# Building the Politics Machine: Tools for Resolving the Global Land

By Michael B. Dwyer

Paper presented at the
International Conference on
Global Land Grabbing
6-8 April 2011

Organised by the Land Deals Politics Initiative (LDPI) in collaboration with the Journal of Peasant Studies and hosted by the Future Agricultures Consortium at the Institute of Development Studies, University of Sussex

Michael B. Dwyer
Energy & Resources Group
University of California, Berkeley
LDPI conference paper, April 2011
Current word count: 12,458 with footnotes, excluding references

# Building the politics machine: Tools for resolving the global land grab

*Land is an extremely sensitive thing. This could go horribly wrong if you don't learn the lessons of history.*

Development expert quoted in *The Guardian*, "Rich countries launch great land grab to safeguard food supply", 22 November 2008

*Territory is dependent on a particular way of grasping space as calculable.*

Elden 2005: 8

## Introduction: Laos and the global land grab

In August of 2008, the head of the United Nations Food and Agriculture Organization shocked the world when he described a recent spate of transnational farmland investment as "a neo-colonial pact for the provision of non-value-added raw materials" (Diouf 2008). He spoke diplomatically: it was not *all* such deals, he said, only some; what had transpired was not *actually* neocolonialism, but merely the *risk* of it; and it was the *implementation* of these deals, not their fundamental premise, that was the cause for concern. But Jacques Diouf's message was clear nonetheless: he was sounding an alarm.

A global food crisis was in full swing (one economist called it "the worst of its kind in thirty years"[1]). Governments that could afford to were beginning to flee the international grain markets that had begun to bleed them dry, attempting to go into direct production for themselves – in other countries. The "non-value-added raw materials" that Diouf spoke of was a polite way of referring to land, water and grain: the building blocks of domestic security and, as Diouf reminded his audience, national sovereignty. Diouf's concern for the hungry was genuine, but there was something else as well. The emerging constellation of signs – increasing cross-border investment in *land itself*; rising distrust of the grain markets that had guaranteed cheap food since the 1950s; growing linkages between agriculture and energy, private and "sovereign" wealth, and finance and industrial capital – conjured not simply a new geopolitics of hunger (Stedile 2008), but a new *geo*-politics altogether. The "farms race" (Kugelman 2009), in a word, was on.

[1] Jeffrey Sachs, in The New York Times, 18 Apr. 2008, "Across globe, empty bellies bring rising anger." All other quotes and paraphrases in this paragraph are from Diouf (2008).

Bilaterally mediated transnational farmland deals had been in the news for over a year when the food crisis hit, but it was in the wake of the crisis that they really took off. An estimate in late 2008 put the size of the "new global land grab" at around ten million hectares (Grain 2008).[2] About a year later, even after the tabling of some of the most spectacular and controversial schemes (in Madagascar, Indonesia and the Philippines), estimates continued to grow. One widely circulated statistic had it that between 2006 and 2009, 15-20 million hectares of farmland in the global south were "subject to transactions or talks involving foreigners" (IFPRI, quoted in the Economist 2009; cf. Cotula & Vermeulen 2010). Barely a year later, another study more than doubled this estimate to 45 million ha (World Bank 2010: vi); and this acreage, the World Bank noted, was not merely "subject to talks", but announced as confirmed (ibid.).

These figures – 10, 15, 20, 45 million hectares – are compelling, but they simultaneously beg a series of questions.

- First, what are we to make of the fact that although a number of transnational land deals have indeed broken ground, many "remain only paper allocations, while still others are more speculative in nature" (Borras & Franco 2010: 508)? Given a growing history of strong responses to announcements and rumors alone, what makes a transnational land deal "real", and thus worthy of enumeration?
- Second, as land deals take shape (whether on paper or on the ground), what sorts of arrangements *are* they actually? How common are outright purchases in comparison to long-term leases? How large are these leases, and how long? What are their stipulations and geographic arrangements? And what about contract farming, in which land *ownership* stays local but production is dictated from afar?
- Third, to what extent does transnational land access transcend the arena of property and spill over into the arena of sovereignty? Are we experiencing, as the anthropologists Pál Nyíri and Chris Lyttleton have suggested, not merely the transnationalization of property but a new era of extraterritoriality – "the return of the concession"? (Nyíri 2009; Lyttleton & Nyíri n.d.)

The rising tide of numbers, the continued purchase of the global land grab discourse, and the proliferation of questions together point to the need to look critically and concretely at the emerging geography of transnational land access – both in and of itself and, perhaps more importantly, as a sign of bigger geopolitical changes on the horizon.

Laos – also known as the Lao People's Democratic Republic, or Lao PDR – emerged as a hotbed for transnational agribusiness investment during the early and mid-2000s, and garnered increasing international attention as the "global land grab" took off in late 2007 and 2008. A proximity to land-hungry neighbors, a historical orientation toward nature-intensive production for export, and a development agenda predicated on "turning land into capital" using foreign direct investment (Dwyer 2007) conspired to place Laos not only in the crosshairs of the global land grab, but on its leading edge. By the time the "global land grab" got its name in late 2008 (Grain 2008), Laos had already accumulated more than half a decade of experience with transnational land deals, and had even begun experimenting with alternative forms of land access on account of rising popular opposition to long-term "concessions" (multi-decade leases of "undeveloped" land, more on which below). By one estimate – published in The Guardian in late

[2] This is about 24.7 million acres; one hectare (ha) – 100 by 100 meters, or 10,000 $m^2$ – is just over 2.47 acres.

2008 – Laos had already "signed away" between two and three million hectares, "as much as 15 percent of Lao territory".[3]

Big numbers like this, as already suggested above, were relatively easy to come by as the global land grab took off. But due to a combination of sensitivity and speculation, actual on-the-ground accounts were harder to find. A pair of plantation projects in central Laos – and a pair of internationally circulated news stories – helped to change this.[4] Both stories drew on similar material and converged on a common thesis: that as Laos emerged from decades of "sleepy Communist isolation", the scramble for land that was unfolding there was going well for the corrupt officials who had "signed away" much of the countryside, but not for anyone else. "The situation is completely out of control," said an anonymous foreign advisor quoted in The Guardian. (S)he continued, "It's a fire sale. People in power are just desperate to get their hands on the money so they don't miss out. For the companies coming in it's a massive land grab." Martin Stuart-Fox, Professor (emeritus) of History at the University of Queensland and a leading expert on Laos, figured prominently in both articles: "Laos has one of the lowest population densities of any Southeast Asian nation by far," he told Reuters in early 2008. "There is land available and the government can very easily take it off the people and sign deals for plantation agriculture." Seven months later he was more direct: "It's simply a matter of greed. Officials are grabbing what they can. Companies need land and are prepared to pay well. It all goes under the table."

A single land grab – which I want to focus on briefly – figured prominently in both stories: a coconut plantation in Bolikhamxai province that had become well known in Laos's development community over the previous two years. This plantation helped anchor Reuters' reading of Laos's agribusiness landscape as a chaotic, corruption-plagued "scramble for land". A section entitled "Where are the coconuts?", for example, began with this: "Some plantations had turned out to be illegal logging camps. In one case, a foreign investor who promised vast swathes of coconuts stripped the concession of its valuable timber and left."

The Guardian article later in the year followed up on the coconut plantation, and corrected and elaborated the earlier Reuters account. In the place of a single plantation, it found that there were in fact two plantation projects in central Bolikhamxai – one for coconuts and one for palm oil – that seem to have been conflated in the earlier account.[5] More importantly, in elaborating the comparison between the two plantations, The Guardian found evidence of the "social outcry" that the FAO's Jacques Diouf had predicted would emerge as farmland – "one of the bases of national sovereignty" – fell into "foreign hands" (Diouf 2008). The Guardian's account began dramatically:

> The blackened tree trunks say it all. Three times in recent months these tracts of palm oil plantation have gone up in smoke, along with plants and machinery. The neighboring

[3] Ian MacKinnon, The Guardian, 22 Nov. 2008, "The resentment rises as villagers are stripped of holdings and livelihood."
[4] Darren Schuettler, Reuters, 10 Apr. 2008, "Laos faces thorny land issues in Asia's orchard"; Ian MacKinnon, cited above. Laos had been in the news regionally for some time, and the Reuters and Guardian stories drew clearly on earlier reporting by The Asia Times Online, The Nation (Thailand) and Voice of America.
[5] See Glenn Hunt, unpublished 2006, summarized in Dwyer 2007.

> coconut operation suffered the same fate, but there the Thai owners replanted. Here, the Malaysians had had enough and called it a day. The sabotage is a testament to growing local resentment at the way land is being sold off to big foreign investors with deep pockets.

This is a compelling a narrative: corrupt third world governments sell off resources to "foreign investors with deep pockets" and are resisted by local peasants in a sort of Polanyian double movement against the excesses of accumulation-oriented dispossession (cf. Polanyi 1957; Harvey 2003). But there is a problem. In this telling, Laos – and by implication much of the global south – is reduced just a bit too quickly to the familiar landscape of the lawless frontier. (The Guardian article, for example, ends with the ominous quote, "The dream was Brazil.") Rather than asking whether these sorts of land deals could have emerged from government in the real sense of the term (cf. Foucault 1991), Reuters and The Guardian opt for a narrative of plain and simple corruption where the state's only presence is as a power exercised in the interest of private actors: corporations and corrupt elites. This is the consummate Hobbesian landscape of all against all, the narrative of the "scramble for land" and the "fire sale": "it's simply a matter of greed…it all goes under the table." The problem is that if we dig a little bit deeper, and specifically if we look at the owner of the coconut plantation, a different picture begins to emerge. The "big foreign investor with deep pockets", as it turns out, cannot be understood by the private logic of the commodity alone. In fact, telling his story threatens to change the story of the Lao land grab – and perhaps the global land grab – entirely.

This paper argues that a better understanding of the *local territorial relations of transnational land access* is essential to critically engaging the question of whether transnational land deals represent a global land grab or a development opportunity (Cotula et al. 2009; Von Braun & Meinzen Dick 2009; FAO et al. 2010; World Bank 2010). In Part 1, I argue by example – following up on the coconut plantation discussed above – that this is a naïve question. I reframe it, accordingly, by asking what role foreign investment plays in present-day efforts to govern and develop a rural hinterland where both natural resources and local populations are seen to be undeveloped. I suggest that transnational land deals are not merely about accessing "available" land, but about changing the imbrication between land, labor and productivity all together as a single assemblage. Moreover, I argue that this must be seen as a multi-scalar effort; land deals have not only ripple effects, but as the case in Part 1 makes clear, they can have larger territorial motivations as well. Part 1 thus challenges us to think not merely of the territorial strategies of investing countries like China or the Gulf States,[6] but those of host nations as well. This re-territorialization may be resisted in Polanyian fashion because of the dislocations it engenders; but to ignore the local territorial politics of transnational land deals – to render land grabbing simply in the language of corruption and private interest – is to miss a key motivation for why transnational land deals are likely to continue. Moreover, to ignore the details of who *specifically* is doing the investing is to cut off a set of threads that can help weave a fuller understanding of transnational land deals' relationship to development more generally.

