guaranteeing land productivity. To become a *sesmeiro*, one had to commit to working the land. Otherwise, production capacity was not the only requirement to get a *sesmaria* in Brazil. More importantly, political connections were essential. Due to these connections, beneficiaries could ignore land productivity as a condition for the grants (Motta, 2005). Consequently, throughout the colonial period, these influential *sesmeiros* expanded their lands regardless of their capacity to work them. They simply ignored the conditions stated by the Portuguese and treated the concessions as their properties (Faoro, 1997: 143). As stated by Motta (2005: 10):

> The innumerable royal dispositions with respect to the *sesmarias* and the attempts to investigate concessions were neither able to inhibit the non-observation of the orders nor impede *sesmeiros* from continuing to illegally occupy lands, which in turn required demarcation and cultivation.

> The laws that dealt with these subjects were very old. At the end of the seventeenth century, the Crown attempted to fix the maximum extension of areas that were being conceded by the *sesmaria*. Also, by this time royal orders, such as the Royal Decree of 1695, were published which reiterated the idea of obligatory cultivation. Even so, the laws were not executed, and conflicts and demands became recurrent phenomena, in direct proportion to the density of occupation and the fertility of the soil.

Therefore, Brazilian *sesmeiros* unlawfully sold parts of the properties, invaded neighbouring areas and, by 1822, when Brazil became independent, Portugal had conceded so many extensive areas, sometimes to the same person, that there was no more land to distribute (Faoro, 1997: 10). By 1850, the enactment of the Land Law formally structured the land market creating all kinds of obstacles to indigenous people and freed slaves to have legal access to land. The law restricted the right of land tenure by possession and instituted acquisition as the only form of access to land. The legislation also instituted the alienation of vacant lands through sale, vetoing sales through public auctions, as a way to set high prices for land, consequently avoiding democratic access to land and the emergence of a free peasantry (Almeida, 2004: 12-13). Following this logic,

governments granted land to politically-influential people who were able to be useful to their economic project for the country: monoculture with export revenues. People with no political influence, or without the capital required to implement large monoculture plantations, were not considered part of the 'national project' and, consequently, did not achieve access to land.

Such logic persists up to this day. Despite 'forest valuation and income generation studies' that argue for the 'economic viability of non-wood extraction vis-à-vis converted land uses' (Wunder, 2015: 2), the sustainable extraction of non-wood export products, such as rubber, dried flowers and others, demands the conservation of vast areas, raising serious issues regarding the current criteria for land productivity. Extraction is labour intensive, and the rents are very hard to capture, due to the 'lower frequency of single commercial species per land unit, which drives up harvesting transport and management costs' (*op. cit.*: 46). Hence, extractivism is not relevant for the political class whose power comes from highly profitable monoculture for export, which, similarly to the sesmaria system, promotes land concentration as a tool for political power and consolidation of elite control.

The hostility against traditional communities' land claims derives from this logic. Traditional communities manage their territories sustainably and collectively, which is hardly profitable. Indeed, traditional territories do not buy machinery, nor do they have economies of scale as large as monocultures. The value of their products comes from their sustainability since 'per-hectare extraction values in remote, biologically diverse and abundant forest environments will almost inevitably be low, thus limiting the economic potential of sustained forest extraction from those sites' (Wunder, 2015: 46). Finally, traditional communities are seldom in such numbers in each of Brazilian large electoral districts as to be electorally relevant. The only weight they have is that their collective territory stands today between Brazil and environmental collapse. Thus, if you follow the logic of private ownership and, for instance, turn the forest into a vast dried flowers monoculture, they will lose their 'green' value.

As stated by Prado Jr. (1963: 260), Brazil became independent from Portugal in 1822, but not much has changed since then because 'the structure of the country, its entire organisation, was constituted in the past and is still mainly oriented towards satisfying the demands of the large mono-cultural farming, of a colonial type, on the basis of which the

Brazilian economy was formed and evolved'. Following such analysis, Lerrer and Medeiros (2014: 114) add that the green revolution promoted by the Brazilian government since the 1960s intensified land concentration by the provision of subsidised rural credit and 'fiscal incentives for occupation of land regarded as agricultural borderline'. The effects of such a system can be seen today by the extreme land concentration in Brazil, where the logic of export-oriented production by large properties disregards the communal forms of production by the traditional communities. Furthermore, land concentration marginalises millions of rural workers since 'the main problem of most communities continues to be the question of land tenure that limits the ability of the poor to improve their activities and escape poverty' (Ioris, 2016: 185).

Historically, the Brazilian land regime has ignored communal territorial governance mechanisms (Benatti, 1999: 6) based on what Musembi (2007: 1465) classifies as a 'narrow understanding of formalisation (to mean individual and exclusive ownership)'. This 'single owner/single crop model of land governance' (Shankland *et al*. 2016: 8) 'echoes 19th-century notions of the inevitability of social evolution towards private individual ownership' and usually recognises communal ownership 'as a transitional step towards individualisation' (Musembi, 2007: 1473, 1464). This historical perspective views 'extractivism as a transitory, "inferior" production type' (Wunder, 2015: 43). This 'inferiority view on extractivism vis-à-vis agriculture' is shared by most Brazilian economic historians (*op. cit*.: 1).

As a matter of fact, the Brazilian land tenure system does not regard traditional communities as 'legible'. The concept of 'legibility', according to Scott (1998: 183), refers to the idea that any state intervention in social life, such as tax property, 'requires the invention of units that are visible'. Governments need units that can be 'identified, observed, recorded, counted, aggregated, and monitored' (*ibid*.). Customary land tenure tends to be too diverse and flexible to be legible by states. The modern state presupposes a 'vastly simplified and uniform property regime that is legible and hence manipulable from the center' (*op. cit*.: 35). In places like Brazil, the solution from above has been individual freehold tenure: 'land is owned by a legal individual who possesses wide powers of use, inheritance, or sale and whose ownership is represented by a uniform deed of title enforced through the judicial and police institutions of the state' (*op. cit*.: 36). The justification for this individual solution is basically that communal forms of land tenure are 'fiscally illegible and hence fiscally less productive' (*op. cit*.: 39).

According to Benatti (1999: 5), the challenge in defining common use areas, also known as common lands, lies in the fact that, in these areas, the control of natural resources is not exercised individually by a family or a domestic group of rural workers, and the norms that regulate this social relationship go beyond the legal norms codified by the state. For instance, communal lands are not subject to permanent individual appropriation. As a matter of fact, communal lands combine notions of individual property and common use, where consensual norms guarantee the conservation of these areas, in which access to natural resources is open, inalienable and indivisible. Therefore, common ownership involves not only the land, but also the rules for the management of natural resources developed by the communities, and their institutional and social arrangements. The dissolution of such a customary normative framework can lead to the disaggregation of the social group that appropriated that piece of land, as well as the degradation of natural resources (Benatti, 2002: 3). In contrast to individual or condominium property, whether private or public, the communities cannot sell, donate, or transfer the use of the common property to third parties. Common property cannot even be used for any purpose other than possession and usufruct by the communities (*op. cit.*: 14).

Only after the 1988 Constitution did the Brazilian legal framework recognise some communal forms of land occupation. Following the historical trend of not recognising communal forms of land tenure, the Brazilian government's official definition of traditional communities[1] does not mention 'their' common territory. It just states that they occupy and use 'the' territory. Initially, the official recognition of communal lands and traditional territories came in the form of 'direct use protected areas', such as Extractive Reserves. The first Extractive Reserve was created in March 1990, in the aftermath of Chico Mendes'[2] murder by land grabbers. (Wunder, 2015: 2; Vadjunec, 2011: 154; Hochstetler and Keck, 2007: 227).

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[1] Decree 6040/2007, art. 3º.
[2] Chico Mendes was a leader of rubber-tappers in Acre, in the Brazilian Amazon, who was a pioneer in socio-environmental activism for the conservation of the Amazon Forest considering its sustainable use by traditional communities. He was killed by land grabbers in 1988.

The creation of these protected areas, which entails a 'state control of their territories', does not mean 'any substantive change in the legal framework to support community ownership of land' (Shankland *et al*. 2016: 9). At the same time, the government and financial institutions have created incentives for individual land titling 'that may lead to the fragmentation of communities' (*ibid*.). Brazilian agribusiness has systematically tried to prevent the recognition of collective property arguing that it inherently promotes mismanagement. Such argument reflects one of the views that dominated the early debates about Common Property Resources (CPR) management in the 1970s (Joshi, 1999: 12). Nevertheless, since the early 1990s a set of authors 'argue that collective mismanagement is not inevitable' (*ibid*.). Recently, common property approaches to forest management have been supported as a solution for better management of natural resources (Gonçalves & Vale, 2021: 2), since they are 'viewed as pro-people, equitable, low-cost, easily enforceable and adaptable to local cultures that often see property as multi-dimensional, having both private and common property aspects' (Vadjunec, 2011: 152).

4.1.2. Brazilian federalism and rule of law

Brazil is a federal republic composed of 27 subnational units. Two characteristics of Brazilian federalism influence the level of autonomy experienced by Brazilian bureaucrats: a high number of veto players and vaguely defined mandates. Brazil is a federation where three levels of government share intertwined mandates regarding environmental protection. In fact, the 1988 Brazilian Constitution re-established democracy and promoted decentralisation but defined the mandates of the three levels of government (federal, state and local) very vaguely (Antunes, 2019: 86; Garmany and Pereira, 2019: 33).

Besides the unclear roles of levels of government, Brazilian decentralisation increased the number of social actors providing inputs to the policy process and, consequently, the number of veto players – 'individual or collective actors whose agreement is necessary for a change of the status quo' (Tsebelis, 2002: 19). Therefore, the high number of veto players generated by Brazilian federalism (Hochstetler & Keck, 2007: 14) raised the level of political conflict, including in relation to environmental

policy. As discussed in Chapter 3, Tsebelis (2002: 236) argues that a higher number of veto players makes bureaucrats 'more independent from government'. In the same path, vague mandates generate uncertainties over environmental responsibilities, giving more room for autonomous bureaucratic agency.

Regarding the rule of law in Brazil, the Brazilian Constitution grants extensive regulatory power to the President to promote the 'accurate execution of laws'[3]. In Brazil, most laws establishing policies are not 'self-implementable' and require regulations decided by the Executive. Because of that, the ultimate decision about implementing a policy or leaving it 'on paper' remains with the Executive. This creates the incentive for Brazilian legislators often to vote in favour of a policy with the hidden expectation that it will not be enforced (Hochstetler & Keck, 2007: 18). In the Brazilian 'un-rule of law' (McAllister, 2009: 662), enacting legislation does not guarantee its enforcement, resulting in 'challenges when it comes to putting environmental protection laws into practice' (Garmany and Pereira, 2019: 158). Specifically, environmental legislation demands more adaptation to local specificities than other policy fields. Thus, these norms often have a 'provisional nature' that demands the enactment of other norms and 'a separate mobilisation of commitment' for implementation (Hochstetler & Keck, 2007: 17).

As long as policy enforcement is not automatic in Brazil, the support of policy networks for their implementation can make a difference. According to Hochstetler and Keck (2007: 19), 'the weak enforcement capacity and low levels of institutional continuity characteristic of the Brazilian state' demands 'enabling activities' promoted by networks of actors 'to facilitate from a variety of angles and locations the adoption or implementation of policies that they support'. Bureaucrats often coordinate these enabling activities openly or 'behind the scenes' (*op. cit.:* 20), as in CAR's implementation.

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[3] Art. 84th, IV.

4.1.3. Socio-environmentalism in Brazil

The 1988 Brazilian Constitution 'generated a dynamic and progressive context for social activism' (Garmany and Pereira, 2019: 131) that created, in Brazil, the background for the rise of socio-environmentalism, which is 'an attempt to make compatible the struggles for environmental sustainability and for sustainable livelihoods' (Hochstetler & Keck, 2007: 13). This new approach towards environmental issues emerged in Brazil during the transition from the military regime in mid 1980's. This circumstance 'contributed to unusually strong interpersonal relations among environmentalists in state and civil society institutions, who work together in both blocking and enabling networks'. (Hochstetler & Keck, 2007: 10). As a matter of fact, 'the pro-poor, sometimes anti-capitalist ethos of socio-environmentalism' (Garmany and Pereira, 2019: 154) has opened the environmental agenda to the needs and rights of the poor only when their instrumental role as biodiversity stewards or the idea 'that helping traditional extractors stay in the forest was a good way of helping the forest itself' (Hochstetler and Keck, 2007: 182) became evident.

Called 'social greens' by Clapp and Dauvergne (2005: 44), these environmentalists emphasise that 'effective solutions to environmental problems will continue to remain elusive unless the voices of women, indigenous peoples, and the poor are integrated into the global dialogue on environmental and social justice, as well as into locally specific contexts'. To social greens, traditional control and collective protection of common resources is 'the most promising path to ensure a just world and a clean environment'. Consequently, social greens support land reform and 'movements to "reclaim the commons" ' (*op. cit.*: 244). The importance of CAR as a case study relies on the fact that, despite being a policy aiming at conservation and forest management rather than land tenure, a social environmentalist approach to its implementation created the conditions to adapt the policy in a way that challenged the restrictions to common-land tenure in Brazilian law and connected two agendas: environmental conservation and communal land rights.

4.2. Actors

Considering the structural context as given, I investigate how much room there is for agency and how actors can navigate intelligently within these very rigid structural constraints. In this thesis, I investigate the autonomous action of three groups of mid-level bureaucrats. First, the mid-level bureaucrats from the Brazilian Forest Service who were responsible for managing the CAR implementation coalition. Second, mid-level bureaucrats from the CNPCT, who were the link with traditional communities and managed to bring their agenda into the CAR despite political opposition. Finally, mid-level bureaucrats from the Ministry of Environment, who decided to transfer GIZ funding to another agency that had better chances of resisting dismantling.

The diagram below lists all CAR actors that are relevant to my argument. Within the CAR Policy Network are all the actors interested in CAR, despite their antagonistic perspectives. Agribusiness and *Ruralistas*, Traditional Communities, International Cooperation Agencies and Brazilian State Actors (Federal and State level bureaucracies, the Federal Prosecution Service and the University of Lavras).

Figure 9 – Actors in CAR Policy Network
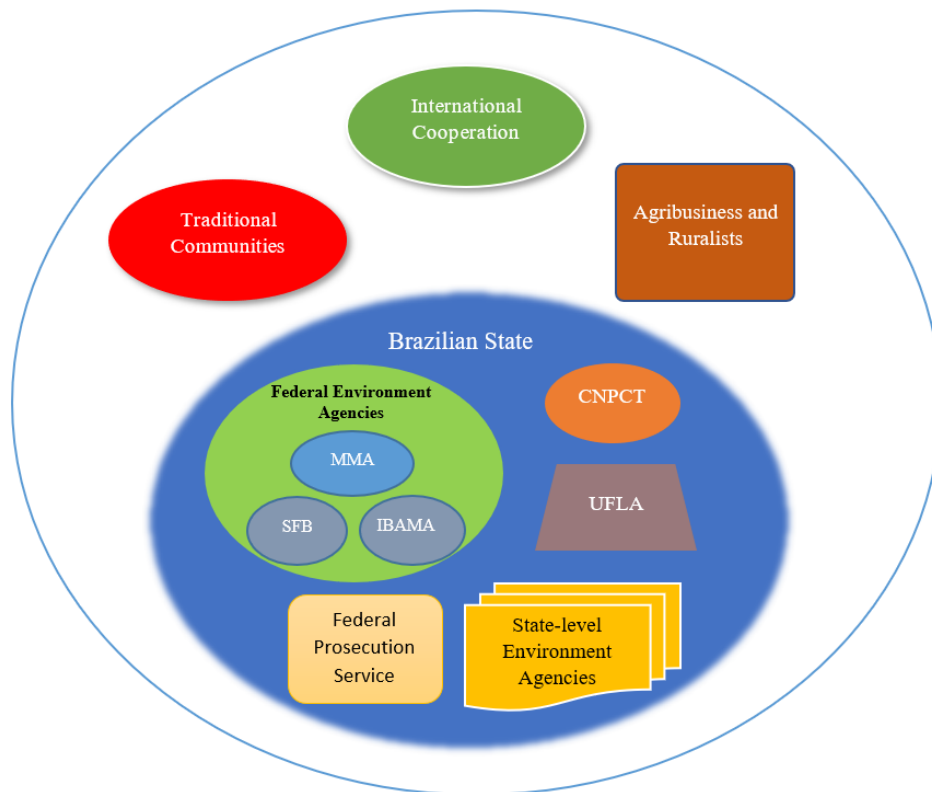
Source: author.

Each of these actors plays a specific contextual role in my case study, as explained in this section and listed in the table below:

Table 4: Actors and their relevance to the context.

Actors	Contextual Role
Traditional Communities	• Mobilisation for policy adaptation.
Agribusiness and the *ruralistas*	• Opposing communal forms of property. • Supporting CAR as a means of avoiding environmental compliance.
Federal Environmental Agencies	• Coordinating CAR's implementation coalition.
State-level Environmental Agencies	• Operating the registry on the ground. • Delivering the policy.
Public Universities	• Technical Support. • Procurement flexibility.
Federal Prosecution Service	• Relocating CAR-PCT.
International Cooperation	• Technical and financial support for environmental agencies (both federal and state-level), traditional communities and the Federal Prosecution Service.

Source: author.

4.2.1. Traditional Communities

Figure 10: Brazilian Traditional Communities.

Source: Brazilian Ministry of Environment.

To research the contribution of mid-level bureaucrats and implementation coalitions to making a policy pro-poor, I focus on policy adaptation in favour of the interests of a specific marginalised group: traditional peoples and communities, or simply traditional communities. Traditional peoples and communities are groups of people whose livelihoods rely on the traditional management of specific natural resources present in a territory. They have occupied and used their territories and natural resources for generations, based on knowledge transmitted by tradition. Traditional communities are formed by family-based rural producers that have their family economy based on agro-extractivism (Benatti, 1999: 3), and who historically opposed the agrarian export model that was based on land concentration and slave labour (Almeida, 2004: 14). Indigenous people can be part of traditional communities, but legally these communities have a different status from indigenous territories, with different forms of government recognition, property rights, management procedures and sources of finance.

The quantitative data regarding traditional communities and their territories are unreliable and incomplete, with gaps and inaccuracies (Almeida, 2004: 15). Nevertheless, according to recent estimates, Brazilian traditional communities include more than 4 million people under permanent pressure from land-grabbing (Sauer *et al*., 2019: 6; Almeida *et al*. 2018: 47). Most traditional communities do not have land tenure or any kind of state recognition of their rights over the land which they occupy. Historically, traditional communities have occupied their territory unofficially, mainly migrating to escape slavery or other forms of oppression or simply looking for available land from which they could build up their livelihoods.

Technological breakthroughs responsible for the Brazilian green revolution since the 1970s represented an additional threat to traditional communities (Cabral, 2021). Historically, traditional communities were formed in Brazil by people fleeing from more productive areas due to slavery or land-grabbing. The large export monoculture model has pushed these people to remote areas in Brazil where the features of 'non-state spaces', as pointed out by Scott (1998: 187), were present. These remote areas were 'relatively impenetrable' (*ibid*.), had a dispersed population and were unpromising in terms of productivity. The Brazilian savannah is the greatest example of this process (Borges *et al*., 2009).

However, since the Brazilian green revolution of the 1970s, vast areas of Brazilian territory, especially the savannah, have been transformed. Technological advances increased land productivity; investments made transportation viable; and suddenly 'non state spaces' (Scott, 1998: 187) were transformed into disputed state spaces responding to the international trade market. As a consequence, traditional communities in the Brazilian savannah, who had developed their livelihoods and had lived in relative peace for centuries in a region where the soil was considered too acid for large scale monoculture, were suddenly disputing their lands with large-scale soybean producers.

Another characteristic of traditional communities is relevant to explain the historical opposition they have faced from Brazilian authorities: their territories are common properties shared by the whole community as a means of production. They work together to ensure sustainable access to common property resources and 'practise natural resource management strategies on a collective basis using "traditional" territorial governance mechanisms' (Shankland *et al*., 2016: 3). Traditional communities are an example of common property regimes (CPRs), which are 'institutional arrangements for the cooperative (shared, joint, collective) use, management, and sometimes ownership of natural resources' (McKean, 2000: 27). Nevertheless, as mentioned above, the Brazilian formal property system had historically ignored these territorial governance mechanisms until the 1988 Constitution and the rise of socio-environmentalism. As mentioned in section 4.1.1., the Brazilian land regime is underpinned by the premise that CPRs are ineffective. However, as stated by Joshi (1999: 12), 'the nature of resource management in developing countries characterised by poverty and high transaction costs of private property can often make common property an efficient institutional arrangement (Runge, 1986). Thus, theoretically collective action problems can be overcome'.

It is important to mention that, in Brazil, participatory bodies have regulatory mandates and can help mobilise civil society organisations and marginalised groups for enabling activities. Since 1981, when the National Council for the Environment (Conselho Nacional do Meio Ambiente, CONAMA) was created, the Brazilian government has created other participatory institutions where civil society organisations have a voice in debates regarding environmental policy regulation. My case study included one of these participatory institutions, the National Council of Traditional People and Communities (Conselho Nacional dos Povos e Comunidades Tradicionais, CNPCT), which is also managed by mid-level bureaucrats with the mandate 'to promote

the sustainable development of traditional communities, to recognise, strengthen and guarantee the rights of these communities, including those of a territorial, socio-environmental, economic and cultural nature, and their uses, customs, traditional ancestral knowledge, their forms of organisation and their institutions'[4].

The traditional communities' organisation that led the mobilisation for CAR adaptation was the National Coordination for the Articulation of *Quilombolas* Black Rural Communities (*Coordenação Nacional de Articulação das Comunidades Negras Quilombolas*, CONAQ). CONAQ was created in 1995, not as an environmental organisation but its agenda is connected to the socio-environmentalists. In fact, their sustainable livelihoods based on communal exploration of land and natural resources form the main argument for their land-rights claim. *Quilombolas* are those who between the 16th and the 19th centuries escaped from slavery and settled in remote areas in Brazil. Slavery in Brazil lasted more than 300 years, during which period slave traders trafficked more than five million people from Africa to Brazil (Garmany and Pereira, 2019: 125). Throughout this time, women and men escaping from slavery and free people from African descent formed the *quilombos.* These communities resisted but remained invisible to Brazilian formal institutions until the Constitution of 1988, when their rights over the land they have lived in were recogised.

However, according to the regulations regarding the constitutional rights of *quilombola* people, they need to prove their rights through a bureaucratic process of recognition (*op. cit.:* 125). To fight for recognition, the *quilombolas* have organised themselves since the late 1980s. Their social movement is diverse and there are cleavages regarding their understanding about land privatisation and individual land titling. CONAQ was created in 1995 as a national umbrella organisation to fight against this divisive tendency. They have been an active voice in the national debate regarding the rights of more than 3,500 traditional communities in 24 of the 27 states in Brazil (CONAQ, 2022), and played a central role in the CAR's adaptation towards a pro-poor approach.

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[4] My own translation of Article 2, Decree 8.750/2016, available in Portuguese at http://www.planalto.gov.br/ccivil_03/_ato2015-2018/2016/decreto/d8750.htm

4.2.2. Agribusiness and the *ruralistas*

Brazilian agribusiness was involved in CAR implementation from the very beginning. During the first stage, when the Brazilian Forest Service (SFB) was setting up the CAR's instruments by developing its IT system, SFB used to consult agribusiness actors, and kept them updated on the proceedings. The National Agriculture Confederation (Confederação da Agricultura e Pecuária do Brasil, CNA), is the national association that represents these interests. Furthermore, within the Brazilian Congress, Brazilian agribusiness is represented by the Agriculture Parliamentary Front (Frente Parlamentar da Agropecuária, FPA), which is commonly referred to as the '*ruralistas*' (Scolese, 2009; Mota, 2018, Lima, 2020; Rodrigues, 2020; Bruno, 2021). Both organisations were frequently - although sometimes partially – kept updated about the development of the CAR's instruments.

However, since both agribusiness and the *ruralistas* had no interest in a swift implementation or a pro-poor adaptation of the CAR, SFB mid-level bureaucrats had to move under their radar in both cases, analysed in Chapters 6 and 7 respectively. Otherwise, agribusiness would have vetoed pro-poor adaptation using their overarching political influence. Again, Brazilian colonial history is part of the explanation for such influence. As mentioned above, since the 16th century, the Brazilian economy has developed around the large-scale production of different export commodities, from sugar, tobacco and coffee in the previous centuries to soy and meat today. According to the World Bank (2018), nearly half (48%) of Brazil's exports come from the agriculture and livestock sector and 'the country ranks third among the world's leading agricultural exporters, fourth in food production, and second in bioethanol production'.

This connection with 'international market demands' inevitably links today's environmental issues in Brazil with the dynamics of 'processes of globalisation' (Garmany and Pereira, 2019: 158) and international trade. The size of the primary sector in Brazilian GDP has always been significant. In 2020 it was 26.6 % of Brazilian GDP but has reached peaks of over 30% in the last 30 years (CEPEA, 2021). Thus, the economic weight of large-scale farmers and connected agricultural business is reflected in the political power that makes them 'one of Brazil's most powerful lobby factions today, wielding heavy influence in matters of domestic policy and environmental legislation' (Garmany and Pereira, 2019: 158).

As mentioned above, in the Brazilian Congress agribusiness operates under a formal institution, the Parliamentary Front for Agriculture (FPA). FPA is a supra-partisan organisation formed of 39 senators (48% of the Senate members) and 241 deputies (47% of the Chamber of Deputies) (Frente Parlamentar da Agricultura, 2021). One of the main items of the *ruralistas*' political agenda is to dispute the recognition by the Brazilian state of traditional communities' land rights (Bruno, 2021: 494), which makes them the major antagonist of these populations (Rodrigues, 2020: 233). It is essential to mention that there are several divisions within agribusiness regarding the environment, taxation, international trade and other issues. These divisions tend to reproduce differences regarding the importance of the international market to each sector. Notwithstanding that, there is one thing that unites the Brazilian agribusiness namely, the opposition to land reform and communal forms of property rights (Pompeia, 2020: 12).

