In May 2018, I met with U Kyaw Gyi, a landless (le me’) farmer living in Daungyi, a remote village tract located in the Bogale Township of the lower Ayeyarwady Delta (see the map provided in Figure 8.2). U Kyaw Gyi and about twenty other farmers were trying to regain access to land (an area of 454 acres) that had been confiscated from them more than two decades earlier. In a letter dated April 2018 and addressed to the Central Reinvestigation Committee, in charge of studying land confiscations (myei thein’), my interlocutors described their dispossession as follows: ‘We have been clearing the forest (taw”) and cultivating the land since 1983. . . . But in 1990, our land was confiscated and turned into a state farm. After our land had been confiscated, we could not pursue the education of our children and became landless labourers, working for other landowners’. In 1990, the military-led government re-delineated an area of 1,028 acres of cultivated land in Daungyi (including the 454 acres mentioned above) for the creation of a state farm under the then Ministry of Agriculture and Forest (MAF) (currently the Ministry of Agriculture, Livestock and Irrigation, MoALI). For state authorities, these lands were still vacant and thus could be allocated for the making of a model farm. Some farmers who had previously been working on the land could continue to work on ‘their’ plots as tenants under the state farm management, while others, like U Kyaw Gyi, became landless.

Following the transition to a quasi-civilian government in 2011, U Kyaw Gyi and other evicted farmers began to entertain the hope that ‘their’ land would be returned to them. ‘Based on President U Thein Sein’s speech of 2012’, U Kyaw Gyi said, ‘if we can prove that a plot has been
farmed previously, it should be returned to the original owners’. Since
2012, they have repeatedly applied to different levels of authority calling
for their recognition as ‘original owners’ and the reallocation of ‘their’
land, but unsuccessfully. Part of the complexity stems from the fact that
the 1,028-acre land area under the state farm has been worked by other
cultivators, including some ‘original owners’ who were able to maintain
their access as tenants. In 2015, the MAF/MoALI agreed to return 575 of
the 1,028 acres of land under state farm control to the previous owners.
These lands became available again, and tensions arose locally regarding
who should benefit from the reallocation.

In this chapter, I reflect on a case of land confiscation or grabbing, as il-
lustrated by the story of U Kyaw Gyi, by looking at the temporal trajectory
of landholdings – that is, how land becomes unavailable to some delta in-
habitants but available to others. Rather than taking land tenure instabili-
y as a homogeneous condition of the lives of delta inhabitants, I examine
the production of these instabilities. Most cases of large-scale land grabs
in the delta occurred in places where previous governments implemented
land reclamation/rehabilitation schemes with the aim of opening new land
for cultivation.6 This was characteristic of what I refer to as ‘paddy-land
territorialization’,7 that is, the successive attempts by the governments in
Burma/Myanmar to expand rice cultivation in the delta, a region known
as the nation’s rice bowl. Although land instability is a common feature in
Myanmar, in the delta it takes a specific trajectory linked to the develop-
ment history of this region, notably its enactment as an economic unit of
(rice) production. In this chapter, I seek to resituate land-grabbing cases in
the delta, and more generally the land tenure instability, to the specific his-
tory of paddy-land making in the region.8 I focus on the shifting legal and
political settings and how these have influenced, and continue to influence,
the temporal availability of land, that is, the period and the conditions un-
der which a farmer can access and cultivate a plot of land.

To do this, I use the notion of anchoring to grasp the ways in which ru-
ral inhabitants in the Ayeyarwady Delta navigate an uncertain land tenure
interface. The term anchoring generally speaks of the ‘temporariness’ of so-
cial and ecological relations in dynamic environments such as river deltas.
In these environments, which are primarily characterized by movement,
opportunities such as those pertaining to land resources come and go, in
a dynamic that is rather uncertain. People rely on various anchoring prac-
tices or devices to realign the elements in their environment. These
devices contribute to the creation of stabilities which, however, remain
temporary, something that echoes the idea of anchoring, that is, an inscrip-
tion that is transitory. Alejandro Camargo (this volume) puts the emphasis
on stagnation and the temporal dimensions of hydrosocial flows in deltas.
New deposits in the river and the resulting ‘new’ lands have an uncertain time horizon linked to hydrogeomorphological dynamics. Access to these lands is thus constrained both spatially and temporally, only possible for certain durations and at certain speeds. In other words, the materiality of the land determines its availability. The river, through processes of erosion and accretion, plays a key role in rendering land available or holdable. In the case of the lower Ayeyarwady Delta’s paddy-lands, the dynamics that cause land to become ‘available’ or ‘unavailable’ are more related to shifting policy and institutional settings. As the experiences of my interlocutors in Daungyi demonstrate, some plots of land become available, then unavailable due to new directives and policies of land allocation, and then available again, yet under certain conditions and for a certain period of time only.

