Challenges of the Agrarian Transition in Southeast Asia (ChATSEA)

The shift from rural societies dependent upon agricultural livelihoods to predominantly urbanized, industrialized and market-based societies is one of the most significant processes of social change in the modern world. The Challenges of the Agrarian Transition in Southeast Asia (ChATSEA) project examines how the transformation is affecting the societies and economies of Southeast Asia. Headed by Professor Rodolphe De Koninck, holder of the Canada Chair in Asian Research at the University of Montreal, and sponsored by the Social Sciences and Humanities Research Council of Canada, the ChATSEA project includes publications by senior academics as well as junior scholars.
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Introduction

Setting the Scene

The period since the 1980s has seen dramatic yet seemingly incongruous changes in rural land use and social relations around land in Southeast Asia. Some of the main processes driving these changes seem to represent threats to agriculture. Economic growth, industrialization and urbanization have prompted the conversion of a great deal of agricultural land to commercial, industrial, residential, tourist and infrastructural use. At the same time, heightened concern for environmental conservation has led state actors to zone huge amounts of land as off limits to agriculture and, increasingly, to try to enforce that zoning. The disappearance of so much once-farmed land must be understood as a core component of the "deagrarianization" of Southeast Asia, that is, the process by which agriculture becomes progressively less central to national economies and to the livelihoods of people even in rural areas.

Processes working against agriculture, however, coexist with others that speak to the enduring importance of farming. Most strikingly, the area of land dedicated to crops and livestock continues to expand rapidly, mainly at the expense of forest, and much existing farmland is being used more intensively. National governments across the region have embarked on ambitious programmes to provide formal property rights in land to smallholders. They have been inspired to do so, in large part, by national and transnational discourses that put agricultural land at the heart of economic development. Arguments about deagrarianization also sit awkwardly alongside popular mobilizations under a range of banners (those of the poor, the citizen, the political party, the peasant, the ethnic or indigenous group) for access to land as a productive resource, as a backstop for precarious livelihoods, and as a symbol of identity and belonging. These tensions between agriculture's retreat and its enduring importance, moreover, are not simply macro-level features of
Southeast Asian societies. They are also visible in the behaviour and stated desires of key actors. Government policies operate to both encourage and inhibit agriculture, while rural people fight for access to farmland and to ethnic homelands even while they absent themselves from the countryside to pursue "post-agrarian" futures.

A brief look at one Southeast Asian country, Cambodia, gives a sense of the extent and rapidity of change in land relations. In 2005 agriculture made up 33 per cent of GDP, and 68 per cent of the population drew their livelihoods from agriculture. Thus far, farming has been mainly smallholder-based, but in the decade 1998–2008 around 100 plantations ranging in size from 500 to 330,000 hectares were granted licences to produce crops such as pulpwood, rubber and cassava. Non-agricultural land uses also expanded: 23 permits were issued to develop "special economic zones"; 88 mining corporations had concessions, 67 hydropower schemes were under consideration, and 18 per cent of the land mass was zoned as "protected" and off limits to cultivation of any kind.1 A host of community-based programmes sponsored by NGOs supported the declaring of land as off limits or restricted for agricultural, forest, fishing and other forms of use. At the same time, the World Bank was sponsoring a land-titling programme that ran into criticism on two fronts. Advocacy groups argued that the programme was failing to provide adequate protection to groups vulnerable to eviction, while the government argued that titling hampered development schemes that required evictions in order to proceed. These schemes included several private ventures of government officials and members of the Armed Forces.2 Rather than respond to complaints from, and conditions imposed by, the World Bank, the government cancelled the programme in 2009. Meanwhile, smallholders throughout Cambodia were taking their own initiatives to consolidate their claims to land for livelihood security and also, in some cases, as the means to a decent income from new cash crops. Their goal was not only to defend their land against the state and corporations, but also to respond to the actions of kin and neighbours who were consolidating their own claims, and some of whom were accumulating land.3 Finally, there were moves by groups in northeastern Cambodia who had been displaced through years of war, Khmer Rouge rule and sundry development schemes to reclaim ancestral ethno-territories, or to migrate into the territories of other ethnic groups in search of land and livelihoods.4

Cambodia is perhaps extreme because of the compression of many sources of change into a short period of time, and a relatively small space, but elements of these processes are found across the Southeast Asian region. Taken together, the processes we explore in this book are significantly and, for the most part, irreversibly shifting the relations between people and land in Southeast Asia.
and shaping the course of future developments. They are doing so in a context in which large absolute numbers of people continue to live in rural areas and draw their livelihoods from agriculture—37 million more people in 2005 than in 1980—even as agriculture’s relative importance to GDP declines (see Table 1.1).

Our aim is to explore how and why all this is coming about. What are the powers at work in these transformations? Who are the actors promoting or opposing these changes in land relations? What dilemmas and debates do the changes invoke and provoke? Who wins, and who loses, at different sites and scales across this variegated terrain?

Exclusion

To guide our inquiry into this complex field, we focus on the changing ways in which people are excluded from access to land. The term “exclusion” is widely used in studies of land access around the world, and its use tends to have two characteristics. Empirically, references to exclusion as a condition tend to denote situations in which large numbers of people lack access to land or in which land is held as private property, while references to exclusion as a process highlight large-scale and often violent actions in which poor people are evicted from their land by or on behalf of powerful actors. Normatively, exclusion is seen as negative and is counterposed to a positively weighted “inclusion”. These framings convey the sense that exclusion is something imposed on the weak by the strong, something that should be opposed.

Our approach to exclusion is different. While the chapters that follow do discuss many instances of exclusion that involve glaring inequality and dispossession, our analysis is based on the observation that all land use and access requires exclusion of some kind. Even the poorest people, farming collectively and sustainably, cannot make use of land without some assurance that other people will not seize their farms or steal their crops. Starting from the assumptions that exclusion is inevitable and that all political perspectives on land relations—from the most conservative to the most radical—take some types of exclusion to be positive, we focus on the changing means by which different social groups have gained or lost access to land in the 1990s and 2000s, and on the implications of exclusion for rural social relations.

