

## COLONIAL LAND LEGACIES IN THE PORTUGUESE-SPEAKING WORLD

Edited by Susanna Barnes and Laura S. Meitzner Yoder

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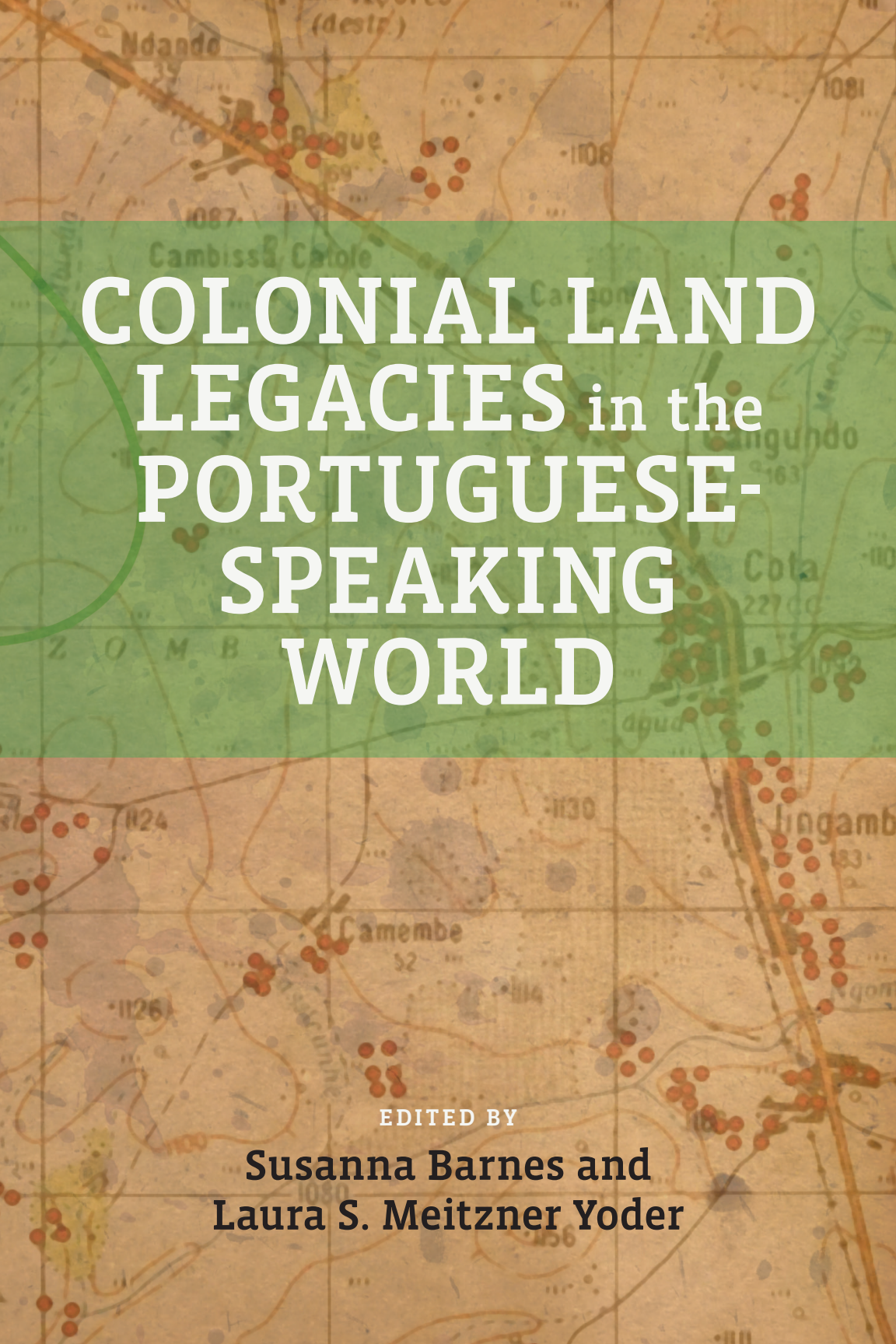
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A book like this is, above all, shaped by its contributors, and we extend our deepest gratitude to all the authors who participated in the symposium and contributed their work to this edited volume. Their scholarship, dedication, and collegiality have made this book possible.

