

# Scales of dispossession: Institutionalizing resource access at the frontier

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## Abstract

Institutions and frontier dynamics describe apparent opposites, yet they are mutually constitutive. While institutions are characterized by rules, regulation, and order, frontier dynamics represent destruction of existing rules, the elimination of established authorities, and the active redacting of prior social contracts. We argue that frontier dynamics are characterized by a rupture of scale, which breaks down local institutional arrangements and dislocates power and decision-making. The new resources emerging in frontiers are relevant, valuable, and commodified outside of their original locales. The scalar disjuncture between the physical resource and its institutional control effectively enables the dispossession of local communities, producing frontier spaces by reshaping the visibility of rights subjects, redrawing the boundaries between property and theft, and re-embedding places in narratives of progress and development. We look at three constitutive elements of the institutionalization of resource access and control by examining performative representation, discussing the drawing of jurisdictional boundaries, and engaging the languages of legalization and legitimation. We develop the argument through the cases of fracking in Argentina and palm oil plantations in Indonesia.

**Keywords:** frontier, institutionalization, scale, Indonesia, Argentina, fracking, palm oil

## Résumé

Les institutions et dynamiques de frontière semblent s'opposer à bien des égards, elles sont néanmoins mutuellement constitutives. Alors que les institutions se caractérisent par des règles, une réglementation et un ordre établi, les dynamiques de frontière représentent la destruction même des règles existantes, l'élimination des autorités établies et la modification active des contrats sociaux antérieurs. Nous affirmons que les dynamiques de frontière se caractérisent par une rupture d'échelle, qui brise les arrangements institutionnels locaux et disloque les formes de pouvoir et la prise de décision. Les nouvelles ressources qui émergent au sein des frontières sont pertinentes, ont de la valeur et sont commercialisées en dehors de leurs localités. Cette rupture scalaire entre la ressource matérielle et son contrôle institutionnel permet la dépossession effective des communautés locales, produisant des espaces de frontière en remodelant la visibilité des sujets de droits, en redessinant les limites entre propriété et vol, et en réinscrivant les lieux dans des récits de progrès et de développement. Nous étudions trois éléments constitutifs de l'institutionnalisation de l'accès aux ressources et de leur contrôle en examinant la représentation performative, en discutant l'établissement de démarcations juridictionnelles et en mobilisant les langages de légalisation et légitimation. Nous développons cet argument à travers les cas de la fracturation hydraulique en Argentine et des plantations d'huile de palme en Indonésie.

**Mots clés:** frontière, institutionnalisation, échelle, Indonésie, Argentine, fracturation hydraulique, huile de palme

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## Resumen

Instituciones y dinámicas fronterizas describen opuestos aparentes, aunque están mutuamente constitutivos. Mientras las instituciones se caracterizan por reglas, regulaciones y orden, las dinámicas fronterizas representan la destrucción de reglas existentes, la eliminación de autoridades establecidas y la eliminación activa de contratos sociales previos. Argumentamos que las dinámicas fronterizas se caracterizan por una ruptura de escala, que desmantela arreglos institucionales locales y deslocaliza el poder y la toma de decisiones. Los nuevos recursos que surgen en las fronteras son relevantes, valiosos y comercializados fuera de sus lugares originales. La disyunción escalada entre el recurso físico y su control institucional permite efectivamente la desposesión de comunidades locales, produciendo espacios fronterizos al reconfigurar la visibilidad de los sujetos de derechos, rediseñar los límites entre propiedad y robo, y reemplazar lugares en narrativas de progreso y desarrollo. Examinamos tres elementos constitutivos de la institucionalización del acceso y control de los recursos a través del análisis de la representación performativa, discutiendo el trazado de límites jurisdiccionales y el uso de los lenguajes de legalización y legitimación. Desarrollamos el argumento a través de los casos de fracking en Argentina y plantaciones de aceite de palma en Indonesia.

**Palabras clave:** frontera, institucionalización, escala, Indonesia, Argentina, fracking, aceite de palma

## Abstrak

Institusi dan dinamika frontier menggambarkan hal-hal yang tampaknya bertentangan, namun sebenarnya saling membentuk. Sementara institusi dicirikan oleh aturan, regulasi, dan keteraturan, dinamika frontier merepresentasikan penghancuran aturan yang ada, penghapusan otoritas yang telah terbentuk dan penghapusan aktif kontrak sosial sebelumnya. Kami berargumen bahwa dinamika frontier ditandai oleh keterputusan skala, yang menghancurkan susunan institusi lokal dan mengalihkan kekuasaan serta pengambilan keputusan. Sumber daya baru yang muncul di frontier menjadi relevan, bernilai dan terkomodifikasi di luar lokasi asalnya. Ketidakselarasan skala antara sumber daya fisik dan kontrol institusionalnya secara efektif memungkinkan terjadinya perampasan dari komunitas lokal, menciptakan ruang-ruang frontier dengan mengubah visibilitas subjek hak, menggambar ulang batas antara kepemilikan dan pencurian, serta menempatkan kembali wilayah-wilayah tersebut dalam narasi kemajuan dan pembangunan. Kami mengkaji tiga elemen pembentuk dari institusionalisasi akses dan kontrol sumber daya dengan memeriksa representasi performatif, membahas penggambaran batas-batas wilayah yurisdiksi serta menganalisis istilah-istilah terkait legalisasi dan legitimasi. Kami mengembangkan argumen ini melalui studi kasus fracking di Argentina dan perkebunan kelapa sawit di Indonesia.

**Kata kunci:** frontier, institusionalisasi, skala, Indonesia, Argentina, fracking, kelapa sawit

## 1. The argument: Institutionalizing resource access at the frontier

At first glance, the windblown steppes of Patagonia seem to have little in common with the lush forests of Indonesia. Yet both places have become frontiers in the global circuits of capital as hydrocarbon extraction and palm oil plantations, respectively, transform local landscapes. This can be narrated as a story of violent dispossession and environmental devastation (e.g. Peluso & Watts, 2001). The discovery of new resources to extract and commodify overwrites local value systems as livestock herding gives way to oil rigs, smallholder agroforestry landscapes turn into neat rows of trees on plantations, and ceremonial sites are bulldozed away. Hence, the violence of the frontier is followed by a re-institutionalization of resource control, which articulates these spaces to new political, economic, and cultural communities, and new values become embedded in legitimated relations of property and access. Moore speaks of the actors of the historical commodity frontiers as a triad of "soldiers, priests, and accountants" (2021, p. 28). While the cast of characters may have changed, the division of labor seems to be remarkably similar: state and private law enforcement, civilizational narratives of growth and progress carried forth by companies and governments, and state and company actors make the territories legible for extraction through cartographies, enclosures, taxation schemes, infrastructures of finance, and, ultimately, property-making. Frontiers are therefore scale-making projects that break down existing institutional arrangements and dislocate power and decision-making.

Approaches to frontiers within political ecology vary. Often, it is a marginal place (for example, the 'agricultural frontier'), a site with capitalist exploitation at the expense of ecologies, livelihoods and life-worlds.

Concepts like primitive accumulation (Marx, 1978), accumulation by dispossession (Harvey, 2003), and plunder (Mattei & Nader, 2008) may contextualize, but do little to *explain* the micropolitics of place. More fine-grained approaches to 'commodity frontiers' provide a fruitful and productive approach to understand the global history of capitalism and in particular its reliance on cheap natures and labor (e.g. Beckert *et al.*, 2021, Nolan *et al.*, 2020). These approaches trace shifting commodity frontiers, like sugar or soy, to analyze the inner workings of capitalism, while pointing to socio-ecological transformation of the 'world-ecology.'

