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Smallholder bargaining power in large-scale land deals: a relational perspective

Rosanne Rutten, Laurens Bakker, Maria Lisa Alano, Tania Salerno, Laksmi A. Savitri and Mohamad Shohibuddin

What capacity do smallholders have to influence key decisions in large-scale land deals to their own advantage, in particular in their own localities? Though the cards are stacked against them, micro processes on the ground show great variations. We put the magnifying glass on local power dynamics to explore both opportunities and constraints to the bargaining power of smallholders as they resist land deals or struggle for (better terms of) inclusion. We propose a relational perspective, in the sense that we focus on the social relations through which smallholders may ‘produce’ power, access power resources and profit from leverage vis-à-vis investors – constrained by wider power configurations. Drawing on our research in Indonesia and the Philippines augmented with other case studies on Southeast Asia, we highlight (1) relations of interdependency with investors; (2) ‘horizontal’ relations of shared interests and identity; (3) tactical relations with state officials; (4) relations with specialists in violence; and (5) relations with supra-local civil society groups. Explorative in nature, this contribution suggests an analytical lens to study sources of smallholder bargaining power and vulnerability in large-scale land deals.

Keywords: bargaining power; resistance and negotiation; smallholders; large-scale land deals; Indonesia; the Philippines; relational analysis

Introduction

Recent work on the ‘political reactions from below’ to the current wave of large-scale land acquisitions¹ offers a systematic discussion of the ‘why’ and ‘how’ of the reactions of smallholders, ranging from resistance and confrontation to negotiation and engagement (Borras and Franco 2013; Hall et al. 2015). We add a third dimension to this discussion: with what bargaining power do smallholders actually confront and engage investors and their state allies? In other words, what power can smallholders muster when they are faced with investors who want to lease, buy, forcefully grab or otherwise acquire control of their land? What is their capacity to successfully defend and promote their interests, and which conditions may expand or constrain it? This issue is essential to understand smallholders’ sources of strength and vulnerability in land-deal processes.

With the term ‘bargaining power’ we refer to the capacity of smallholders to influence key decisions in the land-deal process to their own advantage, including the acceptance or

¹Land acquisitions for plantations, mines, tourist zones, special economic zones and real estate, in particular.

rejection as well as the (re)negotiation of (the terms of) a land deal. Though the broader power configurations are usually marked by an extremely weak and vulnerable position of smallholders in relation to economic and political elites, micro processes on the ground show great variations. By putting a magnifying glass on local power dynamics, we seek to explore the strengths and weaknesses of smallholder power as shaped in concrete contexts.

In Southeast Asia, this issue is particularly relevant as we see an increasing number of smallholders confronted with large-scale land acquisitions. Case studies from the region suggest a considerable variation in smallholder power as smallholders resist, confront or engage with these investments (e.g. Barney 2004; Hall, Hirsch, and Li 2011, 111). This variation is further complicated by the diversity in types of smallholders (e.g. indigenous swiddeners, upland settler-farmers, lowland commercial farmers, and peri-urban, part-time farmers),² diversity in political regimes (e.g. authoritarian and electoral-democratic) and variation in the reach of civil society organizations. Moreover, while ‘market forces have been of enormous importance to the dynamics of land access and exclusion’ in Southeast Asia (Hall, Hirsch, and Li 2011, 17), the effects have been very diverse. As states may channel market forces to favor certain groups and clients, ‘the market’ may weaken or strengthen smallholder power depending on the political regime. Studies on Southeast Asia try to grasp this diversity in smallholder experiences by using the concepts of *configurations, conjunctures* (Li 2000) and *archetypical processes* (Messerli et al. 2015) to analyze how, at the local level, the specific combinations of actors, relationships and key factors actually work out for smallholders faced with large-scale investors (e.g. Barney 2004; Brosius 1997; Li 2000).

This contribution uses a relational lens to understand both the potential and the constraints of smallholder bargaining power in large-scale land deals. In view of the variety in local configurations, we consider key social relationships that may enhance smallholder power, and explore conditions that may favor or hamper the (partial) realization of this potential.

Our focus is on the social relations through which smallholders may ‘produce’ power (by means of organization and collective action), access power resources and profit from leverage in their relations with investors. In short, we focus on the *social relations and interdependencies* that shape smallholder power to a large extent. Our main interest here is the Weberian form of power, defined as ‘the capacity of some actors to affect the practices and ideas of others’ (Ribot and Peluso 2003, 155–56). This capacity of smallholders is, of course, profoundly shaped and constrained by the wider power constellations (economic, political, symbolic) in which smallholders are enmeshed. The wider forces of capitalism and the state form the structural backdrop to these power constellations (Wolf 1990).

We aim to make two contributions in the sections that follow. First, we present an analytical framework that maps out the concepts, relationships and power resources that we consider central to the issue at hand. Second, we illustrate the usefulness of this framework by drawing on our own research projects in Indonesia and the Philippines,³

²On the diversity in types of smallholders, see e.g. De Koninck, Rigg, and Vandergeest 2012.

³The authors are part of the research program ‘(Trans)national Land Investments in Indonesia and the Philippines: Contested Control of Farm Land and Cash Crops’, based at the University of Amsterdam, The Netherlands (coordinated by Rosanne Rutten and Gerben Nooteboom) and financed by the Netherlands Organisation for Scientific Research (NWO), WOTRO Science for Global Development Programme. The research projects involved individual academic fieldwork carried out mainly (or partly) at the level of the village and sub-district/municipality. The topic of smallholder bargaining power

augmented with other case studies on Southeast Asia. With these case illustrations we delve deeper into each of our key social relationships to explore their potential for smallholder bargaining power, teasing out opportunities and constraints. We present the cases to highlight positive and negative instances and to learn from the differences, as well as to underscore nuances and context dependencies. Rather than comprehensive coverage and systematic comparison, our aim is to present an exploratory analysis that invites further research and discussion.

Our own case illustrations cover diverse regions, types of investments and smallholder responses, capturing different power configurations. The Indonesian cases include the Gayo Highlands of Aceh, site of post-conflict plantation investments; the state-sponsored investment zone of Merauke, Papua (biofuel feedstock and food crops); the oil palm district of Ketapang, West Kalimantan; and the mining and oil-palm district of Paser in East Kalimantan. The Philippine case concerns San Mariano, Isabela province, site of the largest sugarcane-based ethanol project of the country.

Exploring smallholder bargaining power: a relational perspective

Relational analysis offers an important tool to deal with smallholders' (shifting) positions within local power configurations and to grasp variations in smallholder bargaining power. We take a cue from social-movement studies that consider the 'dynamic relational fields' in which actors are involved, set within wider economic, political and ideological power constellations (Goldstone 2004, 333, 357). These studies analyze how marginalized people try to enhance their power to defend their interests by forging ties of solidarity for collective action, by creating networks of activist alliances to access crucial power resources, and by nurturing relations with political allies to make use of political opportunities. They also show how the networks in which people are involved influence the discursive frames through which people interpret their situation and legitimize their claims (e.g. Diani and McAdam 2003; Tarrow 1998). These efforts are, in turn, shaped, constrained or enabled by the 'ongoing actions and interests' of all parties concerned (cf. Goldstone 2004, 333; for the land-deals literature, see e.g. Gingembre 2015). This is one key reason for the variability and fluidity of local power constellations.

We draw on three different bodies of literature, each of which highlights specific social relations that form potential bases for smallholder power. Each is also well represented in Southeast Asian literature on smallholders who confront or engage with investors. First, studies on peasant resistance and rural social movements highlight the importance of solidary intra-class ties as well as activist alliances with civil society organizations and other strategic allies within and outside the state (e.g. Caouette and Turner 2009). As Borras and Franco (2013, 1728) conclude for smallholders who resist dispossession and adverse incorporation,

groups that are able to galvanize broad unity within and between affected communities, able to recruit and mobilize influential allies from within their communities and beyond (including international actors), within and outside the state, and able to generate sympathetic media attention are likely to succeed, even if just partially.

emerged as a collective theme when the researchers discussed the results of their 2012–2013 fieldwork, leading to the framework presented here.

