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Dispossession and political struggles in 'failed' land investments

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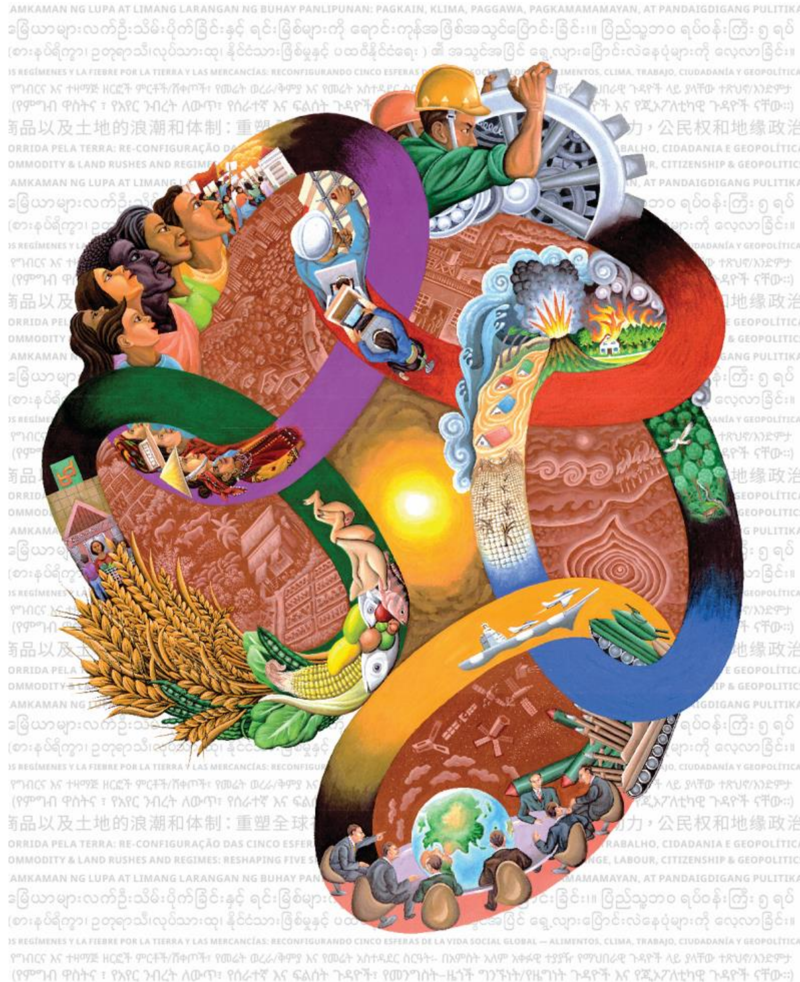

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Abstract

There are three categories of land deals in terms of operational status: corporate land deals that were pursued and implemented, corporate land deals that were not pursued, or pursued but later stopped, and finally, 'land deals outside the spotlight'. This paper is about the second type, which can be caused by public pressure protest actions, contract expiration, political crisis and etc. Using a landscape lens, this paper is a study of three sites in Kachin state of Myanmar where land deals were initially pursued but later stopped. The first case involves 58,000-hectare checkered plots of banana; the second 6,000-megawatt hydropower dam construction; and the third 80,000-hectare agricultural concession for biofuel crops. The latter two cases can be classified as corporate pursued land deals, while the first case is mainly due to everyday forms of land accumulation and commodification involving medium size owners of capital coming from China. All three localities are immersed in the wider political economy of resource extraction, armed conflict, and more land grabs. Findings showed that outcomes of land struggles in the forms of 'public victory' or 'silent return' (of the land to people; of people to the land) do not translate to socially just outcomes for the rural working people. Land conflict and struggles continue – in difficult political conditions due to fragmentation of social forces behind previous cycle of struggles and due to public indifference as a result of routinization and invisibilization of these cases.

Keywords

land rush, failed land deals, land struggle, land conflict, social reproduction, ethnicity, kachin state, Myanmar

Introduction

Beginning from 2007-2008, multiple crises in food, energy, finance, governance, and climate sectors converged to unleash an unprecedented level of race after land across the world (Kaag & Zoomers, 2014). What result was another wave of global land rush driven by both actual and/or anticipated forms of crisis. Since then, various studies have examined different aspects of this global phenomenon, contributing to the richness and depth of literature available on land. On the other hand, there are also proposals put forward to address the continuing critical discussion gaps regarding this issue. Edelman (2013, p. 488) refers to the concentrated focus on the size of land as 'the fetishization of the hectare', instead to focus on the complexities and transformations of social relations on the ground due to land grabbing. The labour dimension of the global land rush has also been brought up asking the question when the land is need but the labour is not (T. M. Li, 2011; Oya, 2013). Some scholars suggest analyzing the land rush within a historical framework, as the spaces where land grabbing occurs are often shaped by previous political processes, land tenure patterns, and social formations (Edelman et al., 2013). Others recommend examining the structural and institutional origins of the recent land rush in a broader context (Wily, 2012; Zoomers, 2010).

Following these developments, most recent work by Borras and Franco (2024) problematized the interchangeable use of different terminology such as 'land grab', 'land acquisition', 'land deal' and 'land rush' which have significant research, political and policy implications. As the next step in the field of global land rush studies, they untangle, clarify, and consolidate the meaning of 'land rush' as a concept and methodology which can be used as a unit of inquiry. Their proposed definition of land rush is as followed -

> 'denoting a chaotic, relatively short-lived, historical juncture marked by a sudden surge in demand for land, accompanied by an extremely speculative and competitive, often violent and

> convulsive transition from one set of rules on commodity and land politics to another… Land rush encompasses various elements, namely, land enclosures, land grabs, land deals, land acquisitions, commodity booms – small, medium and large – and multiple actors (state, non-state, corporate and non-corporate), and has distinctive socio-political features, namely, wild speculations, hyperbolic claims, fantastic spectacles, a convulsive atmosphere.' (Borras & Franco, 2024, p. 3)

By taking land rush as a unit of analysis subsuming different types of land transactions and land control changes, it is further categorized into the three currents which together make the land rush (ibid). The first type is corporate land deals[1] that were pursued and implemented. Currently, many academic studies focus on the impacts of these deals on property relations, labor, livelihoods, and the environment (Cotula et al., 2014; Hajjar et al., 2020). The second type of deals are corporate land deals that were either withdrawn or canceled after being announced and implemented, or were only announced but never initiated (Baird, 2020; Kaag & Zoomers, 2014). The third category refers to 'land deals outside the spotlight' that are less visible than high-profile corporations (Borras Jr. et al., Forthcoming). These actors include individuals, groups, shady companies, or petty bureaucrats who noticed the land spectacle created by corporations and the state and decided to join the frenzy. They often operate outside the scope of formal institutional oversight. Some acquire small parcels of land and combine them later, while others acquire large tracts of land. To fully comprehend the dynamics and implications of the land rush, it is important to analyze all the three currents which co-constitute each other making a land rush and transforming broader social life.