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This book is a testament to the power of collaboration, and we are fortunate to have had such a dedicated and thoughtful group of scholars, colleagues, and friends contribute to its realization.

# Preface

*Laura S. Meitzner Yoder and Susanna Barnes*

This project emerged from persistent questions and quandaries facing a group of scholar-practitioners conducting ethnographic, historical, and legal research on emerging land issues in newly independent Timor-Leste.<sup>1</sup> In our fieldwork, we observed first-hand the profound ongoing impacts of Portuguese (until 1975) and Indonesian (1975–99) land policies and practices on the fledgling nation's legal systems, public debates over Indigenous practices and customary land, civil service functionality, tenure security, and land access for vulnerable or marginalized groups.<sup>2</sup> Ongoing influence also came in the form of international land policy experts who carried, promoted, and implemented particular models of land administration worldwide. As a result, the new nation inherited a hodgepodge of legal and political phenomena, ranging from imported laws to multiple successive cadastral programs conducted with support of USAID, AusAID, and a Portuguese company.<sup>3</sup> To make sense of what we saw in Timor-Leste, we felt a critical practical need, paralleling a notable scholarly gap, to better understand colonial land policy processes in the dimensions necessary to enable and promote just land relations after modern-day governance transitions.<sup>4</sup>

The effects of land policy mobility across both time and space were clearly evident in Timor-Leste, but we wanted to track the actual mechanisms of this influence. We realized that to illuminate this fundamental aspect, we needed to examine the trajectories and outcomes of land policy formation across other former Portuguese colonies—with their diverse times and circumstances of independence, governance priorities, economic models, and cultural contexts. Formerly, as now, we can trace the mobility of ideas and practices regarding land through regions and systems, so we sought to hold the Portuguese contexts in tandem with perspectives from other post-colonial contexts and their own layered land histories.<sup>5</sup> In this, Tania Murray Li's extensive work on Indonesia and across Southeast Asia was particularly influential for us.

These questions were the impetus for the interdisciplinary international symposium Lusophone Land Legacies in Comparative Perspective—hosted by the University of Saskatchewan and held online in May 2021—that lay the groundwork for this volume. The symposium gathered scholars from, and of, Canada, Brazil, Portugal, Mozambique, Angola, Singapore, Timor-Leste, the Netherlands, Sweden, and the United States of America, to consider how colonial-era land practices continue to shape land classification, policies, administration, and legislation in independent nations. Contributors to this volume include participants in the international symposium, in which we intentionally sought to bridge various boundaries: temporal and geographic in our topics, but also linguistic and disciplinary in our peer-review interactions. The symposium paired established and early-career scholars from different regions as co-readers and mutual commentators on the submitted papers, allowing for the diverse contexts and disciplinary experiences of each participant to inform the questions and discussion. We sought to include a diversity of methodological and analytical approaches of the many disciplines that examine land policy formation and implementation, from law, anthropology, history, geography, and environmental studies. This is also evident in chapter authors' diverse backgrounds—including nine scholars for whom English is not their primary language. Reviewers noted that this collaboration has produced one of the few publications in English with this range of cases on Lusophone colonialism, making this scholarly work accessible to Anglophone readers.

It is our hope that readers of this volume take inspiration from our orienting questions and glean new insights for and from their own contexts through the cases presented here. We learned a great deal from close engagement with each other's cases. Most symposium participants specialized closely in one or two of the Lusophone regions, and we found in this rare interaction across continents many productive discoveries of both familiarity and difference in the administrative processes, economic practices, and socio-political creativity of both local populations and implementing bureaucrats with regard to land policy. Lively debates challenged and enriched our own understandings of concepts and practices we thought we understood, such as *baldios*, registration, and land grants or concessions. And for readers who are new to the world of Lusophone imperial formations, we welcome you to compare and contrast the cases presented in the following chapters with the colonial and modern situations you know best. May this book give you newly expanded perspectives on the importance of land policy formation in today's world.

