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SPECIAL FORUM: POLITICS OF MYANMAR'S AGRARIAN TRANSFORMATION

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'Nothing about us, without us': reflections on the challenges of building Land in Our Hands, a national land network in Myanmar/Burma[1]

Doi Ra and Khu Khu Ju

ABSTRACT

The transition from military dictatorship to an electoral regime has opened limited political spaces for social activism in Myanmar. Some have called the unfolding situation a 'transition to democracy'. But this is far from the reality for some, if not most, of Myanmar's 'rural working people'. This paper explores the trajectory of the national land network called Land in Our Hands (LIOH or *Doe Myay*), which came into formal existence in 2014. This paper attempts to lay out a more comprehensive account of the historical legacies and internal and external pressures that have been shaping LIOH as a movement building initiative, and in relation to three key dimensions: its identity politics; its ideology and class base; and its political work.

KEYWORDS

Rural working people; national land network; movement building; Land in Our Hands; Myanmar; right to land; political transition

Introduction

The transition from military dictatorship to an electoral regime has opened limited political spaces for social activism in Myanmar. Today's electoral regime is still a largely elite-controlled political situation, with relatively more competitive elections but under unevenly restrictive conditions, including continued restricted access to basic democratic rights for much of the population especially outside the main urban areas. This goes hand in hand with a centrally controlled economic opening and continuing armed conflict in parts of the country. While the political space (such as it is) may be new, social movement in Myanmar is not. Social movements of different forms and scales continued to exist occupying non-traditional political spaces, especially local spaces, throughout the dark ages of military rule beginning from 1962. In the remote ethnic states, rural villagers have been using everyday forms of resistance such as 'hiding resources, ignoring orders, packing road embankments with sticks during forced labour, informing human rights groups but not the military' in order to protect their territories and communities (Malseed 2009, 380), which as a whole formed a grassroots movement (Malseed 2008). Some movements such as the *Ba Ka Tha* (All Burma Federation of Student Union) went underground after the

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[1]In 1989, the military government changed the international name of the country from Burma to Myanmar. This paper will use Myanmar, as it now most commonly used.

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brutal crackdown of the 1988 pro-democracy uprising to continue training student activists in leftwing political ideology. Others, including students and ethnic-based democracy movements, transformed into armed struggles along the Chinese, Thai and Indian borders. Diaspora-driven human rights coalitions sprang up in Western countries, exposing violations and atrocities committed by the military regime and lobbying for support for the democratic forces working inside and outside the country.

Some have called the unfolding situation a 'transition to democracy' (Sein 2017). But this is far from the reality for some, if not most, of Myanmar's 'rural working people'. In this paper, we draw on Shivji's (2017) conception of 'working people' to encompass a diverse constituency of people currently struggling to reproduce themselves and their households under contemporary political-economic conditions in Myanmar.[2]

Overview of the discussion

This paper examines Land In Our Hands (LIOH), a national land network, starting with a brief overview of the network's emergence and trajectory against the backdrop of important national historical turning points to get a broad sense of how the network may have changed over time. Then we take a deeper look 'inside' LIOH's identity politics (Hall et al. 2015); its ideology and class base; and its political work (Borras and Franco 2009). The three dimensions are particularly selected to help create a deeper understanding and contribute a fresh perspective to the land struggle inside Myanmar, which is most often filled with analysis from the perspectives of the mainstream development paradigm and sustainable rural livelihoods approaches (for critical review see Scoones 2009). In this paper, identity politics seeks to understand what are the different social forces present within the network and how does it impact on the movement initiative? By ideology and class base, we aim to assess the network's key principles in relation to the movement initiative and the actual lives of rural working people herein. By political work, we aim to analyse the network's structure and functions, and what kind of alliances and coalition building have been sought? How do these impact on the network's future? We conclude with some short reflections on possible prospects and implications for the network in the future.

Before turning to the analysis, here we would like to briefly disclose our relationship with LIOH. The authors maintain a long comradely relationship with the secretariat, particularly one of the authors has also worked as part of the network's program team for a number of years. Until now, the authors are supporting political works undertaken by the network to an extent. The views reflected in this article are solely based on the authors' own analysis which have not been processed within LIOH.

LIOH's emergence and trajectory

The Myanmar countryside is important and increasingly troubled. Today an estimated 49 per cent of the country's 54 million people work in the agriculture sector (Department of Labour 2017). One-third of them are landless laborers, while of the remaining two-third

[2]Working people in Myanmar include smallholder farmers, pastoralists, small scale fisherfolks, forest foragers, daily wage labourers, street hawkers, and workers informally employed in different sectors. They make very low income and have to live in precarious living conditions while having to provide maximum labour effort.

land owners, 54 per cent own less than 5 acres and 26.8 per cent between 5 and 10 acres of land (Thein 2016). Poverty is more prevalent in the countryside, with a reported 87 per cent of the poor living in the rural areas (Central Statistical Organization 2019). Households whose members are still working in the agricultural sector with or without owning land make up 76 per cent of those living under the poverty line, which was set at an estimated equivalent of 1.2 US dollar per day (Central Statistical Organization 2019). While income does not show a complete picture, it can still be used as a proxy indicator to understand the extent of the social reproduction crisis across the countryside, which is increasingly dominated by market forces. For decades, state land and agricultural policies have helped to perpetuate low levels of agricultural productivity, for example, the Tenancy law in the 1960s and the state's compulsory paddy procurement policy in the 1980s and 1990s (Thawnghmung 2003). On top of those, agriculture extension support has been extremely negligent. In 2019, irrigation service covered only 17.2 per cent of crop area (Department of Planning 2019) and public spending on research and development in agriculture was only 0.04 per cent of agricultural GDP in 2016/2017 (Ministry of Agriculture, Livestock and Irrigation 2018). As a result, those who are working in the agriculture sector faced big challenges even for simple social reproduction. Migration is an increasingly favoured option for many people, with or without land, as one of the few coping mechanisms left for the people from the rural areas. More people from the countryside are migrating to urban areas to work in sectors such as construction, manufacturing, food processing, and domestic service. Over five million people from Myanmar are working as migrant workers, many of them undocumented and unprotected, of which an estimated two to four million are in Thailand (Parmar et al. 2019). Another estimate placed around 500,000 migrant workers in China (TNI et al. Forthcoming). Actual numbers would be much higher since many of them migrated under illegal conditions, taking highly risky migratory routes and working under precarious conditions. Living and working abroad without official papers also makes them extra vulnerable to particularly exploitative working conditions. These are the poor people from the countryside, who have worked or are still working as the farm and off-farm laborers, small-holder farmers, shifting cultivators, men, women and youth, who can no longer make sufficient income for survival in their areas and are forced to take up seasonal or long term migrant work. To survive, they have become 'super-workers' – working long hours, taking on several jobs with small wages, living and working in 'subhuman' conditions (TNI et al. Forthcoming; Shivji 2017). In the words of a 30-year old migrant worker,

