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# Resistance to Accumulation by Dispossession in the Context Of Neoliberal Capitalism And Globalization: Struggles for Defending and Gaining Land Rights by the Poor Peasantry in the Noakhali Chars Of Bangladesh

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

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

**RESISTANCE TO ACCUMULATION BY DISPOSSESSION IN THE CONTEXT  
OF NEOLIBERAL CAPITALISM AND GLOBALIZATION:  
STRUGGLES FOR DEFENDING AND GAINING LAND RIGHTS BY THE POOR  
PEASANTRY IN THE NOAKHALI CHARS OF BANGLADESH\***

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**I. INTRODUCTION TO THE ISSUES**

**Accumulation by Dispossession: Land Seizures**

Harvey [2003] has argued that, in the long term historical geography of capitalism, accumulation by dispossession (ongoing primitive accumulation) is organically linked to the accumulation of capital proper i.e. that based on expanded reproduction. Furthermore, accumulation by dispossession has become the principal form of accumulation characterizing neoliberal capitalism in the context of contemporary globalization. Among the numerous dimensions of such dispossession, this paper focuses on the mechanisms of the seizure of the lands of the poor peasantry, termed 'displacement by dispossession' by Arighi [2009], as well as the modes of resistance deployed by the latter against such processes.

For the purposes of this paper, the category of poor peasants is defined to include landless peasants and indigenous peoples ('tribal' or adivasi groups). It pertains to the vast majority of the rural population who do not have substantive lands and wealth and lack social and political power. Borras and Franco [2010] have noted that the struggles for land by the poor peasantry have a twofold character. Firstly, to the extent that they own private lands or have informal access to non-private lands, poor peasants may be forcibly dispossessed of such property by wealthy and powerful interest groups, commercial agencies, or the state. Secondly, landless and poor peasants may face opposition from these very same agencies in their attempts to gain new lands or regain former lands that had been taken away from them earlier. I propose to distinguish these two processes analytically by using the respective terms 'land seizure' and 'land denial'. Denial or blocking of access to land is a complementary process to land seizure – both have similar consequences in

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\* Paper presented at the international conference on Global Land Grabbing held at the Institute of Development Studies, University of Sussex, during 6-8 April 2010.

\* I am indebted to the late Willem Assies for discussion and papers during the writing of an earlier version of this paper. I am grateful to Jun Borras, Anjan Datta, Gournaga Ghosh, Barbara Harriss-White, Khushi Kabir, Edward Lahiff, Nilufar Matin, and Rezanur Rahman Rose for discussions and/or providing me with relevant papers and documentation. The usual disclaimer applies.

terms of depriving the poor peasantry of land. In practice, the two processes can overlap in time or occur sequentially as part of the interactive dynamics of land struggles. Correlatively, resistance to land grabbing or land denial by the affected groups can take place simultaneously or interactively.

The struggle for rural land held by the peasantry can concern both private and non-private (common or state) lands [Borras and Franco 2010]. Powerful interest groups can take over (or deny possession to the poor) of such lands for either productive purposes (e.g. securing food, biofuels and various cash crops), or unproductive surplus appropriation, e.g. speculation and extraction of (precapitalist ground) rent. As discussed below, control over land can pertain to *de facto* possession as well as *de jure* titles [Borras and Franco 2010: 24].

### **Factors shaping land struggles in Rural Bangladesh**

In rural Bangladesh, the roles of the state and domestic interest groups in land seizure and land denial have been much more prominent compared to that of foreign governments and transnational corporations as observed in other parts of the world.<sup>1</sup> The most active agencies have been government departments and forces as well as private interest groups inclusive of commercial land dealers and speculators, political powerholders, and civil and military officials in their personal capacities. In some parts of the country, land grabbing has been driven by socio-political factors related to sub-national political and ethnic conflicts.<sup>2</sup>

None the less, land grabbing processes have been influenced and stimulated by a variety of factors arising at the *global* level, shaped by contemporary globalization and neoliberal capitalism. These include: (i) neoliberal policies imposed by donor and development agencies geared to promoting commoditization and export of agricultural products, (ii) demand from the world market operating through global supply chains, as well as (iii) regimes of surveillance and certification of agricultural products policed by international regulatory agencies.

Since the 1980s, the development of capitalism in Bangladesh has been pre-eminently shaped by neoliberal policy regimes promoting globalization, liberalization and privatization. One of the major mechanisms of these has operated through structural adjustment programmes and consequential policy regimes, with conditionalities imposed by donor agencies and international financial institutions [Fortin 2005; Bhattacharya et al. 2005]. With regard to the agricultural sector, neoliberal policies have advocated export to the world market involving integration of domestic farm production into global supply chains (World Bank 2008; Akram-Lodhi //).<sup>3</sup> These imperatives, arising at the global level, have resulted in changes in government policies pertaining to land

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<sup>1</sup> This is comparable to the situation in India, Brazil, Malaysia, Cambodia and Indonesia [Borras and Franco [2010: 21-22]. The nationality of land grabbers is not necessarily analytically significant.

<sup>2</sup> This applies particularly to the CHT where counter-insurgency operations against the indigenous peoples have also involved the forcible redistribution of their lands to immigrating settlers by the military and civil administration [Roy 1997; Adnan 2004; Adnan and Dastidar, 2011].

<sup>3</sup> For instance, the World Development Report (World Bank 2007) advocates integration of 'smallholder agriculture' into global commodity chains.

rights and the priority order in the allotment of state lands among different interest groups and classes, typically leading to conflict between the winners and losers from such policy interventions.

These antecedent economic and socio-political factors, arising at the global, national and local levels, have been mediated by the pre-existing structures of power dominating rural Bangladesh. Correlatively, affected poor peasant groups have attempted to oppose such processes through forms of resistance and social mobilization. These explicitly political contestations have critically influenced the outcomes of the interactive dynamics of land struggles, subsuming land seizure and land gains.

The empirical evidence indicates that a multiplicity of mechanisms have been used by powerful interest groups and agencies of the state for grabbing the lands of poor peasants, as well as undermining programmes of (re)distributive land reform [Borras and Franco 2010] that might have otherwise enabled them to gain and strengthen their land rights. The processes of land grabbing and land denial have therefore ranged well beyond formal transactions mediated by the market and administration, involving the use of physical violence and illegal and criminal means, as noted below.

### **Forms of Resistance**

The seizure or denial of lands necessary for their means of livelihood has often activated poor peasants to resist such processes despite their lack of wealth and influence. Resistance can take many forms depending upon the structure of domination to which the peasantry is subject as well as the feasible institutional and technical means available to them [Adas 1986]. At one end of the spectrum, there are forms of open or overt resistance involving direct confrontation in which the identity and actions of those resisting remain visible. These can include non-violent forms of resistance as well as violent ones, such as peasant revolution, rebellion, insurgency, armed struggle, national liberation struggle, etc.

At the other end of the spectrum are covert forms of resistance in which direct confrontation is deliberately avoided - termed by Michael Adas [1986] as 'avoidance protest'. The identity and actions of those involved remain invisible since they put on the appearance of compliance and deference in the presence of those dominating them, while undertaking acts of silent sabotage, foot-dragging, dissimulation, etc. These are precisely the 'weapons of the weak' that James Scott [1985; 1986] categorizes as forms of 'everyday resistance' characteristic of subordinate groups such as the peasantry.

Though Scott certainly did not intend it, the immense influence of his ideas has tended to generate the widespread belief that in non-revolutionary (i.e. 'everyday') situations, peasants are essentially adaptive, compliant, secretive and incapable of mounting overt resistance to oppressing and expropriating groups [Adnan 2007: 183-185; Walker 2008a: 462-463]. However, based on her review of contemporary peasant struggles in China, Walker has raised the question: 'why everyday resistance must be [necessarily] covert and deferential?' [Walker 2008a: 463]. She has pointed to the need to distinguish between "the circumstances in which covert resistance prevails or in which peasants move to more overt collective action".

