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### Waves of land and commodity rushes and national regime transitions in Myanmar

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# Waves of land and commodity rushes and national regime transitions in Myanmar<sup>1</sup>

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## Abstract

How do the politics of rural land influence the character and trajectory of national political regime transitions, and vice versa? I will tackle this question in the context of Myanmar's transition during 2008-2020. It is important to have a clarity of the relationship between these two if we are to understand better the current resistance, armed and non-armed, to the military regime that forcibly took power in early 2021, and the possibilities for a post-military regime in Myanmar. My assumption is that national regime transitions are partly shaped by rural politics, where the politics of land is central to the latter; conversely, the character and trajectory of the politics of rural land are influenced by the nature and character of national regime transition. Answering my question requires understanding the political dynamics of class and ethnic relations that manifest in and influence process of state-building, capitalist accumulation and attempts at securing political legitimacy. A purely ethnic-politics-oriented way of officially addressing pending land issues, such as through the so-called federal democratic pathway, the land issues of rural working people as a class may remain unresolved even when the mode of political rule question is resolved. I use a political economy method with strong historical component in my study.

**Keywords:** Myanmar, land politics, regime transition, land rush, land grabs, rural democratization

## Introduction

How have the politics of rural land influenced the character and trajectory of national political regime transition in Myanmar from 2008 to 2020, and vice versa? It is important to have a clarity of the relationship between these two if we are to understand better the current resistance, armed and non-armed, to the military regime that forcibly took power in early 2021, and what possibilities there are for a post-military regime in Myanmar. My assumption is that national regime transitions are partly shaped by rural politics, where the politics of land is central to the latter; conversely, the character and trajectory of the politics of rural land are influenced by the nature and character of national regime transition. But how this actually played out involving which set of state and societal forces through what political processes and institutional basis is not always clear and straightforward. I will argue that the character of the state in terms of various class fractions and sociopolitical blocs that controls it has not significantly changed. Despite their conflicting views on the mode of political rule and institutional design through which such rule is pursued, these dominant groups have views on rural land politics that converge more than diverge. For example, the position on rural land politics by the National League for Democracy (NLD) may actually not significantly diverge from the views of the military establishment and their allies, nor is the position on this matter by some of the most influential ethnic revolutionary organizations (EROs). A purely ethnic politics-oriented way of officially addressing pending land issues, such as through the so-called

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federal democratic pathway, may result in a situation where the land issues of rural working people as a class may remain unresolved even when the mode of political rule question is resolved.

This paper examines the relationship of rural land politics and national regime transition. It is both conceptual and empirical, with the latter mainly at the national level (or in Myanmar, at the 'Union' level). It is being organized as follows: I will first examine the political dynamics of Myanmar commodity and land rush, then I will analyze the contending forces that shape rural land politics and national political regime transitions. Afterwards, I will examine land politics and political regime transitions, and within this section, I will historicize land politics and regime transitions, and land as resource and territory in production and social reproduction sphere. I will wrap up with a small half page conclusion.

### **The Myanmar commodity and land rush**

One of the most important developments in the global terrain of the politics of land has been the commodity and land rushes that was reported in global media around the period of 2007-2008. Several years after 2008, the interest of the media and NGOs had decreased, although land enclosures in the form of land concessions continue (Borras et al., 2022). These commodity and land rushes have a profound impact on societies, how their productive resources are managed and governed, how their labour force is being organised, and so on. Media and activist reports, with focus on large-scale land grabs and how poor people are adversely affected, helped seized attention of policy makers and academics alike. The drivers of global land rush are not limited to food production and food security alone. Land rush is also related to other types of investment in land such as tourism, conservation, climate change mitigation and adaptation projects, and urban expansion, among others (Fairhead et al., 2012; Zoomers, 2010).

As the frenzy associated with land grabs waned, there is a dominant assumption that land grabs have been largely tamed and managed by having a better resource governance and transparent policies and laws in place, at least this is the case in Myanmar. More generally and historically, commodity rushes in the past are numerous and recurrent: from guano to land and gold (Cushman, 2013). The nature of these rushes has an element of what Tsing (2000) called the 'economy of appearances' - an intentional creation of a spectacle with the conscious purpose to attract investments. This way of gathering capital becomes common in searching financial capital (ibid.). As the spectacle of the land rush waned, the continuing processes of land acquisitions, including purchase, lease, contract farming and big nature conservation projects are normalised through the processes of daily administration and procedure (Borras et al., 2022). Again, this is at least what is observable in Myanmar.

As with the global commodity and land rushes, Myanmar has gone through multiple cycles of commodity booms and rushes. Corporate investments in farmland could be traced back as early as nineteenth-century when the British colonised and connected Burma (the old name of Myanmar) into the global capitalist economy and market, among others, through rice production and export. Recent commodity booms are part of the process of global capitalist accumulation strategy that required various economic restructuring and policy reforms designed and implemented by different national governments (the post-colonial parliamentary liberal democratic government, the so-called socialist government, authoritarian military governments, and quasi-civilian governments) (Ra et al., 2021). This reminds us that capital accumulation is not inherently linked to a mode of political rule. In the early 1990s, the crisis

ridden military government was forced to partially open the economy to invite foreign investments. Together with the economic opening, they encouraged private sector investments to promote what was called ‘industrial crops’ such as oil seeds, cotton, sugarcane, rubber and oil palm.

Complementing the strategy of exploitation of agriculture for capital accumulation, natural resources extraction has naturally become another quick win strategy for the Myanmar government. An interesting case is the ‘jade rush’ which brought much needed billion-dollar income and attracted migrant labour from all over the country, resulting in part in important changes in land use and livelihood of the communities that are implicated in the rush in various ways. Like many other natural resource extraction business experienced in the world, the jade rush in Myanmar is link to rent-seeking and corruption as well as the making of a new class of capital associated with the powerful military leaders. It has also fanned the decades long conflict by providing available resources for both the Myanmar military and ethnic armed organisations. Official jade sales through ‘Myanmar Emporium’ has grown to 5.2 billion US dollar sector in 2011 from 165 million US dollars in 2005 (NRGI, 2018).

Meanwhile, teak and timber rushes through legal and illegal border trade has contributed significant foreign capital for the military-controlled economy – earning 427 million dollars for the 2004-2005 fiscal year (Global Witness, 2005). Meanwhile, volumes of China’s raw logs import from Myanmar through illegal border trade shown a steep ascend – from less than 200,000 m<sup>3</sup> in 1998 to over one million m<sup>3</sup> in 2005 before it gradually declined (Dong & He, 2018). Between 1990 and 2015, large blocks of 37 offshore and 27 onshore oil and gas exploration concessions were handed to the international para-statal and private companies with supports from domestic collaborators (MOEE, n.d.). Most contracts are pursued although a few were transferred to another private company or being fully relinquished (Frontier Myanmar News Agency, n.d.).

Furthermore, Myanmar has experienced rapid expansion of commercial crops such as rubber, oil palm, sugarcane and maize. Rubber crop boom has led to exponential growth of planting areas, specifically 305% growth rate between 2003 and 2010 (MOALI, 2016) with Myanmar military and their associate militias and private companies involved in massive land grabs (Global Witness, 2011), and in tandem with Myanmar and China’s opium substitution plans (Kramer & Wood, 2012). Oil palm was promoted in the late 1990s and boomed around 2000 onwards. By 2013, 40 Myanmar companies were given a total of 1.9 million acres land concession for oil palm development. However, only a fraction of the allotted land, 360,000 acres, was actually cultivated while the extensive forest covered land was logged to produce ‘conversion timber’ (K. Woods, 2015a).

Such agriculture expansion in favour of large-scale private sector industrial agriculture was initially made possible by Wasteland Act 1991 and later by the Virgin Fallow and Vacant Land Law 2012 (VFL Law). International investor’s interest in Myanmar land and agriculture was largely a result of the 2007-2008 food price crisis and the oil price upsurge, as well as the lure of Myanmar’s ‘last land frontier’ with investment opening made feasible by the ‘democratic transition’ following the 2010 general election. There were high expectations as well as push from international institutions such as the World Bank to liberalise and modernise agriculture sector – a promising low hanging fruit for a ‘land rich’ country. The new quasi-military government laid out economic policies with an important focus on agriculture and exploiting natural resources including freeing up the land for corporate investments. By 2013, almost one million hectares of land concession was made for 377 agribusiness companies mostly

concentrated in Kachin, Shan, Ayeyarwaddy and Thanintharyi regions (MOALI, 2016). Most of these tremendous changes in agriculture and land policies happen around 2008-2012 when there is a convergence of global and national events and processes.

Myanmar gradually opened up for liberalization of its economic policies after the 2010 election when the former military generals transitioned themselves into a nominal civilian government. The way land is being understood and valued has dramatically shifted around the time of the so called “democratic transition”. VFV Land Law has been enacted in 2012, where land is being treated as a private property, a mean of economic production and a commodity that can be freely and “legally bought and sold with land use certificates (LUCs)” in compliance with the Farm Land law (Franco et al., 2015), and the land that has not being tilled or cultivated is treated as ‘wasted asset’. The untitled lands commonly and collectively owned by communities and ethnic minorities, via customary land tenure systems, were vulnerable to being confiscated and exploited by extractive industries and corrupted officers and political elites. International investors are given favour and priority over the peasants and ethnic minority communities. Land concessions granted to private companies can be as large as 50,000 acres with a thirty-year lease (ibid.).

The Impact of these global and national processes has been far-reaching. Although some of the direct impact such as dispossession, displacement or resistance is observed, how the commodity rushes recast and reshaped politics of land, and vice versa, and how this dynamic process in turn influenced the character and trajectory of national political regime transition, and vice versa, are not always obvious and clearly explained. How and to what extent have the commodity and land rushes shaped the character, pace, and direction of the national political regime from 2010 and onwards? How and to what extent have the commodity and land rushes defined the character and orientation of the military junta that took over in February 2021 on the one hand, and the emerging anti-junta resistance movements, on the other hand? These are important empirical questions that could potentially shed light on both land politics and political regime transitions. Who are the domestic and foreign investors who benefitted from the multiple commodity and land rushes, and how are they linked to the military/Bamar Buddhist elite controlled central state? How were they positioned during the political regime transition from 2010 to February 2021? How are they politically positioned since February 2021? Who are the biggest losers in the commodity and land rushes, the displaced and dispossessed? How are they politically positioned during the political regime transition from 2010 to February? How are they political positioned from February 2021 onwards? These are some of the puzzling questions, and the answers to them are not immediately obvious. This present paper does not attempt to answer all of these questions, but it is important to state that this is the broader backdrop against which a smaller part of it is explored here.

What all this latest cycle of land rush in Myanmar means to the society at large is key in identifying logics that link it to the political dynamics of national regime transitions. But how society perceives and experience the land rush is not homogeneous and uniform; rather, it is plural and diverse, although not in a random manner, but with discernible pattern along historically established social structures and institutions. A discussion of these will require a brief clarification as to how I understand what land means to various social groups in Myanmar society.

### **Land in production and social reproduction**

Land is central to both economic production and social reproduction (Borras et al., 2022; Cousins, 2022; Levien et al., 2018). Farmland, grazing ground, landing space for fishers, and so are common notions of land in economic sphere. Equally important, and inextricably linked to it is land in social reproduction. In Myanmar, land in social reproduction can be seen in at least four ways, which are discussed below (briefly for the first two, and slightly elaborated for the remaining two).

First, land as key to labour and intergenerational reproduction - as it plays an important role in enabling access and ability to secure basic needs of food, clothing, shelter and care whether in the form of house plot, kitchen garden, common grazing area, community forest where foraging is possible, access to water (spring and ground water, river, lake, sea), public space for playground and other public services (Cousins, 2022).

Second, socioecological reproduction is crucial especially for Myanmar's overwhelming majority population who are agrarian and thus whose lives and livelihoods are closely dependent on the conditions of production and social reproduction, as for instance for many of those who rely fully or partly in swidden agriculture or pastoralism.

Third, especially in multi-ethnic societies, land also means sociocultural reproduction as a distinct people, where there is a place that can be called 'home' or 'homeland', a sense of belonging, a place to reproduce cultural practices such as public spaces for places of worship, hunting grounds for ethnic groups where such is essential, and so on. This is crucially important in Myanmar given the huge number of distinct ethnic groups. Diverse groups of ethnic minorities make up about 30-40 percent of the total population while their resource-rich homelands occupy about 57 percent of the total land area of Myanmar (Franco et al., 2015). Violent oppression of ethnic minorities by the central state, blanket impunity enjoyed by state's security apparatuses, multiple-generation long armed resistance of the minorities, multiple rounds of violent occupation, expulsion and displacement characterise the over 70-year-old ethnic conflict and it is directly link with how land is being seen and understood in many different ways.