Our ambition is different, though. We apply a relational understanding of frontiers and resources to suggest that the institutionalization of resource control is a key aspect (see for example Ivars & Venot, 2020; Barney, 2009; Eilenberg, 2014; Rasmussen & Lund, 2018, 2021). This builds upon and extends from perspectives on resources within political ecology and critical geography that seek to understand how natural resources are 'produced,' 'valued,' and converted into commodities (Bridge, 2009). Frontiers are contested spaces. Multiple actors, ranging from the avatars of transnational companies to small-holders, wrestle for control over resources (Rezende *et al.*, 2024; Schmink *et al.*, 2019). While frontiers invoke an imaginary of lawlessness, they are in fact characterized by formation of "systems of legality ... [conceived] in response to market imperatives" (Barney, 2009: 146). In our understanding, political ecology approaches to resource frontiers will benefit from a stronger attention to the ways in which the hardening of rules of access into durable institutional arrangements are part and parcel of frontier-making. More specifically, we propose that the performativity of claims-making, the production of jurisdictions, and the discursive legitimization of the emergent social order condition contemporary resource frontiers.

Previously, we emphasized how the frontier always relates to its opposite, territorialization (Rasmussen & Lund, 2018). While the frontier relies on the unmaking of existing social orders – a physical and discursive emptying of space – the dynamic prepares for rebuilding space, crafting it in the image of the resource to extract. We suggest that this reworks patterns of authority and their institutional architectures. Territorialization is the creation of systems of resource control, rights, authorities, jurisdictions, and their spatial representations (Shattuck & Peluso, 2020). In the process, existing rights are extinguished while new ones are fought into place. The struggle over access challenges, and sometimes destroys, existing institutions. The frontier, we suggest, is a process of delegitimizing and re-naturalizing relations of possession, property and resource access to launder future extraction and exploitation from the instant of its inception. In this article, we develop this argument further by attending to the relationship between institutional arrangements and the production of scale.

The new institutionalization of resource control implies a change in the scale of resource control. Scale is not a singular or inherent quality of geography. It is a socially constructed, historically contingent, and politically contested organization of space (see Smith, 1992, 1996). We therefore deal with two types of scale: a geo-physical and spatial one, on the one hand, and a political and institutional one, on the other. They interfere with each other, but are not the same. In frontier situations, however, one makes little sense without the other. Geo-physical scale tells us about the spatial distribution of resources from the local to the larger expanse, from fields and woodlands to global value chains. Political and institutional scale tell us something about where decisions about these resources are made. The identification, extraction, transformation, and use are all results of decisions about access and exclusion, efforts to control, and ideas of wealth capture. This political and institutional perspective on scale allows us to consider how the relationship between a resource, territory, and socio-political orders are established by undoing other existing institutions and relationships.

Usually, resources move from the local setting to another, where actors outside of the locality of extraction take control. When new resources come within reach, new acts of frontier-making undo established territorial and political orders. This can, for example, be under the banner of national resource sovereignty even if this is at odds with international capital (Carver, 2019), or at the "interface between globalization and grassroots forms of resource tenure" (Trottier & Perrier, 2018, p. 308). Labor and resource control henceforth operate at different scales. People work in a mine, on a plantation, or in a tourist resort which is owned or otherwise institutionally controlled by capital interests that operate at a different level. It means that land can be owned and controlled by people other than those who work it, vast areas can be the property of people other than those who live there, and a productive resource can be institutionally harnessed by people other than those who invest their labor in it. Hence, resources are both economically interesting, politically important, and legally

controlled at a different level than before. This *scalar rupture* characterizes the frontier. Institutions of property, labor, and social reproduction that hitherto occupied and often intertwined in the same spatial locale, separate and dislocate.

Anyone trying to lay claim on new resources are implicated in the production of frontiers. From individual gold-panners to multinational corporations, and from conservation NGOs to national governments; all are potentially involved in reworking the resource profile of space. Changing its institutional make up, however, often involves states. Although states and governments are not alone in the endeavor of creating legal order, they have obvious roles in *con*-struction of territorialization. It is also important, however, to acknowledge their roles in the *de*-struction of institutions of the frontier. The destruction of institutions and the replacement of them with new ones disenfranchises and alienates previous subjects' rights and entails violent exclusion of people and the debilitation of their claims. The basic questions to ask are therefore a little more demanding: Instead of asking who can *access* what resource and how, we would want to ask, who can *successfully claim* what right to resources according to *what rule* and with *which institution*, and *how do institutions come to operate at which scalar intersections?*

Resource frontiers involve the exploitation and appropriation of nature and labor (Kröger & Nygren, 2020). In this article, we are particularly concerned with the institutional dynamics of land and natural resource control as the advancement of global extractive capital unmakes and remakes regimes of valuation and tenure. We explore these questions through a comparative analysis of the reconfiguration of frontier spaces and its concomitant institutionalization of resource control. The article builds upon ongoing research projects in Argentina and Indonesia, respectively. In the following, we sketch out our understanding of some of the commonalities between otherwise very different places. Our research shares several features, which invite co-thinking. We have both attended to historical documents, literary and popular media representations, legal frameworks, and oral histories to account for the transformations described. Rasmussen has been doing work on social movements against fracking and other extractive industries in the province of Neuquén, Argentina, since 2018. For Indonesia, Lund has been engaged in ethnographic research since 2012. Both have conducted interviews, document research, and conflict case studies. All interviewees have given their prior consent and the research has been approved by the ethics review board at the Faculty of Science, University of Copenhagen.

## 2. Approaching institutions as processes

Institutions make no sense except as an expression of social relations of recognition and obligation, rights and authority, compliance and sanction, and so on. There is an important difference between access to resources and its institutionalization. The relations that structure access to land and resources are key elements in a political economy of the frontier (Ribot & Peluso, 2003). When these relations manifest themselves as rules, conventions, customs, regulations, or laws, we can meaningfully talk about the institutionalization of access. Institutionalized access is *relational*. It involves visibility of the claimants, legitimation of the claim, compliance with a set of norms, as well as recognition of some form of authorizing institution. This suggests that institutionalized access is not only a mechanism of access, and for specifying the quiddity and value of the resource. It is also a horizon for social action, where the power to derive benefits can potentially become legitimized by a social institution and hence become a right to do so (Lund, 2016; Rasmussen & Figueroa, 2022; Sikor & Lund, 2009). Hence, treating the rights and authority as finished products gets in the way of understanding their mutual dynamic. They are always in the making and come about *through* each other.

The concept of 'institution' differs between various scholarly traditions. Conventionally, within political science and new institutional economics, institutions are the rules of the game, and organizations its players (North, 1990). Yet rather than depicting merely rational choice dispositions, some authors have suggested that institutions also structure the perception of the game. We follow critical institutionalism (Cleaver & de Koning, 2015) in underscoring the sometimes haphazard, sometimes piecemeal, and sometimes entrepreneurial crafting of rules. No game, nor its rules, are constructed from a blank template; institutionalization is a profoundly historical process shaped by power-knowledge and uneven social and epistemological hierarchies.

Institutions reflect and perform frames of meaning. The legitimation of claims enables claimants to lock assets, entitlements, and rights into seemingly neutral structures of arbitration. The institutional power to make

a declaration, a distinction, or endorse a right, *produces* and subsequently re-produces what it merely claims to *represent* (Bourdieu, 1994; Butler, 1990; Derrida, 1986, 2002). An institution that structures access and exclusion as if it merely observes a custodial function of a more hallowed, ancient, or legal principle, produces – rather than represents – access and exclusion. Custom, or law, or international law, can provide a schema of axiomatic principles and perform as if legal rules have no genealogy, as if they were universal principles beyond politics and contestation. It makes rules look as if they have dropped, unauthored, from the sky, rather than resulting from the creativity of human society (Mitchell, 2002, p. 77). The naturalization, abstraction, and universalization of acquisition all legitimate what is essentially original dispossession and plunder.