Second, studies on rural clientelist politics and other forms of rural political entrepreneurship highlight the tactical personalized relations that smallholders try to develop with politicians and other state officials in order to obtain and defend access to land, credit, subsidies and other crucial resources, as well as protection against adverse state policies (e.g. Scott 1972; Walker 2012; cf. Blok 1973). Third, literature on smallholders' contract negotiations and relative 'market power' highlight the potential for economic leverage of smallholders in relation to investors. This is discussed in literature on contract farmers (e.g. Barney 2004; Key and Runsten 1999; White 1997)⁴ and in literature on land-deal contract negotiations (Cotula 2009).

Taken together, this varied literature highlights key social relationships through which smallholder bargaining power may be produced, enhanced or constrained. We will pay specific attention to the following relationships: (1) relations of interdependency with investors within which smallholders may have leverage; (2) 'horizontal' relations of shared interests and identity which are essential for collective action and power in numbers; (3) tactical relations with state officials; (4) relations with specialists in violence; and (5) relations with supra-local civil society groups. This set of relationships covers different sources of bargaining power, namely the power that smallholders may develop *within* their relation with investors as a function of the investors' relative dependence on them (relation 1), the power they may develop through solidary ties with *other* smallholders (relation 2), and the power they may develop by accessing power resources through relations with *third parties* (relations 3, 4 and 5). Together, these relations form highly variable power constellations.

A relational reading of the seminal book *Powers of exclusion: land dilemmas in South-east Asia* suggests that these relations may feed into the 'counter-exclusionary powers' that smallholders seek to mobilize in land contestations (Hall, Hirsch, and Li 2011). The authors discuss how smallholders may try to counter the 'powers of exclusion' of investors, the state and fellow smallholders by deploying such powers themselves through 'counter-exclusionary' actions – and how they need to access, forge and utilize key contacts and networks in order to do so. For instance, to access 'regulatory power' (the power to define and influence the 'rules – formal and informal – that govern access and exclusion'), smallholders often need tactical alliances with state officials and civil society groups (Hall, Hirsch, and Li 2011, 15, 181). To make effective use of 'force', smallholders need cooperative ties with their peers to organize road blockades, land occupations, and other forms of pressure politics, including the threat and use of violence (Hall, Hirsch, and Li 2011, 17). Smallholders may gain access to 'legitimizing power' through ties of shared identity (informing local mobilizations 'in terms of ethnicity, culture or attachment to a place') and through ties with supra-local allies who can tap into legitimizing discourses that appeal 'to national and transnational constituencies' (Hall, Hirsch, and Li 2011, 171, 185).

Our key relationships, then, are instrumental for smallholders to access power resources that can strengthen their bargaining position in land deals. Following literature on the topic (Cotula 2009; McCarthy 2010; Ribot and Peluso 2003; Vermeulen and Cotula 2010) we can summarize such power resources as follows: (1) access to power in numbers through solidary ties with fellow smallholders which can be mobilized vis-à-vis investors and authorities to lend weight to their demands; (2) access to a discourse and a collective identity that lends legitimacy and credibility to their demands; (3) access to the influence of

⁴We thank Marvin Montefrio for pointing out this literature to us.

authorities who have the power to provide and enforce land rights of smallholders, influence land policies, mediate in conflicts over land deals, and facilitate inclusion in the land investment if so desired (as lessees or contract farmers); this point is connected to access to land rights (state-sanctioned, customary or informal) and the capacity to claim enforcement of these rights; (4) access to strategic knowledge and negotiating skills, for instance the ‘awareness of available rights’, the ‘know-how to navigate legal institutions and procedures (from land registration to court litigation)’ and ‘the confidence, resources, information and social relations to use rights and procedures in practice’, all of which may improve the capacity of smallholders to claim and defend state-sanctioned land rights (Cotula 2009, 290); (5) access to effective means and repertoires of protest and bargaining; and (6) access to the means of violence, or access to people who can effectively wield these methods, as a means to put pressure on investors and state authorities (Ribot and Peluso 2003, 164). [Table 1](#) maps these power resources onto the relationships that are in focus here.

A crucial precondition for smallholders to access such power resources is the freedom to forge tactical relationships and alliances independent of company and state control. For smallholders such maneuvering space is often limited from the onset. It tends to be further constrained by land-deal processes. The pattern is well known: investors and their state allies forge strategic networks through local brokers from the national to the village level, which envelop key authorities whose support they need. Once established, such networks form a crucial power resource for investors – Savitri (2014) speaks of ‘brokerage power’ – and an important constraint to smallholder bargaining power. An extreme form of investor-based network control is the ‘monopoly form’ of social relations surrounding land (Li 2014a). Li shows how, in Kalimantan, oil palm companies strive to control major social networks of smallholders and workers in the communities of operation by gaining control over their land and labor, capturing local authorities and police, keeping activists out, promoting disunity in the community, and making sure that villagers depend on company personnel for redress of their grievances. Locals, including state officials, are left without capacity to address villagers’ complaints since their superiors, including the army and police chiefs, are ‘in bed with the corporations’ (Li 2014a, 6). Both Li (2014a) and Savitri (2014) remind us to relate the dynamics of power in land-deal processes to the type of network control, and to consider whether smallholders have opportunities to forge effective counter-networks.

In the following pages we take a closer look at each of the five relationships that are central to this study. [Table 2](#) provides an overview of our research cases that illustrate these relationships, providing essential background information.

Relations of interdependency vis-à-vis investors: potential basis for smallholder leverage

We start with a discussion of bargaining power as a product of interdependencies between smallholders and investors. Smallholders may have certain points of leverage in their relations with investors which may pressure investors to take the interests of smallholders (at least somewhat) into account. These points of leverage are essentially ‘weak spots’ of investors in relation to smallholders – that is, points at which investors depend on smallholders in certain ways, or are vulnerable to the actions of smallholders and their allies. Overall, large-scale land deals may be ‘risky business’ for investors (Li 2015) and risk translates into vulnerabilities. Following the ‘dependence approach’ to bargaining power, ‘the bargaining power of a party ... is based on the dependence of others on that party’

Table 1. Social relations as potential sources of smallholder bargaining power vis-à-vis investors.

Source of bargaining power	Type of relationships of smallholders	Offering <i>potential</i> access to the following power resources	Powers to prevent exclusion and/or press for better terms of inclusion (based primarily on Hall, Hirsch, and Li 2011)
Leverage <i>within</i> smallholder-investor relations	1. Relations of interdependency vis-à-vis investors	<ul style="list-style-type: none"> • Leverage of smallholders vis-à-vis the investor, based on investor vulnerabilities 	<ul style="list-style-type: none"> • Leverage
Solidary ties with <i>other smallholders</i>	2. 'Horizontal' relationships	<ul style="list-style-type: none"> • Power in numbers, for collective action • Basis of shared interests and identity, legitimizing collective claims • Access to knowledge, skills, discourses and repertoires of protest through fellow smallholders • Organization in cooperatives and associations 	<ul style="list-style-type: none"> • Power of legitimation • Effective repertoire of contention and negotiation • Market power
Relationships with <i>third parties</i> that provide access to power resources	3. Tactical relations with state officials	<ul style="list-style-type: none"> • Access to the influence of authorities who have the <i>potential</i> to help provide and enforce land rights of smallholders, influence land policies, mediate in conflicts over land deals, protect specific smallholders from adverse state policies and illegal investor actions, and facilitate inclusion in the land investment if smallholders so desire 	<ul style="list-style-type: none"> • Power of regulation: power to enforce and influence state regulation (selectively or not)
	4. Tactical relations with specialists in violence	<ul style="list-style-type: none"> • (The threat of) violence to put pressure on investors and state officials 	<ul style="list-style-type: none"> • Force
	5. Relations with supra-local civil society groups	<ul style="list-style-type: none"> • Knowledge, negotiating skills and legitimizing discourses • Effective means and repertoires of protest and negotiation • Further alliances with (trans)national civil society organizations, media, politicians and the like 	<ul style="list-style-type: none"> • Power of regulation: power to enforce and influence state regulation • Power of legitimation

Table 2. Cases discussed, by type of relationships highlighted.