> My wife and I work in the farm and cultivate many kinds of crops, including beans and rice. But most years we could not make any profit from farming. In a good year, the most profit for the entire year is equivalent to one-month wages from working in China. So, I went to China in 2018 to cut sugarcane from January to May. After the sugarcane cutting period, I come back here and work in our farmland, the produce of which is just good for family consumption. I also work as a palm tree climber the season for which is from February to July. Then in November, I went again to China until May. The majority of the households in my village have members who regularly go to China to work. In some nearby villages, all households have their members go to China, with only the older people and children left behind. Many bring their babies and very small children with them to China. (TNI et al. 2020, 7)

In addition, over 60 years of civil war in Myanmar have produced cumulatively over 1.1 million displaced people. As of September 2020, in addition to the more than 700,000

refugees out of Rakhine State, there are over 300,000 other displaced people – including some 100,000 IDPs (internally displaced person) in Kachin State (UNOCHA 2020a), 80,000 IDPs in Rakhine State (UNOCHA 2020b), 35,000 IDPs in Mon State (Zue 2016) and 91,000 refugees from Kayin state along the Thai-Burma border (The Border Consortium 2019). For many IDPs and refugees, desperate conditions have rendered them even more vulnerable to human trafficking and serious exploitation at workplaces inside and outside the country.

By the time the internationally heralded political transition got underway, the military-crony complex had already grabbed vast acres of land for large agri-businesses and resource extraction throughout the country. Between 1991 and October 2016, the military had allocated 1.4 million acres of land to agro-business companies and individuals (Thein et al. 2018). Less than eight months after the first parliamentary commission on investigation of land-grabbing cases under the new Thein Sein Government started functioning in 2011, it had received complaint letters demanding the return of 250,000 acres of farmland that had been seized from the people (Parliamentary Investigation Commission for the Prevention of Public Disenfranchisements Connected to the Confiscation of Farmlands and Other Lands 2013). And that was only the beginning. It is into these complex circumstances that LIOH has situated itself, as it attempts to mobilize and organize this diverse and differentiated constituency of rural working people in the struggle for the right to land.

Founding and baptism by fire

In November 2011, the first National Dialogue on Land Tenure and Land Use Rights co-organized by the Food Security Working Group (FSWG)/Land Core Group (LCG), in cooperation with the Ministry of Environmental Conservation and Forestry (MOECAF) and the National Economic and Social Advisory Committee (NESAC), took place where many local farmers groups and community-based organizations (including ethnic human rights organizations operating along the border areas) also attended, alongside a multitude of non-governmental organizations (NGOs) and donor organizations. It was during the first year of the quasi-civilian Thein Sein government of the country. The event was significant politically because previously, under the military regime, development works were heavily restricted to operate within the 'state spaces' and were implemented mostly by international NGOs by claiming to be 'impartial', 'neutral' and 'apolitical' (Malseed 2009). At the same time, major INGOs and donor organizations were the only outspoken groups talking about land issues, and in general were talking about and on behalf of the rural working people. When the opportunity finally presented itself to open up the space for the small-holder farmers, ethnic communities, and the displaced populations to represent themselves, a few leading organisations had to be convinced hard to actually relinquish this space they had previously occupied. Tom Kramer from Transnational Institute (TNI) provided a brief reflection as followed:

> It was a very different time, and the government was opening up to engage with civil society. Because it was the first time for such an event, people were not sure what the limit is. Farmers started to raise questions straight to the Government representatives during some of the sessions. It was surprising that one of the ministers thought it was positive that farmers raised such issues and said it was time for government officials to listen to the people and

> answer their questions properly. I think that was the time in the land sector when we could have such open discussions. (personal communication, October 21, 2020)

After the conference, TNI organized intensive land workshops with ethnic CSOs and ethnic armed organizations in Chiangmai, Thailand, which led to the beginning of solidarity building between the groups mobilizing from outside the country and inside the country, who had been divided by the military regime. These small number of groups met in Yangon for the first time and exchanged their experiences around land conflicts and response strategies. After that they went to meet the first Myanmar Human Rights Commission and the Myanmar Peace Centre and then travelled to Naypyitaw to meet the responsible officials from the Central Government, particularly the Ministry of Agriculture, Livestock and Irrigation. However, their meeting with the Ministry was cancelled, but the group was able to meet with a representative of the National Economic and Social Advisory Council (NESAC).

Propelled forward by these overall trends combined with the very uneven opening up of political space after 2010, three organizations – Paung Ku, Karen Environmental and Social Action Network and TNI – facilitated the coming together of a larger number of people and groups from different settings and experiences. This group of organizations was well-positioned to do so due to their long-term support for struggles for democracy and social justice and together they were able to complement each other's networks from the Bamar-majority regions and the ethnic states, including from areas under the control of ethnic armed organizations. Over sixty local farmer organizations, community-based organizations, and civil society organizations from all 14 states and regions participated in a series of inceptive meetings. They came together to see if they could unite for joint advocacy at the national level, while still embracing their diversity and respecting already existing, strong, locally organized movements and associations. 'Land grabbing' in general at that moment was seen and felt as a major problem for all.