Institutional destruction and institutionalization are co-constitutive. Some dynamics dissolve existing social orders – property systems, political jurisdictions, rights, regimes of valuation, and social contracts – while institutionalization is shorthand for all the dynamics that establish new social orders and re-order space and resources anew (see e.g. Anderson & Hill, 2004; Colloredo-Mansfield *et al.*, 2018; Duncan, 2004). Political ecology has for example contributed to these insights through analyses of the neo-liberalization of nature (e.g. Eriksson, 2024; Kallis *et al.*, 2023; Menon & Rai, 2019). This sequence of de- and re-institutionalization involves, in principle, recursive movements of destruction and consolidation. It is useful to distinguish between institutions as somewhat enduring arrangements of access and exclusion, on the one hand, and frontier dynamics as their destruction, on the other. Property rights are one of the most important institutions that are destroyed at the frontier. Individual, family, and community rights to specific areas and resources can be impossible to maintain and reproduce for a local population facing incoming actors and powers of unmanageable proportions.

Yet, in its simplicity, this duality of institutional perseverance and destruction can be deceptive. It may easily look as if institutions are fixed, stable, and still, whereas frontiers are upsetting and represent change. However, reproduction and change are both processes (see Moore, 1978). Even the most stable and enduring social arrangement only endures because people and their interaction actively reproduce it. People may have internalized institutionalized rules – rules may have become second nature – but without their constant enactment, any institution ceases to be. Hence, when dealing with institutions and institutional destruction and change, we can use a process perspective on both. Thus, rather than seeing institutions as arrangements or artefacts that are already in place, we focus on the continuous process of *institutionalization*. By this we mean forms of behavior, claims, and explanations that create a predictable pattern. Often, these acts confirm and consolidate past behavior. However, and this is crucial, we also include behavior conducted *in the name of* confirming and consolidating past behavior, even if it may, in fact, be the creation of something entirely new. Hence, we are essentially talking about institutionalization as rule making which consolidates *or claims to consolidate* precedence; the claim is conservative, but the action may be radically new (Douglas, 1986).

Scalar politics of institutional control imply encounters between different spatial or territorial logics, which produce culturally specific meanings (Moore, 1998). Thus, when different levels are invested with economic dynamics, political control, and legalized institutionalization, scale becomes paramount. Especially when economics, politics, and institutionalization at different levels impact on each other, dramatic reordering is the result. This means that the shift we see in frontiers between institutions, institutional destruction, and renewed institutionalization is not a simple oscillation between two states of institutionalization at the same level that follow the beat of a metronome. The politics of scale is dynamic and strategic (MacKinnon, 2011; Rangan & Kull, 2009). Thus, the collapsed institutions are destroyed for good, and the re-institutionalization and re-scaling bring together materiality, social relations, exclusion, and politics in a radically new way which is not designed by the people upon whom they are imposed. It is often through this process of scalar rupture that states, and their agencies, constitute and consolidate themselves, and history's losers end up dispossessed. These are the scales of dispossession that we are interested in.

When we look at institutions in the making at the frontier, it is therefore not sufficient to simply ask who can access what resources and how? For the institutionalization of access, it is important to acknowledge that rights originate in claims, and claims are accompanied by justifications. Moreover, as claims are addressed to an authority, it is important to know which one and whether the claimant will be seen as a legitimate rights subject by such an institution. To grasp the micropolitics of place and its scalar dynamics, we therefore suggest looking at three constitutive elements of the institutionalization of resource control. First, we examine the *performative representation* of claims, produced in the recursive relationship between the visibility of social

actors and the selective ability of social institutions to see those actors. Second, we discuss the *drawing of boundaries of jurisdictions* over possession and social action, and hence, between what is considered right and wrong, legal and illegal, property and theft. Finally, we engage the *languages of legalization and legitimation* used to justify these institutionalized forms of visibility and vision. These abstract questions address the two concrete contexts of the region of fracking in Patagonia, Argentina, and the sector of oil palm plantations in Indonesia. Together, they illuminate the scalar dynamics of dispossession.

### 3. Geographies of frontier dispossession

The two landscapes in Argentina and Indonesia which we have studied are different from each other. Yet such difference serves to identify generic features of frontiers. A pattern of new claims, new jurisdictional boundaries, and new languages of justification emerge to erase existing property and access systems in a process of dispossession.

#### *Vaca Muerta, Argentina*

For almost a decade, the Vaca Muerta shale formation in Northern Patagonia, Argentina, has been the center of attention of the international hydrocarbon industry (Cantamutto, 2020; Delgado, 2018; Scandizzo, 2016). The activities have attracted all the well-known companies, who in collaboration with recently re-nationalized hydrocarbon extraction corporation YPF (*Yacimientos Petrolíferos Fiscales*; English: 'Fiscal Oilfields') have invested heavily in the extraction of unconventional oil and gas from the region. While it is framed as a strategy for national energy sovereignty, local populations are brought to bear a disproportionate cost of extraction, and Vaca Muerta has also become a centerpiece for mobilizations against fracking. Since 2012, the local Indigenous group, the Mapuche, has been at the frontline of contestations over the use of territories and water related to fracking (Cabrapan & Spivak, 2024; Savino, 2016). The area has had exploration of conventional oil and gas since 1918 (in Cutral Co) and 1977 (Loma la Lata), respectively. Fracking takes places on public lands (*territorios fiscales*), on lands claimed as Mapuche territories, and on privately owned agricultural plots used by the fruticulture industries, that have historically been the backbone of the regional economies in the so-called *Alto Valle* (see Svampa, 2018). In what follows, we focus on the dynamic on lands that relate to the Mapuche.

Vaca Muerta is located on territories that the Mapuche have historically occupied. The military campaign 'The conquest of the desert' decimated and fragmented the Indigenous nations of Patagonia, and we must understand the current disputes over land and resources in this context of settler colonial violence (Aguirre, 2017; Navarro Floria, 2002). In 1970, the Mapuche organized as the Confederación Mapuche de Neuquén (The Mapuche Confederation of Neuquén). In particular since the 1990s, the Mapuche have gained organizational strength and have articulated claims to territory and identities (see Cabrapan & Spivak, 2024). The province of Neuquén has historically been reliant on oil production (Shever, 2012), but the advent of fracking has changed territorial dynamics. Over the past decade, Vaca Muerta has shifted from being an obscure geological formation to becoming a place and an index of both progress and dispossession. The flow of capital, the making and unmaking of law and institutions, infrastructural projects as well as discursive formations which represent the lands as idle and unproductive and its inhabitants as illegitimate and savage, all aided in the production of Vaca Muerta (Bernáldez, 2016). In 2013, for example, *diputado* Sapag argued that "YPF did not come to occupy the land of the Mapuche. Some Mapuche came to construct their houses where YPF were, to generate all these movements."<sup>2</sup> The provinces gained control over subsoil resources through the 2006 '*Ley Corta*' (Law no. 26.197), and the fracking economy got entangled into a web of political alliances and shady negotiations, which also included the highest ranks of provincial governments. The list of international operators in the area is long. Communities have little influence over where rigs are placed as the hydrocarbon complex sidelines local participation (Freier, 2016). A major issue is a lack of information (Willow & Wiley, 2014). The year 2013 marked a turning point in the resistance (Acacio & Wyczykier, 2021). Knowledge of the agreement between

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<sup>2</sup> Diario Río Negro 2013, cited in <https://opsur.org.ar/2013/07/29/luis-sapag-acusa-a-mapuches-de-ir-donde-esta-la-riqueza-del-winka/>, paragraph 4.

YPF and Chevron – whose exact content is still unknown to the public – began to circulate, and thousands took to the streets to protest. The state apparatus backed the company's territorial claims and oppressed people by violent law enforcement.<sup>3</sup> Interviews have documented how this created a profound sense of defeat, making it evident that fracking would happen no matter what.

