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**The Issue of Land Acquisition/Grabbing-Induced Displacement
in Myanmar: The Exacerbation of the Lives of Rohingyas**

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The Issue of Land Acquisition/Grabbing-Induced Displacement in Myanmar: The Exacerbation of the Lives of Rohingyas

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Abstract

The violence against Rohingyas has intensified over the past several years in Myanmar, especially since 1948. In the relentless humanitarian catastrophe triggered by the massacres, riots, and mass displacement, socio-political factors always appeared in the front-line, but what is sometimes missed or rarely acknowledged are the economic aspects behind Rohingyas' narration of expulsion. The crisis of Rohingyas in Myanmar not only has social (ethnic and religious) and political aspects. It also, deep down, has economic aspects, such as land acquisition laws and economic development, as contributing factors to forced displacement. Land acquisitions and subsequent land disputes/conflicts are among the significant contested, complicated and disturbing problems in today's Myanmar's shifting socio-political and economic environment. Keeping in view the laws and economic development, this paper considers the issue of land acquisition or grabbing-induced displacement in Myanmar. It examines laws on land questions in Myanmar that failed to achieve the desired goals and somehow became a medium to facilitate land acquisition in the state. It also highlights the economic development boom to increase foreign direct investment in the country, leading to land conflicts and land acquisitions in the State. Finally, the paper would like to shed light on how the land laws and land disputes/conflicts of land acquisition/grabbing-induced displacement impacts Rohingyas' lives in Myanmar and force them to leave their country.

Keywords: Land Acquisition, Rohingyas, Law, Conflict, Exacerbation

“Land is our life as well as our prestige. It’s the food for us to survive, the home for us to live, and the place of unity for our family. Also land is our precious inheritance throughout the generations”

— *(A farmer, Paungtawchi Village, Taunggyi Township, Shan State; cited by Franco, Twomey, Ju, Vervest, & Kramer, 2015, 5).*

Land Acquisition in Myanmar: An Introduction

A primer published by Transnational Institute (TNI), 2015, titled *“The Meaning of Land in Myanmar,”* uncovers land’s profound question, such as why it is essential and significant for human societies? The primer outcomes showed that the land played a significant role in many aspects of human traditions and the production of various human values and cultures in evolutionary communities. According to the Indian saying, *“everything comes from land and ultimately goes back to it,”* depicting the land’s value, significantly representing the livelihood and life with dignity (Yoshino & Paul, 2019, 1). The propinquity between land and human being is not just for livelihood and life; it rendered the power, dignity, identity, in addition, redound to shape human societies.

Since the country’s independence, January 4, 1948, Myanmar has continuously faced ethno-religious tensions and armed conflicts. In the contemporary period, the issue of land acquisition in Myanmar penlights various dimensions of society’s law and order, including development purposes and human rights. The land acquisition led by the state, military, and companies, remains a very contentious and widespread phenomenon and a core part of Myanmar’s history (Displacement Solutions, 2015). Land grabbing is a contentious issue of large-scale land acquisition in the name of social, political, and economic purposes that have defined Myanmar’s last half-century (Prasse-Freeman, 2017). In Myanmar, except the social (ethnic and religious) and political aspects, there are also the economic aspects leading the decisive role as a contributing factor of forced displacement of minorities, including Rohingyas, the Kachin, the Karen, the Shan, the Mon, the Chin in inside (as IDP’s) or outside the country. Rohingyas, the most persecuted ethnic minority in the world, stated by United Nations due to human rights violations, has been confronting the landlessness, discrimination, statelessness, ethnic violence, injustices, and vulnerability from the past several year’s fallen prey to victims of the land grabbing¹ in Myanmar. After the independence of Myanmar (1948), the conflict between Rakhine Buddhist communities and Rohingyas, the Buddhist-Muslim divide,

¹ Land grabbing is understood as that undemocratic possession or control (first, control over physical resources (eg, land, water, forest, etc.) and second, the power to decide how and for what purposes they will be used). For more information please visit— <https://www.tni.org/en/publication/access-denied-land-rights-and-ethnic-conflict-in-burma>

intensified to unprecedented levels and culminated in “*organized and large-scale state-sponsored massive violence*” of military operations by the Burmese government named “*operation dragon king (1978)*” and “*clearance operations (in 2012 and 2016)*” (Prasse-Freeman, 2017) to the expulsion of so-called “*illegal immigrants or foreigner.*” About one million Rohingya lived in the Rakhine state of Myanmar, of which more than 700,000 were concentrated in the northern region of the state (The Equal Rights Trust, 2012). The suffering of brutal violence and ethnic discrimination from the past several years, most Rohingyas have been legally stripped from their nationality through Myanmar’s 1982 Citizenship law, making them stateless. However, not only hundreds of thousands of Rohingya have fled violence and persecutions from several years in Myanmar (home to 135 officially recognized ethnic groups), they also denied “*the right to return*” (The Equal Rights Trust, 2012, 8). The portraying of Rohingyas as ‘*outsiders*’ and ‘*enemy*’ of the State occupy their lands, continuous exacerbation, exile due to the conflicts between Rakhine Buddhists and Rohingyas, grabbed the lands after the persecution, all events paves the way to signifies that the land is the key reason behind Rohingyas politics or ‘*the Rohingya crisis*’ (Prasse-Freeman, 2017) as a negative factor of society. After facing socio-political expulsion, marginalization, sectarian violence, and struggle for political rights and ethnic identity, Rohingyas also victimized Myanmar’s dynamic economic reforms approach from the past several years. The tag of illegal immigrants or foreigners and continuously facing communal violence, genocide, and massacre over the past several years make it a worse case for the Rohingya than the other minorities. Since the 1990s, several academic papers have been recorded on the land acquisition from smallholder farmers for ‘*development*’ projects under economic reforms for exploitation and extraction of natural resources, military base expansions, large agriculture projects, tourism and infrastructure (Forino et al., 2017).

Based on the archival studies (secondary sources), this paper will try to shed light on the following questions. What have essential laws been enacted in Myanmar on the land questions? Are these laws somehow responsible for increasing land acquisition in Myanmar? To what extent do laws enacted on these land questions affect the lives of Rohingyas? How is the economic boom in Myanmar responsible for increasing land Conflicts? How are these growing land conflicts becoming the reason for the exodus of Rohingyas from Myanmar? This paper hypothesizes that the domestic land laws and economic liberalization somehow facilitate land acquisition in Myanmar, which is one of the leading cause of land conflict and is severely affecting the lives of the Rohingyas. This paper is divided into three sections. The first section focuses on laws on land questions on how the laws help to facilitate land acquisition in Myanmar. The second section draws on how the economic development boom (an increase in foreign direct investment) leads to land conflicts and land acquisitions in the State. The third section outlines how to land laws and land disputes/conflicts of land acquisition/grabbing-

induced displacement impact Rohingyas' lives in Myanmar and force them to leave their country.