## NOTES TO PREFACE

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- 1 Hans Hägerdal, *Lords of the Land, Lords of the Sea: Conflict and Adaptation in Early Colonial Timor, 1600–1800* (Brill, 2012); Bernardo Almeida, *Land Tenure Legislation in Timor-Leste* (Asia Foundation, April 2016), <https://landportal.org/library/resources/land-tenure-legislation-timor-lestebernardo-almeida2016/land-tenure-legislation>; Bernardo Almeida, “Expropriation or Plunder? Property Rights and Infrastructure Development in Oecusse,” in *The Promise of Prosperity: Visions of the Future in Timor-Leste*, ed. Judith Bovensiepen (ANU Press, 2018), 99–118; Susana Barnes, “Origins, Precedence and Social Order in the Domain of Ina Ama Beli Darlari,” in *Land and Life in Timor-Leste: Ethnographic Essays*, ed. Andrew McWilliam and Elizabeth Traube (ANU E-Press, 2011), 23–46; Meabh Cryan, “Empty Land? The Politics of Land in Timor-Leste,” in *A New Era? Timor-Lest after the UN*, ed. Sue Ingram, Lia Kent, and Andrew McWilliam (ANU Press, 2015), 141–54; Daniel Fitzpatrick, Andrew McWilliam, and Susana Barnes, *Property and Social Resilience in Times of Conflict: Land, Custom and Law in East Timor* (Ashgate, 2012); Laura S. Meitner Yoder, “Political Ecologies of Wood and Wax: Sandalwood and Beeswax as Symbols and Shapers of Customary Authority in the Oecusse Enclave, Timor,” *Journal of Political Ecology* 18, no. 1 (2011): 11–24.
- 2 Centre of Studies for Peace and Development, *Women’s Access to Land and Property Rights in the Plural Justice System of Timor-Leste* (Centre of Studies for Peace and Development, 2014); Simon P. J. Batterbury et al., “Land Access and Livelihoods in Post-Conflict Timor-Leste: No Magic Bullets,” *International Journal of the Commons* 9, no. 2 (2015): 1–29; Meabh Cryan, *Whose Land Law? Analysis of the Timor-Leste Transitional Land Law* (Asia Foundation, 2016).
- 3 Bernardo Almeida, “The Main Characteristics of the Timorese Legal System—a Practical Guide,” *Verfassung und Recht in Übersee* 50, no. 2 (2017): 175–87; Rede ba Rai, *Land Registration and Land Justice in Timor-Leste: Culture, Power and Justice* (Haburas Foundation, 2013).
- 4 Daniel Fitzpatrick and Susana Barnes, “Rules of Possession Revisited: Property and the Problem of Social Order,” *Law & Social Inquiry* 39, no. 1 (2014): 127–51; Sandra F. Joireman and Laura S. Meitner Yoder, “A Long Time Gone: Post-Conflict Rural Property Restitution under Customary Law,” *Development and Change* 47, no. 3 (2016): 563–85; R. Gerard Ward and Elizabeth Kingdon, “Land Tenure in the Pacific Islands,” in *Land, Custom and Practice in the South Pacific*, ed. R. Gerard Ward and Elizabeth Kingdon (Cambridge University Press, 1995), 36–64.
- 5 James Holston, “The Misrule of Law: Land and Usurpation in Brazil,” *Comparative Studies in Society and History* 33, no. 4 (1991): 695–725; Malyn Newitt, “Formal and Informal Empire in the History of Portuguese Expansion,” *Portuguese Studies* 17, no. 1 (2001): 1–21; Bridget O’Laughlin, “Class and the Customary: The Ambiguous Legacy of the *Indigenato* in Mozambique,” *African Affairs* 99, no. 394 (2000): 5–42; Philip J. Havik and Malyn Newitt, eds., *Creole Societies in the Portuguese Colonial Empire* (Cambridge Scholars Publishing, 2015); Harry G. West and Gregory W. Myers, “A Piece of Land in a Land of Peace? State Farm Divestiture in Mozambique,” *Journal of Modern African Studies* 34, no. 1 (1996): 27–51; C. Young, *The African Colonial State in Comparative Perspective* (Yale University Press, 1994); José Vicente Serrão, Bárbara Direito, Susana Münch Miranda, and Eugénia Rodrigues, eds., *Property Rights, Land and Territory in the European Overseas Empires* (CEHC-IUL, 2014).





