

LAND ACQUISITION: LAW, CONFLICT, AND POLITICS IN COLONIAL AND CONTEMPORARY ASIA

Since ancient times, acquiring lands has been a fundamental point in the formation of society and history. In this project, we try to shed light on this phenomenon from a contemporary perspective through three different angles. In the first paper, we present a study of Indochina's land acquisition by the French occupation. The paper reviews the procedures for enacting laws to own, concede, and alienate the land by French occupation. As a result, the local population turned from owners to workers serving the interests of the French. The second paper reviews the impact of the acquisition of land for investment (in Myanmar), which negatively and even bloodily affects the lives of the local population and may lead to sectarian conflicts (Buddhist - Islamic). Often the victims of this conflict are the most vulnerable ethnic minorities in society (in this case, Muslim Rohingyas), while it is primarily a process of acquiring lands for the sake of economic and political interests. The paper explains how law facilitates State, military, and private companies to acquire the lands. The third paper examines the phenomenon of the acquisition of agricultural lands (in poor countries by rich countries) in order to provide food security. This phenomenon has expanded in recent decades due to many circumstances that have contributed to an increase in the demand for food. The paper introduces the topic through the Arab Gulf countries' experience in the acquisition of agricultural lands in both Egypt and Ethiopia. The paper attempts to highlight the opportunities and risks that may result from the acquisition of agricultural land in order to achieve food security.

LAND LEGISLATION OF THE FRENCH COLONIAL GOVERNMENT IN INDOCHINA FROM 1862 TO 1954

Abstract

This article investigates land legislation in Indochina from when the French signed the first Treaty with the Court Hue until they left Indochina after the Geneva Agreement. Drawing on archival evidence, the paper considers how the French government changed land codes to own, concede, and alienate from indigenous people's land. It also examines how the French exploited land in Indochina. Finally, it analyses the influence of land legislation to indigenous people's situation (who lost their land and had to migrate to other regions to work for white owners or became "ta dien" in their old land). This article would like to provide a comparative view highlighting the Federation of Indochina's land issues and each territory's unique characteristics under the new land legislations.

Keyword: *French Empire, land legislations, Indochina, plantation, coolies*

Introduction

Land was viewed as the prime source of capital, wealth, and employment in eighteenth and nineteenth-century Europe (Cleary & Eaton, 1996, p.34). It is both the resource of production activities to meet people's increasing needs and a form of power to assert each family, nation, and empire's strength; simultaneously, it is itself a commodity on the market. Thus, the nature of land tenure relations is critical to economic and political development. In which land's property, title, and individual ownership are at the heart of this philosophy; the other words, they are factors to the development of the economy and stability of politics.

With these mentioned significant roles, land itself became the main motivator for empire countries to invade and control countries in Africa and Asia. In fact, following the soldiers were agricultural colonialists. Following the conquest by the military was the period of land exploitation. Thus, empires were all interested in land concession, the legalization of land ownership, alienation, and exploitation in their colonies. For the British in Malaya and North-west Borneo, the Dutch in the East Indies, and the French in Indochina, the development of what can be termed land legislation was amongst the most critical and far-reaching aspects of colonial legislation (Cleary, 2003, p.356). These codes regulated and "modernized" traditional landholding systems by establishing common principles governing the registration, titling, sale, and property management. However, at the heart of these codes is the tendency to

remove indigenous peoples' local land laws and take their land away. Therefore, most of the natives during the colonial period lost their land and became coolies or slaves employed on their own land or migrant to any plantations of white owners.

Land legislation was also a significant part of the "mission civilization" in French Indochina. For the French, the primary goal of colonial land policies in Indochina was to provide economic incentives, attract a settling population, and call for metropolitan investment into the colony's plantation to justify the French occupation's enormous financial burden administration (J.Murray, 1980, p.55). Hence, land allocation and disposal issues were central to the colonial territory's social and economic transformation. In other words, the French in Indochina could not embark on colonial exploitation without taking over vast arable lands, uncultivated lands, and traditional public lands.

According to Pierre Delhoumeau,

If the goal was to expand the empire's influence, the first duty was land exploitation. Trade and industry only came after this mission... Land exploitation was the most significant means of ensuring the stability of our colonialism (the French)... the merchants and the officials had left, there were only the colonizers who owned land, had stayed (Thúy, 1996, p.11)

The French enacted various land decrees. These decrees were designed to regulate the ownership, registration, occupation, and land sale in colonial territories. However, the motivation behind the development of such codes were complex and multi-layered. In theory, it sound as if land codes only to regulate the classification, acquisition, ownership, and land sale by all outward appearances. Still, in reality, it was a key instrument of French policy to the dispossession of land of indigenous people. As a result, it was natural that the underlying hostility between colonial and natives should first break out over land ownership (Thompson, 1937, p.228).