Type of smallholder relationship highlighted	Cases discussed	Type of investment	Type of smallholders' reactions to investor plans	NGOs involved
1. Relations of interdependency vis-à-vis investors (potential basis for smallholder leverage)	San Mariano, Isabela, the Philippines	Sugarcane plantation investment (by Filipino-owned Ecofuel) for a bioethanol plant (Japanese–Taiwanese–Filipino joint venture Green Future Innovation). Total of 11,000 ha including 1100 ha in San Mariano.	For incorporation: predominantly leasing out their land to the investor, some engaging in contract farming.	No substantial presence in research villages; elsewhere: militant peasant organization and local networks of the Communist Party of the Philippines and its New People's Army.
	Manis Mata, Ketapang, West Kalimantan, Indonesia	Oil palm plantation. Latest owner: Cargill Tropical Palm Holdings (CTP Holding, subsidiary of American multinational Cargill), some 60,000 ha.	Against adverse incorporation: capitalizing on reputational risk.	Indonesia-based WALHI (Indonesian Forum for the Environment) and UK-based Down to Earth
2. 'Horizontal' relations	Zanegi Village, Merauke, Papua, Indonesia	Industrial timber plantation by Indonesian/Korean Medco-LG International's subsidiary PT Selaras Inti Semesta. Forest concession of 169,000 ha.	Acquiescence and struggle against adverse incorporation. Divided indigenous communities.	No substantial presence
	Makaling Village, Merauke, Papua, Indonesia	Planned cassava plantation by South Korean investor.	Against the land deal. Strength through united indigenous communities.	NGO Secretariat for Justice and Peace of the Merauke Diocese
3. Tactical relations with state officials and politicians	Gayo Highlands, Aceh, Indonesia (post-conflict region)	State-financed sugarcane expansion program, led by a local politician/entrepreneur. Initial nursery project on 50 ha.	For incorporation in the land deal and for (re)negotiating the terms of incorporation, through clientelist ties.	No substantial presence
4. Tactical relations with specialists in violence	Paser, East Kalimantan, Indonesia	Coal mine concession, Korean investor Kideco.	Against the land deal. Enlisting the help of a militia group.	No substantial presence
5. Relations with supra-local advocacy groups	Several cases above	See above	See above	See above

(Bacharach and Lawler 1986, 167). Dependency creates the need to take the other party's interests into account.

Main points of leverage of smallholders vis-à-vis investors may include the following: (1) 'reputational risk' for the investor: 'where reputational damage readily translates into financial losses, the investor may be under greater pressure not to act in a way that may undermine the earning power of its brand'; (2) 'location dependency' of the investor: 'i.e. the need for the investor to access a specific location' because the desired resources are located there (Cotula 2009, 78); together with (3) 'limited asset mobility' (i.e. the difficulty for the investor to 'demobilize assets and move activities elsewhere'); this increases (4) 'vulnerability to local population activities' such as sabotage and pilferage which increase the costs to the investor; (5) moreover, where a (foreign) company loses the support of leaders and officials of the host state, its overall position is weakened; for example, a foreign investor may become a 'hostage' to the host state 'once the bulk of the investor's capital injection has taken place', or it may lose out against domestic entrepreneurs who are affiliated to national politicians or senior civil servants (Cotula 2009, 71, 78–79, 304–05); (6) smallholders with access to economic resources outside of the investor's control (capital, technology, labor and markets) may have 'viable economic alternatives' and therefore a basis of independence and bargaining power in relation to investors (Vermeulen and Cotula 2010); smallholders with little access to these resources stand much weaker in the negotiation process; (7) lastly, with the proliferation of land acquisitions in a certain region, an 'increasing scarcity of available land, competition between investors, and the learning process of actors at different policy levels' may put more pressure on investors to gain the consent and cooperation of local smallholders (Messerli et al. 2015, 163–64).

Based on these points, we present two contrasting configurations: one extremely negative for smallholder leverage vis-à-vis investors (highlighting constraints) and the other more positive (highlighting opportunities). These are presented in the form of hypothetical configurations based on the literature, illustrated by two cases from our research.

An extremely *negative configuration for smallholder leverage* would include many of the following elements: The land is state land (or the state can overrule smallholder land rights). The investor does not require the permission of local landholders to acquire the land. The investor is a domestic investor, crony to authoritarian state leaders, and hence less vulnerable to reputational risk. The investor has excellent relations with state leaders, local state officials, and local police and army forces, which limits the investor's vulnerability to local acts of resistance, including pilferage and sabotage, and which, in turn, constrains smallholders' opportunities to organize and mobilize. The political regime is an authoritarian pro-investor regime that represses smallholder mobilization and precludes any smallholder alliance-work with national and international advocacy groups. The investor needs the land but not the labor, which may lead to the expulsion of smallholders. The investment is in perennial tree crops like oil palm or acacia, which necessitates a long-term lease or purchase of the land, effectively barring smallholders from periodic renegotiations. The investor needs to invest relatively little in processing plants and infrastructure, and does not depend on one specific location; the investor can easily move elsewhere in the case that local smallholders become 'too demanding'.

In reality, the conjuncture of such aspects may vary considerably. Moreover, each change in variables will also change the potential leverage of smallholders, as we can see in the following case.

Case 1. Constraints to smallholder leverage: changes through time in an oil palm plantation in Ketapang, West Kalimantan (Indonesia)⁵

The negative configuration sketched above has similarities to the actual configuration in which indigenous smallholders were enmeshed in Manis Mata, Ketapang (West Kalimantan) after an Indonesian company (PT-HSL) gained a state permit to start an oil palm plantation in 1993 on logged-over land. The land was officially state ‘forest land’ but it was also claimed by indigenous populations. Indigenous Dayak communities were virtually powerless in relation to this company, which was owned by a crony of then-President Suharto. The company was assured support by Suharto’s authoritarian New Order regime and its local state officials, and it worked closely with the district head of Ketapang. The company ignored the indigenous communities’ land claims, failed to remunerate them properly, and violently ejected indigenous smallholders with the help of police and militia when they refused to move. Jobs on the plantation frequently went to Javanese transmigrants whom the company invited to settle. ‘Reputational risk’ was a non-issue for domestic investors during Suharto’s reign, and the presence of civil society groups was almost nil because of repression. Community opposition was strong, but government officials, police and militia severely limited opportunities for protest and bargaining.

However, changes in at least two key variables in this configuration increased smallholder leverage. By 2013 (the period of the fieldwork visit) the plantation owner was a subsidiary of American-owned Cargill, one of the most powerful agro-industrial conglomerates worldwide, but exposed to global media attention and potential reputation damage vis-à-vis shareholders, consumers, and the wider public. Moreover, regime democratization with Suharto’s ouster in 1998 had opened up political space for local mobilization, and national and international alliance-building.

As these changes converged, local indigenous groups mobilized and capitalized on the company’s reputational risk with the help of (supra)national non-governmental organizations (NGOs). Initial evidence of their increased leverage was the pull-out of an earlier western investor which then sold the plantation project to Cargill in 2005. This investor, the British-owned Commonwealth Development Corporation (CDC), was a British government body at the time, exposed to a highly critical British NGO sector. After gaining a majority stake in the project in 1999, CDC was faced with increasingly assertive local protests and (inter)national NGO actions⁶ against the plantation’s earlier destruction of indigenous communities’ livelihoods and for the recognition of customary land rights. The company’s concession to local communities in the form of a cooperative scheme was ill conceived and implemented, and did not address the land issue. Pressure from the British public finally compelled CDC to pull out of the project.

The new owner, Cargill’s subsidiary Cargill Tropical Palm Holdings (CTP Holdings), sought to counter reputational damage abroad and disruptive protests on the ground by emphasizing its corporate social responsibility (CSR) program and by supporting RSPO certification in the palm oil sector.⁷ Increased leverage of local communities was apparent

⁵Based on field research by Tania Salerno. For insight into the power dynamics in the global network of investor Cargill, see Salerno (2016).

⁶In particular by Indonesia-based WALHI (Indonesian Forum for the Environment) and UK-based Down to Earth.