These events led to the birth of Land In Our Hands (LIOH), a national land network and a movement building initiative in February 2014. Looking at the character of LIOH, it is now comprised of and allied with different types of actors, including individual land activists, farmer unions, civil society organizations, community-based groups and local NGOs. Some of the groups are joined by small and medium farmers themselves, who are practicing lowland paddy farming, shifting cultivation and cash crop cultivation; and IDPs and refugees. They exist at different levels of locality; starting from township, state to national level, and some run on donor funding while some are informal, voluntary groups. They are highly heterogenous groups working on a range of issues, including mining, big agribusiness, dam construction, special economic zones and conservation projects. Some of the participants at the founding meetings had never participated in meeting with people from outside their own state/region or ethnic group; this was the first multi-ethnic land movement initiative formed in the country. Analysis of the characteristics of the groups will be further elaborated under the section identity politics.

During one initial meeting, participants learned through informal channels that the government was already into a process of developing a new national land use policy behind closed doors, although details were sketchy and few. The process had been going on behind closed doors since late 2013 and the idea for a public consultation had reportedly been pushed by some of the international actors involved, in a bid for

transparency and inclusiveness. But it was only in October 2014 that the Thein Sein Government released to the public the fourth draft of a National Land Use Policy (NLUP) and launched a plan to hold consultation workshops of three hours each in all states and regions across the country in 18 days. The government's target was to complete the public consultation and finalize the policy by the end of 2014 – meaning in just 2.5 months. The policy was seen as extremely crucial as it was supposed to become an overarching policy framework in relation to all land laws. However, there were many problems with the then-current version including:

> its failure to recognize that land has more than an economic function … and from its failure to recognize that for any land policy to have political legitimacy and succeed, it must necessarily also have as one of its central purposes to seek to confront the twin issues of correcting past social injustices and promoting social justice. Additionally, the NLUP must address the question of how to move from an overly centralized system of governance in light of ethnic minority groups' desires to move towards a more federal system. (Franco et al. 2015, 66)

LIOH immediately set about organizing intensive, 2-day 'civil society pre-consultation workshops' in every state and region, to give people a chance to analyse and discuss the draft policy, and to generate and consolidate recommendations and proposals to submit to the government. This was no easy task, as the time to organize and prepare these workshops was extremely short (just weeks before the government's official public consultation was to begin), security and possibility of harassment (or worse) was an issue in many places, and mistrust was high among LIOH members of the government's intentions (LIOH 2015a). It was a risky undertaking, but LIOH members decided to push ahead with it. Here, it should be noted that LIOH does not have a formal membership arrangement since the beginning. The term 'members' is used in the paper to refer to the individuals and groups which take part in the internal workshops, public advocacy events, press conferences, and campaigns organized by LIOH, and have maintained relationship with the network formally and informally over the years. The network's structure is explained further under the politics section.

In addition to studying the draft policy and developing their own recommendations with the help of local and international resource persons, participants also debated and decided whether or not to join the government consultation, and chose the delegates who would represent them. Despite many challenges, they engaged in every single government consultation event, and submitted the recommendations they had formulated in the pre-consultation workshops. They made sure their voices were heard and carried out demonstrations inside and outside the consultation events to call for their demands. In some places, participants faced constant surveillance by the military intelligence operatives and, in some cases, were barred from joining the consultation workshops without the formal invitation from the government. The effort was also important for the network's mass base building and capacity development. In addition to the state/regional-level submissions, the network national secretariat synthesized all the workshop findings and developed and submitted a consolidated set of recommendations. Principles that were formulated in the pre-consultation workshops later became the basis for LIOH's key principles (LIOH 2015a). The final NLUP document included some of LIOH's recommendations with regard to customary tenure system, gender, women's right to land, and the right to land for IDPs and refugees, although not to the full extent LIOH had put forward.

Significant shortcomings included the recognition of the principle of 'land to the tiller'; adoption of an across-the-board land size ceiling and other redistributive mechanisms to address and prevent land concentration; prioritising to restore the land rights of IDPs and refugees; employing both market and non-market mechanisms in land and tenure rights transfers as laid out in the VGGT; and the adoption of international human rights standards (TNI 2015).

Following this, LIOH undertook a network-wide action research throughout 2015 on how local affiliates have experienced land grabbing and what has been the impact on their households and villages. More than 2000 individuals in 62 townships in 13 states/regions participated in sharing their experiences. The resulting report concluded that the problem of land grabbing in Myanmar is widespread and longstanding (See Table 2 and Table 3 in Annex 2; Lands in Our Hands Network [LIOH] 2015b). It found that

> all cases examined were ongoing, and that none had been resolved in a way that provides justice and closure for the farmers, and that instead, the problem has simply accumulated and expanded over time [and that] whether before or after 2010, the possession of legal documents did not provide any significant defense or protection against land grabbing for farmers in the LIOH network. In fact, 42 per cent of those who had their land grabbed, possessed legal documents from the government. (LIOH 2015b, 3)

The report concluded that 'in almost half of the cases, confiscation directly involved either the military alone, or the military in combination with other actors, including local authorities, government ministries and departments, and domestic business elites and companies' (See Table 8 in Annex 2) (LIOH 2015b, 3). The report itself proved a powerful advocacy tool, and provided evidence of the seriousness of the situation on the ground that farmers across the country were facing. As LIOH's program manager (Aung 2015) put it, 'This report is only the first step. We will do more. The government needs to know the real situation of local farmers. We will report the findings to the incoming new government. They can use the data to prepare for next steps as the process to draft National Land Use Policy is still ongoing'.

