



ALinn Banmaw Local Development Organization



Case Study : Land Grabbing in Myanmar



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Abbreviations

1. ALBM	- ALinn Banmaw Local Development Organization) (Kachin)
2. AFU	-Ayeyarwaddy Farmer Union
3. FLU	- Farmer and Land-Workers Union
4. ECFD	-Environmental Conservation and Farmer Development Organization
5. GLAD	-Green Life Alliance For Development
6. KNGY	- Kayan New Generation Youth
7. MRLUN	- Mon Rigion Land Union Network
8. MPYA	-Mong Pan Youth Association
9. SRFU	-Sagaing Region Farmers Union
10. WHH	- Welt Hunger Hilfe

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Introduction

In Myanmar, approximately 70 percent of the population live in rural areas and depend on the land for their livelihoods. It is therefore important to understand current land issues in Myanmar, including the effects land policies and laws have on the livelihoods of rural people.

To contribute to this understanding, Land Core Group (LCG) provided training to ten local civil society organisations (CSOs) and small grants to enable them to produce case studies in the area where they work. The specific objectives of the training and grant support were:

1. To build the research capacity of CSOs, and
2. To develop case studies and advocacy documents.

CSOs were selected to cover a range of land types and land use practices, including uplands, dry zones, and delta areas. They are listed in the table below:

Table 1: List of CSOs and their respected State or Region

State or Region	CSOs
Shan State (Southern)	Environmental Conservation and Farmer Development(ECFD), Farmer and Land-Workers Union(FLU), LCG research team and MPYA
Mon State (Lower)	Mon Region Land User Network(MRLUN)
Kayah State/ Shan State (Southern)	Kayan New Generation Youth(KNGY) and Green Life Alliance For Development (GLAD)
Sagaing Region	Sagaing Region Farmers Union(SRFU)
Shan State (Northern)	Welt Hunger Hilfe (WHH)
Kachin State	Alin Banmaw LDO
Ayerwaddy Region	Ayerwaddy Farmer Union

The project followed three key phases, which each included a workshop session. In an initial workshop, the CSOs set objectives and prepared work plans. Following this, they collectively developed a questionnaire and installed an app (*iSurvey*) on smartphones for data collection. The CSOs then spent six weeks collecting data and uploading it for analysis using the app. In a second workshop, the questionnaires were reviewed and revised. The CSOs then collated the results from their fieldwork in written reports. In a third workshop, the CSOs were taught how to undertake data analysis using SPSS software, what should be included in the case studies, and further developed their written case study reports which were finalised following the workshop.

The questionnaire used by all the CSOs was developed collectively. It covered eight main topics:

1. Demographics and the basic economic situation;

2. Gender-sensitive livelihood activities and household assets;
3. Gender-based decision-making (related to land registration, education and health);
4. The level of household understanding of the land-related legal framework;
5. The extent of land confiscation and fairness of compensation;
6. Actors engaged in land confiscation;
7. The livelihood consequences of land confiscation; and,
8. Concerns about the future, aspirations and needs of households.

In total, the CSOs interviewed over 700 people. They conducted the surveys in the Burmese language or in ethnic languages if needed. In some cases, they collected data on paper and entered it into the online app after completing the interviews. The app included all the survey questions, resulting in a single online database that included all of the responses from all of the interviews, that could then be downloaded and analysed. Data analysis was done by the respective CSO as well as by LCG.

This report compiles the case studies produced by the ten CSOs, which each following a common structure. Each begins with a summary of the context, followed by a description of the methods, and an explanation of the results before finally outlining a brief analysis of the case study. Collectively, the case studies provide insight into the situations in different parts of the country relating to livelihoods, land tenure, and land confiscation.



FARMER AND LAND-WORKERS UNION(FLU) & ENVIRONMENTAL CONSERVATION AND FARMER DEVELOPMENT ORGANIZATION(ECFD)

– Southern Shan State

This case study has been led and prepared by the FLU(Farmers and Land workers Union) and ECFD (Hisheng township of Shan State. In Hisheng township, most people are dependent on agriculture for their livelihoods, and many face issues related to land confiscation. One of the causes of land confiscation in this area relates to a ceasefire agreement signed between U Chit Maung from Y.L.L.P and the Myanmar Government that occurred in 1994. As part of the ceasefire settlement, the Shan State Army was assigned 1,500 acres of land located within Hisheng Township. This land was designated as Vacant, Fallow and Virgin (VfV) land, despite the fact that people were living and farming on those lands. Consequently, the land acquisition caused many people, mainly smallholder farmers, to lose their land.

Those surveyed were smallholder farmers, mostly of Pa-O ethnicity as the villages were located within the PaO Autonomous Region. Within Htwitayen, there are 230 households with a total population of 1,000 people, in Loidaw, there are 180 households with a total population of 869 people and in Banpyi there are 80 households with a total population of 400 people.

This case study focusses on land loss as a result of the land acquisition given by the Myanmar Government to U Chit Maung from Y.L.L.P. The study analyses three villages: Htwitayen, Loi Taw and Banpyi village, in which the processes of land confiscation, compensation and the consequences are explored for smallholder farmers. In addition, the study also examines livelihoods of those affected, before and after the land confiscation, as well as their hopes for the future. The aim of the research is to understand past and current processes that are underway to uncover the effects of the land acquisition.

Method

The three surveyed villages were selected based on their location within the Hisheng township, where land acquisitions had occurred, and where the main livelihood activity was agriculture.

In total, 90 people were surveyed, and selected based on two different methods: some of the participants were selected through a key-informant (the village head), while the rest were randomly selected. Within both methods, a gender balance was maintained. No one selected for the survey refused to take part.

The data was collected during face-to-face interviews with village household members using a smart phone and web-based technology. Each interview took around 45 minutes per person and were conducted between the third and the fifth of February, 2018.

Results

Demographics of the respondents

Respondents were an equal split of male and female, and the average age was 47 - the oldest respondent was 79 years old and the youngest was 16.

Livelihood situation

All surveyed households reported being dependent on agriculture for their livelihoods. In addition to agriculture, the most common other source of income was loans, which was stated by 38 percent of surveyed households.

Decision-making

The survey found that in 82 percent of households, the head of the household was male, and only 18 percent had a female head of household. With regards to decision-making about land registration, 68 percent of households reported that decisions were made by the male head of households, whereas women made the decisions in only 16 percent of cases and joint decision-making was identified in 12 percent of households. These numbers contrast to decision-making about health or education, where decisions are more often made by a consensus within the household. For example, in 64 percent of the households, the decisions about health is made by a consensus (see Figure 1).

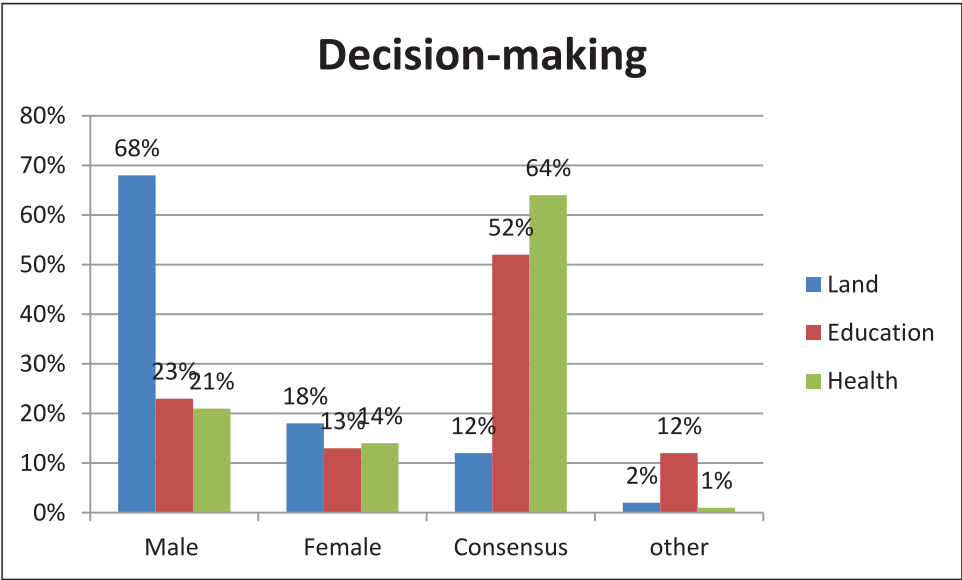


Figure 1: Decision-making on Land, Education and Health

Land grabbing

Of the 90 households, 46 households had experienced land confiscations, of which 35 had all their land confiscated while 11 had only a part of their land confiscated. All land confiscations took place between 1994 and 2017, where half of the confiscations took place in 2008, and another 11 incidents took place in 2015.

In 83 percent of cases land was confiscated by an ethnic armed group. Land had also been confiscated by the Government or for other reasons, such as individual conflicts (see Figure 2). In 40 cases, the confiscated land was not being used by anyone, while in 14 cases it was being used by private companies. While the majority of respondents reported that their land was confiscated by the ethnic armed groups, none of the respondents said that the confiscated land was being used for security purposes. In only nine percent of cases, farmers have had the chance to start farming on their land again.

Respondents reported that there was no agreement made regarding compensation and no negotiation process.