⁷The Roundtable on Sustainable Palm Oil (RSPO) certification may appeal, in turn, to large customers of Cargill such as McDonald’s, which presents its ‘commitment to sustainable palm oil’ on its website.

in the company's concessions to them: construction of schools, hospitals and roads; the provision of jobs for indigenous (former) smallholders; and the installation of 'community relations officials' tasked to respond to local grievances and deflect tensions before these escalated. However, this local leverage remained clearly constrained by Cargill's overwhelming economic and political power in the region and its tight cooperation with local and regional state officials. The major local demands of land restitution and indigenous land rights have remained largely unaddressed. Moreover, whether community members could actually avail of CSR services and have their voices heard depended on their specific relation with the company and its key employees: some gained access; others were marginalized.

This case shows how changes in a few key variables (investor nationality and political regime) could change the local power configuration from one that left investors virtually invulnerable to smallholder pressure, to one that offered smallholders some opportunities to capitalize on increased investor vulnerabilities. The case also suggests that smallholders may have the least bargaining power vis-à-vis an investor when the investor does not depend on them (e.g. for their consent). In the latter case, however, investors themselves may depend heavily on state support to overrule local land rights and local protests. Kenney-Lazar (2015) noted for Laos that investors that are 'embedded' in the state by means of 'corruption at all levels' can use state power to dispossess peasants and enforce long-term leases on state land. Investors that are not so well-positioned 'are required to engage with villagers on their own terms' and to negotiate lease, purchase or contract farming arrangements with them (Kenney-Lazar 2015, 16, 17; cf. Messerli et al. 2015). In other words, whether investors can *enforce* or must *negotiate* their investment with smallholders may depend considerably on the investors' relations with the state.

A potentially more *positive configuration for smallholder leverage* may include the following elements: The land is held privately by smallholders on the basis of official title, customary claims or informal claims recognized by the investor and the state. The investor lacks support from the state (including its police forces) and hence depends fully on the permission of smallholders to acquire their land; or the investor has lost state support through power shifts at the top level or lower levels. State officials will not easily overrule customary and informal land claims because of countervailing forces (political patronage networks, militant peasant organizations). The investor is a well-known western company vulnerable to reputational risk (considering that consumer activism is most militant in the western world). The investor needs the smallholders' land *and* labor. The investment is in non-perennial crops which do not require a long-term lease or land purchase; short-term leases allow smallholders to terminate or renegotiate the terms of the contract with each renewal at short intervals (e.g. three years). The company invests heavily in processing plants and infrastructure, and depends on agricultural supply from its investment area to keep the plants running. Such 'location dependency' and 'limited asset mobility' (Cotula 2009) make the company vulnerable to popular discontent, resistance and disruptive actions in the investment areas. Moreover, local smallholders have 'viable economic alternatives' (Vermeulen and Cotula 2010) and can choose whether to offer their land and labor to the investor. Finally, smallholders experience the investment late in the land-deal boom: they are better informed, sit on scarcer land and hence face more competitors for their land than their predecessors did (Messerli et al. 2015). Our next case illustrates elements of this more 'positive' configuration.

Case 2. Opportunities for smallholder leverage: the bioethanol investment in San Mariano (the Philippines)⁸

A Philippine–Japanese–Taiwanese joint-venture firm was pressured to pursue a policy of attraction vis-à-vis smallholders when it built a large bioethanol plant in San Mariano, Isabela province (operational by 2012), in an area dominated by small-scale rice and corn growers. The domestic company it enlisted for the land acquisitions went on a land-lease scramble among local smallholders to be assured of sufficient sugarcane supply. Needing both land and labor, this company primarily depended on willing smallholders who occupied a large part of the targeted agricultural land and who held formal and informal land rights.

The ‘weak spot’ of the company was its initial dependence on the consent of smallholders to lease their land to the company. The leverage of local smallholders in this initial phase of land acquisitions was reflected in the following: Smallholders could individually choose to lease out their land or not. The company acknowledged informal ownership claims, which village officials ‘certified’ to facilitate the land leases. The company leased virtually all land offered after only cursory assessment by company technicians, and it accepted non-contiguous plots of land; this allowed smallholders to lease out relatively unproductive lots and keep their more productive land for rice and corn cultivation. The lease contract for sugarcane cultivation (a non-perennial crop) was for three years and renewable afterwards, potentially allowing smallholders regular contract renegotiations. The company paid the full three-year leases in advance, a substantial cash sum for cash-poor peasants. The company also offered employment in the cane fields to lessor households, but only a minority was interested.

Smallholders were certainly constrained in their decisions to lease out their land, considering poor returns from rice and corn farming (given unfavorable policy and market conditions), pro-investment pressure by members of the local political and economic elite, and a lack of NGO support during the company’s acquisition drive. However, few smallholder-lessors interviewed in 2012 voiced complaints about the terms of their inclusion in the bioethanol project, and most retained a measure of autonomy from the company.

The countervailing power of a local militant peasant organization and local networks of the underground Communist Party of the Philippines–New People’s Army provided additional leverage to smallholders within the context of a democratic political regime. Though the Philippine (co)investors belonged to regional agribusiness elites and were well-connected to state officials, the disruptive actions of the activists and guerrilla fighters further pressured the company to take smallholder interests into account. The company heeded accusations of ‘land grabbing’ and contract violation, tried to avoid any contestation over land leases, and rolled back the lease of land with contested ownership. Moreover, mere mention of the militant peasant organization provided smallholders a convenient leverage tool vis-à-vis the company, for example to call attention to abuses by company personnel. Reputational risk was an issue for the Japanese, Taiwanese and Philippine investors, in particular as an NGO-led international fact-finding mission led to questions in the Philippine Congress and negative media coverage.

However limited the leverage of San Mariano smallholders may have been in relation to the company, an implicit comparison of their case with ‘negative’ and ‘positive’ configurations may highlight the type of constraints and opportunities they faced. Such comparison

⁸Based on field research by Maria Lisa Alano.

may explain why smallholders of San Mariano were largely spared the investor-instigated or state-instigated violence and dispossession for which large-scale land deals are so often notorious.⁹

A final point in our discussion of smallholder leverage concerns the potential *market power* of smallholders (Key and Runsten 1999) – that is, the potential bargaining power of smallholders vis-à-vis companies, marked by the extent of their economic interdependency. According to the literature, smallholders *may* have some market power in relation to investors under the following conducive conditions (these partly overlap with points mentioned above): when smallholders' farm lots and crops are in high demand but in limited supply; when several companies compete for access, often through local brokers who add a layer of competitive negotiations with smallholders; when smallholders are in a position to accept or refuse, in particular when their households dispose of various sources of income; when smallholders are well organized, negotiate contract terms collectively, and thus manage to 'monopolize product supply', e.g. through a cooperative (Key and Runsten 1999, 390); and when smallholders own the land and other means of production (Barney 2004; Key and Runsten 1999; Rigg and Nattapoolwat 2001).

Such conducive conditions for smallholder market power are, however, unevenly spread among smallholders (applying more to wealthier, more commercialized, more centrally located smallholders), highly unstable (depending on market demand) and highly dependent on specific configurations (political space for smallholder organization and for the proliferation of competing entrepreneurs) (e.g. White 1997).

'Horizontal' relations as a basis for smallholder bargaining units, recognition, and power in numbers

We use the term 'horizontal relations' to refer to relations *among* smallholders (including smallholders of unequal wealth, status and power) in contrast to 'vertical alliances' of smallholders with state officials and members of elites. This section discusses the potential of horizontal relations for smallholder power and explores opportunities and constraints for smallholders to realize this potential.

Alliances among smallholders within and beyond their communities are fundamental to achieve 'power in numbers' (cf. Agarwal 2015), a crucial source of bargaining power since investors often target the land of whole communities and negotiate with local landholders at village level. Power in numbers is important in local collective actions (e.g. demonstrations and blockades), in negotiations and the formation of cooperatives, and in everyday forms of resistance such as widespread but incremental encroachments by smallholders on newly enclosed 'state land' (Taotawin and Taotawin 2015) and widespread misinformation of investors by smallholders, to the latter's advantage (Semedi and Bakker 2014).