Anchoring land

In this chapter, I use the metaphor of anchoring to analyse how inhabitants of the Ayeyarwady Delta seek to reconfigure their access to land amidst institutional and political flows, and how they navigate their way towards achieving a sense of continuity. Anchoring refers to a continuous process of searching for a ‘hold’ that allows people to reorganize their inscriptions in a socio-ecological environment that remains dynamic and uncertain (see for instance the work of Palmer [2005] or Verdasco [2019] on anchoring in anthropology). Anchoring implies the creation of ‘inscription devices’, a term that Tania Murray Li (2014) uses to analyse the making of land as a resource available for global investment. Similarly, I argue, farmers in the Ayeyarwady Delta need to build on such inscription or anchoring devices (land titles, testimonies, official letters, etc.) to make or to keep land ‘holdable’. The term anchoring refers to the practices and hard work people engage in to create some form of continuity in their access to land.

Anchoring is a concept that, I posit, can usefully account for some of the fluidity and instability of delta life. Certain resources, housing sites, economic practices, social relations or skills may serve as anchoring points for delta inhabitants to create some stability in their lives. These anchoring points may cease to be ‘available’ at some point in time, or may simply cease to be effective, prompting people to look for new ones. In this sense, anchoring and its flip side, de-anchoring, emphasize the temporariness of the multiple relations in which people engage. In settings such as deltas, marked by transience and volatility (Krause 2017), anchoring echoes the situation of farmers on fluvial islands who are continuously working to (re-)create conditions of access to newly emerged land (Camargo 2017;
Ivars 2020). It also applies to those farmer-fishers who, in the context of changing hydrologies, develop new livelihood practices (Vogt et al. 2016), or as Horisberger (this volume) shows, to the shrimp fishers of the Brazilian Parnaíba Delta who have to be attuned to the rhythmicity of the tides in order to catch shrimps. Anchoring speaks to dimensions of adherence or holding, dimensions that remain precarious in the context of river deltas. Complex hydrological and geomorphological, as well as political, social and economic dynamics critically influence the availability of things, and hence the ability of inhabitants to hold onto these things, including land resources, shrimps or molluscs (see Horisberger and Simon, this volume).

In the case of landholdings, anchoring notably echoes the systems of rules, laws and norms that regulate and structure access to land both spatially and temporally. As David Fisher (2016) points out, legal regimes that enact land as a resource to be harnessed entail specific temporalities. Property rights determine, for instance, a certain temporal horizon that defines how long a landholder can hold onto his land. During this period, the property rights, for example a land title, enable the landholder to be anchored and legitimated as a land owner and user. But these rights are not absolute (e.g. Li 2017). They may be conditional on an obligation to work the land for a certain period or under certain conditions, which may change over time (Blomley 2017; Li 2014). New laws, institutions or political orders can influence the temporal horizons of the landholding and hence the ability of a landholder to hold onto his land. Anchoring here refers to the ability of landholders and non-landholders alike to move through different political and legal settings that contribute to (re-)defining the temporal availability of land.

In Burma/Myanmar, with the enactment of the Land Nationalization Act (1948/1953)9 and the Tenancy Act (1965), it became illegal for farmers to sell, lease, transfer or mortgage their land (an interdiction that remained valid until 2012). Farmers became state tenants who received land use rights (lok-kaing-kwin’) and were supposed to cultivate the land on a continuous basis. After 1962, Burma’s socialist military regime (1962–88) introduced a quota system, which obliged farmers to sell a fixed amount of their crops to the government at a fixed price. Farmers could maintain their landholding by keeping land in cultivation and by fulfilling their quota duty. The inability of a farmer to provide his quota could lead to the confiscation of the land and its reallocation. At the village level, land committees, and later the People’s Committees, could allocate vacant (available) land. The continuous cultivation of land and the fulfilment of the quota were therefore two main elements that defined land anchorage during this period.

Following the 1988 uprising, which marked the end and failure of socialism (e.g. Warr 2000), the new military-led government suspended
the quota system before re-establishing it in 1989 in a lighter form, finally abandoning it in 2003. During the State Law and Order Restoration Council (SLORC) – after 1997 the State Peace and Development Council (SPDC) – numerous cases of land confiscation occurred, notably in the delta region, to the benefit of private entities and entrepreneurs, as well as government agencies and influential individuals who had connections with the military regime (e.g. San Thein et al. 2018). This notably took place in relation to the Wasteland Instructions (1991), which stated that land seen as vacant or fallow by the state could be reallocated in concessions for a period of thirty years. With the transition to a quasi-civilian government in 2011, so-called ‘land grabs’ became a national political issue. The U Thein Sein government (2011–15) enacted two land laws in 2012, the Farmland Law, and the Vacant, Fallow and Virgin (VFV) Land Management Law (e.g. Oberndorf 2012). It also announced its intent to investigate land claims, which would also become a political priority of the National League for Democracy (NLD) government elected in 2015. The possibility of seeing confiscated lands returned to their original owners rekindled the hopes of rural inhabitants in the delta and beyond.