Parts 2 and 3 further address the practical question of what to do about transnational land deals. My focus is deliberately narrow; addressing the challenges posed by the transnationalization of

[6] On China's motivations and hesitations about farming abroad, see Shi 2008; Cotula & Vermeulen 2009: 1236; TNI 2010. On the Gulf States, see Woertz et al. 2008; NY Times, 17 Oct. 2008, "New on Gulf's shopping list: foreigners' farmland."

corporate access to farmland will be a long-term process, and will necessarily involve a diverse array of coalitions, tactics and locations. My goal in the latter part of the paper is to present two tools that build on the analysis presented in Part 1, and that focus on how to elaborate the geographical dimensions of transnational land deals more concretely. Part 2 focuses on individual land deals, and examines how transnational access to farmland is formalized. Drawing on my dissertation fieldwork in northwestern Laos, Part 2 describes and illustrates the process of creating a genealogical account of formal property that helps to resolve some of the questions left hanging in Part 1. Following Foucault's genealogical method (Foucault 1984), Part 2 uses a combination of critical cartography, ethnography and historical geography to construct a critical account of how the narrative of formal property is produced. I focus on what is perhaps the ultimate narration of formal property: a survey map. By laying bare the process by which the map is produced, my purpose is not merely to show its contingencies, silences, elisions and interpretations. After all, all maps lie in one sense or another (Monmonier 1991; Pickles 2004). My goal is also to create a historical account that can be used as the basis for more democratic discussion about how surveying should happen, and in particular how local land entitlements should be taken into account. Just as knowing the origins of a particular commodity is a useful pathway into questions of exploitive production and primitive accumulation (Marx 1873), opening the black box of survey mapping provides one step along the pathway to a more socially and environmentally just understanding of what it means for land to be "available" for development.

Part 3 then turns to the wider domestic landscape of transnational land dealing. As mentioned above, individual land deals can have domestic spatial linkages as well. But perhaps even more importantly, survey maps can be hard to come by, whether because they do not exist or because they are being hoarded for political reasons. Part 3 thus presents a second tool, which I refer to as legibility mapping, for rendering the domestic regulatory dimensions of transnational land access more clearly. One major finding by researchers who have attempted to study transnational land deals comparatively is that local state institutions often lack the tools, skills, capacity, data, etc. to carry out the regulatory functions they are putatively assigned (Cotula et al. 2009; The World Bank 2010). While this may reflect a real shortage of technical capacity (as would be expected in cases of unfunded regulatory mandates), it can also reflect a strategic retreat to the discourse of ignorance and under-capacity in the face of sensitive projects and the prying eyes of "outsiders". Mapping the degree to which particular state fractions – below I use the case of a provincial government administration – have detailed geographic data about the investments under their jurisdictions may be a way for civil society or other state actors (e.g., a national regulatory agency) to put them on the spot about how much or how little they claim to know. This is likely an iterative process, and provides a way to visually represent regulatory legibility within the state. Second, in addition to being a tool for local politics, it provides a method that can be used comparatively – that is, regionally or globally – in order to qualitatively measure the ways in which (to paraphrase Stuart Elden, above) various states (or parts of states) know their territories.

The three parts of the paper provide examples of what I refer to in the title as tools for building the politics machine. The reference is to James Ferguson, whose now-classic 1994 study showed how development practitioners de-politicize their work and, in doing so, render complex social landscapes into terms that they are putatively capable of dealing with. The currency of the phrase "the global land grab" already testifies to civil society's success in making transnational land access an explicitly political issue. But this is just the beginning. Building specific tools for working in this politicized landscape is the next challenge. Land grabbing can not be resolved as a political problem until it can be resolved geographically. In investigating the multi-sited activities of a particular investor, deconstructing the formalization of property-making, and critically examining the state's internal legibility when it comes to transnational land access, the three parts of this paper contribute to this effort.

**Part I. The curious case of Peter Chan**

The blackened tree trunks which opened The Guardian's story on land grabbing in Laos do not even begin to "say it all" (quoted above). While they may indeed testify to villagers' resentment toward a so-called development project that they experienced as nothing of the sort, the burnt saplings were conspicuously silent about, among other things, the man to whom they belonged. Looking briefly at this man – an investor named Peter Chan – begins to cast the global land grab in a different light because his identity reveals not only the depth of his pockets but also a series of spatial, institutional and financial connections between a particular land grab and the larger terrain of land-based development in contemporary Laos. If this landscape has been indelibly shaped by corruption of the private variety, this is only part the picture.[7]

In December 2004, The Vientiane Times announced with great fanfare that a Thai investor named Peter Chan would be developing a five thousand hectare coconut plantation in the Phou Ngou region of Bolikhamxai province, about a hundred kilometers east of Laos's capital of Vientiane (Figure 1).[8] The newspaper's front page displayed a half-page photo of Chan standing

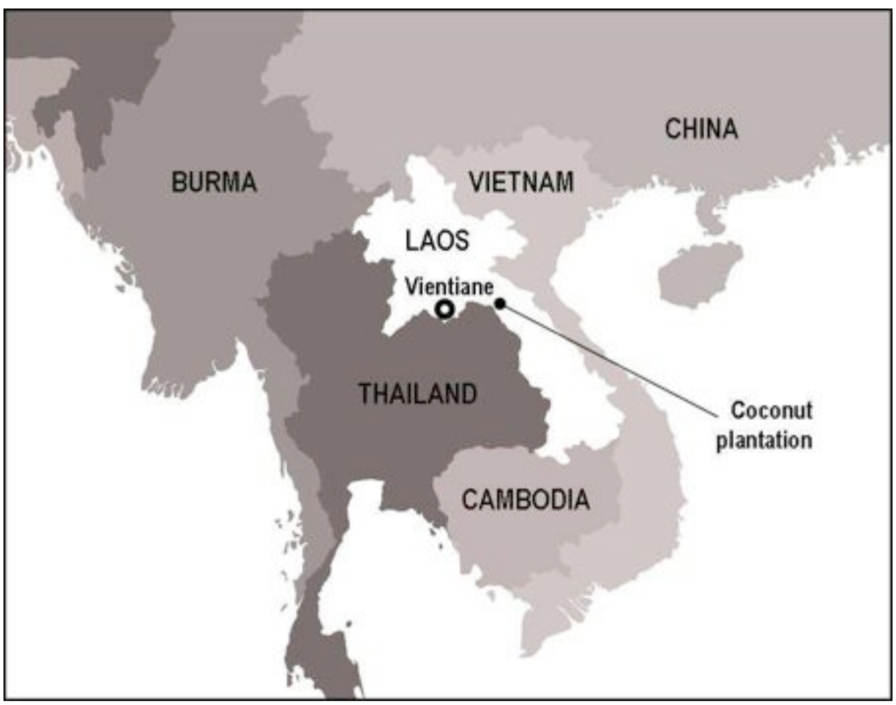


**Figure 1. The regional landscape**

[7] Part 1 draws largely on material from The Vientiane Times, Laos's state-run English language news paper where Chan appeared roughly 35 times between 2003 and 2009.

[8] Note on pronunciation: Ph is an aspirated P, while Ng is the same as at the end of a word like "ring".

proudly in a newly-planted coconut nursery, and proclaimed: "Coconut plantation to create thousands of jobs."[9] Clearly attentive to the sensitivity of foreign land acquisition, the article explained that while Chan had built an agro-processing factory in Vientiane, government survey teams had had to look to the neighboring province of Bolikhamxai in order to find land that was both physically suitable and that was not, as the newspaper put it, "locally owned." But this was as deep as the newspaper dared to dig. The article did not examine the nitty-gritty details of what it meant for a parcel of land – much less five thousand hectares – to be "locally owned". Instead, as if to signal the fact that the land acquisition was a done deal, it focused on Chan's immediate plans to begin developing the site. Declaring Phou Ngou to be "the best area of the country" for his project, Chan announced his intention to begin work on the plantation at once, beginning by clearing his new acquisition using a fleet of tractors he had just imported from China.

As evidenced by the sabotage of Chan's first round of seedlings (described by The Guardian above), the absence of "local" land-*ownership* did not equate to a lack of local use, or, for that matter, a lack of local feelings of entitlement to the land in Chan's concession. It turned out that the sabotage was just the tip of the iceberg, and that Peter Chan's coconut project qualified as a land grab in a few different ways.

The first was the most blatant, but perhaps the smallest in terms of the area involved. In 2007, German Technical Assistance (GTZ) investigated Chan's project for a pair of reports on Lao land policy, and noted that local villagers had been denied compensation for land they had been farming, and even paying taxes on. The reason given was simply that they lacked "proper titles". This did not refer to an absence of documentation: GTZ was clear to note that in many cases villagers had land tax receipts. Rather, it seems to be a veiled reference by government officials to the new Land Title documents (*Bai Ta Din*) that were being issued slowly by the World Bank-funded Lao Land Titling Project, beginning in urban centers and proceeding, very slowly, outward into the countryside. The problem with this excuse, and the reason this dimension of the land grab was so blatant, was that the titling project had yet to come to the district, let alone the village, where Chan's concession was located. Officials (GTZ does not specify which ones) told villagers instead that their compensation would be day labor jobs on the plantation and a series of newly-built roads – road which, ironically, had been put in to facilitate the bulldozing of their plots and the logging of the surrounding forest (GTZ 2007a: 43). In a follow-up report – this one fittingly titled "Land Conflicts and Conflict Resolution in Lao PDR" – GTZ alluded to the difficulties that caught The Guardian's attention the following year:

> Ninety-two families who have been working on the 5,000 hectare concession area have not been compensated for loss of livelihood resources since the logging took place, or for loss of agricultural land parcels acquired for the plantation. Initially, the company forbade villagers access to the land[;] however, the company later relented and allowed the population access to the land because of concern that violence may ensue (GTZ 2007b: 22).

This small concession by Chan's project – letting villagers "access" their lands because of a fear of violence – gestures to the limits of land grabbing, at least in its most blatant form. But it also begs the question, currently unanswerable due to a lack of public evidence, of what actually happened once villagers were "re-admitted" to Chan's plantation. Events in 2009 suggest that the

[9] Vientiane Times, 14 Dec. 2004, "Coconut plantation to create thousands of jobs".

two sides reached some sort of accommodation, although whether through force or consent, and whether through granting permanent access to the lost plots or merely letting farmers finish out the season, is difficult to even speculate on. Two years after GTZ's visit, Laos's prime minister visited Chan's plantation on a trip south "to spur on production" in the agricultural sector. The Vientiane Times pictured Chan and Prime Minister Bouasone Bouphavanh standing shoulder to shoulder next to a full-grown coconut tree.[10] Implicitly rebutting earlier criticisms of the project, the Times praised Chan's effort, calling the plantation the largest such operation in Laos and noting (cf. earlier criticisms in GTZ 2007a, 2007b) that Chan had invested more than two million dollars in the project. More poignantly to those who knew the plantation's past, the Times announced that it expected Chan's plantation to double in size, to ten thousand hectares, in the not-to-distant future.