Finally, to discover where the power of Brazilian agribusiness comes from, we also need to understand the foundational role of the tenure system and rural credit in shaping the incentives under which they operate (Lerrer and Medeiros, 2014: 114). The power of Brazil's agribusiness comes from a tenure system that favours land-grabbing and easy access to cheap (and often free) state credit. The origins of their land rights has been historically connected to the expropriation of small farmers, traditional communities and indigenous people with state approval (May *et al*., 2016: 36). After guaranteeing the land, access to cheap credit has sustained and reproduced their power. Essentially, Brazil's extraordinary success as an agricultural exporting powerhouse has been bankrolled by cheap or free credit. Over the last 30 years, different governments have given large-scale farmers loans, renegotiated those loans and often not demanded that the money be repaid. All this bankrolling, this debt clearance, is essentially the state giving money to agribusiness. Tax-payers provide money to destroy forests, and to expropriate traditional communities and indigenous land, turning Brazil into one of the world's most significant agricultural exporters (May *et al*., 2016: 47; Tribunal de Contas da União, 2009: 18). Brazilian agribusiness is brutal and destructive on one level but ultra-sophisticated, ultra-advanced and world-beating on another level. As stated by Garmany and Pereira (2019: 5), 'understanding Brazil's political future requires connecting inequality, conflicts over natural resources and the rise of Brazil's increasingly powerful agro-industrial lobby'.

4.2.3. Federal Environmental Agencies

Brazil's bureaucracy is generally regarded as having a high level of 'autonomy, expertise and professionalism', but also as being 'immobilist and unresponsive' (Grindle, 2012: 215 and 260). At the federal level, the three organisations most involved with the policy that is the object of my case study are the Ministry of Environment (*Ministério do Meio Ambiente*, MMA), the Environment and Natural Resources Institute (*Instituto Brasileiro do Meio Ambiente e Recursos Naturais Renováveis*, IBAMA), and the Brazilian Forest Service (*Serviço Florestal Brasileiro*, SFB) responsible for CAR implementation.

Brazil formally created the current structure of its federal bureaucracy back in 1936, when there was 'the formation of many key state institutions that are still present today' (Garmany and Pereira, 2019: 44). The first Brazilian environmental public agency was created in 1973, under the auspices of the Stockholm Conference, as a secretariat linked to the Presidential office (Hochstetler and Keck, 2007: 27). After decades of slow institutional building (*op.cit.*: 61), in 1989, the current enforcement agency – IBAMA - was created. Along with the Ministry of Environment (the Secretariat created in 1973 achieved ministerial status in 1993), IBAMA forms the main federal environmental governance apparatus, responsible for enforcing and setting the standards that guide the enforcement of environmental norms. Historically, permanent members of other public organisations have occupied the higher ranks within the bureaucratic structure of the Ministry of Environment, while IBAMA is a more hermetic body where in-house personnel predominate.

In 1990, the government set up a special unit within the IBAMA structure, which represented the first national institution dedicated to promoting the agenda of traditional communities (Hochstetler and Keck, 2007: 167, Calegari et al., 2014: 125). This was an unexpected movement of IBAMA towards a more 'socio-environmental' approach since the agency had a more conservationist perspective, in which human activity is understood as intrinsically detrimental to the environment. As mentioned, IBAMA was created before the Ministry, in 1989, and has very engaged personnel with a high level of technical expertise.

Such a high level of expertise did not avoid the failure of IBAMA's attempts to implement the CAR. IBAMA relied upon an in-house technology that eventually failed

to deliver the system on time. IBAMA is known for its police-style culture based on surveillance, command and control. The Institute is an arms-length agency responsible for enforcing and monitoring environmental policy on the ground. Its tendency towards centralisation and in-house solutions is a consequence of this confrontational mandate and reflects historic tensions between the mandates of national and state governments (Mello, 2006: 72).

The other public agency that is relevant to this research is the Brazilian Forest Service (*Serviço Florestal Brasileiro*, SFB). SFB is responsible for managing public forests in Brazil, and implementing CAR. SFB was created in 2006, being much younger than IBAMA, and its personnel was transferred from different agencies, including IBAMA. Because of that, SFB is considered by its bureaucrats to be a more flexible agency, still building up its institutional culture and more open to new management strategies. Notwithstanding that, the group of SFB bureaucrats that successfully implemented CAR had been in the public service for decades, rotating through different positions in the Ministry of Environment, IBAMA and state-level environmental agencies. They knew how the institutions operate and had the broadly recognised expertise required for their job. Having worked for governments from different positions on the political spectrum, they had developed the political awareness required to identify beforehand how political appointees react to different political agendas.

These SFB mid-level bureaucrats do not have activist backgrounds, and their relationship with the environmental movement is a mix of technical respect and political suspicion. In any case, their pledges are trusted at the negotiation table since their reputation is at stake, and their counterparts know they depend on their credibility to retain their positions. After several years of occupying different roles in the environmental sector, environmental bureaucrats develop their technical reputation and personal relationships. As argued by Hochstetler & Keck (2007: 21), when these bureaucrats are politically appointed to a position in the environmental governance structure, their reputation and relationships 'constitute the social capital on which they must be able to draw to activate successfully the institutions whose actions they will try to shape'. Finally, SFB bureaucrats have good access to elected politicians, with whom they have networked

over the years. For example, Congress members have invited them to debate and promote CAR implementation on more than twenty occasions since 2012.[5]

4.2.4. State-Level Environmental Agencies

The subnational organisations that matter for CAR's implementation are the state-level environmental agencies (*Órgãos Estaduais de Meio Ambiente*, OEMAs). Cities and local governments also have environmental mandates, but not in regard to CAR implementation. As mentioned above, the mandate of state governments over environmental policy issues has been significant since the 1988 Constitution. However, as in other policy areas, their decisions regarding policy execution are, to a large extent, determined by federal regulation (Arretche, 2010: 589).

Especially regarding the implementation of national policies, 'although formally federal in its institutional design, the Brazilian state is more centralised than that of many federal structures' (Garmany and Pereira, 2019: 33). For example, a federal law such as the Forest Code can establish that state governments will promote land registration, but will have to follow federal regulations. Nevertheless, despite having to follow national decisions, environment policy strategies vary among the states because environmental policy is approached differently by different state governments and because they have different institutional capacities to deal with environmental concerns (Rich, 2013: 2; Hochstetler & Keck, 2007: 15).

4.2.5. Public Universities

Public universities in Brazil function as semi-autonomous entities that government agencies can contract for consultancy, research and policy implementation. Special procurement rules for such agreements rely on universities' expertise and reputation, and do not require a public tender. The use of this resource by the government varies in intensity. Some public organisations have a more centralised culture, where contracting out is considered as the last resort. According to an informant from the Federal University of Lavras (*Universidade Federal de Lavras*, UFLA) one of the great benefits

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[5] Interview #6 SFB1c

of a partnership between universities and government organisations is that both are public and permanent institutions[6]. The risk of discontinuity of the service when contracting out to private companies tends to be more significant. When the object of the deal is the development of technology, with copyright consequences, governments need to take that risk seriously.

Finally, Brazil's internal control and auditing procedures can be a significant disincentive for bureaucrats to contract out to private companies (Filgueiras, 2018: 376). When government organisations work with public universities, they bypass these constraints since universities are ultimately another segment of the federal bureaucracy, albeit one that functions like a private sector operator. The state moving money from one public organisation to another allows it to do everything that outsourcing to the private sector does without any of the constraints of the procurement process. In a sense, public universities behave like private sector entities, but they are not. This flexibility allows them to be an effective part of implementation coalitions.

As far as the case study investigated in this research is concerned, the Brazilian Ministry of Environment has hired UFLA, which played a central role in implementing CAR. UFLA is a highly entrepreneurial organisation located in the Brazilian state of Minas Gerais. It has a strong reputation in the Forestry sector, and its members take part in the epistemic community of Brazilian Forestry. By the time of CAR implementation, UFLA's Dean had worked with SFB's mid-level bureaucrats many times before. They developed a relationship of trust, which is a crucial element of the partnership's success. Even among organisations that are open to working with universities, such agreements usually depend on trust between those in charge of negotiations. The trust between UFLA and the Forest Service was pivotal to engaging the University in designing the electronic system that would support CAR. Because of the trust between the teams, the University joined the project at extremely short notice, with no formal contract or previously-settled financial details, as will be further explored in Chapter 5.

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[6] Interview #16 – UFL1

4.2.6. Federal Prosecution Service

The Brazilian State is organised into three branches: the Executive, the Legislative and the Judiciary. However, the 1988 Constitution has provided public attorneys with such autonomy and broad scope of action that their organisations, represented at the national level by the Federal Prosecution Service (*Ministério Público Federal*, MPF), can be considered to be a fourth branch of government (Garmany and Pereira, 2019: 40; Hochstetler and Keck, 2007: 61). Their mandate involves not only prosecution of crimes but also the protection of the public interest. The wide range of interpretations of the public interest leads to an impressive level of autonomy. Furthermore, from 2003 until 2015, during Lula and Dilma's governments, the head of MPF was freely chosen by his/her peers, which significantly increased their autonomy (Abers, 2019: 27).

Public prosecutors have played increasingly significant roles in enforcing environmental laws by holding environmental agencies to account (both national and state-level) and co-operating with them (Garmany and Pereira, 2019: 156; Hochstetler and Keck, 2007: 25), in what McAllister (2008) calls 'prosecutorial enforcement', which is based on judicial actions (filing public civil actions, promoting civil investigations, filing criminal charges, requesting information and conducting adjustment agreements). Such co-operation between the MPF and environmental agencies was evident during CAR implementation and later when developing a co-related project – Traditional Communities Platform (*Plataforma Populações e Comunidades Tradicionais*, PPCT) that reinforces and creates positive feedback that has sustained the traditional communities sub-system in the CAR (CAR PCT). Furthermore, prosecutors have been developing new strategies and instruments, such as co-operation with foreign governments. The role of these co-operation efforts in continuing the pro-poor policy instrument that is the object of this research – CAR PCT - is further explored in Chapter 7.

4.2.7. International Cooperation

As mentioned above, the management of Brazilian natural resources and the environmental consequences of their over-exploitation has an international dimension related to colonialism, globalisation and international commodity trade (Garmany and Pereira, 2019: 144). On the other hand, environmental protection policy also has its

international dimension due to the co-operation of foreign actors, especially after the 1992 Earth Summit in Rio (Garmany and Pereira, 2019: 154). International co-operation has played an essential role in CAR implementation. This research focuses on the role played by the German Government and the World Bank. Their involvement in CAR dates back to the Pilot Programme for Amazon Rain Forest (PPG7), created in 1992 and funded by the countries of the G7 and the World Bank. PPG7 helped state-level agencies to develop and implement licensing, monitoring and control systems. During this process, both donors and state-level governments understood the need for some form of land registration for effective environmental control. Consequently, PPG7 funded the development of an environmental registry for licensing purposes in the state of Mato Grosso which is the predecessor of CAR (The World Bank, 2009: 7).

Since 2016, the German Government (BMZ/GIZ) has joined the World Bank's efforts and has supported the development of CAR's technology and the capacity-building of state-level agencies and traditional communities to operate the system. Since 2019, the World Bank's Forest Investment Programme (FIP) has co-financed the BMZ-commissioned CAR project to enlarge and scale up its scope to promote CAR registration (GIZ, n.d.; The World Bank, 2018: 67) with expected disbursements of over USD 17 million by the end of 2022 (The World Bank, 2018: 2). Since 2019, GIZ has also negotiated a technical co-operation agreement with the Public Prosecution Service to develop a digital platform based on the CAR system.

The relevance of GIZ to CAR implementation in terms of technical assistance and political mobilisation is highlighted by the World Bank: 'GIZ's involvement in Brazil has become part of SFB's and MMA's efforts for the rural environmental registry (CAR)' (2018: 51). According to them, 'the Brazil–GIZ partnership is driving innovation by acting as a matchmaker between universities and research institutions and partners from the spheres of politics, business and civil society' (*ibid.*). In the words of the World Bank, 'the long-term relationship between GIZ and SFB/MMA' is a source of 'several lessons learned and a good modus operandi for the management and implementation of CAR and the Forest Code' (*ibid.*). In fact, Chapters 5, 6 and 7 present evidence that corroborates the World Bank's view about the central role of GIZ and their relationship with the SFB in the implementation, adaptation and continuity of CAR.

4.3.   Conclusion

This chapter contextualises CAR implementation by explaining institutions and actors that have shaped its adaptation and continuity. Brazilian land concentration, which is a very significant element of the context, explains the marginalisation of traditional communities and the power concentrated in the hands of agribusiness. Brazil's land regime is behind the historical negligence of governments towards the traditional communities and their claims. Brazilian federalism and rule of law are associated with the high number of veto layers and the central role played by environment bureaucrats at the national level. They co-ordinate multi-level policies and the actions of state-level environmental agencies with different capacities and political orientation. Finally, understanding socio-environmentalism in Brazil is crucial to the analysis of how traditional communities were mobilised and their alliance with environmental activism.

Regarding the actors within the CAR policy network, I have related their most relevant features to the case study and explained their contextual role. The history and struggle of traditional communities is an essential part of the explanation of their role in pressing for policy adaptation. The power and dominance of agribusiness and their politicians is essential to understand their role in opposing communal forms of property. Furthermore, I have analysed the federal environmental agencies (MMA, SFB and IBAMA), which had the mandate to coordinate CAR implementation; and the state-level environmental agencies, which operated the system and were responsible for delivering the policy. Information about the nature and relationship between the Executive and public universities in Brazil was necessary to understand why those responsible for developing the CAR's electronic system decided to contract the University of Lavras. The functions and mandate of the Federal Prosecution Service let us understand their role in relocating the CAR PCT sub-system as a strategy to guarantee CAR's continuity. Finally, it is necessary to understand the omnipresence of international cooperation in the Brazilian environmental policy system to understand the power of international actors in promoting and sustaining policy change. International cooperation agencies have provided technical and financial support to literally every actor in CAR PCT implementation coalition: Environmental Agencies (both federal and state-level), the University of Lavras, Traditional Communities and the Federal Prosecution Service.

In the next chapter, I begin to unfold my case study, through the analysis of the CAR's implementation from 2012 to 2016. During this time, mid-level bureaucrats from the Brazilian Forest Service developed the IT system that would be the main instrument of the CAR. My argument is that the horizontality, flexibility and political awareness with which they managed this process, and their relationship with the implementation coalition, gave them the political legitimacy required to foster their autonomy.

5. Building up Autonomy: Setting up Policy Instruments

5.1. Introduction

This chapter aims to answer the first research sub-question: how did mid-level bureaucrats build up their autonomy during CAR implementation between 2012 and 2016? This chapter analyses the process through which mid-level bureaucrats within the Brazilian Forest Service (SFB) have formed a strong implementation coalition that provided them with political legitimacy, which, at a later moment, enabled autonomous pro-poor policy change. Through this process, these bureaucrats championed a specific implementation strategy and won the political battle for it. Then, they gathered a flexible and horizontal implementation coalition that brought political, material and intellectual contributions to the development of the instruments. After forming the coalition, they tested the ground regarding instruments that could 'fix' implementation problems, 'under the radar'. Again, the results were positive and gave them the opportunity to address the concerns of powerful allies of the government –Brazilian agribusiness. They have followed the stratagem of designing 'IT system-level' solutions within the IT system that they were developing. If not a demonstration of autonomy itself, that solution strengthened their reputation as technical experts and, consequently, their political legitimacy (Carpenter, 2001; Miller and Withford, 201). At the end of the process, in 2016, the SFB team had a sound reputation, more formal power and a reasonable level of autonomy.

In order to understand the context of CAR implementation, this chapter begins by assessing its formation, from previous state-level initiatives to the legislative debates that shaped the final version of the CAR. The chapter then focuses on analysing the implementation process itself. The inclusion of CAR in the Forest Code gave a false impression of a compromise by the Brazilian agribusiness and their powerful representatives in the Congress, the Agriculture Caucus or *ruralistas.* However, the inclusion of the CAR in the Forest Code was in their best interest. Indeed, according to the Code, while CAR was not yet set up, all measures to punish irregular deforestation would be suspended. This tricky legal device stated that 'CAR registration will be mandatory for all rural properties and landholdings, and must be requested within 1 (one)

year from its set up, extendable, only once, for an equal period by act of the President'[7]. In other words, registration would not be mandatory and, consequently, any sanctions could not apply until the Government managed to set up CAR's information system. Hence, their compromise was a bet on the Government's inability to implement such a registry. In fact, other mandatory land registries had been created by other laws before, and up to that time, their implementation output, in terms of registered area, had been insignificant.

However, against all the odds, by the end of 2013, CAR's information system was operational. In early 2015, when President Dilma delivered her second term's inauguration speech, she regarded CAR as the great achievement of her government in terms of environmental policy, due to its revolutionary success in terms of spatial coverage (Roussef, 2015). SFB mid-level bureaucrats' capacity to build up a flexible and horizontal coalition was crucial for CAR's set-up. The support coalition improved their reputed expertise and, consequently, fostered their political legitimacy, enabling them to build up a reasonable level of autonomy, which was crucial for their subsequent capacity to promote changes in the policy against the will of the government of the day.

The next section highlights critical turning points in recent Brazilian history that changed the bargaining calculus and political strategies of state and society actors, and led to the creation of the CAR. The timeline starts in 1999, when there was the confluence of technical developments that ended up in the CAR prototype. Then, in 2008, the government enacted rules limiting credit concession to farmers that had disrespected environmental rules. This credit limitation represented a financial turning point that generated a significant upheaval among agribusiness. One year later, in 2009, the Brazilian government failed to implement a policy that was supported by agribusiness because it would supress their environmental liability. The dismantling of the proposed policy represents the programmatic turning point. Finally, in 2012, political elements formed the last turning point, when Congress enacted a new Forest Code and created CAR. In fact, CAR is an echo of the contestations around the Forest Code, which is one of the most controversial major legislative changes of the last decade in Brazil.

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[7] Law number 12.651 (25th May, 2012), article 29, 3rd paragraph.

5.2.   The CAR's Precursors

The idea of a registry containing all rural properties in Brazil has been in place for quite a long time. The principal aim has always been to expose overlapping registrations and informal landholdings. Different laws had established a Rural Registry in 1964 (Law 4,504), and in 1972 (Law 5,868); nevertheless, they were never implemented. Finally, in 2012, the new Forestry Code (Law 12,651) created CAR, which combines the rural development and environmental logics.

The new registry was supposed to list every rural property in Brazil, with its environmental and forest assets. Based on real-time monitoring using satellite images, it would improve the enforcement of environmental protection laws regarding forest conservation on public and private land. Furthermore, it would show any overlapping among areas claimed by farmers against communal lands, indigenous lands, protected areas or family farming areas. Its main enforcement instrument was a rule stating that, one year after the set-up of CAR system, any property not on the registry would not be eligible for subsidised credit from banks.

Before CAR's creation in 2012, four turning points changed actors' calculus and moved the whole structure into a deadlock, enabling change. These turning points represent different dimensions of the policy process that I am analysing: first, the technical dimension of CAR's origins that explains the challenges of previous attempts to build up a digital environmental registry since 1999. Second, the credit restrictions enforced since 2008 underlie the financial dimension of CAR's formation. Third, the programmatic dimension is the failed 'More Environment' Programme created by the Federal Government in 2009, which put extra pressure against agribusiness with environmental liabilities. Finally, the fourth dimension is the political one, represented by the enactment of the New Forest Code in 2012, when CAR was created.

5.2.1. Technical Dimension – The origins of CAR (1999)

The CAR's design is an example of incrementalism, defined more than 60 years ago by Lindblom (1959: 81) as a policy formulation process by 'continually building out from the current situation step-by-step and by small degrees'. The CAR's policy root was an environmental registry implemented in the state of Mato Grosso in 1999. This was the first Brazilian experience of geo-referencing rural property limits and forest assets, namely the System for Environmental Licensing of Rural Properties (*Sistema de Licenciamento Ambiental de Propriedades Rurais*, SLAPR). Member-countries of the G7 (with Germany and the United Kingdom as the leading donors) funded this licensing system as part of the Pilot Programme to Conserve the Brazilian Rain Forests – PPG7 (Constanti & Castillo, 2000; Rajão *et al*., 2012: 235).

After the first experience in Mato Grosso, the Brazilian national government, supported by PPG7, promoted the development of similar systems in other states, such as Pará and Rondônia (Pires, 2014: 10). Brazilian policy-makers have gradually built out from these experiences for more than ten years. From 1999 until 2012, this registry's policy diffusion was horizontal – among states – and vertical – from state governments to federal governments and back to other states. Such processes are widespread in Brazil when a local initiative is emulated in other states and later becomes a national policy. Other policy areas, such as education, health policies and cash-transfer initiatives follow this pattern of diffusion (Jacaúna, 2018: 247; Cavalcante *et al*., 2016: 161; Sugiyama, 2013: 8; Bichir, 2010: 117).

Eventually, the SLAPR licensing system was not successful in preserving forest assets (Ministério do Meio Ambiente, 2005: 11). According to a 2005 report by the Ministry of the Environment, the principal explanations for the poor results were: i) the dependency of the government on the private companies that had developed the system, ii) the costs and complexity of the system, and iii) lack of financial incentives for the landowners to register their lands (Ministério do Meio Ambiente, 2005). The companies responsible for developing and managing the system also provided both equipment and personnel. This situation has made the information system too susceptible to private interests. Hence, in 2005 the Ministry of Environment recommended that the state of Mato Grosso should be directly responsible for hiring and training the human resources and acquiring the equipment needed to run the system (*op. cit.*: 60).

Furthermore, the system was highly complex and costly. The properties' analogic map and satellite images had to be submitted by the owners on a CD-Rom, containing a study of the vegetation typologies and signed by a qualified forester. The system only accepted the registration after an analysis that had to follow several bureaucratic steps, in a process that could take months. Neither Mato Grosso bureaucrats nor foresters hired by the farmers had the technical skills necessary to handle the processes properly (*op. cit.*: 82). Finally, it is relevant to consider the lack of financial incentives as another cause for SLAPR failure. Indeed, before 2008, only credit for farming on newly-deforested ground depended on environmental licensing. Credit for lands that had been already 'cleaned' was not conditioned to such licensing (*op. cit.*: 102).

After an initial reduction in deforestation rates in Mato Grosso by the end of 2000, immediately after SLAPR implementation, deforestation started to increase. From August 2004 to August 2005, Mato Grosso was responsible for 50% of all deforestation in the Brazilian Amazon (Rajão *et al.*, 2012: 236; MMA, 2005: 9, 11). Besides that, the impact of SLAPR in terms of coverage was not impressive either. In 2006, seven years after the beginning of SLAPR, only 10.36% of the properties that could be registered had done so. Among those properties, only 5% were small properties, which shows us the impact of the high costs and lack of incentives for registering (Azevedo, 2009: 180). Despite these questionable results, SLAPR was necessary for state governments to create some expertise in geo-referenced registration. It was also an opportunity for the Brazilian federal government to learn from what it was considered flaws in the programme's design. Finally, SLAPR crystalised the idea of a system mapping forest assets as an effective solution for environmental monitoring.

5.2.2. <u>Financial Dimension - Credit Incentives (2008)</u>

The 'conservative modernisation' of Brazilian large-scale agriculture since the 1960s was based on official credit, subsidies and minimum prices. Such measures relied on public money to reduce the risks taken by large-scale farmers (Lima, 2020: 22). Nevertheless, in 2008, the Brazilian Central Bank decided to restrict credit for farmers that could not demonstrate their compliance with environmental rules. The rationale for the Central Bank's decision to restrict credit goes back to July 2007, when the National Institute for Space Research (*Instituto Nacional de Pesquisas Espaciais*, INPE),

responsible for monitoring deforestation, recorded a significant increase in Amazon deforestation. These were the first negative results since 2004, when a significant drop in rates had started (Instituto Nacional de Pesquisas Espaciais, 2008; Ângelo, 2007; Lima *et al.*, 2009: 3).

As a result, in September of that year, the Ministry of Environment, with the collaboration of other federal agencies, designed a federal regulation[8], which determined that federal public banks could not grant loans for activities in rural properties that were irregularly deforested (Lima *et al.,* 2009: 3). This provision paved the way for the approval of a proposal from the Ministry of Finance two months later (Conselho Monetário Nacional, 2008: 233) establishing land and environmental regularity as necessary conditions for rural producers to receive financing from any bank, public or private (Lima *et al.,* 2009: 6). Hence, in February 2008, the Brazilian Central Bank made rural credit, 'one of the main support mechanisms for agricultural production in Brazil' (Assunção *et al.*, 2016: 6), conditional on environmental compliance[9]. Brazilian banks and financial institutions were not allowed to provide credit for farmers who did not comply with two conditions, namely formal registration of the land and a statement of compliance with environmental regulations.

The first condition, regarding land titling, was a binding requirement that could be fulfilled by the presentation of land registration on the National Registry of Rural Properties (*Cadastro Nacional de Imóveis Rurais*, CNIR). However, many properties could not be registered in the CNIR, especially those taken by land-grabbing, overlapping protected areas, or any other kind of irregularity. Similarly, not many properties could demonstrate environmental compliance. Hence, credit concession decreased significantly in the years following the Central Bank's resolution. Deforestation rates immediately followed the pattern and also decreased significantly, in a clear demonstration of the causal relationship between financial credit and deforestation in Brazil (Assunção *et al.,* 2016).

Deforestation in Brazil is caused by well-structured and highly-financed export-oriented projects. According to Assunção *et al.*, 'in the absence of Resolution 3,545, total

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[8] Presidential Decree 6321/2007.
[9] Resolution BACEN n. 3,545/2008.

deforestation would have been 2,000 square kms greater than what was actually observed from 2009 through 2011' (2016: 14). That is to say that the source of capital that had supported Brazilian agribusiness regardless of environmental compliance and land-grabbing had dried up. They urgently needed a legal instrument that could make credit flow again.

5.2.3. Programmatic Dimension - 'More Environment' Programme (2009)

In 2008, the Brazilian federal government enacted another provision[10] that increased the pressure on farmers with environmental deficits. As another consequence of the increased deforestation rates identified since 2007, the federal government finally established the parameters for enforcement of the environmental crime legislation that had been enacted almost ten years earlier. Environmental agencies finally started levying fees and embargoes. In another enforcement initiative, in 2009, geo-referenced registration of forestry assets became mandatory for a group of farmers due to a legal action taken by public prosecutors in Pará and Mato Grosso. These state-level attorneys pushed large meat-processing companies, operating in those states, to join compliance agreements where they committed themselves to only buying cattle from properties registered in those states' land registries (Araújo *et al.*, 2013). This prompted the reaction of farmers, who started to press for amnesty or any other way to suspend the application of penalties to clear their records. They even adopted a discourse of being ready to compromise and even commit themselves to restore environmental damage[11]. In compensation, they demanded amnesty for environmental crimes in already degraded areas, which they refer to as 'consolidated areas'.

