

SUMMARY PAPERS

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The “summary papers” series are key extracts from presentations and debates at the thematic seminars regularly held by the French Cooperation’s “Land Tenure and Development” Technical Committee.

Historical trajectories and land policy issues: What opportunities for land reform in Myanmar?

This brief captures in a nutshell the key issues discussed during the seminar dedicated specifically to Myanmar’s current land issues. The event took place on December 2nd and 3rd 2019 at the French Development Agency headquarters in Paris (AFD). This event was organized by the “Land Tenure and Development” Technical Committee of the French Cooperation. Panels were organized over two days, in the presence of several members of the Committee, officers from the AFD and the following land tenure experts as panelists.

*After a brief introduction by Christian Fusillier (AFD), **Marie Mellac** (researcher at CNRS) presented the main political, socio-economic and land tenure trajectories in four Mekong countries (Cambodia, Laos, Vietnam and Myanmar). **Maxime Boutry** (Research Associate PALOC) provided a contemporary historical perspective of land tenure in relation to State-building processes in Myanmar. **Céline Allaverdian** (Researcher at Gret) then gave an overview of the specific land tenure issues across the different agro-ecological zones of the country and highlighted the key geographical contrasts. **Stephen Huard** (Research Associate Centre Asie du Sud-Est CASE) focused on lowlands, with insights from the on-the-ground realities on land conflicts at the village level. To conclude the seminar, **U Htet Kyu** (former officer in Ministry of Agriculture, now Technical Advisor for the Mekong Region Land Governance project, MRLG) gave an overview on the country’s land related political agenda and the room for improvement in the contemporary process of land reform.*

> A BRIEF OVERVIEW OF MYANMAR

Myanmar is the widest country in the Mekong region in terms of surface area, with a population of 53 million people, making it the third most densely populated country in the region. It is still largely rural and strongly dependent on agrarian livelihood. For decades, the country was governed by an exclusive military junta and the 2008 Constitution still protects the military from government oversight. Switching to a quasi-civilian government in 2010-2011, a precarious democratic transition was ongoing since then.

This multi-ethnic nation has faced armed conflicts since over five decades, with still today more than 50 active ethnic armed groups. Peace talks have been going on with 18 major ethnic armed groups and a Nationwide Ceasefire Agreement was signed in 2015 with ten of them. Yet, the current peace process is highly volatile.

The seminar was held in December 2019 and this summary paper produced in the wake of it. Since then, National parliamentary elections were organized in November 2020, securing the National League for Democracy (NLD) party, led by Aung San Suu Kyi. The military-backed party, Union Solidarity and Development Party (USDP) soon contested the results and Myanmar’s military overthrew the parliament on 1st February 2021, imposing martial law for one year, before new elections. The coup halted the country’s democratic transition and sparked massive protests and civil disobedience movement, which are violently repressed by the military.

>>> The “Land Tenure and Development” Technical Committee is an informal think tank that has been providing support to French Cooperation in terms of strategy and supervision of actions since 1996. It brings together experts, researchers and French Cooperation officials.

Territorial similarities among the Mekong countries

Myanmar shares a number of features with its neighbors in the Mekong region, including **common territorial features** within this “Mega diverse” region. A region populated by two major civilizations – Chinese and Indian, and four population strata (D. Lombard). They all have one demographically and politically dominant group and each nation-state has been built around a dominant group: Bamar (65% of the total country population) for Myanmar, Khmer (96%) for Cambodia, Kinh (86%) for Viet Nam, Lao (55%) for Laos and Thai (more or less 80%) for Thailand. Despite evident geographical differences, the territories of the Mekong nations are also organised in a similar way, and structured around one main river that serves as a major transport axis and a major rice production area contrasting with its peripheral mountainous areas.