Exclusion is not a random process, nor does it occur on a level playing field. It is structured by power relations. Across rural Southeast Asia and elsewhere, exclusion from land can be understood in terms of the interaction between regulation, force, the market and legitimation. Regulation, often but not exclusively associated with the state and legal instruments, sets the rules regarding access to land and conditions of use. Force excludes by violence or the threat of violence, and is brought to bear by both state and non-state actors. The market is a power of exclusion as it limits access through price and through the creation of incentives to lay more individualized claims to land. Legitimation establishes the moral basis for exclusive claims, and indeed for entrenching regulation, the market and force as politically and socially acceptable bases for exclusion. These powers of exclusion constitute both the title and the analytical core of the book.

Our investigation of the intersection of these powers focuses on processes and actors. The bulk of the book is divided into six chapters, each of which examines one of the key processes driving changes in rural land relations. These processes are, in order: (1) the regularization of access to land, through state-backed programmes of land titling, formalization and settlement; (2) the spatial expansion and intensification of efforts to conserve forests by restricting agriculture; (3) the arrival of new “boom crops” that see the massive, rapid and hard-to-reverse conversion of land to monocropped production; (4) the conversion of land to post-agrarian uses; (5) processes of agrarian class formation on an “intimate”, village scale; and (6) the mobilization of collectivities to defend or assert their access to land, at the expense of other land users and other land uses. Taken together, these processes highlight the changing—rather than declining—significance of rural land. This is true with respect to land’s status both as a productive asset that is central to livelihoods, and as territory loaded with affective significance.

One indication of the profound changes that have taken place in land relations in Southeast Asia is that the processes explored in this book are far more diverse than those that would typically have been addressed in a book about rural land relations in the “green revolution” decades of the 1960s, 1970s and 1980s. This earlier generation of work focused mainly on patterns of differentiation at the village level (our process #5) and the national policy context that promoted or inhibited differentiation at this scale. The range of actors involved has correspondingly increased. In addition to landlords, tenants, moneylenders and tax collectors (the “local powers” examined in classic village studies), the actors we describe include smallholders and large estates. They include various central and local government agencies and functionaries, whose diverse and often contradictory agendas, rules and enforcement procedures compound the notion of a singular “national” policy context. They expand beyond the nation to include international NGOs and donors who lend a transnational governmentality to the powers of exclusion under discussion. They also include nationally based and more locally based social movements, and a plethora of agents under the broad umbrella of “civil
society. Transnational and national corporations also materialize the powers of exclusion, and indeed the lure of foreign investment often stimulates new kinds of exclusion. In practice, these actors often blur into one another. Attempts to categorize actors are complicated, for instance, when state agents adopt official authority for their own private purposes or when donors, firms and NGOs work together on projects with exclusionary potential.

Exclusion is not new. We wish to avoid a crude “before and after” approach, and eschew any romanticized or simplistic notions of a lost past of local communities whose wholly inclusive land relations have been destroyed by capitalism, modernity and the state. Similarly, the dynamics we cover are often in tension with one another and cannot be boiled down to a single story. Nevertheless, the material covered in this book does point towards certain qualitative shifts, identifiable directions, intensifications and distinctive breaks with pre-existing circumstances. We identify five of these. One involves moves from more flexible and overlapping to more rigid and clearly bounded definitions of access to land. Another sees rules and norms of access based in kinship and other locally constituted social relations shifting to more state-centred and formalized means of establishing the right to exclude. A third is the partial or, in some areas, full closure of the land frontier that has long served to accommodate the needs of new generations, and served also as an escape route for people facing oppression or bankruptcy. Fourth, the transnational component of exclusionary dynamics in rural Southeast Asia, exemplified by the actions of the World Bank and international NGOs, has become much more influential in recent decades. Finally, the relative importance of different legitimations has shifted, a process most visible in the rise of conservation, formalized private property and ethnicity/indigeneity as justifications for exclusion.

New forms of exclusion involve changes in the ways in which the use of land is reserved for some actors and denied to others. These changes are often resisted by the people who experience them first-hand, though this is not always the case. Excluded people may acquiesce, protest or simply disappear in ways that make exclusion’s impacts extremely difficult to ascertain. There is also a large body of literature critiquing exclusion, one that focuses on high-profile cases such as land titling, national park establishment, plantations and tourist resorts. The critique of exclusion, however, is often problematic. In the next section, we explain why this is so by identifying a key dilemma that arises from what we call exclusion’s double edge: the fact that exclusion is the normal rather than the exceptional state of affairs, and that the very widespread aspirations for access to land implicitly include the wish for a degree of exclusionary power. Before we can unpack this dilemma, however, we need to specify more fully what we mean by exclusion.

Exclusion’s Double Edge

There are two main strands of work related to exclusion in the literature on land and other natural resources. In economics, resources and other goods and services are said to be “excludable” when it is possible to prevent people from having access to them, while they are non-excludable when this is not possible. Excludability is thus partly a characteristic of the resource itself, but also derives from the social relations that surround it. A classic example of a non-excludable good is the air we breathe. Because people can be excluded from accessing or benefiting from land (for instance, by fencing it, posting guards around it, or simply making it known through signs or public knowledge and associated sanctions that someone has claimed it), land is an excludable resource by this definition. Exclusion is also frequently discussed by critical political economists writing on natural resources, but in ways that tend not to be clearly defined or specified. We would suggest that exclusion as applied to land carries at least two (usually implicit) meanings in this literature. At times, it refers to a condition in which the distribution of land is highly skewed, with substantial numbers of people not having access to or owning any while a few hold large amounts. This meaning, which is quite close to the concept of inequality, underpins Jun Borras and Jennifer Franco’s description of the “status quo” in many countries as “a condition that is marked by inequality and exclusion in land-based social relations.” Other scholars, however, use exclusion in a way that seems closer to the concept of private property than to inequality. Thomas Sikor and Tran Ngoc Thanh, for instance, describe what they call “exclusive forest devolution” in Vietnam’s Dak Lak province as a policy that “granted local actors ownership-type property rights to forests, including the right to exclude others and a limited right of alienation”. Sikor and Thanh refer to the process by which this policy was imposed as “enclosure”, and the alternative “inclusive” policy they recommend involves the recognition of customary rights and the creation of forms of governance that include all relevant actors. What unites the uses of exclusion by critical scholars is less the specific meanings they attach to the concept than their view of exclusion as something that is both negative and ameliorable. Exclusion is something that can, in principle, be overcome or eliminated and that can be replaced with “inclusive” relations.