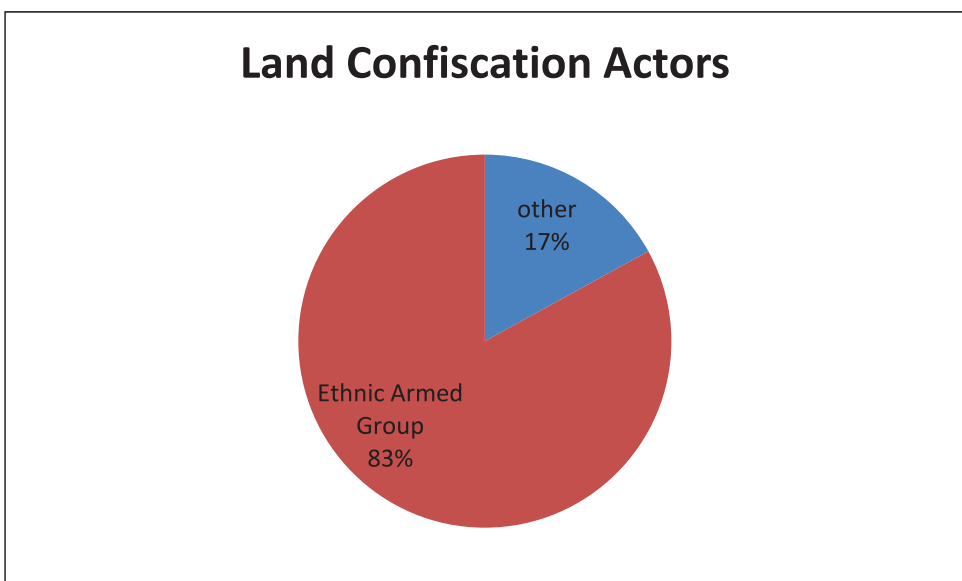


Figure 2: Land confiscation actors

Land entitlements and legal documents

More than the half of the households did not have any documents to prove their use of the land. If they had proof of their land tenure, it was most often Form 105. Regarding settling land confiscations, most farmers reported that they would want their land back (56 percent), however some reported that they would be satisfied if they knew such incidents would not happen again.

Community dream on land for their future generations

Surveyed participants shared their hopes that the younger generation will be able to have and protect their own land and to lead a social, rich, safe and quiet life, and to be educated so that they could become teachers or doctors. One respondent said that they “*wish for [the next generation] to become intelligent people, and we could support them when we get our land back*”. However, the more pessimistic view of the future is that the next generation will be tenants (and not own their land) or daily labourers because they will be landless and will struggle from economic stress. If the current generation does not have their land returned, there will be no inheritance for their children and they will not be able to support their children’s education, due to the lack of income.

Analysis

This case study has illustrated the harmful effects of land grabbing incidents that have occurred in Southern Shan State. Most of the respondents did not have any of the proper documentation required to prove their land tenure in order to protect their lands, nor did they receive compensation for their losses. However, those who were compensated claimed that they did not receive enough in order to efficiently sustain their livelihoods. As a result, the surveyed participants fear long lasting economic stress, for themselves as well as for future generations, for various reasons. These reasons include fears of being unable to appropriately support the education of future generations as well as concerns of a lack of land for future generations to inherit.

2

MON REGION LAND USER NETWORK (MRLUN)**– Lower Mon State**

This case study has been led and prepared by MRLUN (Mon Region Land User Network) in Mon State. The study was conducted in three villages in Thanbyuzat township, in lower Mon state: Wae Tun Chaung, Wae Rat and Wae Gali village. In these villages, land grabbing took place during and after the national peace and reconciliation process. During the process, the Myanmar Army grabbed land for security reasons, as well as for their own or crony interests and investments, such as oil extraction. As the main livelihood activity for the villages was farming and rubber plantation, farmers that lost land also lost their livelihood activities. Consequently, people had to migrate, sometimes illegally, to other countries to find jobs and new sources of income.

The three surveyed villages are mainly of Mon ethnicity, and the population is a mix of Christians and Buddhists. Wae Tun Chaung Village has 386 households and a population of 1,549 people. Wae Rat village has 326 households and the population is 1,308. Wae Gali village is the smallest, with 185 households and a population of 746 people.

This case study provides an overview of the livelihoods within the villages and the difficulties they face, through an analysis of both people who had their land confiscated, and farmers who had not. Additionally, the knowledge the farmers have about land laws and how they see their future livelihoods will be described.

Method

The respondents were randomly selected, without taking into account a gender or an age balance. Field research for this case study was conducted in January and February of 2018. The interviews were conducted near rubber plantation areas between 8 AM and 11 AM and between 3 PM and 5PM, which allowed as many people as possible to participate in the survey. This may have also influenced the type of households included in the research, as respondents were mainly people working on the rubber plantations and therefore, also mainly work in agriculture.

The interviews took between 15 and 30 minutes each. Everyone who was asked to participate took part in the research and 101 surveys were conducted in total.

Results

Livelihood situation

Among the surveyed households, 67 percent of respondents were male, of which 90 percent were head of the household. From the 33 female respondents, only 18 percent were head of households, suggesting that it was more common to have a male head of household within the case study area. Almost all respondents claimed that agriculture was their main livelihood activity, with only one respondent stating that their main livelihood activity was daily labour. Almost all respondents had access to their own land and only two percent reported having their own livestock.

Decision-making

Regarding decision-making, it was found that almost all of the surveyed households made joint decisions, especially regarding health. While decisions about land registrations were less likely to be made jointly, it was still common, and was reported by 88 percent of surveyed households.

Land grabbing

Land was confiscated from 13 respondents, with four having had all their land confiscated, and nine losing only part of their lands. In 12 out of 13 cases the land was confiscated by the Myanmar Military. All respondents who had their land confiscated stated that their food security had decreased as a result. This may be related to the fact that 12 respondents reported that they did not receive any compensation for their loss of land. While one respondent reported that he had been compensated, it was not sufficient for the loss he had faced. Despite the land grabs, respondents claimed that their main livelihood activity continued to be agriculture.

Awareness of land related laws and policies

A high number of respondents reported that they did not have any knowledge of land related laws. Only four percent knew of the constitution, the 1894 Land Acquisition Act or the 2012 Farmland law. Additionally, 13 percent did not have documents to prove their land tenure. However, most of the respondents owned some kind of documentation to prove their use of the land, including but limited to tax bills, Form 7, Form 105/106 and/or a land grant certificate (see Figure 3).

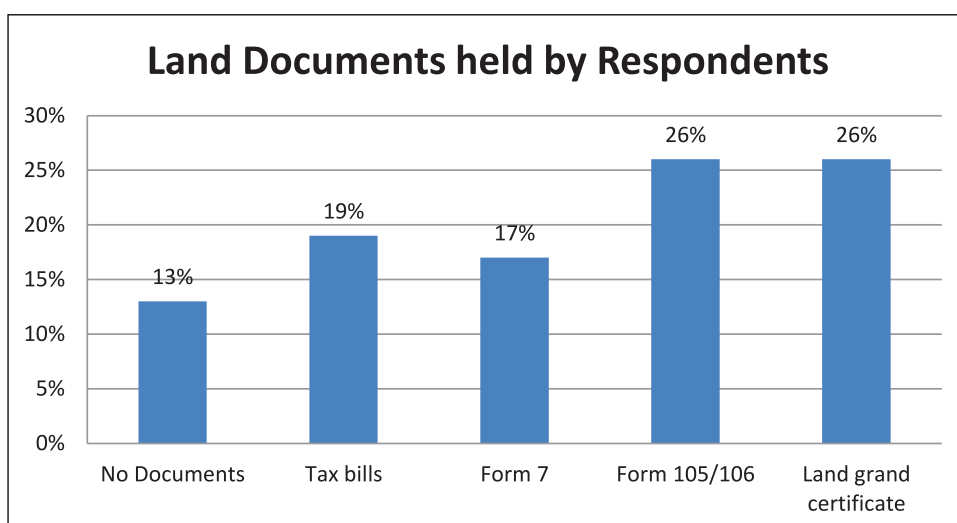


Figure 3: Land documents held by respondents

Land entitlements

Of the respondents that owned land, 85 percent had bought it themselves. Additionally, 45 percent stated that they had received all or some land from inheritance and five percent reported they had cleared lands themselves. None of the respondents were renting the land they were using.

Community practice on customary land management systems

The lack of formal recognition of customary land tenure was identified as a potential source of land conflict and land grabbing. Respondents were asked if their village had customary land systems and maps or records to identify individual land holdings. Within this case study, 87 percent stated that there was a customary land system in place, but only nine percent stated that this customary land was reflected in maps and records and all claimed that there was no formal recognition of the customary land systems.

Analysis

This case study has shown the vulnerability of small holder farmers in lower Mon State. A lack of knowledge of the laws and policies that are implemented in Myanmar combined with a lack of ownership of appropriate documentation to prove land tenure has placed our respondents at risk of adequately protecting their lands in case of a land grabbing incident. As highlighted in the case study, those who had already fallen victim to land grabs were facing food security concerns due to a lack of satisfactory compensation.

3

KAYAN NEW GENERATION YOUTH (KNGY)

■ Southern Shan

This case study was conducted and prepared by KNGY in Moabye village in Pekon Township, Southern Shan State bordering Kayah State. Lands in this area were confiscated between 1992 and 2016. Land was taken from farmers who were practicing customary land tenure systems not recognised by the Government which, in combination with a lack of knowledge about the legal system, enabled the military to confiscate the farmlands. This case study looks at the consequences of land grabs for farmers and their livelihoods in Moby village.