Source: Martin Smith, *Burma: Insurgency and the politics of ethnicity*

Beyond these topographic similarities, the Mekong countries also have comparable center-periphery relationships. The **lowlands**, often populated by the **politically dominant group with landscapes of drained and irrigated paddy fields**. Historically, they stem from the previous “agrarian kingdoms” where colonial authorities first formalized private property. In contrast, the **highlands** – the “Zomia” as defined by James Scott, are predominantly **forested areas, populated by a diversity of smaller ethnic groups with livelihoods based on shifting cultivation** (slash and burn), agroforestry and forest natural resources. Diverse customary and highly dynamic land tenure practices may co-exist with statutory norms, some of which originated from the Colonial era when vast tracts of forest were turned into national domains and concessions. Across the Mekong countries, similar prejudice is encountered towards ethnic groups and their agricultural practices perceived by others as “backwards”.

Due to its geographical location at the western part of the region, Myanmar is little concerned by the development of the Mekong River contrary to its neighbors. However, the exploitation of the Ayeyarwady river is today a source of tension with its powerful neighbor, China.

Myanmar as the last of the “Asian Tiger”

In the 1950s, Myanmar was one of the richest Asian countries, as the world leader in rice exports. After decades of isolation and military dictatorship, it fell to the lowest ranks in terms of poverty. Despite a **high potential in agriculture and considerable natural resources**, including minerals, it has the lowest Human Development Index of the region. This wealth in natural resources has for long drawn interest of the investors, slowed down by the country’s isolation. The late economic and political opening of the country, at the early stages of the democratic transition, has led to a 20 years gap between Myanmar and its neighbors. The country relies today mainly on primary sector’s exportations with irregular, low and volatile foreign investment – from Asia and especially China.

It is also a mainly agrarian country where more than half of the population rely on the agricultural sector, with an incomplete agrarian transition and strong differences among States and Regions. However, it is estimated to be the country in the region – including China – with the **highest agricultural growth potential**¹. Despite a precarious rice self-sufficiency, exacerbated land issues and a high level of landlessness undermine these agricultural prospects.

1. OECD-FAO Agricultural Outlook 2017-2026.

STATE OF THE LAND IN THE 5 MEKONG COUNTRIES

	% of agricultural plots with land titles or LC	Number of individual titles/certificates (millions)	% of landless in the active population
Myanmar	90	9	30 to 50
Cambodia	66	2,8	29
Laos	15	n.c.	n.c.
Thailand	63	19	13
Vietnam	91	22	12

Source: Ingalls, 2019 consolidated by Mellac, 2019

Myanmar specific land issues

Myanmar is the country in the Mekong region with **the highest rate of landless people**: around 30% for the whole country (Ingalls, 2019) and reaching up to 80% in some regions. Although these numbers need to be looked at carefully, they illustrate the inequalities in access to land.

Myanmar shares with its Mekong neighbors some common tendencies, at various level of intensity: urban land evictions, development of large concessions for business (mining, agriculture, timber, hydropower, etc.).

> HISTORICAL MILESTONES ON THE MAKING OF LAND TENURE IN MYANMAR

Dynastic period: *dama-u-gya* and the emergence of private property

Three main land types prevailed during pre-colonial times in the Burman Kingdoms. At that time, territorial control was based on the conception of a realm and its ruler's influence.

In Burman-populated areas, main land categories were:

- the **crown lands** – essentially the most fertile ones, administered by clients of the king in return for rights and privilege including the right to give in inheritance;
- the **"private" land**, acquired by clearing the land (*dama-u-gya*) and then passed on from "ancestors" to heirs;
- the **religious lands** in the hands of Buddhist institutions.