There is increased pressure on the everyday life of the Mapuche in communities (see Riffo, 2017). A key site of the advancement of the frontiers of neo-extractivism (see Svampa, 2019), the proliferation of fracking wells from 400 in 2015 to 1600 in 2019, produced stress on both environments and people. As early as 2014, shortly after one of the fracking wells exploded, leaders from the local community justified a blockade by arguing that the level of destruction had become intolerable.<sup>4</sup> In 2015, one of the female leaders told a news reporter that 90% of the women in the community were suffering from serious health issues. Wastewater disposals, oil and gas spills, toxic overflows, and pasture lands scorched by the mobile fracking towers thus reshaped the local geography.<sup>5</sup> The presence of the *Gendarmeria Nacional* (Argentine National Gendarmerie), who was there to safeguard 'Vaca Muerta as a strategic resource,' contributed to the profound uncertainty.<sup>6</sup> While a regional court (Camara Federal de Apelaciones de Roca) ordered the *Gendarmeria Nacional* not to enter without a legal warrant, a federal decree (Resolution 768) from September 2019 declared Vaca Muerta to be of strategic interest for the state, and hence, a militarizable space.<sup>7</sup> The combination of increased violence against Mapuche and increased severity of the environmental impact conspired to produce increasingly uninhabitable spaces and, importantly for our concerns, to destabilize existing claims to territory.

Occasional and systematic violence against communities and social movements paved the way for institutionalization of access in Vaca Muerta (Acacio & Wyczykier, 2020). The outside demand for resources further prompted the exploitation of hydrocarbons in Vaca Muerta. Moreover, the legal and institutional work to legalize the exploitation is also carried out at the far end of the political hierarchy and nowhere near the affected communities in geographical terms. The encounter between legal frameworks and territorial realities created a variegated terrain for the operations. Negotiations operating at different scales aimed at creating the appearance of a stabilized territory, but they needed a set of strategies for their successful enactment. This includes the deployment of violent enforcement of the law even when its exact jurisdiction was unclear. While fracking eventually enjoyed institutionalized access, no one involved could be oblivious to the uncertainty of the process.

### *Oil palm landscapes, Indonesia*

Frontiers are rarely one-off events. Plantations have been part of the agrarian frontier in Indonesia since the late 19<sup>th</sup> century. Global demand for tobacco, tea, sugar, cloves, rubber, and other crops linked Indonesia to the world. The demand for a good cigar in Paris drove the creation of tobacco plantations in North Sumatra, and the plantation economy incorporated forest and smallholder farms in a continuous drive for a century and a half. Since the 1980s the palm oil sector has experienced an unprecedented boom. With oil palm, the pattern of social impact has changed. Whereas social conflicts around plantations had hitherto centered around the exploitation of plantation labor, significant conflicts around land have now been added to the themes of contention (Cramb & McCarthy, 2016). The area taken up by oil palm plantations has increased 4 times over

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<sup>3</sup> [https://www.clarin.com/politica/masiva-neuquen-acuerdo-vaca-muerta\\_0\\_Hk7cJhEjDmx.html](https://www.clarin.com/politica/masiva-neuquen-acuerdo-vaca-muerta_0_Hk7cJhEjDmx.html). Retrieved March 5, 2024.

<sup>4</sup> See for example these communiqués from the authorities of Lof Campo Maripe: <https://opsur.org.ar/2015/07/28/comunidad-campo-maripe-cerro-los-accesos-a-loma-campana/>, <https://opsur.org.ar/2014/09/02/lof-campo-maripe-lo-previsible-explota-pozo-en-nuestro-territorio/>. Retrieved March 5, 2024.

<sup>5</sup> <https://www.mapuexpress.org/2015/10/15/en-seis-miles-la-lucha-de-la-comunidad-campo-maripe-desde-la-fuerza-de-sus-mujeres/>. Retrieved March 5, 2024.

<sup>6</sup> [https://www.clarin.com/politica/gendarmeria-hara-cargo-custodiar-vaca-muerta\\_0\\_F64WTMw.html](https://www.clarin.com/politica/gendarmeria-hara-cargo-custodiar-vaca-muerta_0_F64WTMw.html), paragraph 2. Retrieved March 5, 2024.

<sup>7</sup> <https://www.batimes.com.ar/news/economy/government-tasks-gendarmerie-with-protecting-vaca-muerta-shale-formation.phtml>. Retrieved March 5, 2024; <https://www.boletinoficial.gob.ar/detalleAviso/primera/216794/20190917>. Retrieved October 21, 2024.

the past decade in Southeast Asia, especially in Malaysia and Indonesia. The growth of the sector reflects its increasing importance in the national agricultural strategy in Indonesia. The versatility of palm oil is important to its success. The global food and biofuel industries and the impending 'green transition' of major economies such as China and India suggest that the market will keep growing. The externally propelled drive for land acquisition for oil palm plantations therefore seems relentless in Indonesia and not simply a brief phase of transition.

A recent major study on palm oil expansion and conflict in Indonesia examines the contentious politics around the plantation sector (Berenschot *et al.*, 2021; Berenschot *et al.*, 2022; Berenschot & Dhiaulhaq, 2023). The authors point out that the grievances revolve around two issues: the land acquisition by the plantation companies, and the implementation of profit-sharing arrangements between the company and smallholders (see also Colchester & Chao, 2013; Colchester *et al.*, 2003; Colchester *et al.*, 2006; Dhiaulhaq & McCarthy, 2019; Hein *et al.*, 2016; IPAC, 2016; Li, 2014; Li & Semedi, 2021; Pichler, 2015; Rietberg & Hospes, 2018; Sirait *et al.*, 2009).

Generally, smallholders have weak land rights in Indonesia. Land is considered state land, and smallholders are effectively the state's tenants. "Colonization established a deep structure of state ownership to land. For almost a century and a half, legal doctrine has insisted on state control over land in Indonesia. [...] It has given government institutions an upper hand in the recognition of claims and rights" (Lund, 2020, p. 176; see also Bedner 2021; Dhiaulhaq & Berenschot, 2020). The government can decide to allocate land through concessions to other tenants such as plantation companies if a set of conditions are met. The most important one is that a plantation concession requires the consent of any community that resides on or uses the land already. However, the consent is often manufactured by cooptation and bribes to community leaders and by collusion with local government officials. Companies systematically distribute monetary gifts to village chiefs, local politicians, and the army and police to encourage consent and to subsequently secure policing of the acquired land (Berenschot *et al.*, 2022; Colchester *et al.*, 2003, 2006, 2013; Li, 2017; Rietberg & Hospes, 2018; Sirait, 2009).

Ironically, decentralization has furthered the push for converting smallholder land to plantation concessions in Indonesia. Decentralization transferred significant powers in land matters to the district administration from 1999. Districts could henceforth determine what land was available for redistribution and who were eligible recipients. Moreover, districts would also earn a fee for the issuance of search permits to plantation companies. The money flowing from companies to local politicians to ensure a constant expansion have fueled the drive (Pichler, 2015; Rietberg & Hospes, 2018). The institutionalization of smallholder dispossession works despite so-called safeguards, because of the collusion between companies, politicians, and civil servants, and the political distance from the smallholder to the district administration is forbidding.

The institutionalization of access has often been based on a fiction that companies comply with the law:

Plantation companies must go through a long process to obtain a lease. However, often, the plantation companies had not obtained all the necessary documents – and those that they did have, had either expired, or had been acquired in the wrong order, or were otherwise lacking in strict legal application. Consequently, the companies often operated outside the law for most or all the time. They operated as if they had the right and all the papers. Usually, no one in office challenged the companies' rights to proceed, as long as illegal fees were forthcoming. Once the process started, the companies acted as if it was already completed. Thus, by acting "as if", they made it an established fact for their purposes. When companies with a location permit could act as if they had obtained the lease, they began to coerce, intimidating smallholders into abandoning their land. (Lund, 2018, p. 442)

This irregular land acquisition is systematic and institutionalized and takes place at an institutional level to which affected smallholders have little access (Berenschot *et al.*, 2022; Erbauch & Nurrochmat, 2019; Kouwagam, 2020; Li, 2017; Sirait *et al.*, 2009).