Laws on land questions in Myanmar

Myanmar introduced its liberalized economic and political reforms in the Thein Sein government's period in 2011 after years of international isolation, which took it to be regarded as the "*Asia's final frontier*" that culminated in its opening up to foreign investment (Parker, 2016). Shortly after that, brutal assaults on Rohingya, a lesser degree on the Karen Muslims, and others intensified again in 2012. In the meantime, the Government of Myanmar has adopted numerous laws and regulations relating to land management and distribution. The following laws have specific relevance in domestic laws on the question of land acquisition in Myanmar, which elaborates on the issues of land: The Land Acquisition Act (1894), The Constitution of the Republic of the Union of Myanmar (2008), The Farmland Act (2012), The Vacant, Fallow and Virgin Land Act (2012), The Foreign Investment Act (2012) (Displacement Solutions, 2015). All these Mentioned laws will be described in detail below.

Laws	Short Description
The Land Acquisition Act (1894)	A law was passed in 1894, governing the process of land acquisition, which was called the Land Acquisition Act, 1894. It is divided into VIII parts altogether. Part II of the Land Acquisition Act, 1894, deals with ' <i>acquisition</i> ', which includes preliminary investigations, objections, declaration of intended acquisition, etcetera, and Part VII deals with the acquisition of land for companies which extend from Articles 38 to 44.
The Constitution of the Republic of the Union of Myanmar (2008)	The Constitution of Myanmar does not directly refer to land acquisition, but it does claim that the ultimate owner of all lands will be the Union. And this is clearly demonstrated in Article 37 of the basic principles of the Union of the Constitution of Myanmar (2008).
The Farmland Act (2012)	In 2012, the Government of Myanmar passed an Act to strengthen land management and create a system of land registration. It named the Farmland Act (2012). Under this Act, farmers will be given a ' <i>land-use certificate</i> ' from which they can claim their rights on that land. This Act is divided into XIII chapters, of which Articles 4 to 8 refer

	to ‘ <i>right for farming</i> ’, Articles 9 to 11 ‘ <i>rights relating to permitted farms</i> ’.
The Vacant, Fallow and Virgin Land Act (2012)	In 2012, an act was also passed to manage Vacant, Fallow and Virgin lands known as the Vacant, Fallow and Virgin Land Act. It is divided into Act X chapters, of which articles 4 to 9 refers to ‘ <i>right to cultivate or utilize Vacant, Fallow and Virgin lands</i> ’, and Articles 10 to 12 refers to ‘ <i>stipulations relating to the right to cultivate or utilize Vacant, Fallow and Virgin Lands</i> ’.
The Foreign Investment Act (2012)	In 2012, an Act was passed to promote foreign investment in Myanmar, which was named the Foreign Investment Law. It has a total of XX chapters. Of which article 3 to 6 refers to ‘ <i>applicable business</i> ’, article 8 refers to ‘ <i>basic principles</i> ’, article 9 and 10 refer to ‘ <i>form of investment</i> ’, article 17 and 18 refer to ‘ <i>duties and rights of the investor</i> ’, article 31 to 36 refers ‘ <i>right to use land</i> ’.

Table 1. Major laws on land questions in Myanmar

The Government of Myanmar owns the entire Land of Myanmar legally according to the Constitution of the State. Such as Article 37 of The Constitution of the Republic of the Union of Myanmar (2008), the third Constitution of Myanmar after 1947 and 1974 Constitutions, traces land’s question by addressing, “*the Union is the ultimate owner of all lands...*” (Government of Myanmar, 2008). Including Article 4 of The Land Acquisition Act²(1894) by providing, “*...land in any locality is needed or is likely to be needed for any public purposes...*” (Displacement Solutions, 2015, 8-9). Here, the indistinct intent of the term ‘*public purposes*’ paves the way for the State and companies to acquire the land on a legal basis by continuing colonial land acquisition laws until 2019 in Myanmar. On the one hand, the term ‘*public purposes*’ has no definitive categorical identification in The Land Acquisition Act (1894), such as which kind of land should be expropriating or which kind of ‘*public purposes*’ required the land acquisition. It is evident that smallholder farmers and peasants in remote, upland and ethnically-sized areas are “*tremendously vulnerable*” (Displacement Solutions, 2015, 10) to abuse their land rights, to acquire their lands, and to eventual eviction of their land rights because there are many remote sectors in the country still under customary arrangements for land law; that is not sufficiently covered under national legislation. On the other hand, The

² The Land Acquisition Act, 1894 was a law passed by the Imperial Legislative Council, which governed the process of land acquisition in Myanmar until 2019.

Land Acquisition Act (1894) has no structured plans and programs for the provisions of resettlement and rehabilitation of the uprooted population from the State's large-scale acquisition projects/grabbing-induced displacements.

Another newly enacted law, The Farmland Act (2012), targeted at management of agricultural land use and distribution (that is, land can be legally bought, sold, and transferred on land markets with land-use certificates), was criticized for '*facilitate*' (Glatz & Scherer, 2014) land acquisition by large-scale agribusinesses than protecting smallholder farmers. Land confiscation for agribusiness has developed since the late 2000s in Myanmar. The military government of the State Peace and Development Council has allocated almost two million acres to the private sector at that time (TNI-BCN, 2013). Many civil society groups have criticized the law because the legislation does not acknowledge the '*customary land rights*' (TNI-BCN, 2013) besides only concerned with formal land rights. However, somehow The Farmland Act (2012) creates an "*ill-defined administrative scheme*" (Displacement Solutions, 2015, 10), which fails to provide critical '*rule of law*' protections that are required for secure land protection systems and denies access to independent judicial review.

Under the 30-year term condition, land leases for persons or organizations by the State who intended to pursue livestock breeding, agricultural projects, mining, and other Government approved legal projects on vacant, fallow, and virgin lands will issue under The Vacant, Fallow and Virgin Act (2012). This law legally permits the government to reallocate villager's farms and forestlands. It was introduced concurrently with The Farmland Act (2012). The long-term military regime (1988-2011) of Myanmar violated communities' interests and rights, especially customary land rights, and viewed the community's resources and land as '*land at government disposal*' (Springate-Baginski, 2019). After '*land at government disposal*,' this law formally re-labelled some part of the land as '*Vacant, Fallow, and Virgin (VFV)*.'