Case studies suggest that 'rooted networks' (Rocheleau and Roth 2007), rooted in place, land and territory, stand out as important potential bases for smallholder mobilization and the forging of effective bargaining units in land deals – despite great constraints and vulnerabilities, as we will see below. Of particular relevance are pre-existing rooted networks among landholding members of indigenous communities, members of old-time settler families and members of villages with some form of customary or communal land

⁹See e.g. the massive dispossession of smallholders in the sugarcane plantation investment in Kampong Speu province, Cambodia (Borras and Franco 2011).

governance. These networks are often grounded in kin-based land claims and forms of land governance, and in shared identities linked to the land. Such networks may provide smallholders with a local *institutional basis* for mobilization, collective action, legitimation, negotiation and contestation vis-à-vis outsiders, and even a basis for recognition by the state and investors as a legitimate bargaining unit (e.g. Brosius 1997; Haller, Acciaioli, and Rist 2016; Knudsen 2012; Warren 2005). Often essential in triggering smallholders to unite and act through these networks is a shared perception of a sudden collective threat to common interests (cf. Borras and Franco 2013, 1733).

Moreover, recognition of smallholders by authorities and potential allies as a legitimate party in negotiations requires a certain show of unity, worthiness, numbers and commitment (cf. McAdam, Tilly, and Tarrow 2001, 148). Here, too, rooted networks have an important potential. In land-deal contestations and negotiations in Southeast Asia, it is primarily identity ‘in terms of ethnicity, culture or attachment to a place’ that is ‘prominent as the grounds on which groups mobilize to contest exclusions and assert claims’ (Hall, Hirsch, and Li 2011, 171).

However, recent land-deal studies (and classic peasant studies) show how difficult it can be for smallholders to forge solidary ties among themselves for community-wide collective action and beyond. Class differentiation and cross-cutting identities based on gender, generation, ethnicity and (non-)migrant status produce different interests (Borras and Franco 2013). Patron–client ties and village factionalism may further cross-cut class alignments (e.g. Alavi 1988; Kerkvliet 2009; Wolf 1966) as do sub-class distinctions based on the degree of land control and engagement in wage labor and farm and non-farm occupations (cf. Bernstein 2010; Borras and Franco 2013, 1743). The land-deal process itself may further differentiate smallholder populations when smallholders engage with investors in varied ways (Borras and Franco 2013, 1728). In communities confronted with land deals, conflicts between smallholders (a type of ‘poor-on-poor conflicts’) are therefore common (Hall et al. 2015, 471).

The potential of rooted networks, then, is seldom realized. As the land-deals literature shows, such networks are extremely vulnerable to fragmentation, elite capture or co-optation. Indigenous people, customary landholders and old-time settler families are often the most vulnerable landholders in land deals, and cases are rife of their displacement or adverse incorporation by state-supported investors or new migrant settlers. Second, smallholders faced with land encroachers may not recast their horizontal networks into bargaining networks at all – for instance, when they initially do not consider the encroachers a threat (e.g. Li 2014b). Third, cross-community bargaining networks may be hard to forge when smallholders’ ties of shared interests and identity are limited to their own community and ‘place’ or to a sub-network within it (e.g. Brosius 1997). Moreover, smallholders may fail to reframe rooted networks into politically salient bargaining networks, in particular when they are unable to tap into a convincing discourse of collective identity that resonates with fellow smallholders and potential allies. Thus, the creation of a collective ‘indigenous’ identity and concomitant mobilization and alliance structure ‘has to be regarded as an accomplishment, a contingent outcome of the cultural and political work of articulation’ made possible in certain social conjunctures, as Li argued for Indonesia (2000, 163).

The following two cases delve deeper into the potential of indigenous networks as collective bargaining units. Compared to other types of rooted networks, indigenous networks appear, at first sight, particularly conducive to collective action: tribal structures may stress collective (clan) rights to land, collective influence in decision making, strong bonds of kinship, and a system of tribal leadership intended to represent the collective will, further

strengthened by an ideology of indigeneity that stresses collective rootedness in the land. These conditions were present among the Marind-Anim in Merauke, Papua (Indonesia), the focus of our two cases. Moreover, at the time of the (planned) large-scale investments in the research area, the local Marind-Anim were primarily hunters, gatherers and sago farmers with little structural economic inequality among them, and their customary land-use rights were recognized by the state. Despite this promising potential, however, our first case below illustrates how such potential may be undermined. In the second case, the potential was briefly realized within a power configuration that was temporarily conducive.

Case 3. Zanegi village, Papua (Indonesia): fragmented indigenous networks and adverse incorporation¹⁰

In Zanegi, the investor Medco-LG International and pro-investment state officials succeeded in weakening relations of clan solidarity and tribal authority structures among the local Marind-Anim population by developing a network of pro-investment supporters within the village. In 2009, the Indonesian-Korean joint venture through its subsidiary PT Selaras Inti Semesta gained a forest concession for 169,000 hectares in Zanegi for an industrial timber plantation, plus the right to first log over the land. The company then needed to convince clan leaders and tribal leaders to release the land to them for a substantial period of time.

The company used brokers – (former) government officials and mixed-blood urbanized Marind-Anim – to negotiate with the clans. These brokers often opened one-on-one negotiations with the heads of clans to avoid the process of customary meetings, treating clan leaders to trips to the city and using other forms of persuasion. The brokers strategically linked up to the customs, language and ideology of indigeneity while pushing the agenda of the investors, promising ‘modernity’ and development. In return for their land, the company promised the villagers it would provide employment, teachers, a church building, electricity and free transportation to the city. By subsequently giving ‘gifts’ to clans in the form of cash and some facilities (e.g. electric generators, a road, and employment as daily wage workers) the company created ‘ritual bonds’ with the clans. The parties entered into a memorandum of understanding which stipulated that the clan landholders would be paid per cubic meter of timber, that their sago gardens and sacred places would be protected, and that all villagers were guaranteed employment. Most of these promises remained unfulfilled in the following years while the company was logging the forest. Collective protests by Marind-Anim were answered with threats to cut off access to the few ‘gifts’ provided and to renege on promises as yet unfulfilled.

In short, the potential for assertive negotiation and collective action by Marind-Anim on the basis of solidary networks was severely undermined by the counter-networks forged by the company. The community became more differentiated as Marind-Anim formed new, competing interest groups and factions. The pro-investment network, created through a system of rewards and sanctions, included village and clan leaders. The community divided over the question whether to cede land to the company and, if so, on what terms. The heads of clans were singled out by the company for negotiations and, contrary to custom, other clan members had little influence. The resulting insecurity caused young, educated Marind-Anim to feel ambivalent about the deal and to worry about their land

¹⁰Based on field research by Laksmi A. Savitri.

access in the future. Furthermore, since customary landholdings were not yet mapped, clans started to clash among themselves over rights and boundaries as the company offered payment for the use rights to the land (by paying for the timber).

All of this weakened the villagers' bargaining position in the land-deal negotiations, further exacerbated by their lack of access to (other) strategic resources. Access to authorities who would defend their cause dwindled as many local state officials (mostly Marind-Anim themselves) supported the company, whereas villagers' access to advocacy networks was weak. This position, in turn, limited villagers' access to strategic knowledge, in particular on the potential effects of the investments and on what they could bargain for, as well as access to the technical and legal knowledge needed to negotiate effectively with the company.

Case 4. Makaling village, Papua (Indonesia): strong indigenous networks, collective rejection of a land deal¹¹

In 2012, village leaders of Makaling, a village located along the coastline of the Okaba sub-district of Merauke, rejected a South Korean investment plan for a large cassava plantation on their lands. The Makaling village leaders (the village head, cult leaders, and elders) subsequently mobilized the leaders of all coastal villages of Okaba (who had all been approached by the investor) to jointly decide on the investment proposal. At a convention of 14 villages, all representatives publicly vowed that they would not give their land away but reserve it for the next generations. The company then shelved its plans for the area.

A number of factors can explain the relative strength of the 'rooted networks' in this case. First, community members had actively maintained and expanded these indigenous networks within and across villages throughout the last few decades. Second, the village leaders maintained a strong indigenous identity and pride rooted in the land, which provided a discourse that legitimized rejection of the land deal. Third, the joint convention and joint decision of 14 villages expressed a power in numbers which signaled to investors, state officials and NGOs that this was a united and organized population. Fourth, their united stand gained the villagers support from the sub-district head of Okaba, who (in contrast to most local politicians) opposed large-scale land investments in the area and refused to sign any land transfer agreements during the 1.5 years he was in office. His support facilitated the villagers' rejection of the land deal and helped consolidate strong solidary ties between the leaders of the different villages. Further boosting the villagers' collective resolve to reject the investment was an advocacy network of the Catholic Church¹² that organized information campaigns in the area on the devastating impact of investments on Marind-Anim villagers elsewhere in Merauke. Finally, different from inland villagers with a vast forested habitat, villagers of Makaling subsisted on a relatively narrow coastal strip of land and hence perceived the planned land deal as an immediate threat to their collective livelihood.