Moabye village has a mixture of different ethnicities where multiple languages are spoken, and different religions are followed. The majority of the people are Kayah and are predominantly Christian and Buddhist. There are 5,157 households in the village with a population of 26,687 people. The Belu Chaung River flows through the village, where the Moby dam is built, which is part of the Lawpita hydropower plant - the first large-scale hydropower project in Myanmar. The construction of the dam started in 1962 and finished in 1970. Within the village Taungya, hillside cultivation, and agriculture are the main livelihood activities.

Method

Interviews were conducted both with people who have faced land confiscations and people who have not. The interviews were conducted in the local language, by the interviewer themselves where possible, or by a translator. During the interview, questions were clearly explained and it was ensured that they were well understood before answers were provided. In total there were 95 respondents to the survey, with four residents refusing to participate.

Results

Demographics of the respondents

The respondents were between 18 and 79 years old, where 52.6 percent of the respondents were male and 47.4 percent female.

Livelihood situation

For more than three-quarters of the respondents, agriculture was the main livelihood activity, while

seven percent work in trade and six percent in daily labour (see Figure 4). Besides their main livelihood activity, 18 percent of the respondents said they received income from loans and six percent stated that they received remittances.

The majority of respondents, 85 percent, reported that they had land as an asset, while 23 percent had livestock, and nine percent said that they did not own either. While over half of respondents inherited their land, it was also common for land to be gained by clearing other lands, 21 percent, and buying plots of land, 22 percent, (see Figure 5).

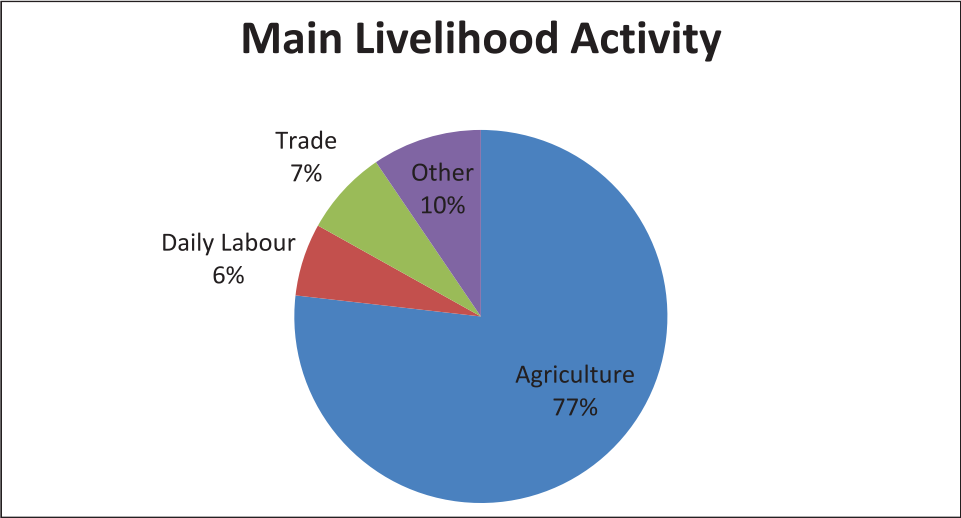


Figure 4: Main livelihood activities of the respondents

Land grabbing

Just over one-third of respondents had faced land confiscations, with most having had all their land

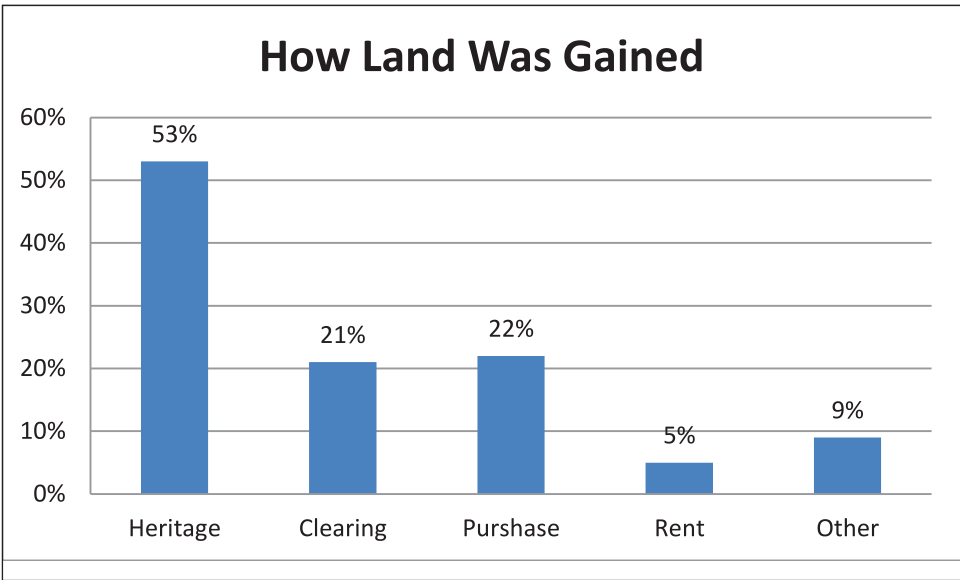


Figure 5: The ways in which the respondents received their lands

confiscated, rather than only part of it. The land confiscations took place between 1991 and 2016, with most of them occurring in 1992, one occurring after 1994, and one case occurring in 2016. All cases, except one, had their land confiscated by the Military and in 67 percent of cases it was reported that the land had been confiscated for national security reasons. In 83 percent of cases it was found that the confiscated land was not being used, while in six percent of cases it was being used by other farmers and in only three percent of cases it was being used for national security reasons.

None of the respondents reported receiving sufficient compensation for the confiscated land, where most of them reported that they did not receive any compensation. The respondents also stated that there was no agreement or documentation made regarding the land confiscation. All respondents reported that their food security was negatively impacted after their land was confiscated, and most reported that the impact had been significant.

Awareness of land laws and policies

Most respondents reported that they did not have any knowledge of laws that could protect their use of the land, with only 3 percent of the respondents reporting that they had knowledge about of constitution and/or the 1894 Land Acquisition Act. None of the respondents claimed to know about the 2012 Farmland law or the 2012 Virgin, Fallow and Vacant (VFFV) Land Management Law. In addition, many of the respondents, 44, did not have any documents to prove of their land use. This could be due to the fact that 73 percent of respondents reported that there was a customary land system in place which was not shown in maps and other records.

Analysis

This case study has shown the vulnerability of small holder farmers in in Shan State. Customary systems that define land tenure in this area are not recognised by the government. This issue combined with a lack of knowledge of the laws and policies that are implemented in Myanmar as well as a lack of ownership of appropriate documentation to prove land tenure placed our respondents at risk of adequately protecting their lands or of receiving sufficient compensation when their lands were confiscated by various actors, including but not limited to the Myanmar Military. As a result, none of the respondents received enough compensation for their losses and were facing significant food security issues.

4

Green Land Alliance For Development (GLAD)**– Southern Shan**

This case study was led and prepared by GLAD, which was conducted in Paunglaung Myo Thit village, situated in Pinlaung township, in Pa-O self-controlled area, in Southern Shan State. The upper PaungLaung Hydroelectric power project and the dam was built in this area. The project started in 2005 and the construction finished in 2015. In 2013, farmlands, gardens and plantation areas behind the dam were flooded. A total of 23 villages in two village tracts had to be relocated due to the project and a total of 2,524 families were resettled to three other villages.

In the period before and during the implementation of the project, no information was shared about the project and villagers had no say in the way the project was being undertaken. Furthermore, there was no system as to how people would be compensated for the loss of their lands, nor was there a resettlement programme. Overall the villages felt that there was no clear or transparent process. Therefore, villages complained and requested compensation to their respective departments for the losses of their lands.

Within Paunglaung Myo Thit village there are different ethnic communities: Kayan, Burma and Karen. Traditionally, their main livelihood activity is derived from agriculture in uplands and gardening in the lowlands. However, because of the dam, the gardening in the lowlands became impossible and people had to change to their agricultural practices that they did not have experience in, or knowledge of. Those impacted struggled with the loss of their previous livelihood activities and, because of the relocation, became economically and socially unstable.

There are land restoration and supporting money for house buildings. For farmland, creating farmland on upland areas are still not implementing yet. There are injustices and corruptions in the compensation processes.

This case study aims to give an insight in the livelihoods of the people affected by the dam project and to clarify land confiscation process that took place. It explores the changes that occurred and showcases the understanding of the legal system that the respondents had.

Method

A total of 67 people who had been impacted by the dam were surveyed.

Results

Demographics of the respondents

Of 67 respondents, 72 percent were male and 28 percent were female and nearly all male respondents, except one, were the head of the household, compared to only 21 percent of female respondents.

Livelihood

Almost all respondents reported that their main livelihood activity was related to agriculture, with only three reporting that their main livelihood activity was daily labour. Almost all respondents reported having land as an asset, with only three percent reporting that they did not have land.

Decision-making

There was a clear difference in the process of decision-making between how decisions were made regarding land registration and decisions regarding health and education. Decisions relating to land registration were made by male head of households in 90 percent of cases, and never made based on a consensus. This is in contrast to decisions relating to health and education, where in 89 percent and 95 percent of cases respectively, decisions were made based on a consensus. However, within all the decision-making processes, almost no decisions were made exclusively by women (see Figure 6).

