

LAND GRABBING

*and Impacts to Small-Scale Farmers
in Southeast Asia Sub-Region*



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1. Introduction

This article is part of a research on Land Grabbing in Southeast Asia Sub-Region conducted by Local Action Links (Local Act, Thailand) to study situation on land grabbing and its impacts on small-scale farmers in 5 countries, namely Thailand, Myanmar, Laos, Cambodia and Vietnam. The study was started from November 2013 and will be finished in September 2014. This article presents the first report of the study on cases of land grabbing only in Thailand, Myanmar and Laos. The cases in Cambodia and Vietnam are still under the study, which will be presented when completed.

In the context of neo-liberalism that accelerates expansion of cross-border trade and investments, land grabbing from small farmers in Southeast Asian countries is increasingly alarming. Each country has different economic, social and political contexts, which directly linked with land use and land conflict. Therefore, although land grabbing is a general phenomenon appearing, the causes of the problem, concerned and affected people, disputes and negotiation, as well as direction for dispute resolution, also differ.

One of the major different characteristics of the 5 countries is the political and administrative system. Although many countries claim that they have democracy because of general election, it is evident that election is not the only indicator of democracy. We need to look at how rights of the people are respected and linked with access to natural resources, especially land, which is the essential input for the majority who are farmers in these countries.



Land grabbing causing difficulties and hardships on the people and small-scale farmers, emerges in all countries. Different levels of democracy causes different

manners of land grabbers, degrees of hardship and struggle strategies of the people in each country. Therefore, discussion on the process of land grabbing, aside from considering national and transnational investors, capitalist economic system and neo-liberalism, it is necessary to take into account the political system of each country that is linked with economic system and land grabbing process.

All countries in Southeast Asia are related to some common historical events. For example, most countries were colonies of European powers in 19th century. They were under the rule of dictatorial states. They experienced political conflicts and violence between the state and divided population. Moreover, most states and/or armies of states continued to exercise their power and violence on the people. However, economic and political systems of each country are very different in details, both in the past and at present (Nevins and Peluso 2008: 4). Unique characteristics of each country significantly result in different land grabbing process.

The foundation of land administration in all countries has been laid since 19th century under the influence of western imperialism. Such an era is the beginning of private property, side by side with expansion of market production in agriculture and utilisation of forest and mineral resources. At the same time, the state has earmarked certain plots of land as state properties. The concrete evidence is the start of survey of borders and land ownership by the people. Then, these states started to issue title deed on land with an aim to collect taxes. Earlier, these countries were pre-modern states that did not pay as much attention on control of their borders as people under their control. They used taxation or recruitment of labour of their people as means of control, without considering the size of land ownership. There was also no survey of definite borders, but focused on assessment of central state power from the volume of tributes sent in as the sign of royalty (Vandergeest and Peluso 1995).



Cambodia, Vietnam and Laos were all colonies of France, commonly called French Indochina. France divided these countries into 5 territories, namely Kochinchina, Annam, Tonkin, Laos and Cambodia. Only Kochinchina was under direct control of France, while others were protectorates of Kochinchina (Cherdkiat, 1997: 26). Myanmar was under the rule of British imperialism. The rules of France and British brought about massive changes in land administration in these countries. This is the starting point of the process of territorialization, when states started to collect their revenues from land and natural resources for improvement of armies and security of the states in time of war. The formation of modern states resulted in exploitation and oppression of the people in Southeast Asia who were forced to accelerate their production for processing of natural resources. Labour has become commodity responding to economic gains of colonial powers and local states under the rule of European powers (Vandergeest and Peluso 1995, Nevins and Peluso 2008: 3)

Land administration system introduced by western colonial powers has yielded significant change in many aspects in countries in this region. In case of Vietnam, for example, it was not satisfied with exploitative land administration system introduced by its colonizer, which was one of the key factors leading to emergence of patriotic movement and revolution based on communist ideology, which later the left wing was able to establish its rule over the country. However, colonial influence has not stopped after the end of World War II when colonial powers have left, direction of land and forest administration in several countries continued yielding impacts for a certain period before it was discontinued due to revolution, wars and political instability of states in several countries.



After gaining independence from colonization by European powers, each country had to experience wars among their population in Indochinese countries, such as Cambodia and Vietnam. The state of civil wars led to division in the countries. For example, there was war between Myanmar military government and armies of different ethnic groups. There was division of Vietnam into North and South. There was conflict in Cambodia between Khmer Rouge and the government. Wars and conflicts caused

chaos in the countries in several aspects. This situation has caused changes and uncertainty of administrative and economic systems for several decades before the wars gradually ended up and peace has been restored. Then, the governments of Myanmar, Laos, Cambodia and Vietnam have adopted socialist economic policies, and introduced collective ownership system of land administration. Land once belonged to private hands were expropriated as collective or state property. This means that private ownership system introduced during colonial period has been abolished. As for Thailand, although it has never been directly colonized by western powers, but it has been also influenced by the direction of land administration through private ownership since the 19th century. This process began with mapping survey, registration of civil land ownership, introduction of an act on forestry legalizing land ownership by the state in the Kingdom, as well as the following introduction of land decrees. Furthermore, Thailand has been using this land administrative system until now without modification or abolishment like other countries.

After the wars, each country sped up recovery of the economy that was damaged by wars, but political and economic systems in these countries, except Thailand, were socialist. These systems have limited rights to land ownership. They enforced collectivized production based on low production technologies, which were limitations resulted in slow economic recovery.



In particular, the people were not motivated to develop their production system. Worse still is that some countries 'shutdown their countries' and refused aid from other countries for several decades.

It was only in the last 2 decades that all countries put their priorities to economic development in the same direction. In particular, Vietnam and Laos have adapted their socialist economic policies towards achieving economic growth under capitalist system during the same period, starting in 1986. Both countries adopt similar policies. Namely, Lao government has adopted the policy on 'new thinking', while the Vietnamese

government has adopted 'Doi Moi' new recovery policy. More or less at the same time, Thai government has also adopted a policy on 'changing war field to trade area' during the administration of General Chartichai Choonhawan in 1988-1991. Change in economic policies in these countries was influenced by external factors, especially the end of cold war and wars in Indochina. As for Cambodia and Myanmar, wars in both countries continued until they ended at the end of 1991 when Cambodia signed peace agreement in Paris in October, resulted in late start of recovery and development than other countries. As for Myanmar, there were still armed conflicts between the government and ethnic groups, which still continue until today. However, economic development has started seriously a few years ago when economic sanction against Myanmar has been lifted by international community. These economic development conditions led to differences in land administration and land disputes in each country.

Economic development policies of different countries are implemented through motivation and improvement of modern production system, promotion of domestic investment and opening up of the country for foreign investors. Such a direction is linked with introduction of land administrative system to attract investors in agricultural, service and industrial sectors. Although several countries continue to hold on socialist economic system without allowing the people to have complete ownership of land, claiming that the land belongs to all the people, and the state has the duty to allocate it to them for use for a certain period of time, as the land administration systems in Vietnam and Cambodia. However, actually, the government in each country tries to grant the rights to land close to private property system in capitalist system, so as to give motivation and confidence to investors.

2. Case Study on Land Grabbing and Impacts to Small-Scale Farmers in Thailand

Thailand has a total land area of 513,115.020 square kilometers, or about 198,953 square miles. It is located in the center of Southeast Asia. It is like a door to Southeast Asia and Mekong Sub-Region. In 1995, Thai economy was one of the fast growing economies of the world with an average growth rate of 8-9% per year. After recovering from economic crisis in 1997-1998, Thai economy continued to grow again, although with stagnations at some intervals due to global economic recession and unstable politics, as well as great flood. Economic growth also means growth in land market at the same time due to expansion of production and investment. However, the gains from prosperous economy are not equally and fairly distributed. As a result, Thailand sees big gap in income and opportunities, especially in the North and the Northeast where poor population are concentrated (World Bank 2014).