In this context, Turton [1986: 36] has drawn attention to 'intermediate' forms of resistance which are more public and confrontational, lying in the 'middle ground in-between everyday and exceptional forms of resistance'. Kerkvliet [1990: 179–182] has noted 'more daring forms of resistance' in the Philippines where the poor 'voice [their] indignation publicly' and 'take defiant public stand against a high status person'. "Even though such public confrontations with the powerful tend to be occasional and transient, these help to dispel the notion that the poor adopt *only covert forms of resistance in their everyday existence*" [Adnan 2007: 185].

This perspective also raises the question of the conditions that lead to "the *transformation of covert resistance and outward compliance of the poor into open dissent and public confrontation with power-holders*" [Adnan 2007: 185]. Even though Scott [1985] documents such instance in his study of a Malaysian peasant village, he does not problematize the conditions under which transformation of covert to overt resistance can take place. These issues are taken up below in the analysis of peasant resistance to land grabbing and land denial in rural Bangladesh.

### **Resistance to Land Seizures and Land Denial**

The political responses of the dispossessed groups have involved (i) resistance to land grabbing and dispossession as well as (ii) struggles for gaining possession or repossession of land. These contestations have taken place at multiple levels: formalization of land rights, gaining *de facto* possession of land, contesting the legal status of 'ambiguous' lands [Sato 2000; Scott 1998], invoking juridical and socio-political mechanisms of resolving land disputes, etc.

Mechanisms of dispute settlement, subsuming the formal judiciary and informal adjudicatory institutions, have a potential role to play in resolving conflicts over land rights and provide a channel for redressing grievances and negotiating compromises. However, the absence, or failure, of such mechanisms of conflict resolution, which might have otherwise provided socially acceptable resolution of disputes over land rights, can be a critical factor generating conflict and struggles over land (Bruce et al. 2007: 53).

Under such conditions, the dispossessed groups might have little option but to actively oppose land seizure and land denial, making use of strategies of overt or covert resistance as discussed above. Their resistance, in turn, is likely to be counteracted by newer strategies of repression and co-optation by powerful land-grabbing interest groups with possible support from the state and agents of global capitalism. Correlatively, the countervailing power required by subordinate groups against the forces attempting to grab their lands could be augmented by coalitions mobilized in their support, inclusive of public interest organizations, legal aid agencies, NGOs political parties, labour unions, etc.

Given this much wider social and political arena of contentions, the effectiveness and durability of holding land by the poor peasantry is likely depend crucially upon the balance of forces between the coalitions supporting the dominant and subordinate (Brenner // // //). Furthermore, the balance of forces between land grabbers and the poor peasantry could shift over time in accordance with the outcomes of the dynamics of interactive strategies of domination and resistance (Adnan 2007).

### **Key questions and objectives**

This paper addresses the following questions:

1. What are the mechanisms of alienation of the lands of the poor peasantry in Bangladesh in the context of contemporary globalization and neoliberal capitalism?
2. What are the strategies of the poor peasantry for gaining or repossessing lands?
3. What are the various forms of resistance by the poor peasantry against mechanisms of land alienation as well as opposition to their attempts to gain (or reconstitute lost) lands?

The paper explores the complex mechanisms of land grabbing and denial of land rights affecting the poor peasantry, as well as the different modes of resistance adopted by them in response. It provides empirical mapping of these complex processes and contestations based on case studies from one particular region of Bangladesh.

### **Methodology**

These issues pertaining to dispossession by displacement and corresponding attempts at resistance are fleshed out below with empirical evidence of concrete struggles for land in the coastal district of Noakhali in Bangladesh. The case study is based on a qualitative research approach and the integration of primary data generated through fieldwork with evidence from secondary sources. Fieldwork activities were undertaken in study areas in Noakhali July 2005. The principal techniques used for collecting primary data were (i) focus group discussions and (ii) unstructured interviews. This was followed by interviews and discussions with key respondents in Dhaka, the capital city of Bangladesh. Information was collected from groups of landless and poor peasants as well as government officials, journalists, lawyers, researchers, leaders and activists of peasant organizations and concerned NGOs and legal aid groups, etc. Secondary data were collected in the field sites as well as Dhaka city. The sources included government publications, donor and NGO reports, press clippings, books and articles, official letters and memoranda, press releases, petitions, handwritten write-ups, etc.

### **Layout**

The next section (II) analyzes the interactive and dynamic trajectory of struggles for controlling land in the Noakhali coastal belt. The analysis interweaves attempts at gaining land by both poor peasants and wealthier interest groups through a variety of legal and illegal avenues in relation to changing land policies of the state, donor influences, mechanisms of land seizure and land denial as well as resistance and social mobilization by the poor peasantry. Section III summarizes the major conclusions of the analysis in response to the key questions, drawing out inferences pertaining to the analytical issues discussed above.

## II. CONTESTATIONS FOR LAND RIGHTS IN NOAKHALI CHARS

### Features of *char* lands and options for property rights

The coastal belt of Noakhali consists of newly accreted lands known as *char*, formed by river and tidal activity, constituting *incremental* additions to the pre-existing stock of land.<sup>4</sup> At the time of emergence, these new landmasses constitute extensive tracts of contiguous lands, without any physical structures, settlements, or boundary fences and markers. Before these newly accreted lands could be utilized for human settlement or economic activities, it was necessary to stabilize and consolidate their soils. This was done by planting trees through massive afforestation programmes under the auspices of the Forest Department. From the 1970s onwards, the Ministry of Land transferred thousands of hectares of *char* lands in Noakhali to this department for afforestation over 10-20 year periods (Foyej 2004b).

### Changes in property rights including land reforms

Changes in property laws enacted in 1972 (Presidential Order 135) specified that all newly accreted *char* areas would be treated henceforth as state-owned or *khas* lands under the Ministry of Land (Siddiqui 1981b: 70). Consequently, all *chars* emerging after this date were regarded as being devoid of any pre-existing land rights irrespective of the previous history of property rights in such locations.<sup>5</sup>

Given its ownership of *char* lands, the state could either retain such lands under its own management, or distribute these to private owners and leaseholders on the bases of different types of property rights. These areas thus constituted non-private (state) lands that were potentially available as private property of various classes and interest groups.

One policy option open to the state was to divide these into small plots and allot them to landless or poor peasant households. Such a distributive option did not involve any of the social and political costs of forcible acquisition of surplus lands from landed classes that would be required for redistributive land reform in an unequal private property regime (cf. Ali 1981: 179-80 and Borras and Franco 2010). This option thus offered a 'painless mode' of land distribution that the state could utilize to settle large numbers of poor peasant households lacking adequate subsistence holdings.

However, the *char* areas were also particularly attractive to wealthy and powerful interest groups interested in capitalist investment precisely because these were not encumbered with any pre-existing private property rights. This meant, firstly, that there would not be any resistance from peasants and other smallholders if they were to promote capitalist production [Kautsky; Brenner;

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<sup>4</sup> Tidal and river activity result in both accretion and erosion of land, so that *char* areas at any point of time may also be subject to submergence (incremental loss). The process is dynamic, with continuing emergence, submergence and re-emergence of *char* lands over time.

<sup>5</sup> Formerly, the procedures for determining and ascertaining the ownership of such accreted lands were governed by the Bengal Alluvion and Diluvion Regulation of 1825. The provisions of this law were subsequently incorporated into the East Bengal State Acquisition and Tenancy Act (EBSATA) of 1950 (Siddiqui 1981a: 16; 1981b: 70).

Adnan 1985]. Secondly, char areas be deployed for *large-scale* projects of settling tenants or developing capitalist farms which put a premium on large and contiguous tracts of land. As noted by Kautsky, such consolidation of farm lands was favourable for the *centralization* of capital in the process of capitalist development of agriculture.<sup>6</sup>

Given these considerations, a second option open to the state was to allot *char* lands to influential political and commercial interest groups purporting to undertake capitalist production. However, even if the state did not adopt such a policy, powerful interests coveting *char* lands could take these over by making use of a range of legal and illegal mechanisms and then influence policymakers and the land administration to establish formal land rights. In this sense, the state lands in the Noakhali *chars* were targeted by rich and powerful classes and interest groups for eventual capture. This possibility also underscored the organic or dialectical linkage between accumulation through expanded reproduction and accumulation by dispossession, as postulated by Harvey (2003).