Numerous studies have examined the socio-political processes related to corporate-operated land deals. Additionally, there is growing research on the dynamics of small-scale land accumulation or 'village-based intimate exclusion' (Boutry et al., 2017) and 'small-scale' land grabbers (K. M. Woods, 2020). There is still a significant gap in understanding non-operational or 'failed' land deals. Evidence, for example from Land Matrix database, has shown that a substantial proportion of land transfers did not materialize as planned or announced (Anseeuw et al., 2013; S. M. Borras et al., 2022; Engström, 2020). This raises questions about what occurred during the peak of the global land rush and its implications for broader social life. Even in cases where land deals have been frozen, failed, or turned out to be 'virtual' (Schoenberger et al., 2017), there are significant repercussions. In fact, cancelled deals have been found to have produced worse outcomes for local people compared to if they had not been made or if they had operated as planned (Visser, 2017). As such, this paper investigates the impact of the non-operational land deals in the context of Myanmar. The question is crucial because previous studies on failed land deals have suggested that the contested lands do not necessarily revert back to the rural working people[2] (Borras et al., 2022; Broegaard et al., 2022; Tarkapaw et al., 2016). At the same time, interest from media, civil society, and researchers tends to wane over time, especially when deals are withdrawn, cancelled, or stalled. The disinterest has political significance as it unintentionally contributes to the routinization and invisibilization of ongoing injustice and dispossession experienced by the working people (S. M. Borras et al., 2022).

Using a landscape lens (Mitchell, 1996), this paper examines the implications of land deals in three sites in Kachin state of Myanmar where land deals were initially pursued but later stopped. The first case pertains to 58,000-hectare checkered plots of bananas in Waingmaw township. The second case involves the construction of a 6,000 megawatt hydropower dam in Myitkyina township. The third case is an 80,000-hectare agricultural concession for biofuel crops in Hpakant township. The last two cases are classified as corporate land deals, while the first case is mainly due to everyday forms of land accumulation and commodification through economic and extra-economic coercion involving medium-sized capital owners from China. All three areas are also part of the broader political economy of resource extraction, armed conflict, and land dispossession. Kachin state exports jade, amber, gold, and rare earth minerals to neighboring China. The state has also been plagued by an armed conflict between

[1] The term 'land deal' is used here to represent different terminologies used for land transactions and land control changes.

[2] Working people in Myanmar include smallholder peasants, pastoralists, small scale fisherfolks, forest foragers, daily wage labourers, street hawkers, and workers informally employed in different sectors. They make very low income and have to live in precarious living conditions while having to provide maximum labour effort.

the Kachin Independence Army (KIA)/Kachin Independence Organization (KIO) and the military since the 1960s. The conflict has escalated further after the military coup in February 2021.

This paper argues that failed land deals create double frontiers, one established by the state and another by local power complexes including intimate actors, maintaining land redistribution from working people to the classes of capital. The case studies to be discussed demonstrate the significance of conjunctures (T. M. Li, 2014a) in relation to land rush, failed land deals and their trajectories which contribute to the broader state-making processes. This understanding is crucial to ensure that land struggles lead to a socially just future by consolidating the 'political opportunities' (Gaventa, 2006, p. 12) formed around failed land deals. In the following section, a brief background on Myanmar's own land rush is presented to situate the case studies in the broader political economy of the country with distinctive political conjunctures. Then contextual background and relevant highlights from each case study are discussed, including a spectrum of political responses elicited from a range of actors. Findings from household survey and interviews conducted in January 2022 and in February 2024 are also presented in relevant sections. The paper concludes by reflecting on the impact of failed land deals on the ground and their role as a key co-constituent of the land rush shaping land and labour politics consequentially. This issue has been long neglected by academics, scholar activists, and civil society.

Land rushes in Myanmar

From the early 1990s, narratives at the global level are echoed in Myanmar and framed as the convergence of 'peak oil', 'anthropogenic climate change', and 'persistent food crisis' that need to be addressed without disrupting the ability for continuous expanded capital accumulation. The narrative suggests that the solution is found in 'the suitable land available that is either not uncultivated or produces well below its potential' in various parts of the world' (Deininger et al., 2011, p. XIII). These lands are usually in the category of 'untitled' lands which applies to 'most of the land area of the agrarian world' (Wily, 2012). In Myanmar, expulsion of peasants accelerated after the military regime revived the adoption of Wastelands Instructions in 1991, a legacy of the British colonialism from 1863 in order to legalize land enclosures. Thirty-one percent of the country's land area has been classified as 'vacant, fallow, and virgin lands (VFV land)', out of which 70 percent of these lands are situated in the ethnic territories (Government of the Republic of Myanmar, MOALI, 2016). The making of land rush found even more fertile ground inside Myanmar with past and ongoing processes of land grabbing, deep-rooted ethnic grievances, social inequality, and militarization of various forms, scale, and intensity.

The same social structure and institutions favoring the class of military affiliates and crony capitalists were maintained and merged with new local and foreign actors when the country transitioned into much hyped democratization process from 2010. Markers of regime change include the adoption of an open-door policy towards international trade, private enterprises, foreign investment, and export-oriented industrialization. Up until then, the country's economy has been based on the two main sectors: the export of raw natural resources and the export of labour (TNI et al., 2020). Export of gas, oil, coal, jade, gems, metals, and wood contributed to about 70 percent of the national exports and 10 percent to GDP in 2012-2013 (Lynn & Oye, 2014). Over five million migrant workers from Myanmar, many of them undocumented and unprotected, worked in precarious conditions in the neighboring countries, particularly in China and Thailand (Parmar et al., 2019). Meanwhile, crisis of landlessness, near-landlessness, land fragmentation, and land consolidation increase in the rural areas (Government of the Republic of Myanmar, MOALI, 2016). National statistics reported average own farmland size of 4.5 acres which, in most settings in Myanmar today, barely provides for subsistence (ibid).
Another political conjuncture in 2016 saw National League for Democracy (NLD) government led by international icon Aung San Suu Kyi came into power. The quasi-civilian (or quasi-military)[3]government implemented economic reforms with full support from international institutions such as the World Bank, International Financial Corporation, Asian Development Bank, and Japan International Corporation Agencies. Economic model of the country was priming to be transformed

[3] The term is used to describe structure of Myanmar state with control by the military in significant positions in the parliament, and government ministries.

into a neoliberal capitalist economy through liberalizing market and investment regulations, privatising public sectors, and reducing state's role to becoming a subjective facilitator. Political reforms turned Myanmar attractive to the international investors, and they often refer to it as 'the final frontier of South-east Asia', 'Asia's missing link' or 'huge greenfield opportunity' with rich untapped natural resources and nearly 60 million consumer market. For these investors, Myanmar is high risk but potentially very lucrative if the right regulatory system for the investors is fully in place (Grayson, 2012). The sentiment of capital community reflects that of the state by reading from Aung San Suu Kyi's speech at the Asean Business and Investment Summit as followed: *'... [Myanmar is] the last frontier of South-east Asia ... We have land, we have good young working population, we have many unexplored resources ... Exploration is exciting, exploration is lucrative, and exploration will help us to develop our country quickly ...'* (Arshad, 2018). The logic that pushed forward the rush implicates both land-for-agriculture as well as non-agricultural rural lands including the indigenous territories and rural spaces (Borras, 2016), special economic zones, resource extraction, and conservation imperatives and infrastructure developments (Schoenberger et al., 2017). It helps consolidate prior land grabs in Myanmar while facilitating their further expansion.