The foundations of a land tenure framework drafted during colonial times

The colonial period had major impacts on land, still visible today. It kickstarted the **development of the lowlands** in the Ayeyarwaddy delta with the ambition of making it a major rice production area of the British Empire. To that purpose, it introduced a land-based tax and cadastral registration. As formalizing individual land tenure was the most efficient way to collect tax, various tenure systems were imported from colonial India. For instance, the **squatter system**: similar to *dama-u-gya* with permanent, inheritable, and transferable rights of use and occupancy, and the **patta system** with non-transferable tenure rights granted before clearing land that cannot be mortgaged. The 1861 Rules for the Granting of Waste Land also enabled the British Empire to develop large colonial plantations, such as rubber in Tanintharyi region in the South-West.

In order to boost the development of the Ayeyarwaddy delta by farmers, many of which migrated from the Dry zone, there was a need for capital that was massively brought by the *chettiar*, the Indian caste of moneylenders. This resulted in the decrease of farmers' bargaining power and greater power of moneylenders. The Great depression crisis in 1930 led many farmers to insolvency and massive mortgage foreclosure with land accumulating in the hands of money lenders. By this time, one third of cultivated land was held by non-agriculturists and one fourth by absentee non-agriculturists.

Another major impact of the colonial period was the construction of a **Federal state** characterized by Burmese lowlands as "Ministerial Burma" in contrast to the ethnic uplands, or "scheduled areas". These areas were organized through the delimita-

tion of seven ethnic states that are more or less the same today. These states were not concerned by the cadastral registration and land was indirectly administered by **formalizing customary law with customary authorities** (e.g. Chin Hill Regulation 1896 for Chin State). In these areas, ownership was collective and essentially based on clanship and lineages and great varieties of customary land tenure systems coexisted.

Therefore, the colonial period was critical for crafting ethnic politics, which are at the root of many of the current armed conflicts. The most striking examples are the alliances between ethnic groups and the English settlers during the Anglo-Burmese war, which provide a key in understanding today's politics including the Rohingyas crisis in Arakan State. The creation of ethnic States such as Kachin – which was not an ethnic group as such – created a new form of ethnic identity rather based on the relationship to the central state than to the belonging to a homogenous common kinship group.

Post-colonial times and the failed agrarian reform

In the 1950s, at the end of British colonization and Japanese occupation, a surge of socialist, communist and especially nationalist movements took place. It resulted in massive exodus of the Indian population and the adoption in **1953 of the Land Nationalization Act**. One of the objectives of the law was to take back the land from the hands of

absentee landowners, and to mark the theoretical end to farm tenancy. The land redistribution planned to allocate 10 acres plot for the landless. In reality, the policy was poorly implemented and ended up benefiting wealthy landlords and better-off farmers.

In contrary to the reform in Vietnam and Cambodia, there is not massive redistribution in Myanmar and collectivization and **this reform only redistributed 17% of the cultivable land**. The fight against tenancy translated into greater rates of landlessness. The State Agricultural Bank was also created (now known today as the Myanmar Agricultural Development Bank) to support farmers although it did not prevent farmers' dependency on private moneylenders. Despite this failure, the country enjoyed a brief period of economic growth that was soon undermined by high political instability between the central government and multi-faceted insurgencies.

Military regime and socialist period, procurement policy and the State as owner of all lands

In 1962, a coup d'Etat put an end to Burma's short "democratic period": the parliament was dissolved and a one-party system (BSPP – Burma Socialist Programme Party) was set up. Rice production was nationalized and compulsory production quotas were implemented for farmers who were forced to sell their production at a fixed and low price to

Paddy terraces in Chin State. © Gret



the State. Private full land ownership progressively disappeared, with the **1965 Tenancy Act, farmers became State's tenants** and their lands were no longer transferable except for inheritance. The 1974 State Constitution reaffirmed the State as owner of all lands and in the same manner, a notification reaffirmed that the State could confiscate the land in case of failure to grow prescribed crops for full productivity. Insurgencies grew throughout the country with over 53 active ethnic armed organizations (EAOs). In the 1980s the economy collapse led to the massive waves of protests and well-known demonstrations of 1988.