2.1 Political History related to Land Administration in Thailand

The history of land administration evolution of Thai state is very different from other countries earlier mentioned due to the land administration system developed since the reign of King Rama V until now, while political systems in other countries also

changed, and their land administration systems also change. Land administration evolution in Thailand can be classified into 2 periods according to major historical events related to land administration system, namely in the first period it was introduction of private ownership, and in the second period it was prosperity of land market.

1) Introduction of Private Land Ownership

During the reign of King Rama V, neighboring countries of Thailand were ruled by western powers. Although, we could say that Thailand has never been colonized by any western countries, but land and forest resource administration of the country was influenced by western administration system from that time onward. Earlier, there no clear demarcation of national borders. The Thai state has started to conduct survey to clearly define national borders. Although it was understood that this move was a direction to prevent western invasion, yet there are academic studies showing that such a move aimed more at collecting revenues from exploitation of natural resources. The border survey started when the administration in Bangkok wanted to monopolise the power in granting logging concession and collecting revenues from logging in the northern Lanna Kingdom, which was under the rule of Bangkok (Vanderveest and Peluso 1995). Later, Department of Forestry has been set up in 1896 to specifically manage revenue from logging. The first director of this department is H. Slade, an English man who had a task of forest administration in India for the British colonizer.



Regarding land administration, private land ownership has been first recognized during the reign of King Rama V, which was also driven primarily by economic interest. The colonial period saw high economic expansion and growth. Foreign countries were in need of products from Thailand, especially rice and timber. Therefore, to expand cultivable land, a project on irrigation canals was initiated for agriculture and transportation of the yield to market. Expansion of farmland resulted in high incidents of conflict on land, especially along the irrigation canals. Yet, there are no systematic official evidence for use in investigation and verification of rights to land possession.

These conditions had influence on development of land administration system in the later date (Sayamol, 1990: 36).



After setting up the Department of Forestry for 5 years, Department of Land has been set up on February 17, 1901, and title deed has been issued for the first time in this same year. Later, this and the following orders protect rights of citizen to land, which is an absolute ownership. As a result, transaction and transfer of land is done by market mechanism without any intervention by the state, except when the state wants to expropriate land for development or security purposes. Beside protection of private ownership rights, the law on land also has an objective of entitling the state to collect revenues from land possession by citizens, because the announcement of title deed issuance in 1901 also provides that land with title need has to pay land or farm fees to the government every year (Sayamol, 1990: 38).

Apart from collecting revenues from land that citizen possess and farm, the state also passes the law to demarcate certain plots of land as state ownership. A law that is much mentioned, and that the state uses as instrument to arbitrarily claim rights to land but it is not the law on forestry, is the act on forestry A.D. 1941, which provides for the first time that all the land in the country, whether it is forest land or not, and if it is not claimed for ownership by anyone, namely no legal title deed, is the land under state ownership.

The law that protects private land ownership for the purpose of revenue collection, which has been used until now, is the act on land codes enforced since December 1, 1954, which is the master law on land, and gathers all dispersed laws related to land into the same codes. However, at present classification of land, issuance of title need and other land rights documents, and land right claims are still complicated and confusing, and also lead to serious conflict over the country. For example, there are several types of land titled deeds indicating rights to land, such as Sor Khor 1, Nor Sor 3,

Nor Sor 3 Gor, title deed (Nor Sor 4). When there is dispute on rights to land, many local people claim their rights to land by referring to other rights system beyond legal ownership system, such as traditional and customary rights and community rights, etc.

After applying the private ownership system, land in the country managed primarily under market mechanism while the state does not have any serious measure to limit the size of land ownership although it is well aware of the problem of land concentration with the existence of land reform law, and with attempt to pass law limiting land ownership size. Actually the democratic system and adoption of liberal capitalist economy make it difficult to limit and control land ownership. The state tries to do land reform under land market mechanism. For example, it has the idea of enforcing taxation on land, or doing land reform by buying private land and allocating it to poor farmers. However, redistribution of land ownership has not made significant or concrete progress, partly because land reform would negatively affects interest groups that have high economic and political powers, while the government has not allocated financial resource to buy land for redistribution to landless farmers. The past land reform was only a distribution of state land, which is mainly deteriorated forests, to farmers. This effort later caused the problem of land loss from the hands of farmers due to failure in farming.

2) Prosperity of Land Market (1988-present)

Economic development of Thailand has been continuously carried out since the end of 1950s when the Thai government introduced development policy and the first national economic development plan as per recommendations of World Bank. Such a development resulted in expansion of land possession and use, like urban industrial development, or expansion of farmland in rural areas. However, the prosperity of leaping land market occurred during the government of Gen. Chartchai Choonhawan in 1988-1991 under the policy of changing war field to trade area, with a policy to develop Thailand as the 'fifth tiger' of Asia, which means a newly industrialised country (NICs). This policy has accelerated massive investment in real estate, and also speculation of land owned by small owners with a hope to rapidly sell it at a much higher price without an aim to use it for production or any other business enterprise on.



More or less at the same time, the Department of Land has started a project to accelerate issuance of land title deed across the country with financial support from World Bank and Asian Development Bank in 1985-2004. Based on its principle, World Bank perceived that title deed would ensure land right security, and be a motivation for investment in production or use of the title deed to raise more fund for investment in more effective production (Land Titling Office, 2001: 14). The Thai state also realized the need to accelerate issuance of title deeds because it has not been able to issue title deed fully for the whole country since the first introduction of land law during the reign of King Rama V, due to the current land market situation and projects of the Department of Land. Therefore, in 1991-1992, issuance of different types of title deeds was sped up and expanded (Land Institute Foundation, 2002: 6-5). The main impact is concentration of land. World Bank reported that before 1980s, distribution of land was good. However, when World Bank provided financial support of 183 million US dollars to enable the government to speed up issuance of title deed to farmers in 1984, real estate bubble burst out in 1990 while farm price fell down sharply. As a result, many farmers sold their land to investors, which increasingly worsened land concentration (Environmental Defense 2002, cited by Manin, 2011). A survey conducted by Land Institute Foundation in 2002 shows that land concentration is classified into 2 types, namely ownership of a single plot of large track of land over 200 rais, and ownership of several plots by a single person. Most lands are not fully used. In Thailand, plots of large track of land with over 100 rais account for 5% of all lands, while the majority at 87% is smaller than 5 rais (Land Institute Foundation, 2002).



Apart from land ownership transferred under market mechanism, during this period there was also many cases of land grabbing carried out by state agencies in the name of development and conservation of natural resources. Since the end of 1970s, the state introduced a policy on acceleration of economic development, resulted in introduction of many development projects, such as construction of large dams for power generation and irrigation, building of government complexes, industrial estates, as well

as development of infrastructure, such as road and express way construction, and so on. These projects needed large track of land, mainly possessed by local people with and without title deeds. As a result, disputes between state agencies and development project owners, against local people who possessed the land. Regarding land grabbing in the name of conservation of natural resources, most cases occurred in state forest areas, where in reality millions of people are living without legal rights. Also at the midst of 1980s, the state gave priority to conservation of natural resources. It has introduced a policy to expand conserved forest areas, as well as implementing different projects, such as projects on allocation of farmland for poor people in deteriorated forests, conservation and recovery of watershed with a claim for conservation of forest areas. Moreover, there were also cases that the state grabbed forest land from the people who lived there for their livelihood, and granted many concessions to private enterprises for reforestation and economic forest plantation.