In response, in December 2009, the federal government launched the 'More Environment' Programme, which promoted compliance agreements between farmers and the federal government. If the owners signed the agreement to recover their degraded areas, fines and other penalties would be suspended and even cancelled. In practice, it meant the amnesty for previous environmental crimes they had been campaigning for.

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[10] Presidential Decree n. 6,514/2008.
[11] Folha de São Paulo. (2009). Minc reage a ruralistas e faz nova proposta para regularização de terras. In https://www1.folha.uol.com.br/poder/2009/10/642698-minc-reage-a-ruralistas-e-faz-nova-proposta-para-regularizacao-de-terras.shtml accessed in 12/10/2021.

For that to happen, it would be necessary to present a document with the geographic coordinates of their lands. Based on such information, the Ministry of Environment would form its own register and define measures for environmental recovery to be taken by farmers in the future. At that moment, the CAR was formally created at the national level, with the purpose of registering the properties that had joined the 'More Environment' Programme.

The Federal Government had its first experience with CAR earlier that year, in March 2009[12], when the Ministry of Environment established the criteria to be used by the government to enlist municipalities as a monitoring priority. According to the rule, having a CAR system was one of the criteria for exclusion from the list. The rule defined CAR as an 'electronic registration of rural properties at the State Environmental Agency'. The Federal Government was using the CAR, at that time a state-level policy, as an input for its own policies (the definition of priority municipalities for actions against deforestation). Agribusiness celebrated the Programme as the amnesty for which they had campaigned (Canal Rural, 2011). On the contrary, the environmental movement radically opposed the Programme. According to them, there could be no amnesty for environmental crimes (Valle, 2009; Araújo *et al.,* 2013). Environmental activists understood that farmers should restore the environmental damage and be charged with previous environmental crimes.

Eventually, the government suspended the 'More Environment' Programme due to negative repercussions. The resistance of Ibama employees, who even issued public statements in which they argued for the Programme's illegality (Araújo *et al*., 2013), was one of the reasons why the government reversed. After the premature end of the 'More Environment' Programme, agribusiness targeted its lobbying efforts at the Congress since the Executive had failed in satisfying its interests by suspending penalties. Indeed, one of the most feasible avenues to promote this amnesty agenda would be through the Brazilian Congress, where agribusiness can count on the support of the very powerful caucus of the *ruralistas*. Consequently, in September 2009, the Chamber of Deputies installed a Special Commission dedicated to discussing the rules on using and conserving Brazil's forests: the new Forest Code.

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[12] Portaria MMA 103/2009.

5.2.4. Political Dimension - The New Forest Code (2012)

As a reaction to the restrictive measures mentioned above, in September 2009, the idea of reforming forestry legislation gained momentum in the Brazilian Congress (Pires, 2014: 20), especially among the representatives linked with agribusiness. As mentioned above, agribusiness traditionally has solid political ties in Brazil. Besides their representative associations, such as the Agriculture National Confederation (CNA), they are formally represented within the Brazilian Congress by the Agriculture Parliamentary Front (FPA). Since 2008, a set of measures to tackle environmental crimes taken by the government have put the CAR on the agenda as a solution to agribusiness' pressing problem of being held accountable for environmental crimes. It would benefit those with environmental liabilities because while the government did not set up CAR information system, farmers would be allowed to use the deforested land. Furthermore, previous fines would be suspended until the development of CAR information system.

Finally, the New Forest Code debate created the right political opportunity. Nevertheless, despite the favourable political scenario, *ruralistas* had to negotiate, because Brazil was under massive fire globally for the Forest Code. Nearly a year and thirty-three public hearings later, in June 2010, the CAR appeared in the new Forest Code draft bill. Since 1999, the CAR has been one of those solutions that 'float about, being discussed, revised, and discussed again' (Kingdon, 1995: 172); a solution floating around 'in and near government, searching for problems to which to become attached' (Kingdon, 1995: 172). According to the final draft[13], national and state governments were supposed to design Environment Recovery Plans to which farmers should adhere. These plans would define what measures farmers should take to restore their forest assets. The deadline to adhere to those plans would be a year after CAR was set up. In other words, while the government did not set up CAR information system, the deadline to adhere to the plans were suspended. Meanwhile, according to the final draft[14], farmers could not

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[13] Forest Code Final Draft
https://www.camara.leg.br/proposicoesWeb/prop_mostrarintegra?codteor=871311&filename=EMP+186/2011+PL187699+%3D%3E+PL+1876/1999
[14] Article 33, paragraph 4

only keep using protected land that they had previously deforested but were also exempt from being fined for infractions; moreover, the Code would suspend previous fines.

After ten months of negotiation, the Brazilian Lower Chamber voted on the bill and sent to the Senate a proposal that designed the CAR as an instrument for regularising deforestation. There was no sanction for the delay in setting up CAR information system, nor for the delay of the Recovery Plans that could put an end to the amnesty for environmental crimes; neither was there any mention regarding limits to credit provision. Only when the Senate discussed the bill, did it condition rural grants to the registration on the CAR, but only after a transition period of five years. Even with such a time gap, the lower chamber suppressed the credit restriction when it returned from the Senate. The credit restriction device was only reinserted in the Forest Code when the government promoted new discussions. The debates around credit restrictions demonstrate how crucial the issue was for the *ruralistas*. With no credit restrictions as a sanction, any measure would be virtually impossible to enforce, as it had always been. Eventually, the credit restriction became part of the law - an impressive victory for the environmentalists.

The CAR emerged from the Congress as an instrument to hold off the punitive measures that the Brazilian State had created since 2008. It was a compromise: instead of an administrative punishment (fines and embargoes), those with environmental liabilities would face a bureaucratic punishment (the burden of registering one's land)[15]. At that time, the *ruralistas* thought they were untouchable because exports were booming. However, the world environmental movement was well mobilised, and Brazil was under serious pressure. They realised the fire was coming from all directions, and the Forest Code would not work just for them, so they had to compromise. Then, the government, backed by the environmentalists, offered a compromise that apparently cost nothing to agribusiness. That is the genius of it. The environmental movement would trash Brazil if the Code let agribusiness capital 'off the hook'. Similarly, agribusiness and *ruralistas* would go into open rebellion if the Forest Code was implemented and seriously punish their crimes.

The government had threatened Brazilian agribusiness with a series of punitive measures. In the end, only the obligation to fill out a form - a registry - remained valid.

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[15] Interview #3 MMA3

However, even that had to be created. Eventually, to set up the CAR, the national government would have to design and set up the information system, or in other words, the forms farmers would have to fill in. Until the government set up CAR instruments, the Central Bank could not enforce the credit restrictions. Understandably, *ruralistas* were in no rush: they had achieved their goal. Congress had reformed the Forest Law and now they could resume their access to financing while waiting for the CAR to be set up. Immediately after the New Forest Code was enacted, credit became available again.

5.3. Disputes over the implementation strategy

Thus, in May 2012, Brazil's Congress enacted the new Brazilian Forest Code and determined the registration of land and forest assets in a yet to be created national registry. Back in November 2012, the Minister of Environment, Isabella Teixeira, had announced loudly and proudly that she had spent millions buying the images of the German satellite Rapideye (Scussel, 2012). Yet almost a year later, in September 2013, the Brazilian government still had not set up the information system required to support the CAR database. The Ministry of Environment had been struggling for 16 months and, so far, had failed to set up the system. A radical change in the implementation strategy was required.

The Forest Code established a multi-level governance mechanism for CAR implementation. The national government was supposed to set up the system and define the general rules, while states and cities were supposed to put the CAR into operation by receiving and managing the registrations[16]. Moreover, President Dilma enacted a Decree in 2012, stating that when the Ministry of Environment had set up the CAR information system, a Normative Instruction (*Instrução Normativa*, IN) would be enacted declaring the date when it was set up. This date would be regarded as the initial date for the one-year deadline after which the enforcement measures, like credit restrictions, would start to operate. Moreover, the President determined that the Minister of Environment would have to get the agreement from two other ministries (Agriculture and Agrarian

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[16] Law number 12,651 (25th May, 2012), article 29, 1st paragraph: 'the rural property must be registered in the CAR, preferably, by the municipal or state environmental agency'.

Development) before publishing the IN. Obviously, such multi-level governance - both vertical and horizontal - demands cooperation and synergy between many institutions to be effectively implemented.

The task was transferred to a group of mid-level bureaucrats who managed not only to deliver the system, but also to build up a level of autonomy that later enabled them to promote autonomous policy changes. The core of the new strategy was to build a horizontal and flexible implementation coalition, in which action would be guided by a mix of decentralisation - the negotiation of new roles for the state-level agencies - and contracting-out - the establishment of a partnership with the University of Lavras.

5.3.1. IBAMA's implementation attempts

Despite recognising the criticism on the 'stage framework' as an unrealistic attempt to rationalise the messiness of public policy, it is still 'useful analytically and heuristically for both the study and practice of the policy process' (Hill and Hupe, 2002: 6). The CAR's implementation can be split into two distinct sub-stages. First, implementation went through a preparatory stage when the federal government had to set up the instruments for it. Specifically, the Federal Government was supposed to design the information system and define the regulatory framework that would enable them to coordinate the action of state-level environmental agencies that would ultimately deliver the registration to landowners. This chapter and Chapter 6 focus on this set-up stage. Second, the CAR's implementation went through an execution or operationalisation stage when landowners would interact with state governments while the Federal Government would process the information, which is the focus of Chapter 7. In fact, the Forest Code itself had defined these sub-stages when it established that the Federal Government was responsible for the regulation aimed at guaranteeing the articulation and coordination of state-level environmental agencies responsible for carrying out the registrations. This could be achieved through either a centralised single system or through the integration of different systems.

Right after the enactment of the new Forest Code, there was no decision about the department within the Ministry of Environment that would be responsible for the CAR's

implementation; neither was there a budget nor a plan for its implementation[17]. After a couple of months it was decided that the federal environmental agency (IBAMA) would be responsible for developing the information system. IBAMA immediately followed a set of principles that reflected their organisational culture, 'their DNA'[18]. First, the system should be a 'web-system' that required the users to be on-line. According to IBAMA, the system would be too complex to allow people to work off-line and later upload the information to a web data-base[19]. Second, CAR's scope should be as comprehensive and reliable as possible; it should gather a great amount of information. For instance, it required a formal property registration and a Term of Technical Responsibility, used to identify the forester responsible for measuring the land.

> *They wanted to know the colour of the socks the guy wore when registering the land. It is the old public service logic: I don't know why I require this information, but I would rather get it because one day I might need it.*[20]

Third, the CAR's nature should be one of a certification; hence, every piece of information uploaded by the citizens would have to be checked *ex-ante*. IBAMA did not accept any kind of self-declaration with an *ex-post* validation. Their rationale was: if there is no *ex-ante* checking, as soon as any information is on a public registry, for the public eye it means a tacit certification of that information by the government[21]. Finally, IBAMA was worried about the system ownership and the relationship between the national and state systems. IBAMA believed the system was politically sensitive and should be entirely developed in-house; they could not accept any contracting out. Moreover, states that had developed their own systems should abandon them and migrate to the national system; IBAMA could not accept the state systems already in use, their rationale being information security[22]. In June 2013, more than a year after the enactment of the new

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[17] Interview #1 MMA1
[18] Interview #8 SFB3
[19] Interview #11 OEMA1
[20] Interview #9 SFB3
[21] Interview #10 IBM1
[22] Interview #10 IBM1

Forestry Code, IBAMA had still not delivered the information system for the registry. A week before the deadline, the Minister decided that the Brazilian Forest Service (SFB) would become responsible for developing the system and the Minister gave them 30 days.

5.3.2. SFB's Implementation Strategy

SFB is a department within the structure of the Ministry of Environment managed by a group of mid-level bureaucrats appointed by the Minister. Mid-level bureaucrats' agency is mostly relational, which means that they mostly act through interactions with other actors (Cavalcante & Lotta, 2015: 13, 14; Pires, 2018: 185; Lotta et al., 2015: 25). SFB mid-level bureaucrats were experienced and had been working with environmental policy in Brazil for decades. They used to see themselves as professionals with a strong reputation for 'non-political' technical expertise, and they knew that to cope with the challenge of creating a land registration, they would need to rely on mobilisation and articulation (Pires, 2018: 193), responding to external and professional pressures. According to Camões, Cavalcante and Knop (2015: 67), 'it is the intermediary position of the mid-level bureaucrat, relating to both subordinates and superiors and external actors, which allows us to assume the influence of interactions in public policy, as suggested by the relational perspective'.

Before the ministerial decision to put them in charge of CAR implementation, by the end of 2012, they had already realised that IBAMA would not be able to deliver the registry. At that point they started to design an emergency plan in case of IBAMA's failure. Officially, they were doing a series of consultations for the design of the operational guideline that had to immediately follow the creation of the information system. These were informal consultations, since IBAMA was responsible for both creating the system and the operational guideline. Notwithstanding that, during these consultations, the SFB team had identified a local system that could be the model for the national system yet to be built: the system developed by Amazonas state. They contacted the system developers and were convinced of the technical feasibility of an off-line system that would simplify it and make it possible to release it, even if in a non-finalised version, and promote continuous updates and incremental improvements later.

We said the Minister we needed 45 days to do it. She yelled
back: I'll give you 30! And that was it. We had 30 days to put the

system on its feet. Something that had been developed - unsuccessfully - over the last two years.

In a month, we had put the system online. Not the system, to be honest. But the satellite images and the software for them to plot their areas. But we didn't even have the data bank to keep the data uploaded by the users. But it was there, and the implementation strategy we had supported since the beginning had prevailed.[23]

By doing this, SFB mid-level bureaucrats demonstrated the flexible and horizontal strategy required for effective coalition management. They chose the right strategies for building support from the political agents who were their superiors and from actors outside the government. SFB mid-level bureaucrats were able to win internal disputes and 'went after those who had already done it'[24], in a clearly horizontal strategy in which they learned from the example of the states that had their own systems. Based on the technology developed by the state of Amazonas, SFB had decided that the system would operate off-line, which would enable its use by people with no stable internet connection. Farmers could register off-line and upload afterwards. This was a longstanding demand from states, especially those from the Amazon region, where internet access is not widely available. The Forum of Governors from Brazilian Amazon even sent a letter to the Ministry of the Environment requiring a system that operated off-line[25]. Nevertheless, IBAMA had always argued that a reliable off-line version was technically unfeasible. Thus, the simple indication that the Government had decided to create a system that worked off-line started to create a sense that the national government had adopted a horizontal approach and had started to take the views of state governments into consideration.

In another move that revealed SFB's flexibility and was decisive for the extensive coverage of CAR, SFB took the decision to simplify the document requirements. Therefore, registration would no longer require the upload of a document with the

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[23] Interview #7 SFB1d
[24] Interview #7 SFB1d
[25] Interview #11 OEMA1

geographical coordinates of the property, signed by a forester[26]. On the contrary, the government would provide an image where the users could draw their properties, indicate the forestry assets and upload to the system. Later, a process of *ex-post* validation would be carried out by the state-level environmental agency.

It is important to note that this option was only feasible because the CAR has no effect on land tenure. Officially, it has no value on land disputes. As a matter of fact, it is just a registration of forestry assets covering a specific piece of land. Hence, it was legally possible for the CAR to be self-declaratory. Other land registries in Brazil cannot rely on self-declaration, since they can be proof of property. For instance, the National Registry of Rural Properties (*Cadastro Nacional de Imóveis Rurais*, CNIR) is very similar to that planned by IBAMA for the CAR. It requires *ex-ante* certification by the government of the perimeters registered. Furthermore, it demands the participation of technicians accredited by the government, in a complex process with several stages and titling requirements (Rosalen, 2014: 375). As a consequence, in 2013, after more than 12 years of efforts since the creation of CNIR, only around 1% of rural properties had been registered (*op. cit.*: 380).

As mentioned before, SFB side-lined IBAMA and started to learn from state-level environmental agencies (OEMAs) that had been developing their own systems for more than a decade. It would take nearly another year for the complete set-up of CAR. However, in 30 days the self-declaratory system was on the web and SFB had the mandate to manage CAR set-up.

The table below represents the differences between IBAMA's and SFB's implementation strategies in aspects that reflect their flexibility (quantity and variety of information required; the moment of certification - *ex-ante* or *ex-post*) and horizontality (the system's ownership and responsibility for its development, and its relationship to other state systems). If, on the one hand, these features are consequences of the horizontality and flexibility of the management strategy, then on the other hand they define the security level, accessibility, (dis)incentives for registration, reliability, coverage and the level of innovation involved in its development.

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[26] Interview #9 SFB3

Table 5: Ibama's v. SFB's implementation strategies

		IBAMA	**SFB**	**At stake**
Flexibility	Operation mode	On-line	Off-line	Security and Control v. Accessibility
	Scope of information required	Comprehensive	Focus on forest assets	(Dis)incentives for registration
	Certification moment	*Ex-ante* checks	*Ex-post* checks	Reliability v. Coverage
Horizontality	Development and ownership	Direct execution	Contracting out	Security and control v. cutting-edge technology
	Relationship to State Systems	Unified system	Inter-operability of the existing systems	Security and control v. flexibility and adaptation

Source: author.

5.4.   The Flexible and Horizontal Coalition

The SFB's mid-level bureaucrats were able to manage the coalition responsible for the CAR's implementation in a horizontal and flexible way. It was horizontal in the sense that, during the debates, hierarchy was put aside. The final call was made by the mid-level bureaucrats managing the coalition, but this was assumed, never declared. State-level bureaucrats and IT specialists engaged horizontally, with very open and inclusive moderation from the SFB mid-level bureaucrats. It was flexible because the coalition was open to innovative solutions; they were keen to take risks. Furthermore, when things went wrong, they were able to learn from the experience and move on. Also, such flexibility made it possible to customise the instruments of the CAR's system, taking into account the specific needs of the public and the government.

As soon as the SFB became responsible for implementing the CAR, they immediately mobilised a coalition involving the University of Lavras and state-level environmental agencies directly involved with CAR's implementation.

5.4.1. The University of Lavras joins the coalition

Initially, IBAMA was using its own workforce to design the system. However, IBAMA's mission is the enforcement of environmental rules; software design is not their core business. As a result, they were not able to produce an adequate system quickly. By contrast, SFB immediately made contact with the University of Lavras (UFLA), which is well-known for its expertise in geographic information systems; it is also a top university in forestry. Most of SFB mid-level bureaucrats consider themselves to be part of the very cohesive foresters' epistemic community in Brazil. Besides this epistemic connection, a more friendly procurement scheme was also a very convincing argument for hiring the university. UFLA is a public university funded and supervised by the national government. As such, the Ministry of Environment was able to choose to work with UFLA due to its expertise, under simplified procurement rules. Furthermore, the university's principal had a longstanding professional relationship with the head of the SFB, and immediately decided to collaborate. Simultaneously, after a short negotiation, Amazonas state was convinced to make its system available, transferring its copyrights to the Federal Government, and the technology to UFLA. As mentioned by an officer of the Amazon state environmental agency:

> *UFLA made the structure of its forest studies laboratory available 24/7. The laboratory has always been a reference in environmental management, water resources management, and licensing systems. And then, finally, it was the birth, the launch of the offline mode. The state of Amazonas had developed a tool for its specificities– where there are no mangroves, and the legal reserve is 80% - the university had transformed the device into something that would meet all the complexity of Brazil.[27]*

At the beginning, until the release of the off-line system in September 2013, the collaboration of UFLA was unpaid and informal. The SFB's flexibility was crucial to the informal engagement of UFLA at that early stage. Eventually, UFLA's decision to collaborate proved to be a good investment. After the first years of collaboration, the Ministry of Environment started to pay UFLA and within four years more than 2 million

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[27] Interview #11 OEMA1

pounds were transferred to the University by the Federal Government[28]. In fact, it was a win-win situation: the government got the system it needed, with the ongoing maintenance and update while UFLA got the money to invest in its capacity and today has hundreds of researchers on geo-technics[29].

5.4.2. State-level Environmental Agencies join the coalition

The relationship between the national and state-level registries is another main difference between the two implementation strategies. IBAMA had proposed a national system with no links to the state-level systems already in use. Every farmer in the country was supposed to register in the national system, even if they had a previous state-level registration[30]. The SFB, for its part, had decided to integrate the state-level systems already in place. In states where there were no systems yet, the state could use the national system or adapt it to their own specificities. In states with a system already in place, the information would be used by the national system, avoiding redundancy. So, SFB immediately called the state-level environmental agencies for a discussion on how the national system should work. SFB visited every one of the twenty-eight state-level environmental agencies in Brazil, introducing their ideas about what CAR could become. As informed by an officer from a state-level environmental agency:

> *'This will be collaborative', the SFB people said. 'What do you think? Will you be able to work with us? What adjustments do you need? Do you need any help?' Otherwise, when IBAMA was developing the system, they only called the state-level agencies for training in already-designed modules. States had no space to share their experiences and influence CAR design. Suddenly, when SFB took control, we were invited to come to Brasilia, at the Ministry's expense, to cooperate, to be part of the team.[31]*

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[28] Interview #1 SFB1
[29] Interview #16 UFLA1
[30] Interview #9 SFB3
[31] Interview #12 OEMA2

The collaboration between different levels of government is crucial for an inter-governmental policy such as the CAR. The statement below, from a state-level bureaucrat who joined the coalition, shows how this call for participation started to create a sense of mission among the implementation coalition:

> *The group had 28 meetings. It was a group of partners; it had not been created formally or institutionalized. It was based on the 'fio do bigode' (trust-based) and a lot of determination to get things done. There was no deadline, no formality, just a lot of will.*
>
> *We started by strengthening relations with other states that already had their systems and solutions. Understanding how they got there, what they were doing, what were the differences, and so on.*
>
> *Do you know the database we had to receive the first registrations? None. We have not installed a receiver. So, during the first 30 to 45 days, farmers could make their CAR in an offline solution and generate their "dot CAR" file, but they had nowhere to send it. When they sent it, the website replied automatically: thank you very much for making your registration; Come back soon, and we will have a place to receive your registration. It was like that, but we were working. We knew. We, from the state-level agencies, finally trusted that the system would be ready soon.[32]*

Eventually, in order to preserve the specificities of the states, and due to their role implementing the system on the ground, the coalition decided to develop three different types of interface between the national CAR system and the states' systems. Initially, sixteen states decided to use the national system.[33] Another five different states contracted the University of Lavras to develop their 'customized' systems[34] and finally, six other states used their own systems, which were later integrated into the national system[35]

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[32] Interview #12 OEMA2

[33] Alagoas, Amazonas, Amapá, Ceará, Goiás, Maranhão, Minas Gerais, Paraíba, Pernambuco, Piauí, Paraná, Rio de Janeiro, Rio Grande do Norte, Roraima e Sergipe, and Distrito Federal.

[34] Rio Grande do Sul, Santa Catarina, Acre, Pará and Rondônia.

[35] Bahia, Espírito Santo, Mato Grosso do Sul, Mato Grosso, SãoPaulo and Tocantins.

(Serviço Florestal Brasileiro, 2021: 6). This experience of dealing with local and specific challenges to design the systems was a learning process for the University. Later, because of the experience they had gathered, they could play a pivotal role as an agent of diffusion of solutions, not only from one state to another, but also from states to the Federal Government. Ultimately, within the horizontal coalition, the university helped the states and the Federal Government to learn from each other.[36]

The CAR set-up coalition is schematically represented by the diagram below. There are some actors that belong to the broader CAR policy network that are missing, namely the traditional communities and the Federal Prosecution Service. Both would join the coalition for the design of CAR PCT sub-system that would be formed later.

Figure 11 – CAR System Set-up Coalition.
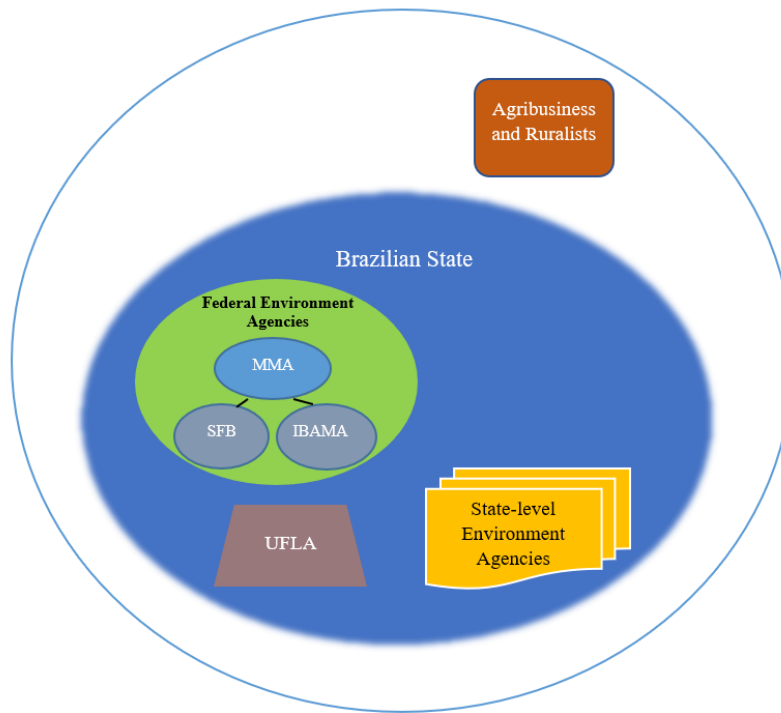
Source: author.

The analysis of the CAR's set-up process demonstrates that SFB mid-level bureaucrats had the flexibility to innovate and take risks, and the horizontality that encompasses the ideas of teamwork, participation and equity. These features, which are

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[36] Interview #16 UFLA1

the core of a positive organisational culture (Grindle, 1997; Bersch, 2016) were behind the fruitful collaboration among the coalition actors. The resulting knowledge exchange enhanced the SFB's technical capabilities and reputation and, consequently, their political legitimacy.

Nevertheless, it was not clear if their recently increased political legitimacy had been capable of increasing their level of autonomy. They were not sure if they had fulfilled the conditions that would provide them with the capacity to promote policy changes themselves, without having to submit their decisions to the politicians. Nevertheless, it did not take long before they could measure the level of their autonomy. Two weeks after the first coalition meeting, the system presented a deadlock regarding the interests of powerful agribusiness. As the next section demonstrates, the development of a solution for the deadlock was the opportunity to test their autonomy to take decisions about politically-sensitive implementation challenges.