"The government has reportedly estimated that 45 million acres qualify as VFV land, 82% of which is in the ethnic nationality states, threatening the livelihoods and survival of an unknown number of persons throughout the country" (Gelbort, 2018).

A primer on the safeguard of Myanmar's customary tenure systems titled '*there is no vacant land*' claims that —

"In reality, most of the land being labelled 'vacant' or 'virgin' land is actually customary village property, so implementing this law amounts to unjust appropriation of village property without acknowledgment of pre-existing rights or claims and thus violates several international norms and conventions" (Springate-Baginski, 2019, 5).

'Hundreds of civil society organizations' are gathering together in Myanmar to protest against the execution of The Vacant, Fallow and Virgin Act (2012) introduced by the government due to the expectation that the law facilitates land acquisition, large-scale displacement, and land disputes/conflicts (Gelbort, 2018). The displacement and devastation of farmers transformed them into *'floating populations'* (Prasse-Freeman, 2017), leading to violent conflicts between civilians and land grabbers.

The Foreign Investment Act (2012) also lays down a legal basis for new direct investment in Myanmar by international businesses. Along with the Constitution (2008) and Land Acquisitions Act (1894), these new mentioned land-related rules and regulations have been introduced in Myanmar after the economic liberalization (2011). The reform process started to efficiently impose the powers of the political and economic elite without seriously taking the rights of an impoverished majority (that makes up about 75-80% population of the country) (Displacement Solutions, 2015).

Giving a significant place to the development needs of the country in the 21st century, the Government of Myanmar has amended its colonial-era 1894 Land Acquisition Act. In 2019, to provide a legal framework for resettlement and rehabilitation, for the first time, Myanmar adopted the Land Acquisition, Resettlement and Rehabilitation Law (LAARL) to replace the colonial-era Land Acquisition Act (1894). A new law (LAARL) to construct a set of new legal frameworks for most but not all compulsory land acquisition (in respect of the replacement of the colonial era 1894 Land Acquisition Act). Followed by other former British colonial countries (India in 2013) to update the land acquisition legislation, the LAARL undoubtedly a major step for Myanmar's land acquisition laws, such as compensation and access to resettlement and rehabilitation requirements for compulsory land acquisitions. But it also has several loopholes/significant gaps, such as the expropriation process explicitly does not have adequate clarification and signifies the lack of adequate protection for land uses and landowners (Yee, 2020).

At a glance of the land acquisition legislative frameworks, land acquisitions are inappropriately biased in favour of the State, military, and companies. The *'rule of law'* mantra only offers justification for the state to legitimate land acquisitions referred to as *"legal land grab"* (Woods, 2014). However, new land-related regulation has been used in haphazard and improper legal language to make farmers *"squatters"* and their farms *"vacant wastelands"* for corporate investments (Displacement Solutions, 2015, 16). Indeed, Myanmar's customary land tenure and land rights are implicitly under threat from the government's new land policies not recognized in the new advent legislations. Neither are they concerned with *"the right to return"*

(TNI-BCN, 2013) for hundreds of thousands of ethnic villagers who, in the decades of conflicts and economic marginalization, were displaced from their ancestral lands. Therefore, these new legislations are seen as “*exclusively benefitting the private sector*” (TNI-BCN, 2013), especially for large-scale foreign investors, not benefiting the interests of smallholder farmers who constitute three-quarters of the population.

If we look at the impact of the laws mentioned above on Rohingyas, the following statement emerges. First, as mentioned in the above statements, these laws recognize formal land rights rather than recognizing ‘*customary land rights*’. A vast majority of Rohingyas have no official document to claim land rights to their own lands, their abandoned land due to forced migration, or claim their forcibly confiscated lands. And the abuse of their land rights forces them to wander around without any land that makes their lives vulnerable and miserable. Secondly, the consequences of these laws have not only ruined the livelihood of Rohingyas but also raises a serious question mark on their survival. Third, the non-recognition of customary land laws in these mentioned laws and branding those lands under the Vacant, Fallow and Virgin land gives rise to land insecurity within the Rohingya communities and others. Fourth, as stated in the statements above, these laws somehow promote land confiscation. This means that the seizure of land from the Rohingyas deprives them of opportunities to maintain their land rights and turns them into ‘*floating populations*’, and such a situation will make them victims of rising poverty and food insecurity. Fifth, Most Rohingyas were legally stripped of their nationality through Myanmar’s 1982 citizenship law. Apart from being deprived of citizenship, various types of restriction were imposed on them. These laws mentioned above serve to deepen the line of those previously drawn restrictions.

From Economic Development to Land Conflicts: An aggregate presentation

Opening up Myanmar’s economy to the world in 2011 has been attracting significant foreign investment (seen as an investment on the rise) in several fields such as mining, agriculture, manufacturing, oil and gas, livestock & fisheries, power, transport & communication, real estate, construction, hotel and tourism, industrial estate, and other services (as shown in Figure 1 and Figure 2). A significant increase in the influx of foreign capital has been seen in the following sectors in average percentage³ from 1988-2011 to 2011-2020 (refer to figure 2) such as transport and communication (8565%), manufacturing (1407%), real state (1178%), oil and gas (65%), power (44%), Livestock & Fisheries (350%), Industrial Estate (384%) (Directorate

³ The given formula used to find the average percentage – $AP = ((AP \text{ of FI in } 1988-2011 - AP \text{ of FI in } 2011-2020) \div AP \text{ of FI in } 1988-2011) \times 100$ Here, AP refers to average percentage and FI refers to foreign investment.

of Investment and Company Administration, 2020). Singapore, China, Hong Kong (SAR), Vietnam, Japan, Thailand, the United Kingdom, and the Republic of Korea are some significant foreign investments of permitted enterprises from 2016-17 to 2121 (January) in Myanmar (refer to figure 3). This paper will try to shed light on foreign investments in Rakhine State.