Fourth, sociopolitical reproduction, again, especially in pluri-national societies, where nation-building is entwined with land-making, and vice versa, as (Sud, 2021) in the context of India argued. This is very much so in Myanmar where ethnic groups have been explicitly engaged in the political construction of their own nation, explaining for the popularity especially since recently of federalism. Perhaps one of the most iconic territorial conflicts that is centered around the multiple meanings of land – as resource for economic production and social reproduction, and as a territory is the question of Rohingya people. From 1959 to 2017, Rohingya people from the northern Rakhine state faced multiple waves of violent mass expulsions committed by the Myanmar state (Habiburahman & Ansel, 2019). While the state's motivation behind these violent expulsion of the predominantly Muslim Rohingyas could be based on the nationalist ideal of a majority Bamar ethnic and Buddhist dominant state, or what Zarni and Brinham call "a continuum of racist strategic choices" (Zarni & Brinham, 2017), other important factors such as state's desire to exert its legitimation and territorial control, as well as taking over important means of production such as agricultural land and coastal fisheries resources could not be easily dismissed, however contentious the idea is. The case of Rohingyas shows us that national regime transition and political contestation certainly affect rural agrarian populations who may be already embroiled with historical struggle of ethnic, and/or religious, identity politics, as well as rural politics. The relations between the national politics and the rural politics have never been one-way but two-ways relations. Access to and

control of important means of production such as land is key component of the rural politics, which is influenced by national politics, and in turn, rural land politics influences the national politics.

In short, for Myanmar rural working people, land is a resource, ecology and territory – rolled into one -- in the broadest sense. As the societies interact with each other through migration, trade or wars, as nations emerge, disintegrate, and re-established, the relationship with land, and the meaning of land also shift through the ebbing currents of time. The idea of ‘the multi-dimensional character of land’ acknowledges diverse relationships human have with the land and the multiple layers of meaning people has built throughout the history (Franco et al., 2015). The shifts of meaning of land, as well as our relation with land can be gradual or abrupt, mundane or violent. Most likely it could be facilitated by penetration of capitalism in the rural areas, and it could involve mass expulsions, dispossessions. It could be facilitated by the state, its laws and policies, enforced by its coercive mechanisms.

### **National political regime transition**

From the Imperialist colonial regime to military dictatorships and democratic governments, Myanmar has seen both the dramatic and abrupt regime changes caused by revolution, war and military coup d'état- sometimes with redistributive politics, as well as gradual, incremental, reformist, readjusting changes with their distributive or non-distributive politics. If we count from the British occupation, Burma/Myanmar has experienced British colonial government, post-independent democratic U Nu administration, military coup the Revolutionary Council, military authoritarian the Myanmar Socialist Programme Party rule, military dictatorship the State Law and Order Restoration Council (SLORC) and the State Peace and Development Council (SPDC), quasi civilian democratic USDP Party administration, quasi civilian NLD Party administration, and finally the military coup Sate Administration Council at presence. My paper focuses on the regime transition between from 2008 to 2020, but seen historically.

National political regime, as I understood, is the set of rules and procedures, formal and informal, state and non-state, that shape social relations between and among social classes and groups, within the state and society interface. This political regime essentially addresses economic production and social reproduction. By social reproduction, my understanding is broadly defined as I explained in an earlier section. Seen from this broad production and social reproduction perspective, the politics of land then becomes a key context for and object of rural and national political regime dynamics. The politics of land determines who gets which land, how, how much, for how long, why and for what purpose. In societies with significant agrarian sector like Myanmar, that means rural land politics. In any given dynamic changes in political regime transition, rural land politics inevitably play a crucial role.

Transition from one regime to the other could be gradual and incremental, but most often, it could be contentious. Contentious politics are important backbone of political change. As the name suggests, confrontational political actions are the key component of this type of politics and it include from manageable to fatal risks. Still ordinary people engaged in contentious politics against established power and states. This is how ordinary citizens try to exert power against the powerful opponents and national political regimes. Most often, these mass movements succeeded, but even when they failed, (or succeed only very partially) their actions lead to important political and cultural changes (Tarrow, 2011). The 1988 popular uprising in Myanmar, and the 2007 Saffron revolution where tens of thousands of Buddhist monks took the street to criticized economic woes and repression of the military dictatorship, were casually

commented as failed revolutions by many Myanmar people. However, analysts point out that these events pressured the authoritarians and military dictators to reform or completely reconfigure the regime- 1988 general uprising brought down the authoritarian socialist government, and the 2007 monk led uprising accelerated enactment of the 2008 constitution resulting the 2010 multi-party general election.

Understanding regime transition requires us to understand at the character of the state and class formation and politics in society. To quote Mamdani “class organization is political organization , class consciousness is political consciousness, and class conflict is political conflict.” (Mamdani, 1976). E. P. Thompson explains that class is not ‘a thing’ or structures or categories, but rather historical relations between real people in a real context. Class ‘happens’ when people “feel and express identity of their interests as between themselves, and as against other men whose interests are different from (and usually opposed to) theirs” (Thompson, 1963). Class is experienced through productive relations, most often they are (involuntarily) born into. The way these experiences are being managed to embody in traditions, ideas, values and institutions are called ‘class-consciousness’. Class-consciousness emerges in different times and spaces but it is contingent, explains Thompson. Class struggles can define the characteristics of a regime, as well as shaping the trajectory of a regime transition. Class analysis is not simply to understand class structure and its effects, but to understand the interconnections between class formation (how the actors collectively organized themselves), class struggle (how they collectively pursue their class interests), and class consciousness (how the actors realized their common class interests) (Wright, 2000). Class is central to Barrington Moore Jr.’s analysis of the relationship between agrarian politics and national regime transitions (Moore Jr. 1967).

Alarms were raised when NLD administration approved the VFV land law amendment in 2018, which seems to legally dispossessed ‘less productive, less effective’ small farmers by imposing obligatory registration for land title within an impossible time frame. The question was if the NLD is joining the consolidating military/dominant socioeconomic class, instead of confronting them (Prasse-Freeman & Latt, 2018). Why certain institutional change, such as imposing new waste land law or land nationalization act, at a particular historical conjuncture? Who gained and who lost? – are key questions to help us how rural land politics and national regime transition shape one another. Regime transition in Myanmar (2010-2020) was led by the notorious military dictator Major General Than Shwe and the State Peace and Development Council he chaired. The military dictatorship, during the 1990s to 2012, faced comprehensive international economic sanctions, as well as domestic political pressures and armed resistance. They put effort to get temporary ceased-fire agreement with ethnic armed insurgent groups, negotiated by General Khin Nyunt. Later, they proposed a road map, and drafted the 2008 Constitution according to what they wanted, and refused proposals from the political parties and ethnic insurgent groups. The 2008 Constitution gave them a pathway to the 2010 multi-party democratic election, and the formation of quasi-civilian government implementing political programmes toward, what they aspired as a ‘disciplined-democracy’. It is a bicameral parliamentary system led by a president. However, appointed military officers automatically and permanently cornered 25% of the composition of both houses of the parliament, and the military also occupied important cabinet positions, namely, Home Affairs, Defense and Border Affairs. This arrangement ensures the resilience military power and supremacy in Myanmar politics.

The role of 2008 Constitution is crucial in Myanmar’s democratic transition, both as enabler and deterrence. It upheld military supremacy above civilian rules, an inherent contradiction



against key democratic norms that significantly paralyze the democratic opposition. Crouch (2020) argues that it was drafted to protect interest of Myanmar military and to preserve their power into the long future. The process of drafting, the actors invited to participate, the contentions, particularly around the control and sharing of important resources such as land, and revenue, is very fundamental in giving the shape, character, trajectory and agency of future political regimes. The political transition was a process of ‘partial liberalisation’ set in motion by the military to preserve their grip on power (Brenner, 1985).

Did the 2008-2020 transition, defined by two administrations, the first led by military strong men turned civilian leaders, and the second led by popular opposition leader Aung San Suu Kyi, deliver any progress inching towards a liberal democratic governance? For a country like Myanmar, transitioning from dictatorship to democracy, it is not strange to observe that electoral politics is wrought with fraud, irregularities, voter suppressions and cancellation of constituencies in the name of security consideration. From the experience of regime transition in the Philippines, Franco underlines that “less than democratic elections” could be taken potentially as political opportunities if they opened up much needed political space for the democratic opposition to manoeuvre against the authoritarian rule. The positive relationship between elections and democratizations is neither automatic nor impossible. This type of election is sometimes treated as a way of incrementally expanding democratic political space, however, it should never be taken as a simple linear progression. In many cases, the situation could be normal contentious electoral politics at the national level, while there is widespread persistent ‘local authoritarian enclaves’ at the sub-national level, argues (Franco, 2001) building on Jonathan Fox’s notion of ‘persistent authoritarian enclaves amidst national transitions in the context of Latin America (J. Fox, 1994). This contradiction of democratic regime transition could be observed in Myanmar where there is multiple ‘negotiated spaces’ with different ethnic armed groups such as self-administered zones and liberated areas, within the state. Franco points out that liberal democratic transitions, even with its mediocre “less than democratic elections”, can contribute to the rise of democratic alliances and the erosion of the persistent local authoritarian enclaves. What happened in Myanmar is a hybrid of Fox’s and Franco’s concept, instead of just local what we had during the 2008-2020 transition was the persistence of *local and national* authoritarian enclaves where the military held power through no longer absolute at the Union level, emerging big capital at the subnational state level (landed, agribusiness, mining, emerging real estate, capital, among others), and a variety of ethnic armed groups not necessarily known for democratic practice nor goals<sup>2</sup> and some of them coopted by the military.

Exclusionary elements of the Myanmar 2008-2020 transition have class and ethnic dimensions. Rural working classes were not given the space to direct the regime transition in Myanmar. Electoral politics alone do not necessarily solve the pre-existing entrenched political and economic power structures influencing the national and rural politics. In the case of the post-Marcos political regime transition in the Philippines, the landlord class blocked the aspiring transition, when it became amply clear that a more democratic regime could lead to a significant redistribution of land (Lara & Morales, 1990). Lara and Morales called it a “blocked transition”. I would argue that there was parallelism between what Lara and Morales called ‘blocked transition’ in the Philippines to what happened in Myanmar. The difference was

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<sup>2</sup> Most ethnic armed groups are fighting for relative independence from the Bamar-controlled central state and military, and demand self-determination. But their socioeconomic platforms are not always clear about their democratic content, as for example, land redistribution, stance on extractivist strategy for development and so on, aside from a handful groups with relatively developed programs on these questions such as KNU, although even KNU is not unified internally on these democratic questions.

perhaps the Myanmar case was worse because at least the Philippines managed to have a relatively progressive land reform law during the transition, while in Myanmar, even a very limited possibility of reform in land politics in the 2016 National Land Use Policy (NLUP) process was not tolerated, and the NLUP policy-making process went nowhere – and it was presided over by the NLD (TNI 201, 2017). Moreover, non-Bamar ethnic groups were not given any significant role to shape the transition, even while they were used to legitimize the process driven by the Bamar-dominated state and military. How Neil Harvey (1998) understood the Chiapas rebellion in Mexico, its ethnic/indigenous dimension, territorial aspect of rural land politics, and the continuity and precedents of every rebellion resonate with what happened in Myanmar's 2008-2020 transition – and land as a resource and territory is central to it. He argued that rebellions did not come out of the thin air. The colonial past and the neo-colonial present imposed upon the indigenous people is an important aspect to understand the conflict in Chiapas. Harvey explained: “This history reveals not only the contested nature of state formation, but also the impossibility of any social order ever fully constituting itself.” He continued: “In the case of Chiapas, this means the inability of colonial and neocolonial structures to absorb conflicts into a stable order. This is not unique to Chiapas.” He concluded: “it is inherent to neocolonial forms of domination, which, by definition, cannot allow indigenous people to freely represent themselves as equal members of a political community.” (Harvey, 1998). These class and ethnic dimensions of the unevenness and problematic aspects of the 2008-2020 transition in Myanmar are quite important to emphasize if we are to understand the trajectory of current resistance to the military regime and the idea of building a post military-dominated Myanmar.