## FOREWORD

# Colonial Land Legacies: Questions and Insights from Southeast Asia

*Tania Murray Li*

*The following text was presented as the opening keynote to the symposium Lusophone Land Legacies in Comparative Perspective, hosted online in May 2021 by the University of Saskatchewan, which formed the basis for this volume. It serves as an orienting reflection on the underlying importance and problems of enduring colonial impacts on land relations. With a focus on another colonial context, it demonstrates the commonalities still faced by post-colonial nations worldwide.*

The aim of this volume is to track how far classifications, rationalizations, infrastructures, and laws that were forged to govern land relations in the Portuguese colonial period persist today, albeit perhaps refashioned or repurposed. My contribution, first presented as the symposium keynote, takes up this question from the perspective of Southeast Asia, especially Indonesia.

Land relations are a key domain for the exercise of what Foucault called a “governmental rationality” that seeks to arrange relations between “men and things” to achieve diverse ends.<sup>1</sup> Colonial authorities had to balance multiple objectives, and contemporary authorities must do the same. In relation to any regime, past or present, it is useful to consider three sets of questions.

First, to *what ends* do authorities attempt to govern land relations? Do the ends include increasing production to raise revenues or taxes? Order, pacification, and the administration of populations? The demonstration of territorial control vis-à-vis internal opponents or external competitors? The generation of profits for shareholders? Native improvement? The attraction of settlers or the reward of allies?

Second, through *what means* is land government exercised? Is there direct control over territory or indirect rule through local elites or native chiefs? Are

natives addressed as individuals or as members of communities? Are they fixed to the land or detached to form a “free” proletariat? Are they targets of productive investment or treated as irritants to be swept aside?

Third, *what is the rationale* under which land government proceeds? What narrative or authoritative body of knowledge links problems identified to solutions proposed? How is a given rationale defended from counternarratives and critiques? Under what conditions does it morph and realign?

These are questions to be examined through empirical research in different contexts, and they form the subject matter of many of the chapters in this collection. Here I want to stand back from the details of the terrain of inquiry to ask several key questions: Why are colonial land legacies important? What is potentially problematic about their persistence? Why should we be concerned about what Ann Stoler calls “imperial debris” or the “rot that remains” from colonial rule?<sup>2</sup> Why, precisely, is it rotten?

The argument I will make here, specifically in relation to Indonesia, is that racialism—the construction of racial or race-like divides and their arrangement in a hierarchy—was intrinsic to colonial land relations. It provided the rationale for the occupation of territory, rule over subject populations, and the extraction of profit for the metropole. The rot that remains is the persistence of racialism in the contemporary period in a format that is only lightly revised. It is embedded in land law, in development policy, and in everyday ways of thinking and acting. Although it passes almost without notice, it is the enabling condition for the widespread misery, dispossession, and disenfranchisement that persist in Indonesia today.

## Imperial Debris

What is the imperial debris of which Ann Stoler speaks? In the sphere of land relations, the nature of this debris has been well examined by Brenna Bhandar in her book *The Colonial Lives of Property*.<sup>3</sup> Her argument, in brief, is that racial (or race-like) divisions are constitutive of colonial and contemporary land regimes in which the association between a kind of person, the kind of land use they practice, and the quality of their property rights is circular. In contemporary Indonesia the chain of reasoning goes like this: The national land agency grants concessions to plantation corporations on the grounds that they can utilize the land efficiently; implicitly, customary landholders cannot use land efficiently; hence their customary land rights do not qualify as full property rights; their low productivity and incomplete property rights confirm that they are people of low value; as people of low value they cannot be expected to use land efficiently, and they can legitimately be displaced by corporations.<sup>4</sup>

Contemporary land government sustains the reasoning behind the 1870 Land Law of the Dutch East Indies. The 1870 Land Law claimed that all land was the domain of the Dutch Crown, except for tiny areas that were recognized as individual private property. It gave nominal recognition to customary land rights, which it declared to be communal and inalienable. But it did not map or gazette communal land and offered customary landholders individually or collectively very little protection. The main purpose of the 1870 Land Law was to free up land to allocate for plantation, timber, and mining concessions. This law is *still basically in place*. Its racialized premise was retained on independence in the clause of Indonesia's 1945 constitution that gives the state the right to control and allocate land in the national interest. It is the unspoken premise of the 1960 Land Law, which has not been replaced. The 1960 Land Law was a compromise among nationalist, communist, and Islamist forces and the army, brokered by Indonesia's first president, Sukarno. The 1960 law promised a land-to-the-tiller-style land reform that was not implemented; it included clauses about the rights of customary communities but no process to map or protect them; and it continued the colonial practice of issuing corporate land concessions for mining and plantations.