Our approach differs in that we take the opposite of exclusion to be not inclusion but access. Building on Jesse Ribot and Nancy Peluso’s definition of access as “the ability to benefit from things”, we define exclusion as referring to the ways in which people are prevented from benefiting from things (more specifically, land). We divide processes of exclusion into three main types: the ways in which already-existing access to land is maintained by the exclusion of other potential users; the ways in which people who have access lose it; and the
ways in which people who lack access are prevented from getting it. Like Ribot and Peluso's concept of access, our understanding of exclusion is broader than the concept of property, even when understood broadly as involving "some kind of socially acknowledged and supported claims or rights"; it refers not just to the presence or absence of rights but to the broader array of powers that prevent people from benefiting from land. However, our prioritization of exclusion rather than access does not simply involve producing a negative image of the mechanisms of access discussed by Ribot and Peluso. A focus on the people who are kept out and the powers that keep them out involves, for instance, paying more attention to contention and conflict, a point brought home by the way force (one of our four powers) plays a much more prominent role in our book than in Ribot and Peluso's article.

Defining exclusion in this way helps to focus attention on exclusion's double edge, and the intricate problems that follow from it. Exclusion, as we have already noted, is a necessary feature of every type of land use and tenurial arrangement. Conserving a forest means keeping it off limits to (at least some) agriculture. Farmers would not raise crops without some assurance that they can hold on to their fields until harvest. Long-term investments in land depend upon the right to exclude others from interfering with enjoyment of the benefits of that investment, though they may be permitted to gather or glean. Hence, exclusion creates both security and insecurity. From the moment land becomes scarce, the exclusive access to land that is productive for some comes into tension with the fact that others cannot access it. This tension lies at the heart of land struggles both "on the ground", where people asserting contradictory claims confront each other, and in the domain of national and transnational policy, where optimal arrangements for land access are debated. Exclusion's double edge means that the various kinds of exclusivity that different actors want to bring with them not just the desired positive effects but also a series of other effects that are much less welcome. While policymakers, NGOs, smallholders, the landless and others often state their preferences with regard to land with confidence and without acknowledging the "downsides" of their proposals, this does not necessarily mean they are unaware of them. Indeed, many of the long-standing tensions and contradictions in the politics of land in Southeast Asia stem from the fact that participants in these debates recognize exclusion's double edge but cannot identify a solution to the dilemma it presents.

Exclusion's double edge raises troubling and perhaps insoluble problems for specific people and groups. Policy debates, for example, tend to be biased towards the benefits of exclusion as the means to achieve particular ends. Experts argue that forest conservation is necessary for the future of the planet, and that people must make way for dams to enable electricity production. The World Bank, among others, argues that creating a market in land maximizes access by the parties who use land most efficiently to secure economic growth. Yet policy prescriptions advocating exclusion are often accompanied by concern over what exclusion means for human livelihoods. Colonial authorities in Indonesia, for example, passed laws that enabled them to appropriate massive areas to allocate to Europeans for plantation agriculture. But the same authorities simultaneously created a category of "native land" that they made communal and non-alienable. They were afraid that individualized landholdings would enable "lazy" natives to mortgage or sell up, placing their livelihoods at risk. For some officials, the concern was native welfare; for others, it was the risk that dispossessing too many natives too fast would disrupt both order and profit. Contemporary authorities often have similar concerns and devise schemes to restrict land alienation among groups thought to need special protection.

When state authorities have recognized exclusion's double edge, and acted to try to limit the damaging effects of otherwise welcome forms of exclusion, they have been part of "countermovements". Land, as Karl Polanyi observed, is not an ordinary commodity but the basis of life, and hence exclusion from access to land is continuously subject to what he calls countermovements recalling land's social function. Countermovements do not have a singular source or rationale, nor do they represent a coherent set of interests. They are loose assemblages in which diverse actors, ideals and imperatives come together provisionally, fragment and realign. Polanyi emphasized market-based exclusion as the primary threat to land access. Countermovements concerned with restricting the commoditization of land have a long history in Southeast Asia, and they have continued to emerge and reassemble in the neo-liberal era in which markets appear to be triumphant. At the same time, the scope of countermovements around land has expanded with the recognition that it is not only market processes but also regulatory regimes and land-grabbing that destroy the conditions for the maintenance of some people's lives and livelihoods. Rural people who occupy a patch of land to grow food act in terms of a countermovement when they disregard official forest boundaries or signs that say "Private property. Keep out". Their actions may be supported by activists or officials quoting clauses in national constitutions stating that the land belongs to 'the people', who are entitled to use it for their survival. Also party to countermovements are ruling regimes that take land from private owners to give to other people through programmes of land reform, or allocate public land for smallholder use. There are transnational elements in these assemblages, when rural people struggling for land justify their claims in the
name of the right to food promised in transnational human rights instruments. In pursuing all of these objectives, participants in counter-movements tend to frame exclusion as bad in the same way that policymakers tend to see it as good. Yet countermovements do not resolve the dilemma: even when they define the protection of life as their goal, the regimes of access they propose routinely require new forms of exclusion that benefit some parties at the expense of others.