5.5. Testing their autonomy

As soon as the coalition was collaborating efficiently, under a positive culture, the SFB took the opportunity of trying out an autonomous policy adaptation using the instruments at their disposal. Any information system has a set of rules regarding its operation. In Brazil, this set of rules is called an 'operational handbook'. Usually, the Government establishes the handbook with all the functions it needs from the system and then the handbook guides the work of those designing the system. Having a trust-based relationship, the SFB and UFLA have managed to develop the handbook and the system simultaneously. According to an IT technician from UFLA,

> *SFB used to ask: 'Can we put that rule in the handbook?*
> *How would the system adapt to it?' Then we could say: 'It's better*
> *not. The system would not cope with that.' 'So, what could work?',*
> *they would reply. And we usually came up with a feasible solution*
> *for the system and would reach their aims.*[37]

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[37] Interview UFLA#1

The rules regarding land overlapping are examples of an 'IT system-level policy change' stratagem, which happens only within the system and out of the handbook. According to the Forest Code, when rural properties were overlapping, the two registrations would be treated as pending. When UFLA tried to place this rule within the context of CAR's information system, they realised that it could not be applied. Indeed, the system would read a rule about overlapping in absolute terms, black or white. Any two properties that overlapped an inch would have their registrations denied. Practically all properties would be overruled since it is hard for two different landowners to plot the limits of their properties with millimetric precision; hence, the overlapping rule, if taken strictly, was going to distort its own aims.

In order to avoid this situation, UFLA and SFB created an informal tolerance rule: the overlap would be tolerated according to the size of the property. That rule was not published in the handbook and was known only to those who had developed the system. If they had published this overlapping tolerance rule, there would have been question from both the public and the judicial authorities on the level of tolerance and the scale of tolerance according to property sizes, along with other questions regarding the legality of the tolerance. Thus, they eventually decided to put in CAR's regulation only the general rule stating that registering lands should not overlap, leaving the tolerance rule to the system's parameters. According to an IT technician from UFLA:

> *Where is the formal rule regarding tolerance? Nowhere. So, the system helps to establish a rule because it is much easier to say: 'Look, no, there's no way to change; it's within the system'. To avoid questions like 'What is the scientific basis for this? Where is the legal authorization to do this? Where is this written? Sometimes we solve these problems much easier within the system. And these rules and parameters are registered within the intelligence, encapsulated within the system's core. If a regular user were able to open the system, he would not be able to see them.*[38]

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[38] Interview #16 UFLA1

Eventually, the SFB left some of the system's directives out of CAR regulation. The decision regarding what adaptations could be published in the regulation and what should only be a 'IT system-level policy change' was guided by the SFB's considerations regarding the political risks involved. SFB mid-level bureaucrats' political awareness was crucial since they were able to assess tactfully with the interested parties what would be the risks involved. According to a member of the largest Brazilian agribusiness association, the CNA:

> *They used to come and ask what we thought about anything. Every week, or every other week, we used to get them here for a visit when they updated us about what they were developing and the stage of their work. We offered material and technical support, but they never accepted. But they have never left us in the dark; they have always kept us updated.*[39]

This argument is endorsed by a member of a civil society organisation interviewed during this research who stated that 'the government was implementing CAR orchestrated with the Brazilian Confederation of Agriculture and Livestock (CNA)'.[40]

When the SFB presented their strategy to promote the overlapping adaptation only within the system, the political echelons of the Ministry of Environment did not see any problem with it. Actually, they trusted the SFB's expertise and the technical authority that had been transferred to them by the University of Lavras. The Ministry of Environment was more focused on delivering the system. If the SFB had found a solution to the problem, it did not matter if it was published or not. At that moment, SFB understood that any future adjustment, like the one regarding traditional communities analysed in the next chapter, could follow the same 'problem-solving' strategy, in which 'substantial changes are achievable by sequentially advancing small, novel, partial, or indirect changes, often quietly and under the radar of political and social forces' (Bersch, 2016: 206). Emphasising 'technical expertise and contextual knowledge' instead of the will of powerful politicians, problem-solving reforms are gradual, avoid conflict and tend to endure (*op. cit.* 211).

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[39] Interview #23 CNA1
[40] Interview #22 RDC1

Political skills, and a flexible and horizontal management style, were key to the success of the coalition. Instead of resisting outsourcing and insisting on developing an in-house system, the SFB built a partnership with another public institution, the University of Lavras, and obtained the expected results. Some solutions developed by UFLA within the system were absolutely innovative and were not stated in any provision of the Forest Code. The overlapping rule, for instance, was beneficial to powerful agribusiness and was not opposed by the Minister and her political appointees. Hence, strictly speaking, it was not a case of autonomy. As a matter of fact, in this case, SFB's agency would be better defined as a 'bureaucratic entrepreneurship', represented by the introduction of innovations to a policy and successful persuasion of politicians of the adequacy of their ideas (Carpenter, 2001: 30).

Nevertheless, the overlapping rule created the precedent, in the future, for the promotion of autonomous pro-poor adaptations, not supported by the government in charge. Oriented by the University of Lavras, the SFB used the system to house the policy adaptation required to overcome implementation challenges, while keeping it away from the public eye, under the radar, within the system, as in the case of the traditional communities' sub-system that will be discussed in the next chapter. This 'oblique approach', where 'less is better', follows the trend of the subtle changes that, according to Ascher (1984: 314) are often responsible for 'the most effective redistributive measures' (*op. cit.* 316).

Finally, after adjusting the system to tolerate overlapping up to a limit, the CAR's information system was set. The main CAR policy instrument was prepared and state-level agencies could start implementing the registry. Against the odds, with no initial budget or structure, CAR's information system was in full operation by the 6th May, 2014, when CAR's regulation, the Normative Instruction number 2 (IN 2) was enacted by the Ministry of the Environment. As already mentioned, the Forest Code had established that the enforcement mechanisms, such as credit suspension, would be put into effect two years after the CAR's instruments, such as the information system and functioning rules, were set up. As a result, the CAR was officially declared set by the IN 2, which stated: 'the CAR is regarded as set up on the date of publication of this Normative Instruction'. Prior to the CAR, Brazil had not had any other land registry covering such a significant area of the country. Despite not having any effect in terms of land titling, since it is

supposed to be used only to monitor forestry assets, the CAR was the first land registry covering practically the entire Brazilian territory.

5.6. Conclusion

Figure 12: CAR system interface in English & CAR mapping
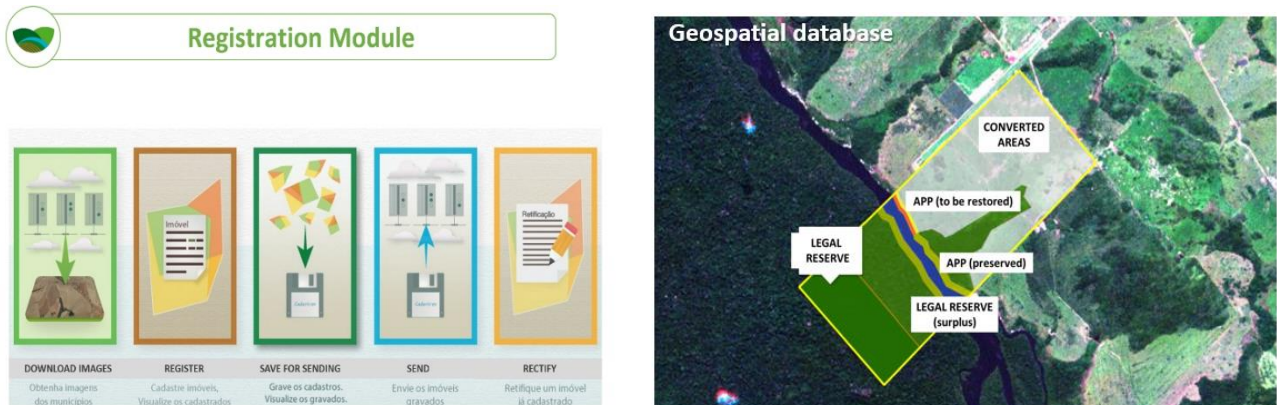
Source: Brazilian Forest Service.

This chapter has analysed the process of setting up the main CAR instrument: its information system where landowners upload the information about their property. The two images above show an English version of the main screen and an example of how the coordinates provided by landowners are plotted on the map. SFB mid-level bureaucracy was appointed to do the job and followed a horizontal and flexible approach to the process that provided them with a significant level of political legitimacy and, consequently, autonomy. This approach built up their reputation as experts who were able to deliver sound technical solutions in a timely fashion, well negotiated with the main interests at stake. As a reflection of this reputation, the political echelons of the Ministry of Environment did not micromanage the process of setting up CAR instruments. The Minister had given them room to manoeuvre. She did not over regulate their policy space, nor did she exert a control that could immobilise the bureaucracy or impose extremely limited forms of action and influence (Pires, 2018: 197).

Bureaucratic agency has more leverage in less regulated settings. At the same time, as argued by Tsebelis (2002: 3), 'the impossibility of changing the *legislative status*

quo may lead bureaucrats and judges to be more active and independent from the political system'. So, when SFB mid-level bureaucrats had to deliver the policy instrument that they were commissioned to set up, they had the leverage given by the Minister and the impossibility of legislative change imposed by the political context. As a consequence, they did it within the IT system and under the radar. SFB mid-level bureaucrats decided not to spend their political capital arguing for the adequacy - or even legality - of the 'overlapping tolerance' solution. Eventually, SFB mid-level bureaucrats made use of their policy legitimacy and took the autonomous decision, oriented by the need to promote policy adaptations to improve and guarantee that the system would be timely set up.

The CAR's system set-up resulted from the successful collaboration of an implementation coalition of state actors, from different levels (national and sub-national) and sectors (information technology, forestry, law). This collaborative agency was fostered by the SFB's horizontal management style, which induced participants to see themselves as parts of a collaborative coalition, in which their role was more connected to what Agranoff (2006: 58) classifies as partners, 'co-conveners, co-strategists, co–action formulators, co-programmers and so on'. By definition, coalitions are a non-hierarchical form of organisation (Meier and O'Toole, 2003: 690; Agranoff, 2006: 58). As a consequence, implementation through coalitions requires 'greater managerial skills' from public managers that are supposed to coordinate the collaborative interactions of actors 'over whom they exercise little formal control' (Meier and O'Toole, 2003: 690).

The SFB's strategy for setting up CAR instruments was flexible since it was open to taking risks and innovating as long as the system was delivered. They took every decision that could help them to gather the support and collaboration from coalition actors. For instance, if state agencies agreed to collaborate more with an off-line, inter-operational system, they would agree with it. If UFLA had the expertise they did not have, the SFB would see no impediment to contracting them. Similarly, they decided on a system that required less information (focused) and self-declaratory (with *ex-post* checks) because of its clear advantage in terms of a swift set-up.

Nevertheless, the speed of CAR's implementation came at a cost. Indeed, the SFB implementation strategy is criticised by many for relying on precarious data. In fact, CAR 'gave priority to the number of registrations, putting aside a more rigorous control of the data and the documentation that could have certified it' (Tupiassu *et al*., 2017: 196). That,

however, was anticipated and considered by SFB mid-level bureaucrats, who eventually came to the conclusion that despite the criticism, the wide, yet imprecise, coverage of the CAR would at least shed light over the Brazilian land tenure chaos and the conflicts that result from it. The idea was to include as many land claims as possible, and then use this exposure to deal with the inconsistencies[41].

Immediately after the CAR system was set up, however, there were alarming signs of a very negative impact related to the fact that state-level environmental agencies had been validating grabbed land and lands overlapping Indigenous Lands and protected areas (Tupiassu *et al.,* 2017: 197). In a way, this situation tells us more about the accuracy of the validation process than about the fact that it was done *ex-post* or focused on a reduced set of information. In fact, according to the Forest Code, these acts of state recognition should be considered as null acts, with no legal value. This situation corroborates the argument that even if CAR required *ex-ante* official validation by the states, there are no guarantees that overlapping and land-grabbing would not be validated at the state-level, even if *ex-post*.

As a matter of fact, despite the legal determination that CAR is not an instrument to prove land tenure, its registration had become a 'starting point for land regularization processes' (Tupiassu *et al*., 2017: 195), but only individual properties were positively affected by these processes. Communal lands were not allowed to participate. Initially, traditional communities could not dispute these registrations by declaring their areas because the system was only available for individual owners. Indeed, before 2016, the CAR's system had completely ignored communal properties. In fact, groups of people living in a collective form of production, with no individual land rights, were not listened to during the process of setting up the CAR information system (Maia, 2020: 10). As a result, traditional communities' communal lands could not be registered until the system had a specific sub-system for non-individual ownership.

The decisions taken to simplify the process of setting up the CAR's system demonstrate the flexibility used while managing the implementation coalition. However, as mentioned above, the negative effect was that, since landowners were allowed to register whatever they claimed as theirs, not being checked beforehand, law-breakers

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[41] Interview #13 INC1

started to use the CAR as an instrument for land-grabbing. Notwithstanding that, it cannot be denied that the CAR has also shed light on the chaotic situation of land disputes in Brazil and could become an instrument for contestation. In fact, if on the one hand it could be used to formalise land-grabbing, on the other hand it could be an instrument for the struggle of traditional communities for the formalisation of their territories (Duprat, 2020). In summary, the SFB mid-level bureaucrats and the set-up coalition developed a very user-friendly system, with a high level of coverage, at the expense of reliability. However, if properly adjusted to include the specificities of traditional communities, the system could become a crucial instrument to give visibility to their demands.

As stated by Hill and Hupe (2009: 70), 'to achieve cooperation, steering is needed'. SFB mid-level bureaucrats were not only able to steer the coalition efficiently, but also to enhance their autonomy by creating a horizontal and flexible implementation coalition. The collaboration of the implementation coalition has improved the SFB's political legitimacy and, as a consequence, has created the means that let them take autonomous decisions regarding the need to promote adaptations to the policy. These are the conditions for bureaucratic autonomy (Carpenter, 2001 and Lotta & Santiago, 2017), which would be exercised later, as we analyse in the next chapter, when the policy was changed according to the interests of the poor, regardless of the government's political orientation.

6. Exercising Autonomy: Pro-Poor Policy Adaptation

6.1. Introduction

This chapter analyses how mid-level bureaucrats formed a new coalition with actors of the broader CAR policy network and managed to innovate within the legislation and create a sub-system specific to the communal lands of traditional communities. The Forest Code had not defined such a sub-system and the SFB mid-level bureaucrats had not discussed it during the initial process of policy set-up. When the new Forest Code created the CAR, it was designed for individual private properties only. There were no provisions dealing with other forms of ownership, like the communal arrangements historically used by traditional communities to organise the occupation and use of their land and natural resources. During the first years, when its instruments were being set up, the CAR followed the same rationale and left behind the specific ways of production of the traditional communities. Eventually, the SFB and a re-formed implementation coalition created a subsystem to adapt the CAR to the specificities of traditional communities, who were finally allowed to use the CAR system in their land struggles.

In 2016, when President Temer came into power, the SFB lost resources for the CAR's implementation. The opposition from the agribusiness lobby was even stronger since, under Temer, they had more influence (Caixeta *et al*., 2017: 417, 418). A delay in the registration deadline (originally set for 31st December 2016) was passed by the Congress; however, even while temporarily losing its coercive powers, the CAR's coverage kept growing. There were also two important innovations during that period: CAR's data became accessible to the wider public, which was not welcomed by some very influential landowners, and a sub-system specifically for 'traditional communities' was launched, helping their struggle for land while raising the level of legal recognition of their rights claims. Despite the agribusiness interests that dominated the political and policy environment at the time, the SFB was able to introduce both changes.

The path for this adaptation, which was broadly recognised as pro-poor, started when, in the early days of 2016, traditional communities' associations, along with influential civil society organisations, started to push for specific solutions for the registration of communal lands. After a long negotiation process, through which SFB

mid-level bureaucrats enhanced their political legitimacy through the horizontal relationship established with these social movements, the CAR's information system was adapted to benefit the traditional communities. The adaptation required flexibility from the coalition since it represented an innovation witihin the Forest Code that had been made under the radar, as a 'IT system-level policy change'. Such a decision was significantly risky since it was taken with no transparent formal change regarding the policy rules. It ignored the public law principle of publicity stated in the Brazilian Constitution, which guarantees that any state decision needs publicity to be valid (Federal Constitution, article 37).

In this chapter, I analyse the strategies used by SFB mid-level bureaucrats to adapt a policy so that it served the interests of less powerful groups, such as traditional communities, against agribusiness - one of the most powerful interest groups in Brazil. In so doing, I answer my second sub-question, which is related to how SFB mid-level bureaucrats contributed to adapting the CAR to include pro-poor elements under a regime strongly aligned with anti-poor interests between 2016 and 2018.

6.2.   Traditional Communities in the Forest Code

According to Brazilian law, traditional communities are 'culturally differentiated groups who occupy and use territories and natural resources as a condition for their social and economic reproduction, using knowledge generated and transmitted by tradition'.[42] Among them, the *quilombolas* are ethnic-racial groups with historical connections with a territory, related to the resistance to slavery.[43] Indeed, during more than 300 years of slavery, groups of enslaved people around the country managed to escape and survived in isolation in remote areas for centuries, developing a sustainable relationship with the land and natural resources. (Durand & Heidemann, 2019; Boyer, 2014)

As registered by Alonso (2021: 4), 'Brazil was one of the largest slaveholding countries in history and the last in the West to abolish slavery, in 1888'. Immediately after

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[42] Decree 6,040/2007, article 3.
[43] Decree 4,887/2003, article 2.

the end of slavery, the Brazilian government attempted to erase slavery from the country's history, by incinerating official slavery-related documents, allegedly due to the fear of former slave owners eventually asking for government compensation for their losses (Tanus, 2019: 60). As a matter of fact, invisibility and denial have always been the official policy towards men and women freed from slavery. Accordingly, as late as 1988, a century after the end of slavery in Brazil, the Brazilian Constitution finally recognised the rights of the *quilombos* formed by descendants of enslaved people over the land they had historically occupied. The 1988 Constitution recognised their tenure over the land and demanded that 'the State must issue the respective titles'.[44]

Nevertheless, this recognition had to wait more than another decade to be enforced. Only in 2003 did the Government start to issue title documents to these communities. By 2021, 3,471 *quilombos* had been through the first stage of recognition (Fundação Palmares, 2021), but only 124 had actually received the land titles (Instituto Nacional de Colonização e Reforma Agrária, 2019) so the vast majority of *quilombos'* ownership is still contested.

Land-grabbing and other forms of violent conflict over land tenure have historically worsened inequality in Brazil, deeply affecting not only the *quilombos* but also other traditional communities. In this research I focus on the *quilombolas* because they had a prominent role in the development of the CAR PCT sub-system. The protection of the rights of traditional communities is not only a matter of justice related to the rights over the lands they historically occupy. Traditional communities use and work their land in a sustainable way and help to protect the forests and other natural resources (Benatti, 1999: 12). Hence, their ways of production are clearly a form of positive externality and, therefore, should be preserved. Consequently, traditional communities' land tenure must be considered as a matter of general interest.

In 2012, when the new Brazilian Forest Code (Law 12,651) created CAR and a whole new set of dispositions regarding forest assets in Brazil, it simply ignored communal forms of property, under which traditional communities had lived for centuries. According to the Law, only individual properties could be registered. Even when accepting multiple owners, there was no room for communal forms of responsibility

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[44] 1988 Brazilian Constitution, article 68 ADCT

over the territory, nor was there consideration about the different use that traditional populations make of the forest assets to which they traditionally have access. According to the *quilombola* leader Célia Pinto (2020), institutional racism can explain this approach that has made the *quilombos* invisible:

> *When CAR appears in the Forest Code, it is designed for large and small individual properties. To see how racism is so perverse and present to this day, it even makes some people invisible, disregarding our existence.*

> *And that's what happened with CAR. When it came, it made these traditional populations invisible, the indigenous peoples invisible, and the* quilombola *communities and other traditional peoples invisible. Because of our way of dealing with, our way of living in and thinking about these territories is entirely different from the logic that sees land as property or an asset. For us, land, the territory, is also an asset, but it is a collective asset of common use, in which the property is not of the individual, but collective. It's not me; it's us. So, because of that, we had a lot of difficulties, and we still have some problems in having our territories correctly registered in the CAR.*

6.3. Temer's Government

As demonstrated in the previous chapter, from 2012 to 2015, SFB mid-level bureaucrats gathered political legitimacy from their interaction with the implementation coalition and built enough autonomy to advance innovative solutions to implementation problems, although promoting adjustments and adaptations to the policy outside the strict terms of the law (Forest Code). Horizontality and flexibility were crucial to enabling the development of these solutions. More importantly, the solutions should be put in place with the least publicity possible, and the best way to do so was within the information system. Again, only a flexible and horizontal coalition could agree on a stratagem of undertaking the 'IT system-level policy change', with no formal rule providing stability to the 'overlapping tolerance'.

In 2016, President Dilma was impeached and President Temer came into power. The political shift represented a political victory for agribusiness, which acquired even more political influence over the federal government (Caixeta *et al.,* 2017: 417, 418). The federal governance structure of rural affairs was remodelled, and agribusiness began to command the whole structure, including all policy for small-scale farmers and land reform that were previously under the Ministry of Agrarian Development, which was closed down. Since Temer came to power, the historic dual structure in Brazilian agricultural public policy has been dismantled, and the primacy of the agribusiness' agenda is undisputed (Dainese & Ayoub, 2020).

Notwithstanding the deep connections between Temer and Brazilian agribusiness, the new president appointed, as the Minister of Environment, a politician who was committed to the environmental cause. The impeachment had been supported by a broad coalition that included the Brazilian Green Party, who indicated Sarney Filho, a former Minister of Environment, for the post. The Ministry of Environment had not acquired more relevance or resources under Temer and was still much less influential than the Ministry of Agriculture; also the political background of the minister was not an indication that he would get into open conflict against the interests of the agribusiness. He and his party were committed to the environmental agenda as long as it did not threaten their political space within Temer's cabinet. It is important to note that, more than in other policy areas, in Brazil the environmental policy area has some room for manoeuvre due to the resources of foreign aid. Furthermore, 'the environmental policy area does show some independence from presidents and coalitional presidentialism due to the counter-vailing pressures and resources of non-state actors' (Hochstetler, 2017: 272). This context contributes to the autonomy of environmental bureaucrats and to the relative independence and ambiguity of the Ministry of Environment in relation to the centre of government.

Not surprisingly, the recognition of the land rights of traditional communities was not a priority in Temer's government (Sauer *et. al.,* 2019: 31). The budget for processing *quilombolas* lands recognition was cut from 51.6 million in 2012 to 2.7 million Brazilian reais in 2018, i.e., by nearly 94%. (Instituto Socioambiental, 2020). Nevertheless, the SFB found a way to advance a demand from traditional communities that encompassed a radical issue, such as the recognition of communal land ownership. It was a demand for change - for adjustments to the CAR. The demand was the inclusion of communal forms

of ownership in the CAR information system. CONAQ, the *quilombolas*' national association, was the first civil society organisation to raise the issue. To channel their demands, they used the access that they had to the Traditional Communities Council (*Conselho Nacional de Populações e Comunidades Tradicionais*, CNPCT), which is the governmental body responsible for promoting policies for these groups. The CNPCT had been created in 2004 under the structure of the Ministry of Social Development and was almost closed in 2018 due to agribusiness pressure (Mota, 2018); however, in 2016, the first year of Temer's government, the Council was still operating. The pressure against it was getting stronger, but bureaucratic inertia was sustaining the CNPCT. According to a mid-level bureaucrat working at the Council at that time:

> *When Dilma was impeached, the Temer government didn't mess with us because they didn't even know what we were doing. So, we took advantage of their ignorance and continued there. Nobody ever looked at us; they didn't even know what we were doing; they didn't know what traditional communities were. At CNPCT we were just three people. So, they forgot about us. The same thing happened with the Forest Service. People were staying, and the government was unaware of that. So, in 2016 we were all people from the previous government.*[45]

Hence, in the first year of Temer' government, CNPCT had a sufficient policy space to operate because they had managed not to attract the attention of the group that was running the Ministry of Social Development, all politicians with close links to President Temer. Besides that, the SFB team remained in their positions – due to the technical reputation and consequent political legitimacy they had gathered by efficiently setting up CAR instruments - and the new Minister of Environment was committed to the environmental agenda (to a certain extent) and could become an ally. In that scenario, CNPCT and SFB joined forces in a new coalition aimed at adapting the CAR system to take into consideration the specificities of traditional communities.

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[45] Interview #24 CPT1

Other actors that had participated in the coalition responsible for setting up the system were also there: the University of Lavras and the state-level environmental agencies. Furthermore, other actors who would soon become extremely relevant for sustaining CAR joined the coalition, namely the German international cooperation agency (GIZ) and the Federal Prosecution Service (MPF). According to a mid-level bureaucrat from the CNPCT,

> *In the beginning, we got everyone to sit down and discuss.*
> *The communities couldn't even understand what was happening. All*
> *they knew was that CAR was affecting them somehow and that other*
> *people were registering some of their territories.*[46]

6.4. Civil Society Mobilisation

As the budget figures mentioned in the previous section demonstrate, during Temer's government, *quilombolas* had no space to push for their main agenda of land tenure regularisation. However, they did manage to push for their appropriate inclusion in the CAR, which was a lateral agenda that eventually could help their main struggle for land rights. CONAQ, which was the civil society organisation that brought the demand to the government, had been created in 1996 as the national umbrella organisation comprising state-level associations of *quilombos* (Coordenação Nacional de Articulação das Comunidades Negras Rurais Quilombolas, 2022). Since 2013, when the CAR system had begun to register the first properties, CONAQ had started conversations about the need for changes on how the *quilombola's* lands would be registered. They engaged with other national well-connected CSOs, such as the Instituto Socioambiental (ISA), and started lobbying the CNPCT. SFB mid-level bureaucrats agreed with the participation of both organisations in the coalition, in another demonstration of horizontal management. According to Celia Pinto (Pinto, 2020, my translation) the alliance with more structured CSOs, such as ISA, was crucial for their success:

Maybe if we didn't have this partnership with ISA, I and other quilombolas wouldn't have this knowledge about the CAR that we have now, which makes us able to do this

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[46] Interview #24 CPT1

confrontation with the states, to make the federal government understand that the system that was proposed would not represent us; would not fit us.