The colonial land legacy has led to a situation in which around 40 per cent of Indonesia's farmland is covered by corporate land concessions. Corporations—the kinds of “person” trusted to use the land efficiently—have secure land rights. Meanwhile the customary land rights of most rural people in Indonesia are weak and inferior rights because the people who use this land, and the ways in which they use it, are deemed to be inferior. There have been challenges: Some colonial officials and scholars challenged the 1870 Land Law at the time, appalled by the losses that corporate land concessions imposed on native farmers. They demanded that land be set aside for the native population; but they did not challenge the racial contours of land law or its dispossession effects. Similarly, contemporary advocates seeking to strengthen the legal rights of Indonesia's customary communities contest their dispossession from the land and forests on which they depend, but the entire logic that constitutes these people, their land uses, and their land rights as inferior is not subject to a thoroughgoing post-colonial critique. This is imperial debris—a racial logic that is so deeply entrenched in the law and in the national psyche that it is barely noted.

Delving into the colonial history, how did the three elements of Bhandar's satanic circle combine? How did a (deficient) kind of person become linked to a (deficient) kind of production, worthy of a weak and inferior kind of right to land? How did this form of governing, reasoning, and acting come to be? And how does it shape contemporary configurations?

## Dividing Practices<sup>5</sup>

A classic technique for governing populations in the late colonial period (ca. 1870–1940) was to divide them into distinct types and govern them according to these types. In much of colonial Africa, where colonial rule was indirect, a distinction was made between natives who were fit to become citizens (urban, educated) and rural people who should be treated as subjects of customary chiefs who administered communal territories on their behalf, and who governed both people and land under so-called customary laws.

In much of Southeast Asia, the axis of difference was spatially organized in terms of elevation. Peasants, especially rice producers in the fertile valleys and lowlands, were deemed fit to hold land individually. People living in the uplands (called “hill tribes” in Thailand, non-Christian tribes in the Philippines, and Montagnards in the French colonies) were to be firmly attached to communal land and governed as collectivities. This particular imperial debris resonates strongly and perhaps positively in the Philippines, where the Spanish-era category of “non-Christian tribes” morphed into the contemporary, globally circulating category of “Indigenous peoples,” a group that were legally enfranchised in 1997 with IPRA, the Indigenous Peoples’ Rights Act. In Thailand, hill tribes are still treated as “others” with an emphasis on their ethnocultural identity as “non-Thai”; many still do not have Thai citizenship and are vulnerable to eviction. In the former French colonies (Vietnam, Laos, and Cambodia), highlanders or Montagnards are still treated as distinct and deficient, and subject to policies such as forced resettlement and loss of access to their forestland.

The colonial history in Indonesia is rather different. During a brief British interregnum from 1812 to 1816, Sir Thomas Stamford Raffles inadvertently laid the groundwork for a legal trajectory that was diametrically opposed to the one he advocated. He brought with him a concept popular among British colonial officials in India who regarded Asian villages as timeless little republics. On this basis he determined that villages would be a convenient vehicle for tax collection until such time as individual land titles could be granted. When the Dutch resumed control, they decided that villages could be used as vehicles for tax collection (and forced production) permanently. This approach was in keeping with a racialized axiom that asserted the natural collectivism of Asian people, assuming them to be the opposite of Europeans in every way. To maintain this divide the colonial authority had to disallow contradictory evidence. In 1833, for example, a regent toured one region of Java to collect and subsequently burn the lontar leaves on which natives had recorded their individual land titles; thus was the racial difference of the purportedly communalist native created and confirmed.

In contrast to other colonial powers in Southeast Asia, the Dutch did not divide the native population into peasants versus tribes on the basis of elevation. All people who were not Dutch (or mixed Indonesian Dutch) were equally native from the perspective of law, including land law. Hence neither lowland rice farmers nor highlanders were issued with individual land titles. To this day only about 20 per cent of agricultural land parcels held by Indonesian farmers have been individually titled. Nor have communal titles been issued, with the consequence that almost all rural Indonesians are chronically vulnerable to state-authorized dispossession. People who can be robbed of their land are not enfranchised citizens; they are still in a colonial situation. The colour of the ruling group may have changed, but the scorn of today's political and economic elites for rural people and the capacity of the elite to grab their land with impunity remain intact.

