



Overview of Land Grabbing, LCG and Its Works

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Outlines

- Overview of land grabbing and land tenure security
- LCG activities and why we do them
- Present situation with land grabbing and land tenure security
- Recommendations for the country

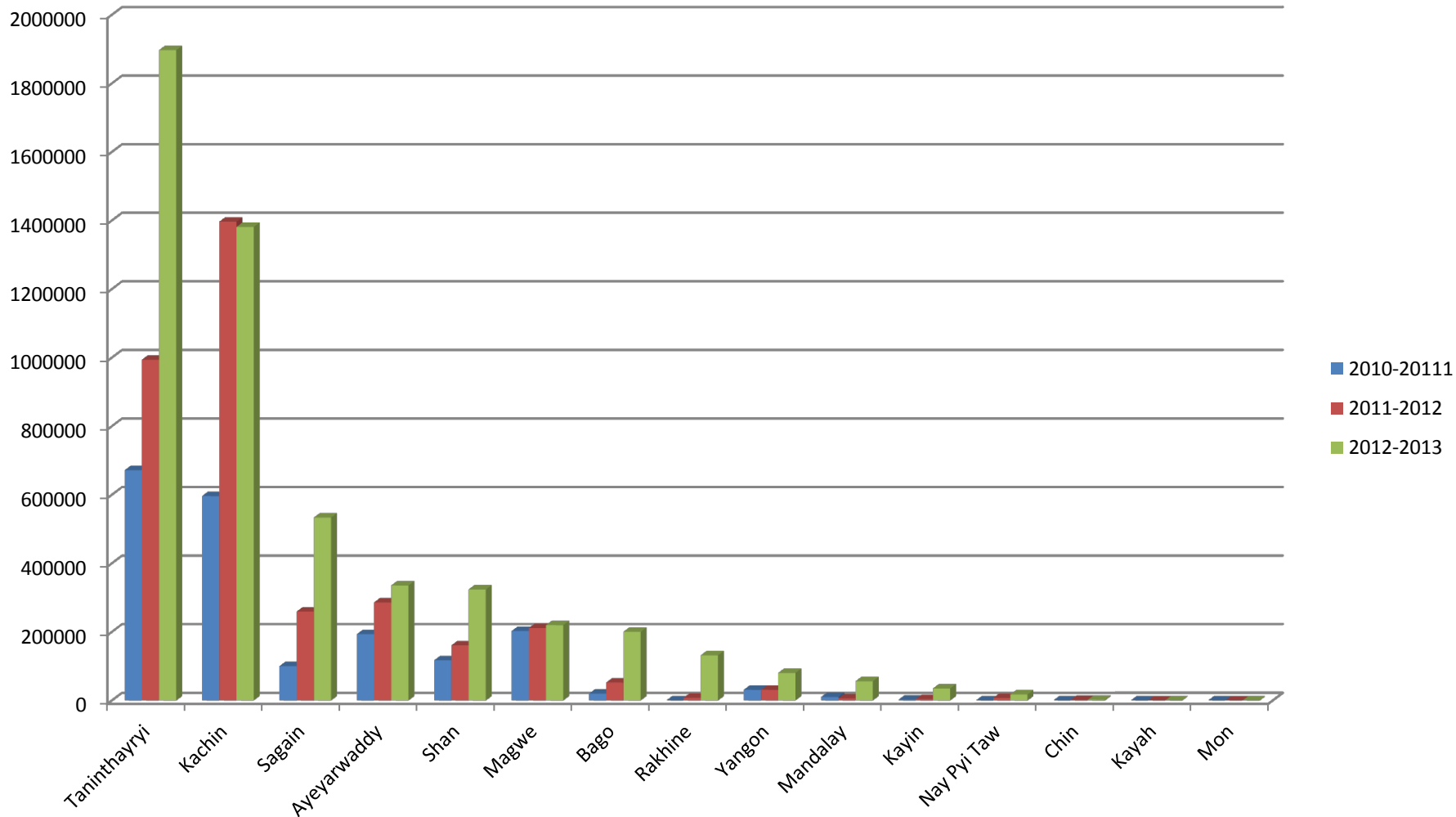
Agribusiness Concessions in Myanmar by State/Region, 2010-2013