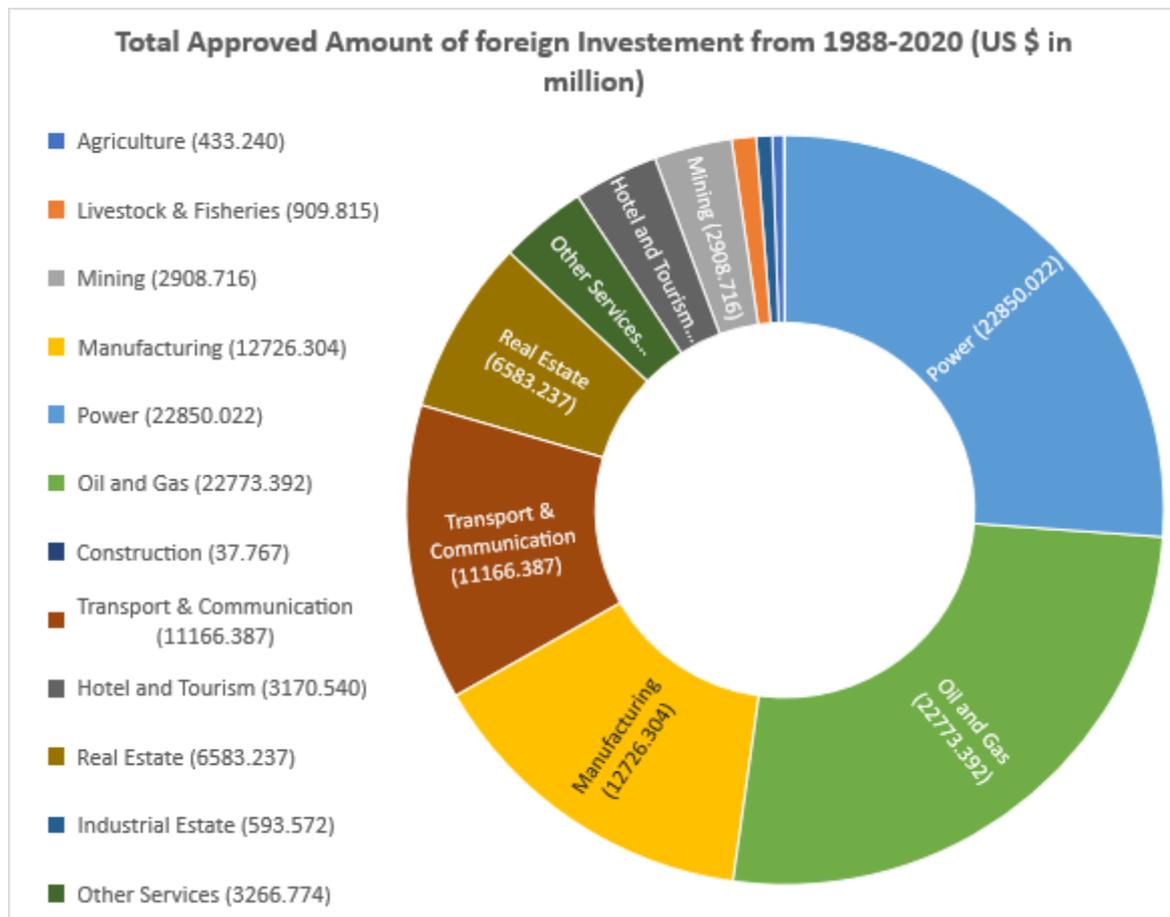


Figure 1. Foreign capital to be brought in by sector from 1988-2020 (As of 31/10/2020). © Myanmar Directorate of Investment and Company Registration (October 2020)

Today’s Rakhine Province, formerly known as Arakan, reflects Myanmar’s post-colonial microcosm failure: ethnic violence, political stalemate, militarization, economic neglect, and marginalization of local populations. Many of these challenges during past decades have emphasized: “a new intensity” between Buddhist-Muslim segregation, culminating in “one of

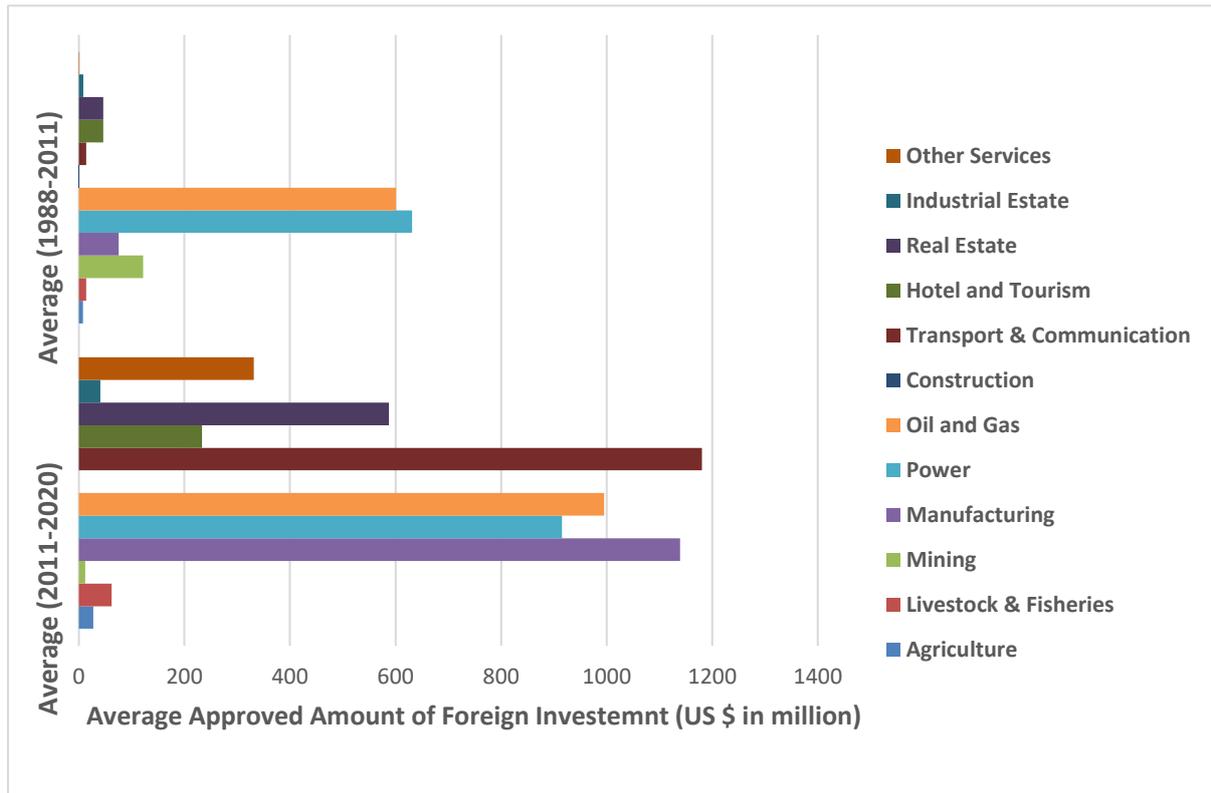


Figure 2. The average approved amount of foreign investment by sector. © Myanmar Directorate of Investment and Company Registration (October 2020)

the greatest refugee crisis in the modern world” (Transnational Institute, 2019, 8). Opening up Myanmar’s economy to foreign investment was the reason Rakhine (a coastal region in southern Myanmar) has also confronted large-scale economic development projects, becoming the trading hub for countries such as China, India, Singapore, and South Korea.