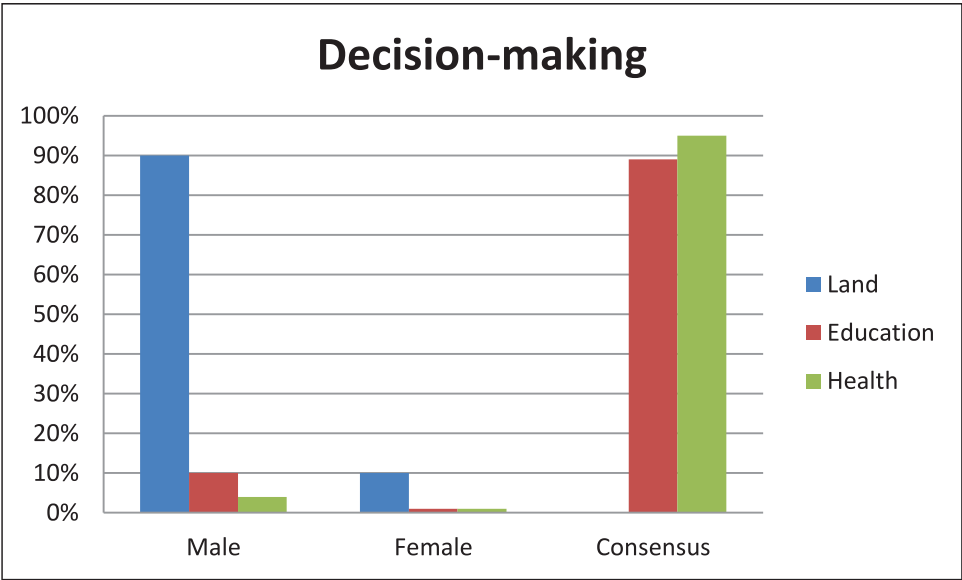


Figure 6: Decision-making on Land, Education and Health.

Land grabbing

Of the survey respondents, 70 percent claimed that their land had been confiscated. In all of the cases, except one, lands were confiscated in 2013, which was the year that the dam project caused the flooding. Only two respondents reported that they had received sufficient compensation for their losses, where as all the others reported that they did not receive enough or no compensation at all.

All respondents who had their land confiscated stated that they didn't know which kind of committee they could address to complain about the compensation they received. After the land confiscations, the main livelihood activity of the respondents did not change and continued to be related to agriculture. However, respondents reported that their food security had been negatively impacted. All respondents reported that they believe the Government should be responsible for arranging proper compensation.

Awareness of land laws and policies

None of the respondents knew about land laws, or the Constitution, the 2012 Farmland Law or the 1894 Land Acquisition Act, which could have helped them protect their lands. Of those who had their land confiscated, half stated that they did not receive any assistance with the process of claiming compensation. However, another 30 percent stated that they received help from the Government and 20 percent stated that they received support from other agents (see Figure 7). If there was support given, it was mainly in the way of field visits.

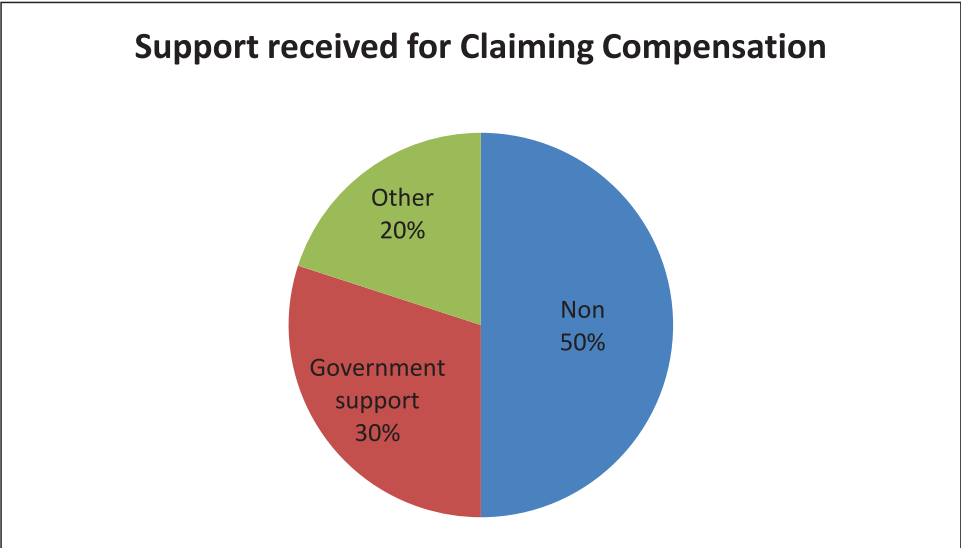


Figure 7: Support received from claiming compensation

Land entitlements, legal documents and customary land management systems

Of the total number of respondents, 93 percent gained access to the land they were using because they cleared it themselves, only 6 percent gained it through inheritance, and the remaining received it through other methods. Surveyed participants did not have their inherited land anymore and were forced to find new plots to clear and use for themselves. Almost half of the respondents did not have any documents to prove their land tenure. If they had proof, it was in the form of tax bills - none of the respondents had a Form 7, Form 105/106 or a land use certificate. This may be related to the fact that all respondents stated that there was a customary land system in place in their village that was not registered in maps or other documents. Furthermore, all participants stated that the government did not recognise the customary land system in place in their villages.

Analysis

This case study has sought to show how dam developments can impact local communities living within the same area. In Southern Shan State, the hydroelectric power plant flooded main croplands in the surveyed area and displaced 2,525 people across 23 villages. These people had customary land tenure systems in place that were not recognised by the Government. Furthermore, they lacked information regarding the laws and policies implemented in Myanmar that could have helped them protect their lands or helped them receive sufficient compensation for their losses. As a result, our respondents reported that they had to change their agricultural practices, faced food security issues and faced economic and social instability. In future dam developments, it would be necessary for adequate information, regarding the project, to be conveyed to communities living in the area and sufficient compensation should be given to all those affected by the project. This could in turn minimise the harmful impacts that the communities would face.

5

SAGAING REGION FARMER UNION (SRFU)**■ Sagaing**

This case study was conducted and prepared by SRFU in Sagaing Region. In Salingyi, Pelae and Yinmarpin Township in the Region, projects such as textile and garment factories, the Latpantaung Copper mine and a dam were implemented in recent years. The development of these projects have caused issues relating to land confiscation, compensation and water supply. Farmers have lost their crops, their land and some have struggled to maintain their livelihoods. Farmers argue that the implementation of the projects was not transparent, and they did not feel able to get involved, or question the decision-making processes.

The objective of the case study is to understand the situation of the livelihoods of the villagers, as well as to understand the effect of the land confiscations, and the compensation processes that took place. In addition, the living standards and knowledge of farmers who lost their lands are identified and ways they may be supported are explored.

Method

Interviewees were selected with the support of the village head, and interviews were conducted in January and February of 2018. During the sampling, gender equal or age representation were not taken into account. The interviews took around 30 minutes per person and a total of 31 respondents were interviewed.

Results**Demographics of the respondents**

From the 31 respondents, 20 were male and 11 were female. Of the male respondents, 86 percent were the head of the household, in comparison to only 11 percent of female respondents.

Livelihood

For 68 percent of the respondents, agriculture was the main livelihood activity. In addition to the main livelihood activity, income was often obtained through loans, for 58 percent of the respondents (see Figure 8).

Land entitlements and legal documents

In terms of owning assets, 83 percent of respondents had land, and 35 percent had livestock, while 13 percent did not have either. Only two respondents reported that they did not have any documents to prove their land tenure, with 17 respondents stating that they had Form 105/106, and three reporting that they had tax bills to prove their use of the land. In 84 percent of cases the land used by respondents had been inherited, while for the remaining 16 percent the land had been purchased.

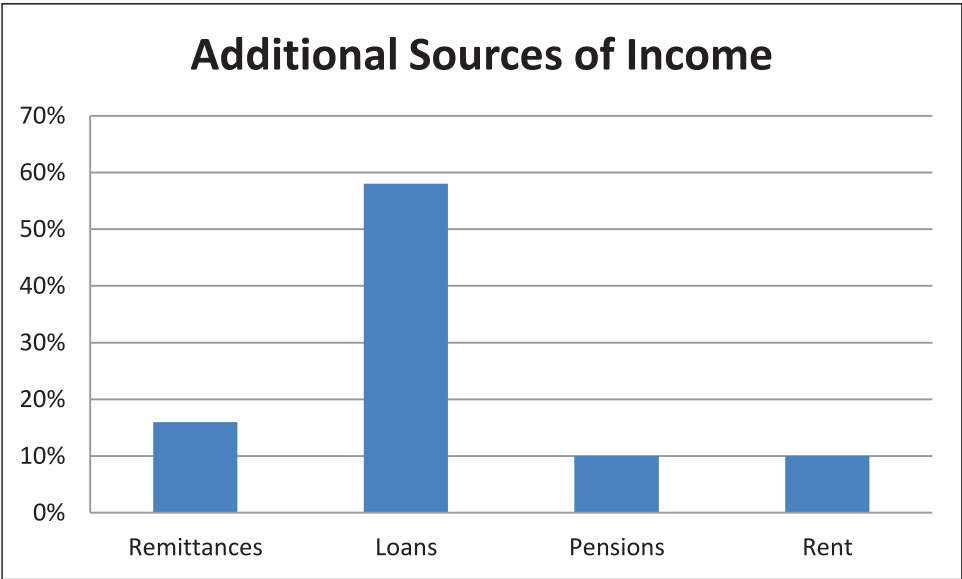


Figure 8: Additional sources of income

For respondents that had debts, they reported spending an average of 30 percent of their yearly income on paying off the debts. Half of this group reported that they could afford to continue paying this amount and pay off their debts, while 17 percent were unsure and three percent reported that they thought they would lose their land as a result of their inability to pay their debts off.