From the 1990s, the Myanmar military state began signing ceasefire agreements with several ethnic armed organizations. As of 2020, the military had signed forty-three ceasefire agreements with major ethnic armed organizations and their splintered factions (although this became more fluid after the February 2021 military coup). Ceasefire agreements were followed by ceasefire capitalism in the ethnic territories (Jones, 2014) This involved the Burmese regime allocating land concessions in ceasefire zones as a postwar military strategy to govern land and populations, producing regulated, legible, militarized territory (Woods, 2011). This economy, also known as the 'neither war nor peace economy', blurred the lines between what was legal and legitimate (Kramer, 2021). A variety of projects, including mega dams, forest conservation initiatives, economic corridors, and large-scale agricultural plantations (such as palm oil and rubber), logging, casino buildings, and industrial parks, are either implemented, planned, or in the formulation stage in these areas (Buchanan et al., 2013). Ceasefire agreements often benefit a narrow selection of ethnic-minority elites, regional army commanders, and national and foreign investors who seek to profit by turning land into capital and battlefields into marketplaces (Jones, 2014; K. Woods, 2018). In conflict-affected ethnic areas, armed violence often leads to economic violence against the local populations. This is done to maintain peaceful conditions for expanded capital reproduction of the elite class, who formed patron-client relationship with the military and ethnic armed organizations. This echoes Tilly's argument that state-making involves war-making, extraction, and accumulation processes, and can be seen as a form of organized crime. Therefore, the politics surrounding land rushes can illustrate the making of a thing called 'state' with its historical and social particularities (Abrams, 1988) or the type of regime of dispossession (Levien, 2013).

By the end of 2014, agribusinesses and growers had been granted nearly 5 million hectares of VFV land concessions based on data from the government and other sources. These concessions are primarily located in ethnic states (62%) and Bamar-majority regions (38%) (Government of the Republic of Myanmar, MOALI, 2016). In Myanmar, many land concessions are granted but not utilized productively. According to the government, only a quarter of all land concessions are productive (ibid). This is also a key reason used by civil society organizations to reclaim lands from corporate actors because not all land concession areas are being used as planned (Tarkapaw et al., 2016). In 2011, when the parliamentary committee was established to investigate land confiscation, the public sent petition letters requesting the return of farmlands and other types of land totaling nearly 500,000 acres (equivalent to 200,000 hectares) within the first year of its mandate (Thein et al., 2018). As of 2017, the parliamentary committee had not resolved any of the cases filed by the public (LIOH et al., 2017). This remained the case even after the quasi-civilian government was overthrown by the military in February 2021. In the next section, the three case studies from Kachin state will be elaborated further.

Discussion on case studies

Myitsone Hydropower Dam – A case of one extraction after another

On September 30, 2011, President Thein Sein suspended the construction of Myitsone Dam in Kachin state due to unprecedented scale of public opposition. The dam is located at a heritage site of Kachin ethnicity where the Mali Kha and N' Mai Kha rivers converge, which is also the starting point of the Irrawaddy River, considered as the main lifeline of Myanmar. Originating from the Himalayan glaciers, the river flows from the north of the country until it reaches the delta plains in the south and ends by draining into the Bay of Bengal. The Myitsone Dam is a joint venture worth USD 3.6 billion between State Power Investment (SPI) (formerly known as China Power Investment Corporation (CPI)) and Myanmar's Ministry of Electric Power and the Asia World Company. The project aims to generate 6,000 MW of power, from which 90 percent of the generated power plans to be exported to Yunnan province in China and is expected to be completed in 2019. The project, if executed, is projected to submerge 5,000 homes in 30 villages, rendering thousands of people homeless (Global Witness, 2005). Additionally, it would have devastating environmental consequences, submerging 76,600 hectares of forests and altering the pattern and intensity of downstream flow along the length of the country (Lim et al., 2017).

Turning the land/water-scape for energy extraction requires the invention of inscription devices involving different actors and institutions, both foreign and local, power relations, violence, discourses, technologies and materialities animating different roles (T. M. Li, 2014b). In Myanmar, the construction of hydropower dams, mainly for energy export to neighboring countries, has historically been associated with massive land grabbing, displacement, and forced labor in ethnic areas (Burma Environmental Working Group, 2017). As a result of the devastating socio-environmental consequences of the large dams, the legitimacy of hydropower was in crisis. From the early 2000s, climate change policies began to gain momentum at the global level. A rebranding of hydropower began under a hyped narrative of 'sustainable hydropower' as a clean and green source of renewable energy (Shoemaker, 2018). Later, its advocates in the hydropower industry also incorporated into the Sustainable Development Goals (SDGs) as an opportunity that can create jobs, generate tax revenues, and contribute to local economy and development (International Finance Corporation, 2018). This led to further consolidation of hydropower planning and implementation to meet Nationally Determined Contributions (NDCs) targets at the country level (Ministry of Environmental Conservation and Forestry, 2015). By framing it as a climate change initiative, it was also possible to access climate finance (Imhof & Lanza, 2010). In such a conjuncture, climate change politics merged with existing power structures and political institutions to dictate by whom, where, when, and how the real and/or anticipated impacts of the environmental crisis could be addressed (Franco & Borras, 2019; Paprocki, 2019). The situation is further exacerbated by the country's ranking as the third most affected country by climate change in terms of cumulative impacts on social, economic, and environmental dimensions (Eckstein et al., 2021).

According to Myanmar's electrification plan, the government has planned a total of 43,848 MW of hydropower projects located mainly in ethnic areas, including Karen, Shan, Karenni and Kachin regions (International Finance Corporation, 2018). These projects are all proposed by those coming from Chinese public and private enterprises. This pattern of land/water prospecting from China is not coincidental and is linked to a series of attempts to resolve the crises inherent in capitalism (TNI, 2019). One significant conjuncture was the global financial crisis of 2007-2008, which the Chinese government responded to by providing stimulus packages in the form of loans and other incentives for infrastructure construction inside and outside its national borders (ibid). The recurring 'spatial fixes' (Harvey, 2003) led into the global project called One Belt, One Road, or the Belt and Road Initiative (BRI), using language such as 'win-win', 'mutual benefit', and 'sustainability'. The construction of the Myitsone Dam was conceived before the BRI, but tended to be branded as a BRI project even after the project was stalled, in the hope that it would be revived (Zaw, 2019).

When the news broke in 2007 that the state had signed an agreement to build seven dams as part of the Upstream Irrawaddy Hydropower Megaproject in Kachin State, waves of opposition from local people, religious and civil society leaders, and KIO followed (Woods & Kramer, 2012). Disapproval of the project was particularly expressed against the construction of the Myitsone Dam, which will be the largest power generation project and is located at the core of the socio-cultural site of ethnic Kachins (ibid). Eventually, a formidable national movement emerged as local struggles were joined by alliances from the wider civil society, including human rights activists, environmentalists, artists, journalists, writers, and academics. The 'Save the Irrawaddy' public campaign received overwhelming support from people from different geographical locations, generations, and ethnicities. The initial framing of the issue as a Kachin emergency was elevated to a national emergency that will endanger livelihoods and social life of the majority of the country's working people (Kiik, 2023). The state as a 'regime of dispossession' in favor of capital has turned land of ethnic people into frontiers of extraction by erasing existing forms of life (Levien, 2013; Tsing, 2005). At the same time, politics of counter-exclusion also emerged rapidly at both local and national levels (D. Hall et al., 2011). Ethno-nationalist and xenophobic sentiments against China grew rapidly, threatening the legitimacy of the new quasi-civilian government (Lamb & Dao, 2017).