Exclusion's double edge and the dilemma it presents to different actors come through again and again in this book. Conservation is one arena in which exclusionary effects are obvious. Protected areas enclose land and place it off limits for smallholder agriculture. The creation of protected areas may be accompanied by eviction. Compensation, if it is given at all, is seldom sufficient to replace the livelihoods smallholders lose, and smallholders often contest their exclusion in the name of their right to land as a source of livelihood. One way of looking at these struggles is in terms of scale. Actors excluded from direct access to protected areas are asked to pay the price for a global benefit, the conservation of biodiversity. That the exchange is so unfair is a symptom of the highly unequal powers of the parties involved. More significantly, the actors promoting conservation do not see their work as a land-grab—they see it as part of a countermovement for the protection of life. They view themselves as protecting forest from logging or conversion to agriculture not for their own private gain, but to secure the health of the planet and the livelihoods of future generations. They are distressed to find themselves branded as villains who care nothing for people.

Capitalism presents a dilemma that runs deeper still, because it has chronic, exclusionary effects at its core. To explain these effects, scholars working in the Marxian tradition highlight the crucial difference between producing for the market when a lucrative opportunity arises, and being compelled to produce for the market. It is the element of compulsion that defines capitalist relations. Participation in markets is ancient and ubiquitous in Southeast Asia; the difference is that very few, if any, farmers in the region today can sustain themselves outside market relations. Limited access to land, combined with the need for cash to pay for the goods and services rural people widely agree are now necessary (such as schooling), compel farmers to participate in markets as producers of crops, or sellers of labour. If their costs of production (land, labour and capital) exceed the returns, or their income is insufficient to sustain the family, they fall into debt and risk losing their land. Meanwhile, other farmers, often described as more efficient, accumulate both land and capital. Efficiency and the "natural" operation of market forces in a context of competition should not be overstated: in all actually existing capitalisms, states intervene to set conditions in which selected groups are enabled to prosper and others are dispossessed, a point we develop throughout this book. Nevertheless, agrarian capitalism—like capitalism in general—systematically produces wealth and poverty, accumulation and dispossession.

Remarkably, the depth of capitalism's exclusionary effects often goes unacknowledged by development experts of a neo-liberal persuasion who advocate intensified market dependence as a means to reduce poverty, neglecting to mention the poverty that is co-produced with wealth. Alternatively, they may recognize the poverty but highlight the benefits awaiting the expelled population when they move to town, or envisage the provision of "safety nets", or shift scales to observe the public benefits of economic growth in terms of the greatest good for the greatest number.4 Or finally, they may seek to mitigate the problem by dividing the population, separating potentially proficient market subjects from social groups whose special character—as indigenous people, beneficiaries of land reform, forest dwellers or members of other specially designated "communities"—indicates that they should be protected from the risk of market exposure. In the Southeast Asian region, the indigenous rights movement and the movement promoting community-based forest management recommend that certain types of people and certain types of land be excluded from the land market in order to prevent landholders from selling up and dispossessing themselves. In the Philippines, protection of this kind is built into legislation recognizing indigenous peoples' ancestral domains, which cannot be sold except by consent of all group members. The exclusion at work here is an exclusion from access to the land market. It also has a double edge: rural smallholders defined as indigenous often want fully individualized land ownership, and with it the right to take market risks in order to benefit from the wealth that is part—but only part—of the extraordinary growth that capitalism engenders. The extent to which activists, experts and authorities are currently devising schemes to divide citizenship, and peg types of landholding to types of person, is one of the more surprising findings that emerges from our comparative analysis, and an indicator that the dilemma presented by the market as a vehicle for exclusion is recognized by many actors—including some members of the designated groups—even if it is not yet effectively addressed.15

Claims to land on the basis of indigenous or ethno-territorial identity, in which one group asserts precedence and the right to exclude on the grounds of historical and affective claims to place, raise especially troubling dilemmas. Ethno-territorial claims are coming to the fore in many parts of Southeast Asia where decentralization programmes have reinvigorated customary and colonial concepts of ethnic belonging as the prime justification for land access,
and transnational legal instruments protecting indigenous rights lend support. At the vicious extreme, exclusion has turned into violent eviction and ethnic cleansing. More often, the struggle has been peaceful but persistent, as “insiders” make it difficult for “outsiders” to acquire or hold on to land. National authorities are sometimes willing to concede ethno-territorial belonging as a legitimate basis for adjudicating claims. Yet the problem of who should have access is not solved. In much of Southeast Asia, decades of war, migration, eviction and compulsory resettlement make the question of who belongs where unusually fraught. Since it is not possible to send everyone back to their origins, the problem of how to allocate land to people who find themselves “out of place” but nevertheless assert a claim to life and livelihood still remains. Ethno-territorial claims also run up against other frames for allocating access (and legitimating exclusion) in the name of enhancing the welfare of the population, among them economic growth, conservation or the needs of the landless.

Finally, exclusion’s double edge comes through again with respect to the characteristic of land administration in Southeast Asia that most frustrates experts, administrators and investors. Contradictory laws, inconsistent state agendas, overlapping allocations, shifting priorities, fuzzy boundaries, poor maps and incomplete data are usually interpreted as evidence of deficient state capacity, or a cover for land-grabbing. Yet this scenario has a productive dimension less often observed. Inconsistent laws enable different constituencies to argue that right is on their side. Laws recognizing the people’s right to land coexist with laws justifying eviction in ways that legitimate one or another course of action, while leaving the underlying dilemma unresolved. Depending on the circumstances, guards charged with evicting farmers from a protected forest or unused land in the corner of a plantation can proceed with their task, with the law on their side, or they can choose to look the other way because they recognize that the farmers (who may include their own kin and co-villagers) are not just trying to survive—they are entitled. Fuzzy boundaries have the virtue of enabling flexible accommodations, and they are no doubt preferred by smallholders over the certainty of eviction should they find themselves on the wrong side of a definitive boundary line. Yet the lack of clarity has a significant downside: it enables officials at various levels to act as tyrants, using the power vested in them erratically to evict, intimidate, make a grab for resources or impose fines selectively.

