



(B . 4)

Statement on the Unlawful Confiscation of Land in Burma

1. In all areas of Burma, military officials, authorized persons and their respective families forcefully occupy buildings and land used by citizens, in most cases farmers, of Burma. In most cases, the land is confiscated and sold for a profit with no compensation to the inhabitants who have been evicted. Moreover, those evicted are in no way assisted and are rendered homeless (Naw Say Phaw, DVB, 28.01.09).

2. In cases of land confiscation, there is no compensation paid by the government for the property or any damages suffered by the evictees. When compensation is made, it pales in comparison to the losses incurred. There is no resettlement plan for those who lose their property and they must find shelter, land and rebuild their livelihoods with no assistance whatsoever from the government (Yi May Aung, DVB, 16.02.09).

In some cases, the land is confiscated and the occupants are transferred to distant locations with a much smaller plot of land in unfavorable conditions and little or no access to communication. They essentially lose their ability to generate income and their prospects for the future are severely dampened (Hte Aung Kyaw, 22.03.09).

3. In reference to the occurrences mentioned above, various media groups outside Burma have urged the Burmese government to fairly compensate those whose lands have been confiscated. It remains extremely risky for anyone inside Burma to report injustices related to land confiscation. Anyone, including victims, lawyers, reporters and human rights activists, who report to either the media or the International Labor Organization, in Burma, will undoubtedly be arrested and punished simply for seeking some semblance of justice.

Legal Analysis

1. In the Land Confiscation Act of 1953 Chapters 3 and 5, there are so many headings, conditions and exemptions that it is nearly impossible to use the law to obtain compensation for confiscated land. The law's original purpose was to redistribute and keep land out of the hands of wealthy merchants and landowners and to provide access and a fair chance to small scale farmers.



2. The 1963 Protection of Farmers' Rights Law:
 - Section 3/1(a) states that all land, livestock, farming instruments and land products may not be confiscated.
 - Section 3/1(b) states that land allocated to farmers shall not be altered in any way without permission of the tenant.
 - Section 3/1(c) states that farmers have the right to freely sell all livestock, farming instruments and land products for profit.
 - Section 3/1(d) states that it is the right of the farmer to engage in any of the above activities without fear of punishment.

According to Myanmar domestic law, the military government, authorized persons and their respective families are acting in contravention to said laws.

3. Ruling: U Ba Oo vs. The Union of Burma (Mandalay Collector) 1959 (Burma Law Report, High Court 234).

This ruling was in accordance to the Land Acquisition Act Part II 5A(1), which states:

Any person interested in any land which has been notified under Section 4, Sub-Section (1), as being needed or likely to be needed for a public purpose or for a company may, within 30 days after the issue of the notification, object to the acquisition of the land or of any land in the locality, as the case may be.

Currently the military joint venture companies and authorized persons are violating the above law and subsequent ruling. The military and all groups in association which are confiscating land are, in most cases, giving no notification and accepting no objections from farmers and other tenants. It must be noted that the land on which farmers work is not owned by them and they are subject to heavy taxes which many farmers cannot afford to pay. Heavy taxation and lack of security have driven many farmers to suicide. More than 20 farmers have committed suicide in Khayan Township alone. The survival of farmers in Burma is threatened more and more, day by day.

The Burma Lawyers' Council Demands

1. The BLC demands that the SPDC immediately cease the unlawful confiscation of land.
2. The BLC demands that the SPDC fully and fairly compensate for losses incurred by tenants from whom land has been confiscated.
3. The BLC demands the immediate and unconditional release all activists



who have been imprisoned for assisting in the prevention and reporting of land confiscation cases.

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