The second dimension of Chan's land grab was also directed at the local population, but focused on land that was outside the technicalities of proper title. Rather than rice paddies and orchard plots, it targeted the landscape of swidden agriculture: the collection of farmed plots, fallow fields and forest patches that spans the farm-forest interface, and that has long bedeviled development and resource management efforts in Southeast Asia (Kunstadter et al. 1978; Dove 1983; Fox et al. 2009; Scott 2009). Shifting cultivation is an especially sensitive topic when it comes to land-based entitlements in Laos, where its unsustainability can be difficult to argue simply by virtue of population density (Schmitt et al. 2008: 67-68; Chamberlain et al. 2006; Thongphachanh & Birgegard 1982). Nonetheless, shifting cultivation has long had a bad name in Laos, due to its local association with savagery and wildness (Turton et al. 1999; Scott 2009) as well as due to an imported forestry tradition that viewed swidden farmers – in imagery that is still widely used – as "devourers of the forest" (Izikowitz 1944: 8; cf. GoL 2003). Seemingly aware of the risks of characterizing the farmers in question as swidden agriculturalists, GTZ kept its language vague, referring only to "livelihood resources" and "plots" inside Chan's concession area, and thus making it difficult to know how much of the conflict turned on entitlements to swidden lands per se. Nonetheless, GTZ published a black-and-white copy of the survey map produced by the government teams mentioned above by the Vientiane Times. When reconstructed in color (Figure 2), the map suggests strongly – by virtue of a few patches of "swidden" land amidst a virtual sea of "unstocked forest" (professional foresters' code for swidden fallow, or *pa lao*) – that much of the northern half of Chan's concession had been used for shifting cultivation at some point in the recent past.

The enclosure and conversion of swidden lands to more "permanent" agriculture reflects a longstanding state goal of "stabilizing" shifting cultivation (e.g., Bolikhamxai Provincial Authority 2000; Chamberlain et al. 2001; Baird & Shoemaker 2007) and is today a central feature of Lao agribusiness (Alton et al. 2005; Barney 2007; Dwyer 2007; Shi 2008; Baird 2010; Thongmanivong et al. forthcoming). This dimension of Chan's land grab is distinct from the first in two related ways. First, unlike the technicality-based confiscation described above, it has the law on its side. Moreover, it does not reflect a program of total land alienation – a state desire to "free up" land and transfer it to outside investors – so much as an effort to recombine land and labor in ways that will "modernize" production without sending a wave of dispossessed migrants to urban centers (or out into the hinterland). Chan's project seems to illustrate this precisely. The village of Nam Deua, where his concession is located, is hardly the empty landscape implied by

[10] Vientiane Times, 5 Mar. 2009, "PM [Prime Minister] tours provinces to spur on production".

the phrase "locally un-owned land". According to Laos's 2005 census, Nam Deua contained almost 1,400 people distributed among more than 250 households, making it the district's fifth largest village (out of 51). Moreover, as Glenn Hunt noted in early 2006, Nam Deua had received an additional influx of sixty Hmong families from northern Laos sometime around the time Chan's project started.[11] The siting of the coconut plantation, in other words, seems less the result of surveyors' search for *empty* land than for a population without "permanent livelihoods" (*asiip thavon*), in official policy-speak. Phou Ngou's "locally un-owned" landscape of swidden-based cultivation, in short, was not so much the unintended casualty of Chan's project as its specific target.

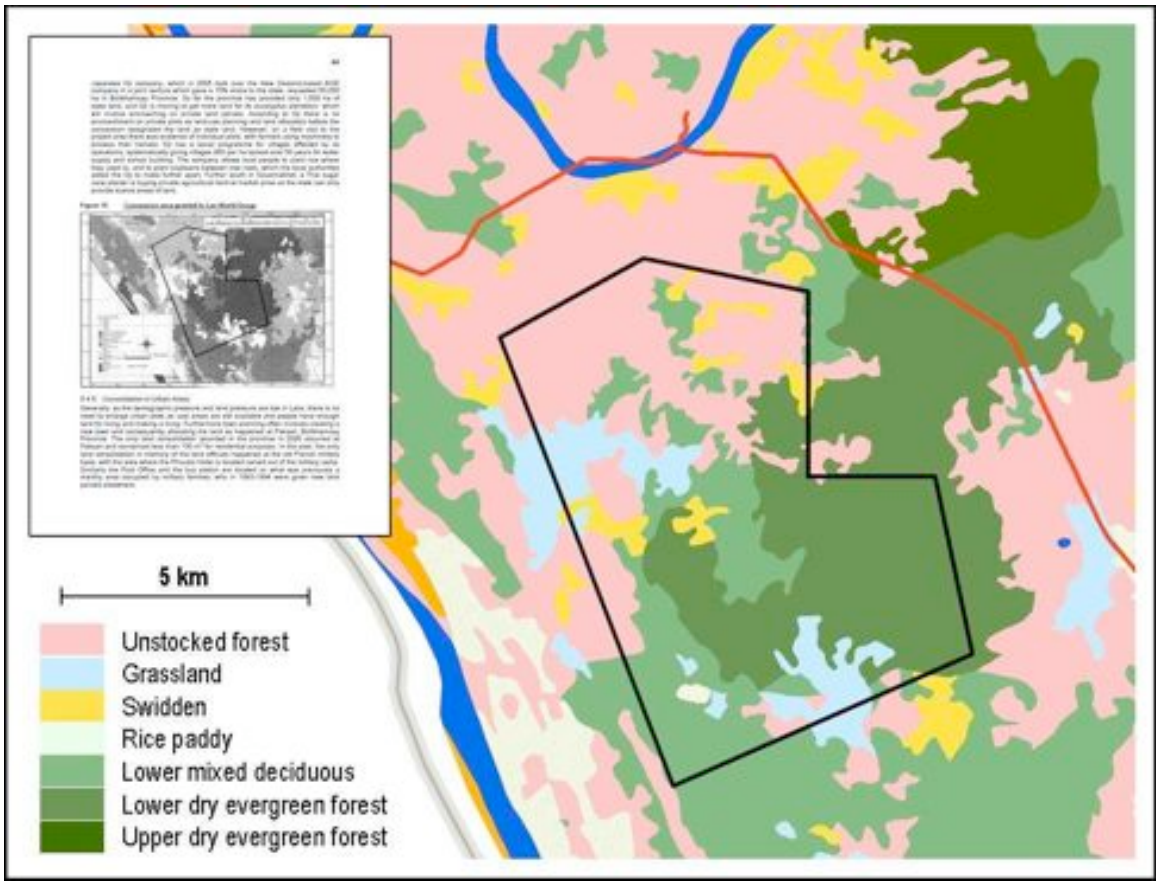


**Figure 2. Coconut project survey map (reconstructed[12]), with original inset at left from GTZ 2007a: 44.**

There was a third dimension to Chan's land grab as well. This concerned the control of logging rights within the state, and began with the fact – testified to by Figure 2 – that Chan's allocation contained not just swidden land, but a substantial amount of high-quality forest. In addition to being used by local villagers for hunting and collecting (Hunt, op. cit.; GTZ 2007b: 22), this area

[11] The absence of these families from the 2005 census, which lists Nam Deua as having four Hmong people, suggests that these families were recent arrivals. Hunt's report mentions their presence, not their arrival date.

[12] To recreate the original survey map, I hypothesized that the survey's base map was Laos's 2002 national land cover data set; after confirming this (using The Vientiane Times' description of the project's location), I then geo-referenced GTZ's black-and-white map to this land cover data and extracted the outline of Chan's concession boundaries from the GTZ map. The reconstructed version here is zoomed out slightly in order to show the area (to the north of the existing concession; see GTZ 2007a: 43) that seems likely to be targeted if the project expands.

had been officially designated a "natural regeneration forest" (MCTPC & IUCN 2000: 32) by provincial authorities who, according to GTZ (2007a: 43), saw it as their own future timber production area. Chan's operation – he cut over three thousand hectares of "dense forest", using "a sawmill and a plywood factory specially transported from Vientiane", and producing multiple cubic meters of plywood per day for export to Thailand (ibid.) – put these plans on hold, and complicated his dealings with local authorities. This was hardly the amicable ("it all goes under the table") relationship described by Reuters and The Guardian. As Chan liquidated "the so-called production forest of the province" (ibid.), he benefited from Vientiane's prerogative to dictate what the "national interest" meant when it came to land use, even when this overrode the established plans of local government. Perhaps more importantly, he proved that this prerogative existed not only on paper, but in fact.

All of this begs the larger question: Why was Vientiane so keen to find land for Peter Chan?

Part of the answer no doubt turns on Chan's promise to help launch an agro-processing industry in a country that was (and remains) widely portrayed as "land-rich" and short on capital (i.e., under-industrialized). Chan emerged on Laos's development scene in 2002 and 2003, when The Vientiane Times began describing him as "international investor" with strong local ties. A "well-known Sino-Thai businessman" according to his company's website,[13] Chan was raised in southern Laos, and turned heads with his ability to speak Lao in a native accent. But he also managed a transnational investment portfolio that spanned agro-industrial production and marketing as well as – not surprisingly given the events that would follow – forestry and wood processing.[14] Linked to not only agro-industrial production and processing in Thailand but also Asian food retailing in Paris, Chan was featured in the Vientiane Times' first issue of 2003 under the headline "Good time, good place, says investor":

> Investor and big businessman Peter Chan, President of the Tangfrere Company in Thailand, says that Laos has great potential for agricultural production, but lacks only technology in production and marketing to promote the industry. "Both these skills are what my experience is all about, so I am very confident about investing here," said Peter Chan. Peter Chan explained that successful investments need four components including capital, technology, markets and raw materials. "I have three of these components. I believed Lao farmers can produce all that I need for my canned fruit and vegetables. I trust in Lao skills and Lao farmers," said Peter Chan.[15]

Throughout 2003 and early 2004, Chan worked on developing contract growing relationships with Lao farmers; for reasons that are unclear, these efforts failed. In August 2004, the seeds of Chan's transition into direct production appeared at a government-sponsored meeting with investors to "discuss and grow together". At this meeting, Chan identified his inability to source raw materials as the key barrier to his agro-industrial investment plans. His comments were framed by those of the President of the Lao government's Committee for Planning and Cooperation, who told investors: "We are in the same boat. If your business grows, we will

[13] http://www.lao-itecc.la/companyprofile.htm, accessed 13 Feb. 2010.
[14] Vientiane Times, 2 Sept. 2002, "Thai big business eyes investment in Laos"; 16 Dec. 2002, "Peter Chan hints at potential of agriculture"; 23 Dec. 2002, "Chan's Tangfrère to run business in Laos"; GTZ 2007a: 43
[15] Vientiane Times, 31 Dec. 2002-2 Jan. 2003, "Good time, good place, says investor".

grow, but if you have troubles so will we."[16] Less than four months later, The Vientiane Times announced Chan's coconut plantation in Phou Ngou.