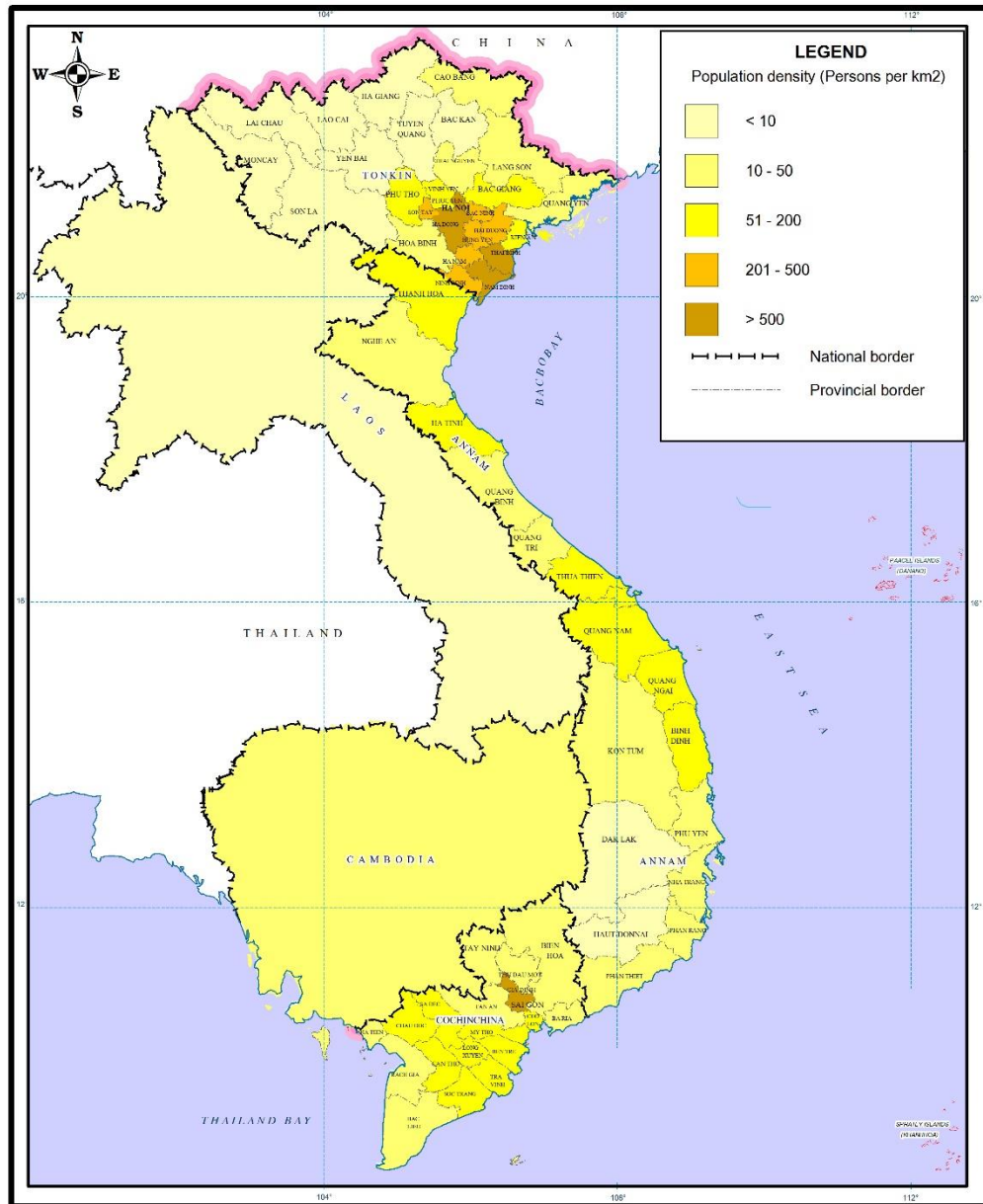
This study examines land legislation during French Indochina. This Federation has been selected as a case study for several reasons. First, it is a mirror that reflects the diversity of the land regime that France has applied to its colonial system. Indochina both had its own land system of a typical colony in Cochinchina and had the land-law features of the lands under the French protection while still maintaining an indigenous government in Tonkin, Annam, Laos, Cambodia. Even the French applied land regimes combined with customary laws for ethnic minorities. Second, these reforms led to a drastic change in the land tenure regime in Indochina.

On the one hand, it energized the land market with the phenomena of buying, selling, transferring, or reclaiming; on the other hand, it led to the impoverishment of many indigenous people who lost or shrank their living area. Then they were forced to work on plantations or migrate to other remote areas.

This study is divided into four sections. In the first section, based on Annam code, Khmer code, and customary code, the article draws the general picture of indigenous land tenure systems of Vietnam, Cambodia, and Lao before French settlement. The second section focuses on land legislation changes in each territory and country. The third section investigates the development of plantations as the results of the land legislation. Finally, the article highlights the conflicts of interest between the French and the indigenous peoples and indigenous people's impoverishment under the influence of new land legislation.

Indigenous land tenure system in Indochina before French settlement

In 1887, Indochina Union was established with a boundary line marked by several treaties with China (1884, 1885, 1887), England (1896), and Siam (1893, 1904, 1907, 1925, 1926). With 736,560 square kilometers and being fragmented by mountain ranges and valleys, Indochina Union was devoid of center and very singular shape (Maspéro, 1930, p.4). The total population of the Indochinese Union in the 1930s reached about 20,996,000 people, including 8,005,000 inhabitants in Tonkin, 4,912,000 inhabitants in Annam, 4,483,000 inhabitants in Cochinchine, 2,770,000 inhabitants in Cambodia (Henry, 1932, pp.24-26), and 819,000 inhabitants in Laos (Khérian, 1937, p.6). Therefore, Indochina emerged as an exception in the French colonial territories that usually owned sparse populations (Maspéro, 1930, p.32). However, the population density was not spread evenly over the Indochina peninsula. Tonkin and North Annam were the most densely populated regions, whereas other areas of the peninsular like Cambodia and Laos were very sparsely. For instance, Tonkin's population distribution was 146 people per square kilometer, in which Thai Binh and Nam Dinh were the two provinces with the densest population at 593 people per square kilometer and 676 people per square kilometer. By contrast, the population distribution in Cambodia was only 15 people per square kilometer, and in Laos, it was only about 3 people per square kilometer (see Map 1)



Map 1. French Indochina population density in the 1930s

Source: Yves Henry, *Économie agricole de l'Indochine*, (Hanoi : Imprimerie D'Extrême-Orient, 1932), pp 23-26.

Grégoire Khérian, *Le problème démographique en Indochine* (Hanoi: Imprimerie D'Extrême-Orient, 1937), p.6

Therefore, the land was a stress issue in Vietnam; it required the state's strict management and rational allocation for community members. On the contrary, in Cambodia and Laos, the land was not a major issue in political discussion.

With different populations and land, and the governing of a range of political, social, and cultural factors, land tenure systems in pre-colonial Indochina were various. To fully understand the transformation of the land legislation, it is helpful to have a historical perspective of the land tenure system in Vietnam, Cambodia, and Laos before the French invaded these territories.