Clearly, according to Francisco Chagas (Câmara dos Deputados, 2019, my translation), one of CONAQ's main leaders, in a statement made at the Brazilian Congress in 2019, their perception regarding CAR's initial years was quite detrimental:

> The CAR is a tool where project and format were designed with no consideration of populations that exist in Brazil, such as the quilombolas and others. CAR literally had exclusion among its premises. To remove quilombola communities from the map. This was how the CONAQ, the *quilombola* movement, saw the process.
>
> We moved towards the construction of a module with the specifics that would meet the specificities of the *quilombo*, of how our people live.
>
> The CAR structure did not offer the possibility to the *quilombola* community declare itself as such. Or to say that it is *quilombo*. The CAR's rural property module totally disregards us. The community could declare itself as a rural property, but not as a *quilombo*. In that way the nature of the *quilombo* was being de-institutionalized, there, by the module. Worse still, the aggression was declared by the *quilombola* community itself. Look at the level of perversity of a policy established to exterminate a population.
>
> Then we started to push to create a space.

It is important to see how relevant it was for the *quilombolas* to belong to the alliance, not only with other CSOs, but also with state-level agencies and other Brazilian public officials, such as public prosecutors from the Federal Prosecution Service. Foreign bureaucrats from GIZ also took part in the coalition. This was utterly unusual in Brazil. However, the coalition was managed in such a horizontal way that they were open to the contribution of any member. Similarly, the coalition was managed with such flexibility that the novelty of GIZ's participation and the risk it could represent in terms of alleged foreign intrusion in internal affairs were considered to be worth taking.

The idea was to form a coalition for policy adaptation. Initially, when setting up the information system, the SFB's mid-level bureaucrats had formed an implementation coalition that was very strong in technical terms. Expertise and technical reputation were needed at that moment since their main challenge was to overcome the technical challenges of designing the system. The results were positive and they had built enough autonomy to advance solutions regardless of policy-makers' opinions.

Now, a different coalition was needed. This time, besides the technical expertise of the participants, the coalition also required the political legitimacy that could be brought by the civil society organisations and also by public prosecutors and the GIZ. In fact, the public prosecutors could not only add to the coalition political legitimacy, due to the overarching image they had among the population as champions of justice and fair causes, but could also contribute with their legal expertise. Their presence in the coalition sounded like a guarantee of the legality of its decisions. Similarly, GIZ could contribute with their political and financial resources. By the end of 2016, the CNPCT had created a working group to discuss adaptations to CAR in order to adjust it for traditional communities' specificities. According to CONAQ's leader Celia Pinto (Pinto, 2020),

We started to build, together with the Forest Service, a working group, which was something we had been discussing with other partners, ISA, Terra de Direitos [another CSO], and the public prosecutors. We started to pressure the federal government to create the subsystem. And we did it. Only after creating the new sub-system did we start thinking about registering our properties and our territories. By that time, most of the rural properties of individual landowners had been already registered, and we were still fighting to have a specific subsystem to register our territories.

In 2018, we managed to mobilise the Forest Service to call the state-level environmental agencies to a large seminar and to present this sub-system where the registration of traditional communities is placed.

Racism is so entrenched that it makes us invisible. It makes it difficult to have access to policies that supposedly are for everyone. But that 'everyone' does not actually includes us. To be included, we had to fight a great battle.

This awareness that the sub-system was a battle they had to fight and not a gift from the government is consistent among the representatives of traditional communities and reflects their ownership regarding the working group and the sub-system it has developed. In fact, the working group's agenda was determined by the traditional communities. According to a CNPCT's mid-level bureaucrat directly involved with the working group:

The sub-system was designed to respond to issues raised by the communities. Some issues reached all segments, while others were issues specific to certain segments.[47]

6.5. Bureaucrats managing policy adaptation

It is important to understand how mid-level bureaucrats have responded to the demands of civil society and managed the policy adaptation coalition. This response had significant impacts on the coalition's capacity to create the specific sub-system for traditional communities (CAR PCT). Furthermore, the way mid-level bureaucrats reacted to civil society demands is behind the CAR PCT's strengths and flaws. As mentioned in the section above, at the end of 2016, reacting to demands coming from CONAQ and other allied civil society organisations, CNPCT created a working group to discuss the registration of traditional communities' territories in CAR. As seen above, there were lots of misunderstandings and mistrust about the real aims of CAR. Traditional communities believed it was created as an instrument for landlords to grab their communal lands. As a consequence, they had the expectation that a specific sub-system for the registration of their lands could also be used by them as an instrument for their fight for land tenure.[48]

The working group met regularly for more than a year. It was formed by different government departments, public prosecutors, representatives of the traditional communities, state-level environmental agencies and the GIZ, and, again, the University of Lavras. Officially, the working group was created by the CNPCT. The Forest Service was a member, certainly a central one, but it was the CNPCT, which was linked to the Ministry of Social Development who was formally in charge of calling the meetings. However, in a peculiar dual arrangement, the SFB, which was formally just another participant, was the CAR manager, and as such would take the final decision - as democratically as possible - about any policy adaptation.

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[47] Interview #24 CPT1
[48] Interview #11 OEMA1

Despite being peculiar, this arrangement was a deliberate decision taken by both the SFB and the CNPCT as an attempt to share the costs of the politically-sensitive agenda. So, in practice the SFB managed the coalition, being responsible for calling, organising and financing the meetings, and so on, but did not have to explain to suspicious government allies from the agribusiness sector why they were creating groups to discuss the still recently-launched CAR system. Officially, CNPCT had created the group as a space in which to think about the needs of traditional communities related to a policy managed by another government sector. CNPCT is a department of the Ministry of Social Development, which runs an agenda that is not closely observed and pressured by the agribusiness and the *ruralistas*. By contrast, the SFB is within the Ministry of Environment structure, which is one of the favourite targets of agribusiness' political action. The ambiguous roles played by both SFB and CNPCT reveal a management strategy. According to a bureaucrat from the National Institute for Colonisation and Agrarian Reform (INCRA) who joined the working group:

> *It did not matter if it was another ministry's agenda [horizontality]. The Forest Service would do anything to do it and to do it fast [flexibility]. And then, SFB started to function as the working group coordinators. The CNPCT was officially the boss, but it did not matter [horizontality]. They did not have the resources SFB had. So, they informally moved from the position of members to coordinators [flexibility].[49]*

For the mid-level bureaucrats of the CNPCT, who were the formal managers of the policy coalition, such a horizontal and flexible approach was positive and should be fostered.

> *Then, the Forest Service opened all the information [horizontality], and the working group started to study and discuss the ideal sub-system, or at least what would be the closest to the ideal [flexibility], which would dialogue with traditional communities.[50]*

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[49] Interview #13 INC1
[50] Interview #24 CPT1

Eventually, the Forest Service got funds from GIZ to fund seminars,[51] travel and consultancy work for the working group (Trovão & Rocha, 2018: 3). Representatives from GIZ were invited to join the working group as observers, which was a great opportunity for them to form a network with actors who were unfamiliar to them, such as federal prosecutors and traditional communities. Moreover, the CAR PCT working group was able to narrow the distance between the traditional communities and the state-level environmental agencies. In fact, 'one of the demands of the working group was to get the traditional communities' representatives and leaders closer to the SICAR [the CAR system] managers in the state-level environmental agencies' (*op. cit.*: 1-2).

The activities of the CAR PCT working group started in early 2017. In September, after several preparatory meetings, the working group organised a national seminar, with all states and representatives of traditional communities, to discuss the adaptations that had been designed so far. After that, Forest Service representatives visited every Brazilian state to disseminate the discussion regarding the new sub-system. In every state, the Forest Service team from Brasilia was accompanied by local representatives of traditional communities that were introduced to the state-level bureaucrats. Doing that time, the Forest Service tried to close the historical distance between traditional communities and state-level environmental agencies. According to a mid-level bureaucrat from the Forest Service:

> *The relationship between state-level environmental agencies and traditional populations tends to be hostile. Traditional communities are often reached by restrictive measures that state-level agencies enforce. State-level agencies also closely relate with influential local farmers who dispute land rights with traditional communities. One of the most critical outcomes of developing the traditional communities' sub-system is that it allowed us to introduce the traditional communities and state-level environmental agencies to each other.*[52]

Besides the presence of prosecutors, GIZ agents and Traditional Communities' representatives, the other main difference between the composition of the coalition for

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[51] Interview #9 SFB3
[52] Interview #9 SFB3

the CAR set-up and the coalition for CAR's adaptation is that in the former, agribusiness had participated directly and, in the latter, they had not. The Forest Service's mid-level bureaucrats decided not to invite agribusiness to the CAR PCT working group as an attempt to circumvent their opposition, since the working group had a clear 'pro-poor' objective.

As mentioned earlier, to the Forest Service's mid-level bureaucrats, federal prosecutors would bring political legitimacy and technical reputation to face eventual questioning regarding the legality of the solutions they had decided to advance. These new members in CAR's implementation coalition engaged with the University of Lavras and state-level environmental agencies, and co-designed a sub-system specifically for communal forms of land ownership. The sub-system was supported by all participants of the working group at the time. Even though, today, traditional communities are questioning some of the aspects of the sub-system, it had gained a high level of legitimacy and support by the time of its creation[53]. The diagram below is a schematic representation of the new coalition:

Figure 13 – CAR PCT Adaptation Coalition (working group).
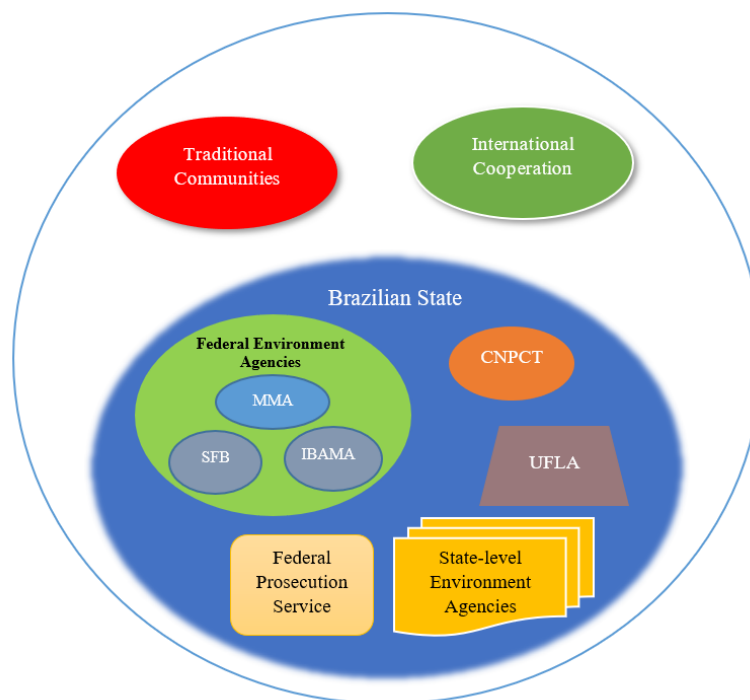
Source: author.

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[53] Interviews #5 SFB1b, #7 SFB1d and #21 ISA1

6.6.   Coming to Terms: The 'Yolk and White' Solution

As previously mentioned, the agribusiness did not take part in the coalition gathered to discuss pro-poor CAR adaptation. However, SFB mid-level bureaucrats have permanently monitored their potential reactions to what was being discussed by the working group. Throughout the activities of the CAR PCT working group, the Forest Service mid-level bureaucrats had to anticipate ways to avoid vetoes from the agribusiness. Hence, there were pressures from both sides of the equation: quilombolas, environmental CSOs and public prosecutors from one side, and agribusiness from the other. Traditional communities demanded to be exempt from some obligations that were established by the Forest Code, such as the indication of their legal reserve (the percentage of land that every property must keep forested). They argued that traditional communities should not be forced to indicate their legal reserve because their whole territory was sustainably managed, while the legal reserve had been designed for properties destined for economic exploration, where only the area designated as legal reserve is preserved. This demand was denied during the parliamentary debates on the Forest Code, but was still part of the traditional communities' agenda. They also wanted to have the names of every member of the community registered as owner of the whole land, with no definition of individual plots, following the basic concept of communal land[54].

However, the central demand of traditional communities was related to the limits of their lands, which was the main cause of the violent land disputes, with which they have been involved. Their demand was to be allowed to register their historical territory, the whole area they consider as theirs, even if it was under dispute. The Forest Service insisted that the CAR was not a tool for land tenure. Therefore, as soon as a traditional community registered an area as theirs, they would be considered responsible for the conservation of forest assets covering the whole area, according to the rules of the Forest Code. SFB stated categorically that registration only created obligations. They argued that CAR would not have any influence in any dispute over land, since it was self-declaratory. Nevertheless, the perception of members of the traditional communities was different. According to a *quilombola* leader:

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[54] Interview #17 CNQ1

The government told us that CAR would not be a tool for land tenure. But then, because we know the colonialist mindset of Brazil, of the powerful, we understood that these were just loose words, that this government story would not have roots. OK, we've read the law, which says that CAR is not for land tenure. However, the reality in practice is different.[55]

As we can see, the relationship between the government and traditional communities was not primarily based on trust. There was trust in the technical expertise of the government, but not on their discourse or political will, which was easy to understand due to the political circumstances of Temer's government. That is why the presence of federal prosecutors and GIZ was so important in terms of bestowing more political legitimacy on the coalition. Despite that which SFB have repeatedly argued, traditional communities kept believing that registering the disputed areas was crucial for their land claims.

Nevertheless, the government could not simply register all their claimed territory, otherwise they would be responsible for any environmental degradation that occurred there. Furthermore, overlapping would suspend the registration of farmers disputing their territories and consequently instigate their powerful lobby against traditional communities. The Forest Service insisted they should register only the area they effectively used. According to a *quilombola* leader:

SFB wanted the community to consider only the place where they were working as the territory's perimeter. In other words, only where there was a small croft and the quilombolas' *houses. That would be the traditional perimeter.*

And then it was a big fight. We have said to the government that the quilombola *perimeter, the* quilombola *territory, the* quilombola *community, the traditional space, it goes beyond. We've been suffering a lot from land-grabbing, which is impacting the territory, closing, and taking up the area. So, there are usually a lot of territories that are*

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[55] Interview CNQ1

inside other farms. We pleaded the part that was out [of our territories].
In doing so, we clashed with the political proposal of the Brazilian State.
We have said: 'Look, we are going to register our rightful perimeter.
The perimeter where the communities have always worked. It might be
inside a farm or the property of some landlord. We do not care. We will
draw our borders there to show the land-grabbing process
internationally and how much the quilombolas *are suffering'.*[56]

After some debate, the Forest Service's mid-level bureaucrats were forced to adopt a flexible approach because they realised that they needed to develop a system that gave voice to the claims of traditional communities. According to an SFB mid-level bureaucrat:

It was impossible to force the quilombolas *to draw a map different*
from their collective idea of territory. They would never give away what
their grandparents said was available to them. But if we did exactly what
they wanted, we would set Brazil on fire.[57]

The compromise came in what became known as the 'yolk and white' solution. The territory registration would be two-fold. First, the effectively-used area, which was figuratively called 'the yolk'. This area would comprise their houses, their plantations and working facilities; whilst the second was called, 'the white', *i.e.* the land around the yolk where traditional communities have historically developed their sustainable livelihoods based on extractive production and, over which, they would not have any environmental liability. The trick was that the 'white' area, despite being registered by the communities, could be overlapped by other registrations, with no impact on the system. As mentioned earlier, in the CAR electronic system, when a perimeter is registered overlapping another, the system is supposed to block both areas and the state-level agency must visit the area and check the information.

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[56] Interview #18 CNQ1b
[57] Interview #6 SFB1c

However, any overlapping, regardless of the size, involving 'white' areas would not have that impact on the system. Both farmers and traditional communities would still be able to register the same area. The overlapping would be shown, but the environmental liability would remain with the farmer whose land was overlapping that of the traditional community. Consequently, those farmers would be able to register the disputed land and avoid the risk of not accessing credit. SFB mid-level bureaucrats presented the alternative to the traditional communities:

> *We said that if they wanted to get the meat, you would also have to take the bone. Are you ready to be responsible for all the environmental damage done by others on your historical land?*

> *In the end, everybody was happy. On the one hand, the government would not blame traditional communities for the loss of forest assets on lands they claimed but were not in their possession. But they would be able to see the area on their registration certificate and start disputing the area. On the other hand, agribusiness would face their responsibilities over the forests in areas they own but are disputed by communities (now publicly disputed). But could keep doing their business as usual.*

The solution was accepted by the traditional communities; it was a compromise between them and agribusiness. For the traditional communities they were registering their whole area. The fact that they were still declaring that only part of it – the 'yolk' - was 'effectively used' was secondary. For the farmers they could register areas overlapping parts of the communities' 'not effectively used' areas – the 'white' - with no consequence to their affairs. The fact that somewhere in the CAR system their lands were seen as contested by traditional communities was secondary.

The picture below shows the CAR PCT sub-system. After registering the traditional territory, the system displays the whole territory, painting in brown the contested area. The area surrounded by the dotted line is the effectively used area, for which the traditional community has environmental liability.

Figure 14 – CAR PCT sub-system print screen

Source: De Siqueira *et al.*, 2017: 8.

As mentioned in Chapter 5, the information declared in CAR is checked *ex-post*, but the registration is immediately valid for any matter. Other registries demand the government checking the information *ex-ante*, which is one of the main reasons for their failure. However, since landowners can declare the whole area they claim, there is a great risk of fraud. Indeed, since its early days there are allegations that CAR has been used as an instrument for land-grabbing.[58] According to a member of an environmental civil society organisation:

> *In 2016, there were already criticisms that the CAR was being used to grab areas of traditional communities, which are well preserved. Farmers have registered these areas as their legal forest reserve. A sort of 'green land grabbing, in which they did not want*

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[58] Interviews #17 CNQ1 and #21 ISA1

to put down the forest and use the land but wanted the credit for the

traditional communities' standing forests.[59]

Indeed, CAR had created a sort of registration rush, based on the feeling that whoever came first would have the upper hand on an eventual land dispute. Initially, traditional communities could not join the rush because their communal ownership simply did not fit into the system. In that sense, the traditional communities sub-system improved the power balance. When the sub-system brings traditional communities to the 'self-declaration game', these groups can, at last, formally dispute with powerful land-grabbers that always had access to titles and land registration, even illegally or by fraud. As mentioned by Débora Duprat (2020, my translation), a federal prosecutor with a long history of activism for the cause of the environment and traditional communities, 'it is a very important instrument to, even symbolically, dispute this registration, to show traditional communities' presence and will to dispute this space with the land grabbers'.

Even the GIZ has expectations regarding the impact of CAR on the struggle for traditional communities' rights: 'The *quilombolas* use the CAR to improve land use planning in their territories and defend their customary rights against illegal land seizures' (GIZ, n.d.). Furthermore, there are expectations that the CAR can help to find out the total number of traditional communities in Brazil since there is no consolidated official data on it (Paulo, 2019). According to an SFB mid-level bureaucrat:

> *So, the traditional communities' sub-system is an*
> *opportunity. CAR registration is a statement. It is themselves*
> *saying: who we are, where we are and what areas we occupy. So,*
> *it is an unprecedented opportunity.*[60]

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[59] Interview #21 ISA1
[60] Interview #9 SFB3

6.7.   Enacting the solution under the radar

The solution was not only wise; it was wisely negotiated. Every involved interest could keep their narrative of victory and the narratives were not challenged in an open debate. Actually, there was no debate about the solution; it was just negotiated between the Forest Service and the traditional communities. The potential reaction of agribusiness was only estimated; in fact, no publicity was given to the solution. The two-fold registration of traditional communities did not have to be officially published. Just like the overlapping tolerance analysed in Chapter 5, the 'yolk and white' solution is only in the information system protocols and operation handbook. As argued by an SFB mid-level bureaucrat:

> *Do you think anyone would have let us do it if we had asked?*
> *If we publish that into a normative instrument?*[61]

Once again, against a hostile political context, the political awareness and management strategy of mid-level bureaucrats from the Brazilian Forest Service and from the CNPCT were key to the development of a specific sub-system that could incorporate traditional communities whose livelihoods are communal and intrinsically reliant on the sustainability of environmental resources. However, once the sub-system was ready, the state-level environmental agencies had to incorporate the new module in their systems. It was not an easy task, according to a CNPCT mid-level bureaucrat:

> *Finally, when the module was ready, another negotiation*
> *began, an even more difficult one. We had accomplished the first*
> *part of our plan: to get the federal government to develop a sub-*
> *system that would serve traditional communities. This was the first*
> *battle. After creating the sub-system, our second objective was to*
> *disseminate the system to state governments.*

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[61] Interview SFB1d

The sub-system would be automatically there for the sixteen states that used the federal system - great. However, for the eleven states using customised or their own systems, the inclusion of the CAR PCT sub-system could only be determined by the federal government through the Normative Instruction that dealt with integrating state systems into the national system. Otherwise, states with their own or customised systems would only have the sub-system if state governments decided to have it. We suggested the addition of the Normative Instruction to the Minister of Environment, who rejected the idea. Our last alternative was to negotiate with the states individually. However, the Minister of Environment did not even agree signing the official letters to the states suggesting their adhesion to the module. The letters ended up being sent with the signature of the CNPCT executive secretary.

We have managed to negotiate with eight states, but the normative instruction never came out. Despite the refusal of the Minister of Environment to sign the messages to states, his homeland, the state of Maranhão, *was the first state to insert the module into its system, demonstrating that he was not available to go against the agribusiness openly but was supporting the initiative. The state of Mato Grosso, where the then Minister of Agriculture comes from and which is a large soybean production area in the Brazilian savannah, still does not have a module for traditional communities.*

We have gradually managed to create the working group and make the sub-system. Still, the government stopped us when it came to actually having an official document saying that the sub-system needed to be incorporated by the states. The Minister of Environment went as far as the sub-system could serve his political interests. He took care of the traditional communities of Maranhão, which are many, he held an event there, but when it was time to support the sub-system politically, he took off. Honestly, I think that when they found out what we were doing, it was too late. The sub-

system was up and running. When we moved to the next stage, they realised the political risks and backed off.[62]

This testimony demonstrates that the stratagem of promoting 'IT system-level policy changes', with no open dispute with agribusiness' interests, was crucial for the successful policy adaptation toward the interests of the traditional community. The change was carried out autonomously, despite the government's opposition that was later manifested by the denial of the sub-system becoming mandatory for the states.

The image below was taken from the CAR system. The first one shows all traditional territories registered by 13th December 2021. The second shows how the system details the territories in a single state, in this case, the state of Acre, home-state of Chico Mendes. The image is taken from the general system, and all those areas have been inserted through the CAR PCT sub-system, which considers the specificities of the communal livelihoods of the traditional communities.

Figure 15 – Prints of CAR's system website showing traditional territories.

Source: Brazilian Forest Service website https://www.car.gov.br/publico/imoveis/index

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[62] Interview #24 CPT1

6.8.   Conclusion

Figure 16 - CAR and CAR PCT logo marks.

Source: Brazilian Forest Service.

The images above reveal the two distinct concepts underlying the CAR system. The first logo refers to the system that was conceived according to the interests of agribusiness, during Dilma Roussef's government. The second logo was created to represent CAR PCT sub-system, which included the perspective of traditional communities in CAR, during Michel Temer's government.

As mentioned in Chapter 5, in 2013 mid-level bureaucrats from the Ministry of Environment managed to build up a strong coalition to set up the CAR system. Then, in 2016, under a government captured by agribusiness interests (Sauer *et al.* 2019), the same mid-level bureaucrats reformed the coalition and, in November 2017, they adapted CAR information system by designing a new sub-system that incorporated most of the traditional communities' concerns (De Siqueira *et al.,* 2017: 6). Since it was a highly-contested issue, the adaptation needed to be acceptable, or imperceptible, to agribusiness and also to President Temer and his ministers, who were all agribusiness interests' close allies. The CAR PCT sub-system had innovated within the Forest Code in order to make it possible to register communal lands, helping the struggle of traditional communities for land tenure while promoting their recognition by the Brazilian state.

The CAR adaptation coalition, institutionalised as the CAR PCT working group, created by the CNPCT but managed by the Forest Service, provided the latter with the political legitimacy that allowed it to act autonomously. Against the orientation of Temer's political coalition, they have designed a technical solution within CAR information system that suited the traditional communities, who had initially been left behind by the system. The 'yolk and white' solution is not mentioned in any law or

regulation; it is an innovation decided by autonomous mid-level bureaucrats managing the implementation coalition. The solution is a demonstration of the coalition's flexibility due to the risks involved in such an innovative solution. Besides that, the solution results from the coalition's horizontality. The coalition members, especially SFB mid-level bureaucrats, had the capacity to learn from the contribution of other members of the coalition. The University of Lavras has played a crucial role providing the technical skills needed for the development of IT solutions for a number of issues raised by the traditional communities. According to a mid-level bureaucrat from the CNPCT, each type of community had specific demands, which were individually considered and targeted by the system developers:

> *The University of Lavras' staff supported us when we told them what we needed. It was a convincing process. In the end, we made the working group understand that, for example, the self-declaration of land tenure should be sufficient for traditional communities. The University also found a solution for the possibility of having several polygons, which was the most challenging issue to negotiate with the Forest Service. It was difficult for them to understand that a community could have ten territories within a single cadastre and that these territories, although dispersed, could be essential to the community.*

> *Another issue was that some segments had a part of the territory that was private property and a piece that was of common use. They wanted this distinction to be on the record. They wanted the individual properties registered individually and the area of common use to be linked to the families that commonly used the site. Some of these individual properties already had their registration in the traditional CAR system. But they had no record of the common use area. So, we created the possibility of connecting the two parts, a patchwork. The communities brought this demand because they wanted to access credit. They had their regular individual instalments, but they used to invest a good amount of their credit in the common part. Everyone invests a little in the common area. But it didn't appear in the CAR as their area. In this*

case, they even accepted collective responsibility for the environmental management of the common area.[63]

The policy adaptations that have adjusted CAR to address the issues raised by traditional communities resulted from interactions within the implementation coalition that were managed by Forest Service's mid-level bureaucrats. As the managers of the coalition, these bureaucrats provided the means, and also moderated the discussions, in a very horizontal and flexible way. The University of Lavras provided the technical solutions; traditional communities expressed their concerns and the CNPCT helped to channel them in a systematised way. Furthermore, federal prosecutors overviewed the legality of the solutions and helped to increase the legitimacy of the coalition. GIZ was also part of the coalition, and supported several activities of the working group, especially workshops with state-level environmental agencies.