The state was thus in a position where it could undertake land reform in the *distributive* rather than redistributive mode. Which of these broad options it would take up, and in what specific forms, depended upon a whole range of considerations. The state had to decide upon changes in laws pertaining to property rights and priority order among recipients of its land distribution programmes, as manifested in evolving policies of land reform and allotment under the influence of various dominant classes and interest groups. Significantly, the distributional outcomes of its actions could cut both ways, depending upon which classes or groups it gave priority in the allotment of char lands: poor peasants or influential commercial interests, leading to either equalizing or polarizing distribution patterns [cf. Borras and Franco 2010]. Furthermore, whatever the policies adopted by the state, their actual outcomes on the ground depended upon the critical pressures exerted by the pre-existing power structure, subject to possible modifications by peasant resistance and enterprise. The actual trajectory of the options for land gains pursued in the Noakhali *chars*, as well as the actual outcomes resulting from the related struggles between powerful and weaker groups, are briefly analyzed below.

#### **Option-1: De jure land gains through evolving land reform laws**

The 1972 land law (Presidential Order 135) specified that state (*khas*) lands were to be allotted “for settlement among the poorer classes of agriculturists in accordance with government policy and the provisions of law” (Siddiqui 1981b: 69-70). The rules for redistributing such lands gave priority to landless and near-landless households having up to 1.5 acres including their homestead lands. Preference was to be given to households that had lost their original lands due to river erosion but did not currently hold more than 8.33 acres.

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<sup>6</sup> Kautsky (1988: 146) argues that, given the properties of land, large and contiguous tracts are conducive to the process of capitalist development in agriculture (Adnan 1985). In places with predominantly small-scale private property, a large farm can only be established through the centralisation of a number of small farms. In addition, the expropriated small farms must also constitute an interconnected area, since if these are “not adjacent ... their consolidation into one large farm” is not possible.

### *Distortion and changes in property rights and rules*

However, by 1974, the government changed policy to allow households owning up to 33.33 acres to be eligible for allotment of state lands (Siddiqui 1981b: 78-9). Furthermore, consolidated blocks of 500 acres or more could be settled with farmers' cooperative associations, formed with households that were individually eligible for land settlement under this law (Siddiqui 1981b: 69-70). The raised ceiling of permitted landholdings, as well as the wider range of eligible allottees, provided ample discretion to land administration officials to favour the rich and the powerful in place of poor peasants in the allotment of state-owned lands, also enabling them to make private gains through corrupt practices (Siddiqui 1981b: 79).

In 1984, a new land reform order was announced, which was followed by declaration of policy guidelines in 1987 for distributing *khas* land to landless households. As a result, Land Reform Selection Committees were formed in the Thanas (sub-districts) of Noakhali during 1988-89, which listed landless and poor households for allotment of *khas* lands on a priority basis (Foyej 2004c). However, in most cases, these processes never reached fruition, because the selected households did not or could not get possession of the lands that they had been allotted.

Overall, despite purported attempts at (re)distributive land reform by the state during the 1970s and the 1980s, landless and poor peasants did not benefit significantly in terms of allotment of formal titles and the actual possession of allotted plots in the *char* areas of Noakhali. Such disappointing outcomes of purported land reform programmes constrained them to search for alternative ways of establishing rights on land – if necessary, bypassing the official administration. The search for alternative modes of gaining access to land outside the formal land administration led poor peasants to enter into clientelist relations with local-level powerholders and corrupt functionaries of the land administration.

### **Option-2: Parallel system of *de facto* land gains through the rural power structure**

The *char* areas of Noakhali consisted of numerous islands in river estuaries and sandbars adjoining the mainland, criss-crossed by rivers, creeks and sea channels. In addition to their distance from the district headquarters, their location made them extremely difficult to access by prevalent means of road and water transport. As a result, the district administration, police and other government agencies often did not have effective presence and control in these remote areas (Ali 1981: 185; *Ajker Kagaj* 16.06.04 & 22.06.04).

Given such localized power vacuum, *de facto* possession of *char* lands was often taken over by enterprising powerholders among the rich peasantry, known as *jotedars*<sup>7</sup>, who employed *lathiyals* (armed gangs) to enforce their control. They typically organized peasant settlements on the *char* areas under their control by

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<sup>7</sup> The term *jotedar* refers broadly to the classes of small-scale landlords and rich peasants which took control of the rural power structure after the abolition of the large *zeminadari* or landlord estates, established by British colonial rule under the Permanent Settlement, by the East Bengal State Acquisition Act of 1950.

bringing in landless migrants from the surrounding deltaic region whose original lands had been eroded by river activity. They made the migrants work these *char* lands as sharecroppers and collected rent and other forms of surplus, putting pressure on them through their armed retainers whenever necessary (Adnan & Mansoor 1977). In some cases, the *jotedars* attempted to legitimize their possession of large tracts of land by forming fake cooperative associations and listing their captive tenants as its members (Adnan & Mansoor (1977; Ali 1981: 183-5). This fraudulent mechanism provided them with legal cover for controlling much larger areas of land than the maximum holding permitted to a single household under existing laws.

These powerholders controlling remote *chars* were a subset of the larger class of *jotedars* constituting the base of the rural power structure in the whole of Noakhali district, including those based on the mainland and located closer to the district administration. Most *jotedars*, whether in remote *chars* or mainland areas, recruited poor migrants to settle as squatters on state lands under their control, extracting surplus from them and requiring them to be part of their clientelist support-bases. Some of these *jotedars* held elected offices as Chairmen and Members of the Union Parishad (UP), the institution of local government at the grassroots (Adnan & Mansoor 1977). Some of these *jotedars* were also clients of influential patrons in higher echelons of the power structure, such as the Members of Parliament and local party bosses in Noakhali. The latter, in turn, were linked to their national-level party leaderships in the capital city, Dhaka. This power structure, straddling the local and national levels, also mediated *de facto* land gains by poor peasants, operating in parallel with the land administration of the state which awarded *de jure* land rights.

While they operated on the borderline between exercising legitimate authority (e.g. as local self-government office-holders) and use of illegal coercion, the *jotedars* maintained linkages with the state machinery including the land administration. Furthermore, to the extent that the police and agencies of the state maintained any presence in the *char* areas, they typically tended to operate in collaboration with the *jotedars* dominating the local power structure, reinforcing the latter's authority.

### **Option-3: Allotment of state lands to landless peasants through aid-assisted development projects**

Within the context of this *jotedar*-dominated power structure in rural Noakhali, development projects were undertaken to allot rights on state lands to landless peasants. The first of these was the experimental Land Reclamation Project (LRP) undertaken from 1978 by the government of Bangladesh with technical assistance and funds provided by Dutch development agencies. The LRP allotted plots of state land to peasant households which had lost their former holdings due to river erosion or distress sale (Matin, 1986c: 14). The titles were given collectively to *bona fide* cooperative associations of landless households that had been formed specifically for the purpose by the NGO, Nijera Kori (Matin, 1986a: 8). The conditions of allotment stipulated that while the recipients could cultivate their plots, they could not sell these to others, imposing restrictions on their fungibility. Over 1984-86, the project registered state lands in the name of 30 landless associations on 15-year leases (Matin, 1986c: 15).<sup>8</sup> Subsequently,

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<sup>8</sup> Vide settlement no. 91/85-86 by the Government of Bangladesh.

these group allotments were converted to individual titles of two acres for each household belonging to the landless associations.<sup>9</sup>

*Violent opposition from power structure: Political conflict*

However, this kind of direct allotment of state lands to poor peasants threatened the power-base of local *jotedars*, since the process not only bypassed them, but also made them 'lose potential clients' who no longer needed to depend on their patronage for access to land. Not surprisingly, they made repeated attempts to intimidate the members of the cooperative associations and forcibly take over the lands allotted to them. One such major assault by *jotedar* forces on the cooperatives' settlements took place on 29 June 1984. On this occasion, the peasant groups were able to successfully retain control over their allotments because of the direct involvement of the donor and government officials concerned with the project, who were able to ensure that the local administration and police force provided effective protection.