Rakhine State’s coastal areas have obviously strategically crucial to the broader context of geopolitical maneuvering for Myanmar. One of the most important investments in Rakhine State is an investment in the Oil and Gas Sector which is done by countries like China, India, Singapore, South Korea. Some of the important companies⁴ investing in the Oil and Gas Sector are as follows - Daewoo International Corporation, ONGC Videsh Ltd Gail (India) Ltd (Korea), Korea Gas Corporation (KOGAS), Gail (India) Ltd (GAIL), (Korea) ONGC ONGC Videsh

⁴ All the data of these mentioned investing companies in the Oil and Gas Sector and multi-million dollar ventures under foreign direct investment projects within the state of Rakhine is taken from the report titled “*Rakhine State Investment Opportunity Survey*” published by Myanmar Investment Commission, in February 2019.

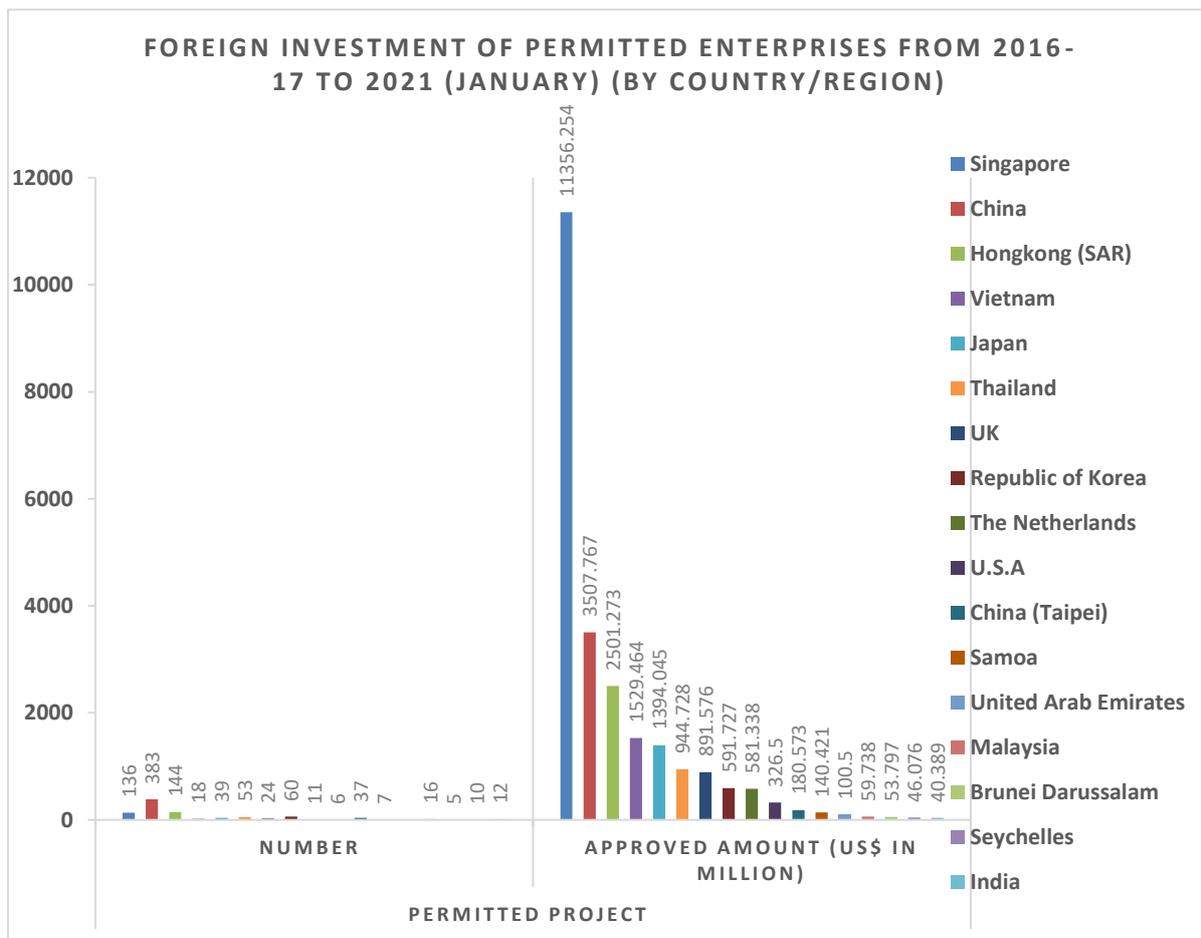


Figure 3. Foreign investment of permitted enterprises from 2016-17 to 2021 (By Country/Region). © Myanmar Directorate of Investment and Company Registration (January 2021)

Ltd (OVL), Ko-rea Gas Corporation (KOGAS), China Focus Development Ltd and China Huanqiu Contracting and Engineering Corporation (HQCEC), CNOOC Myanmar Ltd, Silver Wave Energy Pte Ltd, ONGC Videsh Limited, Shell Myanmar Energy Pte Ltd & MOECO Oil & Gas Asia Pte Ltd, Statoil Myanmar Private Limited & Conocophillips Myanmar E & P Pte Ltd, Woodside Energy (Myanmar) Pte Ltd & BG Exploration & Production Myanmar Pte Ltd & Myanmar Pe-troleum Exploration & Production Co Ltd, BG Exploration & Production Myanmar Pte Ltd & Woodside Energy (Myanmar) Pte Ltd & Myanmar Pe-troleum Exploration & Production Co Ltd, (Myanmar Investment Commission, 2019). China, India, Singapore, and South Korea are significant players in driving controversial multi-million dollar ventures under foreign direct investment projects within the state of Rakhine, such as Shwe Oil and Gas Project, Kyaukphyu Special Economic Zone and Deep Sea Port Project, Ponnagyun Industrial Zone, Ka Nyin Chaung Trading Zone, Kaladan Multi-Modal Transit Transport Project, Kyaetaw-Mingan Development Project, Mrauk-U New City Project, Mrauk-U Airport Project, Upgrading Ngapali Airport Project (Arakan Oil watch, 2020; Myanmar Investment

Commission, 2019).

