STATUS OF CUSTOMARY LAND RIGHTS IN EASTERN BURMA

Karen Environmental and Social Action Network

Political Map of Burma

GOVERNMENT SYSTEM

- Burma has been ruled by the military since 1962
- The country is in effect governed by a ‘State of Emergency’
- People are not protected by law and there is no respect for human rights

SITUATION IN KAREN STATE

- Ongoing conflict and human rights abuses
- Civil war between Karen resistance forces and the Burmese military for 60 years
- The Burmese military conducts ongoing human rights abuses including land confiscation, crop and village destruction, extrajudicial killings, forced labour, sexual violence, forced relocation.

SITUATION IN KAREN STATE

- There are over 400,000 Internally Displaced People in Eastern Burma (TBBC).
- Over 130,000 refugees in Thailand (TBBC).
- 1 – 2 million migrant workers

in Thailand (MAP)

CUSTOMARY LAND TENURE SYSTEMS IN KAREN STATE

CUSTOMARY LAND TENURE SYSTEM

Customary Land Tenure Systems are different throughout Karen State, this is an example

Types of land:

- Village demarcation : boundaries can be by mountains, rivers, hills, cliffs or land forms
- Private ownership: usually only when there are fruit trees, terraced farms or permanent houses

CUSTOMARY LAND TENURE SYSTEM

Types of land cont'd:

- Communal land: fallowed lands within a village boundaries are communal lands of villagers in that village. Land can be used for rotational farming. All the community members are allowed to access to resources, eg. timbers, non-timber forest products, animals and fish
- Protected areas : can be community forest, fish protected areas
- Sacred sites : burial ground, spiritual grounds

CUSTOMARY LAND TENURE SYSTEM

Land Management:

- Private land : manage by individuals, but there is usually no restriction to enter private lands to collect forest vegetables, fruits or to go fishing or hunting. Sometimes a land owner might allow other people to use their land temporarily.
- Communal Land – there are certain rules and regulations created by the community, eg. certain animals or pregnant animals are not allowed to be killed, prohibit forest fire, collecting honey, rule of animal grazing

CUSTOMARY LAND TENURE SYSTEM

Land Management:

- Land allocation: usually, villagers know the available land and choose one
- Inherited land – children can inherit land and property from their parents
- Sale – not common, but probably can be done if someone moves out off the community or have debt.
- Land disputes : if disputed parties can't find a solution or agreement, the issue will be taken to village committee

THREATS TO CUSTOMARY LAND RIGHTS

Is an informal system and there is collective ownership and responsibility to manage land sustainably (even private land owners). This management system is sustainable however in the **current conflict situation there are many threats.**

CIVIL WAR

Civil War is the major threat

- Burmese military lack of respect for human rights
- Militarization of land is increasing
- Villagers are displaced
- Lose their land and property

Affects traditional land management practices and ethics

CIVIL WAR

CASE STUDY Luthaw Township

- Offensive increase in 2006 and 2007
- Lose land and property
- Food security of over 8000 people
- Not fertile land
- Overpopulation into this area
- People are relying on food from the jungle, after rainy season will starve

DEVELOPMENT INDUCED DISPLACEMENT

- Gold mining Shwegyin township
- 1997 large offensive.
- The Burmese army granted gold mining concessions to Businessman from central Burma.
- The area is heavily militarized to protect the companies.
- Land confiscated
- Forced to sell their land
- People are denied access to their fields
- There are now over 40 mining companies

CIVIL WAR

CASE STUDY Luthaw Township

- Offensive increase in 2006 and 2007
- Lose land and property
- Food security of over 8000 people
- Not fertile land
- Overpopulation into this area
- People are relying on food from the jungle, after rainy season will starve

DEVELOPMENT INDUCED DISPLACEMENT

- Forced evictions and displacement in Burma are a blatant violation of international human rights laws and principles

  No consultation, no notice, no compensation, no information, violence is used
- People are being displaced for hydro-power/dams, mining, agricultural development (rubber plantations), logging.
- No respect for customary land rights