The discussion brings us closer to the ‘rural’ part of the national regime transition, a less systematically explored dimension in the studies of Myanmar's regime transition. My conceptual handle here is Fox's notion of ‘rural democratization’. He argues that political democracy from classical procedural perspective is understood as: having universal suffrage and a free and fair elections, freedom of association and expression, rule of law and accountability, and the military controlled by civilians. However, Fox believes there is another essential condition for democratization: that is upholding associational autonomy, which enables citizens to organize themselves to promote their interests without fear of reprisals from the state and its associated apparatuses (Fox, 1994). Fox criticizes that conventional understanding of political democratization is very limiting because it takes democratization process as a single regime transition. Instead, it should be recast as ‘a set of transitions’ along multiple dimensions of democracy. How electoral democracy link to other democratic processes such as universal suffrage, free and fair elections, civilian control of military, ending state-crime, must be carefully scrutinized, he argues.

If we carefully observe the challenges faced by developing countries transitioning to democratic governance systems, we will see a few successful, and a lot of stalled, blocked, failed, or regressed transitions. Fox underlined that the main problem of such transition is because of the civilian regimes' inability to expand democratic rights for its rural citizens to be able to meaningfully participate in an open and competitive electoral system (Fox, 1994). Fox explained that rural democratization is a process of “institutionalised shift in the balance of power, through a wide range of possible forms, towards effective majority rule combined with respect for minority and individual rights” (Ibid.). The emphasis on ‘rural’ signifies the uneven process of democratization, particularly for the rural citizens, because transition to multi-party civilian governance does not automatically make a consolidated democracy. Therefore, consolidation of democracy in countries transitioning from authoritarian regimes depend on how the rural poor claim and exercise their power and legitimacy in national politics, Fox

elaborates. Another important dimension of democratization Fox points out is that women and indigenous people are often excluded in the conventional thinking of social and political rights. In order to improve inclusion of majority rural poor and promote their citizenship rights, internalized and imposed gender and ethnic domination must be persistently challenged (Fox, 1990). These are not easy tasks. Fox assumes that state is too dominant in structuring systems of interest representation, as well as regulating and controlling property rights and flow of subsidy and investment. To overcome the clientelism, rural population must resist state-controlled structures and institutions and create their own autonomous spaces.

Fox explains that clientelism is a process of political bargaining where a citizen enters an imbalanced relation with a patron, where political subordination was exchanged with social benefits. The client's political loyalty was reinforced by threat and coercion (Fox, 1994). Fox argues that citizenship can be understood as a regulatory principle that decide who can access public services, without forgoing their political rights as in the clientelism. Citizenship is a non-contingent generalized political right. In contrast, clientelism is a selective contingent distribution of resources based on loyalty and link with an individual or a group (Fox, 1990). Local political elites who have influence over state coercive forces often manipulate the elections through their loyal client networks. They dominate electoral politics through rewards and violent retributions. Some examples from Myanmar are the promise of citizenship IDs for local Chinese populations and other minorities in exchange of voting the military backed USDP candidate in northern Shan state during 2010 and 2015 general elections. The said USDP candidate is the leader of a powerful local militia. Such entrenched clientelism is one of the reasons why the military backed party dominate in rural areas, while the popular NLD party consistently won the cities. Rural populations are always blamed for voting the military backed party, as uneducated rural fools. These are factors discouraging rural population to engage with electoral democracy which many of them considered offers no benefit for them. But such entrenched power, or authoritarian enclaves affected national politics. At the same time, local elites see rural political movements, such as peasant movements or land rights movements, a threat to their privilege and control over resources, and they use their power to nip any political movement from the start.

The relation between electoral politics and the coercive clientelism is politically contingent. They can either strengthen or weaken each other. However, the usefulness of elections to expand associational autonomy is that elections give the clients alternatives, therefore they have more bargaining power with their patrons (Fox, 1994). Even under the fully committed democratic regimes, violent reprisal against certain group in certain areas can happen without ever get punished. This is how authoritarian enclaves are created and perpetuated Fox explains. National democratic consolidation is vulnerable to the exertion of resilient authoritarian enclaves because subnational politics can shift the national political equilibrium. If potential voters cannot access to competitive elections and associational autonomy, it can change the outcomes of national politics. Fox warns that resistance of authoritarian enclaves can cause stagnation or failure of democratic transitions. Fox elaborates that if we want rural democratization and democratic consolidation to be a success, the bond of clientelism must be broken. This will need intervention from broad alliances of grassroots social movements, intellectuals, workers and national political parties, to balance the existing power structures.

Although conflict is generally seen as something that should be managed or resolved as if it is a linear process. Political space, state and power can also be seen as a continuing process. From his extensive study on Mexico, Fox concludes that the struggle to establish associational autonomy is politically constructed through repeated rounds of conflict among the three key

contenders: independent political movements, authoritarian elites resisted to hold on to power, and reform-minded state managers who understood the importance of associational autonomy. The nature of democratic transition is cyclical: openings from above, public mobilization from below, and conflict and backlash within the state and society. These cycles of conflict shape three significant forms of interaction between the state and political movements: persisting clientelism, adapted semi-clientelism, and a more or less pluralistic bargaining. These outcomes are spread unevenly across social and geographical spaces. Fox argues that if the social movements manage to expand their autonomy, the authoritarian enclaves can be gradually eroded and the pluralist enclaves can grow over time. This explanation by Fox could explain in part as to why rural authoritarian enclaves remain entrenched in Myanmar. The main problem in rural Myanmar is that independent political movements with associational autonomy are not particularly strong and widespread in the countryside, see, e.g. (Ra & Ju, 2021). and reform-minded state managers are not common Union-wide, while all sorts of authoritarian elites, armed and non-armed are pervasive. We can see this in the interaction of six broad state and societal forces that animate land and commodity rushes, which we discuss in the next section.

**Contending forces: shaping rural land politics and national political regime transitions**

Using a schema inspired by Fox’s conceptualization, I would like to argue that regime transition in Myanmar is a struggle to expand democratic spaces and citizenship rights, through recurrent cycles of conflict among six contenders, namely, military and associates; Buddhist nationalists; emerging capitalists; National League for Democracy and their followers; ethnic identity-based struggles; and independent broad-based democratic forces from below.

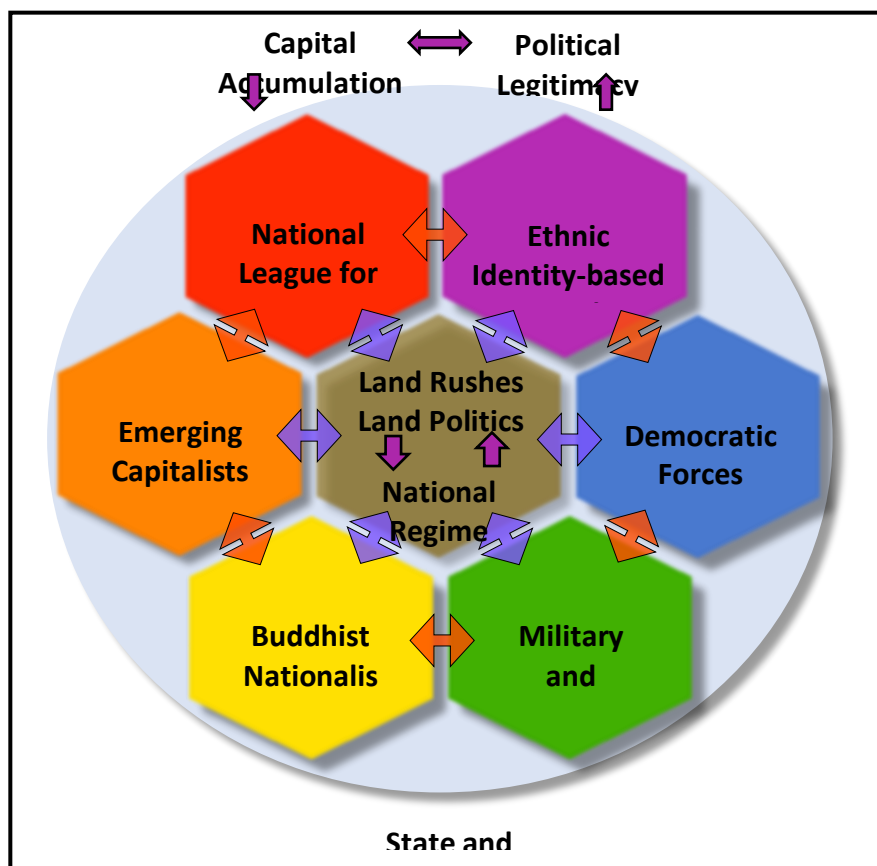


Figure 1: Six contending forces that shape national political regimes and regime \ transitions in Myanmar.

Myanmar political landscape during 2008-2020 is mainly shaped by these six forces, facilitated by recursive contentions through cycles of electoral politics, non-electoral politics, armed-clashes, shaking and shifting policy, values, culture, narratives, etc.. The nature of transition in this context is: opening for conditional power sharing when the Bamar ethnic dominated military central state was confident and relaxed, mobilization of democratic forces from below, claims and challenges made by the ethnic forces through armed-conflict and peace negotiation continuum, occasional intervention from international actors. The forms of interaction between the state and other forces could be: 1. entrenched military-capitalist authoritarianism, 2. negotiated power sharing arrangement between military, NLD and democratic forces, 3. entrenched and prolonged civil war with a potential in losing integrity of the current national territory over time. These political outcomes may spread unevenly, socially and geographically.

Now, I would like to briefly discuss the character, class basis, class interests and trajectories of these six actors.

### ***Military and Associates***

Myanmar military has its root in the anti-imperialist movements against the British colonialism. It was established with the support of Japan during the World War II, therefore, some commentators contends that it has an extreme nationalism at its core and brutality at its mode of operation. Having to deal with multiple insurgencies, most notably Communist Party Burma CPB and Karen National Union KNU, as well as internal mutinies and foreign occupation, such as incursion of the 93<sup>rd</sup> Division of Kuomintang forces in the eastern Myanmar (1950-1961), shaped the current character and ideology of the Myanmar military. Myanmar military is dominated by the ethnic Bamar Buddhists. General Ne win committed a military coup in 1962. Subsequently, he launched Burmese Way to Socialism programme, with a mix of Buddhism, nationalism and leftist ideology. He introduces the concept of “Taingyintha” or the natives, pitching it against those who are considered as non-natives particularly targeted against the Chinese and Indian descendants, although he has Chinese migrant ancestry. This was reflected in the 1982 citizenship law he enacted, and the categorization of ethnic groups who belongs to the native ethnic nationalities or not. This law has stripped millions of people their citizenship rights, and rendered them stateless and landless. The Socialist regime led by the military was brought down by the 1988 general uprising, and a general election was ran in 1990 and the popular NLD party won a landslide against the military backed National Unity Party. The military refused to transfer power and ruled for two more decades- the State Law and Order Restoration Council (1988-1997) and the State Peace and Development Council (1997-2011). During two decades, large scale land concessions were given to domestic and international investors, facilitated by the 1991 Waste Land Instruction (Procedures Conferring the Right to Cultivate Land / Right to Utilize Land) and 1988 Investment Law. Capital accumulated through the black market, informal economy and border trade during Socialist regime, and the opening of the 90s usher in a new capitalist class in Myanmar. During the rule of SLORC, two military-owned business were established which become most privilege and powerful conglomerates. These two business control lucrative markets and commodity trades, starting from beers to oil and gas exploration, production and exports (IIFFM, 2019). Capital accumulation through these two economic outfits, Myanmar military has accumulated or get access to largest area of land in Myanmar. Peace negotiation with the ethnic armed insurgent groups during that time also seen mining and extraction of natural resources, opened up the resource frontiers otherwise unreachable. On the other hand, some forms of self-administration were allowed through “special regions”

which became “self-administered zones”, as part of its state building agenda and territorialization. Myanmar military drafted the 2008 constitution and its proxy USDP party won the 2010 election after making sure that their nemesis NLD party impossible to compete in the election. Several laws related to land, property, investment, were enacted by the “elected democratic” regime. Most significant among them are the Farmland Bill 2011, Vacant Fallow and Virgin Land Management Act 2012, Environmental Conservation Law 2012, Farmland Act 2012, Bill Amending the Land Confiscation Act, and drafting of the National Land Use Policy 2015. Changing the land related laws enabled large scale land transfer, legalizing land grabs, and day to day buying and selling of land. In 2015 general election, NLD party won the election and took power. The democratic transition period during 2010-2020, these two parties contested hotly in who control natural resources such as land concessions and investment, and on citizenship issue such as the Rohingya issue, and on controlling the mining sector and extractive industries. The NLD party won a landslide in the 2020 general election. On 1<sup>st</sup> February 2021, military took the power by force. The differences in nation and state making agenda, the control over economy and resources by the military may helped explain why the military experimented with the democratic opening and why the 2021 coup happened. Nationwide resistance against the coup ensued. Land in its multiple meanings, play a central role in the political contestation between different parties through electoral cycles and regime transitions. Class characteristics of the regime, in each electoral cycles, play important role in how land and property related laws are being framed and constructed.