The case of U Kyaw Gyi borrows from different elements of this history. In 1983, when he was still a landless farmer, he came to Daungyi and cleared some forest land as part of a state-led land development scheme. But in the 1990s, his land was reallocated on the basis that on paper it was still vacant. Since 2012, together with other dispossessed farmers, U Kyaw Gyi has sought to regain access to his land, by positioning himself as an ‘original owner’. In this chapter, based on a year of ethnographic fieldwork in the Ayeyarwady Delta in 2018–19, I seek to unravel the historical and political contingency of land tenure instability as experienced by U Kyaw Gyi and other farmers in the delta. In the first section, I discuss the conditions under which U Kyaw Gyi could access ‘his’ plot, and hence outline the context of his initial anchoring to the land. The second section draws out the more grounded trajectory of the dispossession, and in particular the uncertain temporal horizon that characterizes the plots cleared by U Kyaw Gyi. Finally, the third part looks at the anchoring strategies used by ‘original owners’ in Daungyi to re-access ‘their’ land in the context of the political space opening up in Myanmar since 2011.

Making ‘new’ paddy-land available

Land tenure instability and related large-scale land grabs in Myanmar are far from being restricted to the delta region. Various studies have demonstrated the extent and diversity of large-scale land grabs across the coun-

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try (e.g. Hong 2017; Hudson-Rodd and Sein Htay 2008; Kramer 2015; San Thein et al. 2018; South and Katsabanis 2007). Kevin Woods (2015) shows how the Myanmar military government’s push for biofuel production quotas in Shan and Kachin States by way of large-scale agribusiness resulted in land grabs. The growing number of land acquisitions aiming at conservation – or ‘green grabbing’ – also threatens ethnic minority communities’ relation to land (Woods 2019). The general context of legal and institutional pluralism that characterizes the land sector in Myanmar notably explains the instability experienced by many rural inhabitants across these highly differentiated agro-ecological regions (e.g. Boutry et al. 2017; Mark 2016; Suhardiman, Bright and Palmano 2019). What is, however, specific to large-scale land grabs in the delta, I argue, is the historical and agro-economic trajectory of the region, and in particular the implementation of land reclamation/rehabilitation schemes since the mid-1970s that aimed to boost rice cultivation. While these initiatives contributed to making new land available, allocation of these lands has been and continues to be contested by different actors, leading to long-lasting conflicts (e.g. Ivars and Venot 2020; Mark 2017; Mark and Belton 2020). The fact that land allocation schemes have been caught up in political and institutional changes notably explains the uncertainties regarding the legal status and availability of land.

The Ayeyarwady Delta, known as the rice bowl of the country, has been described by Michael Adas as a rice frontier, referring to the transformation of the region during the British period (1852–1941) into an intensive and commercially oriented rice landscape (Adas 1974). By the 1930s, the delta had become the world’s largest rice-exporting region. The progressive reclamation and appropriation of land led to a situation of land scarcity, something that Michael Adas captured as the closing of the delta rice frontier. On the country’s independence in 1948, almost half of the land in Lower Burma (which comprises the delta area) was under the control of non-cultivators, notably moneylenders (including the Indian Chettiars) who had abandoned their land during World War Two and did not come back (van Schendel 1991: 133). In the delta, both the Communists and the ethnic Karens contested the authority of the central government. This political instability, combined with the deterioration of water-management infrastructures and the disruption of the rice-marketing system, led to a significant drop in cultivated areas and rice-production levels (Richter 1976). The many abandoned lands, at least from the point of view of the state, reverted to mixed grass and low bush (International Bank for Reconstruction and Development 1953: 11) and hence became available again. These lands added to the land that had not been reclaimed during British colonial rule, as in the case of forest lands located in the lower delta or
the flooded lands of the middle delta which embodied both fishing and agricultural potential.

For the post-independence governments, the idea of rejuvenating the delta rice bowl often set the scene. Indeed, the delta lands provided nearly half of the national rice production. In a country where rice is not only the main staple food of the population and a major basis of livelihoods, but also a source of considerable income for the state, the delta paddy-lands (le myei) are fundamental in both enabling food production and sustaining the state’s institutions. In the early 1950s, the Burmese government introduced the payment of subsidies for each acre brought back under paddy cultivation (Tinker 1959: 233). In 1956—57, a vigorous four-year paddy program was initiated to reclaim paddy-lands, notably through embankments and drainage canals construction (Walinsky 1962). Since the early 1970s, government efforts to reclaim abandoned and waste land further hinged on the construction of water-management infrastructures, for flood protection and drainage (e.g. Ivars and Venot 2019).

In the mid-1970s, Burma’s socialist military regime (1962–88) initiated a series of projects known as Paddyland in the delta. These projects, supported by the World Bank, aimed to rehabilitate existing cultivated land (a total of 245,000 acres, or 98,000ha) as well as to reclaim abandoned and waste paddy-land (a total of 115,000 acres, or 46,000ha) (World Bank 1976). They included the construction of large-scale water-control infrastructures (polders10) to protect land against flooding and saltwater intrusion.