But there is another angle as well. As powerful a motivation as Chan's agro-industrial promise might have been, the land grab in Bolikhamxai province needs to be seen in the context of Chan's other – perhaps even his primary – identity in Vientiane: a builder. In 2005, right as his logging operation ramped up in Phou Ngou, Chan built a 5.5 million dollar water supply system in peri-urban Vientiane and started work on a commercial exhibition center in the southern city of Pakse. He built a primary school in the country's poorest province, and a rural marketplace in the province where he grew up. Chan donated to flood victims, gave cash prizes to Lao athletes who did well in regional sporting events, and sponsored a crop substitution program for opium poppy farmers in the north. He even gave an indoor sports complex to the Ministry of Defense in Vientiane. And after building a tourism complex along the Mekong in southern Laos in 2006, Chan was awarded Laos's "Development Medal, Second Class".[17]

One project, however, towers above all of these. When Chan launched his agro-processing venture in late 2003, he also announced his intention to build the Lao International Trade Exhibition and Convention Center, or Lao-ITECC. Between early 2003 and early 2004, Chan's company (The Lao World Group) built ITECC from scratch, completing the ten million dollar, 8,200 square meter complex on the outskirts of central Vientiane in time for Laos to host the ASEAN Tourism Forum in February 2004. Over the few years after that, Chan would continue to build ITECC into what its website now calls "the venue of choice for prominent international and regional conferences and historical events hosted by the Government of [the] Lao PDR" (see note 13). Within a year of completing ITECC's first iteration (to which he would subsequently add an "international-style" supermarket, a food court and movie theater, and a go-cart track and golf driving range), Chan built an additional piece of five million dollar infrastructure: an enclaved collection of urban villas that, together with ITECC, positioned Vientiane to host Laos's first ASEAN ministerial meeting in November 2004. Regional heads of state attended, including China's Wen Jiabao and India's Manmohan Singh. Foreign journalists were impressed, as The Vientiane Times proudly noted, that ITECC and the other conference facilities lived up to "international standards".[18] The Vientiane Times correctly predicted record foreign investment in the conference's wake,[19] while the Lao-language press (also state-run) called the event "a new page in Lao history".[20] Two weeks to the day after congratulating all parties involved on "a summit to remember",[21] the Vientiane Times announced Chan's coconut plantation in Bolikhamxai.

---

[16] Vientiane Times, 30 Aug. 2004, "Gov[ernmen]t encourages investors to speak up".
[17] Vientiane Times, 9 Sept. 2002, "Siam Import-Export group offers aid relief for flood victims"; 30 Sept. 2002, "Companies to award cash prize to gold medal winners"; 17 Mar. 2003, "Paksong district opens new market"; 25 Sept. 2003, "Loan promotes opium eradication in rural areas"; 22 Jan. 2004, "Indoor stadium a present to the Army"; 6 June 2005, "Vientiane starts new water supply system"; 17 Aug. 2005, "New trade centre in Champassak"; 4 Jan. 2006, "New secondary school in Huaphan"; 17 Jan. 2006, "Government awards Development Medal"; 5 Dec. 2006, "Water treatment plant turns on the taps".
[18] Vientiane Times, 1 Dec. 2004, "Foreign media give their verdict".
[19] Vientiane Times, 1 Dec. 2004, "FDI set for record highs next year".
[20] *Vientiane Mai*, quoted in Vientiane Times, 1 Dec. 2004, "Summit improvements should only be the beginning".
[21] Vientiane Times, 1 Dec. 2004, "Laos delivers a summit to remember".

By now, the full picture is relatively clear. The Bolikhamxai land grab – and perhaps the global land grab as well – begins to take on a different story when it becomes located within state efforts to woo foreign investors to do the heavy lifting of development, both in particular locations and on a national scale. This may involve corruption, but in no sense can the story of Peter Chan be interpreted solely, or even primarily, through the logic of the private payoff. My rereading of Chan's exploits in Laos has emphasized that the key payoff he delivered was not to particular government officials, but to *government itself* – building infrastructure that enabled Vientiane to recruit foreign investors and conduct its diplomatic affairs; helping to jumpstart Laos's nascent agro-processing industry; and even, despite some initial local objections, beginning to bring the landscape in and around Phou Ngou into line with official expectations about what "sustainable" development look like. Chan's endeavors were, in other words, thoroughly enmeshed with the government's nationwide push to "turn land into capital".

Chan's project thus leads directly into the heart of development politics in an era of limited options. A wealth of critical attention to the problems of neoliberal development – both its painful short term and its unconvincing long term – has done little to alter the fact that poor governments have few choices outside the private sector for pursuing capital-intensive industrial development. If anything, the proliferation of transnational land deals over the last few years testifies to the perseverance of development as an idea that is worth putting "one of the bases of national sovereignty", as Jacques Diouf termed it, on the line for. In an era where the mechanics and the geopolitics of international assistance are yet again in flux (Grain 2008; Woertz et al. 2008; De Schutter 2009; Zoomers 2010), the case of Peter Chan has already highlighted the limits of the common-sense yet ultimately facile distinction between development and land grabbing (cf., Cotula et al. 2009; Von Braun & Meinzen-Dick 2009; FAO et al. 2010; The World Bank 2010). Showing instead their deep imbrication with one another, the case of Peter Chan highlights the link between development's various moving parts: the agrarian transition, industrialization, infrastructure building, and the regularization of property, to name just a few. In Part 2, I turn to the landscape of northwestern Laos in order to examine how transnational land access is created both formally (that is, on paper) and on the ground. As we will see, the case of Peter Chan has only begun to scratch the surface.

## Part II. Genealogies of Formal Property

In emphasizing the need to examine transnational land access from a local territorial perspective, the case of Peter Chan raises a further question. What was the nature of the prior relationship between the Lao government and the population of Phou Ngou? Or, to put it slightly differently, what *kind* of citizens lived in Phou Ngou, and how did this shape the trajectory of events that unfolded there?

Ultimately, it seems reasonable to hypothesize that transnational land deals will succeed or fail (however those terms are defined) based on the type of political subjects they encounter in, and perhaps make *of*, the local population. Given the land grab that was ultimately achieved, it is tempting to see Peter Chan's project as something visited on a segment of the population that was defined by its vulnerability: swidden cultivators, recently relocated ethnic minorities, or some other marker of marginality. Yet it is not clear that this was the case. The census data cited above suggests that the village at the heart of the concession was an ethnic majority (Lao Loum, or "lowland" Lao) village, and there is ample literature emphasizing that swidden agriculture was practiced across the ethnic and mobility spectrum in that part of the country; it was a marker of marginality, in other words, but also of normality (Thongphachanh & Birgegard 1982; Barney 2007). Moreover, the use of development projects to territorialize politically marginal rural areas (cf. James Ferguson's [1994] description of "bureaucratic power" in rural Lesotho) is but one variant of how governments deploy capital investment for political purposes; precisely the opposite – "giving" development projects to the politically loyal or historically distinguished – is also common in Laos's geography of postwar development (e.g., Goudineau et al. 1997, vol. 2; Evrard & Goudineau 2004). Ultimately, the existing record, and hence my account in Part 1, is ambiguous about the political subjectivities of the population at Phou Ngou. Yet this state-citizen relationship is almost certainly central to how government surveyors chose Phou Ngou as the site for Peter Chan's land concession, and to how authorities then got away with telling local farmers that they lacked "proper titles" to land they clearly owned.

These two issues – the geographical distribution of land concessions and the techno-politics of formal ownership – now play an even more important role in Laos, and elsewhere in the global south as well, as demands for alternative modes of transnational land access grow (cf. Von Braun & Meinzen-Dick 2009; De Schutter 2009; Borras & Franco 2010; FAO et al. 2010). Laos officially embraced contract farming as the default mode of transnational corporate land access in May 2007, although various branches of government continued to grant "exceptional" land concessions for projects that were deemed especially important. What is the geography of this process of variable enclosures? And how is local landownership assessed by the state as investment moves along the spectrum from concession-making to contract farming?

In Part 2, I examine these questions using a case study from northwestern Laos, where I conducted research intermittently between 2006 and 2008. This part of the country emerged as a politically important area for two related reasons, both of which bear intimately on national policy and, by implication, on the way that Laos is read as a case study in the international arena. The first is "the China question", which resonates especially strongly in the northwest since the upgrading of Laos's national Route 3 between 2003 and 2006 (Figure 3). Although the road is often referred to as the Northern Economic Corridor or the heart of the Golden Quadrangle, its linking of Laos and China dominates the wider integration of the four countries (China, Laos,

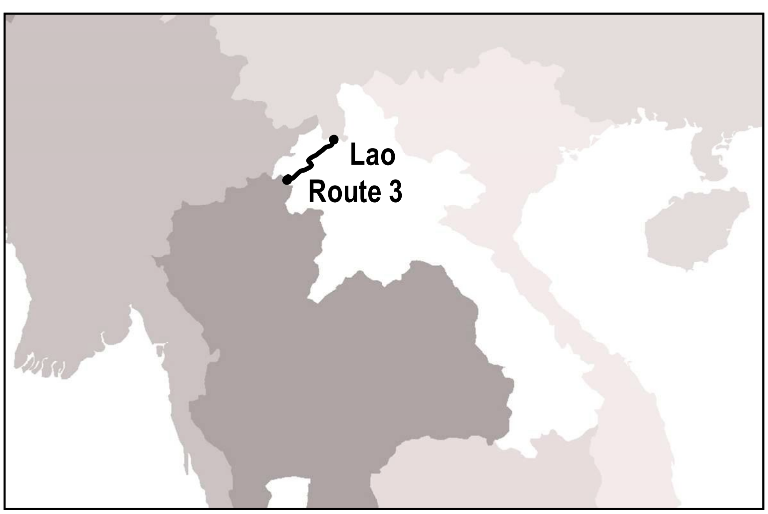


**Figure 3. Laos's National Route 3**

Thailand and Burma) implied by these evocative terms.[22] The straightening, widening and paving of Route 3 in the mid-2000s brought a concurrent boom in Chinese agribusiness investment into the region, much of it directed at the establishment of rubber plantations that would mature in the half-decade after the road was finished (Alton et al. 2005; Shi 2008; Diana 2009; Kenney-Lazar 2009; Zeigler et al. 2009). A second question emerged at the beginning of this boom, and focused on the specific investment model that Chinese investors would use in order to access Lao farmland. After a state-backed Sino-Lao joint venture (formed in the wake of Jiang Zemin's historic visit to Vientiane in 2000) ended up in a protracted dispute about land acquisition with the province of Luang Namtha, the northwestern provinces of Luang Namtha, Bokeo and Oudomxai forged a policy agreement to require contract farming that would shape the geography of the investment boom that followed (Vongkhamhor et al. 2007; Shi 2008). While this agreement seems to have staved off the sort of large-scale dispossession that subsequently occurred in central and southern Laos (e.g., at Peter Chan's concession),[23] it raised the question of how smallholder-owned land – a prerequisite of contract farming – would be defined and operationalized for purposes of "cooperative" investment.