Struggle around amendments to new land laws

In 2017, NLD Government announced that two controversial laws – 2012 Farmland law, and Vacant, Fallow and Virgin Lands Management law (VFV law) – were to be amended. The parliamentary initiative in mid-2017 pushed the network's momentum forward as LIOH convened a national level workshop with the members to send their position paper (which members had developed in prior workshops at the state/region level), to the parliament. The paper restated LIOH's definition of 'right to land'; the farmers' right to grow any crop of choice; their right to freedom of association; the recognition, protection and promotion of customary land tenure systems for the land of ethnic nationalities; and the right of farmers to be represented in farmland dispute resolution mechanisms. The network also called for the regulation of the market in order to serve the smallholder farmers and other rural working people, and to contribute towards food sovereignty and agroecology (LIOH 2017). Moreover, LIOH demanded that the VFV Law be abolished altogether, and called for the government to develop a new national land law acceptable to all the ethnic populations, civil society organizations and rural communities (LIOH and MATA 2018). In the words of a secretariat member of LIOH,

> NLD government should solve land conflicts before its term ends. If the draft laws become approved, the consequences can be mass protest and unrest. We will continue to submit letters and ask to meet with the Government until they can give recognition to us. But if no response, we will carry out ground mobilizations. (Nandar 2018)

At the end of 2017, together with other CSOs and land activists, LIOH co-produced a joint report called 'The Promise unfulfilled – a critique on the Land Reinvestigation Commission (LRC)', based on an investigation conducted in four states and four regions. In the report, the groups challenged the LRC's claim that it had already settled over 2000 land dispute cases, saying that it could not find a single case where confiscated land had been returned to the farmers from whom it had been taken. The report said, only those lands which were not in use or not found to be useful after they were taken were released for 'return', and then the lands that were thus 'released' became 'state land' under the 2012 Farmland Law, thereby subjecting the farmers to more bureaucratic processes to actually get the land back (LIOH et al. 2017). In the end, many of these lands never made it back to the original farmers.

By early 2018, LIOH members again decided to make an urgent call to the government with regards to the existing land-related legal framework, which since 2016 had not progressed towards being pro-poor, pro-small holder farmers or pro-rural working people. Separate assemblies were held in all the states and regions, joined by nearly 500 CSOs and 1,600 people. At the conclusion of the assembly, a statement was produced re-highlighting how the government's ignoring of 'human rights, human dignity, democratic values and indigenous rights' in approaching land issues in the country was causing further conflict. It was the first time that LIOH made a call for a federal land law (LIOH 2018a). Throughout 2018, the situation continued to go downhill and finally came to a major breaking point when the amended VFV Law was approved in September 2018. The amended law actually worsened the situation for farmers, especially in the non-Bamar ethnic regions where much of the country's remaining natural resource wealth was located and where, not coincidentally, much land remained under villagers/ customary tenure systems. Furthermore, many of these areas were also under the control of various ethnic armed organizations, many of them still engaged in armed struggles against the Union Government and military. Customary systems are informal, often communal, encompassing many kinds of livelihood practices (not only agriculture), many interconnected natural resources and ecosystems (not just individual plots of land) and varied kinds of farming practices (such as agroforestry and shifting cultivation) not recognized by the government. Despite these realities, the amended VFV law in effect gave an ultimatum: register your lands within 120 days and become legal or face the consequences of becoming illegal. But for many, registration under the existing conditions and circumstances was either impossible or a losing proposition. As a female land activist from LIOH put it 'a modest farmer is turned into a criminal but the companies become the land owners. This draft law enables land grabbing at any time and to sue farmers when they wish. That's why, we are asking to cancel the law' (Nandar 2018).

LIOH launched a national protest against 'the clock ticking' social media campaign based on a running countdown of the days left before the government's draconian 'register or else' deadline (LIOH 2020b). It was then picked up by the ethnic communities who organized protest actions on the ground in their areas under the slogan 'We have no VFV land. We only have ancestral land'. Key ethnic political parties (e.g. United Nationalities

Alliance) and ethnic armed organizations (e.g. Karen National Union) also released statements denouncing the law and called to respect people's aspirations for a future federal democratic union. The campaign was clearly not meant to encourage people to register their lands, but to send a strong message that the new law was unjust and illegitimate. The next section will further discuss the implications of VFV law among different fractions of the network.

Identity politics

LIOH's network is in general comprised of rural working people, and there is a degree of class consciousness within the network and its political work. But how and how well class-in-itself is consistently translated and transformed into a 'class-for-itself' remains an uneven, open-ended process within LIOH. And so, it became more common to use a social identity-based lens focusing on the questions of ethnicity, gender and generation – but where especially ethnicity has historically played a role in conflicts.

While sharing a broadly similar experience of 'land grabbing', the details of experiences could vary from one place to another, and accordingly, the individuals and groups affiliated to LIOH members could differ in what they saw as the 'solution' to their problem as 'uneven responses "from below"' (Borras and Franco 2013). Some focused on demanding the return of specific lands that had been grabbed and compensation for losses incurred and years of opportunities lost. Others worked more broadly on demanding full self-determination rights of the ethnic people and transition to a federal democratic union. Those working along these latter lines tend to be from the conflict-affected ethnic areas, often operating within the areas controlled by the ethnic armed organisations (EAOs). Their strong political positions have been shaped by historical grievances against successive Bamar-dominated military regimes, which assaulted ethnic territories, plundered their natural resources, and displaced the ethnic civilian populations. While land grabbing has usually used grand narratives such as 'public purpose', 'development' or 'economic growth', in the conflict-affected ethnic areas narrative was added called 'national security'. As a secretariat member of LIOH described,

> widespread land grabbing and confiscation, however, keep occurring in the country no matter which government comes into power. This has continued until the present day under both the Thein Sein and NLD governments. Land confiscated in the name of national security has not been returned to the original owners even after the ceasefire agreement was signed. Land grabbing has destroyed and scattered so many families and lives over the years. (Kamoon 2020)

With international pressure and the desire to quickly stabilize all corners of the country to open up for business, the governments that came to power since 2011, and under the 2008 Constitution, were compelled to seal peace agreements with the EAOs following ceasefires in the 1990s. This opened up limited space for some CSOs from ethnic areas – including some members of LIOH – to participate as 'technical support' in the peace process and in regional and national-level political dialogues. Though restricted and manipulated (Karen Peace Support Network 2018), the opportunity was not available to other civil society organizations and local groups from areas where EAOs were not present, particularly in the *Bamar* dominant areas in the central part of the country. In

the end, some of these spaces were short-lived, closing up again after the government excluded EAOs that did not sign the Nationwide Ceasefire Agreement (NCA) in 2016. At that time eight EAOs signed, to be joined later by another two groups. But at the same time the government also barred some EAOs from taking part in the NCA. This meant that ethnic CSOs from non-NCA signatory areas were automatically shut out from the process, while those from the signatory-areas remained (TNI 2017).

