

**Statement  
of  
Ethnic Community Development Forum and the Customary Land Protection Committee  
Concerning  
Myanmar's National Land Use Policy (Draft)**

6 November 2014

On November 1 and 2, 2014 representatives of more than 30 organizations of civil society and farmers networks came together in a workshop to review and analyze the draft national land use policy of Myanmar.

We welcome the opportunity for the public to provide comments and input into Myanmar's National Land Use Policy draft. However, review and analysis of the policy draft during the recent workshop made it clear that there are many flawed and undemocratic aspects of the policy and process in which it was developed:

1. The process of the development and formulation of this draft national land use policy was not consistent with democratic principles and practices and did not include the public, especially small scale farmers, ethnic representatives, women and other peoples and communities who are likely to be most affected by this policy. Therefore, we do not accept this draft policy.
2. The current draft of the national land use policy does not prioritize and protect small scale farmers and minority ethnic peoples, but instead prioritizes and gives special privileges to business investors, which could spark more land grabs and create more land problems within the country. Furthermore, it only protects and promotes the business interests of a small group of people.
3. There are no measures mentioned to solve the previous military government's land grabs and the current land problems in the country.
4. There are no explicit measures giving minority ethnic peoples decision making power and control over questions of land ownership, land use and land management, which could delay further the peace building and national reconciliation process and could create new land conflicts.
5. The plan to conduct national consultation workshops in 17 places, including Nay Pyi Taw and Yangon, within 18 days and after only 23 days from first informing the public about the draft policy, is likely to miss and ignore the concerns, desires, aspirations and voices of small scale farmers and ethnic minorities. Many people in the country are not likely to have even seen the draft policy by the time the consultations are completed.
6. Even though the policy mentions the protection of customary land practices of ethnic groups, it does not legally recognize and guarantee freedom of customary collective land ownership, land use and land management of ethnic groups. The term "permanent taungya" appears to ignore the social, cultural and ecological value of customary shifting cultivation practices, and to encourage instead a transition away from customary shifting cultivation practices to permanent agriculture.
7. We do not accept the land classification of "Vacant, Fallow, Virgin Land". There is no "vacant,

fallow, virgin land” in ethnic territories.

8. Concerning the rights of refugees and IDPs affected by civil war in Myanmar, there are no provisions in the policy draft to address issues of land distribution, restitution, and the right to return.
9. The policy draft mentions a temporary suspension of investment requiring land acquisitions until the policy is approved. However, there is an immediate need for a government order to postpone all of these investments in ethnic areas during the current national reconciliation and peace-building process, to avoid further land conflict.
10. The draft policy does not align with international human rights principles and standards, including the principle of free, prior, informed consent (FPIC), and the right of return and the right of restitution.
11. The draft policy is not consistent with the Tenure Guidelines of the Food and Agriculture Organization of the UN that were agreed by governments around the world.
12. Therefore we, the following member organizations of the Ethnic Community Development Forum and the Customary Land Rights Protection Committee, call for the re-draft of the policy with the inclusion and meaningful participation of representatives of small scale farmers, ethnic groups, women, youth and other peoples and communities who will be most affected, as well as parliamentarians and independent experts.

Organizations included:

1. Tavoyan Women's Union
2. Tavoyan Youth Organization
3. All Arakan Students' and Youths' Congress
4. Shan Relief and Development Committee
5. Network for Chin Community Development
6. Chin Farmers' Network
7. Tedim Youth Fellowship
8. Hu Kawng Farmers' Network
9. MRJ (Kachin Development Network)
10. Mon Relief and Development Committee
11. Human Rights Foundation of Monland (Burma)
12. Kachin Development Networking Group
13. Karenni Social Welfare and Development Center
14. Karenni Civil Society Network
15. Shan Sapawa Environmental Organization
16. Shan Human Rights Foundation
17. Dayloklo Social Development Group
18. Mon Youth Progressive Organization
19. Hteelerklay Youth Development Group

20. Burma Rivers Network
21. Karen Environmental and Social Action Network
22. Kyauk Taw Farmers' Network, Arakan State
23. Mon Agriculture Group
24. Karen Rivers Watch
25. Arakan Rivers Network
26. Salween River Watch
27. Pao Youth Organization
28. Shan Farmers Network
29. Lahu and Ahkha National Development Organization
30. Karen Rural Development Network
31. Shan Community Based Organizations

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