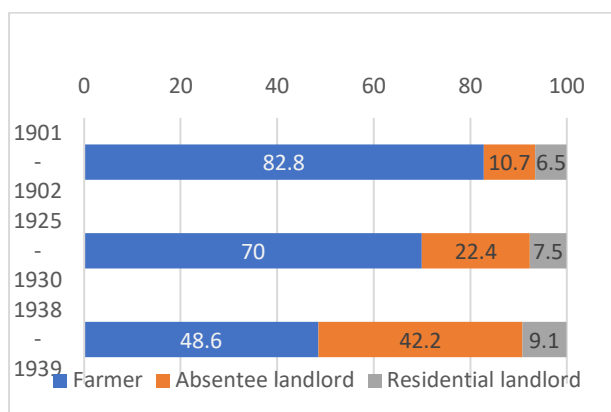
### ***Buddhist nationalists***

Buddhist nationalism is the core organizing idea that the Burmese public and leaders invoked to fight against the imperialist British regime. It also shapes how the Buddhist society understood the idea about the state, citizenship, accumulation and property. Anantathura stone inscriptions from the 13<sup>th</sup> century temple complex in Bagan shows 26,700 acres of lands from 6 villages in 3 towns were donated for the temples (Hla, 2017). This could be comparable to the Friar lands and Catholic church owned lands in the Philippines (Lara & Morales, 1990). Other stones inscriptions documented donation of slave labour to work such religious lands. Buddhist monks are slave owning landed class during the Bagan era. Annual income of the Shwedagon Pagoda, the most revered religious structure, earned nearly 65 million US dollars from public donations for the 2016-2017 fiscal year alone (Irrawaddy, 2018). Accumulation of wealth is not new to Theravada Buddhism in Myanmar. From urban centres to rural frontiers, Buddhist temples are the most prevalent religious institution appropriating the surplus values and relative surplus labour specifically critical in the rural area. Although many temples provided essential social services such as basic education for underprivileged children, food and shelters for victims of conflict. In many ways, they are a social hub for redistribution of wealth where there is vacuum of state’s services in many of those remote rural (ethnic minority) regions. From anti-imperialist movement against the British, to the popular 1988 nationwide uprising and the 2007 Buddhist monk led Saffron Revolution, Buddhist monks played central role. During the democratic transition in Myanmar, Buddhist nationalists effectively mobilized themselves as a nationwide political force to reckon. The military backed movement view the military as strategic allies that is conserving Buddhist values while the somewhat socially liberal agenda of the NLD is seen as a threat to the integrity of Theravada Buddhism. Just a few months before the 2015 general election, the Buddhist nationalist movement “Committee for the Protection of Nationality and Religion”, known as Ma Ba Tha, collected one million signatures and successfully lobbied the military backed government to enact “Race and Religion Protection Laws”, targeting the Muslim Indian descendants with racist intention. This intervention in law making deters future liberal agenda of the NLD. The Buddhist nationalists

pressured the NLD administration from revising and amending the discriminatory 1982 citizenship law, to make it more exclusive. Therefore, they prevented the citizenship law reform that may help facilitate ethnic and religious minorities a relatively just access to land and property. Another critical aspect played by Buddhism in the everyday political life of its citizen is that it is being used as an instrument of the state power or hegemony. State is deeply involved in proselytizing of Theravada Buddhism, and in turn, Buddhism land its power to advance state-building and subject making project making of the state. The state uses its Religious Affairs, Ministry of Border Affairs, Ministry of Education, Ministry of Home affair's General Administration Department to dominate and assimilate ethnic minority by religious conversion and education, imposing the dominant Bamar Buddhist language and culture over the minorities. The Buddhist nationalist movement is a critical force enabling and legitimizing the military's mass expulsion of a million of rural peasant-fisher Rohingyas, clearing the massive fertile lands and water resources to be redistributed to those they considered as legitimate native citizens or Taingyinthar. Buddhism as an institution became part of the state's instrument on nation building, state making, territorialization and subject making. Successive regimes, both the authoritarian military regime or the civilian democratic regime such as the NLD led one, use Buddhism for their legitimation. Buddhist nationalism is a common dominator among the contending forces of Military and its allies, the NLD and some ethnic identity-based struggles. This is a rare space where they find themselves in agreement. There is an entanglement of race, religion, education, citizenship, land and property. How a citizen should behave, who should be counted as a citizen or not, and there for whether to allow access to important resources such as land, is closely associated with state's approved ethnicity and religious affiliations. Buddhist monks and lay people in general, and Buddhist nationalists in particular, played different roles in the process of democratization, regulation of land related institutions and affected the national political regime transition.

### ***Emerging capitalists***

Classes of capital play important roles in shaping national politics, characters and trajectory of a regime. The current dominating capitalists evolving in Myanmar is continuation from the old, as well as many new comers. Moore Jr. noted "emergence of strong bourgeoisie" as a condition of transition to capitalist-democracy (Moore Jr., 1974). The emerging capitalists in Myanmar have played and will play very important roles in regime transition. Their class in itself presence, class for itself pursue of their class interest, and the class alliances they formed will shape Myanmar's future trajectory whether Myanmar will choose the fascist military dictatorship with "brief periods of quasi-democratic rule" along the capitalist-reactionary path, or the capitalist-democracy route. History of Myanmar is in many ways history of capitalism development, and it is written in blood. The British occupation, their extractivism, their way of administration and categorizing of ethnic groups, how they mobilized labour, how land and resources is being allocated have deep consequences. Many issues such as the Rohingyas and ethnic conflicts are rooted in the colonialism, capitalist production of paddy and land/territory allocation. The great depression caused rice price crash in 1930. It caused rapid land accumulation in the hands of the settler Chettyar (Cheng, 2012)- from 6% of the arable land in the lower Burma in 1930 to 25% in 1937. This structural shift may have been the reason the post independent government of prime minister U Nu drafted and enacted the 1948 Land Nationalization Act and implementing the land nationalization program "for the state to take over all agricultural land, especially the large areas that had been acquired by foreigners, especially the money landers, . . . and to redistribute it equitably to those who were actually tilling the soil." (Kyi et al., 2000). This is another entanglement of capitalist production, accumulation, ethnicity, citizenship and access to land and property in Myanmar.



(a)

	1930	1937
Land Owned by Chettiars-acres	570,000	2,446,000
Percentage	6%	25%
Total Agriculture Land - acres	9,249,000	9,650,000

(b)

Figure 2: (a) Distribution of annual average acre of agricultural land, in percentage, between Farmers, Absentee Landlords and Residential Landlords in the 13 key rice-producing districts in Lower Burma (1901-1939). Extracted from Cheng (Cheng, 2012). (b) Distribution of agricultural land among the Chettyars in the 13 key rice-producing districts in Lower Burma. Extracted from Turnell (Turnell, 2009).

Each time when there is a regime transition, there are changes in institutions governing means of production such as land and resources. Each time, these institutional changes reflect the logic of capital, and the ruling elite's inclination for profit making and exploitation of nature. Each regime transition, be it a rupture or a gradual transition, new crops of capitalists emerge as there are winners and losers in each transition. Opening in the 1990s by the military junta at that time invited foreign investment. Local capitalists who are close to the military generals get mining, land, logging and construction concession and became the first wave of crony capitalists. Laws are being enacted or revised to accommodate the accumulation agenda of the military regime, while some ethnic armed resistant groups who signed the ceased fire agreement with the junta also handsomely benefited. Ethnic minority capitalists also emerged out of this "ceased-fire capitalism". Many of these first wave of homegrown capitalists became member of parliaments. The democratic opening ushers in uncertainty for them and they felt their wealth and their family ties to the military generals are not enough to protect them, or help advance their profit-making agenda. In the democratic era, they need to make laws that will facilitate to expand their accumulation. Among the most well-known capitalists is U Htay Myint. Through his close association with the junta, his company Yuzana involved in some iconic land confiscation- 300,000 acre biofuel land concession in Kachin state and a 283,000 acre palm oil concession in Tanintharyi region (Woods, 2015). As an elected member of the parliament during the 2010-2015 USDP administration, he actively participated in the drafting of the VFV 2012 law, proposing to raise the ceiling of total concession of land for an individual or a company for seasonal crops such as sugarcane and casava up to 50,000 acres (The Ananda Transcripts, 2011). Electoral democracy and regime transition facilitated a land grabbing capitalist to be able to shape the terms of a significant land law. The massive accumulation of wealth by the capitalists, previously facilitated by privatization of state-owned enterprises and later by the significant democratic transition, enables the business elites to change the power relations with the military patronage, and improving their position to defend their wealth (Ford et al., 2016). The 2021 military coup has apparently negatively affected the business increasingly tied to international finances, estimated -18.4% contraction of GDP (ADB, 2021). Many significant investments such as Telenor, Total, H&M, had left the country. However, the capitalists do not dare to openly opposed the powerful military. The position of the capitalists



in the democratic transition process is not a clear “for or against” democracy, liberalization or freedom but rather maximizing their individual profit and their class interests. They would form alliance with the military generals (or the insurgent groups) whenever necessary, often manipulative, evasive and bribing whenever needed and diabolical (tax evasion, downplaying the actual volume of productions, manipulating financial accounts) most of the time, as it was evident in the reports of the Myanmar Extractive Industry Transparency Initiative.

### *National League for Democracy (NLD)*

NLD is the most popular and powerful opposition against the military. It was founded after the 1988 popular uprising. Since its founding, the party and its most popular leader Aung San Su Kyi are targeted by the military. She is daughter of the architect of independence and found of the military, General Aung San. Four out of the five founders of the NLD are former military officers including a former commander in chief. The party is deeply rooted in Bamar Buddhist constituency. NLD played very important roles such as the popular opposition and the opposition in the legislature (2012-2015) and as the ruling government (2016-2020) during the “democratic transition” from 2010 to 2020, until the military committed coup d’état in February 2021. As an opposition party during the military backed U Thein Sein administration, NLD has been part of various important committee related to land and natural resources management, including the one responsible for addressing land-grab related complaints from the public. As the most powerful opposition, NLD has played important roles in drafting the 2012 VFV law. Which section of the law NLD has contended, or gave concession speak volumes of their political and economic positions, as well as their class characteristics. NLD took power after winning the 2015 general election. They amended the VFV law in 2018 and it faced unprecedented opposition from the civil society and the ethnic minorities because it affected millions of peasants, rendering them not only landless but also criminal trespassers punishable by fine and prison terms. NLD was criticized by many activists as probusiness elitist party, in terms of how they formulate their economic and land governance policies for instance, but at the same time enjoying enormous popularity among the working people, farmers and factory workers who were negatively affected by these policies. Whenever there is such defining contradictions emerge, the affected supporters forgive the leader and instead blamed the “corrupt or lazy party officials”. The distinction between the party and the popular leader is elastic and most often blurred. The elasticity, ambiguity or contradictions seemed to serve some purpose here. My take on the contradiction is that it is a sign of clientelism. Probably it could also be seen as a negotiated space of a class alliance between the ruling elite and the working people. Although the military perpetrated the violent mass expulsion of the Rohingyas, it is still under the watch of the NLD administration and some civilian ministries controlled by the NLD is being accused of collaboration. Aung San Su Kyi went to The Hague and defended the action of the Myanmar military against the Rohingya at the International Court of Justice. Her international reputation as a democratic leader and human rights champion is destroyed.