Meanwhile, concerns have grown among some network leaders that over the years it has become too 'ethno-focused' and has lost ground with some of its Bamar groups. Tensions around ethnicity run deep in the country, reinforced by 'divide and rule' political dynamics since colonial times, and made worse under successive Bamar-dominated military governments since independence. As one of LIOH's national leaders explains, historical causes lie behind current ethnic tensions:

> Even though many Bamar nationalities do not like using the '*Bamar* dominant race mentality', throughout the history from U Nu to U Ne Win era up until the current period, the historical events said otherwise. Invasion and occupation of the ethnic territories from Burma Proper territory were ruthlessly committed, ethnic territories were sold to foreign countries, and legal instruments such as land laws and notifications were issued to destroy the historical traces of land governance system and customary systems of the ethnic nationalities by force. Until now, chauvinistic land laws have been passed, one after another, without the consent of ethnic peoples. (Thu 2020)

The relatively low participation of Bamar groups in the campaigns against the amended VFV Law in 2018 and 2019 suggests that the ethnic faultline runs very deep. The 'No VFV land' sentiment is long-standing among the many non-Bamar ethnic populations, dating as far back as the introduction of the concept of VFV land itself under British colonial rule, with the Waste Land Law in 1861, revised later as the Waste Land Instruction in 1991, and then resurrected as the VFV Land Management Law in 2012. Throughout this time, the underlying logic remained the same: to 'legally' claim the lands from the people as state land and reallocate them to businesses for profit making. Based on the government's statistics, an estimated 31 per cent of the country's land area is thus regarded as 'vacant, fallow and virgin lands', with 80 per cent of these lands located in the ethnic territories. The latest government data available shows that VFV Law land grants have been given largely from the ethnic states (62 per cent), followed by the Bamar-majority regions (38%) (See Table 1) (Government of the Republic of Myanmar, MOALI 2016). Although the official data might be questionable, it reflects the general trend and highlights that VFV land law does not selectively affect the ethnic states but also the Bamar regions. In another words, VFV law impacts across different regions, ethnicities and social classes. Most importantly, the impact will be the hardest

Table 1. Land concession of VFV land, deep-water fields of delta areas and forest lands in Bamar-dominant regions and ethnic states to agribusiness companies and growers (As of 31 March 2013).

State/region	Land granted (ha)		Percentage of land concessions by state/region
	VFV land and deep-water lands	Companies	
Bamar-majority regions	583681	2478	38%
Ethnic states	955491	2373	62%
Union	1539172	4851	100%

Source: Government of the Republic of Myanmar, MOALI (2016).

on the rural working people whose lives and livelihood directly depend on access to land, and whose social safety net is embedded in having land.

The amended version of this law, which went so far as to criminalize those who are working on the lands without a legal title and gave a very short timeline for land registration, has thus thrown fresh fuel on long-burning fires. But despite all this, the VFV Law clearly does not carry the same weight and significance for all land rights activists even within the LIOH network. The Bamar are the largest of country's many ethnolinguistic groups, who practiced a lowland, sedentary type of agriculture historically. They were governed in a previous era though an absolute monarchy, live mainly in the central part of the country, and generally speaking experienced integration into capitalist social relations earlier than Myanmar's many other ethnic groups, whose social formations tended to be based more on upland shifting cultivation and customary institutions.

To build a truly solidarity-based multi-ethnic alliance of rural working people from these different ethnic threads, and capable of influencing the larger transition while fending off divide and rule pressures, is no easy task. But it is one that seems most needed, bearing in mind there are no magical formulas and arriving at such understanding takes time and will not be achieved overnight. It would be highly strategic if LIOH could create regularized spaces and processes within the network where key land and agrarian issues could be discussed openly, and members could explore at what level a common understanding between the different ethnic groups could be reached.

Ideology and class base

Since its formation, LIOH has rejected land laws which have only benefited powerful elites, and which have pushed the lives of the country's rural population into extreme impoverishment. A very pronounced slogan from the network – 'land is not a commodity' – explains its position to some extent, by opposing commodification of land and natural resources. After formally existing for more than six years, it would be very much necessary for LIOH to analyse its core principles and their relationship to the movement initiative and the actual lives of rural working people. To help nuance the core principles (See Annex 1) (LIOH 2020a), LIOH has to re-look at Myanmar's rural agrarian communities through a political economy lens based on the four key questions – who owns what? who does what? Who gets what? What do they do with it? (Bernstein 2010).

Particularly, the interrelation between the spheres of 'economic production and social reproduction' is yet to be fully explored. Due to the 'pandemic of agrarian crisis' affecting the countryside (TNI et al. Forthcoming), millions of people with land are increasingly unable to hold on to their lands and are compelled to take up seasonal or long-term migrant work for survival as individuals, families and communities. The crisis can be partly attributed to exploitative market relations, climate change, lack of basic infrastructure and public services, negligible irrigation coverage and unregulated cheap imports. Meanwhile, those without land are left with no choice but to take up whichever work is available to them; however precarious that work may be (TNI et al. 2020). And so far, LIOH has yet to support the struggles faced by the landless labourers and informal workers including those who have taken up migrant work inside and outside the country. Demands for improved living wages, decent working conditions and the provision of social insurance have to be put upfront as the other demands. So, in essence,

LIOH has yet to take into account the wide-ranging issues of the broad constituency of rural working people – those who have land but are struggling to make a decent living, and those who do not have land and are compelled to take up precarious work. Without actually showing the morality of 'we progress together or fall together' in the forms that the rural working people can actually see, it would be hard for them to be a part of the network in the long run.