Apart from ongoing land grabbing for speculation in land market, expansion of trade and investment in Thailand in both agricultural and industrial sectors also lead to greater need for land. Compared to the other 4 countries, Thai economic development achieved longer continual growth, resulted in ongoing growth of land market. Although Thailand suffered economic crisis in 1997, it could be said that such crisis caused stagnation in land and real estate markets only for a short period, which was recovered and grew up again shortly after that, side by side with expansion of trade and foreign investments in the process of economic globalization.

Regarding foreign investment, Thai laws do not allow ownership of land in the Kingdom by foreigners. However, there are also laws that grant rights to foreign investors to lease land for a long term. In this regard, the Department of Land has tried to modify the act on land lease for commerce and industries 1999 to expand land lease period by foreigners from maximum 50 years to 99 years, which is favorable to foreign investors to do business in hotel, shopping centers, trade and industries (Tharn Setthakit, 2013). Investment promotion enables foreigners to possess the land in the country. It is reported that at present one thirds of the land in Thailand, or about 100 million rais are possessed by foreigners (Sriracha Charoenpanit, 2012).

2.2 Case Study on Land Grabbing by a Big Company in Petchaburi Province From Rice Field to 100 Billion THB Project ‘Bangkok 2’

The situation of land grabbing in Petchaburi Province, two hours to the south from Bangkok, has started in 1977 by B.C. Company¹, which started its operation by buying

¹ There has been no chance to check the title deeds, but it is confirmed that it is only one investor which bought this large track of land. Therefore, this study will call assumed name instead.

large track of land to grow pineapple feeding canned pineapple factories.² During the initial period of land grabbing, land acquisition was done in general with no specific area. It used the method of proposed purchase and gradually accumulates the land until now (2014). B.C. Company³ spent over 37 years in buying the lands. This plot of land covers the total area of around 15,000 rai⁴ in 5 sub-districts of 2 districts, namely Cha-am and Tha Yang of Petchaburi Province. After buying land at the initial period, there was no plan on project implementation on the land. It has been left idle. Until 1992⁵ when Thailand was under military government, the ruling National Peace Keeping Council introduced a policy to expropriate private land that was left idle. As a result, B.C. Company Group came in to clear and level the land for pineapple growing, but it was not profitable. Therefore, it has stopped this operation. Later, it has dug wells and built roads, and conducted land planning. It has also dug a large pond on an area over 100 rai to get the soil for new 4 lane road, with reallocation of land space.

A new town construction 'Bangkok 2' mega project has been born when pineapple growing project to feed canneries and export has stopped due to its non-profitability. It has moved the growing area and built a new factory at Cha-am factory. The land development plan for 2016 developed by B.C. Company, which included a plan on land development for new town 'Bangkok 2'⁶ building, is a large project with a plan to build a road along the coastline with construction of a ferry dock linking Chonburi and Petchaburi. At present, the Company has started to dredge canal linking the sea.

Initial Reason for Farmers in Tha Yang and Cha-Am Districts to Sell their Land

1) Debt

At the beginning, the main reason of the farmers for selling land was indebtedness, which was the main factor for them to make decision to sell their rice fields⁷ due to their pressures caused by several factors, such as rising cost of living, falling farm price, and expenses on education of their children, including the long life story in rice farming when they only had straws and debts. All these factors pushed them to easily make decision.

² 1st interviewee, as a local Real estate agents , at Nong Sala Sub-District, Tha Yang District, Petchaburi

³ assumed name

⁴ The size of land is not accurate because it has not checked title deeds at the district land office.1 hectare equals to 6.25 rai

⁵ Before 1977, the state had a flexible policy on encroachment of state land. After 1977, an order was issued by the Office of Prime Minister on solution of encroachment of state land 1977, which has threatened investors to lose their land.

⁶ The same person.

⁷ Piyaporn Arunpong, "Debts, Land and Food in the Current of Vulnerability of Producers", in 'Peasants: the Detrimental Life', Pongtip Samranjit, editor, 2013, p. 128-129

The major creditor of all times of the farmers is Bank for Agriculture and Agricultural Cooperatives (BAAC). Debts due to other banks or informal funding source were minimal.



2) The Future without Successors

"Now, the children are not interested in rice farming⁸"
"After finishing her study, my daughter has got a job as civil servant in town. She is married and settles there. She will not come back to do farming like me.⁹"

The value taught throughout generations of the Thai rural poor is 'study to be a master and a boss'. All parents of farming households sending their children to study with an aim for them to live a life without difficulties, hardship and instability, while are easily and always exploited and manipulated, and without bargaining power. Therefore, they teach their children to study and become civil servants, or work in secure companies, which is happier and more comfortable than rice farming. As a result, most decisions to sell their rice field were not opposed by their children. 'I gave the land to my grandchild, who immediately sold it'.¹⁰

The major problem that separate children from their farms is an educational system. It partially plays a role in providing alternatives in livelihood, which might be

⁸ The same person.

⁹ 2nd interviewee, at Tha Khoi Sub-District, Tha Yang District, Petchaburi.

¹⁰ 3rd interviewee, as a farmer who sold her land, at Bang Luang Doad Sub-District, Bang Barn District, Ayuddhya

better than farming. Education also injects the perception that farmer's life is full of hardship and has no future. Furthermore, social and economic changes are the factors influencing decision of children how to choose their way of life to exist without great hardship. In addition, state policies do not encourage curriculum of educational institutions to teach children true values of farmer's way of life. Yet, it should not be forgotten that the path of children in leaving rice field is pushed by their parents so that they would get education and quit farming occupation.

"Sometimes, it is family members who play a part. For example, father does not want to sell the land, by his son sells it. Father has to sell the land to distribute the money to his children. When this child sells the plot near the road, the children who have the plots at the back, are forced to sell their land because their plots do not have access to the road."

3) Price Current

Farming society based on the culture of subsistence is attracted to change called 'development' through export-oriented economic development policy since 1961. As a result, farmers have learned more skill from production based on human or animal labor with natural inputs to purchase of production inputs, which require costs and wages. Market and trade emerge and enter into all households. Farming society has changed its traditional value towards materialism, while the only medium of relationship in society is 'money'.¹¹

Farmers in the current of economic-based development promoting the value of materialism, which takes rice field merely as asset that can be liquidated, following the government policy under the leadership of Thaksin Shinnawatra in 2003.¹² It is the year that rice fields of farmers were sold the most,¹³ while the price has soared up from 100,000-150,000 THB to 250,000 or 3,000,000 THB per rai for land along main roads. Furthermore, as the impacts of the policy direction plus economic expansion, investors have come in to buy land. There is a process of land speculation, which pushes land price to continue rising non-stop. As a result, many farmers faced financial failure, or did not have successors, and, thus, decided to sell their rice fields.

"Farmers have not thought about this in those days. Those who sold their land later spent all their money and they do not have land anymore. They only have a small plot on which their homes were built. In the future, how their children would live. We sell our land when we see others selling their land. We want to be rich like others."

¹¹ Thararat Bamrungsri, "Change in Life of Farmers in Thanu Sub-District, Uthai District, Ayuddhya, after Selling their Land", dissertation 2010, p. 3-4.9

¹² Read in Order of Office of Prime Minister on Policy on Securitization 2003, points 1-27, copied from <http://www.kodmhai.com/Rbk/New2/N30.html>: March 9,2014

¹³ 1st interviewee, on March 3, 2014

4) Pressure and Threat

The cultural way of agriculture of farmers takes possession and inheritance of land as important. Furthermore, the key principles on good land include that it should be located along the road, easily accessible, closed to canals and have good neighbours. Therefore, farmers respect one another with traditional agreements that they should share walkways and water for farming. It is a reciprocal living in farming society. Therefore, when other farmers sold their farms which would block communal walkways, those who live on inner plots of land would not have neighbours or bargaining power because new land owners are influential outsiders. As a result, they are not confident in their future if they could have access through the land owned by others. The new owners are not their cousins or community members. ‘Some realized that they do not have friends or access to main road. At the end, they had to sell their land. Many were forced to sell their land because their plots are land-locked.’¹⁴

Regarding threat, there is no clear evidence. However, there are some surrounding factors from the mechanism of buying lands in different forms, which have put pressure and threats as shown in the following examples.