The construction of a green, sustainable hydropower dam was to be made possible by dispossessing, expropriating, and exploiting the local population, while at the same time subjugating ethnic insurgencies. Dam was used as a strategic tool of state territorialization to 'neutralize or eliminate' their opposition forces and extend direct rule over local populations (Tilly, 1985). After the central government's ultimatum for KIA to vacate their strategic outpost near the two Chinese-operated dams within the same river basin area as the site of Myitsone dam construction, the 17-year ceasefire agreement between the two sides broke and fighting resumed. As such, violence was an integral part of the entire process of securing land control for the project (Grajales, 2013). Both the Chinese company (SPI), the national company (Asia World), and the state used violence against the local villagers to erase the existence of the local people's landscapes (KDNG, 2013). Six villages with a population around 2,000 were relocated to the two host villages, which were quite far from their original locations. In one extreme case, two villages were forced to relocate within 2 days (Kachin State Public Voice News, 2023). Compensation and assistance for resettlement were minimal and irregular. Suitable land for livelihood and other social necessities was very scarce in the host village areas for the relocated villagers and they were forced to travel long distances to reach their former forests, farmlands, and taungyar (upland) plots, if they were still accessible or migrate to search for casual work. Access to the project sites was banned legally and physically using a criminal code and a local militia under the command of the military. Hence, for the villages which situate on the company's operation compound, they were completely cut off from re-accessing their lands until present time. To reuse the words of a displaced villager from a news article, *'We are stuck here with nothing to do. I am a farmer without land'* (Motlagh, 2023). In some cases, the resettlements even provoked negative sentiments among the host communities, whose life and land entanglements with the project were rarely acknowledged, neither by the anti-dam activists, the state nor the corporate actors.

When the project was officially halted in 2011, the media fetishised with how such a political move sent shock waves through different levels of Chinese government as well as Chinese private and public enterprises. At the same time, the NGO and academic circle also focus on dissecting the anti-dam movement to analyze what factors could have led to such a public victory. Despite the celebratory mood that spread throughout the country and research fervor, another kind of unsettling moment unfolded in the affected villages. A moratorium on dam construction has not reversed the institutional arrangements to restore 'bundle of access' to the landscape (Ribot & Peluso, 2003). Perspective from bundle of access is deployed here because over-simplified categorization of land type and land use (for example - one person/one stand-alone fixed plot of farmland) by the modern land governance system conceal a web of relationships between the rural communities and the surrounding landscape (Franco & Borras, 2021). At this point, the anti-dam social movement has moved on to other issues, believing that the heart of the nation is protected for the time being. However, along with a series of catastrophic events of dispossession, destruction, and violence, the landscape is remade into a new form of frontier with even more modes of salvage accumulation to unfold – that is by free-riding on social reproduction sphere

and ecology (Fraser, 2021; Tsing, 2015). Nevertheless, villagers gradually and quietly try to return to their former villages, to rebuild their homes and former social life. Many villages have already been turned into ruins and barred from re-accessing.

Situated within a broader landscape of extractivism, a gold rush spread with even more intensity to this new, unruly territory, with the only certainty being the uncertainty of the situation and the institutions-in-flux that governed the area. According to the villagers, both Chinese and Myanmar company may be profiting even more from gold mining, even though dam construction has been stopped. Since occupation by the dam construction company started, the area has been inaccessible to local communities except to the mining entrepreneurs in collusion with the company staff. After the project was halted, it openly drew in gold mining by Chinese and local companies with the support from the central state and local militia (Environment News Service, 2011; Kachin News Group, 2019). An informant from Kachin state explained the situation as followed, '*local people sell lands to the rich, who then pay to KIO and government officials to carry out gold mining on their newly purchased lands. Locals cannot protest. They are doing mining on their lands. Polluted rivers are concerned with the government, not the village. Rich people work with the powerful and the church*' (IDI 08, personal communication, February 2024). In reality, land transfers frequently took place out of economic and extra-economic coercion inflicted on the villagers (Kachin State Public Voice News, 2023). Gold mining concessions also went to those with close affiliations to the local churches and the KIO, who have opposed the construction of Myitsone dam. There were no clear boundaries to the dichotomies of legal-illegal and public-private but the gray areas where exploitation by powerful actors occurred, and where the reconfiguration of relationships between the state, armed groups, legal and illegal economic actors, and the market emerged (Kramer, 2021).

Local activists and villagers have warned of the significant socio-environmental impacts of the gold mining that has replaced the hydropower dam. A stern warning from a Kachin land activist reads as follows: '*Land, even if it is 5 acres, is your country. If you mine it away, your country is no more. It is not possible to rebuild the land. We are mobilizing young people to have this kind of attitude*' (IDI 05, personal communication, February 2024). However, the struggle against gold mining, despite its significant negative impacts, has not received the same level of attention and public solidarity as the struggle against the construction of the Myitsone Dam. Instead, the struggle has developed into a series of localized struggles that are fragmented along the lines of class, ethnicity, territoriality, and religion.

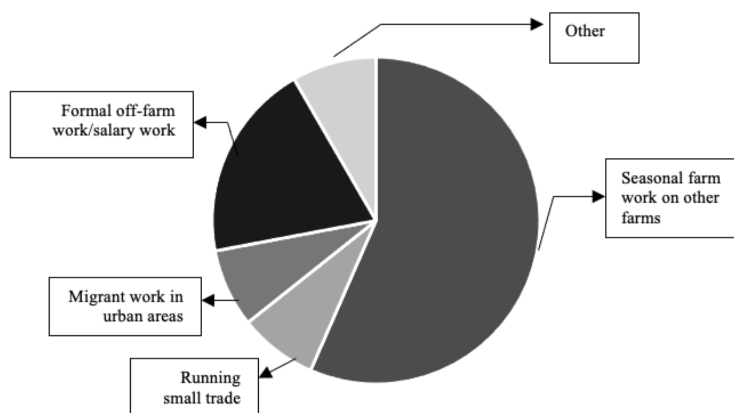
<u>Hugawng valley – A case of continued exclusion after re-taking land control</u>

In early 2021, the KIO took control of the 81,000-hectare land concession that the state had granted to Yuzana Company in the Hugawng valley more than a decade ago (Kachin News Group, 2021). The project aimed to address the country's need for fuel by growing biofuel crops, including cassava and jatropha. This followed the government's order for each state and region to grow jatropha, with a quota of over 200,000 hectares, for long-term fuel sufficiency (Ethnic Community Development Forum, 2008). The timing coincided with the global hype surrounding jatropha as an alternative to fossil fuels, which ultimately resulted in a quick boom-bust cycle (Borras et al., 2020). The project is located in the Hugawng valley, spanning both Kachin and Sagaing states, and situated at a crossroads between China and India. Prior to this, almost the entire valley had been designated as the World Conservation Society (WCS) sponsored World's largest tiger conservation area. In 2001, the military regime approved an initiative to take advantage of a ceasefire agreement with KIO, despite 80 percent of the area being under KIO's control and home to an estimated 50,000 people when the park was demarcated (KDNG, 2010). In 2004, the Ministry of Forestry agreed to expand the conservation area to cover almost the entire Hugawng valley, an area of nearly 2,200,000 hectares (ibid). Following the 1994 ceasefire agreement, the military rapidly increased its presence in Kachin state and Hugawng Valley. This expansion involved the forced displacement of local people to make way for military infrastructure, state bureaucracy structures, and business ventures (KDNG, 2007).

To go back to the case on Yuzana company, the land concession affected seven villages with a total estimated population of 5,000 (KDNG, 2007). Access to the villages' common areas such as pasture, churches, farmlands, and other lands for a range of production and social reproduction purposes were cut off in varying extents. To show their dissent, local villagers engaged in land occupations, public campaigns, lawsuits against perpetrators, media appeals, letters to state authorities, and the ethnic armed organization (EAO). In the words of a local land rights activist, '*We made protests, launched press conference, sent letters to KIA, and declared that it (Yuzana land concession) is an intentional way to make us obsolete – a genocidal act*.' (IDI 01, personal communication, February 2022). At the same time, Yuzana's massive biofuel crop project transformed local agrarian relations in many ways. Since the early 1960s, village mobility suffered from constant insecurity. Infrastructure development was almost non-existent due to war which translated into a stunted development in the means of production for agriculture and social wellbeing. Peasants had to rely on farm animals such as cows and buffaloes to till their lands, and manual labour for weeding, seedling, and other processes, while access to external markets were extremely limited to purchase farm inputs or sell their products. Yuzana company constructed an extensive road infrastructure to facilitate its operations. Although initially banned for access by the villagers, they were able to use it later by paying toll fees to the company in order to travel to nearby towns and villages. The increasing presence of state bureaucracy and company operations led to the area more accessible to the outsiders, who started to occupy uncultivated lands within the company's area in collusion with company staff, and those outside by renting or buying land from the villagers. These lands are used for agriculture and/or converted for non-agricultural purposes, particularly for mining.