Figure 4 shows one of the survey maps that emerged from northwestern Laos's contract farming landscape during the mid-2000s. It was made by the "technical staff" (*visakan*) of the local district government, and it says a great deal about the landscape of transnational access to farmland in contemporary northwestern Laos. First, and perhaps foremost, the map's very existence demands explanation. After all, one of the basic tenets of contract farming is that it draws on an *existing* landscape of land entitlements. Investors may need to know where particular villages are located, but the existence of a map that dictates where contract farming may and may not occur indicates that property in this particular landscape is not as stable as it is often assumed to be (cf. Watts 1994). State involvement in interpreting the property rights that are relevant to transnational land deals raises the question of how this process occurs, and opens the door to a genealogical analysis of the map in Figure 4.

What the map shows most clearly is a set of yellow patches where rubber planting for this particular project is permitted. The map's full title is "Map of land use in the target villages of the rubber planting promotion project of the XYZ Commerce Company, Limited." (I have changed the name.) The blue writing at the lower right indicates the map scale (1:60,000) and the black polygons depict the territorial boundaries of the twelve villages that are listed by name at the bottom. The red lines are roads and the red dots villages; the wavy blue line that runs roughly northwest to southeast is the region's main river. But it is the yellow patches that are the key to the map's story, both in the sense of what the map itself conveys as a formal narrative and in the sense of what we get when we create a genealogical account of this narrative.

The yellow polygons, according to the map legend, represent "agricultural land" (*din kasikam*) in the project's target villages. The map shows just over 9,000 hectares of this land, a fact that is confirmed and elaborated in the three columns of text at the bottom of the map. These give the

[22] The main difference between the eastern (Laos-China) and western (Laos-Thailand) ends of Route 3 is the lack of a bridge over the Mekong at Houei Sai, the building of which has been announced but not begun. In contrast, the Lao-China border (at Boten/Mohan) is a land border.
[23] On agribusiness investment in central and southern Laos, see Barney 2007; Obein 2007; Dwyer 2007; Kenney-Lazar 2010; Baird 2010.

names of each village in the project area, the total area for each, and the amount of agricultural land in each. According to the local government's agriculture and forestry office, it is this pool of officially-classified land that may be tapped for the company's allocated quota of 3,000 hectares. (The latter is specified in the company's contract with the village, which confirms and elaborates – as explained below – that the project is a "promotional" contracting project.)


**Figure 4. Contract farming survey map. See text for details.**

The formalization of land access is thus beginning to emerge. In fact, this level of legibility – the state-backed allocation of about a third of the officially designated agricultural land in the project's target villages – is likely to be sufficient for one of the map's key audiences: the Chinese government. This project, along with most of the other Chinese agribusiness endeavors that took off in northern Laos during the mid-2000s, was a beneficiary of a generous subsidy program created by the Chinese government and operated through the provincial government of

Yunnan. As Weiyi Shi and others elaborate, this program gives a varieties subsidies to participants, most notably covering substantial parts of the costs of exploration and insurance (up to 80 and 90 percent, respectively), "subsidies of 10 to 30 Yuan per *mu* per year for plantation projects based on actual areas planted",[24] and "greater freedom in cross-border movements of labor, equipment and vehicles" (Shi 2008: 27; also see Xiaolin 2007 and TNI 2010). While the subsidy program is, in Shi's opinion, hardly the main driver of the investment rush from Yunnan into northern Laos, it has nonetheless greatly facilitated the process (ibid.). The map in Figure 4 is notable in this regard, as one of the requirements for investors to participate in the subsidy program is being able to prove feasibility via a technical study and a legal contract with the local government. A map like this one is thus a likely component of both, providing a form of territorial calculability (cf. Elden, epigraph) that legally connects land in the Lao hinterland to the provision of Chinese sovereign wealth.[25]

But this is only the beginning of the story. Where do those yellow polygons come from, and what sort of access do they grant in practice? What kind of livelihoods, in other words, does "promotion"-based contract farming yield on the ground?

The answers to both questions lie in the history of the Lao government's efforts to engineer a productive, sedentary and legible rural landscape. This is a general phenomenon throughout most of Laos, although the local details matter a great deal (Chamberlain et al. 2001; Vandergeest 2003; Evrard & Goudineau 2004; Baird & Shoemaker 2007). I have written about this case elsewhere (Dwyer 2011), and my purpose here is to connect the bare bones of what government officials call "population management work" to the formal version of transnational land access depicted in Figure 4. The yellow polygons on the survey map above are, as Figure 5 and Figure 6 show, vestiges of a government program known as Land and Forest Allocation. This program, centrally designed and locally implemented during the late 1990s and early 2000s, officially demarcated and internally zoned approximately half of Laos's roughly 11,000 rural villages (GTZ 2004). LFA was not simply a process of formalizing what already existed, but of using formalization to reorganize of rural social space along the lines of what Bruno Latour (1993) calls purification.[26] The "allocation" of "land" and "forest", in other words, referred to an idealized separation of locally-owned *agricultural* land from state-owned (but still locally-guarded) *forest* land. This required, in turn, a set of decisions about, first, which settlements should be made official *villages* and retained – by virtue of their size, location and in some cases their ethnic composition (see Dwyer 2011) – and which should be deemed informal and then relocated and/or amalgamated; second, which parts of the rural hinterland belonged to each official village; third, which lands *within* these newly-created village territories should be classified for agriculture and which reserved for a host of restrictions on forest use (e.g., on clearing, farming, hunting and gathering); and finally, which lands within the category of agricultural land should be parceled out to individual users and which treated as the communal property of the village as a whole.

[24] Fifteen *mu* is equivalent to one hectare. This company would thus be eligible for between ¥450,000 (roughly $60,000) and ¥1,350,000 (roughly $180,000) per year once its 3,000 hectare quota is actually planted.

[25] See Thongmanivong et al. (forthcoming) for a variant on this sort of survey mapping. In that study, from central Oudomxai province, a similar survey map was included as the first document in the company's legal contract with the province.

[26] The essence of purification, for Latour, is that it is not simply sorting and classifying, but of separating what was formerly hopelessly intertwined.

**Figure 5. Formal genealogy of survey map in Figure 4. See text for details.**

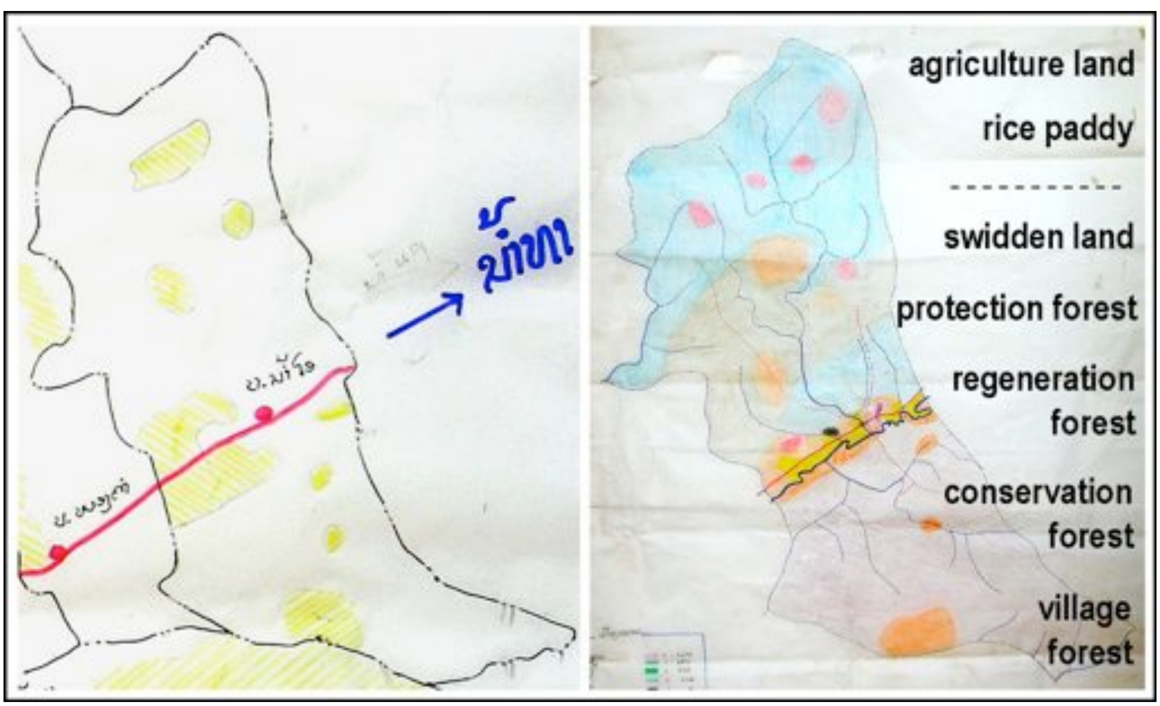


**Figure 6. Formal simplification; yellow patches on the left reflect an amalgamation of orange (agriculture) and yellow (rice paddy) on the right.**

The yellow areas in Figure 4 and the lines that allocate them to particular village territories are, as shown in Figure 5, inherited from this earlier process of formal Land and Forest Allocation. But as Figure 5 suggests and Figure 6 shows in more precise detail, the territoriality created by Land and Forest Allocation was passed on to the rubber survey map in a highly selective manner. (Figure 5 and Figure 6 focus on a single village depicted on the larger survey map, but they could have been made for any of the villages in the project; the small cutout maps on the upper left of Figure 5 gesture to the existence of maps like the large one shown on the right side.) The selectiveness of the rubber project map is of a radically simplifying sort. As shown in Figure 6, the seven land categories on the sample Land and Forest Allocation map become two in rubber survey: the four forest categories and swidden land are lumped together into white space (labeled "forest" in the rubber map's legend), while agriculture land and rice paddy become the yellow patches where rubber can be planted. Whether this is designed to protect quality forestland from rubber, to target swidden or former swidden land for conversion *to* rubber, or some combination of the two, is difficult to tell. The map speaks only in formal terms, is on these questions it is ambiguous, perhaps deliberately so.