State/Region	Allocated	Allocated	Allocated	Planted	% Planted
	2010-2011	2011-2012	2012-2013	2012/2013	
Taninthayryi	671594	993887	1896970	359455	19%
Kachin	596180	1396575	1381165	172348	12%
Sagain	100057	259273	533406	19543	4%
Ayeyarwaddy	193353	285844	335331	212969	64%
Shan	117096	160626	323833	120403	37%
Magwe	202492	211292	219578	95949	44%
Bago	19772	52238	200150	91074	46%
Rakhine	0	7826	131667	13176	10%
Yangon	30978	30980	80208	76243	95%
Mandalay	10300	6262	56046	14497	26%
Kayin	2161	4011	34946	15867	45%
Nay Pyi Taw	0	7408	17554	5217	30%
Chin	0	1542	1743	118	7%
Kayah	0	0	0	0	0%
Mon	0	0	0	0	0%
Total	1943983	3417764	5212597	1196859	23%

Source: Central MoAI, except for Tanintharyi 2012/13 from regional office collected by a research fellow

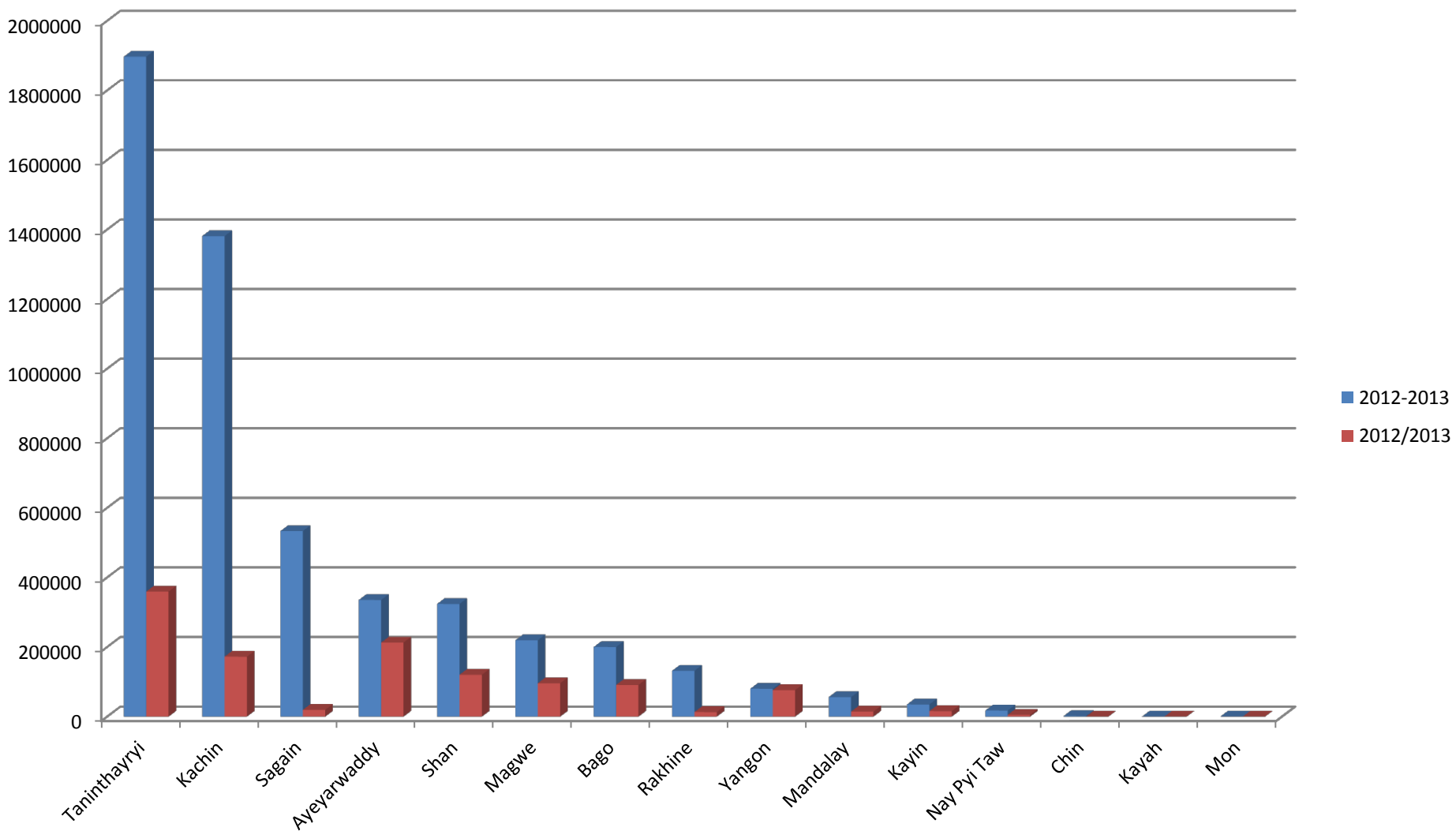


Trend of Allocation in States and Regions





Comparison of Allocation and Planting

Incomplete National Policy

- National Economy shall be increased by Agriculture mechanization (1990s)
 - Authorization of Land Management Committee to allocate land for large scale agriculture
 - **Wasteland Instruction (1991)** - Promoted **access to land** for ... commercial export agriculture
 - Land concessions up to 5,000 acres for 30 years
 - Land revenue & income **tax exemption**
 - Concessions caused **permanent displacement** of farmers from their traditional lands → poverty
- National Land Use Policy does not exist