In Vietnam, land laws and property rights were recorded in Gia Long codes, Minh Mang codes, and some decrees. These codes mentioned that the Emperor was the sole owner of all the land of his country. His subjects only had the right to use and pay taxes; in other words, farmers were only the emperor's tenants (Boudillon, 1915, p.14). Although the land regime in each dynastic had its own characteristics, in general, there were two main forms: village communal land (công điền) and private property (tư điền). However, the private land ownership regime has a strong development and gradually narrowed the communal land. Minh Mang's decree states that "no owner, individual or community, can be deprived of his land rights except for the sake of the common good and in return for compensation equal to the value of the lost land confiscation" (Boudillon, 1915, p.14). This decree affirmed that private property was the legal right in Vietnam.

In short, land ownership in Vietnam in nineteenth century was divided into three categories of owners;

1. The Emperor was in the capacity as the representative of the state and the people of Vietnam, to whom all property was returned without being lost or confiscated.
2. Communal land owned by the villages

In the form of communal land (công điền), in theory, it belongs to the emperors; the emperor could give and grant land to his subjects. Still, the village was the direct manager in reality. Villages were the administration's units that had the role of managing, distributing, and collecting a land tax from their members that very little outside intervention as the proverb "Phép vua thua lệ làng" (The king's rules lose the village's rules). Even villages confiscated

any plots without an heir to redistribute to the village members who were poorer members or landless for farming or If anyone used the land without cultivation, after three years, the village would confiscate. In general, the communal land was often not permanently transferable. Still, it provided a safety valve to cope with population growth.

3. Private property: property held by members of the same family were considered the property of the household head during his life and were transferred to the children after his death (Boudillon, 1915, p.14).

To manage land and collect tax, Hue Court asked local administration to measure land and establish "địa bạ" (land register) from across Vietnam (Quỳnh et al., 2001, p. 446). Địa Bạ was the type of record book, statistics on land ownership based on the government's examination and certification to manage land, collect tax rents, set boundaries between administrative units, and avoid land disputes. In 1840 the total cultivated area was 4,063,893 Mẫu¹, in which rice land was 3,396,584 Mẫu, among these fields. 2,816,221 Mẫu was private land and 580,363 mẫu of communal land (Quỳnh et al., 2001, p.446). This figure proofs that the proportion of communal land was so shrink to the point that "this type of ownership no longer plays an important role in the country's economic life." (Khánh, 2013, p.241) (see figure)

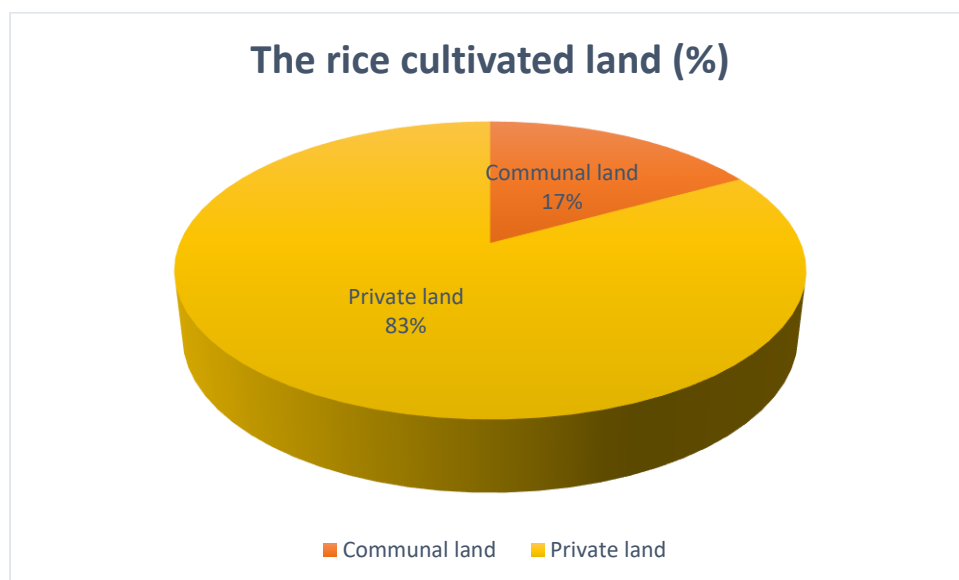


Figure 1. The proportion of communal and private land acreage in Vietnam in the early nineteenth century.

Source: Trương Hữu Quỳnh, Phan Đại Doãn, Nguyễn Cảnh Minh, *Đại cương lịch sử Việt Nam Tập 1 [Vietnam history, Part 1]*, p.241

¹ In Tự Đức Emperor: 1 Mẫu = 4,970m²; after the French land reform policy 1 Mẫu = 3,600m²

To expand the cultivated area, The Hue Court issued many policies to encourage people to reclaim and restore land. New plantations were established in many places, especially in South Vietnam (Cochinchina). The workers in these plantations included soldiers, exiles, poor people, or Chinese. In 1828, a new form of reclamation - "Doanh Điền", was born (Quýnh et al., 2001, p.448) This was a form of combination between the state and the people in reclamation, under a state official's direction. The Nguyen dynasty also encouraged people to automatically organize reclamation in many different ways, in combination with actively restoring land that was once produced. With these policies, the total cultivated land area increased to 4,273,013 mẫu in 1947 (Quýnh et al., 2001, p.448). In short, in the 19th century, land ownership in Vietnam consisted of two main types of public and private land: the private land area increased while and the public land area decreased.

Cambodia: Similar to Vietnam's emperors, in theory, the Cambodian emperors were so completely the owners of this country that the word sovereignty was confounded with that of property. He permitted his subjects to work in his lands. However, if the land was abandoned for three years, he could confiscate it. Even, he had a total right to confiscate property for public or royal use without indemnity (Thompson, 1937, p. 340). The Khmer law also specified how real estate private property was constituted and the conditions imposed for preserving this right. As for transfers, Cambodian law sound to admit that there are three types of possible deals:

1. Sale (la vente)
2. Loan (le prêt)
3. Pledge (l'engagement)

However, these cases were finite because virgin land existed everywhere thus, indigenous people were always easy to create a land property without having to pay any expense. Moreover, some superstitious regulations recommended encouraging residents to be best settled in uninhabited areas, and settlers too close to other owners were often condemned (Boudillon, 1915, p.111). If having any purchase case, the buyer only needed to report to the authority to be measured and demarcated by depositing. However, Cambodia's land conflict problems were not so severe as in the Annamese because available land exceeded the people's needs. Even many Cambodians still kept the habit of nomadic cultivation, so they usually abandoned their land.