- Large machineries are brought in to level the land with loud noise and spreading information on the project on mega urban area development as ‘Bangkok 2’, surrounding rice fields.
- Sent key agents to talk on a regular basis to put pressure and persuade farmers. ***‘Going once it might fail, but a few visits will finally force them to sell.’***¹⁵
- Sent local influential people to come and offer to buy the land
- Spread news on the network of influence and status of those who are behind this purchase, both the project owner and influential people who benefit from the project.

“At that time, B.C. company¹⁶ had to visit this local influential guy. Then, this guy contacted local agents to assign one to contact land owners. Beside this local influential guy, the chief of provincial administration organization always facilitate this transaction.”

¹⁴ Uncle Nong, March 5, 2014

¹⁵ Same person

¹⁶ assumed name

Mechanism of Investors in Grabbing Land

1) Awareness of the situation of bankruptcy: Every time after the state introducing special loan or economic promotion projects and attracting farmers to take part, farmers will become indebted and bankrupt soon. At the end, they will get notice from banks to pay their debt and lawsuit will be filed to confiscate their land. As a result, farmers are forced to sell their land as soon as possible to pay off their debts. The state mechanism implementing this operation provides opportunities for farmers to seek loan to invest in their farming. The main financial institution is Bank for Agriculture and Agricultural Cooperatives (BAAC). Moreover, following boom crops and market price are also additional factors that push farmers to be indebted, such as a project on cropping to replace rice farming, second rice cultivation, CP chicken farming, etc. Indebtedness results from lack of skill on the part of farmers and fluctuation of prices while cost of production is rising.



The coming of B.C. Group¹⁷ is always at the right time when farmers were facing financial pressure. In addition, the overall economic situation also pushed the farmers to

¹⁷ Assumed name

hurriedly make decision to sell their rice fields because most farmers started to follow the mainstream society in consumerism.

2) Building Price Current: The ongoing land price attracted farmers to sell their rice fields in the midst of fluctuation of rice price and the rising cost of production every year, while they lacked labor. As a result, a good number of farmers liquidate their assets, i.e. rice fields, as capital, and changed their occupation. One can see the rising price of land for the past 3 decades (1977-2014) when the price was about 60,000-70,000 THB to 100,000-200,000 or even as high as 3,000,000 THB per rai. This land price corresponds to the state policy on acceleration of title deed issuance process and various agricultural loan projects.

"Agents will get price quota from influential guy in the province. Then, they will buy land at lower prices. If they could do it, they would make gains from surplus."

3) Selection of agents: The successes of B.C. Company Group¹⁸ in buying land started with selection of land buying agents. They must be '**good and well-known persons**'.¹⁹ In addition, they should have a capacity to ask or know local people at all levels. Therefore, the network of agents buying land for B.C. Company in Tha Yang and Cha-Am Districts is big and complex, with some directly accountable to local representatives and independent who get their earning per plot of land. The network of agents will get their share in different forms depending on agreements ranging from village level where they have roam around the village to enquire for information. At the sub-district level, there are 1-3 agents. For example, in Cha-Am District, Nong Sala Sub-District has 5 agents, Bang Gao Sub-District had 3 agents, Na Yang Sub-District has 1 agent, while in Tha Yang District, Nong Tapong Sub-District has 2 agents and Puktian Sub-District has 2 agents.²⁰ All agents are directly controlled by 'a millionaire' who is the influential guy in the province who deals with the Company and mediate with state agencies, with a support from the chief of provincial administration organization. 'The influential guy' will determine the price on each plot of land, and inform commission for agents who can buy the land. Then, 'the influential guy' will contact and facilitate ownership transfer process after the transaction is concluded.

"If farmer did not want to sell land on the first visit, he will sell on the second, or the third visit."

¹⁸ Assumed name

¹⁹ The same person

²⁰ The same person

4) Ongoing Follow-up: Transaction on land deal is not easy, because the way of life of Thai people, especially farmers, is traditionally and closely linked with land. Therefore, buyers should be popular or well-known person who come in on the right time and is respectable, showing sincerity, and make regular visit. In particular, the agent should be patient with good technique of negotiation and persuasion, knowing when to push forward, all of which are essential qualifications of agents, which helped achieve successful deal of land grabbing at a large track of 15,000 rai.

5) Process of forming Landlocked Farm: Practically, large track of land can be bought by buying smaller plots in disperse depending on willingness of farmers. Small plots are gradually accumulated. Based on administration principle, agents tried to buy plots surrounding major spots and seal off entrance to other plots, preventing owners of inner plots from having access to communication and bargaining power. This is a key mechanism pushing for massive sale of lands. Therefore, the process of making inner lands landlocked is another core method pushing owners to sell their lands.

6) State agencies and officials are involved in facilitating the process: Money power normally lays its foundation by building good relationship with local politicians and civil servants, and people popular and respected to local communities by providing some benefits. It provides fund or machineries for local development, such as building road for the people to travel, digging canals, allowing the people to stay on and make their living, etc. Images of the agents, B.C. Company²¹ and relationship with local civil servants and community members make it difficult for farmers to refuse selling their land.

"At this moment, farmers want to sell their land, but the price is not high because my boss want to keep the price low. Therefore, no one have sold their land"



²¹ Assumed name

Life of the Farmers after selling their Land

Normally, farmers do not carefully plan their spending and investment. Therefore, when they cannot control their money, while they don't invest in their production, their money will be finished soon. Certainly, many farmers have become poor, landless and indebted. As a result, they finally have become landless workers.

While B.C. Company²² is strong and continues to buy land on important location, such as buying the whole village like the case of Ban Muang when the Company negotiated to buy the whole village, but the people do not want to sell although all their rice fields were surrounded by the lands bought by the Company, except the village. If the people decide to sell their village one day in the future, it means that the company has deleted some villages from the map of Thailand.

2.3 Conclusion

Private land ownership administration in Thailand basically follows mechanism of land market. This causes land concentration and speculation. The state minimally interferes in this market mechanism. However, the state plays a role in indirectly facilitating land grabbing by promoting private and foreign investment in different businesses, especially agri-business which requires large track of land for cultivation while the state does not have measures to limit or control land grabbing by both private and foreign individuals and business corporations. On the contrary, the state tries to be flexible or exempt some strict measures on control of land possession for investment promotion. However, beside land grabbing for production, it is evident that the non-interference by the state resulted in land price rise, concentration and speculation. Consequently, private land is left idle, and leading to distort land market and economic revenue, while many people need land for their production, especially small-scale farmers who want land for their farming.

²² Assumed name

3. Case Study on Land Grabbing and Impacts to Small-Scale Farmers in Laos

Laos is a country surrounded by mountain ranges. It is considered to be one of the poorest countries in this region. In the past decade, there was big change in land use in rural areas under the government policy that supports growth and market economy. Laos has becomes a major source of raw materials, the land for large scale plantation, and power production for economic development in other countries, such as China, Thailand and Vietnam, which share the same borders. About 7-8% of its GDP comes from natural resources, mainly mining and hydro-electric power. Rural population continues to engage in subsistent farming. Concerning administration, Laos is ruled by people's revolution party, which is communist. This means that all the land belongs to the state, and investors can have access to land through seeking concession or lease for a period of 25-50 years.



Large scale investment on land is normally done by transnational corporations supported by financial investors. These corporations try to have access to land in

developing countries to produce food and non-agricultural items, including bioenergy. Access to land is mainly done in the form of lease. Laws in Laos do not allow foreign investors to buy land in the country, but allow land lease for a period of 35-75 years, which are renewable (Kenney-Lazar 2011: 2).