Land grabbing

Over half of the respondents had land confiscated, of which 67 percent had part of their land confiscated and 33 percent had all their land confiscated. In 11 cases the land had been confiscated in 1991, four cases occurred in 1996 and the remaining occurred between 2010 and 2013. In all except one case the land had been confiscated by the Government, with the outlier being confiscated by a private company. However, 61 percent of respondents reported that their land had been confiscated for investment purposes and only 17 percent for development projects (see Figure 9). The current land use appeared to be different, in 33 percent of the cases the confiscated land was being used by private companies, and 33 percent for development projects, while another 11 percent was used by other farmers. From the 18 respondents who had their land confiscated, eight reported that there was no agreement made or signed documentation regarding compensation. Another eight respondents reported that they had been forced to sign the agreement regarding the compensation

they received. None surveyed reported that they received sufficient compensation for the confiscated land and two people reported that they did not receive any compensation.

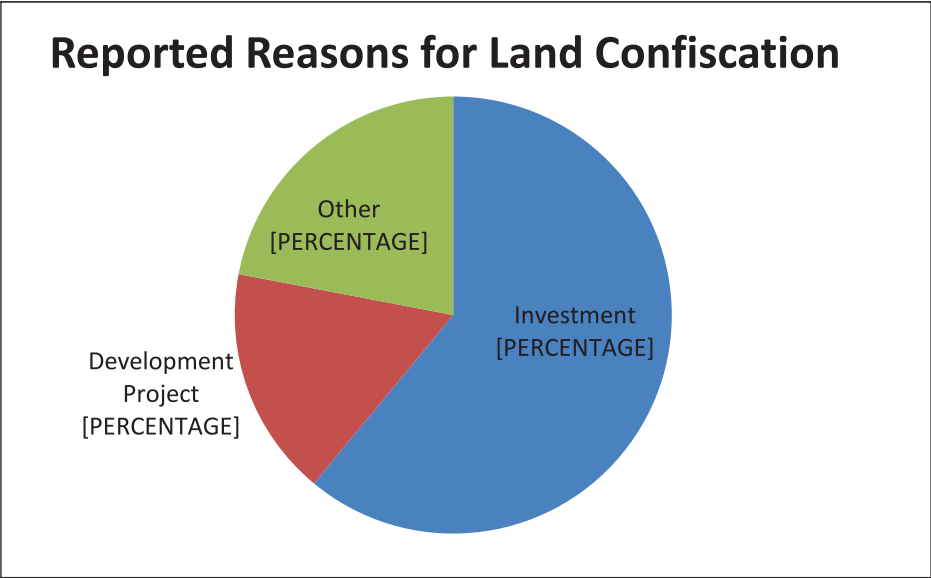


Figure 9: Reported reasons for land confiscation

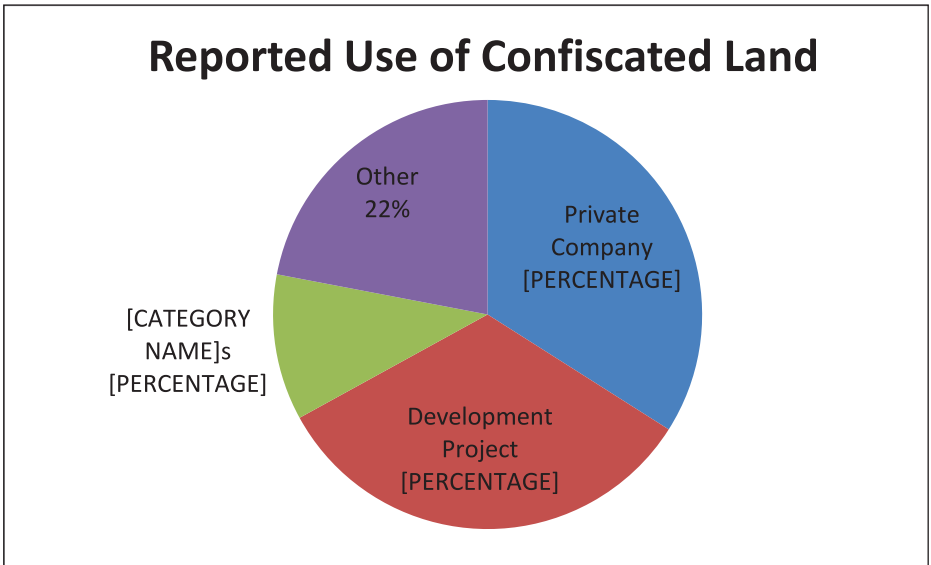


Figure 10: Reported use of confiscated land

Analysis

This case study has shown how people have been affected by land grabs in Sagaing and how the compensation process was handled. Those who had experienced land loss in the surveyed area, despite having recognised land tenure documentation, experienced a loss of livelihood and expressed economic insecurities due to poor compensation processes that took place.



WELT HUNGER HILFE (WHH)

▪ Northern Shan State

This case-study was conducted and prepared in villages in Lashio township, in Shan State. These villages were Pasar village, Phone Htone village track, Nyaung Pin Thar village, and Kawng Kye (Ei) village track. Within these villages, there have been no cases of large-scale land confiscation, however, pressure on the current land tenure situation is increasing as the demand for land rises as well as the price of land. The population within this area is also increasing, which creates increased demand on the land that is used for agriculture. This could potentially cause a conflict between land owners and people using the land as well, as it creates problems for the protection of the environment through increased land use from the larger population. The land owners who can rent or sell the land are the ones who will prevail, the people who merely used the land for their livelihoods are vulnerable from increasing economic losses. Moreover, there are tensions regarding the use of communal land and reserved forests. The community currently uses the forest for timber as well as other small forest products and is trying to apply for community forest recognition by the forest department of Lashio township.

Pasar village total has a population of 263 people with 67 households. Nyaung Pin Thar village has 48 households and a total population of 192. Within both the villages the ethnicity is Shan. The main livelihood activity is agriculture related to producing crops, such as corn and pineapples and they also own livestock.

The aim of the case study is to gain and share knowledge of the current livelihood situations related to land and exploring ways to increase tenure security of the people to prevent land confiscations to occur.

Method

For the case study a total 80 people were interviewed, where no interviewee refused to participate. The respondents were randomly selected without taking notion of their gender or age. The data collection occurred in January 2018. Each interview took around 20 minutes per person. During the interviews it was clear that some respondents had difficulty understanding the questions, most likely because it was their first time taking part in a survey like this. Therefore, we made sure they understood what we were asking so that they could answer the question properly.

Results

Demographics of the respondents

Of the 80 respondents, 32 of them were men and 48 women. The age of the respondents varied between 20 and 80 years old. Nearly all of the male respondents were the head of the household, except for one, however out of the 48 female respondents only 15 were the head of the household.

Livelihood

The respondents claimed that their main livelihood activity was agriculture, however two interviewees said it was casual worker. Furthermore, 73 of the respondents said that they had land that they could use, however, only 27 respondents said that they owned livestock. Only four respondents said that they did not have any of their own assets to support their livelihoods. In addition to the main income generated from agriculture, 91 percent of the respondents stated that they received additional income from loans, 19 percent stated that they received remittances and three percent received additional income. However, the respondents who have loans said they, on average, have to spend roughly 43 percent of their yearly income paying them off.

Decision-making

Within the decision-making processes, most of the decisions, regarding land, education and health, are made by the male head of the household without a consensus with other household members (see Figure 11).

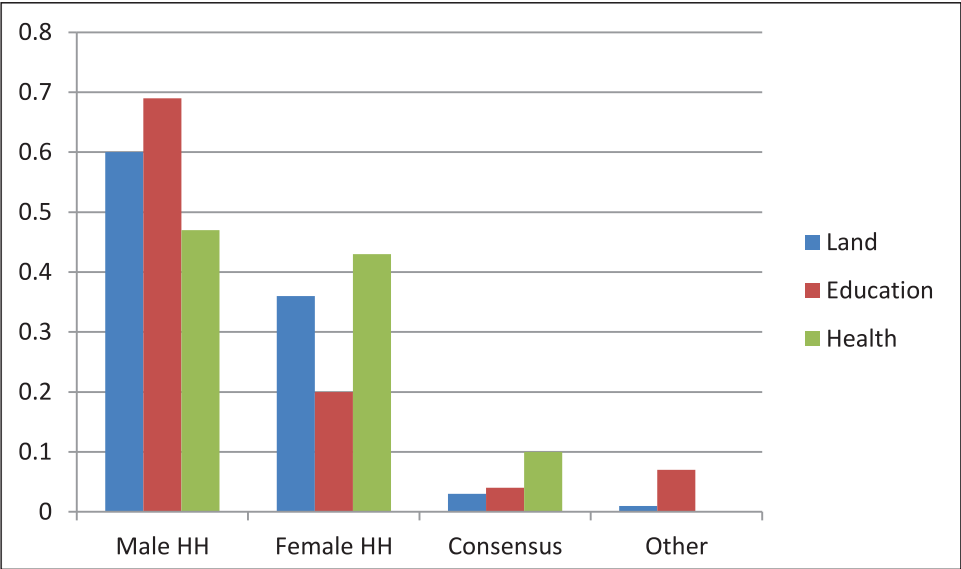


Figure 11: Decision making on Land, Education and Health

Land Grabbing

Land grabbing has scarcely occurred within the area of this case study, where only one respondent

said that their land was confiscated. However, this respondent did not answer any of the following questions about the incident, therefore we cannot accurately comment on the land confiscation that took place.