When she was in power, Aung San Suu Kyi pursued neoliberal economic policies and she was being close to business tycoons who were close allies of the military. They became patrons of many of her social-political projects, and in return she persuades her supporters to soften their view over the business elites. Most of these tycoons were involved in land and resources grab in the past. In a way, it shows how NLD had to adapt itself taking the role of a state, after many years of being an opposition without any experience of managing a country. On the other hand, it also shows the rift between her working-class voter base and the class character the NLD executives. She keeps leftist political movements, such as All Burma Federation of Student

Unions, labour unions, factory worker unions, at an arm length. Many farmers who stage plough protests or other form of protests against land grabs were put into jail instead of getting assistance and redress. Labour unions and factory workers face the same repression. McCarthy notes that NLD failed to address class inequalities and economic injustices resulted from the military rules, and there is a need of redistributive and structural reforms (McCarthy, 2019). He argues that the exclusion of class struggles, coupled with elite dominance in political institutions can determine the quality, durability and potential of democratic transition.

### *Ethnic Identity-based struggles*

Ethnic identity-based struggles in Myanmar are the struggles of ethnic groups to protect and preserve their identities, language, culture, autonomy and self-determination, against what they perceived as being subsumed by the dominant Bamar ethnic group and their repressive nation-building, state-building violence. The struggles are also about protecting their collective rights, their customary institutions and their means of productions and resources governance. It is about protecting their territory and rights to be reproduced as a people. It is about controlling the social and political narratives. Mostly, ethnic identity-based politics is synonymous with ethno-nationalism, sometime ethno-religious nationalism, and the debates often treated different ethnic groups as a homogenous entity without considering class differentiation, class politics or gender and generation aspects, among and between the groups. Historian Thant Myint Oo considers that “race and identity have been at the heart of Burmese politics since the start of modern Burmese politics a hundred years ago” for the “unfinished nation” (Myint-U, 2019). The land occupied by the ethnic minorities are resources rich. Many mining activities, and the conflict related to mining are happening there. Revenue from jade extracted in Hpakan jade mine in Kachin state, is 708 billion kyat (about 578 million US Dollars) for the 2015-2016 fiscal year alone. The same fiscal year, the sales of jade in the Gems and Jade Emporium is 947 million US Dollars (NRGI, 2018). With the unfair redistribution of wealth generated by mining, preceded by land grabs and environmental degradation suffered by the local people, we can guess why there is a prolonged civil war in Myanmar. Myanmar military owned businesses and the companies owned by the generals’ children are monopolizing the jade industry. As of 2016, a total of 2,285,001 acres of large-scale agricultural land concessions were given to 380 agribusiness companies. Over 70% of the land concessions are in the ethnic states, and one region dominated by ethnic minorities: 1,611,034 acres in Kachin, Karen, Rakhine, Shan and Tanintharyi for 236 companies (Thein et al., 2018). Land issues as such solidly pointed out the ethnic struggles’ link to the uneven expansion and development of capitalism, agrarian transformation and land struggles. Ethnic struggles against the Bamar Buddhist dominated state took multiple forms- electoral politics, armed struggles and land and agrarian struggles. Ethnic political performs decently during the rounds of general elections. Some of them formed alliance with the NLD, while some sided with the military backed party. Large ethnic armed organisations, or ethnic revolutionary organisations in Myanmar has 6 or 7 decades of combat experience. They are the de facto governments of the territory they controlled, and they provided essential services such as security against the state’s brutal repression, education, health and food security for their constituencies. Armed struggles of the minorities are most often linked to electoral politics. At the front of the land and agrarian struggles, ethnic armed organizations, as their role of a state providing administration services and policy makers, took better initiatives than the ethnic political parties. Most of them often have land, forest, mining and investment policies. Ethnic armed groups, with their administration and business wings, are deeply involved with mining and other resources extraction. Presence of multiple forms of armed groups and illicit economy such as narcotic drug production and trade is another attribute of these ethnic states. Conflict in the ethnic states and the illicit economy is an “unanticipated

processes of state formation, namely the centralization of the means of violence and extraction”, not a sign of a weak state affected by corruption (Meehan, 2011). Meehan argues that state’s engagement in illicit economy “has thus become a central arena through which state power has been constructed and reproduced.”

### *Independent broad-based democratic forces from below*

Civil society organisations (CSOs) play crucial roles in Myanmar in terms of dealing with the brutal military rules, mitigating the impact of the 70 year-long civil war, improving food security, ensuring child protection, resisting land grabs, promoting democracy and human rights, documenting grave human rights violation and holding perpetrators accountable to name but a few. Some CSOs are more charity or service provision oriented, some are policy advocacy while some are more politic, confrontational and militant. The broad-base democratic forces from below involve not only well-organised overt NGOs, CSOs and movements, but also loosely organised or unorganized and covert daily politics of the grassroots people staging such acts as daily resistance, evasion, eroding, non-cooperation, cursing or rapping the injustices during Myanmar new year water festival and shaming the perpetrators etc. In contrast with the armed movements of many groups, non-armed and unorganized actors may play important roles in protecting interest of the group or negotiating with the state to resolve conflict (Thawngmung, 2011a). Individual citizen’s independent actions may take economic and cultural forms, not outright showing dissent, but may insinuate political intentions (Thawngmung, 2011b). In many ways, the independent broad-based democratic forces from below have shown influence in shaping the political trajectory of the state, policy and the state-citizen relations.

As the democratic transition in Myanmar between the 2008-2020 takes the shape of liberalisation of market, private property and institutions, one of the main areas of contention between the military tutelage state and the civil society is over the land issues. The contestation is on the ground staging plough protests, mass actions in the parliament when laws and policies are drafted, in the courts when peasants or activists are arrested and being charged. The struggle for human rights and democracy cannot be separated from the struggle the struggle for democratic access and control of land and the pertaining natural resources (Franco et al., 2015). Farmers and activists engage with rule of law in terms of “substantive legal equality” to defend their land against state’s projects (Cheesman, 2014). During the transition, struggle against the 2012 Vacant, Fallow and Virgin Land Law (VFV law) is a turning point. Complaint against historical land grabs and seeking legal/restorative justice by the victims gained momentum as some semblances of liberal reforms were set in motion. Drafting of National Land Use Policy during the President U Thein Sein administration, and the amendment of the VFV law during the NLD administration are significant arenas. The contestation between the pro-business law makers and their (military-crony) capitalist class based, and the peasants, working people and land movements were fierce. Some pro-market CSOs backed up by international NGOs and donor organizations have collaborated with the state to draft laws that disregard customary land rights of ethnic minorities, and therefore, facilitated literally the biggest land grab in Myanmar’s living history by making undemocratic and unjust laws. Land movements such as Land in Our Hands (LIOH) and their alliances countered the move with slogans such as “land is not a commodity to sell” and “there is no vacant land in ethnic nationalities states” (Ra & Ju, 2021). This divergence or disagreement is a reflection of the disagreement between diverse actors within the broader democratic reform context. Responses from below, against land grabs, are “variable and uneven” (Borras & Franco, 2013). Land governance reform in Myanmar is an arena of power struggle, while the structural impediments remain, and it is

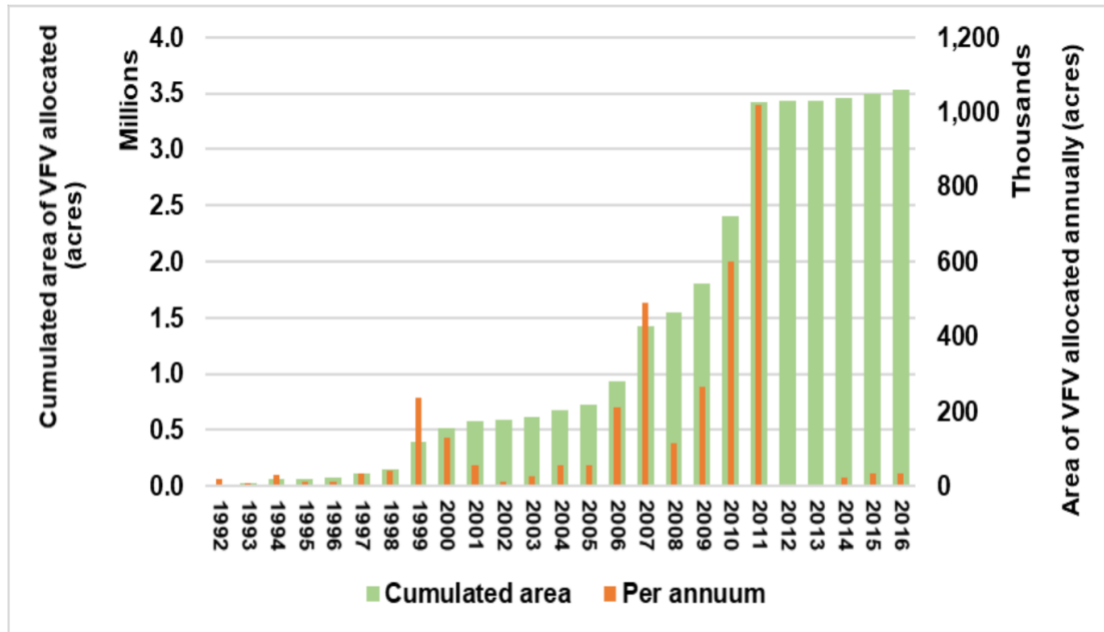
inseparable from the broader political reform. The contradictions of the land reform process in Myanmar is situated within the “fragmented, partial and incomplete political-economic transition towards capitalism, democracy and peace” (Suhardiman et al., 2019). The broad-based democratic forces formed different alliances among themselves and sometimes with other actors such as ethnic political parties or ethnic armed organisations. Sometimes they clash among themselves, or with other actors. The alignments are most often link to their common concerns, values and principles, yet sometimes it can be for political and pragmatic reasons. Mostly, civil society and other democratic actors do not support military and their associates as they want to restrain political space of the military and believe that the military must be put under civilian democratic control. Relations with the Buddhist nationalist groups are most often not good. Most often, emerging capitalists treated civil society groups with suspicion and contempt as their investments are being monitored and questioned by them. But it is also not straight forward animosity alone, as there are some collaborations under the banner of humanitarian works or in the works of corporate social responsibility. Relations with the NLD is often mutually a love hate relations, as they clash over investment and land policies.

It is never straight forward how alliances are made and unmade among these contesting forces through electoral cycles, their positions on capital accumulation while seeking legitimation with their subjects or constituencies, across time and space. The military and NLD seems to have their agreements when it comes to their view on ethnic and religious nationalism, resources extraction, land governance and neoliberal leaning economic policies. While ethnic armed organisations clash with both the military backed elected government and the NLD administrations, their ideology seems not too different from them either. Among the broad-based democratic forces from below, some have closer relationship with the NLD, while others are opposed to NLD position. Some of them sympathized with Buddhist nationalist movement, others do not. With the contradictions and complexities, the contestation among them shapes the rural land politics and regime transition in Myanmar.

### **Land politics and political regime transitions**

Rapid expansion of commercial crops in Myanmar led to exponential growth of Rubber plantations- 305% growth rate between 2003 and 2010 (MOALI, 2016) with Myanmar military, local militias and private companies involved in large scale land grabs (Global Witness, 2011). As of 2013, 40 Myanmar companies were granted a total of 1.9 million acres land concession for oil palm development (K. Woods, 2015a). Yuzana company was specifically notorious in land grab related to oil palm in Kachin state and Tanintharyi region, triggering a lot of resistance from the ground that will later contribute to a sustained land rights activism in Myanmar. The chairman U Htay Myint get involved with electoral politics and became member of parliament (2011-2016) during the military-backed USDP administration.

Large-scale land concessions, and the subsequent land grabs, were facilitated by the Wasteland Act 1991 and the VFV Land Law 2012 (VFV law). By 2013, almost one million hectares of land concession was made for 377 agribusiness companies (MOALI, 2016). Granting large scale land concession cumulatively increased during 2006 to 2016, and possibly a few more years onwards. The highest per annum grant was made in 2011. Whether this happened right before or after the political regime transition in 2011 April, I still have to dig up empirical data more. Please see the chart from the 2018 MRLG report (Thein et al., 2018).



**Figure 9 - Evolution in the granting of land use permits on VFV land from 1991 to 2016**

Data Source: DALMS, 2017a. Computation by the authors

Figure 3: Historical data on land use permits grants based on VFV law (Thein et al., 2018).