Laos: The vast territory designated under the Lao name was made up of several small countries. The Laotians did not have property regulations indicating they paid little attention to the land issue. Like Cambodia, they also kept the habit of nomadic cultivation and often changed their place of residence. One Laotian proverb says: “at the end of three days change your house; at the end of three years change your village” (Thompson, 1937, p.376), proving that the link between land and cultivators was rather loose before the French settlement. Consequently, the French had free hands in building the civil code without any conflict from previous laws.

Codifying colonial land

Control of the land was a key part of the French *mission civilization* in colonial Indochina because of several reasons. First, only through the new land law, the French could get land ownership in Indochina. In fact, the development of a land code was central to their securing rights to land which could be used to raise collateral for their investments. Second, land codes' clear aim of ensuring the best condition for capitalist production in the region. For the French, the economic development of their territories in Vietnam, Cambodia, and Laos depended on increased agricultural output from their land and the ability to attract metropolitan investment into the rice fields, mines, and rubber plantations (Cleary, 2003, p.356). Finally, it was a necessary legal instrument to resolve land conflict issues between rulers and ruled. Therefore, the French colonialists modified colonial land to intervene in the land system and change land ownerships, concession, and alienation. In other words, Emperors were no longer the highest and sole owner of the land; instead, the French or combinations between the king and the French would hold the land ownership. However, Indochina's land legislation was not the same because it depended on each territory's political status, economic characteristics, and socio-culture.

Cochinchina was the sole French colony in the Indochina Union, so the change in its land tenure regime was the most dramatic. These changes included: first, the king's sovereignty over the land was completely replaced by the French, so the land law in Cochinchina would be applied by French law. Second, the French encouraged a large form of land ownership in Cochinchina with the introduction of large landowners. From these perspectives, the colonial government issued a decree to sell large areas of land; appropriation abandoned land, public land to transfer to the French and loyal Vietnamese landlords who had notable economic and political power so that they established large plantations.

As soon as completely invading Cochinchina, the French colonial administration immediately ensured the French ownership and reconstruction of the pattern of land ownership by enacting a land decree by February 20, 1862, which applied the French law in Cochinchina. Still, the decree order also stipulated that Annamite law should continue to govern local people. Therefore, the law of the land in Cochinchina will follow two different laws; the European would follow France's law, and indigenous people would be governed by the Gia Long laws and customs of Vietnam. All land disputes would be resolved by applying France's laws or the laws of Vietnam but based on each specific case. However, if there was a conflict between the French and the Vietnamese, it would be based on French law (Phúc, 1986, p.28).

On March and June 1863, the French colonists declared ownership over all land in Cochinchina and confiscated all derelict land as well as land not belonging to indigenous people (J.Murray, 1980, p.56). The state confiscated all wasteland and land that owners without proof of their ownership rights. Simultaneously, the French asked the landowners to submit and register at the civil protection office the old documents to prove their land ownership. If they registered voluntarily, the French government would recognize their legal ownership and issue a certificate of ownership. For the land which owners fled in rebellion or fear, on June 22, 1863, Governor Cochinchina asked these farmers to return to register their land and receive a certificate of ownership issued by the French government (the term the last is December 13, 1863). If, after that time period, the landowner did not present the documents to the authorities, then all of their lands would be immediately expropriated to the village, or the colonial government gave land to others in various ways (J.Murray, 1980, p.56).

On August 22, 1882, the French enacted a decree to divide the Cochinchina land into three categories:

1. Virgin and fallow land in rural areas
2. Urban land, cultivated rural land, wasteland near Saigon and Cholon
3. Non- movable property dedicated to public services or for the public interest (Boudillon, 1915, p.60)

Every category was governed separately. Category 1, land was conceded for free (Article 2). Accordingly, the administration only required concessionaires to provide to know the land status and the acreage (It would be better if having a sketch of photos) (article 3). All requested, administrative officials would record in the original register (article 1).

Concessionaires paid land tax from the second year; if he did not payment, his rights were immediately canceled (article 6). Category 2 land could only be transferred by public auction (article 7) and the successful bidders would get provided with an original copy of the auction report, deemed to be a possession certificate of they (article 21). Category 3, land was inalienable but could use during a long time (Boudillon, 1915, p.60). This decree had strongly promoted the French to grasp indigenous peoples land. Large arable lands, especially in the Transbassac region, were completely ceded to the French settlers (J.Murray, 1980, p.57).

Besides, the land grant was also promoted and deployed on a large scale, but with some special conditions. In fact, only French citizens, subjects, or protected subjects could be concessionaires. The companies must have registered offices in French or protected territory, the majority of their shareholders, as well as the managers and directors, the members of the Boards of Directors or direction, the partners, must also be citizens, subjects or protected French. According to the decree dated November 9, 1886, each French was only required once time, not more than 10ha with no charge, for production. Then, the Decrees dated October 6, 1889, and October 15, 1890, regulated that the maximum allocated area was up to 500 hectares for each land application. Then, the decree on November 4, 1928, highlighted that the chief local official could grant under 1,000 hectares; the Governor-General could grant between 1,000 and 4,000 hectares, and if exceeding 4,000 hectares, it had to be accepted by Ministre of Colonies(Henry, 1932, p.230). These regulations also applied to the rest of Indochina. Thus, with these provisions, the French government created chances for French capitalists and the Vietnamese landlords to take away many cultivated areas in Indochina.

Along with the land-grant system, the French encouraged land concession and alienation. The decree in 1862 regulated that any land sale had to be passed by a deed authenticated by the head of the civil affairs bureau. In 1864, the land was sold at a fixed price or rented with the promise that it would be purchased later by the renter. Especially, an auction system was established, land concessions were thus offered for sale at a fixed price (minimum 10 francs/ha) and free grants were extended to reward cooperative French and Vietnamese civil servants (J.Murray, 1980, p.57).