The rehabilitation and opening of new areas for rice cultivation aligned with the central state authorities’ intent to tackle what they perceived as a national agricultural crisis (Lubeigt 1987), marked by a steady decline in the rice surplus at their disposal. In the delta, the government identified over 700,000 acres (283,000ha) of ‘good rice land’ that remained unused after independence (Saw Hlaing 1979). This was part of a discursive framing presenting the delta as holding a potential for the expansion of rice cultivation, something that was instrumental in the making of ‘new’ paddy-land, and hence opportunities for local inhabitants.

This was so, for instance, in the case of U Kyaw Gyi, who was in his twenties in 1982 when he migrated to the Daungyi area, one of the sites targeted for land rehabilitation as part of Paddyland I (World Bank 1976). U Kyaw Gyi was born in a rice-growing village located further north, within the township of Bogale. In Daungyi, the state had officially classified 14,800 acres of land as abandoned and waste, and 9,000 acres as existing cultivated land in 1976. One of the particularities of the area is that it intersects with the Pyindaye reserved forest. The land already cultivated by local farmers in the 1970s was previously forest land, which had been gradually converted to farmland. The case of abandoned and vacant

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land was more complex. Although the state viewed the land as unused, part of it, which was covered either by grass or mangrove forests, could be temporarily cleared and cultivated by local farmers. In most cases, this occurred without declaring the land to the authorities, so as to escape the quota procurement system. But there was another aspect that influenced the availability of land and partly justified the state’s interest in increasing its presence in this region.

After independence, the delta was an area of activity for anti-government groups such as the Karen National Defence Organisation (KNDO) and the Burma Communist Party, who challenged the authority of the central government (Smith 1999). In Daungyi, the presence of the KNDO was well known, especially in the Pyindaye reserved forest, which served as a refuge site. As told to me by a former member of the village tract People’s Council, ‘no one could reclaim the land because of rebels. The forest [taw”] grew again. In order to reclaim and cultivate a plot of land, farmers had to ask permission from the village leader, who could state whether it was safe or not’. Until the early 1970s, the government armed forces considered the Daungyi area to be ‘black’ – that is, entirely controlled by anti-government groups. Burma’s socialist military regime sought to eliminate these insurgents, notably by clearing the mangrove forests in the lower delta (see also Boutry et al. 2017: 76). For instance, one man described to me in detail how he was enrolled, in the 1960s, as a labourer under the Cooperative Department to clear mangrove forest in Htaw Paing (south of Daungyi; see Figure 8.2). The purpose, he said, was to convert the area into farmland and enable the creation of a new village settlement intended to accommodate the families of former government employees and military personnel originally from Rakhine State.12

In 1969, the government armed forces (Tatmadaw) launched a campaign known as the Four Cuts (hpyat lei” hpyat) to clear the delta region (and the country in general) of anti-government groups, an operation that ended in 1974. The Paddyland projects which chronologically followed their conversion of the delta into a ‘white’ area – that is, under full government control – can be viewed as contributing to the government’s intent to transform the delta ‘from a white area into a hardcore area’ (Maung Aung Myoe 1999: 157). The reclamation/rehabilitation of paddy-land was also in line with Burma’s socialist military government’s intention after 1971 to recentre on agricultural development (e.g. Steinberg 1981). In sum, the successive governments in Burma/Myanmar saw the delta paddy-lands as a key resource to harness. The so-called Paddyland projects contributed to the state’s objective of re-establishing its presence in these formerly contested areas and increasing its control over land and people. On the delta
Figure 8.2. Map of Daungyi Island illustrating the status of land prior to the polder construction in the 1980s, and showing the location of the state farm. Figure by Benoit Ivars.
scale, representing nearly four million acres of cultivated paddy-lands, the Paddyland projects’ areas may appear negligible in terms of land acreage. They constituted micro land frontiers that led to very localized processes of territorialization. It is in this highly politicized landscape that U Kyaw Gyi and other farmers were able to access their plots of land.

Cultivated, but still vacant land

In Daungyi, due to delays in the implementation of land-clearing activities by the responsible government agencies (see World Bank 1976: 77–82 on the land reclamation and settlement procedure), it was the farmers who undertook the task of clearing available land – that is, land classified as vacant and abandoned under the project and which was not already claimed – following a ‘first come, first served’ logic. As of 1983, U Kyaw Gyi had cleared around ten acres of land, which was previously covered with a mix of grass and mangrove trees. For four years, he said, he could cultivate his plots with the agreement of the village tract and township authorities. During this period, he fulfilled his quota duty. In 1987, amid further political turmoil, a military person came to the village and asked if there was still vacant land in the area. ‘He was told that all the land was already cultivated’, said U Kyaw Gyi, ‘but in the next days, this military person set a deadline for us to move, and our land [in total 1,028 acres] was forcefully taken by putting up flagpoles’. Farmers whose land was located within the demarcated area were nevertheless able to continue to cultivate their plots as tenants by paying a share of their production (15 to 20 baskets of rice per acre). Between 1987 and 1989, the government suspended, at least officially, the quota system in the context of political tensions that led to the military coup of 1988. The payment of rent on this land, however, resembles a continuation of the quota practice in a period of great instability, bitterly experienced by some inhabitants in Daungyi.13 None of my interlocutors had met the military person face to face. What they knew about him was the information they received from the village tract Law and Order Restoration Council (LORC) authorities, who were collecting the rice baskets. It remained relatively unclear who had benefited from the rent collected from farmers in the area in 1988–89 (the military person, the village tract heads, and/or higher-level authorities).