The LRP was followed by the Char Development and Settlement Project (CDSP) in Noakhali, also undertaken by the government with the assistance of Dutch aid and expertise. The project began from the mid-1990s. Its objectives included awarding *individual* titles to 5,000 landless households.<sup>10</sup> The procedure followed consisted of an elaborate plot-by-plot survey to ascertain the actual possessors of holdings on the ground, i.e. a survey of *de facto* occupancy.<sup>11</sup> In the process, CDSP prepared an 'occupying holder's list' of all the occupants of state-owned plots on the ground (cf. Deininger 2003). This record was officially certified and provided the basis for potential titling and recording of rights in subsequent stages.

However, the plot-to-plot survey by the CDSP was reported to have involved inadequate scrutiny of the documents submitted in support of their cases by the parties claiming rights of possession.<sup>12</sup> This provided scope for influential land-grabbers to forge documents to 'prove' occupancy, such as receipts of land revenue payments, which they could obtain by bribing or intimidating the functionaries concerned.<sup>13</sup> As a result, the CDSP procedures did not necessarily invalidate the claims of fake applicants who had obtained forged documents, nor did it necessarily uphold the claims of genuinely landless allottees in disputed cases. It was reported by respondent that, to some extent, the occupying holders' lists produced by CDSP tended to be biased towards the *de facto*

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<sup>9</sup> Vide letter from Ministry of Land to Noakhali district administration dated 30.05.2000, Ref: 91-71/98-1901/SA of 29 November 1998, regarding Char Baggardona of Sudharam Upazila of Noakhali.

<sup>10</sup> Each household was to be given a 99-year lease on the state land allotted to it by the project Dilruba Banu [2002: 6].

<sup>11</sup> There were 14 steps in the process, beginning with a plot-to-plot survey and handing over ownership title or registration documents to the recipients (*Deshar Khabor* 23.01.99).

<sup>12</sup> Reported to us during fieldwork by members of the landless associations in Noakhali that had been allotted state lands by the CDSP.

<sup>13</sup> Forging of titles and other documentations pertaining to landed property was a sophisticated art in Noakhali (Foyej 2004).

occupants who had the power to hold possession of the lands and/or to produce the relevant documents, even if by forgery.<sup>14</sup>

In any case, development projects such as LRP and CDSP operated on a very limited scale and could at best give titles to only a tiny fraction of the masses of landless peasants desperately seeking access to some land for subsistence. Even for those who did receive allotments from these projects, their holdings continued to remain insecure and vulnerable to forcible takeover by *jotedars* and other types of powerholders in rural Noakhali. Since such state-mediated land allotment through development projects was not even on the cards for the bulk of the poor peasantry in Noakhali, they had little choice but to seek *de facto* possession of lands by other means as the only way of eventually establishing *de jure* rights. The objective conditions confronted by the landless peasants exerted systematic pressure upon them to seek alternative avenues of gaining lands beyond the formal channels of the state.

#### **Option-4: Accessing *de facto* land rights through forest-bandits undertaking illegal forest clearance**

A significant avenue of obtaining *de facto* possession of state lands emerged during the 1990s, when the forests that had been planted earlier in new *char* areas by the Forest department began to mature. By this time, the *char* soils had become consolidated, making these lands attractive for cultivation and other economic uses. At this juncture, certain enterprising elements among the local peasantry took on the role of 'private land reclamation organizers', mobilizing landless migrants from the surrounding region to cut down these state-owned forests and establish settlements.<sup>15</sup> They operated in open defiance of the Forest Department and the police, whose personnel they frequently attacked and expelled from these forested areas. Such activities made them known as the *banadasyus* ('forest-bandits') (Nabil 2003: 21; Ali 1981: 183-6). Unlike the *jotedars* discussed above, the *banadasyus* did not have any territorial base among the mainstream peasantry. Rather, they operated as criminal gangs involved in illegal logging, exploiting the space made available by the weakness of state power in the deeply forested *char* areas (*Jugantar* 04.06.01; *Ajker Kagaj* 16.06.04 & 22.06.04).

The *banadasyus* gave each migrant household providing labour in clearing forests a small plot of land to cultivate and build a homestead for itself, who [which?] thus became an illegal squatter on state lands [*de facto* possession]. In return for this *de facto* occupancy right, the peasant had to make an initial down payment to the concerned *banadasyu* and pay 'rent' thereafter.<sup>16</sup> Such *de facto* right of possession was quite effective for everyday land-use within the domain controlled by the *banadasyu* (*Jugantar* 04.06.01; Nabil 2003). However, it was contingent upon the continuation of good relations between the squatter

Comment [EL1]: See footnote 2. Is it possible to give a conversion to US\$?

<sup>14</sup> Cf. Deininger (2003: 73) on instances of land grabbing in Africa during initial surveys for land registration.

<sup>15</sup> The tradition of land reclamation in the deltaic tracts of Bengal can be traced back to the seventeenth century, when the agrarian bureaucracy of the Mughal Empire extended its control on this region. Vide Eaton [1997].

<sup>16</sup> Landless households in Char Clark and Char Lakshmi reported having paid 1,000 to 10,000 Bangladeshi taka per acre to local *jotedars* for informal allotment of subsistence holdings.

and the *banadasyu*, and did not result in any title or other legal documentation of right that would be recognized by the official land administration. Rather, squatter families in the Noakhali *chars* faced recurrent violence from rival power-holders in the forms of arson, harassment, assault, rape and killings, which were usually linked to threats of eviction from the lands under their occupation. Furthermore, these migrant households were subject to the absolute social power of the *banadasyu* leaders within their respective domains, who 'promulgated local laws' and used violence and intimidation to exploit and repress them. They had little option but to suffer in silence since they needed the protection of their own *banadasyu* leader against attacks from rival powerholders seeking to grab their tenuous land holdings.

The squatters on the state lands of Noakhali thus lacked *tenure security in a fundamental sense*. They had to strive to access land through loyalty to a particular forest bandit and simultaneously defend such holdings from predatory land grabbing by rival power-holders.

#### *Linkages of the Banadasyus with patrons in upper echelons of the power structure*

Since the *banadasyus* operated in defiance of the Forest department, the police and the land administration, they also needed protection from possible punitive actions by the state machinery. For this purpose, they linked up with influential individuals in the power structure of Noakhali district who could shield them as their patrons. These included Members of Parliament (MP), local bosses of the major political parties, as well as the Chairmen and Members of their local Union Parishad (UP), most of whom were *jotedars* (*Janakantha* 11.12.03 & 14.12.03; *Prothom Alo* 11.12.03). The *banadasyus* had close personalized ties with leaders of the ruling and the opposition parties in Noakhali, and were reported to have been invited by the latter on social occasions such as marriage receptions (*Nabil* 2003: 21; *Jugantar* 04.06.01).

In return for such clientelist protection, the *banadasyus* are reported to have given their patrons a part of the rent and other forms of surplus that they extracted from the squatter households under their control. Indeed, such surplus extraction was often justified by the *banadasyus* by invoking the need to make payments to their patrons in the power structure as well as to give bribes to the police and the administration (*Jugantar* 04.06.01; *Nabil* 2003: 20-21). The *banadasyus* also served their patrons in other ways, particularly by using their forces to help them in grabbing *de facto* possession of large tracts of state lands (*Prothom Alo* 21.01.04; *Sangram* 2.1.04).

#### **Opton-5: Applying to the land administration for routine land settlement with *de jure* rights**

Given the insecurity of the *de facto* possession given by the *banadasyus*, the squatter households also applied for *de jure* settlement on *khas* plots to the land administration, whenever any such opportunity arose. This involved routine settlement procedures, as distinct from the modes of land gain through land reform and development projects discussed above. In their applications for settlement, the poor peasants invoked their *de facto* possession of state lands as

ground for award of formal title in accordance with the priority given to them by prevalent land laws and policies. This was because the law encouraged having de facto possession for an extended period as a basis for subsequent award of formal land rights, i.e. de jure titling.

However, such attempts were often thwarted by the unhelpfulness and corruption of the land administration. Furthermore, the poor peasants were no match for the competition provided by powerful commercial and political interest groups that were also seeking to grab *char* lands, which had far greater influence on the policies of the government and the patronage structures mediated by the major political parties of the country.