In the following we move further into the micropolitics of these institutional processes of performance of claims, boundaries between property and theft, and languages of legalization. Table 1 compares some of the salient features we discuss in our argument that the performative representation of claims, the drawing of boundaries between right and wrong, and the languages of legalization and legitimation allow us to understand the significance of scale at the frontier.

	<b>Patagonia</b>	<b>Indonesia</b>
Frontier spaces	Unconventional hydrocarbon extraction  Conversion of small-holder territories; fructiculture	Palm oil production  Conversion of small-holder territories and forest
(In)visibility of claims	Indigenous territories. Erasure of historical claims  National and transnational companies gain access to territories	Indigenous territories and smallholder land Erasure of smallholder claims  National and transnational companies gain access to land through concessions
Boundary-making of jurisdictions	New legal frameworks  Lack of implementation of relevant legislation of Indigenous rights  Criminalization of dissent, legal intimidation	Decentralization and local framework of concessions and contract farming schemes  Incomplete compliance with regulation Non-functioning profit sharing  Criminalization of dissent, legal and physical intimidation
Language of justification	Narrative of progress of the oil economy  Reproduction of racist tropes  The inevitability of development	Narrative of boom economy of palm oil  Green economy  The inevitability of development
Rescaling resource control	Territories central to national ambitions of resource sovereignty  The implementation of new legal frameworks and their infrastructures of enforcement  The predominance of corporate law over civil rights	Territories central to government ambitions of export  Decentralized control with concessions effectively dispossessing smallholders  Massive amalgamation of plantations squeezing and eliminating smallholders.

Table 1: Comparing visibility, boundary-making, and languages of justification. Source: Authors

#### 4. Visibility: Performing and representing claims

How do institutions see and recognize claiming actors, and how do claimants perform and represent their claims? As claims to resources are directed at someone to form a relationship, the visibility of the claimant and the claim are important. They must be meaningful in context to institute a reciprocal relationship between claimants and authorizing institutions. The inevitable multiplication of scales in the wake of the destruction of governance and property institutions at the frontier is a game-changer for many actors with claims to resources. In the previous section, we demonstrated how the appearance of corporate claims to land challenged the institutional architectures that structure the lives of smallholders, such as community, family, labor arrangements, and land tenure systems. First, the range of new actors establish claims from vastly different positions. These are both claims to resources and jurisdictions. Second, many actors who depend on a local presence and a real – analogous – visibility run the risk of fading when visibility becomes more institutional and indirect. But let us discuss visibility first.

To be a rights subject – to be visible through the relevant rules as a person with legal standing and rights – may seem self-evident to the well-endowed. However, historically, virtually all societies have treated large portions of their members as legal minors with less than full rights, inferior status, and reduced capacity to own land and participate in political life. Women, serfs, 'coloreds,' children, immigrants, and the poor are just the beginning of a long line of human beings for whom the concern of legal standing is far from redundant, and "attributes such as gender, race, and caste, as well as class, creed, and conviction [...] allow [...] for more or less punch in a property claim" (Lund, 2020, p. 8, see also Pottage, 2004). Such social distinctions, which often have an underlying racial grammar, cultivate processes of frontier-making (Lund, 2018, 2021, 2022, 2024). To undo and recreate institutional arrangements changes the relationship between territories and people, transforming relational land into marketable assets. Let us examine a couple of examples.

Mapuche communities' own histories of abandonment and marginalization vis-à-vis the Argentinean nation-state affect their ability to challenge the territorial dynamics of the fracking industry. As repeatedly argued by the Confederación Mapuche de Neuquén and its allies such as the Multisectorial Contra la Fractura Hidráulica Neuquén (a cross-sectoral platform for the articulation of resistance against fracking), the Observatorio de Derechos Humanos de Pueblos Indígenas (Observatory for Indigenous Peoples' Human Rights) and Asamblea Permanente por los Derechos Humanos (Permanent Assembly for Human Rights), it is a severe and fundamental problem that most Mapuche settlements remain unrecognized by the state and thus precariously occupy their territories (Aguirre, 2021; Cañuqueo, 2024).<sup>8</sup> This fragile land tenure arrangement is born out of more than a century of state policies. Over time, the initial genocidal politics, which physically targeted Indigenous populations, changed modality (Briones, 2003). Extinction was no longer physical, but cultural, as Indigenous groups were either contained within limited spaces or assimilated into dominant society by claiming non-Indigenous identities, thus leaving Mapuche modes of being and thought behind or – quite literally, as several interviews have shown – in boxes hidden away in drawers and cupboards (see also Radovich *et al.*, 2018). This process of displacement and invisibilization contributed to the difficulties of proving the legitimacy of contemporary territorial claims. The community leader (*logko*) Albino Campo explains that:

This Mapuche community has been located in Fortín Vanguardia, in the farmlands (*campos*) of Maripe, the place that they now call 'Vaca Muerta,' since 1920. We were born and raised here when there was nothing. It was just shrubs and mud. We have the papers of possession that were sent to us from Buenos Aires in 1940, the permissions to pasture. The Neuquén Province did not even exist at that time. And now, on our eight thousand hectares, they have begun to destroy the shrubs, trees and pastures.<sup>9</sup>

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<sup>8</sup> The lack of territorial recognition under the framework of Law 26.160 continues to be a major issue. See for example <https://www.resumenlatinoamericano.org/2021/03/21/nacion-mapuche-es-urgente-el-relevamiento-territorial-en-vaca-muerta-el-gobernador-gutierrez-debe-ejecutar-la-ley-26160/>. Retrieved March 5, 2024.

<sup>9</sup> [https://www.clarin.com/home/vaca-muerta-tierra-sacrificio-esperanza\\_0\\_BJ59ZLoDQg.html](https://www.clarin.com/home/vaca-muerta-tierra-sacrificio-esperanza_0_BJ59ZLoDQg.html). Retrieved March 5, 2024.

A key element in the current struggles over territories in Vaca Muerta is the incomplete process of law no. 26.160 from 2007. The law stipulates that all Indigenous territories must be recognized and mapped by the INAI (National Institute of Indigenous Affairs). However, its nonachievement in Neuquén suggests strong interests in maintaining territories 'open.' Most Mapuche communities therefore continue to live on public lands as '*occupantes fiscales*,' or state tenants. This diminishes their rights and their abilities to enforce them. And while Argentina is signatory to the ILO 169 convention, there is little evidence that Mapuche communities have experienced free, prior, and informed consent processes to any significant degree. Indeed, oil companies appear to have been given almost free license to drill on Indigenous territories (Cabrapan & Spivak, 2024; Savino, 2016). The communities no longer enjoyed a meaningful visibility at the scale where companies acquired access rights as the legislation and procedures favoring Indigenous territorial recognition and precarious forms of possession have been sidelined in favor of those enabling extraction. Indeed, as it has become increasingly clear that fracking is a settled fact, Mapuche communities and their allies have changed strategy from territory to well-being and, relatedly, from resistance to compensation.<sup>10</sup> Currently, debates over fracking seem to have matured as its effects become evident in communities: news reports on seismic activity, toxic impacts on water, livestock and bodies, spills, and injured and dead workers, combine to create an image which confirms the initial concerns. In this way, we see how the unmaking of institutions of landed property link to institutions of both production and social reproduction.