Situation of land entitlements and legal documents

Through our results, we found that 75 percent of respondents that currently own land, received their land or part of their land through inheritance, whereas 24 percent received land because they cleared it themselves and only four percent purchased the land themselves. An additional eight percent of the respondents used land that they were renting from someone else and most of the respondents, 58 percent, did not have any proof of their land tenure. Only one respondent said that they had Form 7 to prove their use of the land, two respondents said that they had Form 105/106 and six respondents said that they had tax bills to prove their land use.

Awareness of land laws and policies

The awareness of land laws and policies was lacking within the case study area as only one respondent indicated that he or she had knowledge about the 2008 constitution. Additionally, all respondents were asked about the 1894 Land Acquisition act, the 2012 Farmland Law and the 2012 Virgin, Fallow and Vacant (VFFV) law but none indicated they knew these laws.

Customary land management systems

All respondents indicated that there was a customary land system in place within the area, which 45 percent of the interviewees said that reflected in maps and records. However, these maps and records are not recognised by the government, as claimed by 80 percent of the respondents.

Analysis

Within the case study area, people are dependent on land for their livelihood, as their livelihood activities mostly involve agriculture. However, due to the lack of knowledge of the land laws as well as a lack of proof of land tenure, the respondents within this case study area would be put at risk if a land confiscation incident occurs. Additionally, even though the customary practices are recorded within local maps and records, they are not recognised by the government, which will make it difficult for the people to protect their farmlands if a land grabbing incident occurs.



MPYA (Shan)

This case study was led and prepared by LCG research team and MPYA, which took place in two villages, Kyungyi and Seaywar, in Southern Shan State. In the area the Myogyi Hydropower dam was constructed in the Zawgi river. The construction of the dam started in 2006 and the hydropower plant opened in 2016. Farmlands were flooded due to the project and villages, including Kyungyi village, had to be relocated. Seaywar village was not flooded but as people were resettled in this village, the people who were originally on the land were displaced. The village of Kyungyi was moved in 2007 and the relocation process took place in 2015. Within the relocation process, people from Saeywar received compensation, however, people from Kyungyi did not as they were not included in the official relocation process.

Currently, people from Kyungyi village face challenges generating income. There seems to not be a shortage of work for example, some people have had to migrate. For people from Saeywar the situation is less discouraging, due to the compensation they received, as they had the chance to use their land and find better jobs.

In Kyungyi there are around 150 households with a total population of 400 people. In Saeywar there are 200 households with a total population of 500. The ethnicity within both villages is Danu and the main livelihood activities involve agricultural and livestock.

This case-study aims to show the compensation process that took place in both the affected villages and the effects it has had on the lives of the people involved. There will be a focus on the changes in livelihoods as well as an analysis on the challenges that have occurred in the areas.

Method

Face to face interviews within both villages were conducted for this case study and a total of 66 people were interviewed. The respondents were selected with the help of a key-person (village heads) and a gender balance among the interviewees was intended, however an age-balance was not considered during the selection of the respondents. The interviews were conducted in January and February of 2018.

Results

Demographics of the respondents

From the 66 respondents, 44 percent were male and 56 percent were female. There was a wide range within the age of the respondents, where the youngest was a 17 year old woman and the oldest was an 89 year old man. Nearly all the male respondents, 90 percent, said that they were the head of the household, in contrast, 19 percent of the female respondents were the head of the household.

Livelihood

The main livelihood activity of the respondents was in agriculture, 26 percent, and in livestock, 13 percent. Out of all the respondents, 20 percent of them received their main income from daily labour and three percent from trade (see Figure 12). Additional income sources included remittances, 20 percent, and loans, 12 percent. Furthermore, 39 percent of the respondents had their own land and 36 percent had livestock, however, 32 percent did not have any assets.



Figure 12: Main livelihood activities

Decision-making

Within the decision-making processes, there was a difference on who was involved, depending on the topic at hand. Within decision the making processes about land registration, it was common for one person to make the final decision, which was mostly carried out by the male head of the household at 91 percent. However, decisions about education and health, were often made within a consensus with other household members, 87 percent, and 92 percent respectively (see Table 2).

Table 2: Decision making on Land, Education and Health

	Land	Education	Health
Male HH	91%	13%	4%
Female HH	9%	0%	4%
Consensus	0%	87%	92%

Land grabbing

Among the respondents there were a lot who had lost their lands, 50 out of 66. Most of the people who were affected by land confiscations had lost all of their land, which was the case for 40 respondents, the other ten respondents lost part of their land. The land was confiscated between 2004 and 2014 where nearly all of the land was confiscated by the government and only four respondents said that they received enough compensation for the land they lost. Out of all the respondents, 15 reported that they did not receive any compensation whereas 25 reported that they did but that they did not receive enough. When asked about the compensation process, 12 respondents said that they did not receive any documentation to sign, and seven interviewees were given a document, but they decided not to sign it. Another 14 respondents said that they had signed a document but stated that they were forced to sign it. None of the respondents said that they had signed a document voluntarily. Nearly all the respondents said that they did not receive any assistance during the compensation process, and only six respondents said that they received support from the government.

Land entitlements and legal documents

It was not common for people to have no proof of land tenure in the research area. Out of all the respondents, two had a Form 7 and a Form 105/106 was owned by an additional five respondents. The most common document to prove land tenure were tax bills, which were owned by 23 respondents.

Furthermore, 39 percent of the respondents, of whom did not lose their land from land grabbing incidents, gained their land through inheritance. However, the people who lost their land did not have any family land that they could inherited and needed to find different plots of land. These people then gained land through clearing other lands themselves, 36 percent, or through purchasing the land themselves, 11 percent.

Awareness of land laws and policies

This case study highlights that the knowledge about land related laws and policies, within the study area, is not high. Only 17 percent of the respondents said they had knowledge about the 2018 constitution, 12 percent said that they knew about the VFV law and only three percent said they had knowledge about the 2012 Farmland Law.

Customary land management systems

A quarter of the respondents said that within their village there was a customary land tenure system. However, only two people said that these customary practices are reflected within existing maps and records and only one person said that these maps and records were recognised by the government.

Analysis

A lot of the respondents lost their land or part of their lands in the study area as a result of the construction of the dam. There seemed to have been a relocation process for people effected by the dam construction, however, the surveys show that the compensation given to these people was often not sufficient. Moreover, the respondents stated that the compensation was not mutually agreed upon as none of the respondents agreed with the compensation voluntarily. This could be because people from Kyungyi village were not included in the resettlement programme. However, even though there was a resettlement project in place for the people from Saeywar village, they also seemed to not be satisfied because their livelihoods were negatively impacted as a result.

8

ALIN BANMAW LDO**▪ Kachin State**

This case study was conducted and prepared by Alin Banmaw LDO in Kachin State. In this area, many investments were being made within agriculture, where companies were coming in to start plantations, for example. This also happened in Kanma village and Mam Rot village, where this case study took place. Both villages are located within Mam Si Township, in the Banmaw District in Kachin State. The population of Kanma village is 545 of which 267 are male and 278 female and has a total of 110 households. The population of Mam Rot village is 900 of which 433 are male and 467 female and has a total of 180 households.

The main livelihood activities within the case study area are related to agriculture and livestock. However, due to land confiscations farmers have become jobless and struggle to find a new source of income, such as casual worker, to support their livelihoods. Within the two villages, farmland, gardens and grazing land were grabbed by companies.

The objective of this case study is to gain insights in the past and current processes relating to livelihoods, land tenure and land confiscation within the two villages. These insights will provide better understandings to support these villages with future land confiscation incidents.

Method

The two villages were selected for this research because of the land confiscation that had already taken place. Moreover, the area had been included in previous projects by Alin Banmaw LDO which made it easier to find respondents. Face-to-face interviews were conducted with households, using the online survey. During the interview, the questions and possible answers were shown to the respondents to enable them to better understand the interview. The interviews were conducted in January and February of 2018. The respondents were selected with the help of the village tract leader and took place in his house. In total, this research encompassed 50 interviews, 20 within Ma Kaunt village and 30 in Man Rot village. There was one person that refused to participate in the research. A gender balance among our respondents was intended, therefore half of the respondents were female and half were male.

Results

Demographics of the respondents

All respondents were of relatively old age, in which the youngest was 30 years old and the oldest was 74. All of the male respondents, except one, were the head of the household, whereas only 17 percent of the female respondents were head of the household.