To get at what is happening on the ground requires getting past a pair of assumptions – or perhaps a pair of claims – that are implicit in the survey map. The first is that the map shows the full extent of where rubber *planting*, as opposed to rubber "*promotion*", is allowed to occur as part of the project. This is not the case. The map leaves out a pair of land concessions – a small company nursery plot (about ten hectares) and a much larger "demonstration garden" (about ten times that) – that were granted in the area around the district center, and which appear on the Figure 4 map simply as white space. These spaces stake out the hardest end (complete enclosure) of the dispossession spectrum that the rubber project exhibits. The second assumption/claim that contract farming, or "promotional planting, is the same throughout the project; in graphical terms, this is the assumption that yellow means the same thing everywhere. This is also not the case. As confirmed by interview evidence, personal observation and the company's contract (signed with the provincial government), two the village territories shown on the Figure 4 map were selected for a different type of contract farming than the other ten. (These twelve village territories actually translated into fourteen village settlements; as a close look at Figure 4 reveals, two of the village territories each contained two village points. Perhaps not surprisingly, these two exceptional territories – which violated the LFA norm of one territory per village (see above) – were also the two villages selected for an exceptional mode of contract farming.

The differences between the two sorts of contract farming turned on the nature of the share-cropping agreement. The default arrangement offered to ten of the villages was a standard share-cropping deal: rubber seedlings would be given out to farmers on credit, and when they came into production, the company would already own 31 percent of the latex as a payback for the up-front loan, and would purchase the other 69 percent at "market" price.[27] In this arrangement, the company had minimal concern with property rights in the project area because it was dealing with smallholder farmers who had their own land. (Its concern was not, however, zero; it would likely want to keep track of how the rubber was doing in order to preclude the side-selling to other buyers that can occur in unsupervised contracting deals.) In the other (two or four) villages (depending on definition), contract farming was defined as the sharing of rubber *trees*, not just the final latex product. This, clearly, had territorial implications that far exceeded those in the

[27] What this price would be was not specified, and remained a topic of frequent speculation.

first group of villages. For one thing, wage labor was a staple feature of this form of contracting, whereas it was absent from the first form. Local villagers were hired to plant and take care of rubber trees on land that was said to be legally theirs; the ownership of the trees, in contrast, was shared between the company and the village as a whole. The land used for rubber planting had been officially classified as a mix of agricultural land and "regeneration" forest, and its ownership was thus ambiguously split between the village and the state. Moreover, the wage labor was accompanied by a promise of future tree sharing (*beng ton*) between the company and the village, an arrangement that had a few important implications.

First, this meant that "village land" was treated communally; in contrast to the agricultural land in the first group of villages, agricultural land in the tree-sharing villages was deemed to be the property not of individual *villagers*, but of the village as a whole. Second, the tree-sharing arrangement, when it occurred, was in fact a large-scale transfer of *land*: despite the nominal ownership by the village, the company would eventually own 70 percent of the trees in these villages, a fraction (far in excess of the 39-61 split in the other villages) that was justified on the fact that the company was providing wage labor opportunities until the rubber trees came into production. Unlike the seven year wait between labor investment and financial payback in the first group of villages, these tree-sharing villages would not have to bear the burden of what Susan Archer Mann describes as the "long pay" of agricultural production (Mann 1990). A third difference was more speculative, as it concerned the future division of trees. What differentiated this tree-sharing arrangement from the concessionary arrangement of the "demonstration garden" (the company's core plantation area) was that eventually local villagers would receive rubber trees of their own; wage labor would almost certainly remain part of their livelihood under such a shared system of tree ownership, but they would also be the owners of capital: 30 percent of the rubber trees planted on "their" village's land. The tree-sharing arrangement thus exemplified the government's motto of "turning land into capital" in literal turns: if the project went as planned, they would have traded their land for productive capital in the form of latex-producing trees.

This intra-village difference in contract farming was the result of a decision by the district governor. This decision was explained to me by a local government representative who framed the governor's decision in closely linked terms of poverty and ethnicity. The residents of these "special" villages needed permanent livelihoods just as much – and perhaps more – than the residents of the other villages because they were the poorest people in the district. Members of an ethnic group referred to by outsiders as the Kouy,[28] they had the reputation of being the least governable of the different ethnic groups in the area. This was described to me variously as a proclivity to go off into the forest, grow opium and live in their swiddens rather than in "real" villages; as a preference to keep their children out of school; and as a complete lack of interest in development. The tree-sharing form of contract farming was thus framed as a compensatory measure designed to offer them the benefits of a "real long-term occupation" (*asiip thavon*) without having to undergo the long pay of waiting for rubber trees to mature – a special arrangement that was not offered to the other villages in the area, which had already gone some of the way toward "settling down" as "permanent" cultivators.

It is difficult to know what precisely to make of this argument, but it reminds me of Michael Perelman's historical account of differential enclosure and primitive accumulation as a gradual

[28] Kouy is a semi-derogatory term for Lahu, and was the term used by most of the local population.

and variegated process that must be kept calibrated to local conditions (Perelman 2007). On the one hand, the district governor gave an entirely rational (although certainly not unproblematic[29]) explanation as for the differences between villages, one that also echoed Karl Polanyi's notion that one of the state's jobs is to regulate the protection of its citizens from the market (Polanyi 1944). It is ironic, perhaps, but it is also fundamentally important, that landownership in this case was linked to market exposure: those share-croppers who will receive the 61-39 percent split will be far more exposed to the vagaries of the international rubber market and the Lao-Chinese border trade than will be the tree-sharing villages who have lost 70 percent of their officially allocated land to the rubber project. The decision to conjoin land rights and market exposure is consistent with the policy goal of "turning land into capital", but it also highlights the need to differentiate, as Borras and other do, between property rights in the narrow sense and pro-poor access to land entitlements more generally (Borras 2007).

As I was finishing my fieldwork, the white space on the Figure 4 map still contained an open frontier. This was being used in a few ways, all of which provided key sources of food production as officially-allocated agricultural land was being converted to rubber and other cash crops. (In addition to the rubber project described here, contract farming projects for maize and cassava were occurring in the district; these tended to follow the "standard" contracting model, and I have thus focused on rubber because of its power in bifurcating the practical meaning of local landownership.) The frontier at the left side of the Figure 4 map represented the edge of the district, as well as the province, and the governments of each were involved in trying to settle and develop land there at the expense of both the neighboring province and, more importantly, at the expense of a sort of no-man's land that had been cleared by the military during the insecurities of the late 1970s and the 1980s (see Dwyer 2011). Contract farming projects – including the rubber project detailed above – were in fact being used to support these settlement efforts, providing a way for government-supported migrants to plant cash crops in addition to their own food staples (cf. Hardy 2003). Unsurprisingly, the residents of the frontier village on the edge of Figure 4 were given the "standard" contracting option.

Closer to the middle of the Figure 4 map, the frontier played a very different role as a provider of food security for the villages involved in the tree-sharing arrangements. As their agricultural land had been enclosed by the rubber project (Figure 7), they had moved out further into the bush to grow upland rice, their staple food crop (Figure 8). In formal terms, this was a violation of the Land and Forest Allocation process, but it was nonetheless supported – both tacitly and even vocally – by local officials. A moral economy of subsistence thus continued to exist, at least for the moment, alongside an explicit governmental push to develop local livelihoods that met the litmus test of being "fixed" and cash-based. Where this mix will lead in the future, however, is anyone's guess.

[29] In Dwyer (2011), I elaborate the historical dimensions of this ethno-geographic difference, fleshing out the explanation, given above, that rubber contracting represents simply the latest stage in an effort to create order and legible productivity in a landscape that has seen a politically tumultuous half century.

**Figure 7. Rubber contacting based on tree sharing**

**Figure 8. Subsistence production on the internal frontier. Harvested rice stalks, stacked for drying purposes, are marked with arrows.**

## Part III. Seeing within the state

In early May of 2007, prior to the grain-market rumblings that would help launch the "global land grab" later in the year, Laos's prime minister declared a moratorium on land concessions over 100 hectares in size. The immediate cause had been a formal complaint lodged by a Vietnamese investor after a negative story in The Vientiane Times had detailed his rubber company's seizure and bulldozing of villagers' farmland and agricultural assets in southern Laos

(Baird 2010). The complaint backfired. Testifying to the high political stakes of Vietnamese agribusiness investment,[30] the prime minister himself had gotten involved, setting up a special investigative committee and personally visiting the plantation in question (ibid.). Following his return to the capital, he called a governors' meeting, and after hearing from the country's newly-created National Land Management Authority about the extensive problems of land concessions, he declared a moratorium the following day.[31]

A more fundamental cause of the moratorium, however, was a profound opacity *within the Lao state* about the concrete details of agribusiness investment. During his speech, the prime minister emphasized the need for better surveying, and explained the central government's decision to embrace as national policy the sort of contract-farming-based "cooperative" investment detailed in Part 2 (previously this had been largely confined to the northwest). Equally telling, the prime minister made a critical distinction between "officials" and "the government" that indicated his administration's intention to become more involved in managing its territorial affairs up close.

> Previously, once an agreement was signed for industrial tree plantations, investors would start cutting down trees straight away, but this was something that had to change, [the prime minister] said. Officials should first carry out proper surveys to determine how many hectares of the land were owned by locals, or lay in protected or watershed areas, and report the findings to the government for consideration. "These problems were caused by deficiencies in our strategy, and we will now review our regulations that are incompatible with the country's land laws," he said.[32]

In the months that followed, the three ministries that had jurisdiction over agribusiness all indicated their lack of access to regulatory-quality information about investment projects. The Ministry of Agriculture and Forestry called for a new agricultural census, while the National Land Management Authority – the Prime Ministry's chief regulatory body – continued its campaign to inventory agribusiness and other types of investment projects throughout the country. Even more surprising was a report published in early 2009 which detailed the lack of data within the Ministry of Planning and Investment (MPI), the main recruiter of and authorizer of transnational land deals.

> Despite [the] growth and importance to the overall development of the economy, specific information about plantation sector size, location and types of plantations and plantation investors is limited. What information does exist is dispersed across government agencies[,] making it extremely difficult to find. MPI has information on 123 large-scale plantation projects currently covering a production area of over 165,794 hectares. It does not hold information on the areas of medium and small-scale plantation projects (less than $3 million investment and production area less than 100 hectares), which have been approved at the provincial level. This means that MPI does not have investment data on total plantation investment (Voladet 2009: 3).

[30] As is the case in the Chinese-dominated agribusiness landscape featured in Part 2, many of the Vietnamese firms investing in southern Laos have close or even direct ties to the Vietnamese government.
[31] "Govt suspends land concessions", The Vientiane Times, May 9 2007
[32] Vientiane Times, 9 May 2007, "Govt suspends land concessions".

