Achieving positive outcomes in resolving land grabs through a multi-pronged approach to government engagement

"In Magway Region, cooperation between the government and CSOs [civil society organisations] is very strong. I have a lot of belief in CSOs. In the regional-level LARC [Land Acquisition Reinvestigation Committee], we always pay attention to the suggestions of U Aung Kyaw Kyaw [executive director of the Farmer Rights and Development Organization (FRDO), a Magway-based CSO] and, when necessary, we bring them to the Chief Minister to speed up the process. We are happy to work with CSOs at the regional level. They have both legal knowledge and skills."

— U Win Maw Htay, Magway Region Minister of Agriculture, Livestock and Irrigation

In today's political context, cooperation between government and civil society is critical to overcoming social issues affecting local farming communities, including land grabbing. In Magway, one important platform for cooperation at different levels are the LARCs. On the CSO side, FRDO plays a key role in the LARCs. Founded and led by a former political prisoner, U Aung Kyaw Kyaw, it is one of the most prominent local CSOs in Magway Region engaging with land rights.

With LCG's support and facilitation, FRDO is working with the Magway LARCs at different levels to improve policies, resolve land grabbing cases and increase knowledge relating to land and governance. The experience of FRDO shows that by participating in LARCs or engaging with them, CSOs can cooperate with government to address land grabbing.

LARCs were established by the National League for Democracy (NLD) government, following an initiative of the U Thein Sein government. In 2012, the Farmland Reinvestigation Commission of the Union Parliament was formed to investigate land grabbing cases and return illegally confiscated land to communities. The Commission accepted complaint letters from the public, conducted field-level investigations, and wrote reports to the Union Parliament based on their findings. The Union Parliament presented the reports to the President, who subsequently formed the Land Utilization Management Committees – from a Central Committee down to village tract/ward-level committees – in 2014. In 2016, the NLD Government replaced the Farmland Reinvestigation Commission and Land Utilization Management Committee with LARCs at various levels. Since then, LARCs have been working to resolve land grabbing cases. The Union-level Land Acquisition Reinvestigation Central Committee has issued policy instructions regarding how to resolve land grabbing cases of different types.

In 2016, LCG supported FRDO in holding a two-day Magway Regional Farmers' Forum in which key actors from the Magway regional government and parliament met with farmers from the region. FRDO was interested in creating a platform where CSOs, local farmers and government officials could meet and discuss land issues. Following the success of the initial forum, LCG and FRDO organized five more forums in all districts of Magway. The key topics were CSO engagement with government and capacity building for CSOs and government. The regional government appreciated the forum, and this strengthened the relationship between U Aung Kyaw Kyaw and the Chief Minister, as well as with other key members of the Magway Region LARC, such as the Agriculture Minister and MPs. This would later lead to U Aung Kyaw Kyaw being brought into the Magway Region LARC.

With financial and technical support from LCG, FRDO started organizing training of trainers (ToTs) on farmers' legal empowerment in eight townships. In conjunction with the ToTs, FRDO helped form township level farmers' unions with some ToT alumni as advisors. As of March 2019, FRDO had organized ToTs in 17 of the 25 townships in Magway Region and helped to form farmers' unions in 16 townships.

FRDO's strategy in relation to the LARCs involves a three-pronged approach. First, U Aung Kyaw Kyaw is a member of the regional LARC. Second, some of the ToT alumni have become members of the township and district-level LARCs. Third, the farmers' unions organized by FRDO help to bring cases to the LARCs. All three prongs have been aided by the political will of the local government.

U Aung Kyaw Kyaw has been a member of the regional-level LARC since 2016. He has made a significant contribution to its work, thanks to his understanding of laws and legal mechanisms and his willingness to devote time to resolving land issues. U Aung Kyaw Kyaw also understands realities on the ground and can offer insights and opinions about cases. He uses both formal and informal approaches to resolve cases. Formal approaches involve using legal procedures, and informal approaches involve personally approaching MPs and ministers to discuss particular cases and find solutions outside the legal process. U Aung Kyaw Kyaw's good working relationship with MPs and ministers have been critical to the success of both approaches.

After each ToT, FRDO staff contact township and district administrators and encourage them to bring alumni (trainers) into the LARCs so the committees can benefit from their knowledge of land-related laws. This strengthens the coordination between LARCs. With the participation of the ToT alumni in the LARCs and in his role in the regional level LARC, U Aung Kyaw Kyaw has an open channel of communication and cooperation among these LARCs.

The farmers' unions set up with ToT alumni as advisors are also part of FRDO's strategy around LARCs. Multi-level farmers' unions can work together with the alumni on a broad scale. U Win, Secretary of Magway Region Farmers Union, spoke of his cooperation with FRDO:

> *"As a union member, learning laws and issues from the ToT has been very useful, especially when the union gets involved in solving a case. Knowing the benefits of such trainings, the regional union has organized two-day awareness training for its members."*

FRDO believes the engagement of farmers' unions with LARCs will be instrumental in resolving local land issues. U Aung Kyaw Kyaw explained:

"When I was in Pauk Township, I introduced three members of a township union to the head of DALMS [the Department of Agriculture Land Management and Statistics]. I requested the head of DALMS to work with the union so that land issues affecting local farmers could be mitigated. I told him that he could always contact the union members to work on issues together – the union has plenty of manpower."

FRDO's multi-pronged approach was enabled by a series of workshops arranged with LARCs at different levels with support from LCG. U Aung Kyaw Kyaw shared his experience with these workshops:

"During the workshops, we suggested revisions of government policies and procedures relating to confiscation. Farmers who have lost their land were able to explain their situations and the issues of land grabbing. DALMS officers listened to the cases and solved what they could solve in one sitting."

The workshops created a well-defined space in which CSOs could operate.

FRDO's work has resulted in better performance of the LARCs, but there are still hurdles in tackling land grabs through this mechanism. To quote Magway regional minister of Natural Resources, Environment, Electricity and Energy, U Myint Zaw:

"We are still dealing with government staff who wish to perpetuate the culture of corruption and use red tape procedures. These people slow down the momentum of change."

Sometimes DALMS staff side with government departments. In such cases, if the farmer representatives within the LARCs are not strong, final decisions are unlikely to be made in favor of those who have lost their land. U Aung Kyaw Kyaw commented on the challenges he has faced:

"So far, the amount of land returned to the farmers is very little. It is about one-third of all the confiscated land. Real change will happen when the land grabbers realize that they have done something absolutely wrong. I am speaking from a social justice perspective. Now we have got some of the land back because we have fought so hard."

A key element of the success of FRDO's approach is their emphasis on raising legal awareness at community level through ToTs and support for ToT alumni to join LARCs. If farmer and CSO representatives on LARCs are well-versed in laws and committed to working for the wellbeing of farmers, it is possible that FRDO's three-pronged approach could be replicated successfully in other states and regions.

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