In Indonesia, a widespread misunderstanding among smallholders who hold their land as Indigenous groups also facilitated their dispossession. As Lund has written elsewhere (2020, p. 113), generally, local communities have rarely fully understood the implications of entering a contract farming scheme with a company that benefits from a lease. They have often believed that the land they held as traditional territory and relinquished for the contract farming scheme would revert to them again as individual holdings once the company's 25-year lease would lapse. However, local people only have valid 'Indigenous' claims to the land if they farmed it continuously in a traditional manner. Once they give up the land for oil palm cultivation, any prior claims pertaining to the (essentially public) land would terminate, and land would revert to being public land only. Thus, once the leases expire in the future, the land will become public again, under the control of the government, now unfettered by the prior rights of smallholders who thereby disappear from the equation altogether (Colchester & Chao, 2013, pp. 118–22; Dhiaulhaq & McCarthy, 2019; van der Muur, 2018). In fact, the Indigenous group would no longer be legally visible. As a land-using entity, the Indigenous group dissolved into individuals who enjoyed no special land rights. They could claim no individual customary rights. Consequently, while contract farming schemes seemed to offer smallholders a form of indirect recognition of their property rights, the mechanism eclipsed the community who forfeited control of the land, and, ultimately, lost it for good as individuals. Anonymous national standards replaced local community rules and governance.

The second kind of grievance relates to profit sharing. Smallholders as well as plantations can farm oil palms, and for many smallholders the crop holds promise of prosperity (Li, 2014, 2015, 2017; Li & Semedi, 2021). Since the 1980s, different schemes emerged to integrate smallholders into the plantations' production. Companies would run a core of the plantation, and smallholders would cultivate land around the core, benefitting from the company's infrastructure. Smallholders would sell their crop to the company at a price determined by the company, which would also deduct loans and cost of inputs it had supplied to the smallholders. Yet, this management was generally not transparent, and many smallholders have been shortchanged in the process (Berenschot *et al.*, 2022; McCarthy, 2010). Many smallholders found themselves in a vice. Land was being usurped by companies, and possible integration into the plantation scheme meant relinquishing land control.

In both Argentina and Indonesia, we see resource frontiers emerging within smallholder territories where the presence of the state has historically been uneven and stateness has been tied to local economic elites. In societies with legal and institutional pluralism, both claimants and authorities look for mutual visibility: actors shop for institutions that can recognize their claims, and institutions of authority shop for controversies to settle

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<sup>10</sup> See for example this interview with Emmanuel Gagliardi, lawyer of the Confederación Mapuche de Neuquén: <https://sangrre.com.ar/2019/04/23/lof-campo-maripe-la-posesion-tradicional-indigena-del-territorio/>. Retrieved March 5, 2024.

and claims to grant (Benda-Beckmann, 1981; see also Agrawal, 2005). These institutions range from village authorities – customary as well as statutory – over municipal and regional governments in all their organizational bodies, to civil rights organizations, NGOs, political parties and industrial interest organizations. However, if both government and new private institutions and actors operate at a distinct macro or international level, previous right holders who actively work and live on the land – Indigenous groups, smallholders, slum dwellers and so on – may be perfectly invisible. They will be unable to create any meaningful institutional presence and valence in the eyes of the powerful claimants and adjudicators. Their invisibility dissolves their rights, makes their claims imperceptible, and dislodges them from any social contract. In this sense, claims produce and depend on institutional capacities of rights subjects. If people 'disappear' or are rendered invisible as rights subjects, their claims become irrelevant. This dynamic is further exacerbated by the strategic drawing of boundaries between legal and illegal. In the following, we focus on this with particular attention to its relationship to possession and social action.

### 5. Jurisdictions: Drawing the boundaries between property and theft

In frontier settings where multiple claimants engage multiple institutions, a virtually infinite number of social contracts of recognition are possible. The onslaught on existing property institutions and the competition to have new rules established, create tension at all levels. Yet, the commodification and globalization of the resource induces a shift in scale of institutions, from the local toward the national level, and from the national toward the international level. Local institutions lose stature and significance to national and international institutions. Concurrently, the long historical trajectory of universalization of the state and statutory law has made 'the state' and 'law' particularly important reference points in the legitimation of claims (Hansen & Stepputat, 2001). Indeed, it is not only statutory institutions that refer to the state, and not only statutory laws legalize claims. Many other actors and institutions are, in fact, active in bringing about what become the *actual* rules and sanctions in society. In this wider perspective, statutory and other institutions engage with each other and operate with statutory and other norms to form what becomes law, namely the rules effectively sanctioned and justified by various authorities or communities *in the name of law* (Lund, 2023). However, international regulation becomes increasingly important with the globalization of the resource, and the upscaling of institutions and relations important for the extraction of the resource and its circulation and consumption. The international regulation of trade, investment, environment and so on, has in significant ways the appearance and effect of law. It constitutes an additional layer of law in legal pluralism, and it offers different actors an additional claim to legality (Tamanaha, 2021, pp. 129-168).

We are therefore dealing with a multitude of claimants arguing that law supports their claim. And, analogously, we face a series of different institutions that all seem to share an *idea* of unity of the state (and multiple states' structured collaboration), but their sheer multitude makes the political field more of a bazaar. An uncertain number of institutions exert authority *in the name of the state*, with more or less clout and talent. Again, we suggest that the reference to law and state, treaties and conventions, privileges national and international actors over those rooted in local settings with limited experience in politics at different levels and limited access to certain political spaces.

In Argentina, the sustained efforts to exhaust Mapuche communities include legal intimidation. This is similar to legal trials against Mapuche leaders elsewhere in Patagonia. In Vaca Muerta, this includes notorious cases against the authorities of Lof Campo Maripe for usurpation in 2016 and the charges of grave damage and intended homicide under the Argentinian anti-terrorist legislation against Relmu Ñanku and others in 2015.<sup>11</sup> This comes in a context where government has systematically delegitimized Mapuche resistance by alluding to domestic terrorism. From the onset, the major issue surrounding Lof Campo Maripe and other Mapuche communities of Vaca Muerta was the uncertain land tenure situation. While the communities claimed to have been living on the land since the 1920s, the authorities and fracking companies begged to differ. This brings us back, once again, to the incomplete legal recognition of Mapuche territories.

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<sup>11</sup> <https://www.pagina12.com.ar/66560-criminalizacion-y-contaminacion-en-vaca-muerta>. Retrieved March 5, 2024.

Officially, the disputed lands are public domain (*tierras fiscales*). It was only in 2010 that Lof Campo Maripe began its formal process of recognition. While in 2013 they argued that "the task of registering the community is not a favor, but an obligation, of the government," the position of the public authorities was more along the lines of the Ministry of Energy, Guillermo Coco, who replied that "Neuquén does not negotiate with neither extortionists nor delinquents."<sup>12</sup> Thus, the baseline problem was the lacking implementation of the law 26,160, which stipulated that all Indigenous territories should be properly demarcated. In 2019, the government of Neuquén decided to make a major advancement in terms of territorial recognitions of Mapuche communities. The list of communities, totaling 20, did not include Lof Campo Maripe. A key element in the territorial dynamics around Lof Campo Maripe thus consists of the delegitimizing of Mapuche claims, extreme foot-dragging in bureaucratic procedures, and disregard of the right to consultation. But here we also see how the Mapuche themselves engage in a scalar politics that reference international legal and institutional frameworks.

In Indonesia, demonstrations, hearings, petitions, land occupations and attacks on property, and protest harvesting of the plantation's crops by activists and peasants are all considered political acts by protesting smallholders. Thus, rather than framing themselves as subjects dispossessed of their rights in a legal arena, political manifestations that cast the population as citizens have dominated the picture. But even here, Berenschot *et al.* (2022) show that the manifestations and hearings have not invoked rights in direct confrontation with government and companies. Rather, smallholders have organized to appeal to government to encourage companies to give them a fairer deal. Thus, even if demonstrations and land occupations can appear dramatic, the demands have been modest. It is noteworthy also, that while the smallholders organized in larger movements in the immediate wake of the transition to democracy in 1998 (Rachman, 2011), the struggle seems much more atomized two decades down the line. Each "community engages in its own local struggle aimed at securing concessions from a given company" (Berenschot *et al.*, 2022, p. 47).