3.1 Land Use under Investment and Trade Policies of Laos

Laos has adopted socialism since 1975 following the model of Soviet Union, and has started moving towards liberal market economy in 1986 with the policy on new thinking through New Economic Mechanism (NEM), which promotes greater economic relationship with foreign countries. It also set up a one-stop service for investment promotion through Department for the Promotion and Administration of Domestic and Foreign Investment (DDFI) with measures on investment promotion of foreigners in Laos. As for special cases based on agreement with Lao government, foreign investors

will enjoy rights and benefits from investment if that investment are large and significant to economic and social development of Laos. For example, foreign investors have the rights to lease land in Laos (for 30 or 50 years from the state), and have the rights to transfer this rights and benefits from the lease, as well as having the rights to ownership and rights to transfer all properties acquired and produced from the leased land.

Regarding the rights of foreign investors, the Land Law clearly state that foreign investors do not have the rights to ownership, usufruct, or other rights to land use as the rights of Lao citizens. Foreign investors have the rights to use the land only when they sign land lease contract or are awarded with land concession by the government. In other case, they can sign lease contract with Lao citizens, or enter into joint business venture with Lao citizens, only by using the rights in land as shares. The proposed land for lease can be private land with usufruct or land use rights, or state land, or land with original ownership of land rights belongs to the state. These mean to two land types, the state land has not yet allocated or granted rights to any citizen, or the private land with land use rights granted by the state.

Ownership of such land is important because the right of investors to land lease includes procedure in concluding legal contract between state land and Lao citizen is different. In other words, if it is a lease or concession of state land, maximum lease period is 50 years, renewable on a case to case basis as agreed by the government. In this case, application for land lease must be submitted for approval. In case of mega project, concession has to be sought according to the provided model, directly with the government. In case of leasing land from Lao citizen, it basically depends on agreement of the contracting parties, with a maximum lease period of 30 years, renewable depending on each case with approval from Land Administration Authority, which is the main organization responsible for land issues in Lao PDR.

Foreigners cannot have land ownership. The Land Law in Laos provides that Lao citizen may transfer land use right to foreigners through lease, purchase or sale, or inheritance. Foreigners investing in Laos may apply for right to land use through lease or concession as the case may be. In general term, foreigner could seek land lease for a maximum period of 30 years, except in some case that the government might consider special lease conditions, such as land lease for investment and business operation for a period of no more than 50 years, and lease of land in special economic zone at a maximum period of no more than 75 years.

3.2 Contract Farming for Rubber Cultivation

To do contract farming, foreign or local investors have to apply for permission on contract farming directly at the provincial office where cultivation will be done. The

provincial office will facilitate contacts, negotiation and conclusion of contracts in advance with Lao farmers (at present, Lao PDR is in the process of developing standards on advance business contract enabling Lao farmers be aware of punishment if contract is not respected). In this case, farmers entering into this contract will be growers and caretakers of rubber trees on their land, as if it is their own investment. It is different in that investors will be responsible for expenses on inputs, such as seeds, tools and equipment used in rubber cultivation, as well as providing appropriate advice on rubber cultivation for the farmers, like care of rubber trees, and tapping. Besides, investors will buy all rubber latex at the agreed price, while rubber wood will be shared by half each for investors and farmers. Investment in contract farming is found in the northern part of Lao PDR, especially in 3 main provinces, namely Luang Namtha, Bor Kaew and Oudomxai.



Rubber plantations in Laos are dispersed in different areas with favourable geographic conditions. In the North, there are 3 provinces, namely Luang Phrabang, Oudomxai and Or Kaew. In Central Region, there are Boli Khamxai, Khammouane and Savannakhet, and more concentrated in 3 southern provinces, namely Champasak, Salavan and Attapue, which account for around 40% of all growing areas. In the past 2 years, Laos has improved Land Law on ownership and leasing several times, resulted in the rising lease fee several times higher from earlier less than 1 USD per rai per annum. At present, the lease fee will be calculated from the size of land, its location and zone. In the past, provincial office was able to approve unlimited land lease for investment. However, at present, land lease of over 100 hectares requires approval from the Land Administration Authority.

3.3 Concession of Large Track of Land in Laos

Study on impacts of land concession projects for agri-business²³ reveals that land concession has been first granted in 1992 according to Land Law, which grants land concession to Lao citizens and foreign investors. This study discovers that granting concession is to grant rights on the land overlapping people's farmland that Lao authorities have allowed the people to use the land under the policies of the Department of Land and Forest of Laos.

In particular, about 167,000 ha in southern part of Laos have been granted concession for mono-cropping as an economic investment. About 80,000 ha are cultivated with eucalyptus trees, and 46,600 ha are cultivated with rubber.

The following information is examples of land survey for concession on large track of land applied by foreign investors.

- ◆ Oji Company from Japan applied for 50,000 ha of land in Bolikhhamxai and Khammouane Provinces.
- ◆ Aditya Berla Grasim Company from India uses 30,000 ha of land in Savannakhet Province.
- ◆ Viet-Lao, DakLak, and Dau Tieng Companies have concluded investment agreement on rubber cultivation on over 30,000 ha in Champasak and Salavane Provinces.

The study on impacts from concession of large track of land explains that expansion of rubber industrial business from land concession in Laos has yielded massive changes, especially its impacts on communities on land use in the concession area. What is very apparent is land conflict between investment companies and local communities.

◆ Model of granting concession is loose and overlapping. For example, most concessions have been granted without land survey and lacked consideration of physical conditions of the area appropriate for cultivation. The land also overlaps land officially granted for use by local communities. There is no study and assessment of social and environmental impacts, as well as study on cost effectiveness of the investment. Further, there is no consultation with affected people in communities. There is lack of monitoring mechanism, inspection of investment for control and effective land use. It is also found that there is a patron and client relationship in granting concession when investors have to adjust themselves to this relationship for some privileges, which is the origin of corruption in granting land concession.

²³ 1) Centre for Research and Information on Land and Natural Resources, National Land Administration Authority, Office of Prime Minister, Lao PDR, Faculty of Social Sciences, Chiang Mai University, Thailand, Foundation for Ecological Recovery, Bangkok Thailand, 2009.

2) "Introduction to Lao Land Issue" Managing Land, Forest and Natural Resources: Growing in Equality or Growing Inequity? Document developed by the Land Issue Working Group. 2012. Publication documentary.

3) Andreas Heinemann, Peter Messerli. Coping with a land-grab world: lessons from Laos. Global Change. Issue 80. April 2013.

- ◆ Concession for large track of land for rubber cultivation yields more adverse effects than benefits that local communities would get, such as loss of land ad rights to land use, shortage of food and income from collecting forest products for a living, destruction of natural resources and sources of richness, like soil fertility and richness of watershed, and so on.
- ◆ Local communities are not able to be economic self-supporting after losing farmland. There is no mechanism to compensate this loss and security in ensuring employment of people who lost their land.
- ◆ It is difficult for communities losing their land to concession for investment in agri-business to adapt themselves to new environment, since existence of local communities depends on the size of remaining land after concession is granted, and family labour who would generate income for their households.

Moreover, this concession granting is a factor pushing price of real estate in Laos to continue soaring up high. The worst current adverse effect is the decrease of farmland of the people. The price of land is so high that the people cannot afford, while more foreigners come in to invest and buy land. There is also conflict related to farmland and residential areas since land under concession overlaps with land of the people.