### **Option-6: Land rights for the rich: Declaration of the Shrimp Zone Policy**

As the forested tracts of the Noakhali were cleared and made arable by the peasant squatters engaged by the *banadasyus*, these also became attractive to powerful political leaders, big business houses and other interest groups. However, the latter were not eligible for allotment of *khas* land given prevalent state policies, which gave priority to poorer groups such as landless and poor peasants. While political and business interest groups had been able to gain *de facto* possession of state lands through illegal means, they were concerned to *legitimize* these holdings. They were also keen to get legal allotment of much larger areas than the subsistence plots awarded to landless peasants. However, any such drastic alteration in the rules of distribution of state property that gave priority to wealthier claimants in relation to the poor peasantry needed to be justified on grounds that could be projected as legitimate and in the national interest.

Significantly, such a justification became available at this juncture due to the impacts of globalization and liberalization. Bangladesh had become subject to neoliberal policies and structural adjustment programmes imposed by international donor agencies from the 1980s. These put pressure on the government to expand export-oriented commercial agriculture that could increase foreign exchange earnings (cf. Fortin 2005; Bhattacharya et al. 2005). One of the major agricultural exports of the country was shrimps, produced in its coastal belts, including Noakhali. Allotment of land for shrimp farms would serve to increase exports and foreign exchange earnings in the 'national interest'. This provided precisely the kind of legitimate ground being sought by wealthy interest groups to make a case for changing the rules of allotment of state lands in their favour. They began lobbying the government to adopt a policy of allotting large tracts of state lands to wealthier groups for undertaking commercial production of shrimps for export.

As a result of the combination of donor pressure and the lobbying of interest groups within the country, the government promulgated the *Chingri Mahal* or *Shrimp Zone Rules* in 1992.<sup>17</sup> This marked a critical shift in government policy on the allotment of state-owned lands. While the erstwhile priority given to landless and poorer groups continued to be kept in the books, it now became

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<sup>17</sup> The *Chingri Mahal (Shrimp Zone) Rules* were promulgated by Memo no. 217 of the Ministry of Land, dated 30 March, 1992 (*Ittefaq* 5 December 1999). These specified the official procedures and criteria for shrimp-producing zones and farms in suitable locations around the country.

much easier for influential individuals and companies to get allotment of state lands for the purposes of setting up shrimp farms.

*Pre-emptive land grabbing for de facto possession even before establishment of Shrimp Zone*

Promulgation of the Shrimp Zone Rules did not immediately result in the establishment of such a zone in Noakhali. However, the very fact of this government policy declaration created scope for, and provided encouragement to, many influential business houses and powerholders to stake claims on large tracts of *khas* lands, ostensibly for shrimp farming. During the following decade (1992-2003), state lands in Noakhali were progressively taken into possession by powerful commercial and political interest groups, reflecting a process of *primitive accumulation*. This corresponded with the notion of accumulation by dispossession as a basis for subsequent capitalist accumulation [Marx; Harvey 2003].

During this period, the Shrimp Zone Rules were often bent or violated in the interest of influential parties. For instance, one-year settlements for shrimp farms were leased out in huge sizes of 100-150 acres, which were much larger than the 10 acres specified in the rules (*Ittefaq* 05.12.99).

In parallel, there was a rising intensity of violent attacks on poor peasant households, aimed at evicting them from lands on which they already possessed titles, or had a good probability of getting them in the future. The land-grabbing groups rightly apprehended that once these incumbents could get legally recognized rights to land, it would be far more difficult to evict them and take over their lands by force. Consequently, much of the manoeuvring for gaining possession of state lands at this stage was guided by the concern for *pre-empting* the poor from getting any legal rights on land in the first place.<sup>18</sup> This reflected the concern of powerful groups to grab lands in order to deny legal rights to such lands to the poor – indicative of a combined strategy of land seizure and land denial.

Among the powerholders who took possession of state lands by use of force or fraudulent means were Members of Parliament, political party bases, past and present Chairmen and Members of Union Parishads, as well as professional groups such as college teachers, journalists, lawyers and contractors based in urban-industrial sectors of Noakhali (Nabil 2003: 22). Several large business houses, mostly claiming to be 'agro-fisheries' or 'agro-vet' enterprises, succeeded in getting illegal possession of hundreds of acres of land in Noakhali by claiming that they intended to set up shrimp farms. Political heavyweights of the ruling party at the national level were also reported to have been involved in this land grabbing process and promised large tracts of shrimp zone lands as part of their share of the spoils (*Sangbad* 13.09.99). In effect, the entire power structure from

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<sup>18</sup> For instance, 75 landless households in Char Bagga were attacked with violent consequences, including death and injury, by the armed hoodlums of land grabbers, with the administration failing to take any remedial action (*Banglabazar Patrika* 24.10.2000; *Ittefaq* 25.10.2000). In another instance, strong-arm men of a local powerholder attacked poor peasant households in Dharampur Char with the aim of grabbing their lands by force, bypassing due processes of law including an ongoing court case (*Prothom Alo* 02.08.01; *Manabjamin* 02.08.01; *Ittefaq* 02.08.01 and 03.08.01; *Jugantar* 03.08.01; *Ajker Kagaj* 03.08.01; *Sangbad* 03.08.01).

local to national levels was mobilized for grabbing lands through state-mediated distribution and violence-mediated reverse and perverse redistribution, resulting in the (re)concentration of land [Borras and Franco 2010].

### **Option-7: De jure land gains for the rich and powerful after Declaration of the Shrimp Zone**

The interest groups concerned to acquire state lands continued to lobby the government to institute a physically demarcated Shrimp Zone in Noakhali district, within which large commercial operators would be given leaseholds for setting up shrimp farms. The Noakhali district administration forwarded a large number of applications for setting up shrimp farms on state lands to relevant ministries and departments in 1998 and 1999 (Sangbad 13.09.99; *Ittefaq* 05.12.99). In October 2002, the district committee for 'shrimp resources development and management' approved a proposal to create a Shrimp Zone on nearly 12,000 acres of *khas* land in Noakhali and forwarded it to the Ministry of Land for approval.<sup>19</sup> Significantly, the economic justification used in this proposal for allotment of *large* plots for shrimp farms was based on deceptive profitability figures.<sup>20</sup>

The combined efforts by the district administration and politically influential interest groups, in addition to donor encouragement, led to the Ministry of Land approving the establishment of a Shrimp Zone (*Chingri Mahal*) in Noakhali in May 2003, consisting of approximately 12,000 acres of state lands (*Manabjamine* 26.05.03; *Banglabazar Patrika* 27.05.03; *Loka Sangbad* 01.06.03).<sup>21</sup>

#### *'Empty' lands*

The administration asserted that the *khas* lands inside the declared shrimp zone had not been formally settled and hence lacked inhabitants, and were 'empty' in that sense. However, official documents and press reports indicate that parts of the designated Shrimp Zone had been already settled with, or were occupied by, poor peasants and landless squatters, as well as influential interest groups and government agencies including the Forest Department (*Star* 29.02.04; *Ajker Kagaj* 16.06.04).<sup>22</sup>

Moreover, only about a quarter of the total *khas* lands available in Noakhali (47,000 acres approximately) had been placed inside the shrimp zone. A coterie of powerful politicians and commercial interests began manoeuvring to divide up

<sup>19</sup> Minutes of the meeting of 1 October 2002 of the Noakhali district shrimp resources development and management committee, chaired by the DC. Dated 18 November 2002, Memo no. JePra/Noa/Chingri/S,A/13-30/2002-1883(30).

<sup>20</sup> The district committee put forward projects requiring large tracts of land that were suitable for *brackish-water* shrimps or tiger prawns (*bagda*), even though these could not be grown in Noakhali because salinity of water was too low. In its place, the proposal interposed cost-returns data of *freshwater* prawns (*galda*), which could be grown profitably in Noakhali only by family-labour based units using *small* ponds, rather than *large* shrimp-fields (*Loka Sangbad* 01.03.04).

<sup>21</sup> Letter from Ministry of Land to DC of Noakhali dated 6 May 2003, Reference no. Bhum/Shu-8/600/2002/320 and Ministry of Land, Memo No: Bhum/Shu-8/600/2002/320 [Land/Section/8/Revenue/227/91/217].