Also, the colonial authorities also granted or cheap sale substantial portions of land to Vietnamese who showed their willingness to operate within the French. These collaborators often converted to Catholicism, or sometimes they were members of the local colonial militia that had been recruited at the time of the French occupation, or some people dissatisfied with

court Hue in central An Nam. Therefore, as early as the 1890s, some 10 years after taking full control in Cochinchina the administration established of a proper balance between the number and interests of the small, medium, and large landowners.

In general, in the second half of the nineteenth century, the French colonialists changed the land tenure regime in Cochinchina as follows: 1) Asserting the French's land ownership. 2) The development of private property rights in Cochinchina.

Tonkin and Annam: Martin J. Murray said that colonial land granted never approached such grandiose proportions in Tonkin and Annam as they had in Cochinchina (J.Murray, 1980, p.61). Unlike the vast uncultivated land in Cochinchina, the cultivated land in Tonkin and Annam was quite narrow while the population situation was a density. It only remained a small part of uncultivated land, or some of the areas were the habitat of ethnic minorities in the northern mountainous areas or the Highland. Especially in regions bordering the delta, it had only just been fallowed during brutal French campaigns of conquest and pacification.

Treaties between the French and Court Hue signed in 1883 and 1884 confirmed Annam and Tonkin as French protectorate territories. Although the Treaties allowed the French citizens, subjects and protected subjects could free buy property in Tonkin and the port of Annam, in theory the Nguyen Court continued to manage the communal land. This regulation made the French capitalists especially angry, as they did not seem to have received the protection of the French state in these territories (Thúy, 1996, p.23).

After suppressing the uprising of the Can Vuong and Yen The, the French were attracted by lands outside the delta Red River. They dreamed of the plantations and found ways to acquire property rights in these areas.

The uncultivated land in the Red delta remains a lot, especially in war areas in recent years. Many regions used to grow rice now completely abandoned. In some areas, indigenous people came back, but there were still large concessions to exploit (Thúy, 1996, p.20).

Therefore, the French strongly pressured Kinh Luoc - a royal official of Hue Court, to acquire land ownership in Tonkin and Annam. Under the French pressure, in 1888, Court Hue issued an official decree confirming: "The wasteland belonging to the State could be ceded to the French who required". Likewise, allowing French citizens to temporarily take possession

of vast lands and ports in both Tonkin and Annam. These land grants were limited to 100 hectares each plot the French holder was given the right to occupy and exploit the land in exchange for a nominal fixed fee (J.Murray, 1980, p.61). The provisional concessions could be converted into definite holdings after a period of five years if the land was put into cultivation. However, the colonial administration rarely followed these rules and abuses were widespread.

In October 1888, Dong Khanh Emperor enacted a decree on French rights to buy land and Emperor Annam's authorization to manage these purchases for Governor-general of Indochina:

French citizens, subjects, and French protected persons who legally purchase property in the Tonkin territory and the ports of Annam will have full ownership of such assets under French law. Also, the sale and purchase will be governed by special rules set forth by the Governor-General of Indochina, who has been entrusted by us with all powers set up (Thúy, 1996, p.24).

At the same time, a decree on July 26, 1897, confirmed removing the title "Kinh Luoc," who was the representative of the Hue court to ratify legal documents related to the transfer of agricultural land, which was granted by the Governor-General of Indochina. Likewise the colonial government would have full authority to manage and use the so-called land belonging to the "communal land" (Thúy, 1996, p.25). This regulation promoted the process of land encroachment by French capitalists. Wasteland and derelict land were actually fertile peasants' lands that were chased away by the French colonialists to take over. Even, the land of the Can Vuong movement, the land of the peasants who were evacuated to other places were also considered derelict, so the French could be occupied to establish plantations. Later, in order to curb hoarding and speculation in land rental markets, the official 1899 decree limited the maximum amount of each free land concession to 500 hectares (J.Murray, 1980, p.62).

In the early twentieth century, the French colonialists enacted two of Tonkin's civil laws in 1921 and 1931. In Annam, the most important Civil Code was the Hoàng Việt Trung Kỳ Hộ Luật, which was enacted in 1939. Through these laws, the regulations on the property were presented clearly. Then, the French colonial government, in turn, issued various legal documents on land ownership, of which three decrees: the order dated July 21, 1925 on the organization of the land ownership regime in the colony of Cochinchina and the French concessions in Tonkin and Annam were Hanoi, Hai Phong, and Tourane; the order dated September 6, 1927, amending several points in the Law issued on July 21, 1925; The order

dated March 29, 1939, on the regime of land ownership in Tonkin. According to the above legal documents, both the French and Vietnamese must obey the general provisions of the law. In particular, the decree issued on July 21, 1925, affirmed that "Ownership is the absolute use right as long as it is not used in what is prohibited by law. (Article 18)"(Gouvernement Général de l'Indochine. Direction des Finances, 1931, p.14). It is seen as a kind of natural power, and the owner "cannot be taken away, nor can it be compelled to relinquish it if not for the sake of the common good and if not fairly compensated (Article 17) (Gouvernement Général de l'Indochine. Direction des Finances, 1931, p.14). Ownership of an asset includes all that arises and all that is naturally or artificially associated with it (article 19) (Gouvernement Général de l'Indochine. Direction des Finances, 1931, p.14). Through the implementation of this decree and subsequent documents, the French colonialists created a unified land regime throughout Indochina territory. Ownership rights, including private land ownership and communal land, have been fully realized than in the previous period and confirmed and protected by effective legal documents of the State.

Cambodia: Land law in Cambodia was established step by step through treaties and decrees issued by the French and Cambodian kings. According to the Treaty signed on August 11, 1863, Cambodia was placed under the French protectorate. The King of Cambodia affirmed that the subject French "enjoy, throughout the kingdom of Cambodia, full and entire freedom, for their persons and their property" (Article 5) (Boudillon, 1915, p.98). They would be able to move, own, and settle freely in all the provinces. In addition, the king of Cambodia accepted "to France the right to choose, cut down, debit, exploit, in the forests of his kingdom" (Article 18) (Boudillon, 1915, p.98). These articles were then amended and supplemented. However, they remained the case the basis for the property rights exercised by the French in Cambodia.