SLORC-SPDC rule and the massive land expropriation

The economic crisis of 1988 led to a new military government (SLORC then SPDC) which partially opened the economy, with new market-oriented policies and partial liberalization of crop production with the right for farmers to sell surpluses. The State's take on compulsory quotas was also reduced but agricultural policies and infrastructure developments were still very much focused on rice. In 1989, a massive squatter clearance scheme took place with over 500,000 persons forcibly moved from urban centers. In 1991, the Wasteland Instructions allowed a Central Committee to **allocate land deemed vacant to companies and State companies**. From 2001 onwards, land expropriation took place all over the country (San Thein *et al.*, 2018). Over one million acres were allocated to about 100 companies and associations, many of which in ethnic areas. In parallel, the 1992 Forest law led to the classification of vast tracts of lands as reserve forest including in ethnic areas, fostering unsustainable forms of logging. It was also Thailand's first attempt to reach a peace agreement in Myanmar by supporting the creation of eco-spaces, trying the policy of "replacing battlefields by eco-fields".

In the 1990s-2000s, **central government asserted its rule on borderlands** and a series of ceasefires were signed. Kevin Woods (2011) refers this period as a "ceasefire capitalism", as the government allocated large tracks of lands for large business concessions to the military and private companies in the years following the ceasefire, notably in Kachin State. As a consequence, conflicts between central government and EAOs continued, with rising numbers of internally displaced persons.

2011 onwards: the start of a new land reform process

Despite the 2008 military-drafted constitution which secures enduring control of the army over the country, a quasi-civilian government was put

in place as of 2010, paving the way for a democratic opening and increased space for freedom of press and civil society. A number of reforms took place following a reformist agenda aiming at the opening of the economy to the world economy. A key point is the 2012 Farmland law that legalises land transfers (selling, mortgaging, renting, etc.) and gives way to the rolling out of the massive and hasty land titling program. A parliamentary commission was set up to investigate previous land confiscations, with the ambition to return land to "original owners".

In addition, in 2016, a progressive policy – the **National Land Use Policy (NLUP)** – was endorsed after a broad consultation process. It is viewed as the **umbrella land policy** and a first step towards the harmonization of land-related institutions and legal framework. A chapter of the policy mentions the **recognition of customary land claims** but the policy has not been implemented yet. Section 3 below provides more details on the ongoing debates and land issues.

> AGRICULTURAL AND LAND TENURE ISSUES IN DIFFERENT AGRO-ECOLOGICAL ZONES OF MYANMAR

Today, land tenure security remains low for smallholder farmers

Land issues in Myanmar are quite different between the central lowlands and the upland peripheries. The first are characterized by relatively greater land tenure security, despite limited crop choice on paddy lands, strong challenges in land use conversion and enduring land conflicts on previously confiscated areas (on State farms, company concessions, etc.).

The upland areas are in contrast characterized by a much larger amount of unsurveyed land and very different levels of recognition of land rights, much more systematic for paddy lands and terraces while other land types (orchards, garden, etc.) lack recognition and many are still considered as "Virgin Fallow and Vacant" lands. This is problematic in the light of the 2012 Virgin, Fallow and Vacant (VFV) land management law that assumes that **unmapped and unregistered land is vacant and does not provide any consideration for customary claims** or recognition of the customary land tenure systems used by some of its ethnic inhabitants. More recently, the 2018 VFV law amendment compels users of VFV to register and puts hundreds of thousands of unregistered farmers at potential risk of eviction, fine and prison sentences.

Land titling has given more importance to the monetary value of land, and has reinforced market-driven exclusion in relation with high level of indebtedness. In some lowlands areas, land titling policy re-opened old conflicts, allowing several people to claim the same land (Huard, 2020). As a result, conflicts that were not open or public, were publicized. Land titling policy has reinforced centralization for conflict resolution process. Conflicts used to be addressed at the local level, in conciliation with the village headman and other *lu gyi* (the big men of the village), even if not formally institutionalized. Today, the *lu gyi* still have an important position, but mainly as a lever to address conflict at an upper level (township, regional or central levels).