Given the above limitations, demands for recognition and restitution have been at centre stage at the expense of calling for redistributive reforms. One example would be on the issue of land size ceiling. Despite being part of its key principles, LIOH has not been able to agree on fixing a land size ceiling. It is presumed to be extremely challenging due to the members coming from different geographic regions, practicing different customary tenure systems and production systems, and the varying levels of representation from each region. Most importantly, there has not been extensive deliberation among the network members regarding to this issue.

Another issue around ethnicity should be highlighted here as well. LIOH calls for protecting and recognizing customary land tenure systems as a foundation for the future federal union, which is also a key demand of Myanmar's ethnic peoples. While LIOH passionately aligns itself with historical struggles of the ethnic peoples by supporting customary land systems, the treatment of customary tenure systems should take a cautious approach in the current context. Increasingly, many studies have shown that the market-led agriculture is not inhabited by 'customary' land systems, in contrast to the previous conception that customary systems lack necessary tenure security due to the absence of clearly defined and enforceable property rights, so that the state's role was to create legal instruments to ensure such rights. There are criticisms that customary systems do not sufficiently address the increasingly polarizing effect of social differentiation within agrarian societies and that ways should be found for 'supporting the flexibility of customary tenure yet to protect customary holders from expropriation by local and national elites or other powerful interests' (Peters 2004, 277). It is unsurprising that nowadays many donors as well as organizations which sought to regulate 'to facilitate land investment' and 'to regulate to mitigate negative impacts and maximize opportunities' (TNI 2013) are supporting the recognition of customary tenure arrangements. In this context, LIOH should develop within itself a position on why they support customary land tenure, for which social class(es) and how will it contribute towards the broader vision for positive social change as espoused in the current principles.

There have been discussions on alternative development visions here and there, and not so much on the broader socio-economic and ecological system. Founded on the key principles, LIOH's goal is stated as 'to ensure the rights to land of small scale farmers/ land users & ethnic communities through Federal Land Governance' (LIOH 2018b). For a country as Myanmar, the goal towards right to land is a formidable one given the ongoing oppressive conditions. And it is quite a complicated scenario due to many other actors and organizations with different interests are involved. In such a situation, LIOH urgently needs to think many steps ahead. For this, they also need to clarify how the right to land will situate in relation to capitalism and what is their alternative to capitalism, impacting from both below and above. If not, the demands put out by the network can be easily coopted by opponents and defined them in their own terms to maintain status-quo. Other issues which need further attention within the network include:

(1) The integration of struggles for land in a farming context with struggles for land for territory (especially with EAOs) and land for conservation. For the latter, we see how climate change politics are deeply and widely integrated in land issues but remain almost invisible politically (Franco and Borras 2019) despite emerging struggles for 'agrarian climate justice' as highlighted by Sekine in this special forum.
(2) The issues of gender and generation, despite the strong emphasis on identity politics in LIOH's work, remain weak in LIOH's political work, as discussed by Park in this special forum.

Political work

Strategies and political space

While many of LIOH's founding members have been strong pro-democracy activists for decades, whether and how to engage with the government and with official government processes around land has been a constant challenge since the beginning, and it remains to be true even today under the current government led by the so-called international democracy icon, Nobel Peace Prize laureate Aung San Suu Kyi. In fact, this is the relatively weakest phase of the movement for a number of reasons. Most importantly, the main reason was due to the unparalleled legitimacy enjoyed by the government, a.k.a Aung San Suu Kyi, with overwhelming support from the public since its inauguration. LIOH, like everyone else, patiently waited with high expectations for progressive reforms to be rolled out by the new government. However, this has failed to materialize. Unlike during the authoritarian regimes, most of the social movements and struggles centreed on human rights, even though the specific demands made were different. However, as the NLD government came in, the previously unified base of different movements became fragmented. The target of mobilization became unclear and more broad as the government forged a stronger relationship with the military and the cronies, and opened up the country to big foreign investors – consolidating a process that took off after SLORC seized power in 1988 (Jones 2014). Popularity of the NLD government has declined to some extent at present, especially among the ethnic populations, but there is still significant resistance from within the elite faction of the government as well as from the general public when criticisms are made against them. Criticisms are automatically regarded as pushing the country back to another military coup or as pushing the young government to fail when they face enormous constraints from the 2008 military-orchestrated Constitution and other challenges left by their predecessors. As a result, many actions taken by LIOH have had to be threaded carefully especially during the early years of NLD government.

Meanwhile, relationship between LIOH and many NGOs and donor organizations have been strained over the years. Going backwards to five years' time, LIOH was able to share the space normally occupied by these organizations, particularly during the national land use policy consultation process. But that particular opportunity did not come easy as briefly mentioned above. Myanmar's laws and policy making processes have all been done in 'closed spaces' (Gaventa 2006). It was almost a black box. There was no space for any kind of dissent or meaningful dialogue, which could explain why some NGOs

were extremely cautious about taking risks when the political space initially opened up. And so, the design of the NLUP making process and agenda were pre-set by the Government officials and technical experts from a few local and international NGOs. They tried to condition participation from the civil society organizations and networks into a cooperative engagement. However, LIOH kept asserting their demands using the strength of their mass base and continued campaigning on the ground while taking part in every government consultation session across the country. As a result, tension naturally grew with other NGOs, donors and government officials. To this day, that particular experience and the following frequently contradictory encounters became rooted in the institutional memory of LIOH distinctly, which according to LIOH's secretariat member,

> It should be noted in the country's history how some foreign agencies, ignorant of the Myanmar political context, are actively contributing to violating the rights to equality and Panglong commitments[3] by providing funding and technical assistance to the local organizations which thrive on project money. Some local organizations which were involved in drafting the National Land Use Policy during president Thein Sein regime (the de facto military Government) have continued to work closely with foreign organizations to contribute to passing of VFV Law, the Farmland Law, and the Land Acquisition bill. These have clearly been written in history. (Thu 2020)