This was something of a polite understatement. Recall from the Introduction above that Laos was estimated around this same time to have promised between two and three million hectares to investors. MPI's lack of data on "total plantation investment" is the chief reason that this number could not actually be calculated, and had instead to be guessed at. Nonetheless, it is a reasonable estimate for a few reasons. Not long after the MPI figures that the above quote is based on were released, the provincial administration of Savannakhet province announced that it was "heavy-hearted" because it had promised investors 200,000 hectares of land and was having trouble meeting these investors' demands for land that was, as the Deputy Governor put it, "all in the same location" (i.e., large parcels of land).[33] This signals that MPI's distinction between "large-scale" and "medium and small-scale" plantations is suspect, at least in terms of area. The project described in Part 2 was an example of the type of project that was outside Vientiane's purview. It was not on MPI's list of 123 "large-scale" projects because its status as a "promotion" project rather than a "concession" rendered its area quota (3,000 hectares) irrelevant for MPI's purposes; its budget, meanwhile, was listed at $2,932,400[34], tantalizingly close to, but just under, the threshold for central-level oversight. If the 2-3 million hectare estimate is correct, this meant that MPI – and by extension the central government – had access to information about between 5 and 9 percent of the projects in the country, as measured by land area. Given the widening scope of social impacts and popular response (see Dwyer 2007), this was the real concession crisis of 2007.

In the remainder of Part 3, I illustrate a method for digging more concretely into this question of opacity within the state itself via examining its inverse: legibility (cf. Scott 1998). Legibility mapping seeks to cartographically represent the answer to questions like: How much does a particular fraction of the state know about the geography of investment under its jurisdiction? Does it know how big projects are and where they are located? Does it know precisely which land they will be targeting, or just approximately (and where precisely is the line between the two)?

The passages above and the case study detailed in Part 2 should be sufficient to suggest that much of the real action, when it came to the regulation of transnational land deals, occurred at the level of local governments. (The central government's degree of legibility, as we have seen, was quite low.) The method that I refer to as legibility mapping begins with Figure 9. The left side of this figure shows a simple analog geographic information system: a list of projects by area that corresponds with a set of squares on the map. (The map shows the province of Luang Namtha, in northwestern Laos.) This GIS is based on data from the provincial government, which provided my colleagues and me with a body of data about agribusiness investment in the province which was largely tabular, and which included a single map, shown at the right side of Figure 9. The red squares all correspond to approved projects for which the provincial government has data – a verbal description of the project location and the numerical size of the project – but no map that actually breaks through to the geography of land allocation to show where the project is supposed to happen on the ground. The lone blue square shows the exception: a land concession project file which also included a map. The map at the right of Figure 9 scales up the size of the allocated concession area – 214 hectares – in order to prove an additional point: although the map shows more information about the geography of investment

[33] Vientiane Times, 18 Oct. 2007, "Savannakhet 'heavy-hearted' about land supply".
[34] From article 2 of the company's contract with the provincial government.

than the 14 projects without maps, it does not show precisely where the project is. In fact it raises additional questions.

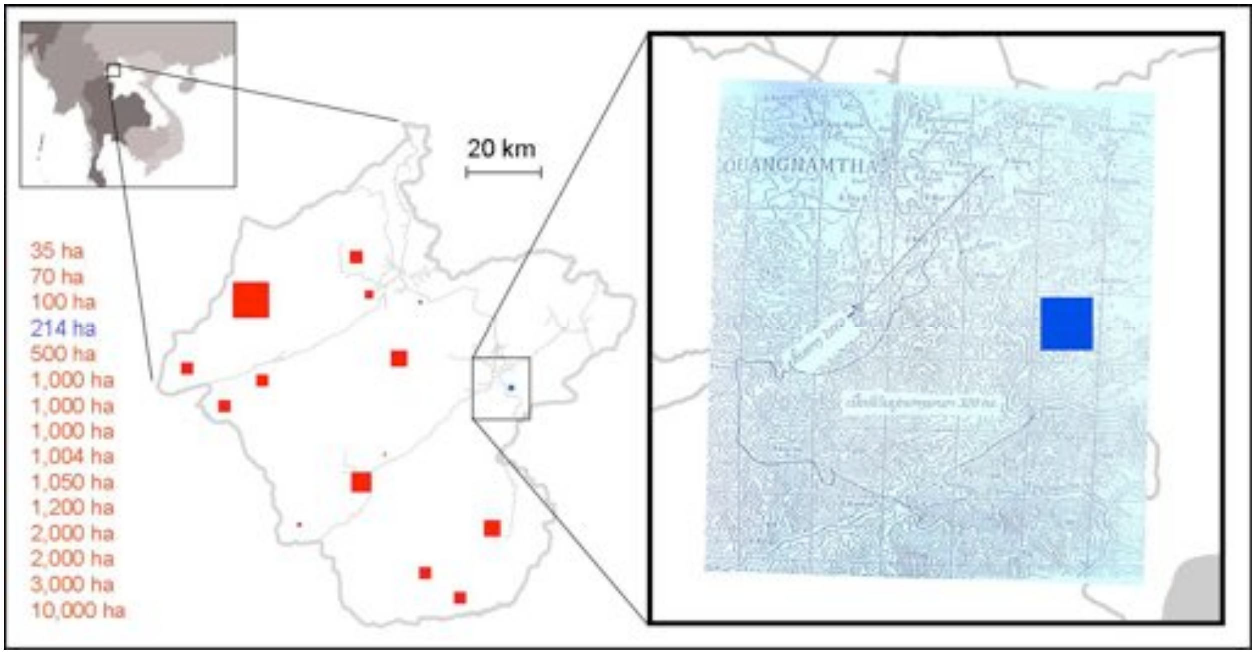


**Figure 9. Legibility within the Lao state. See text for details.**

The text in the middle of the map reads "rubber planting area 320 hectares", raising the question of how this number relates to the 214 hectares listed in provincial records, but also raising an additional problem: the hand-drawn polygon within which the text is located is roughly two thousand hectares in size, as a simple box-counting exercise reveals. It is possible that this indicates the type of approximate approach illustrated in Part 2, where the company was allowed to plant on up to one-third of the officially demarcated 9,000 hectares, but the survey map did not show precisely where planting would occur. But it is also possible that there was a mistake in the surveying process, and that the company has been allocated more land on the ground than it was on paper. Either way, the method raises specific sets of questions that can be used – whether by members of civil society or other state agencies (e.g., Vientiane-based regulators) – to pose hard questions to local authorities.

While the map in Figure 9 shows the kind of information provincial officials have at their fingertips, it does not capture the full extent of the legibility that exists in the province. My colleagues and I found additional information at the level of the district governments (for example, the map featured in Part 2), as well as in the offices of a number of rubber companies. Three examples are given below in Figure 10, which shows the range of legibility we observed at the detailed end of the spectrum. (We found some examples that were much worse as well.) The map in Figure 9, then, does not indicate a shortage of legibility within the province, but rather a working document from which to critically refine Saykham Voladet's claim that "[w]hat information [about plantations investment] does exist is dispersed across government agencies[,] making it extremely difficult to find" (quoted above). First, Figure 9 accounts for most of the private-sector investment in the province, and in this sense it shows that provincial legibility is much higher than Vientiane's. Second, it shows that provincial-level legibility is nonetheless dispersed, as Voladet suggests, but includes the private sector as well; this means that government regulators likely do not have the leverage over investors that comes with having geographically-referenced promises about where and how their projects are supposed to work. Finally, the "difficultly" in finding this information lies somewhere in the murky area between pure logistical difficulty – driving to a far-away government office to make photocopies, getting local officials to fax or email important documents to regulatory centers, etc. – and the more overtly political challenges that make access to geographic information about investment sensitive. Without going into detail, my experience in Laos taught me that the latter, even when one is working entirely *within* the government, is often significant.

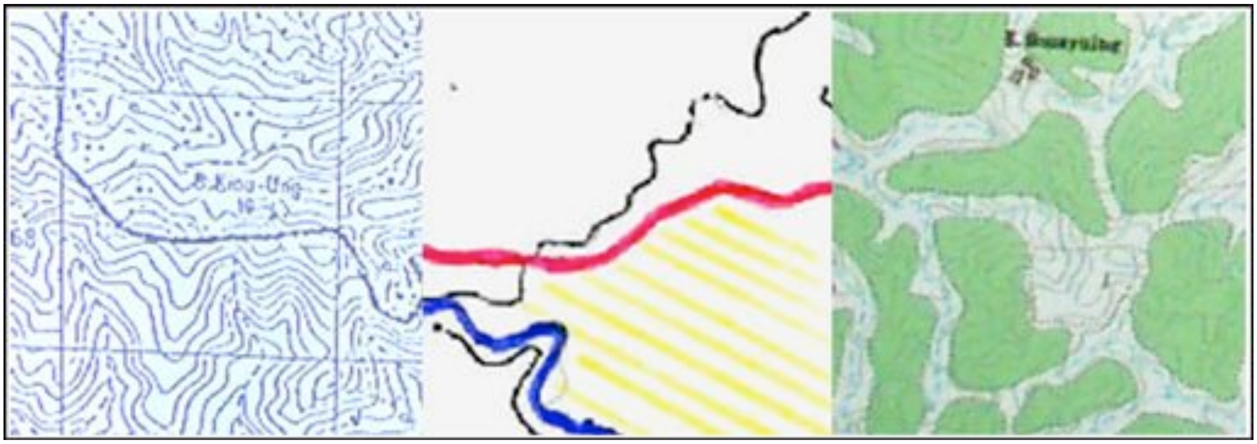

**Figure 10. Examples of survey map legibility in Luang Namtha province. All three maps show areas of 1,000 hectares (side length = 3.161 km). The map at left is a piece of the one shown in Figure 9 above. In the center is a piece of the map in Figure 4 (from Part 2). At right is a piece of a map photographed in a rubber company office in Luang Namtha province; it is the highest level of geographic precision about rubber planting that I observed.**

Legibility maps like the one illustrated in Figure 9, then, should not be thought of as definitive statements about regulatory capacity so much as graphical representations of semi-public *claims* about information-holding by a particular institution. They are works in progress, in other words, and are open to adjustment. It is my hope that a more literal approach to legibility within the state may help to force governments out of the position of trying to "have their cake and eat it too" when it comes to information control – that is, to claim to their citizens that they have the regulatory apparatus to ensure that transnational land deals function in the public interest, yet at the same time plead a lack of regulatory capacity when it comes to actually overseeing project implementation. Regulatory capacity has been identified as a central issue – and perhaps an Achilles Heel – of transnational land deals (Cotula et al. 2009; FAO et al. 2010; The World Bank 2010). Legibility mapping may provide one of a number of ways to put governments on the spot and to force them to tip their hand about the sort of territorial capacities they possess in concrete geographical terms.

*Michael Dwyer is a doctoral candidate in the Energy and Resources Group at the University of California, Berkeley, and conducted fieldwork in Laos during 2006-08. His research was supported by the Social Science Research Council (with funds provided by the Andrew W. Mellon Foundation), the National Science Foundation, and the University of California. He is currently writing his dissertation.*

**References**

Alton, C., D. Bluhm & S, Sannanikone. 2005. Para rubber in northern Laos: The case of Luangnamtha. GTZ Rural Development in Mountainous Areas of Northern Laos, Vientiane.