Shwe Oil and Gas Project - Shwe Oil and Gas Project (at the heart of China's Belt and Road Initiative) is a significant controversial project in the Rakhine State. It is a compound form of two projects, the first is the Shwe GAS Project, and the second is the Trans-Burma Oil Corridor. Shwe Gas Project consists of "*a natural gas pipeline (2800 km) from Kyauk Phyu in Rakhine State to Nanning in southwestern China*". Trans-Burma Oil Corridor consists of "*an oil pipeline (1100 km) from the port of Kyauk Phyu in Rakhine State, through Magwe Division, Mandalay Division, and Shan State, to China's southwestern provinces of Yunnan and Guizhou*". In 2009, a report by the Shwe Gas Movement (SGM) titled "*Corridor of Power: China's Trans-Burma Oil and Gas Pipelines*" shown that "*pipeline construction and maintenance in Burma involves forced labour, forced relocation, land confiscation, and a host of abuses by soldiers deployed to the project area*". Looking at the reports of the Shwe Gas Movement, it shows that instead of bringing benefits to the people living in Myanmar, this project has become a cause of their suffering, such as exploitation of the voiceless, large-scale human rights Abuses and militarization, cultural and environmental destruction and the encroachment of the Burmese military regime (Myanmar Investment Commission, 2019; The Shwe Gas Movement, 2004).

Kyaukphyu Special Economic Zone and Deep Sea Port Project - Kyaukphyu Special Economic Zone is being constructed with the purpose of developing a deep sea-port (which will be multipurpose and equipped with a container handling terminal), a 100-hectare industrial park (hospitals, sports clubs, schools etcetera), and an integrated residential area. It is located in Ramree Island, Rakhine State (Myanmar Investment Commission, 2019).

Ponnagyun Industrial Zone - A second industrial zone project to construct hospitals, service zones, marketplace, heavy and medium industries, administrative zones, etcetera is being developed under Ponnagyun Industrial Zone, for which land of 1963.74 acres has been allotted in this district. This Industrial Zone is situated in Ponnagyun Township (in the eastern part of the Yangon-Sittwe Highway) in Sittwe District (Myanmar Investment Commission, 2019).

Ka Nyin Chaung Trading Zone- This project, Ka Nyin Chaung Trading Zone, with a land allocation of 100 acres, is being developed by the Union of Myanmar Federation of Chambers of Commerce and Industry (UMFCCI) and the Maungdaw Border Merchants Association together "*as the main trading zone between two countries to boost up their economies*". This economic zone is located at the bank of the Naf River, just 2 miles away from Maungdaw Town. Created with the objective of regional stability and socio-economic development, this economic zone is an essential focal point of trade between Myanmar and Bangladesh. In view

of the targeting trade with Bangladesh such as finance and services industries, livestock breeding, agriculture, and manufacturing, the Myanmar government has increased the size of allocated land of the trading zone to form an economic zone in the region (Mann, 2019; Myanmar Investment Commission, 2019).

Kaladan Multi-Modal Transit Transport Project (India's strategic roadway) — While this project is considered to be a significant part of India's 'look east policy', it is also considered an important part of the policy to establish a functioning economy and promote foreign direct investments under Myanmar's Economic Liberalization. This project aims to connect India to Myanmar both through sea and land. By sea, it connects the 539 km route connects the eastern seaport of Kolkata, India, to the US \$ 484 million Deep Sea Port at Sittwe (Rakhine State), the western part of Myanmar. After that, it connects the seaport to the Paletwa of Chin State via the 158 km Kaladan river boat route. By road, Paletwa is connected to the Mizoram state in India's North-East by 129 km highway (Myanmar Investment Commission, 2019).

Myanmar government introduced several projects such Mrauk-U New City Project, Kyaetaw-Mingan Development Project, Mrauk-U Airport Project, Upgrading Ngapali Airport to develop the infrastructure sector Project. This project, Mrauk-U New City Project, is being developed in the Mrauk-U Township of Mrauk-U District with an allocation of 400 acres of land to establish a new city. The project, Kyaetaw-Mingan Development Project, has been developed in 180 acres of land with the objective of developing ports, trade zones, apartments, supermarkets and MSME zones located near Kyaetaw and Mingan Villages in Sittwe Township. This project, Mrauk-U Airport Project, is being developed near the Yangon-Sittwe Highway near Kyar Village in Mrauk-U Township with an allocation of 638.66 acres of land to develop a new airport. This project, Upgrading Ngapali Airport Project, is being developed in Thandwe Township with an allocation of 100 acres of land to upgrade Ngapali Airport (Thandwe) (Myanmar Investment Commission, 2019).

As shown in the figures presented above, the Oil and Gas, Power, and Manufacturing sectors are among the top three significant foreign direct investment sectors in Myanmar. As of December 31, 2018, there was a total of 154 permitted enterprises with 22,420.572 US\$ million in Oil and Gas sector, 19 permitted enterprises with 21,084.852 US\$ million in Power, and 979 permitted enterprises with 10,386.054 US\$ million in Manufacturing.

Conceptual Model:

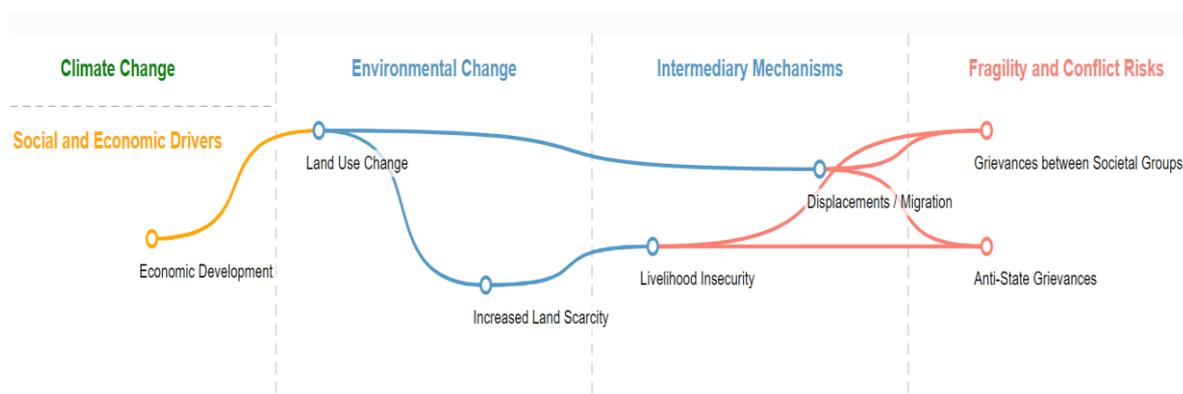


Figure 4. ‘Conceptual Model’ the trajectory of the land-grabbing conflicts in Myanmar © adelphi/ECC Factbook
Retrieved from - <https://library.ecc-platform.org/conflicts/land-grabbing-myanmar>

To describe the trajectory from economic development to land-grabbing conflicts in Myanmar, this paper will use the conceptual model made by Adelphi/ECC Factbook. In Myanmar, economic development and insecure land tenure play a significant role in the land-grabbing phenomenon. Due to several political transitions (colonial rule, one-party system, military rule, and liberalization), Myanmar has been faced the dilemma of uncertain land rights in the States. However, due to disregard to customary laws (the rules that a particular local community follows) and lack of clarity of land rights, it allows the government or private companies to acquire land without offering proper compensation and without consultation of the local people. Thus, the local people can be legally ousted out of the land they have been living on for generations. The land acquisition occurred (confiscation, compulsorily acquired or conceded) in Myanmar, by numerous recent reports, mainly in two time periods — in military rule (1962-2011) and democratic rule (2011 onwards) (Displacement Solutions, 2015).