Livelihood

For 47 of the respondents, their main source of income was derived from agriculture, only two interviewees received their main source of income from their livestock and one had a different main income source. Most of the respondents owned land and livestock, 92 percent and 86 percent, respectively. In addition to the main sources of income, 50 percent of the respondents received income from loans and ten percent received remittances.

Decision-making

Within the case study area, it was found that decisions regarding land were mostly made by the male head of the household, as it was the case for 71 percent of the respondents. However, the male head of the households made the least decisions regarding education, which was the case for 36 percent of the respondents (see Figure 13).

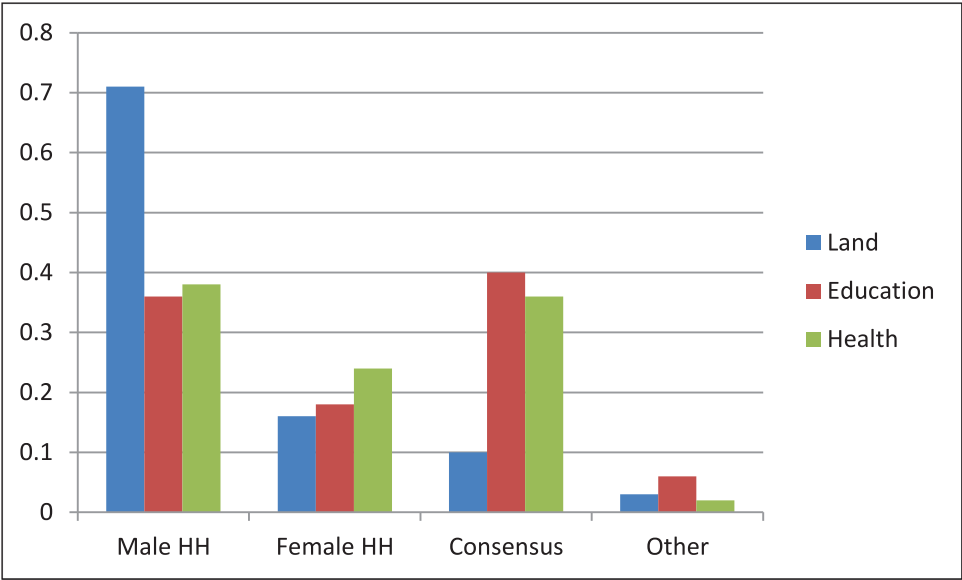


Figure 13: Decision making on Land, Education and Health.

Land grabbing

From the 50 respondents, 23 had their land confiscated, of which ten had all their land confiscated and the other 13 had part of their land confiscated. The land grabbing happened between 2014 and

2017, in which all of the land was confiscated by private companies, where investment was the main reason for the confiscation. However, only 57 percent of the respondents said that their confiscated land was being used by businesses. None of the respondents that had their land confiscated received sufficient compensation and all of them had a signed agreement. All of the interviewees also stated that they faced challenges in food security after their land had been confiscated.

Land entitlements and legal documents

The land that the respondents used was often obtained by clearing the land, this was the case for 62 percent of the respondents. In addition, another 30 percent of the respondents obtained land through inheritance, 16 percent had purchased their land and another eight percent were renting the land. Several respondents, 13, did not have any documentation to prove their land tenure and land use. Respondents that had documentation mainly had Form 105/106, others had tax bills to prove their land tenure and only one respondent had a Form 7 (see Table 3).

Table 3: Land documents held by respondents.

	Not a Land holder	No documents	Tax bills	Form 7	Form 105/106
Households	3	13	4	1	17

Awareness of land laws and policies

Most of the respondents reported that they did not have any knowledge about land related laws and policies. Only four interviewees said that they had knowledge about the 2008 constitution. An additional four respondents said that they knew about the 2012 Farmland Law, which was the same for the 2012 VFF law.

Customary land management systems

Most of the respondents, 64 percent, reported that there was a customary practice in their village for land tenure. However, it seemed that these practices were not reflected in maps and other documents as only 12 percent of the respondents reported that there were maps and an additional six percent said that the practices were recognised by the government.

Analysis

Land confiscations have occurred within this case study area mainly enacted by private companies. People suffered as a result because they faced food security challenges. Moreover, the main challenges within the case study area seemed to be related to the lack of knowledge about the land related laws and policies implemented in Myanmar, which was exhibited by the majority of the respondents. This means that they will struggle to protect themselves from losing their land and receive fair

compensation, if land grabbing should occur. Furthermore, the lack of proof of land tenure could cause a problem with the same outcomes. This can be related to the lack of recognition by the government of the customary practices that are in place within the case study area. Since 2014 many of the respondents lost (part of) their land to company investments, which is still very recent. If this development continues, it is likely that many more will lose their land and will face livelihood challenges. It will be important to improve the protection of the farmers, raise awareness about the laws and policies and increase the possibility to prove the use of land by providing documents and government recognition.



AYEYARWADDY FARMER UNION.....

This case study was conducted and prepared by the Ayeyarwaddy Farmer Union in Ayeyarwaddy Region. The research took place in nine villages in Myaung Mya Township, Ayeyarwaddy Region. On average, each surveyed village had 500 households with a total population of 2,500 people.

The main activities in the area was paddy farming, with a bi-annual harvest. However, many also depended on loans for additional income, making them vulnerable to land loss when they were unable to meet their repayments. This situation is known as “legal confiscation” of land, as opposed to “illegal confiscation”. This situation often occurs when the income generated by the harvest is not enough to repay the loans, and, as a result, the land must be surrendered to the money lender.

This case study explores the impacts of legal confiscation further, by surveying those who have lost their land as a result of failed loan repayments, as well as other respondents who have land.

Method

The research was conducted in nine villages in Myaung Mya Township, Ayeyarwaddy Region, selected on the basis that land confiscation had taken place, and/or may take place in the future. The aim of the research was to understand the current situation related to respondents’ livelihoods, land tenure and knowledge, so that better support may be provided to them in the future.

The survey was conducted in 11 days in February 2018. Survey participants were selected by household, and most often it was the man who wanted to answer questions. As a result, it was only when there was no man in the household that a woman answered the question. In total, 24 people were interviewed, and no one refused to participate.

Results

Demographics of the respondents

Of the 24 respondents, 21 were male and three were female. The age range was small, with the youngest male respondent being 28 years old and the oldest was 64, while the youngest female

respondent was 50 years old and the oldest was 56 years old.

Livelihood

All respondents, both men and women, were the head of the household. Almost all respondents, except two, had land they could use as an asset for their livelihoods while 11 respondents owned livestock, and none did not have any assets.

Almost all respondents reported that their primary livelihood activity was agriculture. There were three respondents who reported different primary livelihood activities, which were: livestock, daily labour and trade, respectively. In addition to their main source of income, 71 percent of respondents also received income from loans. Other sources of additional income included remittances, 29 percent, rent, 4 percent, and fishing and small livestock, 38 percent.

Decision-making

Within the decision-making processes, all respondents reported that the head of the household made decisions relating to land registration. In contrast, decisions relating to education, 87 percent, and health, 91 percent, were almost always based on a consensus.

Land grabbing

Half of the 24 respondents had lost land, of which five lost all of their land and seven lost part of their land. Only two respondents did not have any land, which suggests that out of the five people who lost all their land, three were able to regain or buy a new plot of land. All land confiscations took place between 1996 and 2013. For nearly all except one of the land losses, the land was confiscated for investment. However, only one respondent reported that their land was being used by private companies, the rest reported that their land was used by other farmers.

Only one of the respondents reported that enough compensation was provided for the confiscated land. Within the compensation process, only two respondents reported that they voluntarily signed an agreement regarding the compensation they would receive. Another four respondents chose not to sign anything. Two respondents were forced to sign an agreement and three did not have any agreement (see Table 4).

Table 4: Signed documentation regarding compensation

Respondents Agreement on Compensation		
Voluntary signed	2	
Forced to sign	2	
No agreement/sign	3	
Decided not to sign	4	
Other	1	
Total	12	

Land entitlements and legal documents

Half of the respondents inherited their land, while ten purchased their land, and the remaining two did not own any land. Most of the respondents had documents to prove their land tenure, and only two reported that they did not have any documents. There were 16 respondents who reported that they had a Form 7, 17 had a Form 105/106 and the majority, 19, had tax bills to prove their use of the land. Despite having these documents, 62 percent of the respondents reported that felt it was likely that they would lose their land because of debts.

Awareness of land laws and policies

Awareness about the land related laws and policies was very low, as 17 out of 24 respondents stated that they did not have any knowledge about land related laws. If they have any knowledge, it was about the 2008 Constitution, seven, or the 1894 Land Acquisition Act, four. Only one respondent had knowledge of the 2012 VFV Land Management Law.

Customary land management systems

There did not appear to be a customary land management system within the case study area. Only two respondents reported that there was a system in place, and only one stated that there were maps that reflected these customary practices.

Community dream on land for their future generation

Survey participants wished for their future generation to continue to live in the same villages. The farmers are motivated to produce more rice, but the government will need to provide support for them to enable that. Respondents felt that they would need to reduce their debts, have increased job opportunities and have market access in order to be able to achieve their dreams for their future generation.

Analysis

Within this case study area, farming was the main activity on which people depended their livelihoods on. However, it seemed people needed additional income to support themselves throughout the year. The main source for additional income was loans, which places them into vulnerable situations. As a result, many survey participants fear that they will lose their land, as they won't be able to pay their debts. While the number of respondents that had documents to prove their land tenure was quite high, this will not protect them from losing land from failed debt repayments as this is "legal confiscation".