After the military coup in February 2021, the country descended into chaos once again. On the other hand, it provided another conjuncture to 'shape and determine the meaning, form, and effects of competing land claims' (D. Hall et al., 2011). In April, the KIA seized control of Yuzana's land concession area in Hugawng valley (Kachin News Group, 2021), destroying its office quarters, factories, warehouses and staff housing. In reality, local activists colluded with the KIO to plot the forced removal of the company, for which they call themselves 'frontline soldiers without weapons' (IDI 05, personal communication, February 2024). The area became a scavenging ground to search and sell valuable construction materials. Villagers also reported that equipment of the military and drug processing facilities were found inside the company's compound, alluding to the long-standing accusations against the company's use of drugs to control its labour and alliance with the military to maintain its occupation. Zooming out of company ruins, the physical morphology of the valley has undergone significant changes from its previous state. The area, once famously known as the 'Green Hell' or 'the wild and beautiful with a savage heart' since World war II (Rabinowitz, 2007, p. 8), has dramatically lost its forest coverage and biodiversity. In its place, the landscape now features sporadic fields of cassava and tapioca, gold mines, timber extraction zones, and polluted rivers. After forcibly dispossessing people from their lands and committing territorial occupation, Yuzana continued to degrade and exclude human and non-human life on the squeezed landscape, which is also framed as slow violence (Li & Semedi, 2021). This was done while benefiting from subsidies provided by the state in the form of cheap land, and nature as well as military protection. Additionally, this act resulted in the commodification and cheapening of labor power to sustain families' everyday social reproduction. Villagers are forced to survive as fragmented households and individuals between different rural spaces, between wage labor and petty commodity production, and between on-farm and off-farm types of livelihoods as shown (see figure 1 below) by the different types of wage jobs villagers have to engaged in aside from farming (Bernstein, 2006) or as working people (Shivji, 2017).

Figure 1. Number of working age people reported against different types of wage jobs



When looking at the Hugawng valley case, one of the land governance tendencies - 'stop and rollback land grabbing' - can be observed, similar to other ethnic land activists in their struggle against the central state's past and ongoing processes of dispossession and exploitation of ethnic populations (Ra & Ju, 2021). In this case study, the third tendency is not necessarily based on an anti-capitalist stance, but rather on the ground of restoring the territorial rights of ethnic people (ibid.). Such a will is reflected by a local peasant/land activist: '*If the locals do not keep the land, others will come and take it. And our land is getting less and less. We should have more land if not other Bamar or Shan will come and take it. We will serve the Kachin State with our land*' (IDI 02, personal communication, February 2022). Social reproduction as people with a distinct ethnic identity is crucial. And land is recognized as a key factor in achieving this goal. Parallel to the ongoing armed struggle for self-determination rights, the struggle from below to maintain land as Kachin territory for both production and social reproduction is firmly iterated. In the table below, findings from the village household survey have shown that land is not only important for producing food for consumption and commercial sale, but also for providing an inheritance for future generations as shown below in table 1. Another local peasant expressed his concern as followed, '*Ancestors say we need to have land. We are the ethnic nation who used to rule the land but now very few of our people own the land. So, we have to try harder to take as much land as possible. We cannot produce land.*' (male, household survey respondent).

Table 1. Purpose of land access

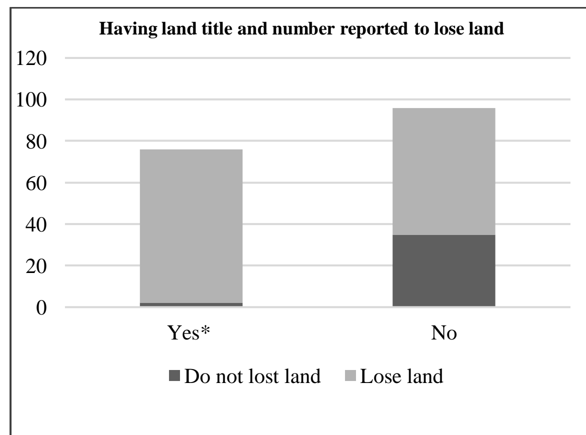
Reasons	Frequency	Percent
Farming for consumption	63	83%
Farming for commercial selling	45	59%
Housing	34	45%
Growing food garden and raising livestock	31	41%
Giving inheritance	28	37%
Rent land	3	4%
Other (specify)	5	7%

Note: multiple choices. One villager might choose more than one items. Thus, the total percentage is more than 100%.

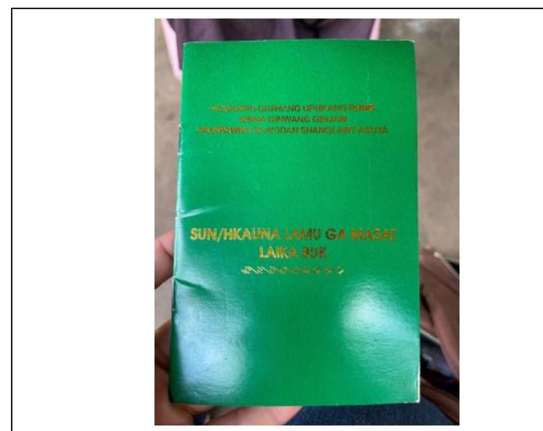
Villagers have also often resorted to 'rightful resistance,' invoking its laws to seek justice against abuses by local authorities (O'Brien, 1996) (see also Thawnghmung, 2001). As a means of protection, many of them have tried to obtain legal documents for their farmland, but the process is mostly arbitrary and costly (LIOH, 2015). One of the most important practicalities of trying to have form 7 is the ability to secure loans from the public banks. But scholars such as James Scott (1998) problematizes tools such

as form 7 through the concept of 'legibility'. They serve fulfilling the state's roles for taxation, direct rule, and assimilation (Tilly, 1992). And according to a nationwide survey, legibility through form 7 to protect against land grabbing is rarely guaranteed (LIOH, 2015). Reflecting such finding, household survey in the villages showed significant land loss among those with land title as shown in figure 2 (This includes those who already have form 7 for all farmland or taungyar (upland) plots, or for some plots or in application processing stage to get form 7). Despite its failing, villagers also sought to obtain land registrations from the KIO (see picture below), a parallel state-like body, whenever the opportunity arose to create additional layers of protection for their land. Mark (2016) discusses a situation in Myanmar where peasants creatively used 'stacked laws' or layered institutions to protect their lands against state, powerful elites, and state-like organizations. A villager opened up as followed, '*In the future, we might need to find a way to endorse land title by ourselves like every church from the village each gives a stamp of approval. If we can all agree, we can counter any organization with gun and power'* (IDI 05, personal communication, February 2024). Villagers also sued the company for encroaching on their lands without proper documentation. As a result, the company returned a small portion of unused land to the government but never reached back to the villagers. But they nevertheless re-occupied their lands for farming claiming their legitimate right.