Baird, I. G. 2010. Land, Rubber and People: Rapid Agrarian Changes and Responses in Southern Laos. *Journal of Lao Studies* 1.

Baird, I. G. & B. Shoemaker. 2007. Unsettling experiences: Internal resettlement and international aid agencies in Laos. *Development and Change* 38: 865-888.

Barney, K. 2007. Power, progress and impoverishment: Plantations, hydropower, ecological change and community transformation in Hinboun District, Lao PDR. York Center for Asian Research Working Paper 1. York University, Toronto.

Bolikhamxai Provincial Authority. 2000. Bolikhamxai Province Socio-economic Profile, with Emphasis on District Development. State Planning Committee and UNDP (Project Lao/98/G81). Paksan, Lao PDR.

Borras, S., Jr. 2007. *Pro-Poor Land Reform: A Critique*. University of Ottawa Press, Ottawa.

Borras, S., Jr. & J. Franco. 2010. From threat to opportunity? Problems with the idea of a "code of conduct" for land-grabbing. *Yale Human Rights & Development Law Journal* 13: 507-523.

Chamberlain, J. et al. 2001. Participatory Poverty Assessment. Asian Development Bank, Manila.

——— 2006. Participatory Poverty Assessment II, Lao People's Democratic Republic. National Statistics Center & Asian Development Bank, Vientiane.

Cotula, L., S. Vermeulen, R. Leonard & J. Keeley. 2009. Land Grab or Development Opportunity? Agricultural Investment and International Land Deals in Africa. IIED, FAO & IFAD, London & Rome.

Cotula, L. & S. Vermeulen. 2009. Deal or no deal: The outlook for agricultural land investment in Africa. *International Affairs* 85:1233-1247.

De Schutter, O. 2009. Large-scale land acquisitions and leases: A set of core principles and measures to address the human rights challenge. The United Nations, New York.

Diana, A. 2008. Navigating the way through the market: A first assessment of contract farming in Luang Namtha. GTZ, Vientiane.

Diouf, J. 2008. The food crisis and the wrong solutions. In Kommunikation Global/Global Perspectives, October 2008. The Bumpy Road to Accra. www.global-perspectives.info.

Dove, M. 1983. Theories of swidden agriculture, and the political economy of ignorance. *Agroforestry Systems* 1: 85-99.

Dwyer, M. 2007. Turning land into capital: A review of recent research on land concessions for investment in Lao PDR. Land Issues Working Group, Vientiane, Laos. Available at: http://www.laolandissues.org/study-on-land-concession.html.

——— 2011. The internal frontier: Chinese extraterritoriality in northern Laos? New Mandala, http://asiapacific.anu.edu.au/newmandala/2011/02/11/the-internal-frontier-chinese-extraterritoriality-in-northern-laos/

Economist, The. 2009. Outsourcing's Third Wave. Print edition, 21 May.

Elden, S. 2005. Missing the point: globalization, deterritorialization and the space of the world. *Trans Inst Br Geogr* 30: 8-19.

Evrard, O. & Y. Goudineau. 2004. Planned resettlement, unexpected migrations and cultural trauma in Laos. *Development and Change* 35: 937-962.

FAO, IFAD, UNCTAD & the World Bank Group. 2010. Principles for responsible agricultural investment that respects rights, livelihoods and resources (extended version): A discussion note prepared by FAO, IFAD, UNCTAD and the World Bank Group to contribute to an ongoing global dialogue. 25 January. http://siteresources.worldbank.org/INTARD/214574-1111138388661/22453321/Principles_Extended.pdf (accessed 28 Apr. 2010).

Ferguson, J. 1994. *The Anti-Politics Machine*. University of Minnesota Press, Minneapolis.

Foucault, M. 1984. Nietzsche, genealogy, history. Pages 76-100 in P. Rabinow (ed.). *The Foucault Reader*. Pantheon Books, New York.

——— 1991. Governmentality. In G. Burchell, C. Gordon & P. Miller (eds.). *The Foucault Effect: Studies in Governmentality*. University of Chicago Press, Chicago.

Fox, J. et al. 2009. Policies, political-economy, and swidden in Southeast Asia. *Human Ecology*, 19 May, published on-line.

Government of Laos (GoL). 2003. National Growth and Poverty Eradication Strategy. Vientiane.

Goudineau, Y. et al. 1997. Resettlement and social characteristics of new villages, UNESCO & UNDP, 2 vol., Vientiane.

Grain. 2008. Seized! The 2008 land grab for food and financial security. Available at http://www.grain.org/briefings_files/landgrab-2008-en.pdf (accessed 25 Sept. 2009).

GTZ. 2004. Study on land allocation to individual households in rural areas of Lao PDR. GTZ, Vientiane.

2007a. Study on land consolidation in the Lao PDR. Land Policy Study No. 7 under LLTP II. GTZ, Vientiane.

——— 2007b. Study on land conflict in the Lao PDR. Land Policy Study No. 9 under LLTP II. GTZ, Vientiane.

Hardy, A. 2003. *Red Hills: Migrants and the State in the Highlands of Vietnam*. University of Hawai'i Press, Honolulu.

Harvey, D. 2003. *The New Imperialism*. Oxford University Press, Oxford.

Izikowitz, K. G. 1944 [2004]. *Over the Misty Mountains: A Journey from Tonkin to the Lamet in Laos*. White Lotus Press, Bangkok.

Kenney-Lazar, M. 2009. Rubber production in northern Laos: Geographies of growth and contractual diversity. Field report.

——— 2010. Land concessions, land tenure, and livelihood change: Plantation development in Attapeu Province, southern Laos. Fulbright and the National University of Laos, Vientiane.

Kugelman, M. 2009. Introduction. Pages 1-26 in M. Kugelman & S. L. Levenstein (eds.). *Land grab? The Race for the World's Farmland*. Woodrow Wilson International Center for Scholars, Washington, D.C.

Kunstadter, A. et al. 1978. *Farmers in the Forest*. University of Hawaii Press, Honolulu.

Latour, B. 1993. *We Have Never Been Modern*. Harvard University Press, Cambridge, MA.

Mann, S. A. 1990. *Agrarian Capitalism in Theory and Practice*. University of North Carolina Press, Chapel Hill.

Marx, K. 1873 [1990]. *Capital Volume I*. Penguin Book, London.

MCTPC & IUCN. 2000. Bolikhamxai Province Environmental Inventory. Ministry of Communication, Transport, Post and Construction, IUCN–The World Conservation Union and the Swedish International Development Cooperation Agency, Vientiane Lao PDR.

Monmonier, M. 1991. *How to Lie with Maps*. University of Chicago Press, Chicago.

Nyíri, P. 2009. Extraterritoriality: Foreign concessions: The past and future of a form of shared sovereignty. Inaugural oration at Amsterdam's Free University, Nov. 19. http://www.espacestemps.net/document7952.html (accessed 1 Feb. 2011).

Perelman, M. 2007. Primitive accumulation from feudalism to neoliberalism. *Capitalism, Socialism, Nature* 18:44-61.

Pickles, J. 2004. *A History of Spaces: Cartographic Reason, Mapping and the Geo-coded World*. Routledge, London.

Polanyi, K. 1944 [2001]. *The Great Transformation*. Beacon Press, Boston.

Schmitt, U. et al. 2008. Lao People's Democratic Republic: Policy, Market, and Agriculture Transition in the Northern Uplands. The World Bank Group.

Scott, J. C. 1998. *Seeing Like a State*. Yale University Press, New Haven.

——— 2009. *The Art of Not Being Governed: An anarchist history of upland Southeast Asia*. Yale University Press, New Haven.

Shi, W. 2008. Rubber boom in Luang Namtha: A transnational perspective. GTZ, Vientiane.

Stedile, J. P. 2008. The new geopolitics of hunger. http://ipsnews.net/columns.asp?idnews=44658 (accessed 12 Nov. 2009).

Thongmanivong, S., K. Phengsopha, H. Chantavong & M. Dwyer. Forthcoming. "Concession or cooperation? The influence of land investment policy for rubber planting on the land use and livelihoods of rural families: A case study from Oudomxai Province, Lao PDR." The Rights and Resources Initiative (Washington DC) and the Regional Community Forestry Training Center (RECOFTC, Bangkok).

Thongphachanh & L. Birgegard. 1982. Muong Paksane Regional Development Study, Vol. 1. Main characteristics of Muong Paksane, Proposed long-term development strategy, Proposals for action. Vientiane.

Transnational Institute (TNI). 2010. Alternative development or business as usual? China's opium substitution policy in Burma and Laos. http://www.tni.org/briefing/alternative-development-or-business-usual (accessed 1 Feb. 2011).

Turton, A. (ed.) 1999. *Civility and Savagery: Social Identity in Tai States*. Curzon Press, Richmond, Surrey.

Vandergeest, P. 2003. Land to some tillers: development-induced displacement in Laos. *International Social Science Journal* 55:47–56.

Voladet, S. 2009. Sustainable development in the plantation industry in Laos: An examination of the role of the Ministry of Planning and Investment. International Institute for Sustainable Development, Winnipeg.

Vongkhamor, S., K. Phimmasen, B. Silapeth, B. Xayxomphou & E. Petterson (Y. Fujita, ed.). 2007. Key issues in smallholder rubber planting in Oudomxai and Luang Prabang provinces, Lao PDR. National Agriculture and Forestry Research Institute, Upland Research Development Program, Vientiane.

Von Braun, J. & R. Meinzen-Dick. 2009a. "Land grabbing" by foreign investors in developing countries: Risks and opportunities. International Food Policy Research Institute, Washington, DC.

Watts, M. J. 1994. Life under contract: Contract farming, agrarian restructuring, and flexible accumulation. Pages 21-77 in P. D. Little & M. J. Watts (eds.) *Living Under Contract: Contract Farming and Agrarian Transformation in Sub-Saharan Africa*. University of Wisconsin Press, Madison.

Woertz, E. et al. 2008. Food inflation in the GCC countries. Gulf Research Center, Dubai.

World Bank, The. 2010. Rising global interest in farmland: Can it yield sustainable and equitable benefits? The World Bank, Washington DC.

Xiaolin, G. 2007. Towards resolution: China in the Myanmar issue. Silk Road Paper, Central Asia-Caucasus Institute & Silk Road Studies Program, Johns Hopkins University-SIAS and Uppsala University, Washington DC and Uppsala.

Zeigler. A. D., J. Fox & J. Xu. The rubber juggernaut. *Science* 324: 1024-1025.

Zoomers, A. 2010. Globalisation and the foreignisation of space: Seven processes driving the current global land grab. *Journal of Peasant Studies* 37: 429-447.