Hence, the Forest Service's mid-level bureaucrats have contributed to adapting CAR to include pro-poor elements by managing a horizontal and flexible coalition where they could listen to their demands, learn with the University about the possible solutions and negotiate with CNPCT as to what should be decided. All with the assistance and political support of federal prosecutors and the GIZ. The political strategy was to move under the radar, using CAR information system to advance the changes through the less visible way possible. Since 2017, CAR PCT sub-system has been registering the communal lands of traditional communities. Frequently, CAR PCT certificate is the first government recognition of these communities. Their 'birth certificate'.

Despite a shift to the right in Brazilian politics, CAR had been adapted and became more pro-poor. Then, in 2018, Brazilian politics moved further to the right. The new president was openly against traditional communities and what they represent. In the next chapter I analyse some aspects of Bolsonaro's discourse and actions to inform why it was reasonable to expect an open and radical termination of CAR PCT sub-system. Then, the analysis of what remains working, and to what intensity, indicates that the continuity of the CAR PCT sub-system is, to a great extent, the result of the co-operation and

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[63] Interview CPT1

interactions that took place within the coalition, initially gathered to discuss the creation of the sub-system. The strategy adopted by mid-level bureaucrats to guarantee the sub-system's continuity was conceived by actors that had developed their relationship and trust within the implementation coalition. Such alliance was possible because of the nature of the coalition, which is a consequence of decisions taken by the Forest Service mid-level bureaucrats while managing the working group.

As I further explore in Chapter 7, CAR's implementation strategy, adopted by SFB mid-level bureaucrats, has increased CAR's chances of continuing. The professional links among the members of the implementation coalition have survived the 2018 political shift and partnerships among them have been sustaining CAR PCT. Furthermore, the horizontality and flexibility of mid-level bureaucrats made it possible for them to enhance their political legitimacy through interactions with resourceful actors within the coalition. This political legitimacy enabled these mid-level bureaucrats to promote another autonomous innovation: to negotiate a 'lateral exit' stratagem consisted of the unprecedented cooperation agreement between the Federal Prosecution Service and the GIZ to promote the mapping of traditional communities.

7. <u>Autonomy for Continuity: Sustaining Policy Adaptation</u>

7.1. Introduction

In the previous chapter I analysed the strategy used by mid-level bureaucrats to change the CAR information system and promote traditional communities' interests. The change had adapted the system to the specificities of traditional communities' livelihoods in the creation of the traditional communities' sub-system, or the CAR PCT sub-system, in October 2017. One year later, in October 2018, there would be presidential elections in Brazil. Since SFB mid-level bureaucrats have followed the 'IT system-level policy change' stratagem to create the CAR PCT sub-system, it was not enshrined in law. Therefore, the new administration could reconfigure or dismantle it with no public debate.

In places like Brazil, with a long tradition of administrative discontinuity, every time political groups alternate in power, the newcomers tend to alter, or simply reject, not only the prior policy parameters, but also quite often the whole policy framework, its instruments and objectives (Grindle, 2007: 102). This situation worsens during extremely polarised political times, when policy discontinuity can be deployed as a political instrument against predecessors and other opponents of the new regime. In more cohesive political contexts, discontinuity and change are recognised as intrinsic features of democracy. Patashnik and Zelizer (2013: 1074), for instance, mention that 'reforms are subject to a commitment problem: today's officeholders may change their minds about the desirability of maintaining a policy, and even if they do not, they will eventually be replaced by officials with different preferences.' In fact, this is expected in democratic regimes and derives from the democratic principle of power alternation.

In 2018, President Bolsonaro won the elections on a platform of clear opposition to the recognition of indigenous lands, protected areas or traditional territories. He argued that Brazil already had more than half of its territory subject to restrictions on its economic use, which he denounced as against the national interest of a country that still has a substantial part of its population living in poverty (Marangoni, 2018). Budget cuts and institutional reforms that Bolsonaro immediately put in place when he became President in January 2019 reiterated his commitment against the historically neglected communal forms of land ownership in Brazil. Taking into consideration the public declarations of

President Bolsonaro against the traditional communities, it would be reasonable to expect that his government would dismantle a policy such as CAR - especially its pro-poor element, *i.e.* the traditional communities sub-system.

In fact, the sub-system is still operating, but there is a subtle dismantling process under way. The registration rate of new traditional territories has significantly decreased since Bolsonaro's inauguration. The traditional communities working group, the policy space that played a key role in building a horizontal and flexible coalition, is no longer functioning. Nevertheless, during the first two years of Bolsonaro's government, 1,301 new traditional communities were registered in the CAR (Berbigier et al., 2018b: 4; Campos, 2019: 7; Serviço Florestal Brasileiro, 2021; Serviço Florestal Brasileiro, 2022). So, CAR PCT coverage has continued to grow, albeit at a slower rate. Furthermore, the CAR database continues to be a source of information for legal actions brought by public prosecutors.

The CAR IT system and set-up solutions are not above criticism. It incorporated distortions against which traditional communities are now struggling. Notwithstanding all criticism, for traditional communities, CAR registration is a big step in their fight for land ownership and for the recognition of their communal livelihoods. The traditional territories that have been registered on the CAR since the beginning of Bolsonaro's government had never had an official recognition by any previous government. Furthermore, the transparency CAR PCT brings to Brazil's land tenure situation is an achievement. Public access to the CAR database enhances social oversight and can be another instrument for protection of traditional territories (Marés *et al.*, 2015: 90).

Although at a lower rate of intensity, Bolsonaro's government provided CAR registration to new traditional territories, despite his own electoral manifesto. Bolsonaro's position during the electoral campaign against traditional communities was very transparent. Therefore, it was expected that he would adopt an active and 'credit claiming' dismantling strategy in order to claim the credit for it. Bauer *et al*. (2012: 5) outline two scenarios of policy dismantling considering the preference of politicians to secure re-election:

> one where politicians perceive that the benefits (to them) of dismantling are greater than the costs; the other, where the costs of the *status quo* (i.e. not dismantling) are perceived to be greater than the costs of dismantling. In the former, politicians have an obvious incentive to dismantle and openly claim credit for it ('credit claiming'); in the

latter, dismantling is likely to be viewed as the lesser evil and therefore will be pursued hesitantly and perhaps in a more hidden way ('blame avoidance').

Bolsonaro is supported by powerful interests opposed to communal forms of property rights and livelihoods. Therefore, preserving the pro-poor components of CAR is detrimental to Bolsonaro in electoral terms. Hence, positive electoral feedback loops are not the main explanation for the programme's continuity. Furthermore, efforts to dismantle the CAR PCT sub-system would not face significant institutional constraints. As revealed in the previous chapter, it is a 'IT system-level policy change' not underpinned by formal directives or legislation. Hence, it could be ended by a simple change in the CAR information system's coding. Thus, dismantling would not require Congressional approval, or even a public debate, so in both political and technical terms, the pro-poor components of CAR could be easily dismantled.

Despite the arguments regarding the democratic dimension of policy dismantling by democratically elected governments, especially those who campaigned against the policy, continuity presents an intrinsic value for two reasons: first, continuity is a condition for the improvement through incremental adjustment of a public policy and second, it is a legitimate goal when serving 'a diffuse or disadvantaged constituency' (Patashnik and Zelizer, 2013: 1074). According to Leach *et al.* (2016: 184), 'transformation implies deep, lasting change and the restructuring of power relations, rather than quick technical fixes'. In this sense, to be transformative, development policy must present some stability and last some time in order to fulfil development aims.

If the continuity of pro-poor policies in Brazil is important, to what extent do implementation strategies have implications for it? How relevant are the interactions between the bureaucracy and other actors of implementation coalitions? Bureaucrats, especially those located between policy-makers and the lower ranks, are responsible for connecting the other actors of the network and forming purpose-specific coalitions. They are virtually the only ones who interact with every segment involved with a policy and are, therefore, the ones capable of constraining these interactions or boosting them. Bureaucratic agency might not be sufficient, or necessary to establish the continuity of a development policy, but studying the strategies of autonomous bureaucrats might explain a lot of the dynamics that enable a development policy to endure.

The SFB's mid-level bureaucrats have adopted an implementation strategy that influenced the creation of a strong and diverse implementation coalition. CAR has been sustained by horizontal alliances made within the implementation coalition by state-level agencies, civil society organisations, public prosecutors, universities and international cooperation agencies. This horizontal cooperation took place in a context of flexibility to take decisions, where innovation and risky solutions were not avoided beforehand. Finally, I argue that these decisions were advanced and enacted thanks to SFB mid-level bureaucrats' political awareness in navigating among extremely polarised class interests. It is important to highlight that these strategies are not linked to patterns of behaviour related to bureaucrats' personalities; instead, they represent professional practices that can be learned and developed.

In this chapter, I argue that the strategies previously followed by mid-level bureaucrats while managing the implementation coalition enabled the continuity of the traditional communities' sub-system. Indeed, the interactions within the traditional communities working group (the institutionalised coalition formed to promote pro-poor adaptations in CAR) generated trust among traditional communities, civil society organisations and state-level environmental agencies. As a result, since Bolsonaro's inauguration, state-level environmental agencies have kept working with civil society organisations and traditional communities – with the financial support of GIZ - to register their lands.

Furthermore, in this chapter I analyse the stratagem used by mid-level bureaucrats in 2018 as an attempt to sustain the CAR after 2019. The stratagem, which I call 'lateral exit', is to move the policy to an institutional haven where it has better chances of resisting dismantling efforts. As previously mentioned, federal prosecutors and the GIZ took part in the CAR PCT working group. GIZ provided financial support for the working group's activities, like seminars and capacity-building initiatives. Federal prosecutors contributed their political legitimacy and authority to mediate the discussions. Through their interactions within the working group, mid-level bureaucrats, federal prosecutors and GIZ joined forces and eventually created an unprecedented arrangement involving the federal prosecutors in policy implementation. They autonomously decided to transfer a GIZ-funded project to promote traditional communities' identification from the Ministry of Environment to the Federal Prosecution Service (MPF). The MPF might be protected from dismantling initiatives coming from the President since they hold relative autonomy

from the Executive. However, it is questionable if they have the mandate – and the resources – to implement a policy by managing an implementation coalition as if they were an Executive agency.

7.2.   Bolsonaro and Traditional Communities

Since the 1988 Constitution, when democracy was restored in Brazil, the country has been able to design and implement a series of policies that directly or indirectly promoted the rights of historically excluded social segments. However, inequality in access to land still prevails and there were no deep changes in the agrarian structure or in the institutional neglect of communal forms of property. Nevertheless, electoral positive feedback has played a role in the rise of development policies to the political agenda that represented some progressive change. As a consequence, over the last three decades, governments from different places of the ideology spectrum have created and sustained these policies and doing so, have gained power and popularity (Sauer *et. al*. 2019).

However, since 2016, and more sharply in 2018, Brazilian politics have shifted towards more market-oriented and less interventionist governments. This new political agenda is grounded in ideas of de-regulation and individual entrepreneurship, and is openly hostile to the concept of minority rights or communal forms of production (*ibid*.). This political realignment creates opportunities for policy change, not only in terms of expansion, but also, and mainly, in terms of dismantling flagship policies of previous governments (Bauer *et al.* 2013). In polarised political systems, where political alternatives are presented as antagonistic, policy change and reversal can seem like a natural consequence of government shifts. Indeed, regime changing in polarised political systems raises expectations that things will not only change, but even reverse (Bauer & Becker, 2020).

The 2018 elections in Brazil were extremely polarised. Bolsonaro's campaign always made it clear that his manifesto was the opposite of previous governments. As mentioned above, during his electoral campaign, Bolsonaro promised that, if elected, he would not promote land titling for *quilombolas*.

Accordingly, policies that provide land tenure to traditional communities are on hold. President Bolsonaro has delivered what he promised during the election campaign and, since the beginning of his term, there was no land recognition for *quilombolas* or other traditional communities, except for two areas that were entitled as a result of legal actions by the civil society organisation *Terra de Direitos* (Maisonnave *et al.*, 2021). Other legal battles illustrate the antagonism between Bolsonaro and traditional communities. For example, in 2018 the national *quilombola* association, CONAQ, sued President Bolsonaro when he used the term *arroba* - an expression used to measure cattle's weight - to describe a *quilombola* (Terra de Direitos, 2017). Bolsonaro was condemned to pay 50,000 reais (around 8,000 pounds) to a public fund, although the decision was reversed when Bolsonaro appealed (O Tempo, 2017). Gilvânia Maria da Silva, a CONAQ national coordinator, fiercely reacted against Bolsonaro's declaration, by stating: 'Brazil became a land without law, we lost any chance of being respected. But we are resisting, there are six thousand *quilombola* communities. It is not someone like Bolsonaro that will make us bow our heads' (Guimarães, 2017, my translation).

Hence, it was expected that Bolsonaro would dismantle a policy instrument like the traditional communities' sub-system. In fact, in electoral terms, preserving the sub-system is detrimental to Bolsonaro. Hence, positive electoral feedback is not the reason for the continuity of the sub-system. Furthermore, dismantling the sub-system would not even require a public debate. The same stratagem that contributed to the creation of the sub-system despite political opposition – existing only in the information system coding – would facilitate its unnoticed dismantling.

7.3.   What is still in place, and to what degree?

One of the first measures taken by President Bolsonaro was to shift the Forest Service from the Ministry of Environment to the Ministry of Agriculture. It was the only major change in environmental governance promoted by him in 2019, which indicates the importance the agriculture sector was giving to the Forest Service and its main policy: the Environmental Rural Registry (CAR). Small improvements in the traditional communities sub-system that had been negotiated in 2018 were delivered by Bolsonaro in 2019 (Câmara dos Deputados, 2019; Campos, 2019: 3-4). However, as soon as the

Forest Service's new administration took office, they immediately determined the revision of Normative Instruction 2/2014, which set the rules regarding CAR's implementation (Campos, 2019: 5). The revision process has not finished yet, but it might result in a significant backlash. The budgetary execution of the Brazilian Forest Service has declined since 2018, when it was around 15.29 million Brazilian reais. In 2021, this amount was under 10 million (Controladoria-Geral da União, n.d.).

Notwithstanding that, as mentioned above, between 2019 and 2021, the first three years of the Bolsonaro Government, 1,301 traditional communities registered their territories in the CAR, as illustrated by the line chart below.

Figure 17 - Number of Traditional Communities Registered in CAR
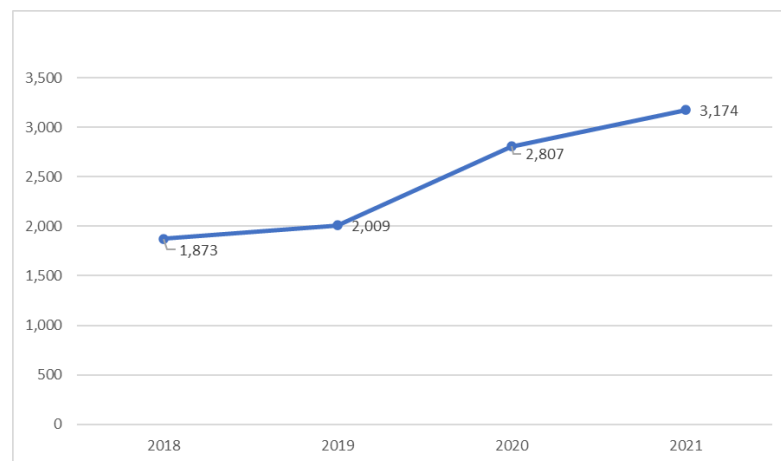
Source: Berbigier *et al*., 2018b: 4; Campos, 2019: 7; Serviço Florestal Brasileiro, 2021; Serviço Florestal Brasileiro, 2022.

These numbers result from three factors: first, more than 65 million euros in international aid to promote the registration of traditional communities that had been negotiated before 2019 were still being spent at the end of 2020 (Campos, 2019: 5/6); second, state-level environmental agencies had learned to work directly with traditional communities and have obtained the financial support of GIZ; and finally, mid-level bureaucrats who had been designing a project for traditional communities with GIZ decided to transfer it to the Federal Prosecution Service.

Therefore, previous projects and initiatives promoted and supported by former members of CAR PCT implementation coalition has sustained CAR PCT. The activities of the coalition are at a halt. As a matter of fact, the Brazilian government has neglected

the management of the traditional communities' coalition since 2019. The traditional communities' working group has not met since 2019 and there are no expectations that it will meet again (Maia, 2020: 15). Despite not meeting formally, the links between the coalition members are so strong that they have kept collaborating with each other and have been responsible for the vast majority of the initiatives that are still promoting the implementation of the traditional communities sub-system. According to a GIZ representative:

> *Since the CAR PCT sub-system has practically disappeared from the government's agenda, we are looking for alternatives. The first one is the completion of pre-existing projects. The second alternative is partnerships with the states. Several states have turned to GIZ asking for help in their articulation with traditional communities regarding CAR. And the third, which I think is fundamental, is the construction of the Traditional Territories Platform, led by the Federal Prosecutor's Office, with our financial support and the participation of civil society and UFLA.*[64]

The members of the CAR implementation coalition that worked together in the CAR PCT working group and managed to promote a significant pro-poor policy change (the creation of CAR PCT sub-system) have formed new partnerships for sustaining the sub-system and to promote the registration of traditional communities. State-level environmental agencies have been playing a crucial role in recent registration efforts with the financial support of the GIZ (Saavedra, 2022). The horizontality of the coalition, induced by the management strategy of Forest Service mid-level bureaucrats, narrowed the historical distance between the traditional communities and the state-level environmental agencies (Maia, 2020: 11), which are now working together with the financial assistance of another coalition member, the German international cooperation agency. As a matter of fact, GIZ has been sponsoring the implementation coalition efforts to get state-level environmental agencies and traditional communities closer since 2017, when they financed the first Seminar on CAR and Traditional Communities (Serviço Florestal Brasileiro, 2017).

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[64] Interview #19 GIZ1

This process brought together state-level environmental agencies and international donors around the traditional communities' agenda, against the orientation of the Forest Service under Bolsonaro. Throughout the first two years of his government, this situation generated an open confrontation between the Forest Service, now under the Ministry of Agriculture, and the state-level environmental agencies. As a consequence, in March 2021, Valdir Colatto, a former *ruralista* member of the Congress and the head of the Brazilian Forest Service since the beginning of Bolsonaro's government, resigned. According to him, it was impossible to bring about the reforms he wanted because of state-level environmental agencies:

> 'The most complex issue is that the Ministry of Agriculture is responsible for CAR implementation, but in the states the environmental agencies have the responsibility and autonomy to do so. I have sent a letter to the state governors asking for harmony between agriculture and environmental agencies. Up to now, only Rondonia has answered' (Luvison, 2017).

Indeed, the way mid-level bureaucrats have managed the CAR PCT working group has created new connections between traditional communities, the German co-operation agency and state-level environmental agencies. Furthermore, the horizontal and flexible implementation coalition allowed every actor to interact, creating the opportunity for unprecedented alliances, such as the one that resulted in the Traditional Territories Platform project, which involves the Federal Prosecution Service, the GIZ and civil society organisations.

7.3.1. What is the Traditional Communities' current agenda?

In order to remain useful and sustain its efficacy, policy requires constant updates and creative adjustments (Grindle, 2007). Consequently, dismantling processes also take place by stopping the changes required by the policy to keep functioning on behalf of its beneficiaries. There are several adjustments in the CAR PCT sub-system that have been on the agenda of traditional communities but are not advancing. As a matter of fact, since the termination of the traditional communities' working group there is no institutional dialogue and no channels to pursue it.

One of the main issues of this agenda, according to a CONAQ leader, is related to individual registrations wrongly made by members of the traditional communities,

incorrectly oriented by state-level environmental agencies that did not make use of the CAR PCT sub-system. Traditional communities are also arguing that other public policies should not depend on CAR registration. Both federal and state governments have required CAR registration for providing traditional communities with access to public services, giving CAR a scope that is not stated in the Forest Code (Chagas, 2020). Such requirements can reinforce inequalities since these communities face several limitations in their ability to register their territories without technical assistance from the government (Tupiassu *et al*., 2017: 193).

Furthermore, as mentioned earlier, there are several accounts of CAR being used as an instrument for land-grabbing legalisation - powerful landowners, pushing the limits of their properties, registering the grabbed areas in the CAR system and later using 'CAR documents to legitimise land that was illegally grabbed or to try to mislead less-informed landholders' (Damasceno *et al*., 2017, 10). Policy adjustments that had been negotiated with previous governments could have addressed these problems, but have not been on Bolsonaro's agenda so far.

7.4. The Federal Prosecution Service implementing policy

Federal prosecutors have been involved in the implementation of the CAR since the process of CAR adaptation and the design of the traditional communities sub-system. In February 2018, with the sub-system in full operation, the Ministry of Environment started to negotiate a new project with GIZ to raise and process data that could support the regularisation of traditional communities' land tenure, which would necessarily involve registration of their territories in the CAR PCT sub-system. According to a mid-level bureaucrat from the Ministry of Environment responsible for the negotiations at the time:

> *Since 2016 I had been trying to raise funds to support the environmental regularisation of traditional communities. The basic idea was to identify the communities and build their capacity to deal with their environmental duties. The minister at the time, Sarneyzinho, backed our efforts and put his political capabilities behind it. We used to have a good relationship with the Germans,*

and we managed to raise a significant amount of money from them. We have managed to put this money into the environmental regularization of traditional territories, which we called territorial environmental management. [65]

Simultaneously, the Federal Prosecution Service had been discussing the possibility of creating an independent geo-referenced database. According to a federal prosecutor who has played a central role in this process, the idea was to create a database to gather evidence from different sources regarding the territories and livelihoods of traditional communities. The prosecutors would use that evidence to pressure the government or even for judicial action:

We needed a geo-referenced database of traditional territories that would gather information from various sources: academic sources, studies by NGOs, self-declaration by communities, and studies carried out by the government itself that were still in progress. We needed to gather all this within a geo-referenced database so that this information could help protect traditional communities during the implementation of policies by the federal government itself.

The great novelty of this project is that in addition to the officially recognized territories, we would also place within this platform, within this database, the territories that are not the object of official recognition but that already have some source claiming the existence of that territory. We started from the premise that we would work with a wide variety of sources.

From any reliable, consistent source that indicates a traditional territory, we would extract a polygon or a point from that source and place this point or this polygon within our database, informing the source. So, when there was a highway, a railroad, or

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[65] Interview #3 MMA3

a hydroelectric plant being built, we would go to our database and look to see if there was a traditional territory there. We would check the source that informs the existence of that territory, and according to the liability of that source, we would do what we can.
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During the negotiations with GIZ, in September 2018, mid-level bureaucrats from the Ministry of Environment came to the conclusion that, due to the strong possibility of Bolsonaro's victory, they should adopt a stratagem that shifted the policy to a more 'apolitical' institution. According to one of these mid-level bureaucrats:

However, when we were designing the project, it was becoming clear that the correlation of forces was unequal. So, it became clear that this agenda would die if the project were left in the Ministry of Environment or with the CNPCT. As the elections came closer, it became clear that even if the left won, there were no guarantees that there would be no setbacks. So, we realized that the Federal Prosecution Service could be the right place for the project. We worked closely with prosecutors who were very engaged with the traditional communities agenda. So, we talked with the prosecutors, our civil society partners, and the CNPCT. We all agreed that it would make sense for the project not to die, to transfer it to the Federal Prosecution Service. As they were already working on a proposal to establish a traditional territories platform, we saw that this platform was nothing more than a different way of talking about territorial environmental management.[67]

These mid-level bureaucrats autonomously negotiated with the GIZ and the Federal Prosecution Service, who accepted the responsibility of managing the project, with the agreement of GIZ.[68] According to a federal prosecutor who has been part of the negotiations from the very beginning:

> *Before the end of Temer's term, by the end of 2018, there was an expectation that Bolsonaro would extinguish the Ministry of Environment's department negotiating the project with GIZ. Our contact there invited us to join the negotiation process, where we would change the cooperation agreement, and the Prosecution Service would assume the leading role in its execution.* [69]

As a consequence of the mutual trust developed during the activities of the traditional communities' working group, the Federal Prosecution Service and GIZ agreed upon a form of governance that included the CNPCT. This decision had practical consequences since it gave a central role to the CNPCT. It also had a significant symbolic impact since it signalled to the government how relevant the CNPCT was according to both GIZ and the Federal Prosecution Service - all that at a time when CNPCT was facing serious threats of dismantling[70]. By doing that, the prosecutors and international donors put pressure on the Brazilian Executive to join the project and fulfil its constitutional duties to the traditional communities. In the interview transcribed below, a federal prosecutor involved with this process stressed the importance of the Platform for the CNPCT and the central role the CNPCT would play on it:

> *The Traditional Territories Platform is not only meeting an operational demand from the Federal Prosecution Service. We are here also trying to meet a demand from the CNPCT. Based on our need to know where these communities are, to work on their behalf, and also on a demand from CNPCT, we have built the Platform together. We do it if the government can't do it for the CNPCT. Or*

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[68] Interview #20 GIZ2
[69] Interview #25 MPF1
[70] Interview #24 CPT1

at least we start the Platform because an institutional vacuum needs to be filled.

This cooperation agreement, which took the name of '2030 Agenda - Contributions to the Implementation of the Principle of Leaving No One Behind', revolves around the traditional territories platform and has a vital component of strengthening the CNPCT, supporting the organization of traditional communities and building up the capacity of their leaders. And, of course, the project aims to feed this database so that it can affect public policies that impact traditional territories.