Companies and government, on the other hand, have generally countered protests by pointing out the legality of the plantation concessions. It is in this field that they wield hegemonic power to define the parameters of crime and the criteria for legality. One of the recurrent instruments deployed by politicians and the elite has been to classify smallholders' protests as illegal rather than political. This has a longer history. As far back as the Emergency Law 8 of 1954, land occupations were decreed criminal offences (Pelzer, 1982, p. 107). Similar laws have been adopted later, well into the democratic era (e.g., the Plantations Act 18 of 2004). If nothing else, it shows the persistent tactic of politicians and the efforts to control protest by criminalizing it. What is much more discreet is the streams of payment from companies to politicians, civil servants, lawyers, police, and private gangs to maintain uninterrupted production (Kouwagam, 2020; Mudhoffir, 2021).

Claimants' reference to law – national and international alike – evokes the hope and possibility of backing by state power. Institutions' reference to themselves as an incarnation of the state invokes the presumption of legality of their rulings as public authorities. Law and identity at least partly choreograph the conflicts between smallholders, on the one hand, and plantation companies and government, on the other, in Indonesia. The land laws – in their philosophy dating back to colonial rule – do not see the ordinary peasant farmer as a rights subject. At best, an individual can be seen to have customary rights, but such rights are relatively weak and usually yield to government claims and plans. Since the system of state ownership to land dates back more than 150 years, people have virtually no documentation of rights even if they have inhabited a place for generations. The formal legal system is therefore often inaccessible to for ordinary people, and their conflicts must shift political arena, repertoire, and tactics.

The drawing of boundaries between what is legal and illegal, property and theft, defines jurisdictions over possession and social action. Sustained efforts to produce these discursive and material distinctions between crime and entitlement accompany the rescaling of resource control. The criminalization of protest is evident in both Argentina and Indonesia. There are stark inequalities before the law. Furthermore, a rather selective use of some laws (e.g., the Argentine antiterrorist law, Law 26.734, and the Indonesian Plantations Act 18 of 2004) and the deliberate omission of others (e.g., the Argentine emergency law of territorial ordering,

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<sup>12</sup> <https://www.lmneuquen.com/coco-neuquen-no-negocia-extorsionadores-ni-delincuentes-n193985>. Retrieved March 5, 2024.

Law 26.160) accompany frontier spaces. This selective perspective on infractions, institutionalized by government in collaboration with the companies, facilitates the continued expansion of the extractive industries. These processes combine to show how the oil companies and provincial government apply different tactics – discursive, legal, and physical – to expose territories to extraction by representing them as idle and vacant, occupied only by opportunists, terrorists, and squatters. These are representations that *produce* the territories as well as the institutional capacities to govern them. In the following section, we look further into these attempts at delegitimizing fundamental claims to historical and cultural ties to the territories and their link to the legitimation of emerging institutional order.

## 6. Justification: Legalizing and legitimating extraction

Legalization is a central form of institutionalization. It consolidates claims to authority and rights to become enduring, predictable, and dependable features of political life. Yet, a rule's quality as law is not intrinsic to the rule itself, but something attributed to it in social and political interaction (Lund, 2020, 2023, 2024). This depends on the way it is being represented, legitimated, and enforced. Institutionalizing claims concerns both visibility of the actor, as we discussed above, and the representation of the claim as legitimate. This lastly brings to the fore the languages of legalization and legitimation that justify these institutionalized forms of visibility and vision.

The visibility of the claims is important for its successful legitimation. Institutionalized access is immaterial; it is a social, political, and legal convention. Consequently, visibility depends on representations. Yet, the peculiar thing is that representations of legality and of property may exist *before* what they represent. Sometimes, property and legality come into actuality *through* their representations (Lund, 2020). The public manifestations, the map, the deed, the rental contract, the tax receipt, even the fine, articulate what they represent and thereby conjure up institutionalized recognition of access just like the concession contract and the inclusion of an activity in the glitzy development brochures from government. A certificate of land rights brings forth what it represents: institutionalized access. However, the ability to bring forth representations is unevenly distributed.

While Neuquén in Argentina has historically been a regional economy based on hydrocarbon extraction (Shever, 2012), the discovery and promotion of Vaca Muerta has led to the production of a new geographic imaginary. The emergence of Vaca Muerta as synonymous to unconventional oil and gas extraction in Argentina happened in the context of a truncated political and economic crisis, sometimes framed as a national energy crisis.<sup>13</sup> The fracking prospects activated seemingly contradictory movements. On the one hand, a nationalist discourse on energy sovereignty argued that the extraction of unconventional oil and gas would liberate Argentina from international energy dependencies. On the other hand, the attraction of foreign capital and in particular the controversial agreement between Chevron and YPF in 2013 raised concerns about a de facto re-privatization of YPF, and hence, a hollowing out of the sovereignty discourse.<sup>14</sup> Not surprisingly, public figures from the state and companies emphasized the sovereignty to justify the production of new sacrifice zones, and downplayed the new dependencies created by the financial and organizational architectures of the fracking operations. Persistent narratives of progress and existential energy sovereignty fueled fracking in Vaca Muerta. This, in turn, relied on discursive erasures of the Mapuche communities from the plateau (Aguirre, 2021). Rural communities of Indigenous descent thus find themselves in a complicated situation, where claims to Indigeneity find little resonance and sympathy within the hydro-carbon complex, which prefers to deal directly with individual landowners and contribute directly to producing a landscape which gives primacy to private property. The institutional arrangement favoring extraction thus supersedes those favoring rural livelihoods. This process is backed by enforced evictions as well as compensatory measures. All of these serve to justify and naturalize certain claims to territory, while delegitimizing others.

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<sup>13</sup> 'Energy Sovereignty' continues to be a strong discourse at national level. See for example <https://www.lanacion.com.ar/opinion/exportar-hidrocarburos-la-meta-necesaria-para-la-soberania-energetica-nid21062023/>. Retrieved March 5, 2024.

<sup>14</sup> See for example [https://www.clarin.com/empresas\\_y\\_negocios/acuerdo-YPF-entregando-provincia\\_0\\_S1Q5\\_Rrsw7x.html](https://www.clarin.com/empresas_y_negocios/acuerdo-YPF-entregando-provincia_0_S1Q5_Rrsw7x.html). Retrieved March 5, 2024.

The palm oil industry in Indonesia did not rely on law and force alone. The severe international criticism of land acquisition, labor conditions, and the environmental damage caused by oil palm plantations led end users of palm oil, producers, and the WWF to establish the so-called permanent Roundtable on Sustainable Palm Oil (RSPO). It is a 'stakeholder initiative in which "best practice" criteria and indicators are negotiated directly without regulation by governments' (Pye, 2016, p. 409; cf. also Pye & Bhattacharya, 2013). Defining and committing to principles of sustainability, responsible consideration of employees and communities affiliated with the mills and pledging compliance with laws and regulations as well as responsible development of new plantations, the Roundtable comes across as a corporate social responsibility operation. The large number of members (944) including banks, growers, global processors and traders, significant consumer goods manufacturers, retailers as well as NGOs bespeak its success. Yet, the tight relationship between industry and politicians and the government administration in Indonesia also makes the Roundtable look like a very consolidated structure which will impose, rather than negotiate, rules of conduct on local communities. The voluntary nature of the Roundtable makes it difficult, on the other hand, to impose sanctions on any member who does not follow the guidelines. Again, the "collusive relationships between companies and state authorities not only facilitate the suppression of protests. They also undermine the impartiality and effectiveness of conflict resolution mechanisms" (Berenschot *et al.*, 2022, p. 44. See also Aspinall & Klinken, 2011; Fair, 2021; Hein *et al.*, 2016; Lucas & Warren, 2013). In addition to establishing guidelines for the oil palm industry, the Roundtable manufactures consent.