Figure 2. Presence or absence of land title and number reported to have lost land



KIO issued land ownership certificate
(Photo taken by Doi Ra)

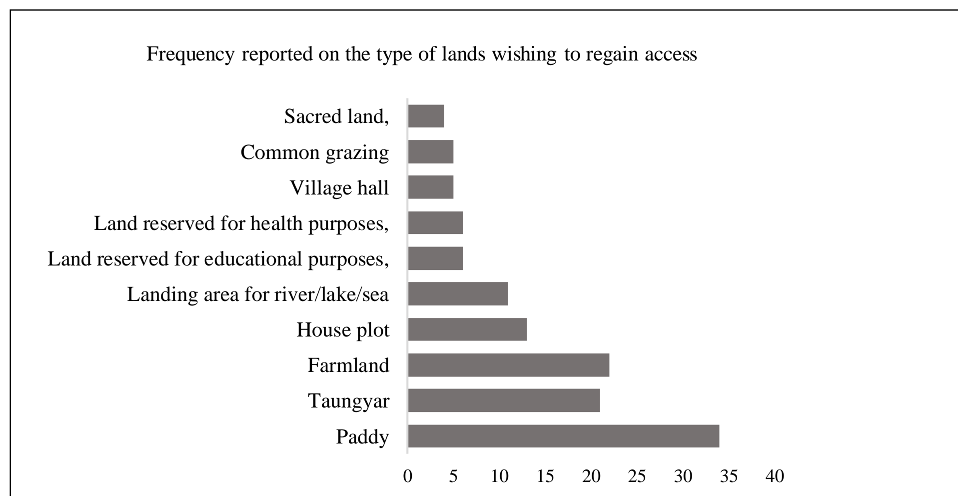


Approximately a decade later, another transformational conjuncture of Hugawng landscape started to begin. It was there when different visions between the local activists, and villagers and the KIO who together fought back the lands took off in different directions. After reclaiming the land from the company, the local villagers expressed concern about protecting the newly opened landscape from outsiders. So, they started occupying the land by following the principle of 'land to the first tiller' or informal guidance provided by the village elders. This act of repossession by the KIO and the local movement reflects a primary underlying motive: to reclaim an ethno-territory with historically sedimented and formed aspirations, as demonstrated in numerous Southeast Asian countries (D. Hall et al., 2011). A new regime of access must be developed that outlines the general conditions for allocating specific lands for particular purposes and durations (ibid). Based on the interview with village elders, priority is currently given by the KIO to internally displaced persons (not only in Kachin state but also in Shan state, where thousands of Kachin people have been displaced), church personnel, and individuals from impoverished or physically challenged households. Applicants must be or become permanent residents of the existing or to-be-developed villages. Restitution of lands to the people whose villages and farmlands were taken by Yuzana is not considered relevant since the act of relocation or land control transfer has already been completed.

Therefore, the current process is not connected to the landscape's past, and there is a possibility that affected villagers may still be excluded from their lands. The proposed plan has elicited diverse reactions from different groups. Local land activists contend that the public was not adequately consulted during the process and that the plan does not align with their original vision, which prioritize the affected villagers and development of the affected villages (IDI 05, personal communication,

February 2024; IDI 06, personal communication, February 2024). Furthermore, they express resentment towards KIO senior officials who occupy large acres of farmland without following their own process. One of the local land rights activist/peasant bemoaned about the situation as followed – '*they announce in 2021 that before KIO can properly handle redistribution process, no one can occupy the area. But now their own officials are taking those lands, not even one place but many places. How can they implement a fair process for the people when they themselves are taking a lot of lands. They give 5 acres to each villager. And they want to claim the rest'* (IDI 06, personal communication, February 2024). Meanwhile, local churches have requested land from the KIO for social development and religious purposes. Household survey (see figure 3 below) conducted among the villagers showed their wishes to access a range of land including common grazing area or landing area besides the rivers. Majority of response expressed wishes to regain access to land for production such as farmland, taungyar or other types of farmlands. This trend reflects the dominant tendency among development circles and land rights movements, which tend to view the taking of lands used for production as a land grab, but not as much for land used for social reproduction or the commons. And it also shows a reality that exiting agriculture or land-based livelihoods may not have a promising outlook, making it a wise strategy for households to hold onto their plots of land.

Figure 3. Frequency reported on the type of lands wishing to regain access



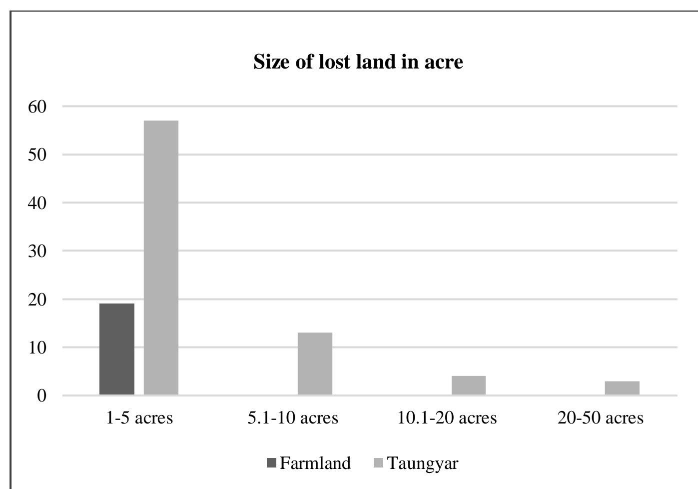
Waingmaw township – A case of 'a thousand pin pricks'

The third case is distinct from the first two cases because the project has not completely stopped or failed. However, it is worth investigating due to the nature of the land transfers involved, which are also known as 'pin pick' types of everyday land accumulation (Borras Jr. et al., Forthcoming). Typically, these types of land transfers are also driven by the bigger waves of commodity and land rushes but involve powerful non-corporate actors, land brokers, and local authorities, also called as 'small-scale land grabbers' (Woods, 2020) or 'village-based intimate exclusion' (Boutry et al., 2017). These events usually occur outside the purview of formal institutional monitors. These processes may not be as dramatic as the land rush directly driven by corporations and the state which is concurrently occurring but together they produce a new dynamic of land concentration and accumulation that cause wider, deeper, and more sustained effects on land access and relations (Oya, 2012). And a frenzied rate of small-scale land transfers also end up in affecting land area as extensive and impactful as the big corporate land deal or state land concession area (Borras et al., 2020). Pin prick land accumulation forms one integral component of the land rush but so far has received less attention than the corporate land deals. And compared to the corporate land deal, the 'pin prick' land deals produce different individualized struggles based on the villagers'' calculations along the matrix of production and social reproduction spheres. As such the 'failed' status may not be as pronounced as in the previous cases in addition to being less spectacular due to small size, but it is worth studying the small proportion which

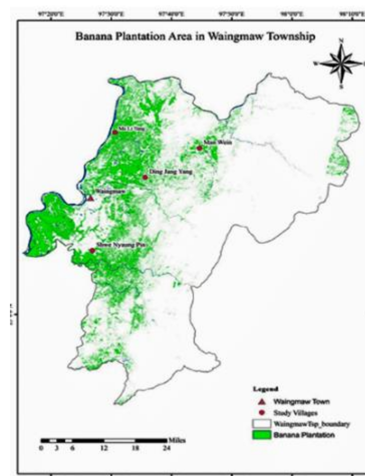
did, to improve our understanding of the land rush. We remain in Kachin state but move to a township called Waingmaw situating next to China's Yunnan Province. It is the top exporter of bananas to China, having turned around one-fourth of its land area into growing banana plants with migrant labour power (LSECNG, 2019). Background history of such a rural landscape transformation is also related to the global discourses around alternative development.