<sup>22</sup> Letter from the DC Office of Noakhali to the Secretary of the Land Ministry, dated 21 November 2002, Memo no. JePro/Noa/Chingri/S,A/13-30/2002/1898.

this whole area among themselves under the cover of shrimp farming, an inevitable consequence of which would be the forcible eviction of poor peasants and squatters from the lands that they were currently occupying (Prothom Alo 20.01.04).

#### *Manipulation of land records and rules of allotment*

Gross violation and distortion of the formal rules and procedures were made in order to provide leases to influential politicians of the ruling and opposition parties, as well as industrialists, businessmen, and government officials [Foyej 2004]. Land allotments for influential politicians were given covertly (*benami*) to people close to them, irrespective of whether they had the requisite technical expertise and experience in shrimp production, as required by the rules (Prothom Alo 20.10.04). Remarkably, the chief of the district administration (Deputy Commissioner) and Superintendent of Police (SP) in Noakhali acknowledged that many of their own officials had applied for shrimp farm allotments and were going to get them (Prothom Alo 20.10.04).

There is little doubt that the forcible eviction of poor peasants and squatters *accelerated* after the declaration of the Shrimp Zone in Noakhali. Since state lands in many parts of Noakhali were already under the possession of poor peasants holding either *de jure* or *de facto* tenurial rights, they became the object of widespread attacks by powerful groups making use of illegal force and intimidation. For instance, powerful *jotedars* in Char Bagger Dona and Char Jabbar, including UP Chairmen and Members, were reported to have used violent means to take over *khas* lands by evicting the incumbent poor peasants on the pretext of setting up shrimp farms (Foyej 2004f).

Furthermore, for the coterie of powerful land grabbers, legitimizing tenurial rights on lands already illegally held by them was as important an objective as obtaining new allotment of state lands (Prothom Alo 20.10.04; *Ajker Kagaj* 16.06.04). Establishment of the Shrimp Zone provided them with the opportunity to legalize their *de facto* possession of *khas* lands, while denying land rights to the poor peasants and squatters whom they had forcibly evicted (Nabil 2003: 22; *Khabarpatra* 23.09.03). Acquiring and legitimizing rights on state-owned land thus constituted the *primary benefit* resulting from the Shrimp Zone in Noakhali for these land-grabbing interest groups, rather than the purported earnings from shrimp farming and exports used to justify its establishment (Nabil 2003: 22).

The establishment of the Shrimp Zone in Noakhali under a neoliberal policy regime gave a formidable boost to ongoing processes of (primitive) accumulation or accumulation by dispossession by both legal and illegal means. This also reflected a combined strategy of land seizure and land denial adopted by powerful groups in order to eliminate poor peasants from holding lands in the Noakhali chars.

#### **Enclosure Stage-I: Conflict within power structure: Elimination of the Banadasyus**

Among the powerholders wanting to grab state lands in the Noakhali *chars* were also the patrons of the forest bandits, who wielded considerable influence in the local and national power structure. They now demanded that their clients evict the peasant squatters whom they had settled and hand over the vacated lands

to them. However, these squatter households constituted the very population base from which the *banadasyus* drew their strength and resources (*Bhorer Kagaj* 15.12.03). They provided them with the labour force for forest clearance, the source of new recruits for their armed gangs, as well as rent and other forms of surplus. Consequently, they were unwilling to displace their support-base in their own enlightened self-interest, rather than any great concern for the land hunger of the poor squatters. As such, the *banadasyus* were the only element of the local power structure which provided opposition to the political leaders and business houses wanting to grab lands in Noakhali, reflecting a contradiction amongst dominant groups at different levels of the prevailing power structure.

Furthermore, since the district administration and police did not have effective strength in the areas controlled by the *banadasyus*, prospective applicants for shrimp farms were concerned that even if they were to get official titles in such areas, they would not be able to get actual possession of the allotted lands (*Sangbad* 20.09.03; *Star*, 29.02.04). Such apprehensions were fuelled by a reported meeting between five of the most powerful *banadasyu* leaders in the Noakhali *chars* on 15 September 2003, where they agreed to close ranks against the call by their patrons to evict the landless squatters from their respective domains (*Sangbad* 20.09.03). It was also in this sense that the forest-bandits posed a barrier to influential interest groups claiming on *de jure* or *de facto* land rights in their domain of control. They could not get unconstrained possession of land if the *banadasyus* continued to exercise power in such localities.

#### *Crushing of the banadasyus*

In response, the political and commercial interest groups that had protected and patronized the *banadasyus* in the past, and had benefited from their assistance in grabbing land, decided to mobilize state power to crush them altogether. With the backing of two ministers and approval from the national government, contingents of several different security forces were brought in from around the country to reinforce the police and district administration of Noakhali (*Kaiser* 2003: 4; *Banglabazar Patrika* 11.12.03; *Janakantha* 10.12.03; *Bhorer Kagaj* 15.12.03). These forces launched a pre-planned and coordinated operation against the *banadasyus* during December 2003. This campaign also triggered a massive outburst of spontaneous anger among the poor peasants and squatters who had been ruthlessly exploited and dominated by the *banadasyus* for many years. The outcome was that the leaders and members of these bandit gangs were chased and lynched by popular mobs in the presence of the security forces, goaded on by the very patrons (MPs and UP Chairmen and Members) whom they had served earlier. Approximately 40 *banadasyus* were killed by mob violence and many were injured and arrested during the short span of two weeks from 7 December 2003.<sup>23</sup>

Thus, just over six months after the declaration of the Shrimp Zone in Noakhali, the *banadasyus* were totally crushed by the combined power of the state machinery and their erstwhile patrons among political powerholders and business houses, supplemented by the outburst of popular resentment. This reflected a critical shift in the balance of forces within the power structure mediating the *de facto* possession of state lands in Noakhali, the consequences of which were to prove disastrous for poor peasants [cf. Brenner].

<sup>23</sup> Vide *Prothom Alo* 09.12.03 & 10.12.03; *Banglabazar Patrika* 09.12.03 & 11.12.03; *The Independent* 11.12.03; *Janakantha* 19.12.03; *Manabjamin* 14.12.03 & 21.12.03; *Banglabazar Patrika* 21.12.03.

## **Enclosure - Stage II: Intensified eviction of poor peasants after elimination of *banadasyus***

The poor peasants and squatters of the Noakhali *chars* had hoped that the elimination of the *banadasyus* would facilitate them in getting formal rights on state lands. However, soon after this operation, mob violence was systematically turned against them by the dominant interest groups, which labelled them all indiscriminately as 'followers of the *banadasyus*' (*Manabjamin* 12.12.03 & 13.12.03; Kaiser 2003: 5-6). From June 2004 onwards, wholesale eviction of poor peasants and squatters on state lands are reported in many parts of the Noakhali *chars* (*Ajker Kagaj* 16.06.04; *Janakantha*, 11.07.04; *Prathom Alo* 12.07.04; *Banglabazar Patrika* 13.07.04; *Manabjamin* 15.07.04). Most of the locations where the attacks took place were inside the Shrimp Zone area (*Banglabazar Patrika* 24.03.04; *Manabjamin* 28.03.04).

These were systematic attacks to force the poor leave the lands for good, and involved destruction of their huts, looting of their cattle, brutal physical assault, and sometimes even the offer of a small cash handout if they agreed to leave without any fuss (*Janakantha*, 11.07.04; *Prathom Alo* 11.07.04). As noted for earlier periods, these were typically *pre-emptive* evictions to take possession of lands held by poor peasants before they got titles and tenure security, so that it would be easier for those grabbing the lands to obtain settlements on these later for the ostensible purpose shrimp farms [*Banglabazar Patrika* 24.03.04; *Manabjamin* 28.03.04].