TABLE OF SUMMARY OF LAND AREA OF CONCESSIONS ESTIMATED FROM DIFFERENT SOURCES

SOURCE	DETAILS	AREA OF LAND (HECTARES)
GTZ, and MNRE*	GTZ and MNRE worked between 2009-2011 to create a database of land concessions in all provinces.	233,000
Land Matrix**	Land Matrix is a freely available online database of land deals compiled from varied sources.	210,772
GRAIN***	RRAIN is another freely available online database of land deals compiled from varied sources.	330,000

Information from: Lao Statistics Bureau and Lao PDR Ministry of Planning and Investment: FDI INTO AGRICULTURE SECTOR IN LAOS (2005–2011)

* <http://www.giz.de/themen/en/30296.html>

** <http://landportal.info/landmatrix/get-the-detail/by-target-country/lao?mode=table&limit=0>

*** [http://www.grain.org/article/entries/4479 -grain-releases-data-set-with-over-400-global-land-grabs](http://www.grain.org/article/entries/4479-grain-releases-data-set-with-over-400-global-land-grabs)

TABLE OF ESTIMATED AGRICULTURAL CONCESSION AREAS BY PROVINCE

PROVINCE	ESTIMATED AGRICULTURAL CONCESSION AREAS (HA)*
Attapeu	17,591
Bokeo	1,896
Bolikhamsai	2,761
Champasak	41,146
Houaphan	NA
Khammouane	1,143
Luangnamtha	12,191
Luangphrabang	9,275
Oudomxai	1,399
Phongsali	2,769
Saravan	14,130
Savannakhet	45,286
Sayabouri	3,767
Sekong	495
Vientiane Capital	1,980
Vientiane Province	62,551
Xiengkhouang	14,929
Total	233,309

* Preliminary findings of MNRE project

Source : GTZ²⁴ and MNRE (the Lao Ministry of Natural Resources and Environment (MNRE))

3.4 Conclusion

Acceleration of economic development is the major factor causing land grabbing in Laos with an aim to develop infrastructure and gain economic growth from various development projects, such as development of power sources and infrastructure, especially roads linking different countries, as well as promotion of private investment in cash crops on large track of land. This economic development also opens opportunity and promoted investment of foreign private companies in the region, as well as industrial development, agriculture focusing on growing crops on large track of land for world market. These development processes resulted in grabbing of people's land, although these are under the national programme to eradicate poverty.

²⁴ the German development agency Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ)

4. Case Study on Land Grabbing and Impacts to Small-Scale Farmers in Myanmar

Myanmar has a total land area of 676,578 square kilometers. It is the largest country in Southeast Asia, and the 40th largest in the world. Information from World Bank indicates that 67% of its population live in rural areas, and are primarily engaged in farming. Therefore, land is the major input for livelihood of the majority. Myanmar is classified as the poorest country in Southeast Asia. Around 25% of its population lives under poverty line with high rate of poverty in rural areas. Moreover, the information also shows that 30-50% of rural households are landless, especially in border zone where the majority is ethnic groups. Myanmar has over 135 ethnic groups. On the whole, economic system of Myanmar has opted capitalism later than 4 countries, namely Thailand, Vietnam, Cambodia and Laos. Yet, land market in Myanmar has rapidly expanded in the past 2 decades, resulted in land ownership for commercial purpose to expand considerably, while the price of land in urban and rural areas has rapidly soared up (USAID 2013a: 4-5). Regarding the ratio of land use, the information from World Bank and FAO states that around 17% of the national land area is cultivable land, 2% is permanent farmland, 0.47% is grass land for animal grazing, while 49% is forestland and around 25% is irrigated farmland (FAO 2011a; World Bank 2012a quoted in USAID 2013a: 6)



Myanmar has just adopted market economy during the rule of State Law and Order Restoration Council (SLORC) after 1988. However, the land expropriation at the early stage by this government, especially in different states of ethnic groups, has not resulted from economic factor, but significantly political aim. In other words, it aimed at stability of the army by moving and stationing its troops in ethnic states. Expropriated land was then distributed to families of military officers stationed in these ethnic states (Foundation on Human Rights in Mon Land, 2004). Later, SLORC government has formulated market economy develop plan by different programmes of privatization so that private sector would have access to and administration of resources. This policy has resulted in expansion of domestic and foreign investments (FSWG 2011: 28). A decade after adopting this plan, it is found that the rate of land ownership in the country has rapidly expanded. Report of Ministry of Agriculture and Irrigation in 2003 indicates that between 1993 and 2003, land ownership for agriculture by households has risen 25% with ownership of smaller than one acre rising at 150%, over 50 acres rising at 385%. During this same period, land ownership for commercial purpose has risen as high as 900% with the total sized of land under private ownership rising at 325%. This rapid increase is resulted partly by expansion of cultivation on idle land (Woods 2001 quoted in USAID 2013a: 18).



Recently, the government introduced its more intensive national development policies along the direction of neo-liberalism. There is renewal of farming system by granting local and foreign private sectors the right to land. This policy has resulted in rapid soaring land price and large scale transfer of land, especially land in urban area, although there is no infrastructure, such as water and electricity, in many areas. Land price in rural areas also rises due to speculation by people of Myanmar without investment in production on the land. It is purely land concentration for speculation. Land speculation is a result of expectation that there would be foreign investment after the end of military rule and massive economic and political reforms (USIAD 2013a: 18). Such situation will inevitably push economic system of Myanmar to suffer from bubble like the one occurred in Thailand during 'Tom Yam Kung' economic crisis in 1997.

4.1 Case study on Land Grabbing in Shan State

Investment-induced land grabbing and land seizure by military has been detrimental to the lives of those affected. Some overview discussion prior to field study suggested the land grabbing cases have soared after quasi-political reform and ceasefire agreement.

Land commercialization for agriculture has taken place since early 1990s. According to the report produced by Food Security Working Group (FSWG) in 2011, a government appointed committee began to allocate large blocks of land for commercial plantation in 1991 in supporting the transition to the market economy and enhancing the potential for agriculture development. By 2010, a total of 1,728,269 acres had been reported as allocated to 216 companies in eleven states and divisions.²⁵(FSWG 2011)

In Kachin State, Shan State (South) and Shan State (North) altogether 32 private corporations have invested in large scale commercial farming contracts totaling 393,292 acres, 65,772 acres and 40,937 acres in each of the regions respectively. (FSWG 2011) Shan State itself is the state with the second largest iron deposit in the country. Companies from Thailand and China have aggressively invested Shan State mainly for agriculture and mining. Foreign investment in Myanmar's mining sector is reached more than US\$ 2.8 billion by the end of 2013. (The Nation 2014)

Another salient aspect in studying the land issue in Shan State is the ethnic diversity and identity. Decades of armed conflicts contribute to the absence of land tenure security. This is also the case in Myanmar where the central government and armed ethnic opposition groups disagree over control of large areas, including access to the resources in these areas (land, forests, water, minerals etc).²⁶ This is a crucial element in defining actors involved in the land grabbing. Military government has been playing a prominent role in confiscating and allocating the land for the private sector. Some armed ethnic groups after ceasefire agreement earned concession to confiscate the land under pretext of being engaged in developing some areas.

Research Method

Studying land grabbing in Myanmar in a brief research period requires some specific angles. From the outset, the study is aimed at drawing lessons on building strategies to reclaim the land. Defining actors involved in the land grabbing and an account of the past and recent political context serve as salient aspects in studying land grabbing. In particular, the study of land grabbing in Shan State was preceded by several discussion with activists and groups in Yangon such as Paung Ku, Metta

²⁵ As cited by FSWG in its 2010 report from Department of Agricultural Planning (DAP), 2010, p 82

²⁶ Land Core Group (LCG), *The Role of Land Tenure Security for Smallholder Farmers in National Development. A policy discussion brief by the Land Core Group of the Food Security Working Group*

Development and Food Security Working Group. The discussion was to elicit general background of land issue in Myanmar.