To make things even more complicated, current land reforms are often seen as a way to further assert Bamar (Burmese) rule on uplands, which undermines the project of a federal nation. Myanmar ethnic uplands' people claim more autonomy and control of their territories, and many States and Regions are in conflict with Myanmar's central government. As such, the land framework reflects the fragile political construction of Myanmar as exemplified by the **dual-administration systems**. Indeed, some Ethnic Armed Organisations (EAOs) such as the Karen National Union (KNU) and Kachin Independence Organisation (KIO) are structured with their own line departments. The KNU even has its own land use policy. As a result, some areas have double land titling and revenue collection systems, and in some places, Myanmar government's land titling is simply rejected.

Agrarian commonalities and differences across Myanmar

Myanmar's agriculture has suffered during decades from top down state planning of agricultural production, forced cultivation of specific crops especially paddy, and compulsory procurement quotas for paddy and pulses... In some areas, grazing lands and fallow land were also forcibly converted to farmlands.

Myanmar contemporary agricultural production is also marked by a strong involvement of China in the whole country. Not only is the country an important source of demand for Myanmar's crops, it is also playing a strong role in shaping a number of value chains, such as corn cultivated as feed for livestock. Beyond this, many China-associated stakeholders are involved in direct production and land arrangements (e.g. watermelon, banana, rubber, etc.) with farmers who may rent out their land to them for example. Since little regulation is done, this situation often ends up with the exclusion of small holders farmers from their land all over the country.



Paddy fields in the lowland. © Gret

In Myanmar lowlands, agricultural production is mainly composed of paddy (notably in the Delta), pulses and oil seeds (mainly in the Dry zone). It is more mechanized than other parts of the country. For a number of decades, Myanmar **lowlands have concentrated most funding** from government and donors and large-scale development projects (in form of aid or loans).

In the uplands, agriculture was based until recently essentially on subsistence-oriented **shifting cultivation systems** (*shwe pyan taung yar*). These still exist but are losing grounds with the increase of **cash crops within permanent cultivation systems**. For instance, in some parts of Kayin State, the *taung yar* lands have been turned into agroforestry cardamom plantations, betel palm plantations in Thanintharyi, or tea or coffee plantations in Shan State and so on. The key drivers of this transition (which may vary according to States) are:

- central government policies towards permanent farming, and notably pushing for paddy terraces;
- a perceived sense of land insecurity particularly in rotational cultivation areas, especially in conflict-affected areas where land confiscations were substantial;
- economic drivers (export demand for specific crop and needs for cash due to the monetization of the economy...).

The consequences of this transition are the reduction of shifting cultivation fallow areas and the rise of land appropriation dynamics, land concentration and therefore exclusion (landlessness). Reduced crop diversity and dependency on one cash crop has increased market vulnerabilities and food insecurity.

> CURRENT LAND REFORM DEBATES

The National League for Democracy (NLD) was elected in 2016 and introduced its own reforms based on its manifesto which had a strong focus on the “rule of law”, economic development and job creation. The State Counselor (Aung San Su Kyi) supports a “modernization” narrative, inviting foreign investors by saying: *“We have land, we have good young working population, we have many unexplored resources”*. **Government views large agribusiness as the main way for agricultural development** and government policies are generally weak to support smallholder farmers. On the other side, customary practices (and shifting cultivation) are perceived as specific to backward groups that are not amenable to modern development. In all cases, the **vitality of smallholder farmers** – who represent the bulk of the country’s agricultural production – **remains inadequately recognized in land governance**. Behind the development agenda, the will to “normalize” conflict areas is opposed by ethnic groups. Despite the government’s focus on the 21st century Panglong Peace process, the peace process is stalled and conflicts have intensified in a number of regions. **Civil society organizations (CSOs) and their allies play an important role in opening up the land policy process**. Yet, the past legacy continues to weigh heavily on the current land affairs.