In 1990, the landholding situation in the area claimed by the military person changed again. This time, as one of my interlocutors recounted, it was a local agent of the MAF who came and claimed that the 1,028 acres of land would be re-delineated as a state farm (naing-ngan taw saik kwin’).
to serve as a model farm area. Once again, the land, although cultivated, was said to be vacant by the local MAF agent. Some of my interlocutors, who are former village tract-elected leaders and elders, argue that farmers who had reclaimed land in the area in the mid-1980s received temporary cultivation rights for one year only. In theory, they had to register every year at the village tract and township administration offices in order to continue to cultivate the land. This is consistent with the provisions of a MAF directive from January 1985 which stipulated that the reclaimed land was tenable for a year only (World Bank 1986: 24). In the absence of a final allocation decision, land could be reallocated every year, being ‘legally’ available. Other interlocutors said that the area had already been designated as a state farm, but that farmers had been able to cultivate the land in a timely manner before the state farm was implemented. Another hypothesis to explain the uncertain status of land tenure is that part of the land was still legally forest land and had not yet been legally degazetted and recategorized as farmland. Although my interlocutors claimed to have been paying their quotas to the government, their rights were not officially registered.

The farmers who could not continue to access their land after 1990 do not recognize the temporary nature of their tenure rights. One of them asked me, ‘Since we had cultivated the land and fulfilled our quota obligation, why should we leave our land?’ Some of the ‘original owners’ could continue to work their plots as tenants under the state farm management. The MAF contracted several dozen farmers to work the land as tenants in return for a payment of five to twenty baskets of rice, depending on the land quality and whether they received inputs (seed, fertilizer) from the MAF. However, not all farmers were able to continue working ‘their’ land, either because they were not privileged due to lack of political connections at the village-tract and village level, or because their economic conditions did not allow them to do so. In order to become tenants, farmers had to provide guarantees (houses, boats) that had to be approved by the village tract authorities. Some of my interlocutors who were non-native, and therefore recently affiliated to the village political and social networks, blamed their landholding trajectory on their lack of connections: ‘We were poor and easier to manipulate’, one of them lamented. But other farmers, who were in a better economic situation and/or received patronage from village-based elites, could continue to hold onto their lands as tenants. Thus, for some farmers there has been a certain continuity and stability in a political landscape perceived as uncertain, while for others, like U Kyaw Gyi, the political transition did not provide opportunities to maintain their land anchoring. Most of them became landless labourers working for other ‘landowners’.15
Anchored into the political transition

With the opening of the political space in Myanmar since 2011 and the government announcement to investigate land confiscation cases, new land-anchoring opportunities emerged. In Daungyi, the value of farmland has increased significantly since the enactment of the 2012 Farmland Law, which enables farmers to legally sell their land. Apart from rice cultivation, the delta environment in this area does not offer many livelihood alternatives. The fishery sector remained under the control of village-based elites, who appropriate most of the surplus. For the farmers who lost ‘their’ land in 1990, as well as those who could continue to work on the land, the possibility of having the land reallocated opened up a space of opportunity and uncertainty. For original owners, like U Kyaw Gyi, claiming back the land is a matter not only of reparative justice, but also of future opportunities for themselves and their descendants, who are also landless. In this section, I describe three aspects of what I refer to as anchoring strategies, through which dispossessed farmers try to regain access to their land: (1) the political horizon of being an ‘original owner’ and ‘landless’ farmer in a form of alignment with the discourse of the new quasi-civilian governments; (2) the multiplication of anchoring points through the numerous letters addressed to various personalities and governmental authorities; (3) the presence of the anthropologist, which is partly explained by the opening up of the political space, who her/himself becomes a potential anchor for actors in search of legitimation.

Being original owners as the political horizon

In 2012, the residents of Daungyi started to hear about the new quasi-civilian government’s willingness to investigate land grab cases and the possibility to have the confiscated land returned to its original owners. Positioning oneself as an ‘original owner’ became part of a strategy of legitimation (see Huard 2020). U Kyaw Gyi and other farmers whose land had been seized in 1990 pointed out the fact that they had cleared and cultivated the land first. They refer to the image of ‘vacant’ land – using the term forest (taw”) abundantly – which they had striven to put to productive use. For at least four years they had been cultivating the land and fulfilling their quotas and it was unfair that they could not continue to work on their land, instead being partly replaced by other farmers who accessed ‘their’ land as tenants. They also emphasized their condition as ‘landless’ farmers. After their eviction, they had to shift their plots repeatedly, offering themselves as a labour force to the highest-bidding landowners, being out of work at certain times of the year, renting a plot when they could, and
embracing other livelihood options. This, however, did not allow them to maintain their standard of living as landowners, according to U Kyaw Gyi; some had to take their children out of school so that they too could work as wage labourers. These arguments are directly aligned with the new political orientations of the quasi-civilian governments, which have made the issue of land confiscation and inequality a central political issue (‘Social Inequality. . .’ 2016). Landlessness rates in the delta reach up to 60 per cent of the population, more than in the Dry Zone where households enjoy better labour mobility and livelihood opportunities in other sectors (Groupe de Recherche et d’Echanges Technologiques 2019: 3). Furthermore, the dispossessed farmers contest the validity of the state farm that was to serve as a model farm, referring to yields that are no better within the state farm than outside it. Other farmers, without necessarily claiming the label ‘original owners’, also presented themselves as legitimate beneficiaries of potential land reallocation. This was particularly the case for the farmers who had become tenants on the state farm land between 1990 and 2015. As one of them put it, they had also contributed to keeping the land in productive use, sometimes for more than two decades, and depend on the land for their livelihood.