Network organizing and alliance building

Let us now turn to look inwards the network. In the beginning, LIOH was formed in an organized structure with a three-person secretariat team and a group of representatives, from each state and region, supported by a program team. This middle layer of representatives was supposed to be a key driver of the network to connect the ground level issues to the national level agenda setting, and vice versa. Along the way, the intermediary positions were eliminated and, instead, focal persons selected from the participating organizations were introduced. However, without a clear communication channel and defined roles, the new positions became redundant afterwards. And LIOH did not have a formal membership arrangement since it was formed. It was the common solidarity around land issues which brought the organizations together, later strengthened by the network's key principles. At the moment of writing, LIOH's structure is more informal than formal. The only formal bodies left are the secretariat and the program teams. Their main functions are to support the highly autonomous regional groups when requested, and to try to bring them together at the national-level if the need arises, for e.g. the National Land Use Policy process. There has never been the push on the regional groups to be identified formally as part of the network nor has the network taken any credit for the local land movements despite numerous behind-the-scene cases of assistance from the secretariat and program teams.

[3]A historic agreement signed among the representatives from Bamar, Shan, Kachin and Chin ethnic groups in 1947 to build the country into a federal state based on the values of democracy, autonomy and equality after gaining independence from the British. Only by agreeing to these terms, the ethnic minority groups decided to align themselves with the Bamar majority to demand an independent country in solidarity.

Box 1. Struggle of LIOH's Dawei regional network

In Dawei town of Thanintharyi region (southernmost part of the country), conflicts surrounding more than 300 acres of land grab by the previous military government and the successive civilian governments for urban development project continue. One of the farmers affected is from LIOH's regional network called Dawei Region Farmer Union. Her house and the two other houses are the only remnants from the previously occupying farming community, surrounded now by new concrete buildings. They refused offers from the government for land compensation which were partially provided to those with official tenure document. They resisted attempts from the government and the companies from encroaching on their land by taking down the fencing and the sign posts which declared that the land belong to the government. In June 2014, twenty farmers were sued for harassing the officials and sentenced to different terms of imprisonment (LIOH 2015b). However, many farmers kept plowing on what remained of their lands while the government ignored their repeated pleas. The struggles continue until today while the farmers remain prosecuted. As of October 2020, the regional activist and eight other farmers have been detained again by the police and are facing multiple charges, while two other protestors – an elderly female and a child – have received bail.

Box 2. Struggle of LIOH's Mandalay regional network

In Pyin Oo Lwin Township of Mandalay Region, located in the central part of the country, the military has confiscated large acres of land from the farmers without any compensation and sold to the cronies, including for a coffee plantation project back in 1988. To reclaim the lands, the two activists from LIOH Mandalay regional network took part in the land occupation protest with the affected farmers in 2016. They were arrested and charged under 'Articles 114 (abetment), 353 (assault of a public servant), 392 (robbery), 427 (mischief), 447 (trespass), and 506 (intimidation) of the Criminal Code' (International Federation for Human Rights 2017). This protest was not an isolated event; but one of a series of protests seizing the opportunity from a relatively open political climate in the country. The event was also a precursor to an over two-week period sit-in protest in Mandalay city in July 2017 (an important commercial city of country) joined by more than 1000 farmers (Ko 2017). It was later crushed by a security force with the protest leaders arrested and without any demands met. Their main demands were to drop charges against all the prosecuted farmers and to return the confiscated farmland to the original owners. During that period, around 500 farmers in Mandalay Region alone have been prosecuted due to conflicts around land grab bing (International Federation for Human Rights 2017).

LIOH's regional groups organized their own movement within their areas employing resistance tactics such as land occupation, demonstration, community land mapping, setting up barricades, releasing public statements, and sending complaint letters. These actions led many farmers and organizers from LIOH's network to have been arrested and charged with various criminal acts. In solidarity, LIOH released or endorsed national statements with other civil society organizations and informed these injustices to the media and the international community, including donors, embassies, and UN human rights bodies. Without a formal structure built on membership and hierarchical positions, the network can be tactically and strategically flexible, and responsive to the emerging political context. On the flip side, without these basic building blocks, it is very hard to consolidate a common political vision and mandate which can help the network in seizing the right political moments. In addition, formalization to some extent can help assess from time to time the strength of membership, pool resources from the members which in turn can enable the practice of 'true reciprocity' (Greenberg 2004, 23) and most importantly, can demand greater accountability from the leadership.

Over the years, LIOH has managed to build an undeniably impressive track record of alliances and coalitions formally and informally. A visible and significant partnership would be a coalition called 'Collaborative Action Network' which included LIOH, Metta (national development organization), MATA (national network of transparency and accountability) and Paung Ku (local civil society organization and a founder of LIOH), all of which have extensive reach to the grassroots population from the whole country. Metta, in particular, is a leading local organization promoting the concept and application of food sovereignty in the countryside. LIOH has also forged alliances with the labour

rights organizations and networks, the activities of which are mostly confined to urban areas where there are established industrial zones. And then there is informal engagement with key political actors including ethnic armed organizations and ethnic political parties. Every effort should be turned into building more strategic relationships to transform into stronger alliances and political work. For example, sealing formal alliances with labour rights network, food sovereignty and agroecology grassroots network (through Metta and Paung Ku), urban slum network (through Paung Ku), and groups of informal workers from the mining sector (through MATA) can enable LIOH and its alliances to make far-reaching and crosscutting demands for a democratic and egalitarian society. And these are just some of the examples.

Concluding reflections and aspirations

Looking back at the past ten years, the journey of Land In Our Hands network has been rough beyond what one would have imagined at the start of the political transition in 2010. Despite these difficult circumstances, LIOH manages to keep on standing as the only multi-ethnic network and the only national movement building initiative that puts out a relatively progressive land reform agenda. At another critical juncture with the upcoming election and the ongoing national land law drafting by the government, it is even more important to pace the political work of the network faster and deeper. Current alliances and coalition building, even including informal engagements, should also be strategically harnessed to contribute towards movement building that can affect radical social change. It must make a far more progressive leap of effort to constitute within itself a mass base composed of a diverse and differentiated constituency of rural working people to actually reflect its key principles. Only through a strong representation of rural working people themselves, equally centred on recognition, redistribution and restitution, will the network transform into a relentless people power movement in the future.