We have always understood that the CNPCT would be the only legitimate instance to claim that a given region, not officially recognized, was a traditional territory. The Federal Prosecution Service could not do that. We would be accused of demarcating territory, usurping a function that belongs to the Executive, etc. So, when thinking about this Platform's governance, we thought of a management board in which several entities would have a voice, but only a limited number would have the right to vote. There would be only seven members of the Platform's management board with voting rights, and six out of seven are appointed by the CNPCT. So, in the Platform, who is in charge, who says whether or not a given territory will be included in the database, is the CNPCT. The traditional communities' representatives appointed by the CNPCT. By doing this, we would protect the Federal Prosecution Service and guarantee the Platform's legitimacy.[71]

Hence, there was a shift in the arena, but the interests of the traditional communities and the participation of CAR's coalition members in its management were preserved. The grant that was supposed to go to the Ministry of Environment was now

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[71] Interview #25 MPF1

being directed to the Federal Prosecution Service that would co-manage it with the CNPCT. Moreover, the University of Lavras was called in and started to develop a platform compatible with the CAR's information system, with the financial support from GIZ.[72] According to a mid-level bureaucrat working at the CNPCT at the time, UFLA had all the credentials to develop the platform:

> *In the field of geoprocessing, we saw UFLA as the best. UFLA was developing the CAR at the time, and it had already served several state governments. They had developed systems with other federal agencies, like INCRA. So, the Federal Prosecution Service and the CNPCT saw UFLA as the most advanced public institution in the country in terms of processing solutions. And we wanted the Platform to guarantee the system's interoperability that we would develop with other government systems, starting with the CAR PCT sub-system. So, it was a natural solution: it was a public company developing several systems. It was a very safe solution for us from the point of view of the manager's decision. It was a safe solution because it was a public entity that had already been tested in several initiatives. Besides hiring UFLA, when we went to build the Platform, we wanted to work with someone who understood the business. Then, we hired one of the SFB technicians to coordinate the Platform.[73]*

Eventually, on 6th May 2021, the Federal Prosecution Service and GIZ signed a technical cooperation agreement of over 2 million euros, which is the biggest ever financial resource transferred to the Federal Prosecution Service through an international technical cooperation agreement (Ministério Público Federal, 2021). Different actors from the implementation coalition were engaged in the process of shifting the policy to the Federal Prosecution Service and later joined the project in different positions. These actors had the technical, financial and political resources required for such an

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[72] Interview UFLA1
[73] Interview MPF1

'unprecedented' initiative. More importantly, they had the flexibility required to take risky decisions, such as the creation of a new database under the responsibility of the Federal Prosecution Service. For instance, one of the first actions of the latter was to hire a member of the Forest Service to be the general manager of the project. Furthermore, the mid-level bureaucrat who started the negotiations with GIZ is now on the board of the platform. Another example relates to the mid-level bureaucrat who used to be responsible for the CNPCT until the beginning of 2018, when she was fired. Immediately after being fired she joined a CSO and started working for the platform. According to her:

> When they finally fired me in January 2018, the CAR PCT sub-system was already running. Then I went to a civil society organisation called Rede Cerrado, and we started mobilising traditional communities. Throughout 2018, our concerns increased, as we saw the electoral polls and such, and it got to a point where we said: well, even if the CAR PCT sub-system survives the next government - we didn't even think it would survive - it will not be in reliable hands. How do we place all this information about traditional territories in a place that is in reliable hands and that, at least, we know are not the same hands that will invade these territories? Then the Federal Prosecution Service made itself available to build the Platform.
>
> At the time, the prosecutors involved with the Platform were great partners. The social movements trusted them. The platform idea was to capture all the databases and put them on a single platform with the possibility of people directly inserting their territories. We thought this would be better protected under the Federal Prosecution Service. It was a way to keep working on this alternative Brazilian map. Since we couldn't get through the three powers, we decided to go to the fourth, which is the Federal Prosecution Service. The political justification for our strategy was precisely this: "Look people, everything is going terribly wrong. What is coming is much worse than what we're used to. So, let's take what we can

and lock it in a 'panic room'", which was how we saw the
Federal Prosecution Service.[74]

Therefore, since 2021 the Prosecution Service has been managing a project with a GIZ resources, together with civil society. The purpose of the Traditional Territories Platform is to provide traditional communities with a space to map their territories. Universities and research institutes take part in the project. The platform aims to give visibility to these populations and is an instrument to provide the federal prosecutors with the necessary information for their legal actions against land-grabbing and for the protection of traditional communities' rights. According to an official statement from the Prosecution Service,

> The availability of geo-referenced information on Traditional Territories will contribute to the prevention or mitigation of human rights violations, reducing the level of litigation resulting from the agency of public and private actors in, for example, land ordinance policies and in the implementation of expansion of economic activities (Ministério Público Federal, 2019, my translation).

Furthermore, as stated by a federal prosecutor interviewed for this research, the initiative clearly generates a new source of pressure from outside the government for the continuity and appropriate management of the CAR PCT sub-system.[75] This arena shift was possible because the partners had developed trust and direct connections during the implementation of the CAR PCT. The participation of the federal prosecutors in the CAR PCT working group, for instance, which is very rare in Brazil, was fostered by the Brazilian Forest Service when it signed a Technical Cooperation Agreement with the Federal Prosecution Service in 2018 (Ministério do Meio Ambiente, 2018: 5, my translation):

> The purpose of this Technical Cooperation Agreement is to establish cooperation between the SFB and the Federal Prosecution Service for the transfer, access, sharing, processing and generation of data and information in the Rural Environmental Registry System (SICAR). (First Clause) [...]
>
> The SFB and the Federal Prosecution Service may establish partnerships, jointly or individually, with states, municipalities, public and private agencies and third sector

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[74] Interview #24 CPT1
[75] Interview #25 MPF1

institutions, national or international, to carry out operational activities aimed at achieving the objectives and goals of this Technical Cooperation Agreement.' (Fourth Clause)

According to the federal prosecutor who has taken part in the negotiations of the co-operation agreement with GIZ, the 'lateral exit' should be a temporary solution. According to him, the Federal Prosecution Service is playing only a temporary role. As soon as possible, the Executive should take responsibility for the Platform:

> *At some point, the Platform must leave the Prosecution Service. Ideally, it should go to the executive branch, which has the constitutional mission of executing public policies. The Platform's place is not with the Federal Prosecution Service. Now we have 4,000,000 euros there to handle it, but that ends in 2.3 years. Then, the Prosecution Service will not have money in its budget to disseminate the Platform, which is the next step: to ensure that the Platform is considered by local governments in the execution of their policies.[76]*

In fact, the Platform is unprecedented in many ways. First, it is the largest sum of international cooperation money ever received by the Federal Prosecution Service. It is also the first time they have taken part in a project that funds the execution of a public policy, which is not actually part of the Service's mandate. Indeed, as part of the Judicial System, the Federal Prosecution Service does not have the mandate to 'guide policy', as federal prosecutors had claimed to be the objective of the platform. Historically, the Federal Prosecution Service only takes part in international cooperation projects aimed at the development of human resources and institutional capacity-building, with a focus on transnational crimes (Higawa, 2019: 33; Ministério Público Federal, 2017).

> *We had never had any case of cooperation at this level and with the purpose of delivering a service to society. The government of Germany even promoted an international mission to Brazil, and I realized that the main objective of this mission was to get to know*

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[76] Interview #25 MPF1

the Federal Prosecution Service better. We were the hosts of that mission. We had never done this before. They also went to the field to talk to communities to find out how civil society perceived the institution.

And for the Federal Prosecution Service, I think it matters a lot because we have convinced our colleagues that the project indirectly had institutional strengthening effects. The object of cooperation itself may not be institutional strengthening, but the presence of the Federal Prosecution Service in this scenario strengthens it a lot institutionally. It is important that we have become one of those agents of cooperation with foreign states. The Prosecution Service is not used to being an actor in such a sphere. We had never made an agreement on this level. So, we can understand this as a form of institutional strengthening, albeit indirect.[77]

Although the platform plays an extremely relevant role in the efforts to sustain CAR PCT sub-system, the 'lateral exit' stratagem, or the idea of moving a policy to one side until there is a more favourable political context in the primary institutional setting, has presented some important drawbacks. It is the first time that the Federal Prosecution Service has managed a significant amount of resources in a participatory fashion. They have agreed with the GIZ, the CNPCT and the traditional communities that all decisions would be taken after consultation and that civil society organisations would be part of the project's governance structure. According to a member of a civil society organisation involved with the Platform the new role played by the prosecutors has changed their relation with civil society organisations:

The Federal Prosecution Service had an excellent reputation among civil society organizations, which used to consider prosecutors as allies. They were considered people with the power to sort things out our

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[77] Interview #25 MPF1

way. We usually thought they were great; they were on our side, not the government. Now, with €4,000,000 on the table, things are slightly different. They are struggling to deal with civil society organizations because civil society organizations have learned a lot throughout this process. Nobody makes a fool of us anymore. There are no innocents anymore. Civil society organizations know precisely what they want; we know that the prosecutors got GIZ money on behalf of civil society. So, we know that today we also matter. So, if something goes wrong, we are the first to complain.

Deep down, I think that in the future, the prosecutors will no longer want to play around with project management, having the duty to justify expenses, follow procurement rules, etc. I think they will return the Platform to the CNPCT as soon as possible. I even believe civil society organizations would instead work with the Executive as soon as possible. The Federal Prosecution Service might be a safer site, but it is not ideal. The ideal space for this kind of thing is the Executive. There's no other way. The Executive can react, with public policies, to the people's problems. In the hands of prosecutors, the data can be used in lawsuits, debates, and public hearings. But they will not produce any public policy to address the problems. But right now, it's still the place to be. It is our haven. But it is far from ideal. Even more so because several changes were made within the Federal Prosecution Service, which proved not to be as independent as we had thought. Thus, today, the level of trust in the prosecutors is not the same. There is some information that we advise traditional communities not to put on the Platform. So, we are already hiding information from the prosecutors.

In summary, mid-level bureaucrats from the Ministry of Environment have taken autonomous decisions. In other words, decisions taken regardless of the position of government's political strata that redirected international funding to the Federal Prosecution Service, in an effort to protect the traditional communities sub-system. As a temporary solution, it might work. However, in

the long run, some level of institutional dysfunction is expected by those involved with the displaced project.

7.5. Conclusion

Public policies are not easily abandoned. Policy dismantling requires a coordinated government effort (Bauer *et al.*, 2012). In this thesis I argue that the strength of the implementation coalition influences the capacity of policies to resist dismantling efforts. The continuity of the CAR PCT sub-system has been guaranteed by initiatives taken by state-level agencies, civil society organisations, federal prosecutors, universities and donors, despite of Bolsonaro's government's opposition. The focus of my analysis is not government's rationale for dismantling, the effects of dismantling, or even the strategies; I am interested in the continuity promoted by interactions of implementation coalition actors during the CAR PCT's implementation. I argue that these initiatives have been contributed for the continuity of the CAR, despite the loss of intensity.

The coalition management strategy of the mid-level bureaucrats involved in CAR implementation can be described as flexible and horizontal. This way of getting things done was able to implement CAR after repeated failures and to adjust it, when considering traditional communities' demands. More than that, it generated a strong coalition that has sustained the continuity of the policy, even at the minimum level. As mentioned earlier, according to Fox (2010: 487), interactions within coalitions are not necessarily horizontal. My argument is that this horizontal exchange is exactly the variable that guarantees the continuity of the 'implementation campaign' regardless of the decision of the government, as the coalition manager, to abandon it.

The CAR PCT sub-system has lost intensity since the federal government has retrenched the efforts to promote the registration of traditional communities. Bolsonaro's government has dismantled the CAR PCT working group, which was the institutional form of the PCT sub-system's implementation coalition. Hence, the coalition was dismantled by the government's decision. However, the sub-system is still in operation. The PCT sub-system has advanced slightly in terms of coverage, increasing the number

of PCT territories registered, which at least symbolically goes directly against President Bolsonaro's electoral manifesto.

Such unexpected endurance raises two questions: first, to what extent has the strategy used by mid-level bureaucrats while managing the traditional communities' working group influenced the ability of the implementation coalition to help policy continuity? And second, what strategy have mid-level bureaucrats used in their attempt to sustain the pro-poor elements of CAR against dismantling?

Firstly, since 2019 state-level environmental agencies have led the efforts for the registration of the traditional communities in their sub-system. After interacting within the PCT working group, state governments have developed a new kind of relationship with the traditional communities that has guaranteed the continuity of the registration of traditional communities' territories in CAR. Hence, the way mid-level bureaucrats managed the implementation coalition has influenced, to a great extent, the ability of members of the coalition to collaborate with the policy's continuity.

Secondly, mid-level bureaucrats have used what I have called a 'lateral exit' stratagem, represented by the shift of the policy arena to the judicial system. Back in 2018, the German international cooperation agency was discussing with the Ministry of Environment a cooperation project that would provide technical assistance to traditional communities in the Brazilian savannah. By the end of 2018, when Bolsonaro won the elections, Ministry of Environment's mid-level bureaucrats convinced the German cooperation agency that the money would be better used by the Federal Prosecution Service. The project was the development of a policy instrument aimed at the protection of natural resources through the promotion of traditional communities' rights. The Traditional Territories Platform is a policy instrument closely related to CAR. They have the same objective, the protection of natural resources, and they both give visibility to traditional communities' land struggles.

When the GIZ decided to finance the Traditional Territories Platform with the money they had previously reserved for the Ministry of Environment, they fostered the creation of a new policy coalition, now managed by the Federal Prosecution Service, in partnership with civil society organisations, state-level environmental agencies, universities and federal agencies. The platform aims to raise, organise, systematise and give publicity to information regarding traditional communities' land tenure. The biggest innovation is that the Federal Prosecution Service is the project manager. As part of the

judicial system, the Federal Prosecution Service has historically been involved in international cooperation related to strict judicial cooperation or to capacity and institutional building. In fact, federal prosecutors do not have the mandate to run projects involved in creating policy instruments aimed at the protection of natural resources or promoting the visibility of traditional communities. Although they have responsibilities regarding environmental protection and the promotion of traditional communities' rights, the instruments available to them to carry out their mandate are those related to the promotion of legal actions.

The traditional communities working group was the embodiment of an implementation coalition that was built with multiple and horizontal connections among the actors. Throughout its activities, actors related directly to each other. It was a conscious decision of the Forest Service to follow a management strategy that fostered these horizontal interactions as a way to consolidate the CAR PCT sub-system. Later, when Bolsonaro's government decided to stop managing the coalition and dismantled the working group, the connections among the actors were sufficient to keep the coalition working in a way that helped to sustain the policy. If we track down the connections that are behind the continuity of the CAR PCT sub-system, we conclude that its implementation coalition is still operational. Indeed, social movements are mobilising and still speaking - whilst not necessarily being heard - to the Congress and Judiciary. Moreover, state-level environmental agencies are still playing a crucial role in continuing registration.

The CAR PCT working group was a policy space that formally brought together actors that, years after its last meeting, are still working together for the implementation of the CAR PCT sub-system. These parallel connections among coalition members were consciously fostered by the Forest Service and followed its mantra of 'everybody together and mixed to get things done'.[78] The horizontality of the Forest Service as the coalition manager is demonstrated by their efforts to connect other actors and let them form new and independent partnerships. Examples of such partnerships are projects developed by the University of Lavras with the Federal Prosecution Service and with state-level environmental agencies. Besides that, the international cooperation between the

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[78] Interview #7 SFB1d

prosecutors and GIZ to design and manage the Traditional Territories Platform also results from the relationship they developed within CAR PCT implementation coalition, also known as CAR PCT working group. Furthermore, the negotiation of the Platform required sophisticated political awareness since it resulted in the Executive relinquishing international money and allowing it to flow to the Judicial System, which is rare and politically sensitive.

Their capacity to listen to coalition members, a reflection of their horizontality, was coupled with their flexibility to accept challenging demands and seriously consider innovative solutions presented by the coalition. If traditional communities demanded a specific sub-system, they put them together with the university to build it. If the Federal Prosecution Service wanted access to the system, they would establish an agreement, including CSOs, donors and the university within it. If state-level environmental agencies wanted to keep using their own systems, they would agree to integrate their systems in the national system, and enhance their capacity to deal with traditional communities' registration. The approach is flexible and horizontal, and the resulting decisions, such as the 'lateral exit', were carried out with political awareness so as not to provoke the opposition of powerful interests.

8. <u>Conclusion</u>

8.1.   Summary

In this thesis I have investigated how mid-level bureaucrats manage implementation coalitions to promote and sustain pro-poor policy change autonomously. To this end, I opened this thesis by explaining my research rationale, stressing the relevance of the debate about bureaucratic autonomy in times of democratic backsliding. Then, I highlighted elements of my research strategy, such as my research question and sub-questions, methodology for data collection and analysis, along with specific aspects of my fieldwork and positionality.

In Chapter 3, I explored the conceptual framework with which I have engaged that mainly relies on three concepts: bureaucratic autonomy, policy coalitions, and policy change and continuity. Then, in order to explain the puzzle behind my research question properly, in Chapter 4 I discussed elements of Brazilian context that explain why adapting the Forest Code to create the CAR sub-system for traditional communities was unexpected and against the odds. To do this, I analysed both structural factors and the main actors involved in the creation of CAR PCT sub-system, which is the policy process that provides the case study from which I have drawn my analysis.

In Chapter 5 I analysed mid-level bureaucrats' strategies when building up their autonomy. First, it was important to give an account of CAR's origins to understand not only the role of state-level environmental agencies in the agenda setting process but also in its later implementation. The CAR is an incremental policy that was created from previous experiences promoted by Brazilian state-governments; so, when the Brazilian federal government had to implement a national system, there was a set of best practices from these experiences, and state-level environmental agencies were the natural partners for designing it. Then, I analysed the reasons for the failed attempts to implement CAR, and what had changed in the implementation strategy that created the conditions to form a policy coalition capable of successfully implementing it. I argued that horizontal and flexible management strategies allowed the Brazilian government to opt for innovative solutions proposed by coalition members, like the University of Lavras and state-level

environmental agencies. It is important to mention that I do not neglect the fact that these solutions were efficient but had significant drawbacks in terms of accuracy.

In Chapter 6, I analysed how the CAR's implementation coalition has managed to innovate within the legislation and create a specific sub-system for traditional communities in a political and policy environment dominated by the agribusiness. In order to do this, I had to analyse Brazil's political context between 2016 and 2018, when Michel Temer was the country's president, with a conservative agenda. During Temer's government, the governance structure of agricultural affairs was remodelled, and agribusiness began to command the whole structure, including policy on small farming and land reform. As a consequence, the traditional dual structure in Brazilian agricultural public policy was dismantled. As previously discussed in Chapter 5, CAR implementation exclusively followed the agribusiness rationale, leaving behind communal property rights and livelihood strategies of traditional communities. This neglect is consistent with the way traditional communities are addressed in the Forest Code, which ignored them when establishing the CAR's legal dispositions. In Chapter 6, I analysed the role of mid-level bureaucrats as coalition managers in reversing this trend by promoting the participation of traditional communities, and autonomously negotiating the adaptations required to include their demands in the CAR system.

In Chapter 7, I analysed the relationship between the way mid-level bureaucrats managed the implementation coalition and the capacity of the CAR traditional communities sub-system to resist dismantling. Within the CAR PCT working group, a coalition of actors, including state-level bureaucrats, social movement activists, public prosecutors, international donors and universities, interacted and created new and independent partnerships. It was a conscious decision of mid-level bureaucrats within the Brazilian Forest Service to follow an implementation strategy that fostered these horizontal interactions as a way to consolidate the CAR. Later, when the Bolsonaro government removed the federal bureaucracy from the management of the coalition, the horizontal connections among the actors were strong. As a result, they could keep joining together in initiatives that have contributed to sustaining the policy.

Hence, the bulk of what has been delivered since 2019 to traditional communities in terms of new CAR registrations results from subnational and international initiatives. International cooperation agencies, on the one hand, have been looking for alternative

ways to contribute to CAR implementation, since it has practically disappeared from the federal government's agenda. On the other hand, several state governments have turned to international co-operation agencies asking for help in their articulation with traditional communities regarding the CAR. Finally, a crucial role is now being played by the Traditional Territories Platform, which is an initiative led by public prosecutors with the financial support of GIZ and the participation of civil society organisations and universities, including the University of Lavras. The objective of the Platform is to provide traditional communities with a space to map their territories, supported by universities, research institutes and joint university/civil society projects, such as the 'New Social Cartography' initiative. The Platform aims to give visibility to these populations and to gather evidence to influence public policy and for legal action against land-grabbing and for the protection of traditional communities' rights. The initiative depends on the CAR database and clearly generates a new source of pressure from outside the government for the continuity and appropriate management of the CAR PCT sub-system.

8.2.   Findings

There are some clear limits to generalising and replicating the findings from this research. First, there are contextual factors like the nature of Brazilian federalism, with its level of distributed public authority that requires constant negotiation between levels of government and, consequently, a certain level of institutional flexibility not found everywhere. Second, institutional aspects of the Brazilian environmental bureaucracy that were determinants of their autonomy, such as their longevity, mobility and interpersonal connections within and outside the state. Finally, Brazil's economic structure and level of inequality, and the fierce resistance against redistributive initiatives, which might not be uncommon, but in Brazil has deep roots in its colonial history.

However, these structural factors are not unique to Brazil, and can be found in many other countries, even if with different levels of intensity or interplaying in distinct dynamics. Therefore, despite the challenges of generalisation, which are distinctive to qualitative research (Onwuegbuzie & Leech, 2010), the findings of this research are suitable for analytic generalisations that assess how specific aspects of the selected case

fit within a wider theory (*ibid.*) and in other institutional settings. In this sense, these research findings are analytic generalisations regarding a horizontal and flexible coalition enhancing the political legitimacy of mid-level bureaucrats and, consequently, their capacity to act autonomously.

It is important to note that this is not a research about the outcomes of a policy. In fact, the CAR system and the CAR PCT sub-system present significant shortcomings due to decisions taken to build policy instruments that, besides being user-friendly and accessible, could be delivered quickly. Notwithstanding that, despite the criticism and demands for reforming its instruments, the CAR still has broad political support among Brazilian environmentalists. There is little discussion about the need for a policy that promotes the registration of rural properties in Brazil.

My research question was: 'How do mid-level bureaucrats autonomously promote pro-poor policy adaptation and continuity?'. The policy process I have investigated in this research provided me with an answer: mid-level bureaucrats autonomously promote pro-poor policy change and continuity by adopting a horizontal and flexible management strategy while steering the implementation coalition, and by advancing their autonomous decisions with political awareness. These are the features of bureaucratic agency that describe in a better way how mid-level bureaucrats have managed the CAR implementation coalition and increased their autonomy as a result thereof. My argument is that CAR implementation coalitions were managed in such a way as to become strong and supportive, transferring technical and political resources to mid-level bureaucrats. Consequently, such coalitions provide the political legitimacy that mid-level bureaucrats need in order to act autonomously.

By 'horizontal management' I mean being inclusive when selecting coalition members; democratic when running the meetings; unbiased when considering the arguments; and transparent when taking decisions. By 'flexibility' I mean being open to different and unexpected perspectives and suggestions; having the technical capacity to consider feasible alternatives; and being willing to take risks based on reasonable judgement. Flexibility is being open in relation to everything but the result. It is to be adaptable to any change and open to risky and innovative solutions as long as they help to reach the objective. Flexible coalition managers accept any course of action that leads them to reach their strictly defined objectives. Finally, I understand 'political awareness'

as the capacity to advance autonomous decisions without unnecessary waste of political capital. It is the ability to read the political scenario and take the right decisions to avoid conflict, and to circumvent opposition from powerful antagonistic actors.

The diagram below presents the main characteristics of bureaucratic agency that were identified as crucial for building up a coalition with capacity to transfer political legitimacy and, consequently, enhance the autonomy of the mid-level bureaucrats responsible for implementing the policy.

Figure 18: Management Strategies and Political Awareness as Autonomy Factors
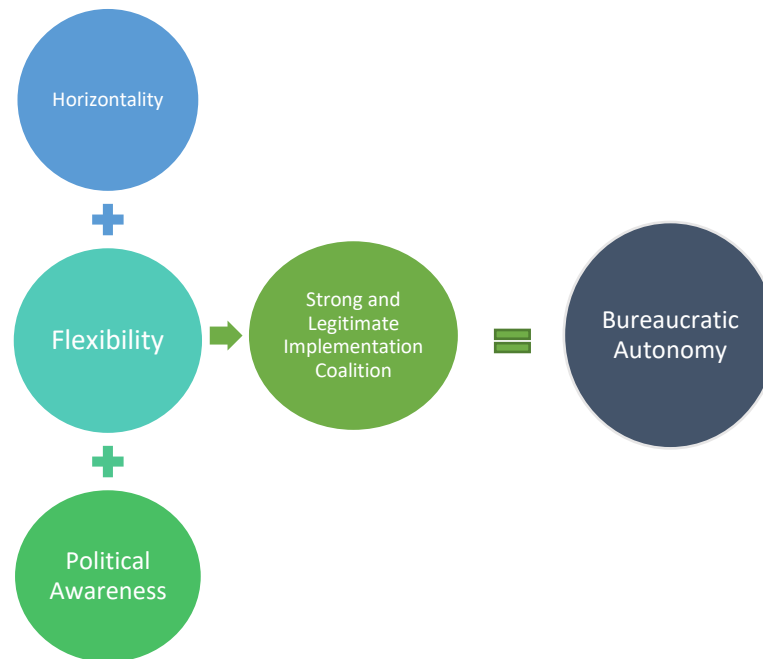
Source: author.

The answer to the first research sub-question - How did mid-level bureaucrats build up their autonomy during CAR implementation between 2012 and 2015? - is that the horizontal interaction and flexible collaboration among members of this first coalition has provided mid-level bureaucrats with a significant level of political legitimacy, due to the expertise of coalition members, especially state-level environmental agencies and the University of Lavras. Such expertise enabled these mid-level bureaucrats to come up with technical solutions that translated legal provisions into efficient implementation instruments. Coupled with political awareness in terms of how to negotiate these solutions

in the political arena, their reputation as experts provided them with sufficient political legitimacy to take autonomous decisions such as establishing an extra-legal rule admitting an overlapping tolerance between two registered properties. Finally, they have decided to promote a 'IT system-level policy change', which is a stratagem to act under the radar.

In a second period, from 2016 until 2018, under a more anti-poor regime, civil society organisations, the German international cooperation agency and the Federal Prosecution Service joined the coalition. Horizontal coalition management developed trust among coalition members, which was critical for the design of the 'yolk and white' solution described in Chapter 6. The 'yolk and white' solution was also very innovative and risky, demanding flexibility from the mid-level bureaucrats who would eventually take responsibility for it. With the support and collaboration of a more inclusive coalition, mid-level bureaucrats were able to act autonomously and take pro-poor decisions.

The second and third sub-questions refer to this second period, when mid-level bureaucrats acquired sufficient autonomy. How did they autonomously promote pro-poor policy change (second sub-question) and continuity (third sub-question)? The evidence has revealed two main stratagems used by mid-level bureaucrats. First, they used CAR's IT system to promote change under the radar. There is an important field of scholarship scholars dedicated to investigating the impacts of information technology (IT) tools in public administration, mostly regarding its impacts on the discretion of street-level bureaucrats and on users' experiences (Buffat, 2015; Bullock, 2019; Hansen *et al*., 2018; Bovens & Zouridis, 2002). However, in this research, I have identified a distinct situation in which IT systems are instrumental for mid-level bureaucrats' autonomous action.