In highlighting the double edge of exclusion as both a necessary element in the orderly and productive use of land, and a threat to lives and livelihoods, we have begun to expose the dilemma encountered by the authorities and experts who take responsibility for devising optimal arrangements, and by the NGOs and others who seek to challenge these arrangements on behalf of the rural poor. Nowhere in this book do we reduce the problem of access to a dichotomy in which exclusion (bad) can be counterposed to inclusion (good)—indeed, the very terms of such a dichotomy are incoherent, since the inclusion of some land uses, and some land users, necessarily means the exclusion of others. We have no prescription to offer, other than to suggest that it is better for those enacting policy, programmes and projects with excluding effects to acknowledge and understand the diverse implications of exclusion for different groups than to turn a blind eye to them. What we provide, in the pages that follow, is a careful exploration of how exclusion occurs. Our emphasis on the “how” question enables us to tease out the powers at work in different exclusionary regimes, and to place the question of who wins and who loses at the centre of our analysis.

In wrapping up this discussion of exclusion’s double edge, we would like to comment briefly on the relationship between our notion of exclusion and the concepts of “enclosure,” “primitive accumulation” and “accumulation by dispossession.” During the 21st century, all three of these terms have been used widely in the literature on land relations in the global South. “Enclosure” is generally taken to mean the conversion of common property (most prominently land, but also other forms of commons such as knowledge and fisheries) into private property.16 The concept of “primitive accumulation” has its origins in Marx. It refers to core elements of the process by which non-capitalist social formations are transformed into capitalist ones, in particular the separation of workers from direct access to the means of production, most notably through land enclosures that dispossess farmers and turn land into private property and capital.17 David Harvey has recently re-conceptualized “primitive accumulation” as “accumulation by dispossession.”18 The terms themselves and the debates around them have been highly valuable, and we agree that all three of these processes are at work in contemporary Southeast Asia. Our use of “exclusion” is intentionally broader than any of these concepts, however, and thus encompasses a wider range of phenomena while also highlighting some lacunae and problematic assumptions in the use of these terms.19

Our main concerns about the literature involve assumptions about the “who” and the “why” of enclosure. Most authors in these debates assume, first, that enclosure/dispossession is undertaken by states and/or large corporations (or, anthropomorphically, by “capital”),20 and, second, that it is undertaken for corporate profit or more broadly to facilitate accumulation. We demonstrate, however, that enclosure and dispossession are often motivated by quite different goals, such as the creation of conservation areas and the formation or protection of “ethno-territories.”21 We also highlight cases in which environmentalist NGOs, indigenous and other ethnic groups, village organizations engaged in
community-based resource management, and smallholders acting on their own behalf have enclosed land and dispossessed others. A focus on this last group, in particular, brings out a third problematic assumption in the literature: that enclosure and primitive accumulation will be opposed by the poor. As our studies of cacao planting in the uplands of Sulawesi and the coffee boom in the Central Highlands of Vietnam show very clearly, smallholders in Southeast Asia have at times vigorously engaged in enclosure and primitive accumulation "from below". Tubtim and Hirsch also show how enclosure can be achieved, paradoxical as it may seem, through discourses of common property. The often-intimate scale of what we might call these "micro-enclosures" should not blind us to the facts that smallholders do not always engage in community-oriented defence of the commons, and that they often want private property in land for themselves. That this desire can come freighted with the dilemma we discussed above does not make it any less real.

A fourth problematic assumption in the literature on enclosure is embedded in the way the process is envisaged as one in which states and corporations attempt to take away land that "communities" hold in common. While this is an appropriate description of some of the land being fought over in Southeast Asia, landholding in common is more the exception than the rule with respect to cultivated and residential land. In areas being "enclosed" for dams, land-titling programmes, peri-urban and tourism development, conservation areas, and plantations, much of the land is held, occupied and farmed privately by households. The fact that these holdings are often not recognized by the state does not make them "commons"; rather, they should be seen as individual property held under various informal and/or customary arrangements. These are arrangements that often permit the landholder to sell or mortgage the land, making it effectively a commodity, even though its transfer may be subject to some restrictions (see Chapter 2). None of this, again, is to deny that enclosure, primitive accumulation, and accumulation by dispossession, as defined by participants in these debates, are taking place in Southeast Asia, or to say that these concepts are not helpful in explaining why grazing lands, forests, wetlands and other "commons" are particularly susceptible to uncompensated expropriation. We also recognize that the notion of the commons has been used to frame a powerful defence of those facing dispossession in contexts that prioritize common over private rights. The discursive power of notions of "commons" and "community" to assert or defend land rights need not match the empirical status of "commons" on the ground. Nevertheless, the term "commons", like the term "enclosure", must be applied with caution and with attention to the potentially problematic assumptions embedded in it.

Powers

What, then, are the different powers that shape exclusion from land? We begin our analysis of this question by asking what responses someone might make when asked why they cannot gain access to a particular piece of land. Katherine Verdery has undertaken a similar task, listing among the "possible idioms" that might be used to lay claims to land "'Our lineage is bigger,' 'We got here first,' 'I'm stronger,' 'I inherited it from my parents,' and 'I paid good money for it and I have the deed.'" We argue that at the most basic level, there are four main explanations for exclusion: "It's not allowed," "I can't afford it," "I'll get hurt if I try", and "It's wrong". These responses give us the four powers that we see as being at the heart of exclusion: regulation, the market, force and legitimation. We want to emphasize two things about our approach to these powers here. We are not arguing, first, that these four powers encompass everything one would need to say in explaining how land access is organized, nor indeed that they provide some kind of master key to social theory. We also recognize, of course, that these powers are not independent of one another. Markets, for example, depend crucially upon regulation, force and legitimation, and discussions of markets that ignore this fact are apt to be highly misleading. Power is also one of the most fraught and contested concepts in the social sciences. We do not take an explicit position on these debates in this book. We do suggest, however, that our four powers provide a particularly fruitful heuristic basis for the study of land access and exclusion, in Southeast Asia and elsewhere.