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Appendix

Annex 1

LIOH's core principles

Source: LIOH (2020a)

- Land, water and forests are for those who live on it and work it; whose lives, livelihoods and identities depend on this.
- To stop and reverse 'land grabbing' system-wide
- Define an across-the-board land size ceiling, suited to agro-ecological context, with land redistribution and land restitution system-wide in the National Land Use Policy
- Respect for plural tenure system and customary practices within a federalist system
- Apply genuine environmental protection
- Respect for basic civil and political rights and freedoms of all rural working people, ethnic peoples and rural women.

Annex 2

Source: LIOH (2015b).

Table 2. Amount of confiscated farmland per respondent from each state/region

	Below 5 acres	5–10 acres	11–50 acres	Above 50 acres
Kachin	183 (50.4%)	125 (34.4%)	54 (14.9%)	1 (0.3%)
Kayah	47 (54.0%)	20 (23.0%)	20 (23.0%)	0
Kayin	52 (33.3%)	67 (43.0%)	37 (23.7%)	0
Chin	55 (83.3%)	9 (13.6%)	2 (3.03%)	0
Mon	62 (83.5%)	52 (32.3%)	46 (28.6%)	1 (0.6%)
Shan South	311 (52.9%)	148 (25.2%)	123 (21.0%)	6 (1.02%)
Shan North	57 (39.3%)	64 (44.1%)	23 (15.9%)	1 (0.7%)
Yangon	11 (10.2%)	39 (36.1%)	52 (48.1%)	6 (5.6%)
Bago	118 (35.9%)	143 (43.5%)	67 (20.4%)	1 (0.3%)
Ayeyarwaddy	22 (18.2%)	61 (50.4%)	36 (29.8%)	2 (1.7%)
Magway	86 (51.5%)	62 (37.1%)	19 (11.4%)	0
Sagaing	4 (5.3%)	11 (14.7%)	47 (62.7%)	13 (17.3%)
Mandalay	51 (33.3%)	66 (43.1%)	35 (22.9%)	1 (0.7%)
Tanintharyi	48 (34.8%)	55 (39.9%)	35 (25.4%)	0

Table 3. Year that land confiscation began per respondent in each state/region

	Before 1980	1980–1989	1990–1999	2000–2009	2010 and after	Blank*
Kachin	6 (1.7%)	31 (8.5%)	158 (43.5%)	142 (39.1%)	21 (5.8%)	5 (1.4%)
Kayah	0	0	46 (52.9%)	1 (1.1%)	32 (36.8%)	8 (9.2%)
Kayin	0	12 (7.7%)	112 (71.8%)	22 (14.1%)	5 (3.2%)	5 (3.2%)
Chin	0	2 (3%)	34 (51.5%)	1 (1.5%)	29 (43.9%)	0
Mon	0	1 (0.6%)	40 (24.8%)	97 (60.3%)	13 (8.1%)	10 (6.2%)
Shan South	15 (2.6%)	43 (7.3%)	332 (56.5%)	172 (29.3%)	9 (1.5%)	17 (2.9%)
Shan North	0	3 (2%)	102 (70.3%)	23 (15.9%)	8 (5.5%)	9 (6.2%)
Yangon	3 (2.8%)	15 (13.9%)	47 (43.5%)	9 (8.3%)	25 (23.1%)	9 (8.3%)
Bago	0	0	185 (56.2%)	2 (0.6%)	78 (23.7%)	64 (19.5%)
Ayeyarwaddy	5 (4.1%)	1 (0.8%)	58 (47.9%)	53 (43.8%)	1 (0.8%)	3 (2.4%)
Magway	0	0	35 (20.9%)	94 (56.3%)	37 (22.1%)	1 (0.6%)
Sagaing	0	0	74 (98.7%)	0	0	1 (1.3%)
Mandalay	15 (9.8%)	4 (2.6%)	66 (43.1%)	9 (5.9%)	59 (38.6%)	0
Tanintharyi	0	5 (3.6%)	58 (42%)	35 (25.3%)	21 (15.2%)	19 (13.8%)

*No answer or cannot recall.

Table 8. Who is responsible for the confiscation of their land according to respondents

	Number of respondents	Percentage of total
Military	1268	47.7%
Government department	500	18.8%
Company	370	13.9%
Local authority	154	5.8%
Foreign company	118	4.4%
Military with government department and company	35	1.3%
Military with government department	35	1.3%
Government department with local authority	26	1.0%
Individual	26	1.0%
Ethnic armed group	23	0.9%
Government department with company	10	0.4%
Military with company	10	0.4%
Unknown	7	0.3%
Blank	75	2.8%

Doi Ra is currently a PhD Researcher at International Institute of Social Studies (ISS), Erasmus University Rotterdam. She is member of a European Research Council (ERC) Advanced Grant awarded project 'Commodity & Land Rushes and Regimes: Reshaping Five Spheres of Global Social Life (RRUSHES-5)'. As part of this project, she is working on the contemporary global commodity/land rushes and how these (re)shape the politics of labour and migration, climate, and geopolitics in Myanmar. She has worked with Transnational Institute Myanmar and continues to support its activites in relations to right to land, positive investment, and alternative development approaches.

Khu Khu Ju is a land right activist and an activist researcher. In the past, she has been a spokesperson for the Karen Human Rights Group. She has dedicated her time working with Land in Our Hands, which is a national network for the right to land of small-scale farmers and other rural working people. Currently, Khu Khu Ju is working with Transnational Institute on ethnic conflicts and the rights to land and natural resources program in Myanmar. She has co-authored a report 'Meaning of Land in Myanmar' published by the Transnational Institute.