Focusing on land grabbing in the Shan State, the study was expected to elaborate further the process of reclaiming the land confiscated by military and private companies by taking into account significant political change that took place by the end of 2010. The study involves several interviews and discussion with local groups and communities in Aung Ban, Heho, Taunggyi, Inlay and Kayah State.

Set of questions encompassing actors of the land grabbing, the spontaneous and organized forms of collective resistance, land ownership and livelihood. The discussion also looked into people perception on political change and whether it creates more space for people to develop further strategies in reclaiming their land. The later one includes people's perception on the role of political parties. This was to assess their point of view on State instrument such as parliament and land investigation committee.

Most of the land grabbing cases elaborated in this study took place in 1990s and early 2000. The more organized strategies to reclaim the land took place after 2010. It is worth to learn the process of consolidating and recalling collective memories and overcoming the perpetuated fears. Interaction with local non-government organizations (NGOs) and diaspora of the youth helped change the mindset of the villagers in terms of understanding their rights and law.

We also interviewed representatives from two organizations, New Generation (NG) and Union of Farmers and Land Workers. The interview covered various points including organization structure, scope of work and political activities as to contextualize the land issues. Supporting system intact in sustaining the organization and their long-term political vision. The stories elicited during the interview and discussions are structured as follows; background of case studies, quasi-political reform, forms of collective resistance in reclaiming the land and supporting organizations.

It might be too early to draw conclusion, as the process of reclaiming the land is still an ongoing struggle. However, portraying the struggle in reclaiming the land amidst political transition, in which based on the interview there was an indication of low trust to the function of State instruments in facilitating the people to reclaim their land, can help build an understanding on politics of land grabbing

Pangpet Steel Mill No (2)

Union of Myanmar is the country with rich mining deposits such as gold, cooper sulphate, coal, iron, cinnabar, amber etc. Under British colony, the mining was operated under British companies then after 1948 independence the State-private joint venture

was introduced. After 1960s when the private foreign companies were nationalized, the State took over the mining and mining processing companies.

Land confiscation under decree of Ministry of Industry for the establishment of Pangpet Steel Mill was started in 2004. The conversion of agriculture land affecting 5000 families and 10 villages resulted in the prolonged land conflict. The research portrayed the process in which the villagers went through a negotiation with State and its agencies. Pangpet is one of the areas where Pao ethnic group resides. Thus, a brief history of Pao armed group is taken into account as an additional background depicting its role in the case of land dispute.

Deployment of the national armed forces to seize the land has been a common feature of land grabbing in the country. U Teng Thung (42 yo), an organizer, recalled the day in 2004 when the military troops were deployed to the villages forcing people to sign a piece of paper, agreeing to give away their land for the State project. The villagers resisted the order until the military returned with full armed forces.

Then the State managed to confiscate 5000 acres of land without proper compensation. The compensation was based on rather subjectivity of the authority that some villagers were given Kt 5 *lakhs*/acre (US\$ 500/acre) and some Kt 5000/acre (US\$/acre). For the villagers in Pangpet, the land was sacredly inherited from their ancestor as the whole generation had been cultivating the land for staple crops like corn. Pangpet is one of the main food suppliers for Taungyi, the capital of Shan State.

For the villagers in Pangpet, losing the land means loss of livelihood and culture. The villagers, during the interview, argued that they did not seek for sufficient compensation as their lives depended on the land they cultivated. At present, only the old people reside in the villages as most of youths migrated for jobs to China and Thailand. Some also migrated to Menet Mountain to work at opium plantation.

Aung Ban Military Hospital Project

Aung Ban is a business town famous for its vegetable products and market. It supplies vegetable to big cities like Yangon and Mandalay. In 2000, the State military launched its project, 700-bed military hospital, the second biggest military hospital in the country. The military hospital project in early 2000 was only one of the land confiscation cases in Aung Ban. In 1993, the military confiscated the pear farming land in 7 villages to be sold to a Korean company, Mid Flower. The company used the land for an apple plantation.

The experience of military penetration in the daily life has been recurring in Aung Ban. During the intensive civil war, the National Army arbitrarily recruited the youths

mainly high school students to become porters carrying army ransom and ammunition. In the early 2000, the military distributed letters to the villagers asking them to sign the letter, an agreement to give away their land for the hospital project. One of the villagers interviewed said that people in Aung Ban have lived with the traumatic experience of brutal casualties by the national army during 1988. U Chi Mong, 61, said that the second floor of his wooden house still bear the story of casualties as the bullet holes from 1988 casualties still remain. All villagers still have a collective memory of armies opening the fire in random. Thus, when they came back in 2000 forcing people to give up their land, people were terrified.

Most of the people live in Aung Ban are from Danu ethnic. The stories of the national army disrupting the peaceful life of the people have been experienced by many generations. During the land confiscation in 1990s, the army picked up some high school students to become the porters. The military also made it a compulsory for the students to perform heavy work during military ceremonial events.

The collective memory of fear and military terror remain in the people's daily lives. When the military forced the people to sign a letter stating that they agreed to give away their land for military project, many people quickly signed it without any resistance. Few resisted by continue working on their farmland and forced to undergo a punishment in a form of terror. After the land being confiscated, two farmers in Aung Ban had heart attacks as they were shocked by the reality of being dispossessed. Around six people interviewed mentioned that in the beginning, they were confronted with the reality of losing the livelihood. Without other skills than farming, all of them became petty traders and street vendors.

Land grabbing by military does not only confine to military infrastructure project and military acting as a broker for the private companies and developers. In Heho, for instance, the military seized the land for its additional institutional income under the pretext of zoning the land for security purpose.



Early 1990s, the government seized the land in Heho for the purpose of developing new variety of rice. The land itself had been a customary land. Since early 1990s then the government had allowed the villagers to grow the land as tenants that they In 1996, the Ministry of Industry declared the land in Heho to be used for national industry purpose for growing raw material for medicine industry. It was said that Virginia Tobacco also planned to establish a plantation site in that area.

Since the State claiming the land in early 1990s, the villagers have been obliged to pay an annual tax for cultivating the land. In early 1990s, the tax was 500 Kyat. Then later in the end of 1990s, the military took over the land, the villagers were obliged to pay the tax at Heho military head quarter. The military argued that the land was under their authority as the State declared it as a security zone. The villagers, since then, have been obliged to pay annual rent for approximately 1.5 acres of land they cultivate. This year, the annual rent costs 45000 Kyat (USD 45).

For the military, the annual tax is an additional income generating that they earn 12 Lakhs/year (1200 USD) from this annual tax. Around 300 people from 30 villages in Heho are affected by this security zone policy. In July 2013, the military and the township parliament members signed an agreement stating that the military would return the land to the people. After signing the letter, the military commander summoned three opinion leaders to Taungyi military head quarter where they were forced to sign another letter stating that the military would not return the land to the people but rather conduct an investigation of the land ownership. The villagers believe that it was a strong gesture from the military denying the people's ownership over their customary land.

Inle Hotel Zone

Inle Lake is one of the famous touristic areas in Myanmar. After 2010, there has been an increasing foreign tourists influx to the country encouraging the establishment of tourist zones by the private companies. The land grabbing in Inlay was started early 2013 when the government claimed the land as the property of forestry ministry. The Shan State government then hired two private companies, ***Pyusing*** which means "purity" and Taungyi Mio Company to clear up the agriculture land and make it ready for construction site. Around 83 villagers from 6 villages are affected by this hotel zone project.

From the outset, the State denied the rights to proper compensation for the affected land. Hence, the State compensated only the crops demolished during the land clearing. The compensation for the crops was based on harvesting season. It offered 40000Kyat/acre for one harvesting season within 3-year period. Then, the 83 villagers

decided to take up a protest by trying to stop the land clearing process. In the end, 65 out of 83 decided to accept the compensation, as they feared of the consequence of halting the ongoing State project. Eighteen people continued to fight against the land clearing. Another two walked out from the fight; with only 16 remain, the government started taking legal action by filing a lawsuit against the 16 on February 9, 2013. They are charged with article 18 and 55 b.