In outlining what we mean by each of these powers, it is perhaps easiest to begin with regulation. Regulation, for our purposes, refers specifically to the rules—formal and informal—that govern access and exclusion. Regulation has four main components with regard to land. First, regulations determine the boundaries between pieces of land. Second, they prescribe the kinds of land use that are and are not acceptable within those boundaries. Modern states, in particular, commonly demarcate land for different purposes, dividing the national territory up between conservation, industrial, commercial, tourist, forest, agricultural, military, residential and other uses. Land use regulations can be less totalizing, however, as when the 19th century Siamese state declared that farmers could not cut teak on land that was otherwise available to them for agriculture. Third, regulations seek to determine the kinds of ownership and usufruct claims that may be made with respect to different areas of land. While two of the simplest forms are state ownership and fully alienable private property, Southeast Asian land relations are characterized by a bewildering range of types of claim. Thailand, for instance, has an elaborately graded system of formal land rights and customary claims, some of which recognize use but
do not permit ownership or alienation (see Chapter 2), while in countries such as Malaysia ethnicity determines who may own certain kinds of land (see Chapter 4). The three broad regulatory issues discussed thus far—boundaries, allowable uses and permitted types of claims—may be discussed together under the rubric of 'zoning.' Fourth, and finally, regulations make claims about which individuals, households, groups or state agencies have rule-backed claims to any particular piece of land.

Three points about regulation will come up again and again in this volume. First, we do not assume that regulation is carried out solely by the state. Rules governing land access and exclusion are often made by customary groups. Perhaps less obviously, transnational organizations are also involved in land regulation in Southeast Asia. As we discuss in Chapter 5, for example, UNESCO can have an authoritative, but not necessarily definitive, impact on land use and ownership by declaring an area a World Heritage Site. Second, regulation is not simply a matter of prohibitions and requirements. Increasingly, land regulation is being carried out through the construction of incentive structures that are meant to encourage certain kinds of behaviour while discouraging others. Some of the donor-funded programmes for "community-based resource management" examined in Chapter 3 reward villages that can show that they have set aside a certain amount of land as conservation forest. Third, regulations are not always effective, and different sources of regulatory authority are often in conflict. The rules ostensibly governing land access and exclusion in Southeast Asia often bear only the most tenuous relationship to reality. Golf courses are carved out of national parks; vigorous markets exist for land that is officially not for sale; land marked for redistribution to tenants are more routine moments when the police act to defend the questionably acquired land access of powerful people. The range of actors we consider here thus includes state officials acting outside of their official responsibilities. It also covers the security guards hired to police haciendas in the Philippines and to prevent the theft of shrimp from ponds in Thailand, as well as the armed gangs that are indispensable to the power of the local godfathers and bosses we discuss in Chapter 5. Force, too, is not a monopoly of the powerful and well-connected; it is also used by the poor, and by smallholders, at a variety of scales. Smallholders may use arson against one another in village-level disputes and against state and corporate actors. Landless people occupy land by force; ethnic groups mobilize to intimidate each other, and indeed attack each other, over access to territory. In the Philippines the New People's Army, the armed wing of the Communist Party, is a key actor in disputes over land. Force is thus a ubiquitous underpinning of exclusion.

We stress, as well, that while outright violence is common, it is not necessarily the most important aspect of the way that force is used to exclude. Force can be extremely effective even when it is largely, or even entirely, implicit. People who are being relocated from the vicinity of a planned hydro dam might decide not to push for the compensation they have been promised because they feel that state actors would be prepared to use violence against their mobilization. People with a claim to land under agrarian reform in the Philippines may not fight for it because they know their landlord has access to extrajudicial force. State officials, too, worry about the potential for violence of their citizens, and undertake land reforms and other moves in hopes of preempting it. The possession of means of violence, then, can create a climate in which force acts quite effectively without ever being used. Such situations are linked to cases of actual violence through a continuum that runs through more or less explicit efforts at intimidation.

The third power that we consider in this volume is the market. Market forces have been of enormous importance to the dynamics of land access and exclusion in Southeast Asia. Most obviously, the price of land is a primary determinant of who can gain access to land and who cannot. As with the other powers we discuss, of course, defining what constitutes a market force is not straightforward. Markets do not spring into existence by themselves. They are underpinned, as mentioned above, by regulation, force and legitimation. States intervene constantly in markets as they try to shape economic activity and to reward favoured groups and clients. Land becomes available for sale only under certain conditions, and states try to suppress the existence of certain
kinds of market (for instance, markets in land within conservation areas), with varying degrees of success. Crucially, too, participants in and regulators of markets are frequently the same individuals and groups. In our discussions of market powers, we try to keep these underpinnings and interventions very much in view. We also want to insist, however, that the prices of certain key commodities and services are critical to understanding the dynamics of exclusion. While these prices are not generated entirely in some abstract space of supply and demand, they do, for the most part, confront actors as hugely persuasive social facts. Rising world market prices for coffee have helped inspire millions of Southeast Asians to start planting the crop, whether on land they already held or on new land, a shift with profound exclusionary consequences. Spectacular rises in land prices on the rural-urban fringe and in tourist areas have encouraged smallholders to sell their land and given a spur to land-grabbing. The price of credit (or, put differently, the interest on debt) has been hugely significant in the processes of piecemeal land loss among smallholders we discuss in Chapter 6. And it is worth pointing out that there is often a "market price" for the bribe that will induce guards to look the other way as fishers use an ostensibly off-limits beach, or the pay-off that will convince a city council to rezone a piece of land for conversion.

The last of our four powers is legitimation. Understood as justifications of what is or of what should be and appeals to moral values, legitimations are of signal importance in supporting different forms of exclusion. Arguments framed in terms of what is right and appropriate provide the normative underpinning to regulatory, forceful and market powers, and many of the actors discussed in this book seek to reshape exclusion out of a genuine sense of moral duty. As we have already suggested, the range of legitimations for exclusion on offer in Southeast Asia is enormous, and different discourses are often in direct conflict with one another. One family may feel that they have an unassailable right to a piece of land because they've paid good money for it, while another from a different ethnic group may see the same land as an inalienable part of their community's ancestral territory. Discourses of nation and citizenship may be mobilized by landless people to claim access to land at the same time that the goal of development—for the good of the nation—is being invoked to dispossess people to make way for dams and plantations. Claims to scientific knowledge, whether of the dynamics of a watershed or of the most efficient institutions of governance (including free land markets), can be used to trump conflicting claims and justify exclusion. More broadly, governments possessed of the "will to improve" claim to know how people should live and to have both the right and the duty to get them to live that way. While legitimations are powerful, then, they are never unopposed, and the effort to justify any particular form of exclusion must always be seen as a struggle involving a wide range of actors. Increasingly, too, these struggles take place at a variety of scales, and actors invoke different conceptions of scale—from the local to the global—in the arguments they make. As Ribot and Peluso note, for example, appeals to the notion of a "global commons" by international NGOs and others "create universalizing categories and naturalize their interventions around the world in the name of environmental protection."