Land concession were provided not only for agriculture sector. Between 1990 and 2015, large blocks of 37 offshore and 27 onshore oil and gas exploration concessions were handed to the international para-statal and private (MOEE, n.d.). Mining concession, mineral exploration permission, special economic zone, industrial zone, deep sea port construction, conservation and protected areas, resettlement programme were also granted under different laws and instructions. Hukaung Valley Tiger reserve initiated by Wildlife Conservation Society has expanded to the sized of 17,373.57 km<sup>2</sup> in 2010. The same area was overlapped with 200,000-acre palm oil plantation concession given to the Yuzana company, which caused conflict with the local people. A proposal to extend Hkakaborazi national park in Kachin state has escalated conflicts between the native Rawang minority ethnic group and the WCS, UNESCO and Forestry department. They felt that their already limited livelihood options were disturbed by the rules and regulations of national park and they went on to burn the camp of the rangers (Fishbein, 2020). In both cases, local people felt they were not consulted and the conservation projects went without their consent, similar to other cases of land grabs. Fishbein writes,

“A closer look at what led to the dramatic eviction of forestry officials and a major international conservation NGO – and the derailing of a World Heritage bid – reveals a complex battle of interests spanning international conservation, commercial exploitation, party politics and local desires to wrest back forest management.” (ibid.)

Her comment reveals the complex actors involved, their diverging interests and the desperate and contentious action of the poorly resourced native Rawang people facing the powerful state, international conservation industry, a UN body and the liberal conservation approach to reclassify, and inadvertently, rewriting the meaning of their land.

From the wasteland to national park and World Heritage designation, the idea behind is reek with coloniality, international politics of climate change, technocratic fix, and capitalism. This

is a situation when the state, with its semi-militant coercive forestry arm and the national park as its institutional/ legal/ bureaucratic tools, wants the land but not the people who called it home for generations. Another caveat to this case is the ethnic tension between the minority Rawang people and the Bamar ethnic dominated state, the forestry department and the INGO. Ethnic tension is not new but this case signify the identity injustice felt by a minority group. The meaning of land for this minority group is a territory where they can reproduce and maintain their identity with integrity and dignity. The conflict is also between the state with its legal institution and the traditional society where patron-client institution and customary laws govern their political and daily lives.

The grassroots mobilization and the confrontation brought media attention, and solidarity among other land and ethnic right movements. This kind of local incidents influence how local people perceive justice and legitimacy of an incumbent administration, especially at the sub-national level and it influence how people vote in the electoral politics. Local rural politics like this, with the increasing access to news and information, influence perception of how well a national political regime performs its responsibility or not, and therefore influence the national political regime transition. Being a largely agrarian country, with every political transition open up investments that need land, and the pressure to liberalize its land and other property institutions by the lending country, donors and financial institutions, it is not surprising that land complaint was the largest number of complaints received by the USDP and NLD administrations, during the democratic transition period (2010-2020). During the USDP administration (2011-2016), the opposition NLD took every opportunity to bring up land issues faced by rural agrarian community to challenge their political legitimacy and capability of governing a nation. However, when NLD was in power (2016-2021), they enacted the amendment of the VFV Land Law 2018, which criminalized, farmers cultivating on undocumented land, and the traditional shifting cultivators who are almost all belong to ethnic, and or, religious minority.

What factors make NLD flop from their previous position on land when this will make them hugely unpopular among their constituency base is largely rural agrarian communities and ethnically Bamar Buddhist majority is intriguing. And yet how they continue to win the 2020 election a landslide? Why did the farmers still vote the NLD? Does the fact that NLD is dominantly lead by Bamar Buddhists, has contributed to passing a law that will hurt the ethnic minority shifting cultivators? If the controversial VFV law is fully implemented, and millions of farmers penalized and lost their land as a result, will the popularity and electability of the NLD remains the same? We will probably never know this particular answer after the February 2021 coup brings uncertainty on the trajectory of national political regime. Land is at the core of the rural politics. Democratic transition is not all about electoral politics, although its significant is not to be questioned. However, as Gramsci formulated, state is an arena where political society and civil society contested. How a state balances its contradicting roles of maintaining political legitimacy and facilitating accumulation as Fox and James O'Connor formulated, and how an incomplete state continuously constitutes itself as Neil Harvey explains in his 1998 iconic book on Chiapas rebellion, will give us some theoretical handle to understand the interconnectedness and two-ways relations between land issue dominant rural agrarian politics, and the national political regime transition. We cannot understand the national political regime transition, which many scholars and ordinary citizen put their focus on, without understanding the rural politics and rural democratization processes. These two spheres or politics are co-constituted. I made the following table to look at Burma/Myanmar's political regimes, and some laws related to land that they drafted and enacted. If we follow the evolution of these laws, we can trace where they come from, in what purpose and context, how they serve

the different regimes and the classes they represented, if there is any contestation from the ground took place or significant historical events or turning points, and understand the regime transition, their trajectory and characters better.

Figure 4: Different regimes in Burma/Myanmar and land related laws they enacted.

Regime	Type of Regime	Enacted Land related Laws	Date	Trigger of regime transition
British Occupation-India's Burma (1885-1948)	Imperialist/colonial	The Land Acquisition (Mines) Act	16.10.1885	British annexation of Burma into British India through 3 wars
		The Upper Burma Land And Revenue Regulation (1889)	13.7.1889	
		Land and Revenue Act 1879	1.2.1879	
		The Land Acquisition Act (1894)/ India Act 1	1.3.1894	
		The Village Act (1907)	1.1.1908	
		The Burma Land Acquisition Manual, 1947	1947	
Post-Independence – U Nu Administration (1948-1962)	Democratic	Land Nationalization Act of 1948 (replaced by Land Nationalization Act 1953/ Farmland Law 2012)	1948	Anti colonialist movements, World War II
		The Land Nationalization Act of 1953	26.10.1953	
		The Village (Amendment) Act (1955)	1955	
		1960 Urban Rent Control Act (1960, Act No.8)	1960	
		The Village (Amendment) Act (1961)	2.10.1961	
Revolution Council led by General Ne Win (1962-1974)	Military Coup	The Law Safeguarding Peasant Rights, 1963	1963	Military Coup 1962
		The 1963 Tenancy Law	1963	
		The Tenancy Law Amended 1965	1965	
Burma Socialist Programme Party (1974-1988)	Military led authoritarian	1982 Citizenship Act	1982	Military dictator reinventing itself
State Law and Order Restoration Council	Military dictatorship	The Union Of Myanmar Foreign Investment Law (1988)	30.11.1988	1988 general uprising
		Procedures relating to the Union of Myanmar Foreign	7.12.1988	

(1988-1997 November)		Investment Law - SLORC Notification No. 11/88		
		Duties And Rights Of The Central Committee For The Management Of Culturable Land, Fallow Land And Waste Land	13.11.1991	
		Procedures Conferring The Right To Cultivate Land/ Right To Utilize Land (1991)	12.12.1991	
		The Forest Law	3.11.1992	
		Procedures Conferring The Right To Cultivate Land/Right To Utilize Land For Agricultural And Livestock Breeding Purposes (Amendment) (1998)	28.9.1998	
State Peace and Development Council (1997-2011)	Military dictatorship			Military dictator reinventing itself
USDP party- U Thein Sein administration (2011-2016)	nominal democratic power shared between former military staff, active military staff and civilian democrats	2011 Farmland Bill	20.9.2011	Military dictator reinventing itself/ 2007 saffron revolution as well as poor economic performance. Public pressure could play a role.
		Vacant, Fallow and Virgin Land Management Act - Pyidaungsu Hluttaw Law No. 10/2012	30.3.2012	
		Environment Conservation Law- Pyidaungsu Hluttaw Law No. 9/2012	30.3.2012	
		Farmland Act - Pyidaungsu Hluttaw Law No. 11/2012	30.3.2012	
		Vacant, Fallow and Virgin Land Management Act - Pyidaungsu Hluttaw Law No. 10/2012	30.3.2012	
		Farmland Rules - Notification No. 62/2012	31.8.2012	
		Vacant, Fallow and Virgin Lands Management Rules - Notification No. 1/2012	31.8.2012	



		Bill Amending the Land Confiscation Act	2015	
		National Land Use Policy 6th Draft 2015	Stalled	
NLD party- Aung San Suu Kyi administration (2016-2021 January)	Nominal Democratic Power share between majority civilian democrats, former military personnel, active military personnel	Vacant, Fallow and Virgin Lands Management (Amendment) Act 2018	September 2018	2015 General election, land slide win of NLD
		Notification to the persons and organizations who are occupying and utilizing the VFV lands without permits	30.10.2018	
State Administration Council/ Caretaker Government ( February 2021 onwards)				2020 General election, Land slide win of NLD

### **Historicizing land politics and regime transitions**

I would like to briefly walk through the history of political regimes Myanmar has seen. Before the British occupation, what we would call today as Myanmar has many city states and past empires, organized by geographical locations, economic productions, or in some cases ethnic grouping such as Mon, Shan and Bamar. Prior to the British take over, there were contacts, trades and wars as well as exchange of culture, language and writing, systems of belief and religions, with the neighbouring countries. British expansion in Asia, in competition with other European rivals, was at its height during the 18<sup>th</sup> century. After taking Java, Singapore and Malacca, the British took over Rangoon (Yangon) in 1824. The lower Burma was annexed after the second Anglo-Burmese war in 1852. By 1858, the upper Burma was annexed and province of Burma under the British India was created. The economic interest of the imperialist is needless to point out, but the role of British East India company in the colonization is remarkable. Seeking teak to build ships, a vital means of conquering and controlling far away colonized lands as well as for maritime trade, is one of the reasons why Burma is important to the British. The drive to expand industrial agriculture, such as rice and sugarcane and the need for land is another important motive of the colonization.

Graph 1: Exports of Rice from Rangoon, Akyab, Bassein and Moulmein to all Countries, 1862/3 to 1901/2

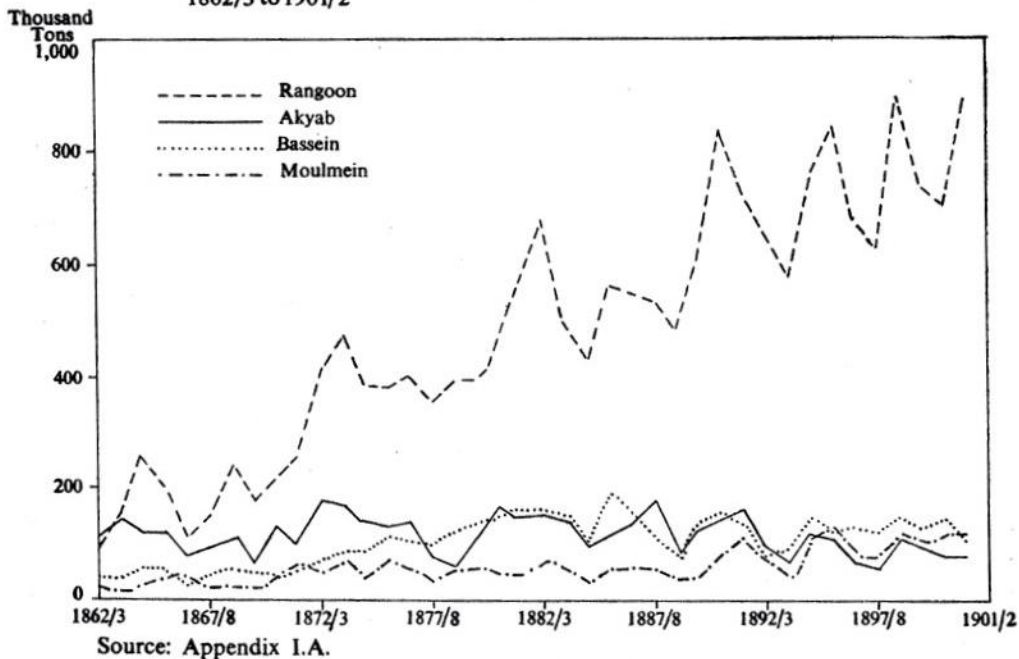


Figure 5: Burma's rice exports to other countries 1862-1902. Source: (Cheng, 2012)

The British occupation lasted until 1948. With the completion of Suez Canal in 1869, and the shorter maritime trade route from Asia to Europe, Burma became an important rice producing country, in fact the biggest rice exporter before the World War II. British brought in labourers from India, as well as soldiers and administrators to run the country. They introduced capitalist production in Burma. Historically, education, economy, property, laws and legal systems, bureaucracy and administration, behaviour and attitude related to ethnicity and race are legacy of the British colonial system, and it is still hugely influential for the Burmese society, their ideologies and their political behaviours. Specifically, the Land Acquisition Act 1894, under the India Act 1, and the ideology of an unoccupied, economically unproductive “waste land” has been used to dispossess, and in many cases violently expelled, traditional peasant communities. Even in 2021, after 127 years since the first land acquisition act was enacted, millions of peasants in Myanmar are still suffering from the impact of laws derived from this particular act, such as 2012/2018 Vacant Fallow and Virgin Land Management Act. My research will further delve into the relations of colonial past and the current land and rural politics, and how they affect the regime transition. Another defining event worth to mention is the peasant rebellion that came together with the 1930 economic depression. Increasing tax, rice price crash and many other grievances led to this violent rebellion (Scott, 1976) and shaken the rule of the British who had to brought in soldiers from India to quash the uprising. This event probably has a far-reaching effect in terms of devising laws, policies and bureaucratic mechanisms to control rural peasant population, property and farm labour. The same year, a strong nationalist front was formed against the imperialists.