The June 17, 1884 conference marked the beginning of the next period of stronger and more urgent action by the protectionist government over the protected government over the state's land ownership. Accordingly which the private property must be established, the soil of the kingdom, until now the exclusive property of the crown, ceased to be inalienable. The constitution of the private property in Cambodia would be implemented by the combination of the French and Cambodian. At the same time, the Christian and the pagodas retain in full ownership the land they currently occupy (article 9) (Boudillon, 1915, p.99).

A further step towards land ownership in Cambodia was the declaration of Sisowath, heir to King Norodom. He insisted on giving up all land rights:

"We are prepared to give the fallow land and the cultivated land in all individual ownership. To the inhabitants who request concessions or who occupy it by issuing them free title deeds, so that they have confidence in their indisputable right and that they strive to work and improve them for their personal good, for the increase of the wealth of the country ... "(Boudillon, 1915, p.124)

This policy encouraged the French to invade a large portion of Cambodia's land and intervene in mountainous ethnic minorities.

Laos: As mentioned above, Laos has no law on property ownership, so France has built a property law without encountering any objections. Existing real estate title could be established in Laos under two different procedures. On the one hand, the concession system was organized by various decrees that specified, namely August 16, 1906 (July 6, 1908 revision) (on the concession of rural land and trade) and on October 2, 1906, (the transfer of real estate in the municipality). Concessions could be granted to French citizens, subjects and protected subjects. Especially, from article 317, already quoted from the civil code, article thus conceived: "any person who marks or indicates by a stake an uncultivated ground to make a" ray "there must, within the time limit of one year, undertake its cultivation; at the end of this period, if no work has been started, the land ceases to be reserved (Boudillon, 1915, p.211). It follows that the occupation, still, constitutes a legal mode of constitution of native property. However, the question of the regime to be applied to land ownership in Laos has not yet been dealt with by the French law makers.

Land registration

In order for any land policy to be successful, a cadastral survey and a reliable land register would be crucial. In the beginning the French authorities used "dia ba" to get the knowledge about land and managed land, but they soon recognized that the information in Dia Bo was incomplete and inaccurate. Therefore, after several changes and additional information in "dia ba", the French enacted many decrees to establish a new land registration and gradually remove "dia ba." (Brocheux, 2009, p.36)

The French system of mortgage registration, enacted by a law of 1885, had been enforced in all colonial territories by 1921 (Jaluzot, 2019, p.17). However, the implementation of separate laws caused many legal obstacles and conflicts of interest among parties. Then the French government decided upon the general reform of land registration and it introduced a special land law for the Indochinese Union.

In Cochinchina, in 1863, the colonial officials ordered that all customary deeds and titles to land in Cochinchina were to be replaced by French –authorized deeds and tiles. Two years later, the colonial administration declared that all land transactions were to be registered in order to provide official legal status to land transfers. After 1877, the French required that these land register books were required to be included in the purchase or sale of parcels of land. The final blow to village control over land use in Cochinchina came with the colonial decree of 1891 which transferred authority over the “*dia ba*” to the local colonial administration. Colonial officials were ordered to maintain public records of land registration at the district level and village authorities were merely provided with a copy of the land register book.

Likewise, in 1902 Cambodia required a strict application of the rural code provisions and property rights to end disputes. Especially, the native authority that fell in charge of drawing up the property's table with the plots owner's names and their neighbors, the acreage and so on. These datas had to be submitted to verification and then displayed in the “*sala*” (common house) of the “*sroc*.” After six months without any conflicts, the landowner would get a land register book free. Any mutation, any sharing, any act modifying the property” had to be mentioned in these land register books. The 1902 decree was then further supplemented by the decrees of May 13, 1909, and January 8, 1912, with a “Committee on Land” in each “*Khum*” to land registration and management. In short, these decrees have made land management in Cambodia stricter (Boudillon, 1915, p.123).

For Laotians, the land had not the main issue, but the Vientiane office was also organized on the same plan as the other offices in Indochina to implement immobile property registration, which could be requested by any landowner, European or native (Boudillon, 1927, pp 331-332). This proved that the French also began interested in the land issue in Laos, but compared to the rests of Union, these policies were still quite dim.

After this decree on July 21, 1925, land registration was based on the law of the property, and applied to all people, whether they were French, European, indigenous, or foreigner. At the same time, land ownership was considered a natural right, and the owners could not be taken away and could not be compelled to concede if not for the sake of the common good and without compensation. Besides, real rights, among them mortgages, which had been heavily disputed, were once and for all legally settled. The law was slightly adapted to indigenous customs. For example, inheritance law was adapted to the new legal context; the first spouse

gained a right of usufruct on her husband's property. Special rules were dedicated to religious foundations, especially for ancestor worship (Jaluzot, 2019, p.18).

This decree also stipulates that selling is permanently transferring its ownership to another person (article 19). The seller could only redeem the land only after mentioned this change in the contract and has refunded the full amount and all costs incurred by the buyer. The right to redeem land was a covenant only for a maximum period of 10 years. Besides, "giving or granting an immovable property to another must have an agreement and be approved by him," and when the contract was fulfilled, such giving or donation could not be canceled. This proves that land ownership has been tightly established.

As a result, private property was secured, thanks to the safety of registration. Likewise, property rights could be established and transferred. Moreover, any change in land and ownership could only be based on an authenticated deed. The contractor's personal law governed the deed's form; this meant that a notary deed was needed for Europeans and local people. A deed was written or authenticated by an indigenous authority of the contractor's domicile or of the land's location was required.

Along with land registration requirements, the French also established Indochina Cadastral Office to conduct surveys and manage all land-related tasks from separate local organizations in 1914 (Boudillon, 1927; Khánh, 2016). The office was under the Governor of Cochinchina, the Governor of Tonkin, the ambassador of Annam, Cambodia, and Laos. The Cadastral Office was responsible for implementing surveying and mapping works on Indochina's territory, especially establishing, preserving, and updating cadastral original maps, including those of urban cadastral-related maps of French concession cities such as Hanoi and Hai Phong. Based on the cadastral documents, the French government had the conditions to promote agricultural management further, to firmly grasp the land status (area, land quality) and the situation of land ownership in the localities, as a basis for calculating taxes and managing property taxes, and at the same time protecting the landownership.