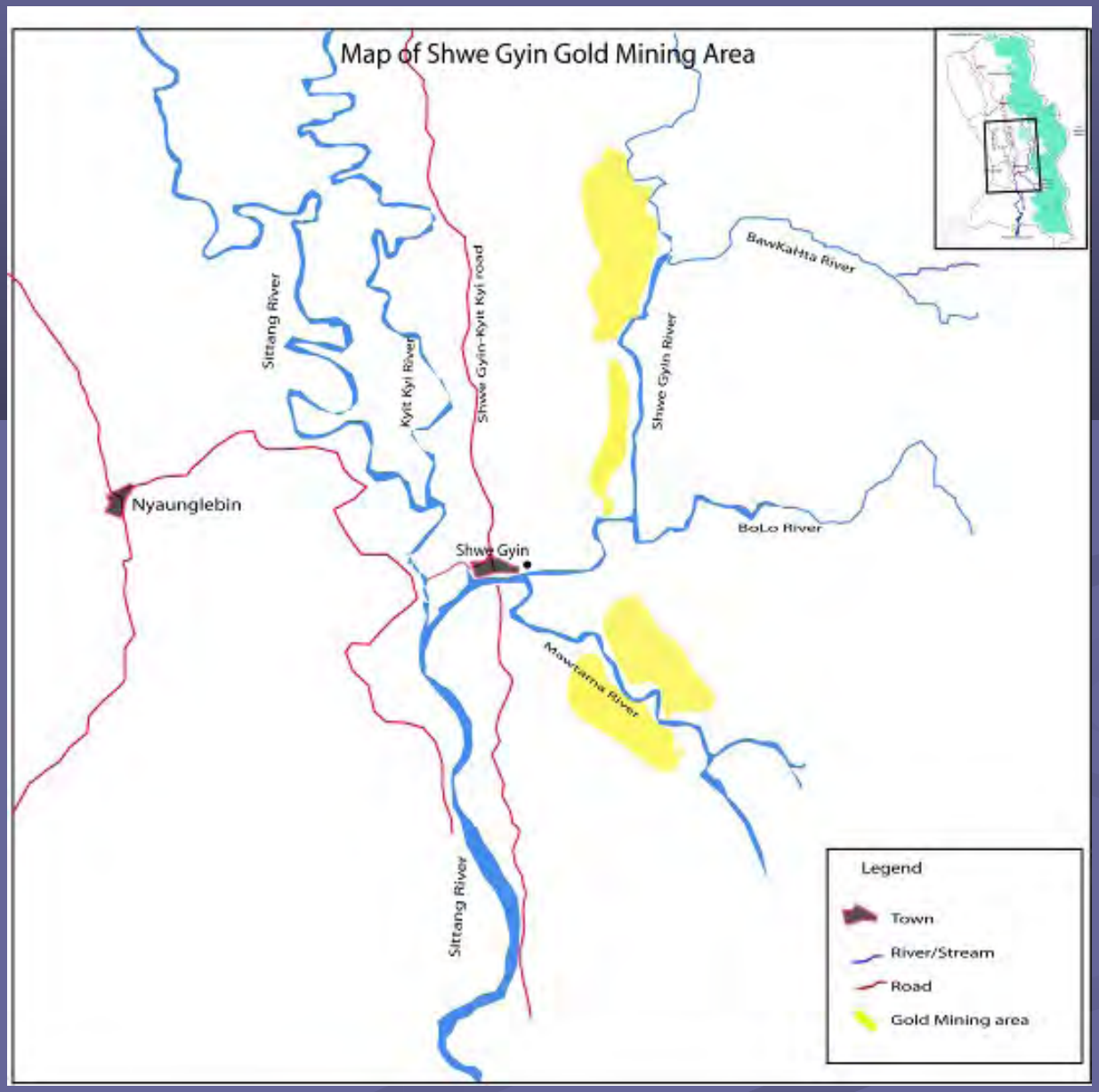
DEVELOPMENT INDUCED DISPLACEMENT

Gold mining Shwegyin township (map)

- 1997 large offensive.
- The Burmese army granted gold mining concessions to Businessman from central Burma.
- The area is heavily militarized to protect the companies.
- Land confiscated
- Forced to sell their land
- People are denied access to their fields
- There are now over 40 mining companies

DEVELOPMENT INDUCED DISPLACEMENT

- People can no longer practice their traditional livelihoods. They are blocked access to their land. Traditional livelihoods included rice farming, mangosteen, betelnut, durian, plantations, gold panning (small scale, sustainable) to supplement income.
- Villagers response to land seizures and denial of access is to sell their land, form small groups and invest in machinery to mine as there is no other choice.


Map of Shwe Gyin Gold Mining Area
Sittang River
Kyit Kyi River
Shwe Gyin-Kyit Kyi road
Shwe Gyin River
BawKaHta River
BoLo River
Nyaunglebin
Shwe Gyin
Mawtama River
Sittang River
Legend
Town
River/Stream
Road
Gold Mining area

DEVELOPMENT INDUCED DISPLACEMENT

“we all suffer … it is very hard to live in this difficult situation… what we once considered our treasure has now become our sorrow… all the places and fields along the Shwegyin River used to be owned by the Karen people. Many of these places are old village sites. When the next generation is asked where their parents lived, they won’t be able to say anything because the land will be destroyed and there won’t be anything left to show them” Karen farmer, Shwegyin township.

OPPORTUNITIES TO PURSUE CUSTOMARY LAND RIGHTS

KAREN PRO –PEOPLES FOREST POLICY

- Policy was drafted alongside communities and leaders.
- Finalised and approved
- Implementation plan

OPPORTUNITIES TO PURSUE CUSTOMARY LAND RIGHTS

- The forest policy recognises ‘Community forests are forests that are sustainably managed by local communities for their own benefit. Each community forest has its own management plan, adopted by the local community and approved by the forest department’
- The pro-peoples forest policy is being used as model now and can be given to future decision makers in a democratic Burma