The second stratagem that I have identified was aimed at sustaining the policy in case the government decided to take the political decision to dismantle it. The evidence shows that mid-level bureaucrats were able to take the autonomous decision of laterally moving some policy instruments, creating a sort of back-up policy that, although distinct in scope, had the ability to keep the implementation coalition mobilised and to sustain the original policy, in this case the CAR PCT sub-system.

The first stratagem – IT system-level policy change – was possible because mid-level bureaucrats had managed the coalition horizontally. They listened to specific demands of traditional communities and to the technical advice of the University of Lavras. Moreover, the decision to change the policy under the radar, through its

information system, could only be taken by flexible mid-level bureaucrats who managed the coalition by assuming risks and experimenting with different solutions. For example, they took the risks of innovating with the Forest Code in relation to the possibility of registering traditional communities' disputed areas. They were also politically aware enough to keep antagonistic interests at a distance, informing them of the changes only to the extent that would avoid generating unnecessary conflict. Their argument was: if, after the creation of the CAR PCT sub-system, agribusiness actors were able to keep registering their lands (disputed or not) with no impact on their access to credit, why would the Forest Service bother them with technicalities, such as possible overlapping with 'white' areas of traditional communities' territories? According to SFB mid-level bureaucrats, omitting this information would not cause agribusiness any loss, neither would it be against their immediate interests.

The second stratagem – lateral exit – also required horizontality and the resulting trust among coalition members for the negotiations around the requirement from GIZ to change their Brazilian partner in the international cooperation project. Mid-level bureaucrats' political awareness was crucial since the solution would take millions of euros out of the Executive budget and send it to the Federal Prosecution Service, which would make the decision extremely sensitive in political terms. Flexibility was also a condition of the 'lateral exit' especially due to the fact that the Federal Prosecution Service had never been involved in an international cooperation project of that nature. To even think about a solution like this, prosecutors, mid-level bureaucrats and also civil society organisations had to be flexible and keen to innovate and take risks.

8.3.   Research Relevance

The relevance of this research is two-fold. First, it is a contribution to understanding what happens with pro-poor policies during the ideological shocks that have been more common recently in different parts of the world. Second, it is an attempt to understand the roles that mid-level bureaucrats can play for in functioning and strengthening of coalitions responsible for the implementation of pro-poor policies. As stated by Ascher (1984: 8), 'if certain policy instruments, forums, actors, or routines are discovered to facilitate redistribution when proredistributionists are in power, or to hinder

regressive policy initiatives when others are in control, then guidelines for more effective redistributive efforts can be established'.

Brazil's Constitution defines poverty eradication and social inequality reduction as fundamental objectives of the Brazilian Republic.[79] However, such constitutional provisions are not enough in an authoritarian society, established as a colonial project based on slavery (Almeida, 2004: 11). Brazilian economic history is marked by a pervasive ideology that regards inequality as a consequence of individual choices in a logic that justifies all sorts of pressure against redistributive policy instruments. Some policies are more vulnerable to these pressures than others, and this vulnerability is determined by a set of variables. This research demonstrates that mid-level bureaucratic agency and interactions within the implementation coalition are two of these variables that affect the capacity of policies to adapt and become pro-poor, and later continue despite such pressures.

Surely bureaucrats are not the only explanation nor necessarily the most important variable for establishing how policy becomes pro-poor and later sustains its pro-poor elements. However, they play a discernible role as implementation coalition managers. Therefore, if policy studies recognise their role as implementation coalition managers, we might be able to identify the management strategies and political skills that provide mid-level bureaucrats with the autonomy that enables the promotion and continuity of pro-poor policy adaptation. CAR implementation demonstrates that horizontal and flexible coalition management, along with political awareness, enables mid-level bureaucrats to take autonomous pro-poor decisions to promote and sustain pro-poor policy adaptation. In the current Brazilian policy context, there are interesting experiences taking place. In most cases, these experiences are happening in sub-national entities. But in some other cases, like in CAR implementation, it is happening within the federal bureaucracy itself, where in certain circumstances mid-level bureaucrats have been able to act autonomously.

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[79] Article 3, III.

8.3.1. Implications for Policy

The specific management strategies and political awareness identified in this research as factors of mid-level bureaucrats' autonomy suggest that mid-level bureaucrats can be trained to act accordingly. These factors are not natural or intuitive: they have method and could easily be systematised as good practices to be followed if the aim is to have an implementation process capable of quickly promoting a sustainable pro-poor policy adaptation. Similarly, important lessons could be drawn and diffused in terms of the stratagems used by mid-level bureaucrats in my case study to advance their autonomous decisions.

The outcome of these stratagems is ambiguous: if on the one side the stratagems were efficient and innovative, on the other side they were precarious and unstable. In fact, the stratagem of promoting policy change with no transparency, within the IT system, raises important questions about democracy and bureaucratic autonomy. Moreover, changes promoted by such a manoeuvre are unstable since the same lack of transparency that gives bureaucrats protection to promote the pro-poor change might facilitate its extinction. Policy changes that are made within IT systems could also be easily dismantled, within the system, with no transparency.

Inevitably, many civil society organisations would view the informality of the CAR PCT sub-system with great concern. For instance, in September 2019, a coalition of social movements, labour unions and civil society organisations called the '*Carta de Belém*' Group sent a letter to the Brazilian Government that summarises the agenda of traditional communities regarding CAR in the first year of Bolsonaro's government. One of their demands was:

> Despite the adaptations of (the) CAR PCT sub-system, there is no general rule issued by the Ministry of Environment that regulates the registration and analysis of collective traditional territories, nor their associated rights, such as the right to have a collective CAR certificate.

> Without a publicised administrative act on the special rules applicable to the CAR PCT sub-system, both federal agencies and the states keep carrying out individual registrations on collective territories, which distorts the information in the CAR system by presenting collective territories as private rural property' (Grupo Carta de Belém, 2019: 4-5, my translation).

The second stratagem, the lateral exit to a safer institutional setting aiming at policy continuity, also does have major drawbacks related to the manipulation of constitutional mandates and the consequent institutional dysfunction. In the long run, the trust of civil society organisations in the Federal Prosecution Service might be affected because, as project managers, the prosecutors are now accountable for money management. In other words, civil society organisations are monitoring if they spend the money wisely and legally. Such interactions tend to generate friction more easily than when the Federal Prosecution Service and civil society organisations were on the same side, in both monitoring the Executive's project management.

The ambiguity of these stratagems is represented in the table below. As shown, the stratagems are justified by an unfavourable correlation of forces and the institutional independence of prosecutors. However, such stratagems raise a central democratic problem. In the name of prompt pro-poor policy change or immediate solutions for pro-poor policy continuity, these stratagems follow procedures with no transparency whatsoever, and stretch constitutional mandates. As a result, the long-term consequences of these stratagems might be instability and institutional dysfunction.

Table 6: Stratagems and Ambiguous Outcomes

	Chapter 6	Chapter 7
Stratagem	IT System-Level Policy change	Lateral Exit
Description	Changes within the IT system	Prosecutors as managers
Justification	Unfavourable correlation of forces - high probability of political defeat	Commitment of prosecutors to traditional communities' agenda. Institutional autonomy to resist policy dismantling
Democratic Problem	Lack of transparency	Stretching constitutional mandates
Positive Outcome	Immediate pro-poor policy change	Immediate pro-poor policy continuity
Negative Outcome	Instability	Institutional dysfunction

Source: author.

My findings regarding the risks of acting without transparency or stretching mandates also have serious implications for policy, especially policy implementation. The trade-off between the costs and benefits of these stratagems must be seriously assessed. Furthermore, before deciding on a stratagem like this, a plan for reversal should be considered. For instance, those opting for a risky constitutional stretching, such as the Chapter 7 'lateral exit', should foresee and define beforehand the opportunity to return the Platform to the CNPCT. In the same way, those responsible for creating the CAR PCT sub-system within the system should commit themselves and have a detailed plan of how and when they would rule-bind the sub-system.

8.3.2. Implications for Theory

Besides the horizontal and flexible coalition management and the politically-aware negotiation of the decisions taken by the coalition, another finding is related to what I call 'Positive Procedural Feedback'. There is a clear and well-researched connection between the policy feedback theory and the study of implementation coalitions and their relationship with policy continuity. Since the 1990s scholars from the historical institutionalist tradition have developed the policy feedback theory (Béland, 2010: 567). In his seminal article, Pierson (1993: 597) investigates the 'political consequences of policy choices' regarding opportunities for interested groups' formation and engagement. It also relates to the policy impact on bureaucratic capacities when 'policies generate an expansion of relatively specialised but important administrative skills' (*op. cit.*: 605). Before the advent of policy feedback theory, policy researchers only looked at politics as the independent variable of the policy process; in other words, politics defined policy. Since the development of policy feedback theory, researchers have also looked at politics as the dependent variable; thus, policy also defines politics (Pierson, 1994: 38). Furthermore, positive policy feedback is also determinant to the capacity of a policy to change and continue. Policy feedback theorists have been looking at how policy design creates positive feedback and influences policy change and continuity (Jordan and Matt, 2014).

However, there is no account of the positive feedback generated not by the policy design but by the policy implementation strategies. One of my findings is that policy implementation procedures, and not just the contents of the policy, create policy feedback

that determines the political chances of policy change and continuity. This thesis contributes to this debate, arguing that mid-level bureaucrats' management strategies (horizontality and flexibility) and political awareness also create policy feedback that impact the chances of change and continuity. The interactions among members of a horizontal and flexible implementation coalition work as a self-reinforcing mechanism. For example, the partnerships between traditional communities, GIZ, the Federal Prosecution Service, and state-level environmental agencies resulted from the horizontality and flexibility of the CAR implementation coalition, and later resulted in a political commitment to the continuity of the CAR PCT subsystem. Hence, my argument is that politics create policy, but policy, and the way it is implemented, also creates politics.

Another theoretical contribution of my findings is the causal relationship between implementation coalitions and bureaucratic autonomy. Not only Carpenter (2001), but also Fukuyama (2013) discuss bureaucratic autonomy as a function of political legitimacy or state capacity. There is no mention of implementation coalitions, nor of implementation coalitions managed in a certain way, as the source of political legitimacy, state capacity and, consequently, bureaucratic autonomy. My argument concerning the role of mid-level bureaucrats as coalition managers and, as such, capable of building their own autonomy and promoting and sustaining policy change, is a first step to taking this group of bureaucrats out of the historical neglect with which scholars have treated them. According to my findings, they not only influence policy by regulating connections among actors within the implementation coalition, as stated by Pires (2018), but they also change policy by both adapting its instruments to include other social groups and by adapting the governance structure of a project that, according to them, would be safer somewhere else.

Finally, I focused my investigation on the role of mid-level bureaucrats in a sub-stage of the implementation process. In fact, these bureaucrats are not involved with other sub-stages of policy implementation, such as policy delivery, which is the main responsibility of street-level bureaucrats. Mid-level bureaucrats are mainly involved with an earlier sub-stage: the set-up of the instruments required for policy delivery. I frame policy set-up as a specific sub-stage of policy implementation because it is a moment during the policy process that presents unique characteristics. First, it is a process that involves mid-level bureaucrats, who share with street-level bureaucrats the responsibility

for policy implementation. As mentioned, street-level bureaucrats are the public agents responsible for policy delivery, which can be considered another implementation sub-stage, and mid-level bureaucrats are responsible for policy set-up. Second, policy set-up requires the support of an implementation coalition formed by actors with expertise to present solutions to enforcement dilemmas. Again, mid-level bureaucrats play a central role in these coalitions. If politicians are responsible for the management of coalitions formed to contribute to policy design, mid-level bureaucrats are responsible for managing the coalitions formed to support policy set-up. Third, policy set-up should be considered and investigated as an implementation sub-stage because it uses specific instruments and strategies. Recently, mid-level bureaucrats have been preparing policy instruments using information technology, which enables them to take decisions under the radar, but raises serious questions about the transparency and accountability of such decisions.

8.4.   Further research

My research findings raise important questions that suggest interesting paths for further research. First, the democratic problem and the accountability issues raised by mid-level bureaucrats' stratagem of promoting 'IT system-level policy change': should we rethink the limits of the Executive regulatory power at a time of IT policy instruments? How can we build transparent and accountable IT policy instruments guaranteeing a democratic and open debate regarding their configuration? Who checks these systems? Bovens and Zouridis (2002: 182) ask to whom these bureaucrats are accountable 'for the manner in which they have converted analogue legislation into digital decision trees, scripts, and algorithms.' According to them,

> If the construction and linking of information systems is not a mechanical implementation activity, but is in fact a form of legislation, it should be subject to public accountability. Parliament must have the opportunity to check and make adjustments to the digital translation of its policy frameworks and general rules.
>
> […]
>
> Next to legality, transparency is another important principle of the constitutional state in the information society. Recognizable rules, open decision making, and accessible information are key conditions for disciplining these new forms of legal and rational authority.
>
> […]

The "rule of law" not only relates to the actual application of the formal rules, but also to (the capability of) doing justice to the rules and to individual situations, as well as to the transparent, identifiable, and accountable manner in which this is to occur.

Accordingly, a federal prosecutor who has joined the CAR PCT working group and was against the solutions developed within the IT system declared that:

I find this autonomy of the administration based on IT tools extremely dangerous since it escapes democratic and legislative control. When we see this in favour of the poor, the disadvantaged, and the marginalized, we tend to clap our hands or remain silent. But this is opening up flanks that, I have no doubt, will be used precisely by the powerful groups to the detriment of historically oppressed groups.[80]

Undoubtedly, the lack of transparency, the lack of accountability mechanisms, the cutting of corners that underlie the stratagems analysed here, raise questions as to whether this is a desirable model of policy implementation due to the instability that it creates and all the administration principles it violates. The stratagems might be considered worthwhile. After all, despite the downsides, a solution was found and implemented. The traditional communities sub-system was designed and delivered, and the traditional communities could, for the first time in their history, officially claim their land. Furthermore, the CAR PCT sub-system has continued, and now is supported by the Plataform from the Federal Prosecution Service. However, it might be argued that the fundamental debate - the official recognition of collective forms of land property in Brazil - has been neglected; indeed, it has. Nevertheless, until there is political space for such debate, the struggle of traditional communities keeps advancing through small and sometimes imperceptible measures like the ones analysed in this thesis.

The democratic problem is even more serious under populist governments that frame 'politics as an existential conflict between different social groups' (Peci, 2021: 1) in a contentious form of political action that clashes 'with the ideal view of bureaucracy as a neutral administrative system rooted on rational-legal authority' (*ibid*.). In the Brazilian case, it is difficult for mid-level bureaucrats to argue that they are acting

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80 Interview #25 MPF1

democratically when promoting traditional communities' rights, if President Bolsonaro was elected despite, or maybe precisely because of, his open hostility towards these groups. Communal land tenure has always been a highly contentious issue in Brazil. However, governments have historically reaffirmed their respect for the Constitution and their intention to recognise traditional communities' land tenure. Bolsonaro's government, by contrast, was elected while openly sustaining his position against it. Notwithstanding this, in some regions he has received a massive vote from traditional communities' members (Kröger, 2020). This put the democratic debate in an even more sensitive position.

The second stratagem used by mid-level bureaucrats to sustain the continuation of CAR PCT sub-system - the lateral move of GIZ's cooperation towards the Federal Prosecution Service - raises questions of a distinct nature. The mandate of the Federal Prosecution Service does not entail the management of projects involving foreign money and the participation of civil society. This restriction is not accidental. Among other duties, prosecutors are involved with monitoring the Executive and, to do so efficiently, they should remain distant from the day-to-day challenges of policy implementation. Civil society organisations tend to see them as crucial partners in their struggle, especially when it is related to environmental resources and land disputes. However, if they are the ones taking implementation decisions about how to spend public money, to whom will they be accountable? As stated by McAllister (2009: 684):

> prosecutors have not developed mechanisms to coordinate and prioritize their enforcement actions, they bring a degree of legalism to environmental enforcement that can be counterproductive, and their reliance on the judiciary introduces inefficiencies. I also find that prosecutors are not adequately accountable themselves, a situation which may lead to abuses of power.

Finally, my findings also indicate that further research would be appropriate to analyse the motivations that explain why mid-level bureaucrats have autonomously acted in favour of traditional communities. As stated by Joshi (1999: 11) a neo-liberal perspective that relies on rent-seeking as the main motivation for bureaucratic behaviour 'does not offer us good explanations of why bureaucrats might support and promote "power-reducing' policies"'. According to the author, such a neo-liberal approach 'neglects the "peer group" effect on work motivation and behaviour' and 'the influence of "client-interaction effect" on behaviour' (*ibid*.). Similarly, further research assessing

the extent to which mid-level bureaucrats respond more to claims they consider legitimate - and which criteria do they use to assess such legitimacy - could provide essential insights into their motivations. In policies like the CAR, which did not sanction traditional communities' rights, understanding the extent to which mid-level bureaucrats consider such 'extra-legal' claim legitimate could reveal the 'widespread social understandings of the social contract' or the moral economy underpinning their behaviour (Joshi & McCluskey, 2018).

Further research relying on a survey of a large group of respondents could ascertain whether mid-level bureaucrats were following the path determined by institutional variables or if they have been motivated by their personal commitment to the rights of traditional communities. Apparently, the personal trajectories of these bureaucrats impact their behaviour. These bureaucrats form a group of 'reform-minded' people who joined the Brazilian civil service after re-democratisation in 1988, 'as a way of advancing political change from the inside' (Rich, 2013: 3). Brazilian democratization during the 1980s has unleashed unprecedented levels of demand for citizen participation in public life. Since then, new social movements, NGOs and civil society organizations, as well as government officials committed to the democratization of the State, have generated innovative practices, simultaneously contesting and redefining the forms of interaction between the State and society (Abers and Keck 2008). At the time of the National Constituent Assembly, the construction of the participation strategy, demanded and articulated by social movements, had the support of professionals who worked within the State and public policy communities, as was the case in the health area (Ferrarezi e Oliveira 2012).

Such a process, through which both popular movements and reformist bureaucrats played essential roles, resulted in the peculiar format of Brazilian participatory bodies, which combines representation from civil society organizations and state agencies (Abers and Keck 2008). Besides that, the Brazilian bureaucracy has actively participated in decision-making processes and policy specifications. The bureaucracy has evolved stronger vis-a-vis other actors and has become an important channel for the interests of sectors of society to the State. Consequently, bureaucrats are no longer straightforward performers of missions and tasks defined by elected politicians and become managers of state-citizens relations (Ferrarezi e Oliveira 2012).

Mid-level bureaucrats in charge of the CAR's implementation had been involved with socio-environmental policy for a long time, during which they had been exposed to both peer and client pressures. They are progressive bureaucrats who, 'when facing unruly or foot-dragging politicians, rely on alliances with civil society to further their goals' (*ibid.*).

The personal ties between the CAR's mid-level bureaucrats and civil society organisations were so explicit that, throughout the period analysed by this research, there was an exchange of positions among members of the coalition. Bureaucrats from state-level agencies joined the federal government and later returned to a state-level position. Others moved from one federal agency to another, and there were also mid-level bureaucrats who left the government to join civil society organisations and vice-versa: activists from civil society organisations that joined the federal government during the process analysed here. To what extent such 'hat changing' has strengthened the coalition since they have continued to collaborate with the implementation coalition, despite their position, needs to be established. As stated by one of the informants, 'at some point, there were "CAR people" everywhere'.[81]

Still within the field of further research regarding mid-level bureaucrats' motivations, there is room to investigate the extent to which bureaucratic autonomy is caused by the aim of pursuing the neutrality ideal. One of the strategies used by bureaucrats to build up a reputation of neutrality is what I define as 'ideological counterbalance'. This strategy derives from a sense of technical superiority cultivated among mid-level bureaucrats against politicians. Throughout their long careers in the civil service, these bureaucrats interact closely with politicians, watching them coming and going, while they survive in their posts. Such constancy gives them experience, expertise and a sense of technical superiority that make them believe it is their duty to review the decisions taken by the politicians of the hour and moderate them. This moderation role is put into practice through an exercise of counterbalancing the ideological inclination of the political agent. My argument is that regardless of their own ideology, bureaucrats usually demonstrate their neutrality by taking a 'technical' stance and moderating politicians' preferences. In that sense, if the political agent, such as the Ministry, has

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[81] Interview #6 – SFB1c

conservative inclinations, mid-level bureaucrats tend, routinely, to favour more progressive preferences. Conversely, when a Ministry is progressive, bureaucrats hold them back by operating in a conservative mode. My question is if in the aggregate, such counterbalancing results in a reputation of neutrality and eventually helps to hold back rampant initiatives of political agents oriented by short-term electoral outcomes.

Finally, the connections between policy implementation and Policy Feedback theory deserve further attention from policy researchers. There is a type of policy feedback generated by the implementation strategy that influences policy change and continuity. Policy Feedback theory tells us that the contents of the policy or 'the nature of policy intervention' determine political actors' behaviour regarding it (Pierson, 1993: 599). However, there is little account of policy feedback generated, not by the contents but by how bureaucrats have implemented the policy. This is precisely what the case study presented here suggests: not only policy features but also policy implementation strategies have the power to enable or block adaptation and continuity.

8.5.   Final Remarks

The agency of mid-level bureaucrats can advance the interests of the poor if they acquire sufficient political legitimacy to act autonomously. When mid-level bureaucrats manage the implementation coalition horizontally and flexibly, the coalition's interactions provide them with resources like political support, financial capital and technical capacity that significantly increase their political legitimacy and, consequently, their autonomy. Hence, coalition management must not be seen as a necessary burden to be carried out by mid-level bureaucrats responsible for setting-up policy instruments. Mid-level bureaucrats should understand coalition management as a resource that enhances their autonomy.

However, bureaucratic autonomy is not set in stone. Political legitimacy based on expert reputation fluctuates according to the dynamics of the resource exchange within the coalition. Moreover, politicians might restrain bureaucratic autonomy if they see it as politically detrimental. Hence, mid-level bureaucrats with a high level of autonomy still need to be politically aware if they want to sustain their autonomous decisions.

Nevertheless, political awareness does not mean taking shortcuts that circumvent not only political opposition but also administrative principles such as publicity and legality.

When stratagems to change policy under the radar disrespect such principles, the rights and benefits that were advanced become too frail. After all, the Constitution established those principles to protect the public against opaque policy-making and anti-democratic rule. If mid-level bureaucrats take autonomous decisions to promote pro-poor policy changes but does not respect those principles, the policy changes are not protected by the same principles. Consequently, the same stratagem used to advance the pro-poor policy changes can be used to reverse them. The political achievements of marginalised groups like Brazilian traditional communities are too sensitive to rely on such precarious arrangements. Their rights require stable and permanent protection so they can serve as foundations for further incremental achievements.

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Annexes

1. Anonymised list of Key Informants

#	Affiliation	Date	Code
1	Ministry of the Environment	November 2019	MMA1
2	Ministry of the Environment	February 2020	MMA2
3	Ministry of the Environment	March 2021	MMA3
4	Brazilian Forest Service	March 2020	SFB1
5	Brazilian Forest Service	August 2020	SFB1b
6	Brazilian Forest Service	September 2020	SFB1c
7	Brazilian Forest Service	May 2021	SFB1d
8	Brazilian Forest Service	August 2020	SFB2
9	Brazilian Forest Service	July 2020	SFB3
10	Federal Environmental Agency	July 2020	IBM1
11	State-level Environmental Agency	June 2020	OEMA1
12	State-level Environmental Agency	July 2020	OEMA2
13	Institute of Colonization and Agrarian Reform	September 2020	INC1
14	Rural Caucus	June 2020	FPA1
15	Presidential Office	November 2019	CC1
16	Federal University of Lavras	March 2020	UFL1
17	'Quilombolas' National Coordination	July 2020	CNQ1
18	'Quilombolas' National Coordination	September 2020	CNQ1b
19	German Agency for International Cooperation	November 2020	GIZ1
20	German Agency for International Cooperation	February 2021	GIZ2
21	Instituto Socioambiental	May 2020	ISA1
22	Rede Cerrado	June 2021	RDC1
23	Agriculture National Confederation	June 2020	CNA1
24	Traditional Communities National Council	June 2021	CPT1
25	Federal Prosecution Service	March 2021	MPF1
26	Institute Chico Mendes	February 2021	ICM1

2 - Grey literature

The table below lists the documents and reports from which I have collected data
to analyse and triangulate with the information gathered during the interviews.

Type of Source	Author	Date of issue
Meeting Records	Brazilian Central Bank	2008
Papers prepared for the World Bank Conference on Land and Poverty	Brazilian Forest Service	2017
		2018
PowerPoint prepared for the World Bank Conference on Land and Poverty	Brazilian Forest Service	2018
Technical Note	Brazilian Forest Sevice	2018
Public Audience records	Brazilian Congress	2019
Webminar	Civil Society Organisations (Terra de Direitos and Instituto Socioambiental)	2019
Handbook on Traditional Communities and CAR	Instituto Socioambiental	2020
Brazilian Forest Service Budget Report	Federal Court of Accounts	2021
List of members	Rural Caucus *ruralistas*	2021
Report on *quilombolas* communities	Palmares Foundation	2021
Report on Cooperation Agreement	GIZ	2022
Agriculture Census	Brazilian Institute of Geography and Statistics	2017
Government report on Social Indicators	Brazilian Institute of Geography and Statistics	2021
Government report on indigenous and *quilombola* communities	Brazilian Institute of Geography and Statistics	2021
Government report on deforestation	National Institute of Spatial Research	2007
Information Requirement	Civil Society Organisation (*Grupo Carta de Belém*)	2019
Government report on *quilombos'* regularization	National Institute of Colonisation and Agrarian Reform	2019

Government reply to *Grupo Carta de Belém* Information Requirement	Brazilian Forest Service	2019
Government report on the Mato Grosso registering system	Ministry of Environment	2006
Government report on CAR coverage	Brazilian Forest Service	2018
		2021
		2022
Management Report	Federal Prosecution Service - International Cooperation Unit	2015
		2017
		2019
		2021
Meeting records	Federal Prosecution Service	2018
		2019
		2020
Normative Act establishing the Traditional Territories Platform	Federal Prosecution Service	2019
Project Appraisal Document	The World Bank	2009
		2018
Policy Evaluation of policies related to the reduction of Greenhouse gases in the Amazon	Federal Court of Accounts	2009