Although the land registration and measurement were slow and inconsistent, through the cadastral registration procedure, for the first time, private ownership was recognized and protected by a strict and complete land law system. The State not only openly recognized ownership rights but also had specific institutions on the rights and responsibilities of the owner. These legal documents of the French government were the legal basis to create a unified land tenure regime in Indochina.

The change in ownership forms and the plantation development

A direct consequence of the land legislation in Indochina is that it promotes the French colonization movement. However, due to variations in law, politics, and geographical conditions, this movement was different from time to time, from place to place. In general, the French colonization movement in Indochina took place in three phases, corresponding to changes in legal regulations and the economy's needs.

Stage 1: From 1862 until 1896, during this period, the Cochinchina situation stabilized while in Tonkin and Annam, France was still facing a series of military difficulties. Therefore, the concessions was implemented with the fastest speed in Cochinchina at 38,531 ha (59%), while the Europeans conceded 22,000 ha in Tonkin, 3,957 hectares in Annam, and 564 hectares at Cambodia (Henry, 1932, p.223).

Stage 2 from 1896 to 1900, this period was marked by the French successfully suppressing the Can Vuong movement and Yen The uprising. At the same time, they got preferential treatment in the land policy with the Hue court in Tonkin and Annam. Therefore, the granting of concessions in Tonkin took place most actively in Indochina. The French had been conceded 175,769 hectares (56%) in just five years. Notably, in 1897, the French was conceded 59,930 hectares; in 1898, the concession reached 78,215 hectares. In Cochinchina, by contrast, for five years, only 39,743 hectares (13%) had been conceded (Henry, 1932, p.223).

Stage 3 from 1920 to 1930, infact since 1900, the French realized that Tonkin's concession was hindered by the fact that the limited land acreage and landownership belonged to the indigenous people. Also, land concession and lease in Tonkin was ineffective. Hence some of the concessions were returned to the villages to maintain communal land. In contrast, in the Annam region, a concession movement to grow coffee plantations developed strongly. Besides, land colonization thrived in Cochinchina and Cambodia because the discovery of adaptive rubber trees in the red land and the constant increase in rubber prices; and France developed irrigation systems to expand cultivated areas. Consequently, Cochinchina and Cambodia quickly became particularly important to France. In 1930, the total area concession granted in Indochina was 1,025,600 hectares, of which Cochinchina was 606,500 hectares (59%), Annam was 168,400 hectares (16%), Tonkin was 134,400 hectares (13%), Cambodia was 113,500 hectares (11%), and Laos was 2,800 (less than 1%) hectares. However, the movement finally slowed down after 1930 as a result of the Great recession (Henry, 1932, p.224) (see figure)

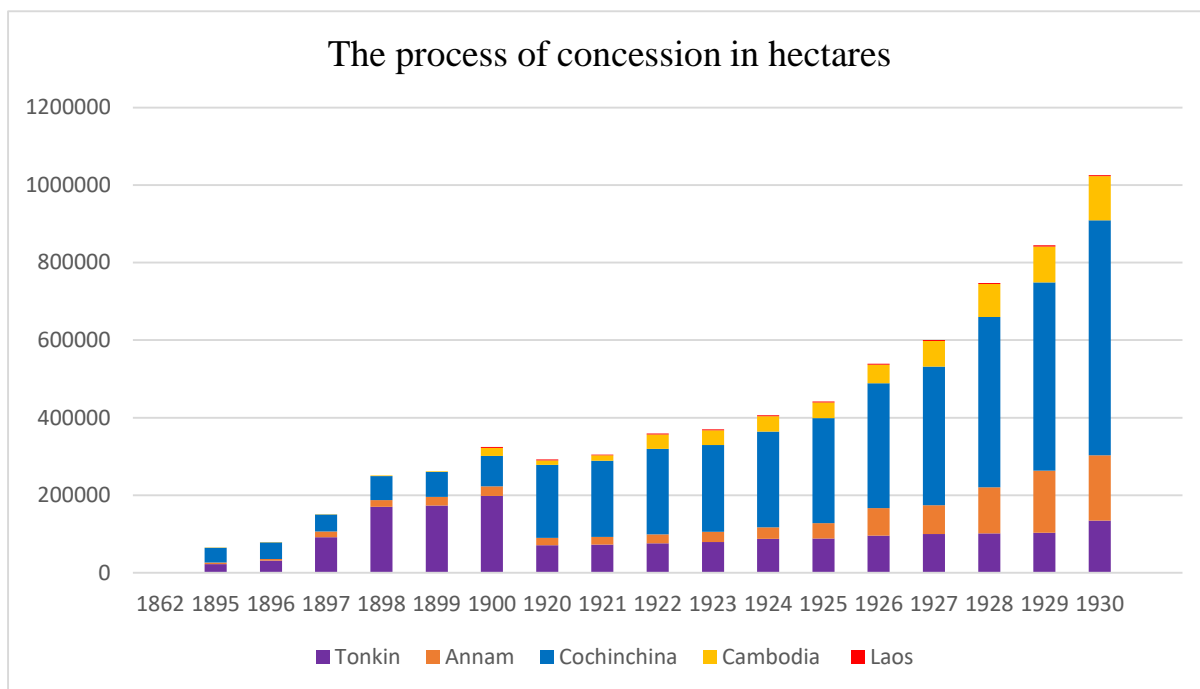


Figure 2. The process of concession in hectares

Source: Yves Henry, *Économie agricole de l'Indochine*, (Hanoi : Imprimerie D'Extrême-Orient, 1932), pp.223-224

More importantly, most of this land concession granted belonged to Europeans, especially the French. Compared to cultivated acreage in Annam, Cochinchina, and Tonkin, the Europeans also occupied a large acreage from 10% to 25%. However, only approximately 40% of the total acreage of these land grants was actually cultivated (see table 1) (J.Murray, 1980, p.66) This unused productive capacity resulted from the particular manner in which the development of capitalism occurred; French citizens were able to acquire considerable tracts of land at little or no cost; but the lack of capital, the insufficient knowledge of tropical farming techniques, the limited economies of scale in rice cultivation, the restrictions placed on unfettered trade by metropolitan France, and the tremendous fluctuations in the world market prices for rice all contributed to the discouragement of entrepreneurship on the land. The overall result was considerable land hoarding and speculation. The most common practice engaged in by landholders was to fragment their holdings into small parcels, which were then rented to native tenants or sharecroppers on very harsh terms.

