



Open letter to LIFT on its recent announcement calling for proposal promoting Myanmar government's repressive Vacant, Fallow, Virgin Land Management Law

24 December 2018

We, Land in Our Hands (LIOH) and Myanmar Alliance for Transparency and Accountability (MATA) are disappointed and troubled by the recent call from Livelihoods and Food Security Fund (LIFT) Myanmar for project proposals that support the Ministry of Agriculture, Livestock and Irrigation (MoALI) on reclamation of so-called 'vacant, fallow & virgin lands, re-allocation and development by the rural poor - REAL DEV Programme. This program will act to promote the government's recently amended Vacant, Fallow, and Virgin Land Management Law (hereinafter VFV Land Law), which is opposed by civil society groups (CSOs), Ethnic Armed Organisations (EAOs), political parties and local communities across the country. The amended 2018 VFV Land Law further legalizes land confiscations and criminalises farmers, who are now at increased risk of dispossession from their land and livelihoods.

We, CSOs and stakeholders, have made numerous statements since the adoption the 2012 VFV Land Law, and, more recently, the adoption of the 2018 amended VFV Land Law. We are calling for the abolishment of the VFV Land Law, and for customary land management practices to be fully embraced as part of an inclusive and participatory peace negotiation process (<https://lioh.org/?p=517>).

The 2012 VFV Land Law has already created land conflicts across the country, and the 2018 amended VFV Land Law will result in further insecurities and alienation for grassroots communities. The VFV Land Law facilitates land confiscations, thereby placing rural communities, and particularly those practicing customary land management systems at risk by strengthening default categories of land that render countless communities trespassers on their own land and criminals in the eyes of the law. Furthermore, the VFV Land Law does not take into consideration the hundreds of thousands of people who have been displaced from their land by armed conflict, and political and religious persecution.

The VFV Land Law seriously undermines the democratic federal principles and norms that form the foundations of ethnic calls for peace and self-determination. By undermining these core principles, this approach to land policy pushes the peace negotiation process further into deadlock.

Given that the ownership, management and control of land are inextricably linked to nationwide political grievances and social injustice, LIFT's push to promote this VFV Land Law disregards the political roots of armed conflict in Burma and, by doing so, risks exacerbating existing land conflicts. Its call for proposals focuses on the reallocation and reclamation of land granted to two companies in one region, using the VFV Land Law as a legal tool, and in so doing will help to legitimize the whole VFV Land Law. By promoting the VFV Land Law through one isolated pilot programme, LIFT risks supporting a legal framework with far-reaching and adverse impacts for farmers across the country, especially in the Burma's ethnic states.

According to the Dept. of Agricultural Land Management & Statistics (DALMS), there are more than 49.3 millions acres of VFV land across the country and the majority of this land is concentrated in ethnic states.

Implications and questions

The LIFT programmes focus on returning previously seized land to farmers seems well intentioned. It also mentions some good points, such as free, prior, and informed consent and gender sensitivity. However, using the VFV land law to address specific land problems at the pilot sites will be counter-productive as it will reinforce the implementation of the VFV Land Law which has already undermined the tenure rights of farmers.

We, CSOs raise the following points with LIFT;

1. The call for proposals is clearly supporting the Myanmar Government's amended VFV Land Law and overall land law reform strategy.
2. The Myanmar Government, or parts of the government, will likely use the call for proposals to rally international support for the VFV Land Law and its implementation.
3. People losing their land and being criminalized for being on their land will likely perceive LIFT and its donors as supporting the VFV Land Law's implementation.

Questions for LIFT:

1. What is LIFT's position on the 2018 VFV Land Law?
2. What are LIFT's mitigation strategies to prevent the larger adverse impacts it will have on farmers in other states regions by encouraging the implementation of the VFV Land Law?

Questions about programme governance and implementation:

1. The union-level MoALI will "take a coordination role, with initial responsibility for the programme design" and will chair a Steering Committee?
2. The Implementation Committee will be "chaired by the Township General Administration Department (GAD) Officer, and including civil society organisations, farmer representatives, and members of parliament in addition to relevant departments"?
3. The regional Departments of Agriculture (DOA) and/or the Department of Agricultural Land Management and Statistics (DALMS) "will be the main implementers"?
4. The implementing partner will be based within MoALI's regional offices?
5. Given the very famous for the roles of GAD and DALMS played in grabbing land from the people across the country, is it the best way arrangement to address land allocation and agriculture development of the country?