Regulation, force, the market and legitimation, then, are the four powers that actors seeking to exclude must deploy, or to which they must respond. They are variably effective across different scales. Force operates most effectively when it is employed at a proximate scale (when one party has the capacity to inflict physical harm on another), but as we noted earlier it can also operate at a distance, in the form of a pervasive threat. Legitimation is always a matter of appeal to an audience, and it matters greatly whether the two parties share a discursive frame (e.g., two sisters disputing their inheritance) or are separated by physical and social distance (farmers here, a transnational lobby promoting conservation-by-eviction there). A receipt for land taxes, issued by a local official, may be scaled up by landholders as evidence that "the state" has acknowledged the legitimacy of their claims. The power of the market operates most concretely at close quarters—"This is the price the land broker is willing to pay us for our land, today." But in its abstract form, as a hope or promise, it is still powerful enough to provoke a response. The most spectacular example is when visions of riches prompt smallholders (who do not have access to market research) to rush into the production of the latest boom crop. The complexity of the narratives that we introduce in the empirical chapters thus derives not only from the range of actors and powers involved but also from the different ways in which powers are mobilized across scales.

We end this discussion of our four powers of exclusion by observing that none of these powers operates in a frictionless world. Implementing effective rules, buying or selling newly valuable land, threatening tenants, convincing people that one's view of the world is the right one: all of these actions entail costs in terms of money, time and effort, and can easily go awry. Authorities cannot evict all the people all the time. Eviction is both expensive and disruptive, as the losers do not quietly disappear or starve. They protest, they disrupt business, they occupy land, and they reassert their right to survive in ways that even the most authoritarian regimes cannot entirely ignore. Thus, active compromise or, more often, a vague and inarticulate inertia in which things are left as they are, are constant features of exclusion. Like the inconsistent legal and policy regime we described earlier, they can be seen as ragged but enduring responses to the dilemma that exclusion presents.
Unfolding Powers of Exclusion

In the chapters to follow, we explore six key processes that are driving changes in land access and exclusion for large segments of Southeast Asia’s rural population, through deployment of the powers we have identified. In each chapter, we combine broadly comparative, conceptual discussions with detailed studies of selected times and places where the dynamics of exclusion have been strikingly revealed. The focus of Chapter 2 is land formalization and allocation, a process expanding rapidly across the region and one driven mainly by state agendas to regularize land access, promote development and consolidate territorial control. In some cases, state projects formalize land ownership, and hence exclusionary rights, in support of market-based development and markets in land. Land titling epitomizes this process, and we examine the way this has played out in Thailand and Laos. Elsewhere, formalization has been partial or hybrid in character, deliberately setting aside areas in which fully alienable title is not to be granted and instead allocating land with restrictions based on zoning and limits on transferability. We look at the Land and Forest Allocation programme in Laos to illustrate this. States have also been complicit in nominally redistributive processes, notably land reform, although this has tended towards the formalization of rights to public land rather than large-scale progressive transfers, as seen in the case of the Philippines.

In Chapter 3 we explore the territorial expansion and intensification of conservation, a process in which state objectives are combined with transnational donor and NGO concerns to regulate peoples’ impact on the environment, broadly conceived. Exclusions legitimated by environmental concerns have become ubiquitous—as ambient as the air we breathe, and often unremarked. They are supported by notions of the “common good” but have quite uneven social effects. We review the most familiar form of conservation-based exclusion, the establishment of protected areas that forbid human use, drawing an example from Sulawesi. We then explore a less-studied but increasingly significant form of exclusion that is dispersed throughout the countryside, as villagers are invited by NGOs and other agencies to participate in establishing a degree of self-exclusion under the label “community-based natural resource management”. We illustrate this with examples from Cambodia. Our third focus is the practice of setting aside land and other resources for protection to mitigate the environmental impacts of large-scale resource projects. This practice creates a kind of double exclusion, as people are displaced or otherwise restricted in their access to land by both the project and its mitigation efforts. A large dam in Laos provides our case in point here.

Chapter 4 examines the massive rearrangements of land access and exclusion associated with the occurrence of crop booms, which are a long-standing feature of agrarian Southeast Asia. Crop booms are stimulated by rising commodity prices, the introduction of new growing techniques, and policy interventions, in varying configurations that we explore through a focus on three of the most important contemporary boom crops: oil palm (with a focus on Sarawak, Malaysia), farmed shrimp (especially in Thailand) and coffee (which boomed spectacularly in the Central Highlands of Vietnam in the mid-1990s to late 1990s). Some of the most significant similarities between these booms have been large flows of migration to boom areas, a strong tendency for people to make more individualized claims to land, land-grabbing, deforestation and the combination of genuine gains (including for smallholders) with the risk of immiseration.

Chapter 5 again highlights the power of price, but in this case the market is pushing people out of agriculture rather than towards it. As the industrial and service sectors boomed across parts of Southeast Asia in the 1980s, 1990s and 2000s, post-agrarian land uses began to compete sharply with agriculture. One aspect of this transition is the sprawl of cities and the creation of distinctive peri-urban zones that mix industrial, commercial, infrastructural, residential and agricultural land uses. Such zones have been growing at extraordinary speed around many of Southeast Asia’s cities, and their development (as illustrated by our focus on Căn Thơ, a province near Nha Trang) has been profoundly shaped by the interaction of our four powers of exclusion. Tourism is a second land use that has prompted the conversion of large amounts of agricultural land, through processes that are often quite similar to those that characterize peri-urbanization. We show this through studies of tourism in Bali and Angkor. We also take up the quite different exclusionary dynamics that characterize the construction of hydroelectric dams, with a focus on the Hoa Binh Dam in northern Vietnam.