The struggle to free Burma from the British, is a long struggle, and it undeniably shape political ideologies still influencing politics of Myanmar until today. Buddhist monks and Marxist fresh graduates from Rangoon University played important roles, while the England-trained bureaucrat elites sided with their colonial rulers. Broad anti-colonialist movement took many shapes and forms. Prominent student leader Aung San with his 30 comrades went to Japan to

get trained and establish the first Burmese army. Aung San ushered in the fascist Japanese forces to fight against the British. It last from 1942-1945. British got their control back in 1945. There were many negotiations and tumultuous events until the British let go of Burma in 1948. Aung San was assassinated before Independence, and his friend U Nu became the first prime minister of a fledgling democratic Burma. However, poorly performing post-war economy, violent political divides based on different ideologies, insurgencies, reluctance among the old bureaucrats and military leaders, incursion and occupation of Chinese Nationalist Kuomintang, power-transfer to caretaker government led by military chief marked his tumultuous administration. The following table explains how the U Nu post independent administration lost its grip on economy. The main source of government income from land revenue was collected only 13% by 1950. The combined effect of paralyzed government, broken economy and an uprooted, mobilized, armed civilians meant Burma was governed by whoever owned the most guns, not the police nor the administrators (Callahan, 2003).

**Table 4.** Land Revenue Collections in Burma

Year	Demand	Remission	Collection	Outstanding
1945–46	155.30	2.88	47.25	105.17
%		2%	30%	68%
1948–49	283.98	0.97	68.25	214.76
%		0.3%	25%	75%
1949–50	99.23	0.12	12.75	86.36
%		0.1%	13%	87%

*Source:* Union of Burma Government, “Report on Land Revenue Collections” (n.d., probably 1951), copy in FO 371/83162, PRO.

*Note:* All figures are in lakhs of rupees.

Figure 6: Decline of land revenue collection during post-independent democratic administration led by Prime Minister U Nu. Source: pg 117 (Callahan, 2003)

What is significant for the agrarian transformation during U Nu’s administration is enactment of two Land Nationalisation Act, in 1948 right after the Independence and in 1953 – five-year after the first one. What has led to this policy option? Is that because the post independent government was influenced by their leftist politics, wanting to implement redistributive land reform? Or is that because of anti-imperialist nationalist frenzy that want to free lands in the hand of those who were perceived as “the others” or “foreigners” exploiting the resources which should profit only for “us- the natives”? In other words, did it has a pointed racist elements towards the Indian landed class- such as the land rich Chettiar money landers who had to flee to India because of the Japanese occupation and then not allowed to return after the independence in 1948 (Turnell, 2009)? How does these laws come into being? Whose benefit these laws serves? What were the economic, social and political ramifications? If there was any resistance, and in what form? Did the nationalisation have far-reaching impact than we thought? “Nationalization had the same effect as expulsion, even if the justification was made not in ethnic, but in economic policy, terms.” (Taylor, 2015)

## **Land resource and territory, in production and social reproduction spheres**

Land and regime transition, especially in a significantly agrarian society, is intimately connected. However, in the dominant literature that looks at land and regime transition connection, land is largely treated as productive resource such as farmland. These literatures discuss about the peasants and class politics of a given agrarian society, and inquiring the role of agriculture in the national regime transitions. The other dominant literature studying land and regime transition connections view land as a territory. This is because one of the most contested regime transition agenda is to gain the territorial control over a swath of land. In this literature, what is being highlighted, not solely but largely, is identity politics such as the underlying issues of race and ethnicity, rather than the class politics. There is relatively scarce literature which pieces these two issues together (Harvey 1998, for one of the exceptions). Harvey's study underlines the struggle of peasant and indigenous people over land and freedom (Harvey, 1998). Since then, not much study has been done the way Harvey brings the two aspects of land together.

Furthermore, there are gaps in the tradition of these important literature because the discussion there missed to render land as a space for both economic production and social reproduction. One way the dominant literature treats land and social reproduction is from the perspective of land as a territory where a people with their specific identity can be reproduced. Such literature discusses political struggle of a people over land and resources while trying to sustain their ethnic or cultural identity. On the other hand, these literatures seldom draw a link between land and the conventional theories of social reproduction with its focus on food, clothing, shelter, care and affect. Meanwhile, conventional literatures related to social reproduction seldom connect social reproduction with land, territory and political struggle of reproducing "as a people".

The dominant literature which studies economic production aspect of land mainly focus on farmland worked by the iconic peasants and farmers. In recent years, due to the impact of neoliberal capitalism there is the rise in number of 'classes of labour' (Bernstein, 2010) or 'working people' as Shivji has formulated (Shivji, 2017). In the case of working people, land remains very important for the economic production- not in the context of the iconic peasants or farmers represented in the dominant literatures but as part of the complex of livelihoods of working people. These recent phenomena on the working class are not yet fully explored in academic research that link land politics and national political regime transitions. Moreover, there has quite thin literature on the connection between regime transition and the politics of land in the era of the latest global enclosures seen in the latest global contemporary land rush, although Wolford et al (2013) might have offered some foundational insights that are useful, and that there are relevant discussions about 'classes of labour', agrarian politics and the rising regressive populism, see, e.g. (Borras, 2023; Pattenden, 2023; Scoones et al., 2018) that can be mobilized in addressing such a knowledge gap.

The dynamics between land politics, rural democratisation and national political regime transition is not a straight forward, linear process, rather it is a non-linear, hotly contested and highly uneven process shaped by national and regional history, as well as structural, institutional and political conditions. Pre-existing geopolitics and economic interests of powerful regional actors, such as China and India in the case of Myanmar, plays very important roles. Meanwhile, the effect of combined and uneven development of global capitalism over national political regime transition and land politics is obvious. Anna Tsing argues the importance of understanding scales, such as global, national and regional, because they frame

how we view the world in a specific spatial dimensionality. For Tsing, neoliberalism is “a set of scale making project” which powerfully projects a new world fully remade according to neoliberalist’s dreams (Tsing, 2000). Understanding the scales and their entanglements will explain the readers how global finances conjure up spectacles and attract investments and accumulations. Tsing sees finance capital as a program for global hegemony, franchise cronyism as a specific nation-making project and frontier culture as an expression of a region. Tsing argues that global financial conjuring has a tendency to support the most improbable and terribly conceived national and regional projects, such as the national and subnational elite dreams of “an authoritarian nation-state supported by foreign funds and enterprises” such as the Suharto’s Indonesia and probably the so-called “democratic reformist” former military general Thein Sein’s Myanmar.

This kind of what Tsing called “franchise cronyism” is characterised by interdependency of foreign investment and corruption, and an opening up the Wild West like “regional frontiers” where unregulated resource extractions (violently) purged rural agrarian communities, to make “quick profits, quick exits” (ibid.). What Tsing named “the program of spectacular accumulation” evolves where the interests of globes, nations and regions converged. Spectacular accumulation happens when a commodity which has not or yet to exist is being speculated by investors. Tsing explains it is where “the globe-making aspirations of finance capital, the nation-making coercions of franchise cronyism, and the region-making claims of frontier culture” intersect (ibid.). The excitement, the feverish frenzy, the mass hysteria created through this process of conjuring spectacles, combined with the investment capital’s ability to circulate rapidly across national boundaries, is at the heart of various commodity rushes, such as guano rush, gold rush and land rush. To grasp how the fleeting land and commodity rushes shape rural agrarian land politics, democratisation and national regime transition, or vice versa, it is important to understand the spectacle making, investment capital and accumulation at the global, national and subnational/regional levels.

This multiple-levels framing guides me to examine multi-sited profit-making dreams of global investment capital, dreams of national authoritarian “democratic regime transition” and nation-making, with the aid of national and subnational ‘franchise cronyism’ dreams of integration with global capitalist economy. The articulations contemporary land rush, political, economic and institutional shifts, and spectacular accumulation can be best observed in the national political regime transition of Myanmar at the national level, and northern Shan state and northern Rakhine state at the subnational level. Despite the spatial distance between the two states, they share very similar experiences such as multiple waves of conflict and displacement, a result of the national political elite’s Bamar Buddhist nationalists’ territorialization, subject making, internal colonialization and extractivism. Land grabs and mass displacements related to economic and political projects, such as Kyaukphyu SEZ, Rohingya genocide in northern Rakhine as well as the most recent rounds of conflict between multiple combating parties and waves of land grabs/ contract farming in northern Shan state are common between the two states. China’s Belt and Road Initiatives BRI and China Myanmar Economic Corridor CMEC are the major bilateral and multilateral projects that connect the two states. The existing Kyaukphyu-Kuming oil and gas pipeline, and the planned Kyaukphyu Kunming highspeed rail road will pass the highly contested and volatile territories of northern Shan and northern Rakhine. Please see the map of the Yunnan Lincang border economic cooperation zone development project of China, partially supported by the ADB in 2018.

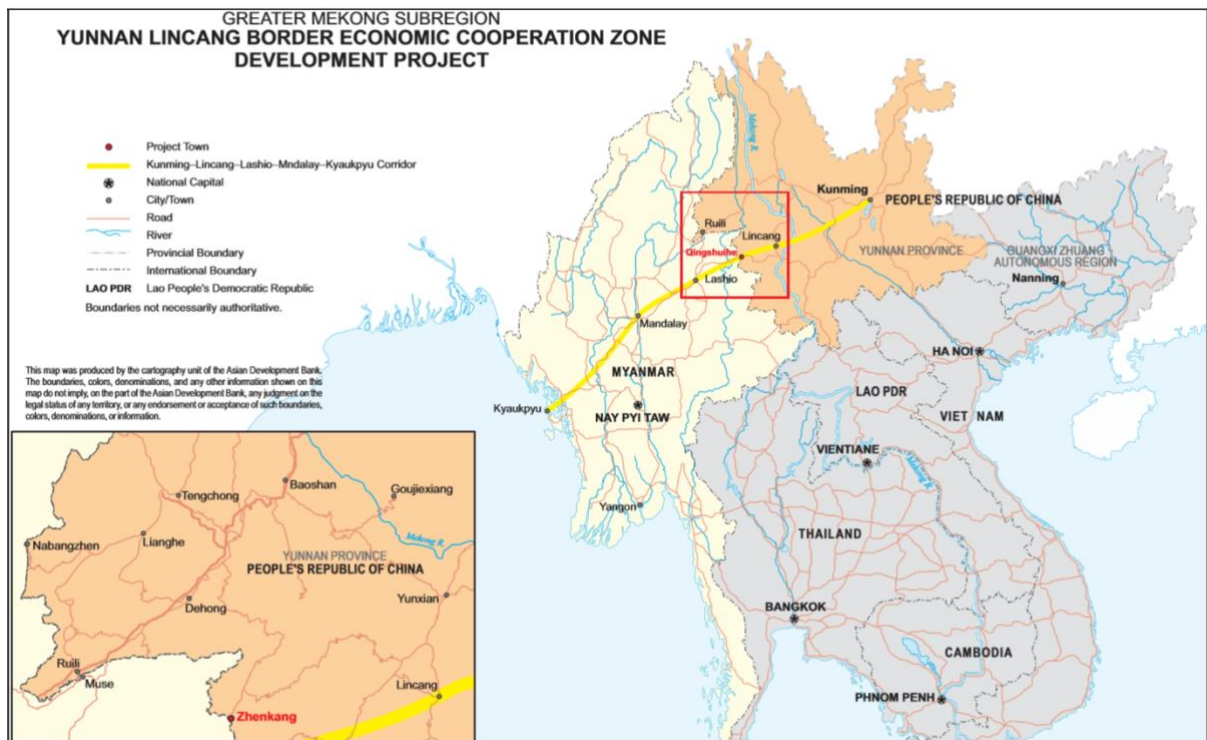


Figure 7: Where global finances, national democratisation and liberal economic dreams, and subnational ceased-fire capitalist dreams met? Map of Yunan Lincang Border Economic Cooperation Zone Development Project, together with the track of Kuming- Kyaukphyu BRI highspeed rail road, China-Myanmar oil and gas pipeline (ADB, 2018).