In effect, having eliminated the *banadasyus*, the land grabbing classes and interest groups turned their attention to evicting the poor peasantry from the state lands under their possession, with the tacit support of the district administration and police (*Prathom Alo* 11.07.04). Ironically, without the *banadasyus* to provide protective cover, the squatters under their domain, as well as poor peasants generally, became acutely vulnerable to repressive actions by the dominant coalition of land grabbers.<sup>24</sup> While the *banadasyus* had ruthlessly oppressed and exploited the poor peasant squatters, they had also needed the presence of this captive population on the lands under their control. The latter were also willing to hang on to their tenuous holdings in the hope being able to use their *de facto* possession as the basis for eventually gaining *de jure* land rights. However, the superordinate powerholders that crushed the *banadasyus* were *only concerned with the land* and had *little interest in retaining the poor people inhabiting them*.

Large sections of the poor peasantry were thus evicted from the Noakhali *chars* through a two-stage enclosure which involved the use of murderous violence to remove all classes and groups posing obstacles to the dominant political and commercial interest groups wanting to take over the *char* lands. This turn of events also served to reveal the real objective behind the operation to crush the *banadasyus* by the security forces of the state at the behest of land grabbing interest groups embedded in the local and national power structure. This is reflective of shifts within the power structure as well as the dynamics and

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<sup>24</sup> Not surprisingly, the latter were termed as *vumidasyus* or 'land grabbers', who were very much part of the political establishment, as contrasted to the *banadasyus* or forest-bandits who had operated outside the domain of the law (*Ajker Kagaj* 16.06.04).

complex outcomes of struggle for lands, involving both land seizure and land denial.

### **Public action and organized resistance by landless and poor peasants**

In fact, the forcible expropriation of the lands of the poor peasantry in the Noakhali *chars* would have gone much further had it not been held in check by their organized resistance. In most cases, they used non-violent public actions such as protest meetings, demonstrations, lobbying, submission of memoranda to the district administration and other government offices, lodging of cases with the police and the courts against the attackers, etc.<sup>25</sup>

Whenever necessary, more militant, but still non-violent, forms of protest were undertaken by the aggrieved peasantry, such as *gherao* or blockading of police stations, the district administration and offices of government agencies. Such actions were undertaken immediately after the declaration of the Shrimp Zone in May 2003, when thousands of peasant men and women blockaded the district administration (DC office) in protest, and submitted a memorandum demanding that the state lands designated for the Shrimp Zone be redistributed to landless families (*Manabjamin* 26.05.03; *Jugantar* 26.05.03; *Banglabazar Patrika* 27.05.03 & 10.06.03). The local federation of poor peasants and squatters' associations held a press conference and submitted a petition to the DC to rescind the declaration of the Shrimp Zone in Noakhali, which was copied to the Ministers for Land and Law, the MP of the area, as well as the Police Superintendent of Noakhali (*Prothom Alo* 26.05.03; *Ajker Kagaj* 26.05.03; *Gonojagoron* 26.05.03).<sup>26</sup> This provides an instance of resistance on a class basis by an organization of landless and poor peasants.

### *Overt Resistance and Counter-violence*

However, when defending themselves against violent attacks, poor peasants had little choice but to use counter-violence, whenever possible. For instance, poor peasants fought back to repulse attempts to burn down their homesteads by armed gangs sent by local *jotedars*, including UP officeholders and ruling party leaders, operating on behalf of the Noakhali Shrimp Project Owners' Association (NSPOA) (*Prothom Alo* 24.02.04; *Banglabazar Patrika* 02.03.04). This provides an instance of repression by an organization representing the class interests of shrimp farmers.

### *Shifts in the balance of forces over time*

Even though the poor peasants were initially able to defend themselves and started to rebuild their damaged homesteads, they were subsequently overwhelmed by fresh attacks from the same group, who eventually succeeded in burning down these structures and inflicting brutal physical assaults upon

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<sup>25</sup> An instance of non-violent collective action in a public arena took place in Majidi town of Noakhali in 2000. Hundreds of landless and poor peasants held several rounds of procession and protest meeting in front of the district administration offices, demanding an end to illegal and forcible occupation of the lands allotted to them, as well as an end to corruption by the local administration and the withdrawal of false cases lodged against them by land grabbing interests (*Ittefaq* 06.08.2000; *Banglar Bani* 31 July 2000, *Prothom Alo* 07.08.2000).

<sup>26</sup> Press release by the Noakhali Sadar Upazila Landless Coordination Association and its petition addressed to the DC of Noakhali, both dated 25 May 2003.

them (*Manabjamin* 19.03.04 & 22.03.04; *Jugantar* 19.03.04; *Ittefaq* 19.03.04). In this instance, the effectiveness of resistance by the poor peasantry against land-grabbing interests varied over time, depending upon shifts in the relative balance of forces.

#### *Beyond everyday resistance*

When outraged by gross injustice, poor peasants in Noakhali could inflict violence on the security forces, even though they would not do so under normal conditions (cf. Adnan 2007). For instance, in July 2004, there was an outburst of anger by poor squatters against the police because they had extorted money from them while acting in a partisan manner on behalf of a local shrimp estate owner. During the clash, several policemen were hurt, and some of their uniforms, and a rifle, were snatched away by the angry peasants (*Jugantar* 22.07.04; *Prothom Alo* 22.07.04).<sup>27</sup> This reflected the transformation of overt non-violent resistance into violent forms, indicative of the existence of a repertoire of techniques of resistance [Cf. Peluso 1992].

#### **Role of the judiciary and supporting coalitions**

The struggle of the poor peasants of Noakhali to defend their lands and gain new ones was critically assisted by the judgements of the higher judiciary and the role of public interest organizations. The latter consisted of a handful of NGOs and legal aid organizations, including a group of socially committed lawyers.<sup>28</sup> They assisted the landless and poor peasants to defend themselves against unjust acts and cases lodged by the state and land-grabbing groups, providing free legal advice and filing writ petitions in the law courts on their behalf (*The Independent* 16.12.03; *Banglabazar Patrika* 16.12.03; *Manabjamin* 16.12.03; *Ajker Kagaj* 16.12.03).

In 2003, a writ petition was moved in the High Court by a coalition of NGOs challenging attempts by the district administration to evict peasants belonging to landless' associations from their lands on the pretext of setting up the Shrimp Zone in Noakhali. Initially, the administration promised not to evict the landless groups.<sup>29</sup> However, when this promise was violated, another writ petition was made by six NGOs in 2004. This time the court gave a stay order restraining the administration from implementing the zoning policy and evicting the landless incumbents for six months.<sup>30</sup> In a subsequent hearing of the same writ petition

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<sup>27</sup> During our fieldwork, some of the poor peasants who were involved in this incident recounted their experience and explained the factors impelling them to attack the police. A few of them had been subsequently arrested, jailed and tortured.

<sup>28</sup> These organizations were led by the NGO Nijera Kori under the coordination of Ms. Khushi Kabir, operating in collaboration with BELA (Bangladesh Paribesh Ainbid Samity), BLAST (Bangladesh Legal Aid Services Trust), ASK (Ain o Shalish Kendra), ALRD (Association for Land Reform and Development) and BASHR (Bangladesh Manabdhikar Bastabayan Sangstha).

<sup>29</sup> High Court order dated 28 January 2004 regarding the Writ Petition No. 7248 of 2003, moved by Nijera Kori.

<sup>30</sup> High Court order dated 1 September 2004 pertaining to the Writ Petition No. 5194 of 2004.

in 2005, the court extended the stay order on the administration, restraining it from acting “till disposal of the rule”.<sup>31</sup>

This series of court orders served to restrain the government and district administration in Noakhali from evicting poor peasants holding state lands under the pretext of implementing the Shrimp Zone until they had been properly rehabilitated, effectively giving them provisional security of tenure (*Prothom Alo* 25.01.04). However, despite such rulings by the High Court, powerful interest groups have continued to use violence to illegally evict poor peasants from state lands, with the local administration and police typically turning a blind eye (*Prothom Alo* 01.05.06). None the less, without these writ petitions and stay orders, it is unlikely that many of the poor peasants would have been able to hold on to their plots in the face of a partisan administration seeking to evict them in the interest of powerful land grabbers.