These two village cases suggest both opportunities and constraints for 'rooted' horizontal networks to function as bargaining units for smallholders and a basis for power in numbers. These networks may carry substantial legitimacy and authority in local land governance as networks rooted in place, land and territory (with kinship and indigeneity

¹¹Based on field research by Laksmi A. Savitri.

¹²Particularly the NGO *Secretariat for Justice and Peace* of the Merauke Diocese.

functioning as social bonds). But these powers of legitimation and regulation (cf. Hall, Hirsch, and Li 2011) may be easily undermined when investments produce diverging interests between network leaders and members and among members themselves, and as investors successfully gain ‘network control’.

Such horizontal networks are vulnerable, then, and constantly under threat. Indeed, the network of villages in Okaba district that had made the rejection vow (case 4) is currently unraveling as companies are continuously pushing for access to land. Several villages near Makaling have recently accepted offers by another company, either through intensive CSR work or state coercion. The villagers’ government ally, the sub-district head, has been replaced by a pro-investment official who quickly signed a land-lease agreement between a large Indonesian conglomerate and a neighboring village of Makaling. By 2014, this conglomerate had gained influence over Makaling’s new village head and other members of the village elite, for example through financial donations and hotel stays for a Christmas celebration with the new district head. At present, the pro-investment broker in Makaling, the head schoolmaster, is seeking ways to undermine the community’s vow to reject investments. Makaling’s village leaders are no longer united in their rejection stand.

Tactical relations with (and leverage vis-à-vis) state officials

In Southeast Asian land deals, smallholders are generally faced with state officials who, spurred by neo-liberal government policies, cater to the needs of investors (Borras and Franco 2011). But seemingly solid coalitions between investors and state officials may in reality show cracks and openings that smallholders may use to forge alliances with officials willing to consider their interests. Competition between officials from different agencies and at different levels of the state bureaucracy may ‘create the political space or opportunity for resistance’ and produce sympathetic allies for smallholders (Hall et al. 2015, 476, 475).

For instance, state agencies mandated to implement pro-smallholder programs (like agrarian reform) that are under-staffed, under-funded, and overruled by state agencies supporting large-scale investors may contain officials who welcome alliances with organized and assertive smallholders to increase the agencies’ clout and resources (e.g. Borras 1999). Fluid political coalitions and shifting power configurations may offer further opportunities for alliances.

Access to state officials, then, may form a *potential* power resource for smallholders – in particular concerning officials with the authority to provide and enforce land rights, influence land policies, mediate in conflicts over land deals and the terms of inclusion, and facilitate inclusion in the land investment if smallholders so desire (as lessees or contract farmers). To mobilize such state authority on their behalf, smallholders may stage collective protests and simultaneously seek allies within the state apparatus, or they may try to work ‘*through* rather than *against* the legal and bureaucratic mechanisms of the state’, as Kenney-Lazar (2015, 2, emphasis in the original) noted for Laos. Case studies suggest that actors who ‘work closely with the state sometimes have more influence over land deals’ than those who operate ‘outside’ (Hall et al. 2015, 477). Smallholders may also cultivate clientelist ties with political patrons to seek inclusion in state-supported land investments.

Whether state officials actually respond to the demands of smallholders who try to forge tactical relations with them depends, we argue, on the *leverage* that smallholders have vis-à-vis these officials. Smallholders may form vote banks for politicians and pillars of rural

support for governments, in particular when smallholders are numerous and organized, as in patronage networks, cooperatives, farmers' associations, clan associations or large informal family groups. As such, they may have clout to make demands on politicians and state officials or to solicit favorable action. Opportunities are influenced by the type of land regime (e.g. governments favoring smallholdings or plantations) and political regime (e.g. decentralized electoral democracy or centralized authoritarian rule) (see also Steur and Das 2009).

We illustrate our argument by discussing smallholders in Aceh who strove for incorporation in an agribusiness project through clientelist ties. We go on to discuss some conditions that may favor smallholder leverage vis-à-vis state officials in large-scale land deals.

*Case 5. Striving for access and incorporation through clientelist ties, Aceh (Indonesia)*¹³

In the Gayo Highlands of post-conflict Aceh, smallholders have extremely tenuous access to land. Years of fighting between forces of the Free Aceh Movement (GAM) and pro-government militias (anti-GAM) have forced many smallholders to flee the area and sell their land, with conflict refugees from elsewhere taking their place.

Ties with political patrons are one channel through which these villagers, old and new, try to gain and maintain access to land. Local former leaders of both GAM and pro-government militias have turned into major local patrons. They have entered electoral politics and are using agribusiness expansion programs as key sources of patronage vis-à-vis local smallholders, attracting private and state capital to develop large-scale sugarcane, oil palm, coffee and other enterprises in order to tighten their control over people, territories and resources.

One such patron was Tagore, an anti-GAM militia leader (and former civil servant) who was elected district head of Bener Meriah after the peace agreement of 2005. Tagore established himself as a patron controlling land, labor and state investment funds. Anticipating large-scale investments in the local sugar industry, he used state funds for a sugarcane nursery project on 50 hectares of his own land. As he started to recruit contract farmers for the nursery project in 2011–2012, smallholders in the area sought to be included.

Smallholders with leverage enough to get *included* were those already involved in ties of interdependency with Tagore. They were primarily conflict refugees from elsewhere and post-conflict in-migrants whom Tagore had settled in the resettlement hamlet of 'Blang Bintang'¹⁴ using government funds. Political-ethnic affiliations including anti-GAM Gayonese, Javanese or mixed ethnic origins further cemented these ties. Tagore's ambition for re-election apparently gave these settlers leverage in their relations with him. His patronage rhetoric was laid on thick towards those included in the nursery project. Recipients were frequently told that even their parents never gave them this kind of assistance.

Smallholders *excluded* from access to contract-farmer status were those beyond Tagore's clientelist network. They were primarily former smallholders of Blang Bintang hamlet who had fled the hamlet during the periods of violence, were too traumatized or fearful to return, had sold their land to Tagore (and others) at very low prices, and now lived in refuge elsewhere. In terms of political-ethnic affiliations, many were former Acehese non-Gayo villagers who were still, in this pro-government area, suspected of GAM sympathies.

¹³Based on field research by Mohamad Shohibuddin.

¹⁴A pseudonym.

But smallholder leverage can change quickly in clientelist ties as the patron's dependency on his clients shifts. Tagore was most intent on using his smallholder-clients to legitimize and beef up his successful requests for major government funding for his sugarcane projects, which in turn were instrumental in financing his election campaigns. After their patron had cashed in, the contract farmers experienced a messy implementation of the sugarcane nursery project, with diminished funding and insufficient support from Tagore. Dependent on him for land, capital and possibly housing, their room for maneuver was limited. Within the clientelist tie, they were unable to push collectively for inclusion on better terms.¹⁵

What conditions may favor some leverage of smallholders vis-à-vis state officials in cases of large-scale land deals? The following discussion of opportunities also sheds light, implicitly, on constraints. First, states need a modicum of political legitimacy, and mass protests over cases of gross dispossession may pressure state officials to apply 'occasional brakes' on land acquisitions (Borras and Franco 2013, 1729). This, in turn, may signal to dispossessed villagers that the state may finally legitimize their claims, triggering attempts to establish alliances with state officials considered supportive (cf. Schoenberger, *forthcoming*, for a successful case in Cambodia). Where the political legitimacy of the government depends on a land regime in favor of smallholders and other rural poor, state officials may be more inclined to take smallholder interests into account and to preempt (massive) smallholder protests. As Kerkvliet (1998) argued, such is primarily the case in countries where smallholders and (other) rural poor brought the ruling party to power, where they still form a substantial part of the population, and where national independence movements had relied heavily on them – or where smallholder militancy forms a political threat to the government (cf. Walker 2012). However, if governments only take note of massive nationwide protests, smallholders in localized, small-scale protests may still be faced with unresponsive or repressive local officials (e.g. Kerkvliet 2014).