We have learned that LIFT has 12 conflict sensitivity principles, which it seems to be violating with this programme. This call for proposals is focused on Magway Region, but the programme raises serious concerns related with broader adverse impacts in conflict-affected areas, and also for Internally Displaced People and refugees.

1. ***In the principle of understanding the conflict:*** The call for proposals shows a lack of understanding of the conflict caused by land and the VFV Land Law, because it does not recognize that the legal framework itself is a cause of conflict and that this period is a moment of potential change when outside actors should be careful to not support harmful laws and land grabbing. The programme design demonstrates a focus on a small geographic area without looking at the larger political and conflict context. It violates Do No Harm by undermining civil society actors that represent farmers trying to protect their rights to land.
2. ***Meaningful consultation with all local stakeholders:*** The call for proposals was launched without meaningful consultation with relevant stakeholders, who in this case include those civil society actors and villagers involved in campaigns against the implementation of the

VFV Land Law. These stakeholders have publicly made their views known, so they should have been easy to identify and seek meetings with.

3. **Engage with power holders:** The call for proposals was launched without consulting non-governmental power holders who will also be affected by the law
4. **Encourage cooperation across conflict lines:** Support for the VFV Land Law, which will facilitate the seizure of ethnic lands and the centralization of decision-making over land, will undermine cooperation across conflict lines by decreasing confidence in ceasefires and making a future peace agreement more difficult to achieve.
5. **Transparency and coordination:** During a publicly heated debate and campaign surrounding the VFV Land Law's implementation, the launch of the call for proposals was carried out without transparency or coordination with non-governmental actors, potentially creating distrust.
6. **Meaningful involvement and participation of local and national civil society organizations:** Local and national civil society organizations have been carrying out a high-profile, months long campaign in opposition to the implementation of the VFV Land Law. This call for proposals was launched at a critical moment during that campaign without civil society involvement, undermining their work for landowners' rights across the entire country.
7. **Meet the priority needs of conflict-affected populations:** A priority need of conflict-affected populations throughout the country is to avoid having their land seized and their presence on that land criminalized, as well as for displaced persons to be able to return to their own land. Ethnic civil society, including farmers' organizations, political parties, and others, have chosen to oppose the implementation of the VFV Land Law to achieve this objective. They have specifically chosen not to seek out implementation or support in implementing the law.
8. **Inclusion and non-discrimination:** By supporting improved implementation of the VFV Land Law in a pilot area in Magway Region, this programme is causing harm to non-Bamar populations who will greatly suffer under the VFV Land Law, as the majority of government-designated VFV Land is in ethnic areas.
9. **Pragmatism and flexibility:** It is unclear why this programme was designed or why it the call for proposals was launched at this time – exactly when it would do the most harm. This demonstrates a lack of pragmatism and flexibility to respond to the public's calls to against the VFV Land Law's implementation.
10. **Establish feedback, accountability and grievance mechanisms:** This call for proposals demonstrates a need for an accountability mechanism at the fund level, not only the implementing partner level, as harm can be done beyond the scope of the implementing partner's work.
11. **Develop a project exit strategy:** The exit strategy should include not continuing with a project at any stage, including before launching the call for proposals or before accepting proposals, if that project will do harm.
12. **Operationalise these principles throughout the programme lifecycle:** All of the above are comments on the initial lifecycle of this programme.

Given the problems and tensions it will create by encouraging and empowering to implementation of the VFV Land Law, we, LIOH and MATA call for LIFT to suspend the call for proposals and reassess its operations in Myanmar in accordance with its 12 conflict sensitivity principles.

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LIOH is a national land movement platform with more than 400 members & allies across the country. MATA is a civil society alliance with 418 members & allies that supports civil society actors to collaboratively advocate for transparency and accountability in all sectors across Myanmar.