#### *Limitations of conflict resolution mechanisms and the role of the judiciary*

The insecurity of the poor in Noakhali was partly due to the fact that there were no fair and effective mechanism for resolving conflicts and redressing wrongs arising from the forcible and illegal occupation of their lands. There were no impartial officeholder within the executive administration and political party systems to whom poor peasants could appeal in the hope of getting justice against the violation of their land rights and the violent means used to evict them. This meant that the judiciary was the only institution to which complaints and grievances of the poor could be addressed. The role of the High Court assumes particular significance in this context because it was the only institution of the state that was in a position to withstand pressure from big business and political influentials, some of whom belonged to the ruling party and the topmost tier of the national power structure.

#### **Change in role of the state and the recovery of illegally occupied lands**

The attitude of the state machinery towards illegal occupation of lands by business houses and politicians altered dramatically with a change in the nature of the regime in government. After a military-backed caretaker government took control in January 2007, a countrywide campaign was launched to recover illegal assets (*Jugantar* 07.03.07). As a result, parts of the forcibly occupied state lands in Noakhali district were recovered by the administration. In only one sub-district (Subaranachar upazila), 4,214 acres of land were reported to have been found in the illegal possession of a variety of interest groups: politicians belonging to the ruling and opposition parties including a former state minister and former MPs, industrialists, agro-fisheries companies, etc. (*Jugantar* 07.03.07).<sup>32</sup>

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<sup>31</sup> High Court order dated 23 February 2005, pertaining to Writ Petition No. 5194 of 2004

<sup>32</sup> Such outcomes served to confirm the repeated allegations about illegal occupation of state lands in Noakhali by rich and powerful groups that had been made over the years by landless and poor peasants, independent observers and journalists, as well as concerned NGOs and public interest organizations.

### **III. OVERVIEW OF LAND STRUGGLES IN NOAKHALI**

This concluding section highlights certain aspects of the mechanisms of land alienation and the role of resistance in defending and gaining lands by the poor peasantry in Noakhali, and draws out general inferences related to the analytical issues discussed at the outset.

#### **Significance of *de facto* possession in relation to *de jure* titles and registration**

Both the poor peasantry and powerful interest groups followed the strategy of getting *de facto* possession when they could not get *de jure* rights, although their mechanisms of doing so varied considerably.

According to all those involved, the ground level reality was that one had to get control over the land and demonstrate *de facto possession* of the concerned area as an essential basis for applying and obtaining formal land rights (Foyej 2003; Nabil 2003: 19). This propensity was encouraged by the fact that prevalent laws and administrative procedures recognized *possession of land over an extended period of time* as a ground for eventual award of land titles.<sup>33</sup> Obtaining documentation to provide evidence of such possession, whether genuine or forged, was useful in obtaining recognition of private land rights. As such, this constituted a widespread strategy adopted by all those wanting to establish claims on state lands, whether rich or poor, powerful or weak.

Poor peasants seeking *de facto* possession of state lands needed to enter into clientelist relationships with local-level powerholders or functionaries of the state who had the clout to deliver such rights on the ground (*Prothom Alo* 12.12.03; *Manabjamin* 14.12.03; *Banglabazar Patrika* 15.12.03; *Daily Star* n.d.). Correlatively, for gaining formal *de jure* rights, they went to the land administration and self-government institutions, and bribed their functionaries, if necessary.

A critical consequence of such tendencies was the existence of a systematic and persistent gap between the *de jure* land rights documented in the official records and the actual possession of specific plots of land, i.e. *de facto* occupancy rights (Ali 1981: 142). This state of affairs reflected the co-existence of multiple systems of property rights and, in this sense, a kind of legal pluralism.

#### **Biases of the state, neoliberal policy influences, and discriminatory enforcement of property rights**

Partisan biases within agencies of the state and discrimination in the enforcement of property rights can be critical factors determining the ability of the poor peasantry to defend and gain lands. The state has played a central role in defining and altering the distribution of land in Bangladesh, given its monopoly power over *de jure* property rights as well as the capability to enforce

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<sup>33</sup> For instance, in the application form for shrimp zone plots, the applicant was asked to specify the *duration of occupation* of the lands on which formal rights were being sought. This signified that official procedures took cognizance of *de facto* occupation as a basis for subsequent award of *de jure* titles.

its will through the administration and security forces [Harvey 2003]. In particular these capabilities of the state have directly or indirectly facilitated land grabbing and land denial, as well as the extent to which resistance to such processes has been effective.

As discussed above, in Noakhali, the state machinery was biased in favour of dominant interest groups involved in land grabbing, while acting against the interests of social groups that were weaker in terms of class and power. Thus, even subordinate groups holding titles to land did not necessarily find that the agencies of the state were deployed to enforce and protect their rights. On the contrary, state power was deliberately used in a manner which disregarded their land rights in order to transfer their properties to groups favoured by regimes in control of the state machinery [contra Deininger 2003, xxiii].

A variety of factors at the national and global levels influenced the policy biases and discriminatory practices of the agencies of the state. In Noakhali, the state machinery acted to further the land grabbing interests of influential business houses and politicians in the local and national power structure. This partisan policy and practice was reinforced by the neoliberal structural adjustment policies imposed on the government by international donor agencies, which discriminated against the land entitlements of the poor peasantry by encouraging allotment of land to wealthy shrimp farmers who were expected to export to the world market (Fortin 2005; Bhattacharya et al. 2005). Also at work in Noakhali was the driving force of emergent capitalism, for which the (primitive) accumulation of land – accumulation by dispossession - by wealthy classes was a necessary precondition.

### **Changes in property rights and priority ranking in the allotment of state lands**

The prospects of gaining land by the poor during the initial phases of land reform and allotment of state-owned lands in Noakhali were progressively undermined by critical changes in the rules of eligibility and priority ranking of the potential recipients. The consequence was to give access to state lands to political and commercial interest groups, eventually legitimated by the declaration of the Shrimp Zone in Noakhali. Such changes in the rules governing property rights enabled interest groups linked to, or backed by, the national-level power structure to get priority in allotment of lands in the Noakhali *charlands* ('shrimp farmers'). These processes simultaneously implied the lowering of the priority given earlier to the land rights of poor peasants in Noakhali. The entire process amounted to a qualitative transformation in the ground rules defining property rights on land in Noakhali.

Such changes fundamentally transformed the nature and priorities of pre-existing property rights, *undermining the very utility of the earlier titling and formalisation* of land rights. These changes also served to encourage powerful interest groups to forcibly take over the lands of poor peasants, irrespective of whether they had formal titles or *de facto* squatting rights (with the objective of subsequently converting these to formal *de jure* rights).

### **Interactions between forces of domination and resistance**

When mechanisms of conflict resolution and redressal of grievances do not exist or operate effectively, the aggrieved party is forced back to the wall and may have little option but to oppose the illegal takeover of its land rights. Their strength could be augmented to the extent to that a supporting coalition of forces could be formed, involving a broader alliance of national and international public interest organizations and NGOs, activists and advocacy groups. Mobilization of such countervailing power by subordinate groups may serve to neutralize to some extent the biases imparted by the prevalent power structure and policy regime. To that extent, resistance may result in a greater degree of fairness in the definition and enforcement of land rights.

Significantly, it was because of their organized resistance that poor peasant groups in Noakhali, aided by judgments of the higher courts of the judiciary and supporting coalitions, were able to contend with the power and repression of the dominant coalitions backed by the security forces of the state. Their resistance primarily took the form of overt confrontation, since they were subject to open and violent attacks by dominant land-grabbing interest groups, often with the explicit or implicit backing of the civil administration and security forces. Such attacks threatened their very existence, so that there was little scope for any covert or 'avoidance strategy' geared to bypassing direct confrontation with powerholders.

These instances suggest that the extent to which the poor peasantry was able to stand their ground against forcible eviction and illegal occupation of their lands was determined by the interplay between the forces of expropriation and resistance (Brenner). However, the balance of forces changed at different conjunctures, given interactive shifts in the strategies of domination and resistance, leading to changing outcomes over time (Adnan 2007).

While the analysis of this paper is based on case study evidence from Bangladesh, it is possible that the general arguments and conclusions might have wider applicability to other parts of the world where poor peasants and indigenous peoples have been struggling to gain and protect their lands.

**Comment [EL2]:** Again, some detail on this organized resistance would be important.

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