In the early 1990s, Myanmar became the top opium-producing country, after Afghanistan. Opium was grown extensively in Northern Myanmar (Kachin and Shan states) bordering China's Yunnan province. Poverty, underdevelopment, and prolong civil war have been key factors for the peasants to grow opium commercially due to its characteristics for being easy to grow, store and sell to the traders (Lone & Cachia, 2021; Woods & Kramer, 2012). After many failures of forced opium eradication programs, a new approach known as 'alternative development' was developed which encourages peasants to grow other cash crops for income as part of the licit economy or step out of agriculture for other types of livelihoods. Globally these programs were integrated under a broader and comprehensive development framework with special emphasis on food security and local development (UNODC, 2023). In 2007, China and Myanmar signed a government-to-government agreement on the Action Plan for Opium Substitution Program (OSP). The program aimed to achieve two objectives: capital accumulation and opium eradication through Chinese small and medium-scale enterprises (SMEs). Popular crops under the program include rubber, sugarcane, and corn (Woods & Kramer, 2012), which is connected to the global narrative of food, fuel, and finance crises driving the surge in flex crops. The Opium Substitution Programme also became a significant source for concessionary land use (Kramer and Woods, 2012). In 2012, a research conducted identified agricultural concessions in Kachin State totaling 93,000 hectares (Government of the Republic of Myanmar, MOALI, 2016).

Figure 4. Size of lost land in acre



Map 1. GIS map showing banana plantation area in Waingmaw Township



Source: (LSECNG, 2019, p. 23)

To elaborate further on banana and land dynamics, commercial production of tissue-cultured bananas[4] was introduced into Kachin state as part of China's opium substitution initiatives. The Tengchong-Myitkyina highway via Kanpaikti border gate was opened in April 2007 to facilitate border trade (Hayward et al., 2020). The route remained open throughout the active armed conflict between KIO and the military with the only disruption taking place during the COVID-19 pandemic. The program received funding from Yunnan provincial government to provide capital and tax incentives to agribusiness companies and small-scale entrepreneurs from China (Su & Lim, 2019). Both the state and ethnic armed organization acquire lands through different channels from small-holders and marginal peasants who may or may not grow opium through pin prick land accumulation as shown in figure 4 above (Woods & Kramer, 2012). These include lands of those who were forcibly displaced due to the

[4] Tissued-cultured banana or in short form, tissued banana is a popular term used by the public to distinguish from the type of banana produced for local consumption

armed conflict between the Myanmar military and Kachin Independence Army (KIA). From 2017-2018, the banana production expanded rapidly and mostly implicated lands growing other food crops and high-value perennial trees. In many cases, their customary lands were given a legal stamp as 'vacant' by the state. OSP entrepreneurs, agribusinesses, land brokers and opportunistic villagers frequently take control of poor and middle-peasants' lands through economic and extra-economic coercion using threats, coercion, deception, force, and negotiation (LSECNG, 2019). As presented in figure 5 below, household survey conducted in a sample of villages showed primary reasons for land loss as expropriation by state, displacement by war, occupation by other villagers, and land grabbing by wealthy individuals. In figure 6 below, majority of the villagers felt their lands were grabbed, specifically in relations to the government, rich elites, and other villagers.

Figure 5. Reported number of ways of losing access to farmland and taungyar

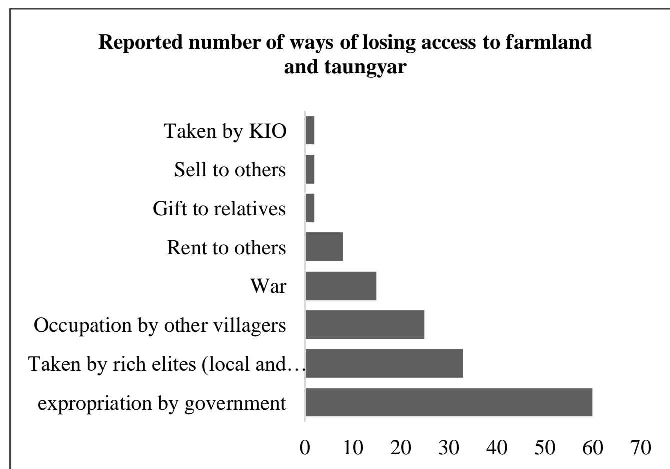
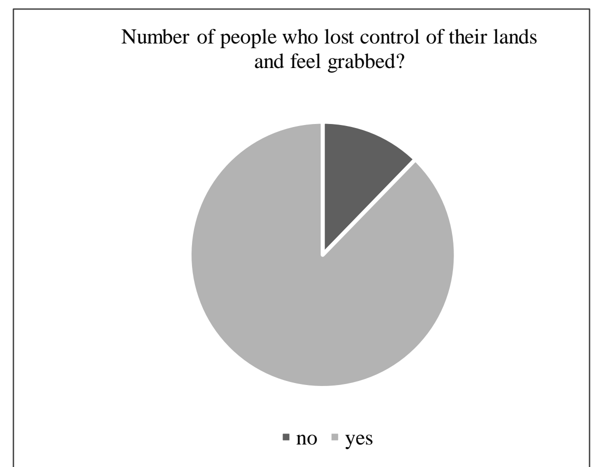


Figure 6. Number of people who lost control of their lands and feel grabbed?



In their report, Hayward et al. (2020) stated that banana plantations covered approximately 170,000 hectares in Kachin state, with a typical land rental term of six years. The constant expansion of banana fields is reminiscent of the 'green desert' phenomenon where the whole landscape turned green but the human and non-human life within the landscape is degraded (Tarkapaw et al., 2016) or as Li pointed out a 'letting die' situation (Li, 2010). Renaud and Lone (2021) noted that market-based alternative livelihoods under OSP have worsened social inequalities and displaced smallholder and marginalized peasants, including IDPs. Various actors, including states, civil society organizations, non-governmental organizations, and corporations, have presented with a range of responses, based on each own understanding on socio-environmental justice, development, or in a popular NGO term, 'risks and opportunities'. Local civil society organizations in Kachin state have been contesting the rapid expansion of banana plantations due to environmental damage, land grabs, social conflicts, and decreasing spaces for other land-based livelihoods (LSECNG, 2019). On the other hand, Oxfam and the Myanmar Center for Responsible Business (MCRB) promoted responsible investment and fair trade (Burnley et al., 2017; MCRB, 2018). In response, the state parliament enacted regulations imposing a moratorium on new plantations, passing stringent taxation rules, and monitoring environmental impact (Zaw, 2019). These actions reflect a global governance tendency of regulating land deals to mitigate negative impacts and maximize opportunities as the land rush is inevitable (Borras et al., 2013).

After the big push from the opium substitution program plateaus, the nature of land transfer moves more towards 'consent at the point of production' (Levien, 2018, p. 19) as more and more villagers transfer their lands to capital under informal contractual arrangements. This has been viewed by many as a 'win-win' or 'pro-poor' solution to circumvent 'idle' land situation (Deininger et al., 2011) or as a form of 'proletarianization' of small peasants without dispossession (Oya, 2012). However, this does not imply a lack of agency, but rather the exercise of agency in making a calculated choice within the axis of production and social reproduction spheres in relation to the degree of constraints experienced (Thelen & Steinmo, 1992). Differentiated choices led to divisions among the villagers; for some, this is seen as

an easy way to earn income in contrast to the earnings they can make if they use the land themselves but for some, it is an environmentally harmful kind of agriculture that can destroy their lands. So, land control transfers are made individually with socially differentiated consequences based on prior inequalities. One female respondent from an IDP camp reflected on the situation as followed:

> As others started to rent land, my village started to follow the same trend. Villagers usually deal with Lisu ethnic middle broker and then with Chinese investors. They make payment in three installments in one year. Sometimes, they don't even pay anything the whole year. Sometimes, the Chinese have made payment, but it got lost with the middle persons. Villagers do not know who to make accountable. Even if you do get paid, income is not enough to reinvest properly.