Land Reform in favour of Investment

- Ward/Village Tract Administration Law (2012)
- Farmland Law (2012)
- Vacant, Fallow and Virgin Land Law (2012)
- Forest Direct Investment Law (2012)
- Yangon City Council Law (2012)
- Domestic Investment Law (2013)
- Special Economic Zone Law (2014)

Improvement in land laws

- “Right to have in hand , farming and gain benefit from land” [Article 9(a), Farmland Law 2012]
- “Right to sell, mortgage, lease, exchange, or transfer , in whole or in part of the right for farming in accord with prescribed disciplines”” [Article 9(b), Farmland Law 2012]
- “Right to land development by joint-venture” [Article 9(e), Farmland Law, 2012]
- Village households are allowed to apply for max. 50 Acres for production [Vacant, fallow, and virgin land management law, 2012]



Insufficient Protection of Land Tenure Security in Current Land Laws



- Final land dispute decision by State/Regional Farmland Administrative Bodies
- Customary tenure was not recognized by current land laws
- Women land rights are not explicit



Ineffective Implementation of Laws

- Majority of land acquisition in the past not even follow 1894 land acquisition acts
 - Information Sharing
 - Consultation
 - Compensation decision
- Majority of original land owners do not received back land after land issues was resolved by the national land use management committee (land issues recommended by parliamentary commission)

Incomplete Land Reform

- A patchwork of old and new laws and regulations
- Overlapped, contradict and confused each other
- Easily exploited to deprive people from their land
- Limited protection under existing and even new land laws
- Absent or inadequate community consultation in land acquisitions, follow up due process and concerns about corruption in payment of compensation



More land claim for investment in the future

- how the IFC was financing the Vietnamese rubber plantation company, HAGL,
-operating in Cambodia and Laos in complete violation of the laws governing land concessions and forest laws.
- The IFC was financing HAGLthe lack of due diligence and risk management involvedthat the IFC had failed to identify HAGL as a high-risk company
.....

Ref: Global Witness

["http://www.globalwitness.org/rubberbarons"](http://www.globalwitness.org/rubberbarons) 'Rubber Barons'

Improving Land Use Management

- Develop and apply
 - **National land use policy** with sufficient guidelines for national land law
 - **National land law** based on the policy
 - **Review of existing land laws**
 - **National land resource inventory**
 - **National land use plan**
 - **Sector development plan** based on balanced land use plan
- How to solve the current land issues

Demands from Members/Non-members

1. Policy Advocacy

- Land laws, FDI law, Forest law, registration
- National land use policy/LAUSC
- Government engagement
- Policy dialogue/Forum
- Research/Communal tenure
- Land grabbing
- ASEAN Representation

2. Information Media

- Land info. desk
- One-stop service (land issues)
- Media updates

3. Outreach to Grass-root Community

- Land rights education
- Direct engagement
- Country-wide farmers association

4. Through, Collaborate, Partnership with members

- Members' land program
- Partnership arrangement
- Networking
- Voice as one group
- More LNGOs, CSOs

