Overview

This case study presents a country-wide quantitative analysis of reports released by a Parliamentary Commission established in 2012 in Myanmar to examine land confiscation cases and to propose solutions towards releasing the land to its original owners, in most cases smallholder farming families. The study analyses the information contained in four reports released to the public, but also aims to elicit information they do not reveal.

This allows for the formulation of relevant suggestions to be considered by the current government and non-government bodies involved in different processes of [confiscated] land redistribution, in particular the newly established Central Reinvestigation Committee for Confiscated Farmlands and Other Lands, which was established on 9 June 2016.

Background information

Throughout the history of Myanmar – from the colonial era to the present - land has been confiscated by a variety of government bodies, military factions and private corporations, for a variety of purposes: agro-industrial development; hydroelectricity projects; extractive mining industries; urbanization; military projects; etc. (Ferguson, 2014).

This has resulted in institutional, economic and social crises that have jeopardized the rights to land and the livelihoods of smallholder farmers across the country (ALTSEAN, 2014).

In order to address the negative impact that land confiscation has on the development of the country and on its own legitimacy, in 2012 the Union Parliament of the Republic of the Union of Myanmar established an Investigation Commission for the Prevention of Public Disenfranchisements Connected to the Confiscation of Farmland and Other Lands, also known as the Parliamentary Land Investigation Commission (PLIC). The Commission was assigned to examine cases considered to be land grabs and to propose solutions towards releasing the land to its original owners, in most cases smallholder farming families.

The study

The four Commission reports that were disclosed to the public were turned into a structured dataset that was used as the basis for our analysis. This study presents a country-wide quantitative analysis of these reports.
Gaps and silences
First, the public information released is a very incomplete basis on which to evaluate the extent of land conflicts in Myanmar. Indeed, this dataset fails to provide detailed information about land grabs attributed to the military as well as to agro-industrial and mining concessions.

Another difficulty is that, although the report indicates the number of cases and areas of the land confiscated that were actually scrutinized, it does not give the total acreage of land that was grabbed in the first place, which might be significantly higher. As a consequence, the database does not provide an accurate estimation of the extent of land grabbing.

Urban biases
Based on the information released, the work of the Commission seems to have targeted urban areas and urbanization projects (Figure 1), which is supported by the prevalence of cases in the Yangon, Mandalay and Ayeyarwaddy urban agglomerations.

Confiscation cases by the MoC for urbanization projects are far more significant than cases attributed to the Ministry of Agriculture and Irrigation (MoAI) and the Ministry of Environmental Conservation and Forestry (MoECaF) although the latter has been notoriously involved in land grabs, particularly for agro-industrial concessions.

This urban bias is also quite problematic because it leads to an under-representation of cases in rural areas where land confiscations were in full swing particularly between 1988 and 2011.

Geography of evasion
In order to interpret the spatiality of the Commission’s work, as revealed in reports 1 to 4, the location of land confiscation cases scrutinized by the Commission between 2012 and 2013 were mapped side-by-side with the location of main agro-industrial concessions as of 2011 (Figure 2).

Adding to the earlier observations on the urban bias, the contrast between both maps reveals that the Commission has not targeted agro-industrial concession areas where many land confiscations are reported. The map shows the spatial mismatch is particularly striking in Kachin State (rubber and cassava concessions) and Taninthayi (oil palm concessions). Interviews conducted with members of parliament for this study revealed that these regions were purposely avoided by the Commission. All of these observations seem to validate the claim that the Commission has evaded some very critical land confiscation issues rather than tackling them.

Recommendations
The key recommendation is to allow full access to the information tackled by the Commission. This will form a basis on which the Commission’s methodology can be properly assessed and a necessary step - though not sufficient in itself - towards more efficient and fair return of land to dispossessed smallholder farmers.
Figure 2 Location of land confiscation cases scrutinized by the Commission and agro-industrial concession as of 2011

Land scrutinized by the Commission

- 0 - 1,750 acres
- 1,750 - 7,000 acres
- 7,000 - 18,000 acres
- 18,000 - 42,000 acres
- 42,000 - 70,000 acres

Source: Commission reports
Mapping: MRLG
Total scrutinized = 283,638 acres

Agro-industrial land concessions, as of 2011

- 0 - 6,000 acres
- 6,000 - 17,000 acres
- 17,000 - 37,000 acres
- 37,000 - 74,000 acres
- 74,000 - 210,000 acres

Source: MoAL-MoECaF, 2011
Mapping: MRLG
Total allocated = 1,872,624 acres
This brief is a summary of the original study:


This brief is produced by the Mekong Region Land Governance Project, operating in Cambodia, Laos, Myanmar and Viet Nam, with the objective of promoting tenure security of family farmers and ethnic minorities. For more information please visit [www.mrlg.org](http://www.mrlg.org)

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