Aung Jon Mio, 24 y.o, one of the 16 recalled the legal process that he had gone through without legal aid provided. He had to attend the court at Nangsuy every week. Then the trial venue was moved to Kelo court in Taungyi. The other villagers, dropping their demands for the compensation, express their solidarity support by accompanying the 16 in going through the legal process.

Kayah Land Grabbing

Kayah is located in the eastern Myanmar on the north border of Shan State. The case study of land grabbing in Kayah focuses on the land grabbing by private cement company, Square Power, China-German investment. The representatives of the company measured and marked 1000 acres of land to be used for the plant site. The land is a customary farm-land cultivated with maize, seasonal fruits, paddy and peanut.

The company published a blue print elaborating the construction plan and route from limestone quarry, cement raw material, to the plant site. The land measurement included the area for raw material. Around 5000 people from 20 villages are affected by this project plan. The most affected ones are those who live in villages like Parchea and Loikaw, the place where the karst mountain-limestone quarry are located. The company earned the license to measure the land from the local government based on the approval of the central government. The company offered different range of compensation based on the level of damage and land loss. Intimidation by national armed forces and different range of compensation instigated horizontal conflict among villagers. Later, a committee consisting of representative of villagers was set up by some activists to consolidate the villagers in anticipating further division and reclaiming the land.

Kayah is also affected by a military project, High Grade Military Training School No 14 in Maphrosay where 4000 people are affected. The project demolished paddy and maize field. The national armed forces built this school to secure the investment in the area, which is geographically and strategically linked to Naypyidaw military base.

Strategy of land reclaiming

The strategies taken up involve actors including non-government organizations (NGOs), mass organizations and political party such as Generation 88 and National

League for Democracy (NLD) and also local organizers. The discussion and interview on the strategy was also to assess whether there had been some political space and leverage could be seized within the struggle in reclaiming the land.

In the case of Steel Mill no (2), the experience of the villagers in engaging to legal procedures or going through legal framework in reclaiming their land was started through their involvement in farmer forum organized by Paung Ku in Yangon in 2013. The forum came up with a statement with six demands, those are giving back the land to the dispossessed, providing farmers with micro loan, creating a fair market allowing the farmers to benefit from their farming activities, land registration for farmers, stipulation of land law that protects the farmers and rights to freedom of association for farmers.

From the forum, the organizers learnt to build a network with other farmers. After the forum, a hearing was organized at parliament in Naypyidaw where they met with some members of parliament and land investigator committee. The land investigator committee from the township visited the area affected by the establishment of the Steel Mill and offered the villagers some compensation. However, the villagers refused the offer, as reclaiming the land has always been their demand. In 2012, Pao Youth organization helped advocating the case by inviting the media. After the hearing, the police summoned the organizer to go to the police station. Nevertheless, the event brought the media attention on the situation at the village. The villagers have lost their faith in the State. According to organizers interviewed, the political reform was so superficial that the supporters of the military regime still play a prominent role in shaping the country's direction.

To certain extend, diaspora helps build understanding on the salient of organizing in the context of reclaiming the land. The people in Aung Ban, for instance, learnt a strategy to address their grievances by sending a letter to the President from three educated youths who studied in Yangon. When they came back to their hometowns, Ngaung Kone and Thor Mai Kham villages, they disseminated their political insight to the villagers including the changing political constellation in the parliament.

The resistance from the villagers in Inle took a different form as the land grabbing took place after the political reform. The 83 villagers affected by the land clearing held a protest during the demolition of their rice field. The independent media such as Radio Free Asia (RFA) and Democratic Voice of Burma (DVB) played a prominent role in covering the protest. Nevertheless, during the interview, the villagers hoped that 2015 general election could bring some positive impacts, as the political parties would compete in offering program during the campaign.

The emergence of the organizations and role of NGOs Union of Farmers and Land Workers of Myanmar

The organization was founded in 2011. Its main activity is to provide assistance and legal aid for those affected by land grabbing. During the interview, U Win Shane Myat, the Vice President, mentioned that currently, their main activities were to tackle the Ladpadaung case and land grabbing issues in Aung Ban, Shan State. The organization is in the process of preparing local networks to support the national-level organization.

The executive committee of the union consists of 17 people with job divisions such as supporting committee providing assistance to farmers, legal aid and organizers to form organization branch at the local level. The union has been trying to set up branches in all States, however, in some States, the government still imposes the ban for people to organize. U Win Shane Myat claims that the union is independent from the foreign donors. They earn support from the activists of "88 Generation" who also provide an office space for the union in Yangon.



The union argues that the military must either return the land or pay the compensation according to current market price to people whose land was dispossessed. This must be applied in retrospective manner. Another issue about land grabbing by military is that very often the military only use 30-40 percent of the land they seized and they deny the fact of exact scale of land they seized. The union currently assists the villagers affected by the land grabbing in State like Kayah, Shan and others to establish villagers council in which representatives from villages affected by the land grabbing could discuss their strategy in reclaiming the land.

New Generation

The New Generation was founded in 1993. Activists involved in the students uprising initiated the founding of this organization. It was U Tun Myint from Taunggyi one of the signatories to Pang Long agreement who insisted that the activists needed to set up an organization. In 2005, some people and members of New Generation, was released from 79-year prison sentence. The organization was founded to strive for peace building, Shan State autonomy, and human rights.

Regarding the organization structure, the New Generation is chaired by what they call a patron. Taking form of a collective of small number of people rather than well-structured organization, New Generation applies job division system in which everyone is assigned to do a specific task such as monitoring the ongoing ethnic conflict and involve the affected communities and groups in finding a peaceful solution.

NG also engages to some political activities with a certain level of cautiousness. During the interview, Ko Moe, the member of NG said that being in good terms with some political parties could come in handy especially in putting more pressure on the government in dealing with land grabbing issues. NG, itself, according to Ko Moe, takes a political stand not to establish a political party. Nevertheless, NG believes that civil society organizations (CSOs) play a prominent role in shaping the political course. Thus, CSOs need to be ready in playing more active role in the political dynamics in 2020 election.

4.2 Conclusion

Even the military government argued that the military infrastructure projects, mining, hydro power, tourist investment and other mega projects are for purpose of economic development and security of the country, but the ethnic minorities and local people perceived these as land grabbing, as these projects confiscated land and livelihood from them. Especially when those development projects were implemented in the way of human right violation, deployed military and force to take away the lands from the people. The emergence of local organizations and national network are developed gradually through the experiences of reclaiming back the land with significant support of some NGOs.

However, reclaiming back the rights of the people and amending land policies to be in favor of the people still require a long way to go with various strategies and lessons. At least the local organizations and networks are working together to strengthen their members and strategies to reclaim their rights. The so called political reform just only came out from the starting point, but from now on it will be pushed forwarded by the people who had been suffered such a long time from politics and economic

development. The next 2020 general election can be somehow a pin point to consider how far the space for reclaiming back the land of the people will be created by those important sectors in society, politicians, journalists, and civil society organizations.

5. Conclusion

On the whole, land grabbing, either by the state or private business corporations in all countries in Southeast Asia Sub-Region, is caused by both direct and indirect intervention of the state. Directly, the state exercises its power to expropriate land from the people with the claim on security or national development. It also grabs land track of land and grant it for concession to private bodies for their business operation. Indirectly, the state promotes private investment, especially transnational capital. Land administration following market mechanism without any intervention from the state is an issue of discussion, because even it follows mechanism of free market under capitalism, there are some people who do not agree that land is 'commoditised' for free trade. Land administration following solely market mechanism would exclude many people who are poor and do not have access to land although they need to depend on land for production and their subsistence.



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