Second, in electoral democracies, smallholders who protest land deals or the terms of their incorporation may have leverage vis-à-vis elected politicians who need to respond to their restive constituencies (cf. Hall et al. 2015, 477). To pressure elected officials to intervene, smallholders often use the 'power to disrupt' investor operations. Thus, when villagers of Zanegi, Papua (case 3) started to protest the unfulfilled promises of investors, the district head opted to secure his political position, mediated in the conflict and initiated a program of village cash disbursements. Such concessions may be just enough for politicians to temporarily appease smallholder constituencies and for smallholders to temporarily suspend further actions. On the other hand, in authoritarian states where governments may grant large land concessions to investors over the heads of local populations, local state officials may have little maneuvering space to respond to legitimate demands by villagers. Smallholders may then try to target national-level politicians. In Laos, for instance, several village populations used their ethnic and kin connections to the vice president to successfully protest massive land dispossessions in state-sponsored plantation projects (Kenney-Lazar 2015, 13–14).

Third, smallholder access to supra-local state officials may be easier where smallholder networks are firmly embedded in wider networks of the state, the market and urban society. A differentiated smallholder population that includes small-scale commercial farmers,

¹⁵As their patron Tagore lost the 2012 local elections, smallholders in Blang Bintang competed among themselves to establish new alliances with new emerging political elites.

educated agrarian youths, smallholding bureaucrats, traders and the like, especially near urban centers, may have better potential of being politically connected than less differentiated smallholder populations in more distant areas. Such network positioning can affect smallholder bargaining power considerably (cf. Hall, Hirsch, and Li 2011, 103).

Fourth, state decentralization seems to cut both ways for smallholders. Leverage vis-à-vis local state officials is crucial for smallholders since these officials may advance, approve, block or stall land deals in their localities, and may mediate on their behalf with investors and higher state officials. Opportunities for such smallholder leverage appear limited at first sight since the local level is, ‘in most agrarian settings’, the level where ‘the political and economic power of dominant classes and groups is most entrenched, while the influence of progressive and radical allies of the rural poor is often most weak’ (Borras and Franco 2012, 54–55). However, local-level officials, often native to the place, will ‘need to reach some kind of accommodation with local people in order to do any governing at all’, (Hall 2013, 57). We can see some opportunities in specific local power configurations. For instance, where decentralization creates frameworks of local governance that offer smallholders official recognition as co-decision makers on local resource use, smallholders have an institutional basis for negotiation (Haller, Acciaoli, and Rist 2016). State decentralization seems to offer particularly favorable opportunities where interest coalitions exist between smallholders, local state officials and local investors. For example, in the Philippine gold-rush province of Compostela Valley, smallholders successfully bargained for advantageous terms of inclusion with local small-scale mining entrepreneurs and local officials. The mutually beneficial arrangements comprised land-use royalties, the formalization of informal land rights, and local taxes, based on overlapping interests and backgrounds. When national state officials granted mining concessions in the area to large-scale corporate investors, many local officials sided with local smallholders to counter these concessions (Verbrugge 2015).

Access to specialists in violence

Access to the police, military, civilian militia groups, private security services and the like is often crucial for investors and their allies to enforce their land claims vis-à-vis smallholders by means of threats and the actual use of violence (Hall, Hirsch, and Li 2011; Li 2014a; Woods 2014; cf. Grajales 2011). In some cases, state military have become landgrabbers themselves (e.g. Hirsch and Scurrah 2015). The inability of smallholders to enlist local police and other state forces to protect their legitimate land claims is a most depressing fact in many land-deal cases.

Obviously, smallholders themselves can use the power of violence without recourse to external specialists, e.g. by burning company equipment, taking company or state officials hostage, and defending road blockades by force.¹⁶ But the ability to enlist specialists in violence may further enhance their bargaining power – unless it results in a repressive backlash. Rural guerrilla forces and local militia groups were instrumental for smallholders in some of our research projects.

Support of local *guerrilla forces* (a periodic resource in the history of peasant resistance in Southeast Asia) may allow smallholders to put pressure on investors through acts of sabotage, arson or other shows of force. In the Philippine case of San Mariano discussed

¹⁶For example, on the use of violent methods of protest by smallholders in oil-palm plantation regions in Indonesia, see Côté and Cliche (2011); Persch-Orth and Mwangi (2016); and Potter (2009).

above, the presence of squads of the Communist Party of the Philippines-New People's Army (CPP-NPA) in the nearby Sierra Madre foothills gave leverage to smallholders as investors sought to prevent land conflicts with locals in order to avoid insurgent reprisals. The presence of a rural guerrilla movement may also pressure governments to make concessions to smallholders to undercut guerrilla popularity. In the Philippines, the Comprehensive Agrarian Reform Program (CARP), a major state-led program of land *redistribution* since the late 1980s, was partly a concession to the peasant-based guerrilla movement CPP-NPA.

Yet guerrilla forces professing support for local rural populations may also exacerbate ongoing land enclosures, as their presence usually attracts government counterinsurgency forces that delineate large areas as no-go zones (e.g. Dressler and Guieb 2015; Rutten 2008 on the Philippines). This follows an historical pattern. As Peluso and Vandergeest (2011) noted for Southeast Asia in the Cold War era, both insurgency and counterinsurgency forces turned rural areas into 'politicized zones', with state forces seeking to establish 'territories of state power' through militarization and forced resettlement of local populations (Peluso and Vandergeest 2011, 588–89).

In current post-conflict regions, as our case on Aceh above suggests, control over land in such politicized zones may remain in the hands of loyalist (para)military commanders or former guerrilla commanders, depending on local peace agreements. Faced with large-scale land acquisitions in these areas, local smallholders may depend heavily on their connections with these influential figures to protect their interests.

We see a similar pattern in the Philippines' Autonomous Region of Muslim Mindanao (ARMM), where (former) Muslim insurgent leaders in coalition with local *datus* are strategically positioned to negotiate (planned) large-scale investments in oil palm and banana plantations. In past investments in the ARMM, members of the Moro Islamic Liberation Front and village sympathizers received preferential access to plantation work and security jobs (Habito 2012).

Non-state militia forces are seldom known to act as allies of smallholders in land-deal conflicts. Instead, they figure as the quintessential goons and hired thugs of investors or their brokers in many Southeast Asian conflicts over land acquisitions. In parts of Indonesia, however, a particular militia system has evolved that smallholders may tap into, even though it is heavily biased in favor of entrepreneurs and politicians, as the following case shows.

Case 6. Smallholders enlisting militia support in East Kalimantan (Indonesia)¹⁷

In the district of Paser in the province of East Kalimantan, indigenous villagers claimed customary rights to land which the state had given out in concession to Kideco, a Korean coal mining company. The company, referring to its legal permit, enlisted the help of a local *ormas* to suppress villagers' protests. *Ormas* are literally 'community organizations' (*organisasi kemasyarakatan*) but in East Kalimantan many act as local non-state militias that use (the threat of) violence on behalf of their members or other parties (Bakker 2015). In return, they profit from an enhanced network and reputation, and enjoy popular support and leverage with state officials. *Ormas* in Paser district are generally based on indigeneity, though migrants are welcome to join. The leaders are based in the district capital, whereas the

¹⁷Based on field research by Laurens Bakker.

backing is largely rural and can be brought in by truckload for a show of force whenever needed.

In this case of indigenous villagers versus a mining company, the villagers managed to get a court ruling in their favor. They then enlisted, in turn, the support of another *ormas*, one that specifically positioned itself as defending the rights of the local indigenous population. This *ormas* helped the villagers in maintaining a blockade that barred the company from accessing the land. The *ormas* supporting the company then chose to let the issue be, primarily to protect its local reputation and to avoid cross-cutting family loyalties, as leaders of both *ormas* happened to be related.

The logic of the *ormas* system is such that villagers may enlist their support, but so may their adversaries. *Ormas* leaders need to show that they can mobilize popular support in order to be taken seriously by state and business elites. This means they cannot afford to alienate the rural population. At the same time, they need to show the population at large that they have access to business and government elites and are in a position to exert influence with them.