The 402.8 million USD project received 250 million USD loan from the ADB. This is just one of the various multisectoral “scale making projects” as Tsing put it, within a larger scheme of the BRI, CMEC and Bangladesh-India-China-Myanmar Economic Corridor. This is perhaps a fractal of the spectacular accumulation where China’s global (and local) economic and geopolitical ambition with global finances meet with Myanmar’s Bamar Buddhist Nationalist nation-making project and national and subnational crony capitalists’ frontier making dreams.

Northern Shan state ‘Wild West’ as an eastern locus of the land and commodity rush: Shan state covers 155,458 km<sup>2</sup> and it is the largest of 14 administrative regions in Myanmar. The population of Shan state is 5.8 million according to the 2014 population census. It is mainly formed by a high plateau with rolling hills and river valleys where rice paddy, upland rice and other commercial crops such as maize, potato, tea, coffee and vegetables can be cultivated. Its major international river is the Salween/ Thanlwin river that started its life in the northern Tibetan plateau in China as Nu Jiang River, flowing to the south to become Salween and flowing into the Andaman Sea of the Indian Ocean. Shan plateau is an important watershed of another major river, the Irrawaddy/ Ayeyarwady. Northern Shan state covers 60,559 km<sup>2</sup> with 1.82 million population according to the Health Management Information System 2011.



Figure 8: Map of northern Shan State by district. (MIMU, 2020a).

Inland cross-border trade with China is a nationally important revenue and livelihood generating economy. Muse and Chinshwehaw border trade zones of northern Shan has observed 6.49 billion USD trade volume (01.10.2017- 20.09.2018) and 5.07 billion USD (01.10.2018- 20.09.2019) respectively for the 2 fiscal years before the COVID-19 pandemic period (Department of Trade, 2019), and 5.16 billion USD (1.10.2019- 3.09.2020) during early pandemic and 4.02 billion USD (1.10.2020- 3.9.2021) for the pandemic and post-coup fiscal years (Department of Trade, 2021).

The presence of three self-administered zones indicates diversity of ethnic people in northern Shan and a history of ethnic identity political struggles. Currently, armed conflict continues in Shan state and the situation is very volatile, while tens of thousands of people are being displaced permanently or temporarily. After the coup, the Northern Alliance group lead by the Wa ethnic armed organisation UWSA is expanding their territorial control despite the Myanmar military's use of airstrike to stage prolonged offensive against the alliance. Arakan Army, which is conventionally supposed to be fighting in Rakhine state alone, is reportedly

fighting alongside with the Northern Alliance. Ethnic armed struggles is evolving, and increasingly, their military interventions are not confined within their traditional geolocation or territory anymore. On the agrarian and land politic front, Shan state's agriculture landscape is rapidly changing as it is engaging with capitalist market economy, especially the border trade with China. Commercial crops such as rubber, sugarcane and maize production has substituted traditional crops and subsistent farming. Contract farming practices are increasing. Industrial maize cultivated in northern Shan is 285,074 acres in the 2013-2014 fiscal year (K. Woods, 2015b), rubber 172,287 acres and sugarcane 87,229 acres as of (2012-2013) fiscal year (K. Woods, 2015a). This can be compared to the totally available land for perennial crop cultivation (2010-2011) for the whole Shan state, 7.39 million acres (ibid.).

Land rush in northern Shan has two significant waves, the 1990s and the late 2000s both link with regime transitions. At the same time, control grabbing through contract farming is an ongoing process. As land related laws such as VFV 2012/2018 gain ground and land titling advances, everyday small scale buying and selling of land is seeing peasant losing access to land and consolidation of land in the hand of emerging local capitalists (Borras et al., 2020; Woods, 2020). China's BRI and CMEC initiatives included Kyaukphyu-Kuming highspeed rail road, Muse and Chinshwehaw border economic zones, and agriculture projects such as mega beef production plants. According to a leaked document seen by a local NGO, a land concession application for cattle ranching project in Kutkai township alone is 37,429 acres where there are already land conflicts among peasant communities because of insufficient arable land. As of 2017, 422,927 acres of land in Shan state has been granted over 497 deals, via the VFV instructions and laws (Thein et al., 2018). Hydropower and mining rare earth are the other prominent extractive industries in northern Shan. Land is at the heart of these evolving political projects and global investment schemes. Land politics in Shan state is entangled with subnational rural politics and national electoral politics, eventually shaping, and being shaped by, the electoral democracy and (democratic) regime transition.

Northern Rakhine state 'Wild West' as a western locus of the land and commodity rush: Rakhine state covers 36,778 km<sup>2</sup> and it shares an international border with the Bangladesh. The population of Rakhine state is 3.18 million (excluding the Rohingyas) according to the 2014 population census. It is a mix of Rakhine Yoma mountain ranges with fertile river valleys where rice paddy is grown. Most significant feature of Rakhine state is the 740km long coast facing the Bay of Bangal and the marine and offshore resources. Major rivers important for growing paddy are Kaladan and Lemro, while Naf and Kaladan are international rivers. Land available for perennial crop production is 1.26 million acres (Woods, 2015). Other important crops growing areas are Rubber 35,398 acres, sugarcane 1,987 (Woods, 2015). Land deals granted through VFV law is 137,904 acres for 169 deals (Thein et al., 2018).





Figure 9: Map of northern Rakhine State by district. (MIMU, 2020b).

Agriculture, livestock and fisheries sector shares 25.29% of the total GDP of Rakhine state, and it is very significant. However, Foreign Direct Investment in Rakhine state, particularly offshore Oil and Gas sector is very significant. FDI in Rakhine state (2010-2017) accounted for 9.66 billion USD, compare to 409 million in Shan state during the same period. International investment in the oil and gas sector in Rakhine (2000-2015) accounted for 10 billion USD. Sea port, deep sea port development, industrial zone development, oil and metal refinery are some areas of interest for investment. Significant projects include Kyaukphyu deep sea port project, China-Myanmar oil and gas pipeline, off shore oil and gas explorations, Kyaukphyu-Kuming rail road, Kaladan Multimodal Transit and Transport Project. These projects worth multi-billion dollars. This research will focus on four townships in Rakhine, namely Sittwe, Kyaukphyu, Rathedaung, Buthidaung and Maungdaw. Please see the map published by Myanmar Information Management Unit of the UN.

Rice paddy is the most important crop for Rakhine agricultural economy. It has been significant since the British rule. Currently, rice cultivation covers 1,099,853 acres of land (MIC, 2019). The trajectory could be concluded as steady, compared to the paddy production area 998,000 acres during 1936-1937 British occupation (Cheng, 2012). The detail looks at the yearly paddy cultivation data shows that there was a significant decline of 94,457 acres in 2011-2012 cultivation season. By 2017, the decline is over 100,000 acres. The question is if this sharp decline is link to the 2012 conflict between the Buddhists and the Muslims and the subsequent mass displacement, which is believed to be part of the renewed effort of the Myanmar military to clean the Rohingyas out of Myanmar. The farm labour shortage, abandoned farms and villages can be one of the factors. Then what happen to the Rohingyas and agriculture of Rakhine after the August 2017 mass expulsion where over 700,000 mainly peasant and fisher Rohingyas were violently expelled out of the land they called their home. In the 2018 planting season, Rakhine agriculture department announced there are over 70,000 acres of abandoned paddy land in Maungdaw, available to be granted for the companies to operate (DVB, 2018).

**FIGURE 20: Total acreage of paddy – by year (2009-2010 – 2016-2017)**

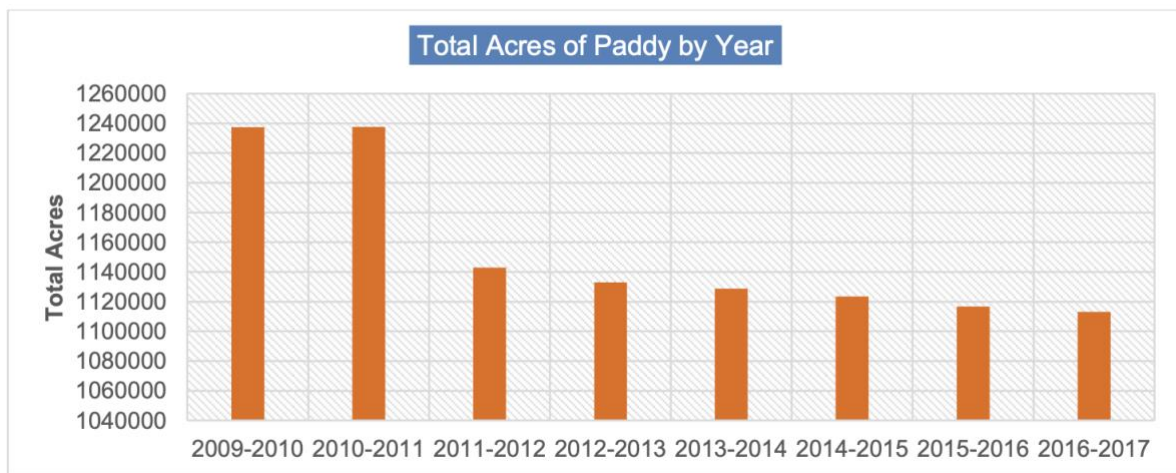


Figure 10: Total paddy growing acre by fiscal year (2009-20010- 2016-2017), (MIC, 2019).

More statistics and information are needed to verify if a clear corelation can be established. Generally, I would think it could decline further after 2017. Mass displacement of the Rohingya is not the first time. It is historical, multiple times and unfortunately, could well be not the last time. This is part of the conundrum of land, property, access, control and citizenship. The other side of the conflict in Rakhine is the Rakhine Buddhist nationalist movement lead by the armed revolution group, the Arakan Army, with a clear ultimate goal of independence or a confederation. In the midst of the messy entanglement of genocide, ethnic nationalist movements, armed conflict and international investment, Rakhine Investment Forum 2019 was organized with support from Japanese government (Lwin, 2019). The subsequent Rakhine investment plan prioritized investments which heavily rely on land resources, such as agriculture, livestock and fisheries, infrastructure, real estates, manufacturing, hotel and tourism etc.

### Concluding discussion

The phenomena of commodity and land rushes, initiated and facilitated by global investment capital, neoliberal scale-making and frontier-making projects, and how do these influence and

interact with regime transition, is not limited to Myanmar alone, but global. The frenzy created by spectacles, and lubricated by the capital's ability to rapidly circulate across national boundaries, drives the engine of commodity and land rush. Even when the land and commodity rushes seemed to be fleeting, their affect over rural politics, democratisation and regime transitions is critical and far reaching (Wolford et al., 2013). Democratisation is "a set of transitions" (Fox, 1990), that must institutionalise the shift in power balance, organize in wide range of possible models, combine effective majority rule while respecting rights of minorities and individuals. Democratic regime transitions are partly shaped by rural politics, where the politics of land is central. Conversely, the character and trajectory of the politics of rural land are influenced by the national regime transition. Along that line, democratic regime transition must go hand in hand with rural democratization and democratic land reform where the rural working class can exercise and expand their "associational autonomy" while curtailing the power of clientelism and addressing the producing and reproducing of "authoritarian enclaves" (Fox, 1994). How the national political regime transition actually played out, involving which set of state and societal forces, through what political processes and institutional basis are not always clear and straightforward. As I have argued that the character of the state in terms of various class fractions and sociopolitical blocs that control it has not significantly changed. Despite their conflicting views on the mode of political rule and institutional design through which such rule is pursued, these dominant groups have views on rural land politics that converge more than diverge. A purely ethnic-politics-oriented way of officially addressing pending land issues, such as through the so-called federal form of government pathway, the land issues of rural working people as a class may remain unresolved even when the mode of political rule question is resolved.

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### **Short bio**

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