In Chapter 6 we examine the processes through which social intimates, neighbours and kin, exclude each other from access to agricultural land. This process is long-standing in Southeast Asia, especially in the more densely settled agricultural cores. Yet it merits renewed attention as competition among smallholders intensifies and expands to frontier areas (driven sometimes by crop booms) at the same time as land frontiers are closing, making it increasingly difficult for people who lose their land to move off to try again in another location. We examine “intimate exclusion” in village Java, the site of classic debates about whether villagers’ “share poverty” by spreading access to land and work or, alternatively, exclude intimates from access. Our second study describes a process of “enclosure from below” followed by a rapid process of agrarian differentiation among highland farmers in Sulawesi who previously shared access to common and collectively inherited land. Finally, we turn to
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Vietnam, to examine the re-emergence of unequal land access among villagers and the debates that have emerged among villagers over the rights and wrongs of exclusion.

In Chapter 7 we examine counter-exclusions in which groups mobilize to reclaim land from state authorities, or from other groups in rural society whose presence they deem illegitimate according to criteria such as social justice or ethnic belonging. A striking feature of these mobilizations, in contrast to the class-based mobilizations of an earlier era, is the extent to which they draw legitimation from state failure to deliver on the promises of even-handed citizenship enshrined in national constitutions, or from notions that link development to improvements in popular well-being. These features are prominent even in egregious cases such as the violent expulsion of migrants from ethno-territorial homelands in Indonesia, our first empirical study, and in the more peaceful attempt by indigenous groups in Vietnam’s Central Highlands to restore their autonomy in the face of a massive migrant influx. They also arise in mobilizations against eviction, the topic of our final section, which takes up Thailand’s Assembly of the Poor. Taken together, these mobilizations starkly reveal exclusion’s double edge. A state that fully recognizes ethno-territorial rights cannot simultaneously treat land as a national resource to be distributed to the landless on the basis of need; nor can protests against eviction be easily reconciled with demands for development when exclusion is necessary for productive investment. It is often easier to discern who benefits and who loses than it is to resolve the dilemma at the heart of exclusion from land.

As we proceed into our empirical analysis, we want to remind readers that Southeast Asia is a region of extraordinary diversity by almost any metric that one might care to use. While we believe the comparative and synthetic analysis we offer here is appropriate to the subject matter, we recognize the risk that a reader could get lost. To alleviate this problem, we have prepared maps that show the main features of regional topography and the places named in the text, and some tables that summarize demographic statistics. Throughout, we have attempted to write in a way that will be insightful for those familiar with the region, yet accessible to readers new to Southeast Asia. For those who would like more background on the countries covered in the book (Cambodia, Indonesia, Laos, Malaysia, the Philippines, Thailand and Vietnam), we have prepared an appendix that contains brief histories of national land relations. We also explain some key terms in a short introduction to the historical geography of agrarian Southeast Asia in the first section of the following chapter.
Figure 1.2a Southeast Asia: Provinces, dams, rivers and other places mentioned in the text

Sources: Digital Chart of the World, Badan Nasional Penanggulangan Bencana (Indonesia), Vietnam Administrative Atlas, Malaysia Map and Guide, Department of Local Administration (Thailand), Department of Geography of the University of the Philippines Diliman, Food and Agriculture Organization (United Nations).

Figure 1.2b Southeast Asia: Regions mentioned in the text

Sources: Digital Chart of the World, Badan Nasional Penanggulangan Bencana (Indonesia), Vietnam Administrative Atlas, Malaysia Map and Guide, Department of Local Administration (Thailand), Department of Geography of the University of the Philippines Diliman, Food and Agriculture Organization (United Nations).
Notes


5. For an example, see Hart, Turton and White 1989.


11. Li 2010b.


15. Li 2010b.


19. For a discussion of primitive accumulation as an analytical framework for studying rural Southeast Asia, see Hall 2010.


21. Michael Webber has made a very similar argument about rural China, writing that "primitive accumulation depends not only on the logic of competition between capitalist and non-capitalist forms of production, but also on extraeconomic agendas—in this case, of environmentalism and ethnicity" (Webber 2008).


24. For example, while our typology resembles the division of power into ideological, economic, military and political forms that Michael Mann develops in The Sources of Social Power, we use our terms in a less all-encompassing way than does Mann (1986). For another very similar typology, see Vahari 2009.

25. See also Bakker, Nooteboom and Rutten 2010.

26. Li 2007c.


28. See Allen 2003 for an illuminating discussion of the way different powers work across scales.

Licensed Exclusions: Land Titling, Reform and Allocation

Throughout Southeast Asia, land access is being reconfigured by state programmes that seek to include small farmers in formalized access to agricultural land, or transfer land ownership to them. These programmes license the access of one group of actors, an intervention that simultaneously, and necessarily, licenses the exclusion of another. For the most part, these programmes address farmer demands. Farmers need access to land, and to use land productively they need to exclude others from it. Given the option, they usually want to have secure title. If titling is not available, they still welcome other programmes that formalize their land occupation and use. Landless farmers often press states to undertake land reforms and are willing to move to areas where governments allocate land under settlement programmes.

Inevitably, the exclusions produced by licensing present dilemmas. For land policy makers, programmes that intervene in land access require the selection of winners and losers. NGOs and activists sometimes find themselves campaigning against the issuing of property rights that the people they claim to represent actually want. And while few farmers are inclined to turn down state-recognized rights to land that they occupy, they find themselves chafing against the new regulations, costs and conditions of use that accompany such recognition. Often, they discover a gap between what land formalization schemes promise and what they can deliver.

State projects designed to improve access to land for smallholders and landless farmers can be divided into four types. The main goal of the first two—formalization and titling—is to give farmers a more secure, state-recognized claim to land that they already hold. Land formalization refers to the recognition and inscription by the state of rights and conditions of access within specific boundaries. Land titling is a specific type of formalization, one