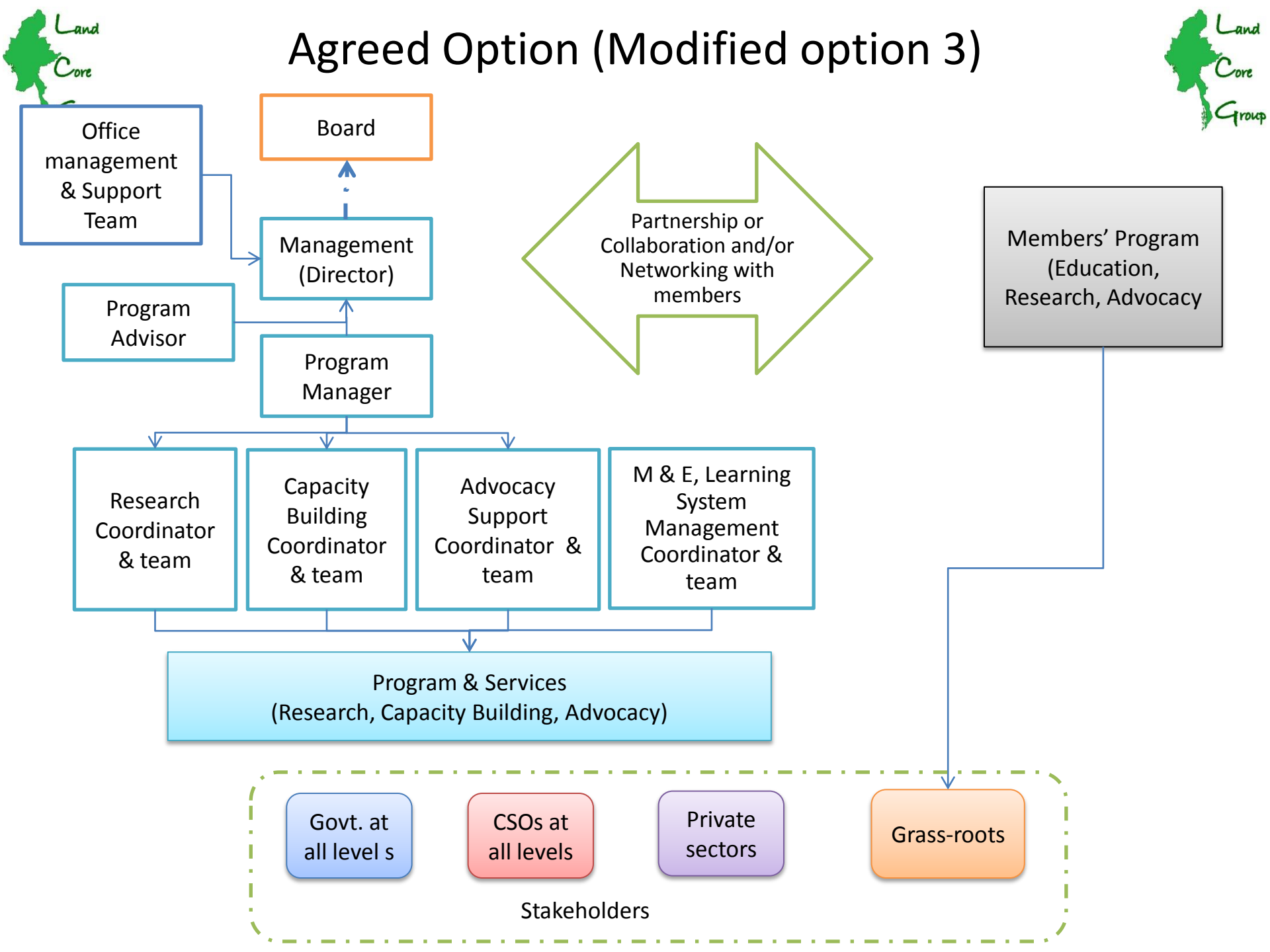
5. Being a Resource

- Technical Resource on land issues
- Design together with members
- Training
- Training admin. / decentralization

6. More integration with other sectors & players

- More CBOs from local areas
- More lawyers networks
- Private sector
- Other national/international network

Agreed Option (Modified option 3)