## 7. Discussion: Scales of dispossession

Frontier dynamics displace communities and contaminate soil, water, and human bodies to fuel a global commodity chain and solidify a national imaginary. Thus, the simultaneity of the institutionalization of access and the performativity of a regime of valuation institutes the frontier. This is inherently a violent process, but violence comes in many shades and forms as it transforms landscapes and displaces bodies by legal, physical, and discursive means. Instituting the frontier implies a *rescaling* of the resource territories as they are brought into global circuits of capital. That does not make the 'micropolitics of place' (Moore, 1998) any less localized. Indeed, frontier scalar politics can be a visceral and embodied experience.

In both of the cases described here, we see how previous arrangements governing access to land and water has been undone to allow for the spatially expansive and water intensive operations to take place through the *institutionalization of new forms of access*. Thus, the emergent state-capital coalitions repurpose the resource territories in the name of national priorities, *rescaling* what is top of the agenda, be it energy sovereignty in Argentina or export earnings in Indonesia. In this sense, the languages of legalization and legitimation are used to justify these institutionalized forms of visibility and vision that prioritize some actors over others. Documents are decisive reference points for state recognition and the representation – and indeed *production* – of a right. However, ordinary people often find proper legal and administrative avenues inaccessible, and therefore pursue recognition by producing documents that have the appearance of genuine permits, deeds, lease agreements, and contracts. Such documents constitute a particular language of legal posturing, letting people enter the orbit of certain governing institutions, and to institute mutual visibility. They establish a connection between a claim and an institution. However, companies and other large-scale actors may equally make representations work for them. Acting *as if* concessions are legal, *as if* environmental impact assessments have been conducted, and *as if* national and international norms are respected, and so on, also works to institutionalize access. It is in this scalar rupture that we observe a rescaling of resource control and the separation of hitherto interconnected institutions of property, labor, and social reproduction.

We must address the institutionalization of resource access on the frontier in terms of scale. That scale matters is not a new insight in political ecology studies dealing with claims to land and resources (see Cederlöf & Loftus, 2024), yet this analysis suggests that we can better understand its modus operandi by attending to the ways in which claims become rights through the processes of visibilization, redrawing the boundaries of jurisdictions, and the justification and concomitant delegitimization of competing claims. When resources enter the greater metabolism of capitalism, institutions are no longer confined to local social contracts. Rather, claims, exclusions, justifications, and institutionalization all straddle several levels and intersect in entirely new ways.

When new resources are discovered, they are usually relevant, valuable, and commodified *outside* of their original locales. Energy from fracking and plantation-based palm oil are such new resources in old territories. Moreover, the institutional architecture operates with national and international dimensions. Beyond its well-documented environmental impacts, the metabolic rift (Moore, 2011) translates into institutional disruption. The materiality taps into a productive dynamic as a resource because of its value to specific modes of production and its regime of valuation. The new resources are therefore used and exchanged by people and organizations placed very differently from the local population in global capitalism. In Argentina, for example, the fracking activity involves not only drilling, but also a complex set of scalar operations. It makes the site of extraction articulate with other places through flows of capital, labor relations, environmental and place-based knowledge, policies, and resources.

We must, therefore, think about and distinguish between scales in two ways at the same time. On the one hand, we have geographic or spatial scale. On the other, we have hierarchies of politico-economic organization (Neumann, 2009; 2015, p. 477; Rangan & Kull, 2009). The first has to do with our optics on the resource from its embeddedness in large landscapes to its refined material quality as an input in production or consumption, from the host rock and its silver ore to the manufactured silver coating of electrical circuits. That is the spatiality of the concrete frontiers. The palm oil frontier in Indonesia is stimulated from the outside just as the hydrocarbon frontier in Argentina. This rescaling of resource territories to convert, for example, smallholder territories into extraction landscapes is a deeply material, political and often violent process.

The second form of scale has to do with differently located forces of economy, politics, and law, from the global to the most local level. While the need for an agricultural product, for example, comes from the outside, political decentralization has complicated the organization of the politico-economic hierarchy. The allocation of concession leases is, in principle, a matter of local politics. However, government control over land, its collusion with plantation companies, and smallholders' weak land rights puts the allocation of land leases as well as access to justice out of reach of most peasants even if decisions are made geographically in the district capital.

The two forms of scale are not the same. One has to do with the material utility of the resource – its valences if you like. The other aspect of scale is about what institution can effectively lay a claim to the resource and its governance at what level. These are different institutions of access. These two types of scale interfere with each other, but they are not the same. Moreover, different social forces operate and impact resources in different ways.

The rapidly accelerating global race for natural resources leads to dramatic environmental and institutional transformations at every level. From transplantable organs of the human body, over minerals, hydrocarbons, and land, to global carbon stocks, resources are being redefined and commodified. In addition to occurring at every level, the frontier process and its institutionalization connect different levels of global society and let them articulate in new ways. What might in a longer historical perspective appear to be a linear expansion of institutions of access in time and space, is, in fact, a much more convulsive and open-ended process, when we look at close range. This is not to dismiss the *longue durée* perspective or to trade it in for momentary flashes. On the contrary, it is to better appreciate the contingency of enduring institutions, and their roles in connecting levels and spaces.

## 8. Conclusion

Looking at empirical institutional conflicts close-up offers important realizations. First, it questions the inevitability of history and its outcomes. What happened was not the only thing that could have happened, but the result of a specific constellation of social actors, interests, and territories. Secondly, the closer look allows us to see the human effort – political, economic, and symbolic – invested to institutionalize access. All mechanisms of access require constant work to be able to sustain it over time. The close look reveals the efforts that people invest in their claims to resources and the predictability of their access; even if it fails in the encounter with other people's efforts to do things differently. When actors begin to institutionalize rules of access, this very ambition, and all the political and symbolic energy they invest in the process, become objects



of conflict. This is not an organic or linear undertaking, but a contentious, sometimes outright violent, process of politics where interests and opportunities meet with success, setbacks, and, sometimes, ruin.

Instituting the frontier has a micropolitical and a scalar dynamic. It rips apart local resource territories to insert a very specific element of that constellation into a global commodity chain. The frontier transforms institutional dynamics to allow for a new regime of access to be consolidated and legitimized. The difference between simple access and institutionalized access is that the latter is inherently relational between the actors who aim to access resources and the institutions that condition such access. These relations may range from violent opposition, over reluctant acceptance to recognition and support of the legitimacy of the claim. The key is that a socio-political relationship of recognition is engaged in the process.

While both frontier dynamics and institutionalization are processes, they are different in decisive ways. Undoing established claims requires the momentary capacity of violence and abrogation, whereas the ability to lock a claim of resource access into durable institutional structures requires powers of perpetuation. Only so long as the institution is enacted and re-enacted does it exist. The institution is a process that can cease to operate. The power to perpetuate institutions is unevenly distributed among people and groups in society. Hence, institutions become contentious fields of competing claims structured by power relations. The ability to create and sustain institutions therefore requires the constellation of both power and opportunity, and local communities are often quite defenseless in the face of international capital and government interests. This means that fundamental and entwined institutions of property, labor and social reproduction suffer a scalar rupture and break down in the process of rescaling and institutionalizing resource access and control.

That resources mean different things to different actors across scale will be familiar to political ecologists. We have offered an analytical framework for furthering our understanding of how power and decision-making moves with scale. For example, what might be a resource in a global commodity chain, like palm oil or soy, may represent the opposite – a loss or a liability – in the initial place of production. Here the power-knowledge that produces the resource devours the local, colonizing new spaces through technical and institutional arrangements. When outside capital colludes with government to re-institutionalize structures of access and extraction, the resource control disappears at the local level. The scalar disjuncture between the physical resource and its institutional control effectively enables the dispossession of local communities, producing frontier spaces by reshaping the visibility of rights subjects, redrawing the boundaries between property and theft, and re-embedding places in narratives of progress and development.

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