

Pro-poor Land Reform in Myanmar's Regime Transition: Legitimacy versus Accumulation

SiuSue Mark

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International Institute of Social Studies, Erasmus University

As an activist-scholar, I value an iterative relationship between practice and academia. Since arriving in Myanmar in 2008 to respond to the devastation caused by Cyclone Nargis, I have worked closely with agrarian communities. This experience served me well when I became the Research and Development Advisor to a governance project in Myanmar in 2011. Land reform¹ was initiated as part of a package of reforms that accompanied the country's transition from a military to a multi-party system starting in 2011. My research has informed the design of interventions that support a wide coalition of interests seeking to promote more equitable land access for the rural majority. My involvement with agrarian social movements, ethnic politics and land-based investments has provided me deep insight into the complex political economy of a quickly-evolving landscape. This motivated me to pursue a doctorate in this field, both to more effectively analyse issues and to find practical solutions to the global contest for scarce resources.

My research focuses on variables that impact land access and control in Myanmar. These variables include a regime in transition, balancing between accumulation and legitimacy – with the former exacerbated by the global land rush and the latter by the complex ethnic politics that characterize Myanmar at a time of intense state-building. The analysis is being carried out on national and local levels, as shaped by different state and social actors who strategically position themselves to influence the political process. In order to show the variation across the national context, this study includes three regions (Ayeyarwady Delta, Chin State and Karen State) in which the variables theorized as key to the outcomes of democratic land access and control interact in different ways.

The major findings from this past year gave me a better understanding of the variation in this country when it comes to land contestation. These three chosen regions feature different degrees of ethnic minority nationalism, land concentration and risk posed by the global land rush, allowing my research to give a more comprehensive understanding of highly diverse country. This is considered against another variable: the extent that the state is 'legitimate' and accountable to the demands of the public is dependent on the state-citizen relationship across the country. The 14 states and divisions in Myanmar, each exhibits a different combination of these three types of state-society relations: a) relatively

¹ Traditionally, 'land reform' refers to land redistribution programs that are either state-led or market-led. In this case, the term 'reform' only refers to sweeping policy changes in the way land is administered.

strong relationship in which both sides have an established pattern of interaction, as the case in the Ayeyarwady Region; b) a weaker relationship in which both sides have had minimal interaction, as the case in Chin State; and c) dual systems of authority as in the case of Karen State. Particularly in Chin and Karen States, state-citizen relationships are strongly mediated by ethnic politics.

Ayeyarwady Division (“the Delta”) has seen a proliferation of farmer unions that have been extremely active in the last few years. As a result, the Delta has more farmers associations than anywhere, almost one in each township. There are numerous groups, which were created by different entities: by farmers themselves, by agri-businesses, and by development agencies. There is a huge challenge in unification. Nevertheless, there is good awareness between different entities working in support of farmers issues: farmers associations, community-based organizations, political networks such as the 88 Generation Students’ Movement, political parties, lawyers and NGOs based in Yangon. Media has amplified their voices. In many instances, these entities coordinate and work on an informal basis.

Given the high levels of ambiguity in multiple regimes of laws, land confiscators have often abused the law to criminalise farmers as “trespassers,” resulting in 944 farmers facing imprisonment as of May 2015, according to the Assistance Association for Political Prisoners.¹ Nevertheless, through dynamic political mobilizations of a range of civil society groups, farmers have kept up a steady level of resistance to land confiscations. Through out-of-court negotiations, they have had a small number of cases of land returns.

In Chin State, most people are unaware of the risk which state law creates for them. While private property institutions could provide tenure security to lowland farmers who are more accustomed to a private property model, this model can also increase the vulnerability and poverty of communities who have practiced customary largely communal tenure and who have farmed largely for subsistence. This includes the hill communities in Chin State, spilling into Rakhine State, and in the forested uplands of Karen, Kayah, Kachin and Shan States. The Farmland Law of 2012 provides no protection to customary land systems that are communal in nature. As a result, land that does not fit the definitions of the laws is considered “empty” and unoccupied, running the risk of being given as concessions to investors.

In Karen State, the dual administration of land by the government and the main armed group, the Karen National Union (KNU) has created great insecurity of tenure for people. Exemplifying contested sovereignty, “Around the country, armed groups have established varying degrees of administrative control in their areas achieved either via military wins, via ceasefires in the 1990’s or 2011/12 or via cooperative arrangements negotiated with the

¹ Email exchange with AAPP on 24th May 2015

government.”² The KNU is the only EAG that has a substantial land administration system in place, although other EAGs are also developing their own policies and laws. There is clear tension between the two systems and the authorities that administrate them. The KNU Policy recognizes that people own the land, not only the land use rights as recognized by the government. Communal land ownership is recognized in the KNU Land Policy. It also has considerations for displaced people. Karen State exhibits a complex situation of dual administration that creates great insecurity of tenure for many people who live there. With the signing of the National Ceasefire Agreement in October 2015, the big question now is around the potential merger of two systems.

I believe these findings to date serve as unique contributions to the existing body of academic literature on land politics. My main research question considers the interaction of a regime transition, ethnic politics and the global land rush on the outcomes of a land reform—a combination that has never been fully answered before. This is because the variable of the global land rush is quite recent, since 2008. This makes my research question challenging, but all the more necessary.

It is not only in Myanmar where my research question is relevant. In countries that have dynamic political contexts and where multiple ethnic groups vie for control of land, such as the Philippines, Indonesia, India, China, Zimbabwe, and Bolivia, the increase of foreign capital seeking land is likely to interact with shifts in the balance of ethnic and class forces within society, causing highly unpredictable outcomes that will have lasting and profound impacts on the lives of large numbers of people.

I am most excited about the possibility of continuing to transform this knowledge into practical development solutions that can help a vast number of people to live more fulfilling lives.

² Asia Foundation 2015, p. vii