The key stakeholders of land governance in a nutshell: a highly centralized system

Land governance remains highly centralized in Myanmar and **decision-making continues to be at Union level**, notably through the Ministry of Agriculture, Livestock and Irrigation (MOALI) for farmlands and Ministry of natural Resources and Environmental Conservation for forestlands and extractives (MONREC). The General Administration Department oversees residential and urban lands. Land administration is essentially done through DALMs (Department of Agriculture Land Managements and Statistics, under MOALI). Union level parliament plays a role in policy and law making.

State and region level parliaments have no mandate on land, as defined in the 2008 Constitution. However, members of parliament (MPs) are playing an important role in facilitating some land-related interventions (eg. land distribution and land restitutions, conflict resolution etc.) in their constituency. In areas such as Kachin State, Karen State and Tanintharyi Region, EAOs can play a major role as mentioned earlier. Civil society is highly diverse and divided but plays an important role, notably for resolving previous land confiscation cases and for calling for protection of land and resource rights

and more transparency in land management and policy making. International agencies, donor partners and INGOs have also played a role in mainstreaming international standards (eg. VGGT) and promoting consultation processes in law and policy formulation, especially in the development of the National Land Use Policy enacted in 2016.

Among all these stakeholders, three main approaches to policy influencing can be distinguished. One approach, which can be coined “activist”, views political change (notably constitutional change) and social justice as pre-conditions for all other reforms. It will often focus on the Peace Process and the autonomy of ethnic organizations. Engagement with the government on its own terms is most often avoided because it is seen as a form of instrumentalization. Another approach which can be called “progressive” or “reformist” seeks to engage strategically with government stakeholders, looking at opportunities to influence policy, through small steps. Finally, another approach is essentially “expert-driven”, with an apolitical agenda, focusing on technical issues and the mainstreaming of international standards in land management and administration.

The key land policy debates today

The 2016 NLD election manifesto pledged continued efforts to investigate and return lands from previous confiscations and resolve land conflicts. The new government dissolved the previous parliamentary commission to **create land re-investigation committees** at administrative levels from the Union down to local. On the ground, reinvestigation processes have been slow as these committees have limited means and capacities. In addition, conflicts are often multi-layered with a number of claims from original owners, tenants informal occupants etc. There is still a lack of clear and independent processes to determine what claims are legitimate.

Another important element of the manifesto has been land distribution to the landless. The introduction of this new stakeholder in the land “reform” has further complicated land allocation processes by increasing competing land claims. **Land restitution and land distribution to the landless are essentially ad-hoc processes, rather than structured and systematic reforms**. They are often pushed forward by local members of parliament. These interventions have no clear long-term view, no policy documents and a relatively poor understanding of landlessness while often meeting resistance from MOALI and DALMS. **The government believed that a large quantity of land was available for redistribution**. In reality, they are very limited. Allocated land are often unused concession lands and of very limited fertility and value.

One of the important policy issues concerns the Vacant Fallow and Virgin Land management law enacted in 2012. VFV land – as previously stated, is merely a default category of unregistered land – concerns about 30% of the country's area (San Thein *et al.*, 2017). The law's explicit purpose is to allow businesses and foreign investors to utilize VFV land “for the economic development of the State and to create job opportunities for the locals and landless citizens”. In its October 2018 amendment, the law called for those currently using VFV land to apply for permission by March 2019; failing which they would be considered trespassers and subject to fines and imprisonment. However, DALMS has been unable to deal with thousands of applications.

While MOALI sees this amendment as an opportunity for farmers to formalize occupancy, civil society views the law as a potential threat in terms of criminalization and dispossession of farmers.