During the COVID-19 pandemic, the production and trade of tissue-cultured bananas was temporarily halted due to the closure of the border gate, strict inspection procedures, and the desertion of Chinese entrepreneurs from the area (Jangma, 2020). Many migrant workers were reportedly left behind without compensation (Burma News International, 2020). Taking advantage of the interruption, IDPs who had returned to their former villages began negotiating for the return of their land. After learning that their land, including their villages, falls under the protected public forest, which covers more than 40,000 hectares, they were left with only one option. They could apply to the Forestry Department for a community forest, which would require them to follow the Forestry guidelines established for community forest or face the possibility of having their permit revoked. Currently, 65 villagers have been granted permission to use 240 hectares of their former land as a community forest (Ga Ra Yang Nsen, 2023). Others are still in limbo, unsure if they will receive the same permission or even if they do, whether they will be able to comply with the restrictions placed on them. At the same time, some villagers have submitted plea letter to the regional government to release their lands from designating as part of the protected forest. They are also reluctant to stand up to the Forest Department, which has considerable power over them, while the Forest Department itself has profited from allowing protected public forest to turn into banana fields. At the same time, some are contemplating between to choice to continue renting the land or working back on the land themselves. Current situation is reflected by a local development workers as below:

> *You have to apply as CF. That's the only solution for now. Before, we have never known this to be under the forest department. After locals protest against banana expansion, we begin to know that the lands implicated are under the forest department. Some do not want to apply. Some want to. Mostly those who apply are from the nearby towns who bought the lands here and became aware of the situation. So, they want to apply their lands as community forest. … the landowners from here do not want to apply their lands as community forest. Last year, there was a conflict among the villagers due to this issue. All the banana cultivated lands in this area and village land are also part of it. It extends from the left side of the highway until you reach China border.*(IDI 08, personal communication, February 2024)

He continued to add more reflections:

> *Even if we say, we don't want to rent anymore, they still go ahead. Now the land has three owners - those rich investors, forest officials, and villagers as customary owners. Forest department act like they want to do CF. Villager do not want to CF. They recognize themselves as customary owners so they do not want their lands turned into CF. They refused. Actually, forest department also do not want to reclaim lands instantly as CF. Now they can still work with villagers and investors to rent lands for banana cultivation. And they can defer blame to the villagers for renting out land. That's why CF is not happening fast.* (IDI 08, personal communication, February 2024)

Currently, the township still has approximately the same coverage of banana plots as before the pandemic. Voices of opposition towards banana cultivation have also significantly subsided as village committees collect fees from land rental and investors for village development activities. The state and KIO have also been benefiting in similar ways, in addition accumulating income through taxation on banana border trade. The case of Waingmaw demonstrates that land control is multi-layered and dependent on power relations and conjunctures. Amidst the unsettling situation, internally displaced persons (IDPs) have gradually returned to their former villages on their own arrangements, which

require significant rehabilitation in terms of infrastructure, safety and security, economy, and social life, after having to abandon their lands for more than 10 years. The landscape surrounding the villages has been completely transformed by the proliferation of banana trees, which have already restructured land and labor relations. Recently, armed conflict between the KIA and the military has intensified within the township, while the strength of the local militia has grown with support from the military. These factors have greatly disrupted rural life once again. Despite the chaotic situation, banana trade continues to operate as usual and export their products regularly to China.

Conclusion: the afterlives of 'non-operational' land deals

Land deals do not occur in a vacuum, nor do they unfold in the same socio-political context. Therefore, Kachin state's pathway towards capitalism and its entanglement with the land rush has its own unique internal features of unevenness and diversity, unlike other authoritarian regimes (Kenney-Lazar & Mark, 2021). More specifically, land deals shape and are shaped by various co-constitutive axes of differences, such as class, ethnicity, religion, and generation (R. Hall et al., 2015). However, a common observation from all the presented case studies is the importance of considering the 'bundle of powers' that translates into 'bundle of access' instead of solely focusing on the 'bundle of rights' that constitute a modern property regime (Peluso & Lund, 2011; Ribot & Peluso, 2003). These conceptual handles offer a flexible, politically nuanced, and broad approach to examining the complex relationships surrounding land in specific political and socio-economic contexts. Power dynamics can shift within different socio-political groups during certain conjunctures such as the 2021 military coup, the ceasefire period, the COVID-19 pandemic, or even during the unruly moments following failed land deals. Although powers are in transition, the inscription devices (T. M. Li, 2014b) that have transformed land into a frontier have managed to reappear in similar or different forms, creating overlapping frontiers. This is not a new phenomenon, as it has previously occurred with the WCS-sponsored tiger conservation park and the agricultural concession to Yuzana company. It takes advantage on 'the normalization and routinization of the state discourse' that the land is available for more efficient uses and users (S. M. Borras et al., 2022, p. 17). In a landscape with a booming extractive economy, land for agriculture or food production is easily turned into land for mining. This is especially the case after the military coup in February 2021 (Myanmar Resource Watch, 2023).

Moreover, land dispossession redistributes land from one class to another (Levien, 2018). This affects land not only for production but also for social reproduction. The latter is not only in the context of the reproduction of labor power but also involves the reproduction of people. Land is essential not only for survival and accumulation, but also for reproducing socio-ecological, sociocultural, and sociopolitical conditions that constitute a landscape. However, when projects are stopped or canceled, the process of redistribution so far has not resulted in the reverse direction, that is from the classes of capital to the working people. Villagers who were expropriated and exploited by the land deals remain excluded from their former landscapes under the new regime of access, which include the one developed by KIO (although the criteria developed has been more or less intending to benefit working people in general). The land deals, which were considered 'failed', have been successful in grabbing land away from the villagers (S. M. Borras et al., 2022). If we use land for production and social reproduction co-constituting the landscape affected by the land rush, restituting, or redistributing land for livelihood or land for house plot or both still falls short of addressing social injustice.

Grassroots movements, along with other social forces and alliances, have played a crucial role in halting or terminating land deals. They have employed various tactics and strategies to transform the state, which is not a monolithic institution (Fox, 1993). However, at the micro-level where land deals occur, politics has undergone a transformation. It is not the same as politics prior to dispossession (Levien, 2018). The individuals whose land has been expropriated now have less bargaining power when negotiating with the state, EAO, or any group that now controls land access, as their landscape has been replaced with another. Meanwhile, interest from the public and the movement has shifted to other issues in different 'silos'. Media coverage also varies, depending largely on the dramatic nature of the conflict. After the project stopped, local struggles transformed from a state-society conflict into an intra-society conflict. These issues are rarely reported as they occur among villagers or within the same ethnic group,

which can be very sensitive. This is particularly relevant to the Kachin ethnicity, who follow a clan-based patriarchy system (Leach, 1954) and are influenced by moral economy principles (Scott, 1976). Over time, the struggles become less visible and more fragmented. In the case of banana plots in Waingmaw township, fragmentation is even more pronounced because the land deals were made on an individual or household basis, with different consequences. The outcome of fragmentation and invisibilization also highlights the class-blind nature of the national and local land movements, which translate into stronger ethno-nationalistic aspirations.

In conclusion, social impact of the land rush, whether the land deals are operational or non-operational, have been far-reaching. By taking land rush as a unit of inquiry, one can observe the totality of social change that goes beyond current quantitative and qualitative measurements when only limited to individual grabs or sectors. This article intends to contribute to such purpose by highlighting the part about failed land deals and why they need to be included when studying land rush.

Author's short bio

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