In 2015, after multiple solicitations to the village tract and township-level Farmland Administration Body (FAB) in charge of land management, the village tract authority informed the villagers that reallocation of a total of 575 acres of land located within the state farm (out of a total of 1,028 acres) was going to take place. The village tract administrator (VTA) (ok-chok-yei”-hmu), an elected representative who also acts as the president of the village tract FAB, was in charge of the land allocation process. Among the eighty-three farmers who received land as part of the reallocation plan, my interlocutors distinguish three categories of beneficiaries: (1) the original owners whose land was geographically located in the released area; (2) original owners whose land was geographically located in the unreleased area (454 acres) that remains under the control of the state farm (e.g. U Kyaw Gyi, who received three acres of land but whose ‘original’ land is located in the unreleased area); (3) farmers who were not original owners but who had been tenants within the state farm. The result of this allocation fuelled local frustration, especially among the original owners who belonged to the first category of beneficiaries. They complained to the VTA that they had received less land than they were entitled to because part of their ‘original land’ had been given to other farmers. Some farmers who were not included in the list of beneficiaries, but who claimed to be original owners, also contested the allocation results. Officially, they were not ‘in the village’ at the time of the reallocation. Unofficially, some said that they were simply unable to cover the registration fees needed to
get their names on the list during the procedure. Some non-beneficiaries argue, for instance, that some farmers contributed five- or six-digit fees to the village development fund to cover the administrative costs of the procedure – in other words, to ensure that they got the amount of land they wanted.

On the ground, the land allocation led to tensions between different categories of beneficiaries, as well as between beneficiaries and non-beneficiaries. One point that fuelled the tensions was the opportunity for the farmers who had received land to secure their access by obtaining Land Use Certificates (LUCs), something that was made possible after the enactment of the 2012 Farmland Law. The distribution of LUCs, which serve as land titles, would enable those farmers to obtain permanent rights to the land. In order to show their discontent and fear, some beneficiaries resorted to land invasion and encroachment on neighbouring plots that they coveted. These actions were intended expressly to keep the options open for land reallocation and to call for a new investigation by the authorities. In 2016, the VTA was forced to intervene, and initially announced that the beneficiaries had received only temporary cultivation rights for a period of one year only. Since there was no final land allocation decision, a situa-

Figure 8.3. Land status within the state farm as of 2018. Figure by Benoit Ivars, based on official maps collected from villagers.
tion somewhat reminiscent of that in the 1980s, farmers could not obtain land titles. However, tensions continued and the VTA announced the confiscation of the land before further investigation. In 2017, land was again allocated, this time to ‘original owners’ whose ‘original’ land was located within the area released by the MoALI in 2015. Other categories of former beneficiaries, comprising a total of about forty farmers, were excluded, U Kyaw Gyi among them.

**Multiplying the anchoring points**

For U Kyaw Gyi and other farmers who were not included in the list of beneficiaries in 2017, another anchorage space had to be found. For them, an opportunity remains with the 454 acres of land that are still under the control of the state farm. This was, as my interlocutors claimed, the promise of the village tract and township FAB: to allocate the remaining land to the farmers who did not benefit from the previous land allocation. However, this promise had not been fulfilled, and when I met U Kyaw Gyi in 2018, their case had not progressed. Of the forty farmers excluded in 2017, about twenty have since stopped being actively involved in the land-claiming process. Indeed, the provisions for obtaining the registration and the cost associated with their requests proved daunting. The procedure required numerous trips to the township capital (a three-hour journey), meetings with officials and interminable waits at the government offices. Since 2015, in order to become beneficiaries, they had been struggling to obtain written testimonies from the VTA or village elders (*ya’ mi’ ya’ pha*) proving that they were ‘original owners’. One of their difficulties is that they have no written evidence of their claims, such as tax receipts (official documents issued by the government proving that they were officially registered as land tillers and paying tax on their plots). Although some of my interlocutors claimed to have received these documents, they lost them after the passage of Cyclone Nargis, which devastated the region in 2008. The identification of ‘original’ owners and land acreage relied upon oral and written testimony from current and former village-elected representatives as well as elders. The loss of physical evidence due to the cyclone made land-claiming operations more difficult for some residents. For others, who had political connections with village tract and township authorities, the aftermath of Cyclone Nargis turned into an opportunity. They too claimed that they had lost their land documents and that they had cultivated the land in the past.