In the past, respondents have lost their land, however only two respondents did not have land at the time of the survey. This means that people have found ways to regain land, but it is unclear whether this will continue to be possible in the future. As most rely on their land for their main source of income, people will need to be protected from losing their land. In this case, this may mean that people require support to avoid falling into debts that they are unable to pay off.



MON REGION LAND UNION NETWORK

- Upper Mon State

This case study was led and prepared by Mon Region Land User Network (MRLUN) in upper Mon State, where 12 villages located in Chaungzon Township, were surveyed. These villages include: Kyan-Gyin; Kun Yaik; Taw Ka Nar; Ka Ma Nin; Ywar Lut; Ka Lwi; Dakar Kyite; Taung Sun; Ka Hnyaw; Mu Du; Western Chaung-Sone; and Toe Cheit.

According to Myanmar's Department of Population,¹ the population of Chaungzon township in 2014 was 122,126, where 45.5 percent of the population was male and 54.5 percent was female. Furthermore, 93.7 percent of the total population was rural, which therefore highlights the importance of analysing land issues and livelihoods upper Mon State.

In upper Mon State, there have been various natural disasters that have displaced families and negatively affected their livelihoods. Furthermore, there have been some negative impacts from development projects including environmental and land grabbing related issues, most notably from the proposed coal-fired power plant, to be built in Ann Din Village, Ye Township². This proposed project has already acquired 500 acres of land in Ye Township, which they claimed was meant for agriculture and for building factories. However, the local communities now know this land will be used for the power plant construction, which has sparked protests. In addition, land confiscations have occurred in the study area, unrelated to this project

Method

Between January and February of 2018, 101 surveys were conducted. The sample was not selected on the basis of representing a balance of gender or age. As a result of some data collection issues, the number of people surveyed from each village is unknown, therefore the data may not be representative between villages. The population and number of households for each village was not recorded as part of this survey, however there is data available for some of the villages presented in this case study (see Table 5). Additionally, the majority of the population of Mon State is Buddhist at 92 percent.

1 http://www.dop.gov.mm/sites/dop.gov.mm/files/publication_docs/chaungzon_0.pdf - generated from <http://www.dop.gov.mm/en>

2 <http://rehmonnya.org/archives/3469>

Table 5: Population and number of households in some of the surveyed villages in Chaungzon Township.

Village	No. of households	Population
Ka Lwi	684	3,266
Kun Yaik	1,366	5,678
Taw Ka Nar	382	1,724
Ka Ma Nin	477	2,298
Ywar Lut	1,317	5,576
Taung Sun	665	2,728
Ka Hnyaw	1,617	7,114
Mu Du	1,211	5,158
Toe-Cheit	456	1,994

Results:

Demographics of the respondents:

From the 101 participants, 78 percent were male and 22 percent were female. The age of the male respondents ranged from 20 to 82 years old, and 21 to 78 years old for female respondents. Of the male participants, 63 percent reported that they were the head of the household, compared to only 27 percent of the female respondents.

Decision-making:

Regarding decision-making, it was found that most surveyed households made joint decisions on each topic as shown in Figure X below. It was also common for the male head of household to make the decisions on each subject matter, around 40 percent for each topic, while decision-making by women only was rare (see Figure 14).

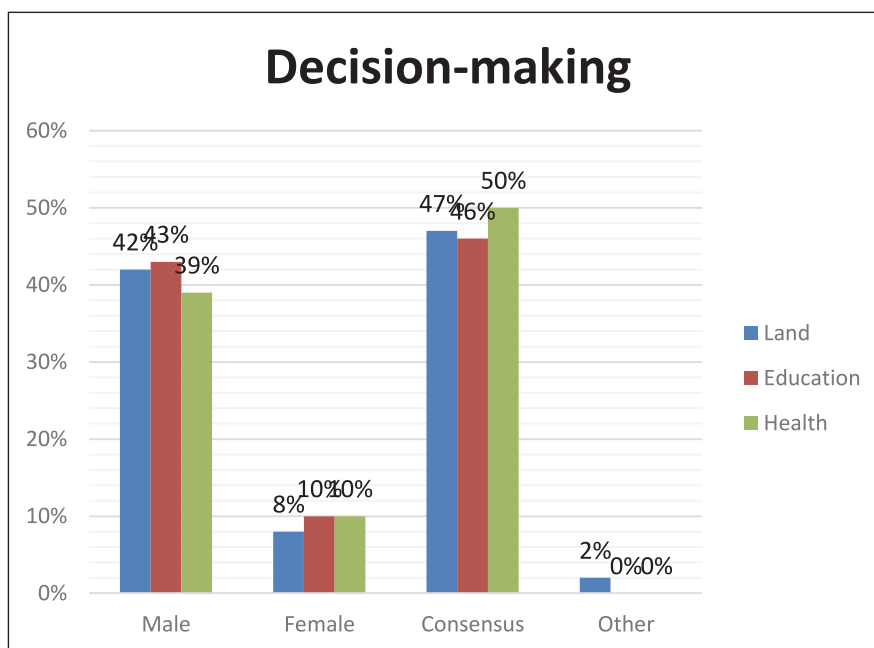


Figure 14: Decision making on Land, Education and Health.

Land entitlements, legal documents and customary land management systems:

The three most common ways the respondents gained access to the land they were using was through purchasing the land, 38 percent, other methods, 36 percent, and through inheritance, 31 percent (see Figure 15). Only 28 percent of the participants did not have any documentation to prove their land tenure. However, the most common proof of land tenure was Form 105/106, which 47 percent of the respondents had. Other documentation was land use certificates, which 24 percent of the respondents had, and tax bills, which another 19 percent had. According to 75 percent of respondents, there was a customary land tenure system in place in the surveyed area, but only four percent reported that this was represented in maps and records. As customary land tenure systems are not currently recognised under law, this could potentially place the respondents at risk of land grabbing incidents as well as affect them from receiving adequate compensation for their losses.

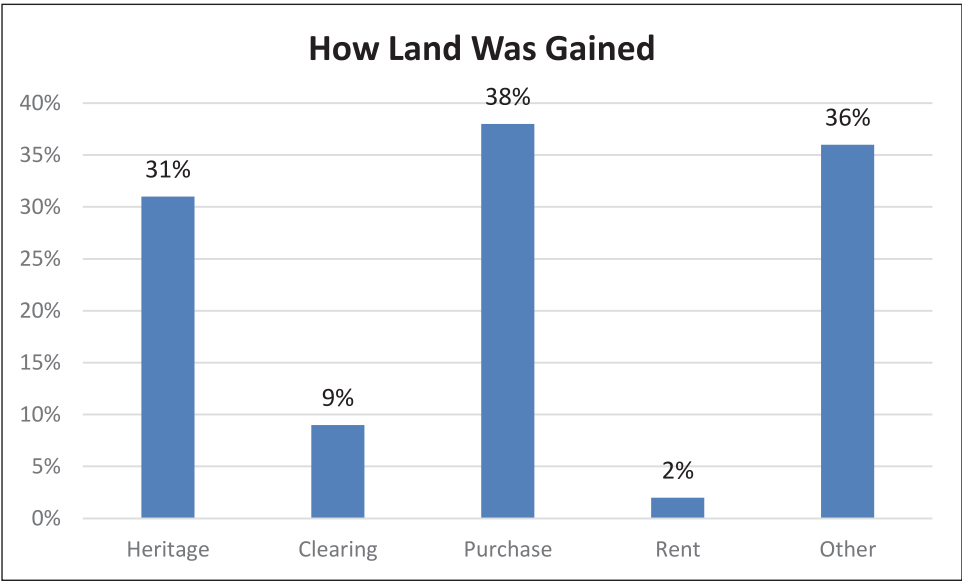


Figure 15: The ways in which the respondents received their lands

Awareness of land laws and policies:

Of 101 respondents, 60 percent claimed that they had knowledge of land laws implemented in Myanmar, while 32 percent reported that they had specific knowledge of the 2012 Farmland Law and another 13 percent claimed to know about the 2012 VFV Land.

Analysis:

Some of the key findings from this study include that most land was gained through purchasing (instead of inheritance, for example), and that most have documentation to prove their land tenure which may provide stronger protection in land confiscation incidents. However, research in this area also reveals a number of threats to the livelihoods of those surveyed, including natural disasters and development projects which may lead to land loss, and land degradation.

Appendix:

Table a: number of participants in each case study and the respected Region or State

Case Study	Region-State	Number of participants
Shan State	Shan	5
MRLUN	Mon	2
KNGY	Southern Shan	1
Paunglaung Myo Thit	Kayah	1
SRFU	Sagaing	2
WHH	Northern Shan	2
Myoe Gyi	Shan	3
Alin Banmaw	Kachin	2
Ayeyawaddy	Ayeyawaddy	2

Table b: number of sampled X in each case study.

Case Study	Sample
ALBM_Kachin	50
Ayeyarwady	24
FLU &ECFD_Southern Shan	90
GLAD_Kayah	67
KNGY_Kayah	95
MRLUN_upper Mon	101
Myoe Gyi	66
SRFU_Sagaing	31
WHH_Northern Shan	80
MRLUN_lower Mon	101
	N= 705



ALinn Banmaw Local
Development Organization