## Evaluating Productivity<sup>6</sup>

Raffles was impressed by the diligence and productivity of Javanese rice farmers. He expected them to prosper and develop in ways that were similar to yeoman farmers in Britain—that is, through their hard work and their capacity to “truck, barter, and trade.” In contrast, Dutch officials applied a racial lens that held natives to be lazy and inept; hence they had to be compelled to produce a surplus beyond their subsistence needs. Based on this evaluation, the Dutch installed a system of forced cultivation of the export crops of sugar and coffee (1830–70) to raise revenue to run the colonial state and to furnish profits for Dutch corporations. After this system ran its course, the 1870 Land Law enabled the regime to issue large land concessions to foreign investors, and the plantation era began. Both these systems—coerced production among smallholders, and the displacement of smallholders by corporate plantations—hinge on the same racialized evaluation memorably caricatured by historian Syed Husain Alatas as the “myth of the lazy native,” which asserts that “natives” are incapable of developing their land or producing a surplus on their own.<sup>7</sup>

The same assessment—that natives are inefficient and/or unwilling producers of global market crops—still justifies the expansion of corporate plantations in Indonesia today. It is especially virulent outside areas of intensive rice production where shifting cultivation and extensive agro-forest systems still prevail. These systems are taken to confirm that “lazy natives” run their farms in a disorderly manner. Purveyors of this racialized stereotype overlook the fact that extensive farming systems are very efficient in relation to labour, which is often the scarce resource. Even in relation to the production of global market crops, there is no evidence to support the claim of native deficiency. Farmers in Java and Sumatra eagerly adopted the production of coffee early in the eighteenth century as soon

as seedlings became available and a global market opened up. They lost interest when the Dutch imposed a monopoly on the coffee trade and set prices so low that farmers tore up their coffee groves in disgust. From then on, coffee production had to be coerced. It was a similar story with other crops: Managers of large tea and tobacco plantations demanded that native production be suppressed as they were afraid of being outcompeted; and in the case of rubber smallholders, they did actually outcompete plantations and drove many into bankruptcy.

The promotion of corporate agriculture at the expense of smallholders is a story that is being repeated today with the current boom crop, oil palm, as industry lobbies insist that the proper way to grow this crop is on huge, professionally managed monocropped plantations. To make this argument, they characterize smallholders as inefficient, overlooking the high levels of productivity that smallholders achieve when they have access to high-quality seedlings and the necessary infrastructure. The ongoing displacement of Indonesian villagers and the issue of massive land concessions to oil palm corporations is imperial debris. Recognizing that Indonesian villagers are competent producers would remove the alibi for corporate expansion; meanwhile, plantation corporations are under no obligation to prove that they are efficient producers—the myth seems to suffice. State subsidies accorded to plantation corporations are enormous: virtually free land, low-cost labour, favourable access to credit, and bailouts when bankruptcy looms. The investment in ordinary farms and farmers is miniscule in comparison. Indonesia's land relations are still organized for extraction at the people's expense.

## **Toward a Comparative Analysis<sup>8</sup>**

Looking around the Southeast Asian region for comparative cases, diverse trajectories and outcomes stand out. There are echoes of racialized practices and rationalities through Southeast Asia, but the picture is not uniform. Indeed, the region provides a panorama in which differences among British, Dutch, French, and Portuguese colonial powers, their land policies and their legacies, can be examined. Throughout, the most pervasive colonial rot that remains is the dismissal of highlanders, especially shifting cultivators, as forest destroyers and primitives. In relation to lowland populations, the pattern is more varied.