In 2017, the same land-claiming efforts had to be repeated. The VTA organized meetings with the farmers at the village tract level, as well as with the General Administration Department in Bogale, the township capital.
U Kyaw Gyi, who leads the claimant group, wrote another round of letters to different levels of government authorities, including one dated 5 April 2018 to the central committee in charge of reinvestigating land grabs. In this letter, the claimants complained that land under the state farm had been released and reallocated but that around forty farmers who were ‘original’ landowners had been excluded. As a result, they presented themselves as the rightful owners of the remaining 454 acres of land that remained under the state farm management. These letters are still unanswered. The farmers have also been using the press and radio to voice their grievances. In 2018, the group again sent letters to the regional FAB, and a letter of instructions was supposedly sent back to the township level for investigation. One of my interlocutors lamented that although a field report was to be sent by June 2018, no investigation took place, and continued: ‘The VTA who is the president of the village tract FAB is responsible for monitoring the procedures . . . But he and the township authorities are slowing down our requests’. Nevertheless, their most promising approach is still to continue to solicit as many stakeholders as possible, hoping to be recognized as the legitimate owners of the 454 acres.

The anthropologist as the next anchoring point?

The researcher who navigates these spaces of conflict and instability is necessarily her/himself caught up in the narrative. When I visited Daungyi for the first time in 2018, my interest was not the land tenure issue. I was initially interested in the presence of water-control infrastructures (polders) and how the inhabitants had been able to adapt their agricultural practices in relation to these infrastructures. During my first exchanges, I was nevertheless quickly questioned about land disputes in the delta. In one of my first encounters I was urged to meet with a certain U Kyaw Gyi. When I first met U Kyaw Gyi, I was the only one to answer questions. My interlocutors were suspicious, because it was not the first time that people from outside the village had been interested in the land case (which was not my original intention). I thus presented one of the letters I had obtained from the Regional Minister’s office of MoALI (formerly MAF), which was a form of authorization for me to travel in the delta and carry out my research. This letter, vague enough to allow me to study water management as much as land tenure, was also illustrative of the possibilities offered to the researcher by the opening up of the political space in Myanmar since the 2011 transition.

As I had no knowledge of the land situation before my meeting with U Kyaw Gyi, I could not make the connection between the state farm and the MoALI. I was therefore quickly identified as someone ‘who should
know things’, and it is obvious that this influenced my relationship with U Kyaw Gyi and my other interlocutors in Daungyi. I was in turn presented with a series of letters and documents that illustrated the history of the disputed area. I was accompanied to meetings with the village elders, key witnesses in the story, who were the anchoring points of U Kyaw Gyi’s narrative. Over the course of the days and discussions, it became clear that I myself took on the role of a sort of anchoring point, a resource for some of my interlocutors who saw me as someone who could advance ‘their truth’. I insisted several times that I was not a promise-bearer, but that I could document their story. I was then rapidly faced with a social demand that I was not sure how and whether I should answer. The story that I narrate here of land tenure instability is that experienced and shared by the actors involved in the conflict, and in which I was myself caught up. It should not obscure the fact that the land situation has been more stable for many other actors in Daungyi, as elsewhere in the delta. In the case of the land confiscation in 1990, it is clear that some of the ‘original owners’ were also able to continue working the land successively as tenants and then obtaining direct access to land, after the reallocations of 2015 and 2017. Land tenure instability that characterizes the position of farmers along this micro land frontier is politically situated. The dimension of instability should therefore not be essentialized to the detriment of others, such as that of continuity of land access. Some farmers have been able to hold onto their land, to maintain and/or shift their anchorage in order to further their access. For others, lack of political support or uncertainty about the legal status of land has led to forms of dispossession. This resonates with the statement made by Franz Krause (this volume) when he says that inhabitants of the Mackenzie Delta in Canada are not simply passive victims of the volatile dynamics in their environment, but instead appropriate them and contribute to shaping them too. The ways in which socio-ecological dynamics, and in particular their instability, are experienced and negotiated in a delta are always situated in time and space. In the process, some benefit, while others experience losses. An anthropology of delta life must then contextualize and situate these uneven experiences of instability or ‘volatility’, in order not to normalize them as an inherently and equally-lived aspect of life in deltas.

Conclusion

In this chapter I have sought to illustrate the historical and political contingency of land tenure instability as experienced by some inhabitants of the Ayeyarwady Delta. The case of U Kyaw Gyi shows how, in the space
of thirty years, a farmer in the delta can become successively landless, a landowner, and then landless again, before finding a plot of land and losing it once more. This instability, which I have shown is historically and geographically situated, became an opportunity for some inhabitants, while for others it acted as a constraint that eventually led to a form of dispossession. The ability of those who lost ‘their’ lands to reposition themselves as the legitimate and legal tenure-rights holders notably relied on the mobilization of anchoring points. Oral and written testimonies from elders and village leaders, official letters and stories all served as anchoring points to regain access to land. In a fluid political and institutional environment, anchoring hence refers to people’s work and strategies to recreate possibilities of access to land.