Following this system, the leader of the village-enlisted *ormas* made a deal with the company, whereby the company paid the *ormas* leader an amount to be distributed among the villagers, with the *ormas* leader keeping part of it for services rendered. However, in a subsequent move, the company instigated a legal case against the indigenous land-claiming villagers for obstructing company operations. The indigenous land claimants, in turn, received legal aid through their own enlisted *ormas*, which had links to a legal aid group. At present, the case is still undecided.

For indigenous communities in East Kalimantan, *ormas* are not only specialists in violence whose assistance they can enlist, but also brokers and mediators in relation to powerful parties. From this perspective, the *ormas* show their strength by arranging for communities to receive payment from such companies, which is then perceived as a sign that the company acknowledges the community. These cycles of pressure, harassment and payments can go on as long as all parties somehow benefit from them – but without the land conflict ever being resolved (cf. Li 2014a).

Access to specialists in violence, then, can be an ambivalent power resource for smallholders. Guerrilla forces and the *ormas* militia discussed here may provide some countervailing force to the structural capacity of elites and state officials to use violence against the rural poor. On the other hand, smallholders may have little control over the agendas of violent specialists and may suffer (violent) backlashes by elites and the state that exacerbate the problem of land enclosures.

Relations of smallholders with supra-local civil society groups

Ties with civil society groups (advocacy groups, social movements and NGOs) may offer smallholders access to such crucial power resources as: strategic knowledge, collective action frames, effective repertoires of action, strategic alliance networks, insight into shifting ‘political opportunity structures’ (spotting potential allies where authorities split and factionalize) and the necessary skills for claim-making and negotiation (cf. Hall et al. 2015; Tarrow 1998). Furthermore, smallholders faced with hostile local state officials may use supra-local advocacy networks to circumvent these authorities and instead pressure national state officials and the wider (international) public to take local grievances into account. In our case of Makaling village in Merauke (Papua), for instance, village leaders accessed the supra-local advocacy networks of a church-related NGO of the

Merauke Diocese. The NGO organized village-based information campaigns on the devastating impact of land investments elsewhere in Merauke, and through its national networks helped to place the issue of dispossession and adverse incorporation on the national policy agenda.

Yet smallholders may face countless obstacles to realize this potential. In our research we encountered the hurdles of a repressive environment, a lack of contact with activist networks, and a lack of 'fit' between the aims of smallholders and activists. We briefly discuss these constraints below.

The repressive context in our case concerns communities where pro-investment state officials, company representatives and local brokers succeeded in virtually monopolizing community networks, barring activists from entry. In Zanegi village (Merauke, Papua) such pro-investment actors controlled state and company resources to recruit local people to their network, enveloping village heads, clan leaders, teachers and other influential persons who exerted both social and ideological control over villagers. In this case, the local grip of the pro-investment network eventually weakened as the company reneged on many of its promises and villagers mounted collective protests – but from a weak bargaining position, their land already relinquished. This case suggests the need for village-based activists to form solid, community-grounded, counter-networks to company control, which can keep channels open to access civil society groups before the company and its state allies are able to close in.

Inability of smallholders to link up to activist networks is often due to such repressive environments (including varying extents of physical repression) or to the virtual absence of relevant civil society groups because of broader political bans on rural activist action. Li (2000) suggests another possible reason: activists may simply overlook specific marginalized smallholder populations. By necessity, activists work with strategic simplifications of populations deemed worthy of support, for instance the activist frame that assumes traditional, subsistence-oriented, 'environmentally friendly tribes' which may not match the self-identifications of indigenous upland farmers (Li 2000, 173). This strategic framing may be 'unnecessarily limiting the field within which coalitions could be formed and local agendas identified and supported', as Li argued with special reference to Indonesia (Li 2000, 151). Such activist blind spots are particularly debated in the realm of indigenous rights activism in Southeast Asia, but the issue may equally apply to other forms of smallholder activism.

Where smallholders actually connect with activists, the latter may overlook the complexities of local interests and aspirations (cf. Hall et al. 2015). For example, indigenous smallholders interested in profiting from the market and modernity may find themselves relegated to a 'tribal slot' by indigenous rights organizations (Li 2000, 170–71). Though the simplified image of traditional, ecologically sustainable indigenous farmers may help legitimize the claims of indigenous smallholders to their continued use of forest land, the emphasis on their supposedly non-commercial values may, 'in an environment of intensified resource competition', threaten 'to undermine the resource claims' of those who do seek to engage with commercial networks, as Walker (2001, 146) noted for the Karen in Thailand.

A possible 'disconnect' between the interests and aims of smallholders and civil society groups claiming to represent them has repercussions for the bargaining power of smallholders. Our case of San Mariano, the Philippines, suggests how this may take place. From the start of the large bioethanol project in San Mariano, a local peasant organization and its (inter)national advocacy network carried out a widely publicized campaign to oppose the investment. It hosted an international fact-finding mission in 2011, organized a dialogue with local state officials on the basis of the report, and initiated (through its

related congressmen) an inquiry in the Philippine Congress to investigate investment-related land conflicts,¹⁸ labor code violations and violation of environmental regulations. The activists successfully placed the investment on the political agenda. In contrast, in our two research villages many smallholders were interested in earning from the investment, not rejecting it. But in their engagements with the investors they were left without activist support to beef up their bargaining power. When they signed their lease contracts, they lacked information on their rights, the necessary knowledge to make informed decisions and the skills to negotiate assertively. The peasant organization succeeded in promoting larger issues and agendas with its advocacy campaign, but its political choice not to support smallholders' engagement with the investors disregarded the practical concerns of many smallholders in the research villages – who were consequently left in a weak negotiating position.

Conclusion

Four points emerge from our discussion, inspired by a relational perspective on smallholder bargaining power. First, a focus on interdependencies, i.e. on relations of *interdependency* between all parties involved in a land deal, can accentuate points of leverage for smallholders. These points of leverage may be the weak spots of state officials, politicians and investors in their relations with smallholders which the latter can capitalize on (e.g. dependency of politicians on their rural constituencies; reputational risk of investors; dependency of investors on the land and labor of specific smallholders whose rights to the land are acknowledged by the state). Such weak spots may look trivial compared to the vulnerabilities of smallholders, but with concerted action smallholders may take advantage of this leverage to press their claims more forcefully.

Second, a network perspective can show how smallholders are linked to a great variety of actors, some providing access to power resources, others blocking or undermining such access. The strategy of many large investors to capture control of key parts of community networks (co-opting local state officials, local politicians, village heads, clan leaders, head teachers and the like) shows the importance for smallholders to safeguard and develop networks independent of company control. These may take the form of counter-networks or alternative networks that can keep channels open for power-resource access. Besides civil society networks, such alternative networks may also include, for instance, smallholders' ties with clientelist politicians not completely beholden to the company, or ties with militia leaders who have their own reasons to extend smallholders some support.

Third, a closer, systematic analysis of local power configurations is necessary to contextualize the key relationships which we discussed – set within wider processes of structural change which fell beyond the scope of this paper. Interdependencies between smallholders, local state officials and investors may differ considerably by political regime and land regime, and by the histories of (land) conflicts in the areas in question, producing different local interest coalitions. We suggested a worst-case configuration concerning the leverage of smallholders vis-à-vis investors, and a more positive one. This is one way of dealing more systematically with variations.

Finally, the fluidity of the power relations in question calls for a processual approach (cf. Shohibuddin, Alano, and Nootboom 2015). All cases discussed above show that

¹⁸In particular, cases of land grabbing by locals who sought to profit from the bioethanol investment by leasing the land to the company.

whatever bargaining power smallholders may have in land-deal processes is constantly under threat. Horizontal ties of solidarity and support may fragment as interests and loyalties diverge. Ties with supportive local politicians may be cut off. A shift of village leaders towards support for the company can weaken local advocacy networks. An investor may sell off to a crony of the state leadership who sees no need for CSR and community appeasement. Besides such local dynamics, larger transformations will also shape local interdependencies – and thereby the opportunities of smallholders to sustain and expand their bargaining power through supportive ties with other parties.

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