In January 2016, Myanmar’s Union’s republic released a National Land Use Policy (NLUP) that has mentioned the need to recognize and protect customary land rights. Moreover, the protection of customary rights has economic significance and has a vital preference for preserving social and cultural stability in society and critical social support. Article 64 of the NLUP:

“Customary land use tenure systems shall be recognized in the National Land Law in order to ensure awareness, compliance, and application of traditional land use practices of ethnic nationalities, formal recognition of customary land use rights, protection of these rights and application of readily available impartial dispute resolution mechanisms (Government of Myanmar, 2016).”

Land acquisition laws should protect the key provisos of the NLUP, such as rights of ethnic groups, customary lands, land use rights, communal and common property resource rights, water rights, the rights to information (Jayewardene & Nanayakkara, 2018). The law should consider the aspects of local tenure and land management aspects, considering excluding alienation of land under customary use or used by ethnic minority groups.

In fact, much of the land which is branded as ‘*vacant*’ and ‘*virgin*’ is actually customary village property (Displacement Solutions, 2015). Thus, the Vacant, Fallow, and Virgin Act (2012) enforcement constitutes an unreasonable acquisition without respect to established rights or claims of village property. Consequently, one of the principal causes of ethnic strife in Myanmar is the non-recognition of customary tenure rights. Insecure land tenure thus eases land-use change processes (refer to figure 4) and worsen land scarcity issues for local populations. Following the government’s introduction of land laws enabling ‘*wasteland*’ to be expropriated and re-distributed, major agriculture and mining ventures culminated in the widespread effect of land grabbing in Myanmar. Concisely, economic development contributes to land-use transition/change in land use. The proliferation of land-grabbing resulted in farmers displaced, and their livelihoods has been ruined; their access to natural resources has been compromised.

Land-use⁵ changes conduce into two subsequent culminations;

- *First*, displacement/migration,
- *Second*, increased land scarcity (due to shrinks in available or usable land).

Grabbing-induced displacements, as also characterized by development-induced displacement, is not a new phenomenon for societies such as Myanmar. In the 1990s, Mon people (from Ah-bit, Set-thawe, Kalort-tort, and Do-ma villages) exemplified the forcible or compulsory displacement due to ethnic conflicts compounded by land confiscation, forced labour, and forced relocations to build army bases. On November 5 2002, with a “*purpose to build an Artillery Regiment*” in the southern area of Madon Township, the SPDC’s Southeast Command unexpectedly seized about 200 acres of land from 49 Som farmers (Global IDP, 2003). Including 600 acres of agricultural land confiscated from Ye Township in May 2003 without any compensation cost who lost their lands (Global IDP, 2003). Exceedingly fragmented and a considerable portion of the population had become landless when Muslims were forcefully

⁵ The classification of the conceptual model on the land grabbing conflicts in Myanmar retrieved from the © adelphi/ECC Factbook. Retrieved from - <https://library.ecc-platform.org/conflicts/land-grabbing-myanmar>

displaced by Kayin (Karen) State from their villages in 1997. Some townships in the Rakhine State became “*Muslim-free zones*” (such as Thandwe, Suchas, Taung-gut, and Gwa) in 2001, where mosques were destroyed and burned, Muslims were not allowed to live, and property seized (Global IDP, 2003, 53).

Increased land scarcity threatens agricultural producers and farms and frightens farmers’ livelihoods, culminated in livelihood insecurity. People’s livelihoods are further threatened by the systemic use of coerced labor, limitations on farmers’ rights and access to their fields, systemic land, and property confiscation. Chronic insecurity is a big concern in both displacement and resettlement sites for refugee communities. Without any authorial support or no signs of being willing or able to stop these violations and crimes by Myanmar authorities, the displaced people often found themselves, in limbo, in an extremely vulnerable situation. Myanmar’s military’s systematic use of forced labor has made it impossible for many civilians to survive as farmers or workers, causing them to flee. In western Myanmar, the Rohingya and other groups have frequently been displaced under brutal discriminatory policies, as can be seen in the case of “*new villages*” in which “*new villages*” are being constructed for transmigrants, especially for Buddhist settlers, in northern and central Burma (Global IDP, 2003). Muslim Rohingyas were forced to migrate to less fertile land to establish “*models villages*” (Bosson, 2007, 26) for Buddhist settlements and new military camps. Arbitrary confiscation of land continues without compensation, either by transferring land to new Buddhist immigrants or by constructing or expanding military bases with plantations to grow crops for their own commercial uses.

Migration/displacement and livelihood scarcity both contribute to intensifying the state discontentment, leading to anti-state grievances and grievances between societal groups (refer to Figure 4). Anti-state resentment and grievances between societal groups fuel the fragility and conflict risks in the societal environment. Most of the Land grabs backed large-scale strategic projects such as for agriculture, manufacturing, power, real state, oil and gas, and mining are carried out by ‘army-backed cronies,’ ‘military-backed state,’ and ‘foreign companies’ that have contributed to violent disputes between land grabbers and civilians.

Impact of land acquisition and large-scale Foreign Direct Investment on Rohingyas

Due to a centralized management system, these initiatives (economic liberalization and foreign investment) do not bring any advantage to local residents on the one side, consequently only led to land and livelihood losses and environmental disruption on the other side. As warned by the Kofi Annan Commission on Rakhine State:

“Large-scale investment projects in Rakhine have...served to nurture local resentment towards the central government. Local communities are largely excluded from the planning and execution of such projects. Profit tends to be shared between Naypyitaw and foreign companies, and as a consequence, local communities often perceive the Government as exploitative.”⁶

Increased foreign direct investment in Myanmar’s economic boom has accompanied and intensified, hand in hand, the issue of human rights violations due to the lack of the necessary legal and institutional framework for responsible investment. For instance, the Shwe Gas Project caused the destruction of farming industries, local fishing, and the confiscation of thousands of acres of land. A newly enacted National Human Rights Commission (NHRC) in September 2011 is responsible for protecting and promoting human rights in accordance with the 2008 Constitution in Myanmar. So far, the increased violations and abuses perceived as the NHRC failed to safeguard the fundamental rights of the ‘floating populations’ in Myanmar.