If anchoring practices, in the case of the Ayeyarwady Delta land, echo an institutional fluidity that is not strictly ‘deltaic’, the term anchoring, I argue, can be a fruitful way to approach the provisionality of life in deltas. Thinking in terms of anchoring is to acknowledge that delta life is generally characterized by opportunities that are temporally and spatially constrained. The instability or ‘volatility’ experienced by delta inhabitants, as Franz Krause and Mark Harris indicate in the introduction to this volume, is more often ‘the status quo’, and material certainties and structures the result of ‘people’s initiatives and hard work’. Anchoring refers, in this sense, to a conjunctural inscription in the delta space, and to the fact that delta inhabitants depend on the creation of anchoring points, by which they can achieve some continuity in their lives. This continuity is not absolute, but results from a constant process of realigning or re-anchoring with other elements in an environment that remains in motion.

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Notes

1. A pseudonym used to preserve anonymity.
2. The Myanmar administrative structure consists of village tracts, townships, districts, states/regions and the union/central level. A village tract is made up of several village settlements.
3. One acre is equivalent to 0.40ha.
4. The Central Committee for Rescrutinising Confiscated Farmlands and Other Lands created under the National League for Democracy (NLD) government elected in 2015. This committee, replicated at all administrative levels, is tasked with investigating ‘land grab’ cases.
5. The country has been ruled by three successive military regimes since 1962: the socialist military government of U Ne Win (1962–88), the State Law and Order Restoration Council or SLORC (1988–97) and the State Peace and Development Council or SPDC (1997–2011).
6. This is not to deny that many land losses in the delta occurred through intra-village politics and small-scale land transfers.
7. As Vandergeest and Peluso (1995: 388) put it, territorialization is ‘about excluding or including people within particular geographic boundaries, and about controlling what people do and their access to natural resources within those boundaries’.
8. It is arguable that land and water materiality plays a role in the trajectory of landholdings in the delta. Land reclamation policies were notably based on the promises that delta land was suitable for rice cultivation. Following Franz Krause (this volume), I consider that land instability or ‘volatility’ in the delta results from the intersection of various parameters, which are not limited to institutional and political elements alone, or to the political ecological history of the area.
9. Under the 1953 Land Nationalisation Act, 6.77 million acres of paddy-land, mostly located in the delta, had been expected to be nationalized, but as of 1959 when the act was suspended by the Ne Win caretaker government only 1.4 million acres had been distributed (i.e. around 20 per cent of the land) (Richter 1968: 102).
10. A polder is an artificial expanse of land reclaimed from the sea by dykes and dams and whose level is lower than that of the sea.
11. The government armed forces (Tatmadaw) divided the delta region into three areas: ‘black’ areas, which were under the control of anti-government groups such as the KNDO or the Burma Communist Party; ‘brown’ areas where these groups were active, but where the government armed forces had a presence; and ‘white’ areas, which were fully controlled by the government.

12. Rakhine (Arakan) is a state located on the west coast of Myanmar.

13. In Daungyi, the early 1990s were years of tremendous political instability, as mentioned by the Burma Alert (Vol. 2, November 1991). My interlocutors reported cases of land confiscation in the context of new military operations to clear the area of KNDO groups who had re-entered the region. Some cultivators originally from the village of Kathabaung were for instance accused of having collaborated with KNDOs and had their land confiscated by the then village tract LORC president and his two secretaries. Such land seizures were explained as decisions made by higher-level authorities. The president of the village tract LORC was originally from Rakhine State, and had close relations with locally established military persons. According to my interlocutors, there had been an influx of Rakhine people in Daungyi since the 1980s. The amount of confiscated land varied from a few acres up to three hundred acres from a large landowner, who was rumoured to be a spy (kyaw yoe) for the KNDO in the area. The members of the village tract LORC benefited directly from the confiscated land, either by placing their relatives as tenants on the land, or by selling the land, a practice that was illegal until 2012, but nevertheless widely carried out.


15. In Myanmar, the state remains the ultimate owner of all land. The term “landowner” applies to the farmers having permanent land use rights over land.

16. According to a study conducted by the Japan International Cooperation Agency (JICA 2010), about 53.1 per cent of the population of Daungyi were landless in 2010, 22.6 per cent were landowners, and the rest were non-farm operators. These figures, although similar to those observed in the delta region (between 50 and 60 per cent landless, e.g. Boutry et al. 2017; Tripartite Core Group 2008), give an overview of the land situation in Daungyi.

17. Committees created to apply the terms of the 2012 Farmland Law at different administrative levels.

18. According to my interlocutors, an area of 345 acres had been initially released in 2013 (see Figure 8.3). However, the information was not shared by the township authorities. The tenant farmers continued to work under the state farm management until 2015.

19. In practice, only 520 acres have been officially redistributed. The remaining 55 acres of land would have been either sold or reserved by village elites, and thus were not included in the reallocation plan.
References