It ignited a broad coalition advocating for the repeal or significant change of the VFV Law, which unfortunately did not lead to a concrete response from the government despite a certain willingness to engage on this issue in recent open debate with civil society. Although the VFV law explicitly excludes “Customary lands designated under traditional culture of the local ethnic people”, there is still no concerted and official legal definition of this term. This leads us to the other essential policy debate, which is about the recognition of customary tenure, notably in the ethnic States. Civil society has conducted efforts in documenting the status

of customary tenure throughout the country. These works all demonstrate widespread and diverse practices. There is **strong local demand for recognition and protection of all informal land and resource rights. In Myanmar, this debate is closely linked to the peace process**, the “federal” project, and the question of providing more autonomy to local entities in the management of land and natural resources. This territorial approach claimed by ethnic organizations is very different from the much less ambitious resource-based approach adopted by government and technical agencies.

With decades of armed conflict in various part of the country, Myanmar has an estimated 1.5 million internally displaced persons. While they have fled their homes for insecurity reasons, **IDP and refugees' land rights in their original villages are not protected**² (TNI, 2019). In Kachin and Northern Shan for example, these lands are of high agricultural and commercial value. They are gradually being occupied by agribusiness investors supported by the army and border guard forces. The rapid expansion of industrial crops (banana, corn, rubber, watermelon) based on Chinese investment and markets is creating many problems: land conflicts, environmental degradation, health hazards, etc.³ As mentioned above, ethnic organizations are seek-

2. See [TNI position paper](#), August 2019.

3. Hayward D., Ko Lwin, Yang Bin and Htet Kyu (2020), [Chinese Investment into Tissue-Culture Banana Plantations in Kachin State, Myanmar](#), MRLG Case Study Series #4, Vientiane, Yangon: MRLG.

Betel trees and mixed garden in the uplands, Thanintharyi region. © Gret



ing to gain more territorial control over “their” areas. To this end, some Ethnic Armed Organisations (EAO) have developed their own land policies (eg: KNU land policy) with progressive standards in line with the VGGT. “Federalism” and constitutional change are presented as the long-term objectives for peace. However, this is a very complex issue in a country where some ethnic minorities have their own State, other do not and many are scattered in the country, if not the Regions. For instance, even the KNU land policy could hardly apply to then Karen population.

In the midst of Myanmar’s democratic and economic opening and with the support of international organisations, the National Land Use Policy (NLUP) was developed in 2014-2015 with unprecedented broad consultations. It was enacted in 2016 by the Thein Sein government. The rather progressive document contained **major improvements in terms of gender, recognition of customary ethnic rights to land and conflict resolutions mechanisms**. It is a reference for a broad part of civil society advocating for land reform. The policy calls for the formation of the National Land Use Council and the formulation of an **umbrella National Land Law, that ambitions to harmonise the land-related legal framework** covering the whole country (rural, urban, lowlands and ethnic uplands).

Nevertheless, with the new NLD government, the implementation of the NLUP was frozen until 2018

when the NLUC (National Land Use Committee) was formed. In August 2019, it has formed several Advisory and Working Committees, composed largely of government (and retired military) members, but which attempt to involve MPs, CSOs and farmer representatives, in spite of the usual representation and nomination issues. In December 2019, they have defined a Roadmap for the drafting of the National Land Law and to date, the various “Working Committees” are starting to define their respective work plans: group 3 on land disputes and group 4 on customary tenure recognition are of particular importance.

Even if land reform process was initiated, many challenges lie ahead. Under previous government, it was unclear how open and transparent the next steps of the National Land Law formulation would be. Major stakes such as the recognition of customary land tenure rights and the securing of IDP and refugees lands’ rights, are linked to a peace process that is today at a standstill. The return of a military junta ruling the country and already resuming highly controversial projects such as Myitsone dam hinder hope for a comprehensive land reform. ●

This note was compiled by **Charlotte Ravaux** (Gret – “Land Tenure and Development” Technical Committee secretariat) based on the contributions from seminar participants as well as the debates held with the audience.

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