

**Land In Our Hands Network (LIOH) Statement**  
**On the current land related laws and their amendments**  
**(The 2012 Vacant, Fallow and Virgin Lands Management Law, the 2012 Farmland Law and**  
**the 2017 Draft Land Acquisition Law)**

In January and February 2018, the Land In Our Hands (LIOH) network, which includes land rights civil society organizations, farmers and internally displaced people from 14 states and regions, held meetings to discuss the current land related laws and their proposed amendments, and together come up with statements for each state and region. Workshops were held in Kachin (Myitkyina), Karenni (Demoso), Karen (Thandaunggyi), Chin (Kalay), Mon (Mawlamyine), Rakhine (Sittthwe), Northern Shan (Lashio), Yangon (Kawmhu), Ayeyarwaddy (Laputta), Bago (Pyay), Mandalay, Magway and Sagaing (Mandalay) and Tanintharyi (Dawei), attended by a total of 493 land activist civil society organizations and 1,619 people. A total of 12 statements came out of these state and region meetings.

On May 22 and 23, 2018, representatives from these states and regions regathered and released the following statement, after combining the statements of each state and region.

1. It is urgent to review, revise and repeal the land related laws in order to resolve the land issues occurring throughout the country. But the current land related laws and draft amendment laws being developed by the Government do not have the ability to address the source of the problem and create more complicated land issues. In addition, these laws can lead to the acquisition, at any given time, of lands that have been owned for generations by local and indigenous populations.
2. The 2012 Vacant, Fallow and Virgin Lands Management Law which was enacted before the 2016 National Land Use Policy:
  - Does not take into consideration the inherent rights of ethnic nationalities to natural resource governance and the communal and traditional management of land, water, lakes and forests. It encourages a land registration system, which in practice is challenging for ethnic people and allows for the allocation of land to local and foreign investments. As a result, the majority of farmers, including ethnic communities living in the upland areas, are labelled as “squatters” and “criminals” and subjected to harsh punishment under this law.
  - The proposed amendment to the 2012 Vacant, Fallow, and Virgin Lands Management Law includes stricter controls and punishment terms, thus being more oppressive for ethnic nationalities and vulnerable groups, instead of referring to the basic principles of the 2016 National Land Use Policy. For these reasons, the law must be repealed completely.
3. The 2012 Farmland Law and its 2017 draft amendment law do not recognize local communities’s land rights and cause the following land conflicts. Hence, these issues must be comprehensively analyzed and thoroughly revised.
  - It only provides land registration for individual ownership, which then facilitates ‘legal’ land grabbing.
  - It does not recognize customary practices of communal ownership and management of land in the ethnic areas.
  - It does not recognize the land rights of farmers, and as the definition of land categories are not clear and specific, it easily facilitates the branding of farmers as criminals.
  - Through the use of land registration certificates and the implementation of a land market, the law has led to the treatment of land as a commodity for selling, buying, renting and

transferring, which eventually worsened the loss of land from local ethnic and indigenous populations.

4. The following points from the 2017 draft Land Acquisition Law completely ignores human rights, human dignity, democratic values and indigenous rights, and intends to expropriate land at any time 'legally'. In addition, the law was intentionally designed and drafted so that legal actions can be taken against land rights activists and local indigenous farmers at any time. Hence, we object to the law, which is oppressive and undermines the dignity of the three pillars of the State - the legislative, executive and judicial branches.
  - It does not recognize human dignity, culture, traditional beliefs and customary land practices, which are the foundational values associated with land.
  - It has created complicated and non-transparent land management procedures.
  - It prioritizes the benefits of private investors and through lack of transparency and accountability, it encourages abuse of the law and corrupt practices.
  - It does not allow for an independent monitoring mechanism for land management.
  - It provides full unchecked authority to the Ministry of Home Affairs, which is represented by unelected officials and who are directly involved in land conflicts.
  - The word "public purpose" is too broadly defined, thus encouraging unjust and forced land grabbing to occur legally.
  - The phrase "national defense and security matters of the state" and "the development of the state according to the national economic policy" in the draft law imply legal permission to expand military activities in the ethnic areas, which can have direct negative impacts on the peace process.
  - It does not contain articles to recognize and protect the land rights of local and indigenous communities; but instead, it mentions deeming those who protest as criminals and allows the passing of punishments.
  - It can create more conflicts in ethnic areas and hinders the potential for securing peace within the country.
5. The land laws, which are either still in effect, under revision, or in the process of drafting a new one, fail to meet democratic standards and legislative standards to include public consultation. They are completely incompatible with international human rights values and principles.

### **Recommendations**

6. A Federal Land Law for all citizens should be developed, with a farmer-centered approach, by using the following sections of the National Land Use Policy, enacted by the former president in 2016. Law development processes should be open to public consultations so that local farmers, indigenous community leaders, land activists, technical and legal experts can effectively participate.
  - Part 5: Procedures relating to Land Acquisition, Substitution, Compensation, Resettlement and Restitution;
  - Part 6: Settlement of Land Disputes and Appeal
  - Part 8: Land Use Rights of Ethnic Nationalities
  - Part 10: Harmonization of Laws and Enactment of New Law; and
  - Part 11: Monitoring and evaluation

7. The 2012 Vacant, Fallow and Virgin Lands Management Law and its amendment draft law (2017) should be repealed since they can complicate current land conflicts in Myanmar and have direct impact on the peace process.

In conclusion, the 2012 Vacant, Fallow and Virgin Lands Management Law and draft Amendment Law (2017), the 2012 Farmland Law and draft Amendment Law (2017) and the 2017 draft Land Acquisition Law should be repealed. Land rights of farmers and local, indigenous and ethnic people should be fully prioritized. The customary tenure and land management practices of indigenous people, and the historical indigenous territories should be reexamined, developed and recognized. Considering all these factors, LIOH demands prioritizing the development of **a new Federal Land Law**.

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