There were plantations in French Indochina in the colonial period, but the period of revolution and independence signalled a more complete rupture with colonial land law than occurred in Indonesia. In Vietnam, the rights and entitlements of lowland citizens are quite robust. There are few new plantation concessions, the productive capacity of farmers is trusted and supported, and farmers have reasonably secure land tenure (though ownership remains with the

state). In Thailand, which was not subject to direct colonial rule, there are very few plantations and oil palm is grown by smallholders who receive good state support. To a significant extent, Thai peasants in lowland areas are enfranchised citizens who are capable of making their demands stick.<sup>9</sup> Land titling is well advanced. In Malaysia, colonial-era plantations have morphed and expanded, together with lazy-native rationales.<sup>10</sup> Yet the popular push-back is not intense because Malaysia has undergone an “agrarian transition”: A great many citizens, including young people, have found their way to the cities and to urban jobs, and consequently are less interested in becoming farmers or holding on to customary land. So there is imperial debris, but it is less damaging than elsewhere in the region where agriculture-based livelihoods remain crucial to huge segments of the population. Indonesian migrant workers do most of the work on Malaysia’s plantations.

In Indonesia since the colonial period corporations have been granted land concessions, while customary landholders are legally vulnerable and, in practice, the people and their claims are regularly swept out of the way. The rot that remains is stubborn indeed. Similar practices are observed in Cambodia, Laos, and the Philippines, where the people are similarly disenfranchised, both legally, through their weak land rights, and vis-à-vis rapacious regimes that displace customary landholders at will. There are massive new plantations in these countries where old and new rural elites grab land and rule coercively. Yet, as I noted earlier, the Philippines is also the site of the Indigenous Peoples’ Rights Act, a progressive law that came out of a hard-fought advocacy campaign; and in Laos and Cambodia, colonial land law was interrupted by communist rule, which has its own legacies, some of which provide modest protections. Across the region, similar outcomes may mask the extent to which legal underpinnings and discursive rationalizations diverge.

The comparative framework I have laid out suggests ways to track different land regimes historically and offers three sets of questions that can be used to examine their key features. Further research could usefully explore how certain colonial regimes influenced others as officials looked over their shoulders to see what their peers were doing and evaluated different approaches. Colonial land legacies present a rich and multi-faceted domain of inquiry.

## NOTES TO FOREWORD

- 1 Graham Burchell, Colin Gordon, and Peter Miller, "Governmentality," in *The Foucault Effect: Studies in Governmentality* (University of Chicago Press, 1991).
- 2 Ann Stoler, "Imperial Debris: Reflections on Ruins and Ruination," *Cultural Anthropology* 23, no. 2 (2008): 191–219; Ann Stoler, *Duress: Imperial Durabilities in Our Times* (Duke University Press, 2016). See also the discussion in Tania Murray Li and Pujo Semedi, *Plantation Life: Corporate Occupation in Indonesia's Oil Palm Zone* (Duke University Press, 2021).
- 3 Brenna Bhandar, *Colonial Lives of Property: Law, Land, and Racial Regimes of Ownership* (Duke University Press, 2018).
- 4 Here I draw directly on Li and Semedi, *Plantation Life*.
- 5 For a fuller development of the argument in this section and sources, see Tania Murray Li, "Indigeneity, Capitalism, and the Management of Dispossession," *Current Anthropology* 51, no. 3 (2010): 385–414.
- 6 This section draws on Li and Semedi, *Plantation Life*, and Tania Murray Li, "The Price of Un/freedom: Indonesia's Colonial and Contemporary Plantation Labor Regimes," *Comparative Studies in Society and History* 59, no. 2 (2017): 245–76. See these publications for a complete list of sources. See also Jan Breman, *Mobilizing Labour for the Global Coffee Market: Profits from an Unfree Work Regime in Colonial Java* (Amsterdam University Press, 2015).
- 7 Hussein Alatas, *The Myth of the Lazy Native: A Study of the Image of the Malays, Filipinos and Javanese from the 16th to the 20th Century and Its Function in the Ideology of Colonial Capitalism* (F. Cass, 1977).
- 8 For a summary and comparative analysis of past and present land policies in Southeast Asia, see Philip Hirsch, Derek Hall, and Tania Murray Li, *Powers of Exclusion: Land Dilemmas in Southeast Asia* (University of Hawai'i Press, 2011).
- 9 Andrew Walker, *Thailand's Political Peasants: Power in the modern rural economy* (University of Wisconsin Press, 2012).
- 10 Rob A. Cramb, "Re-inventing Dualism: Policy Narratives and Modes of Oil Palm Expansion in Sarawak, Malaysia," *Journal of Development Studies* 47, no. 2 (2011): 274–93.