A report released on the situation of Rakhine, “one of the most militarized parts of the country” (Bosson, 2007, 27), briefing by Arakan Oil Watch on July 2020 titled “*Fuelling Conflict: Investment Exacerbating Turmoil in Western Burma*” leading to a broad discussion on land acquisition and provides an update of foreign investment, armed conflict, and the struggle by local communities to protect their lands and rights. Rakhine State, one of the most impoverished States with indubitable human and natural resource potential, was estimated to be the second biggest beneficiary of foreign direct investment (FDI) during the SLORC-SPDC period⁷, following Kachin State. However, no evidence of benefits traced to the local population in any invested territory (Transnational Institute, 2019). To delineate the trajectory of the exacerbation of the lives of ‘floating populations’ from economic development to land conflicts, the paper used the conceptual model, retrieved from the ECC Platform Library, of land-grabbing conflicts in Myanmar.

In 2012, land grabbing cases resulted in over 4000 complaints to authorities (Aung, 2012). The report by Amnesty International in 2017 titled “*Rethinking Rakhine State*” enshrines the ongoing efforts to rebuild and reshape northern Rakhine State or “*demographic engineering*” (Bosson, 2007, 27) by Myanmar’s authorities. In 2017, Rohingyas mass displacement under

⁶ Advisory Commission on Rakhine State, “*Towards a peaceful, fair and prosperous future for the people of Rakhine*”, p.23. Retrieved from - http://www.rakhinecommission.org/app/uploads/2017/08/FinalReport_Eng.pdf

⁷ SLORC (1988-1997) refers to ‘*State Law and Order Restoration Council*’. SPDC (1997-2011) refers to ‘*State Peace and Development Council*’.

the Burma Army's 'clearance operations' culminated in brutal arsons, and the burning of Muslim villages forced 700,000 people to escape to displace inside and outside the country (Arakan Oil watch, 2020).

“As an essential element of the governmental policy of the colonization and militarization of North Arakan, forced relocations are diverse and mainly serve three purposes: to «clean» Arakan of its Rohingya population and concentrate it in the northern part of the districts of Maungdaw and Buthidaung; to increase the presence of Buddhist settlers, in order to “reconquer” the region through model villages; to contain the Rohingya population with an increased military presence” (Global IDP, 2003, 55).

In North Rakhine, forced expulsions and land confiscation are usual, leading to Rohingya being displaced. The development of “*model villages*” (Bosson, 2007, 26) which had recently included the forced expulsion, the confiscation of land, the demolition of their houses, and replacement of the (Muslim) Rohingyas by (Buddhists) Rachin and Burmans. The state of Rakhine, which is highly militarized, is related to efforts by the SPDC for constructing military and police camps, founding Buddhist people in “*model villages*,” and set up farms-lands to support SPDC security forces and new settlers (Bosson, 2007). A “*demographic engineering*” for dilution of the (Muslim) Rohingya population through the implantation of (Buddhist) Rakhine and Burma settlers is being pursued in the State of North Rakhine.

Large-scale economic development projects have left a deep impression on the land, resources, and livelihoods of the Rohingyas, such as land confiscation, forced labour, and forced relocation, etcetera. As shown in this paper, laws on lands question and economic development projects have severely affected, implicitly and explicitly, Rohingyas and other lives caused developmental displacements, both internally and outside the country. The human rights violations and a “*crime against humanity*” (The Equal Rights Trust, 2012) (persecution against any identifiable group or forcible transfer of population) put the whole Rohingya Muslim community on fire, arbitrary arrests, perpetrated other forms of sexual violence and torture, inhumane raped, land confiscation, forced relocation, forced labour, unlawful extrajudicial killings of hundreds of Rohingya men, women, and children. The human rights violations and offenses have been perpetrated against the Rohingya population “*within a context of decades of systematic, state-led discrimination and persecution of the Rohingya population and occasional large-scale outbursts of violence*” (Amnesty International, 2017, 6). Looking at the horrific consequences of this violent campaign, it is revealed that the motive was to throw the Rohingyas out of the country and make the circumstances of their return incredibly worse.

Conclusion

The lack of consensus in land policies across all areas is one of the vital critiques of Myanmar's land rights and land grabbing in Myanmar's new economic development model. On the one hand, where The Farmland Law allows legislation to legally sell, buy, and transfer the land on land markets. On the other hand, The Vacant, Fallow, and Virgin Land Law facilitates the reallocation of villager's farms and forestlands by the government to domestic and foreign investors. As mentioned above, legal steps for liberalization laws, particularly in the fields of natural resources extraction and agribusiness, have been given by legislation to draw foreign direct investment into the country. Thus, foreign investors' large-scale development projects in strategically located ethnic border areas and resource-rich areas have played an essential role in inducing land conflicts, land-grabbing, and grabbing-induced displacement of local communities and caused significant damage to the livelihoods of local communities and fuelling grievances among local populations in the country. Regional and national governments should defend local citizens and Rohingyas from industrial, military, and state land-grabbing aspirations. The foreign Investment law and new land laws should be amended to meet the needs and rights of small farmers, especially in the ethnic border areas of Myanmar considerately. The current refugee crisis in Myanmar not only have humanitarian aspects arising from massacres, riots, and mass displacement it also has an outlet of other aspects — a state's appropriation of land and natural resources and the promise of a significant payoff from the wealthy's immense growth to indigenous people and the expected significant economic development. The paper demonstrated that the insecure land use and distribution, non-acknowledgement of customary land rights, and a substantial increase in foreign direct investments, and military base expansions have the economic factors that worsen the situation of the Rohingya crisis through discrimination and marginalization in the socio-political arena, exacerbating the fundamental rights and a proper livelihood of Rohingyas. The rapid change in the socio-political and economic factors in Myanmar's transition from military to democratic rule significantly changed the entire public representation of the Muslim minority of Rakhine State (Myanmar). Rohingyas' struggle for political rights, land rights, and ethnic identity culminated them into a '*floating population*', wanderers of the world. The intensification of religious, political, and ethnic problems in Myanmar is undeniable and well-known in the contemporary period. But the economic sense and the conflict-induced displacement that often go undetected should not be disregarded. The paper showed a succinct overview of the economic aspects, including how the law and conflicts of land acquisition/grabbing-induced displacement affect Rohingyas lives miserable and vulnerable and force them to leave their country of origin.

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