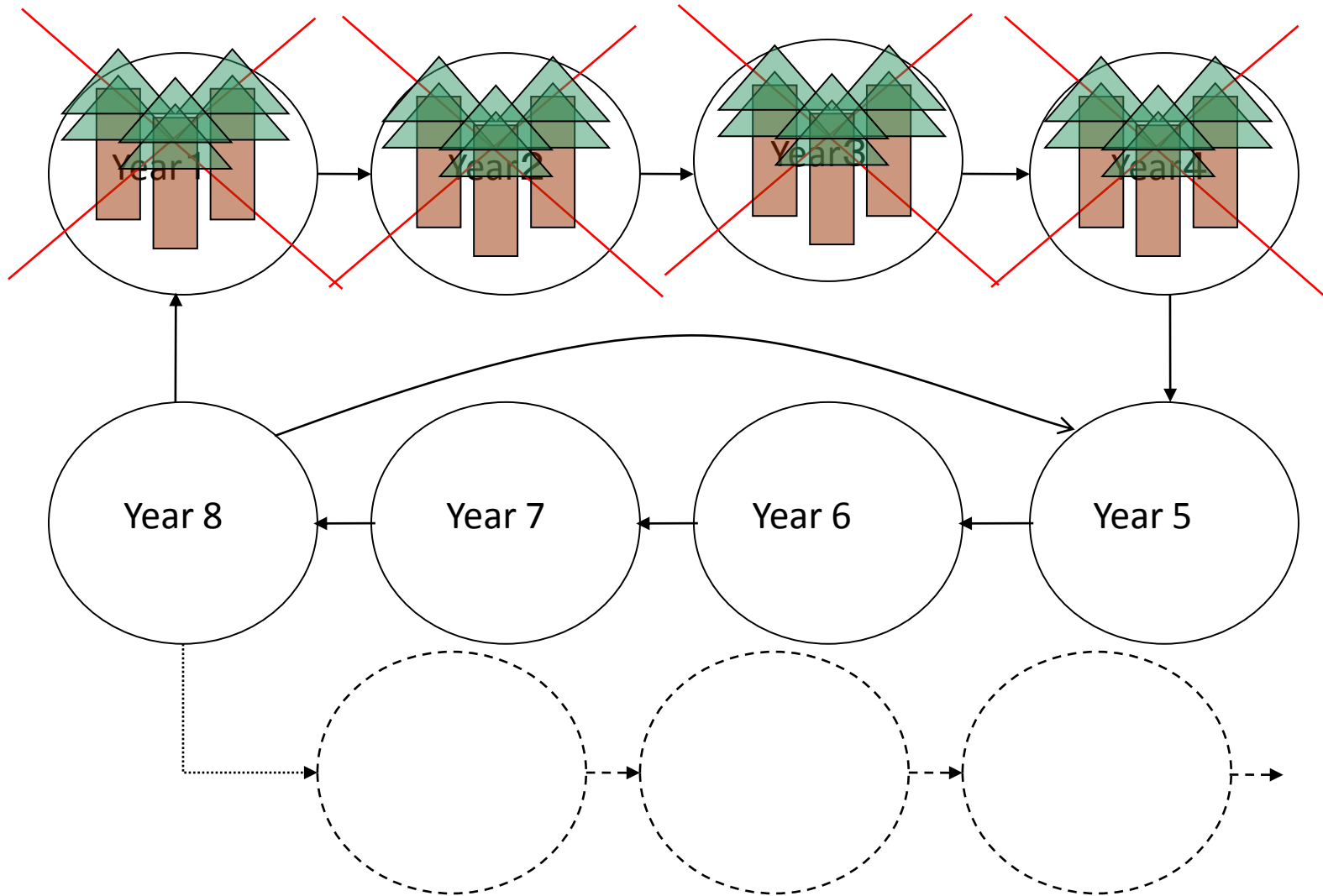
LCG's Program Frame Work

- To promote land tenure security of smallholders including ethnic minority and women
- 5 components
 - Research
 - Capacity building
 - Advocacy
 - Legal Aids
 - Monitoring, Learning and Information Sharing

LCG's Current and Future Program

- **Evidence for advocacy (Research)**
 - Customary tenure research
 - Fair decision making mechanism (Statute) promote equitable land use
 - Internal rules ensure protection of land transfer to outside land users (Shifting cultivation with improved methods)
 - Results being considered in national land use policy
 - Contract farming (CP Corn)
 - Land and property lost leading to debt and poverty
 - Plan for local advocacy for use of good contract farming
 - Land and Gender (with Trocaire)
 - Report drafting
 - Improved challenges of women in securing land tenure

Impact of Plantations on Shifting Cultivation Systems



LCG's Current and Future Program

- **Improved awareness and knowledge of land rights and land laws (Capacity Building)**
 - Smallholders and VT/Ward FABs
 - Through LCG members
 - TOT and Grant
 - Completion – 3 partners (15 CSOs), 3 TOTs, 88 training, Ayeyarwaddy, Southern Shan, Northern Chin, Dryzone (3080 villagers)
 - Plan – 10 TOTs, 10+ CSOs, 100 trainings, 3500 villagers
 - Results (Increased ability to give comment and ask questions to authorities, township forum organized)
 - High demands



LCG's Current and Future Program

- **Increasing voices of grassroots and policy change (Advocacy)**
 - Various National dialogues
 - 2012 Jan “Myay”
 - 2012 May “Global Land Reform”
 - 2012 Nov “Land Utilization and Land Rights”
 - International networking (Agricultural Investment)
 - VGGT
 - IFI (WB, IFC, more)
 - Support members forums
 - Member led advocacy in geographic regions



LCG's Current and Future Program

- **Improved Access to legal supports (Legal Aids)**
 - Pilot providing legal aid to smallholders for litigation process
 - With Mlaw, an LCG Member
 - Still in the pilot mode



LCG's Current and Future Program

- **Improved understanding and mobilization of grassroots (IEC and Media)**
 - Land law IEC
 - Flipcharts
 - Pamphlets
 - Video documentary



Thank you