TABLE 1. European Land concessions, 1931 (in thousand of hectares)

Region	Total cultivated lands	Concessions	Actually cultivated concessions
Tonkin	1.200	120	30
Annam	1.000	170	25
Cochinchina	2.400	600	300
Total	4.600	890	355

Table 1. **European Land concessions, 1931 (in thousand of hectares)**

Source: Martin J.Murray, *The Development of Capitalism in Colonial Indochina* (1870-1940), (University of California Press, 1980) p.66

Along with promoting the land concession process, the French land policy also contributed to the change of land ownership forms in Indochina, especially in Tonkin, Annam, and Cochinchina. In Cochinchina, the French colonialists developed the form of large land ownership. In Bac Ky and Annam, the French colonialists maintained small and medium ownership of land. As a result, in 1930, there were only 818 landowners who owned between 18 and 36 ha, 252 owners had over 36 ha in Tonkin. In Annam, 343 landowners owned from 25 to 50ha; 51 landlords owned more than 50 hectares. On the contrary, in Cochinchina, the number of landlords owning from 50 ha to 100 ha reached 3,623 people; 2,449 landlords owned between 100 and 500 ha; and 244 people owned more than 500 ha. Likewise, in Cambodia, the number of landowners owning from 50 to 100 hectares was 109 landlords, owning from 100 to 500 hectares was 44 landlords; and owning over 500 hectares reached 7 people. In short, with the different ownership regimes, the capitalists economy thrived in Cochinchina, while in Tonkin and Annam, it implemented slowly (Henry, 1932, pp.108, 144, 182,195).

Along with the expansion of rice cultivation areas in the plains, the French colonialists also advocated exploiting the lands in mountain and red land region to develop husbandry and establish plantations such as tea, coffee, sugarcane, cotton. Especially in the 1930s, the price of rubber soared due to the large demand for rubber that spurred the expansion of rubber plantations in the Southeastern provinces of Cochinchina and Cambodia. (Robequain, 1944,

pp.190-213). Consequently, the cultivating muscles in the regions have become more diverse (**FIGURE 6**). In 1931, the European rice plantations of Indochina which were almost entirely cultivated by native share-croppers- covered nearly 300,000 hectares, almost, three –quarters of the cultivated area in all European plantations (Robequain, 1944, p.194)

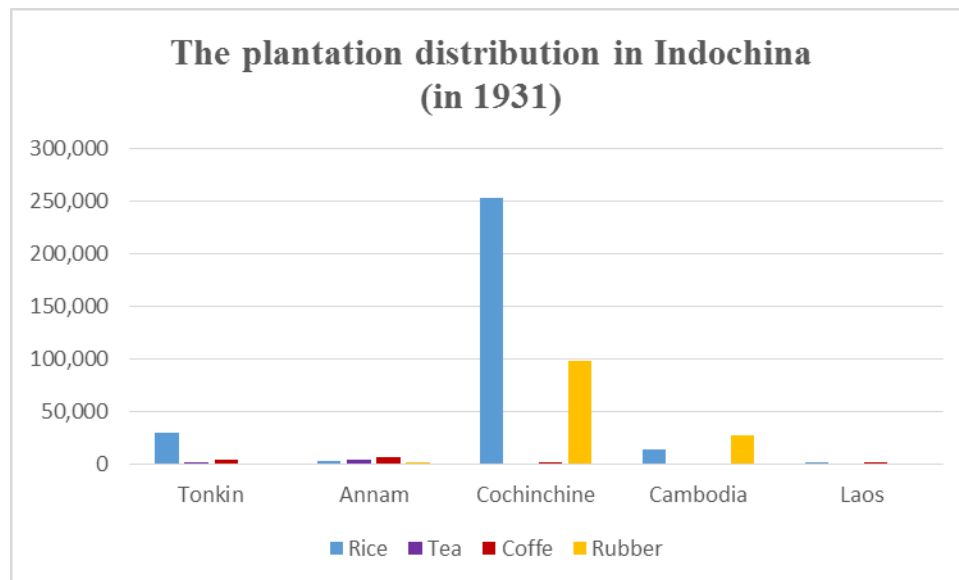


Figure 3. The plantation distribution in Indochina (in1931)

Source: Yves henry, *Économie agricole de l'Indochine* (Hanoi : Imprimerie D'Extrême-Orient, 1932), p.225

In short, land concessions for plantations were an important tool of French colonization in Indochina. During this period, commentators claimed that the large plantations marked the beginning of capitalist colonization in Indochina.

Indigenous people status under the new land tenure regime

For agricultural societies, the land is the basic economic tool to support farmers themselves and their families, so changing the land tenure regime will direct impact on these farmers. In fact, the legalization of concession, purchase, and alienation of land pushed tens of thousands of peasants especially in Tonkin and Annam into the situation of losing their fields or landless, forced to cultivate land or become tenants (Tá điền) of landowners with hard working conditions and meagrewages. According to Ngô Vĩnh Long, in 1938 there were 968,000 peasant families who were completely without any land of their own in Tonkin. The statistics were also given in 1952-1953 by Le Bureau de Statistiques et de Recherches économiques du Gouvernement showed that in Tonkin there were 1,303,700 lanless peasant

families (58%) as opposed to 944,000 families with land. Likewise, in Annam, the statistics also showed that in Annam there were 866,200 (53%) landless families (Long, 1991, p.27).

Because of lack of land, many peasant became coolies or part-time in some handicrafts while others were forced to leave their homeland to go to urban areas or economic centers searching for work. However, French colonialists' industry did not encourage the development of industry, so there was only a few farmers recruited to work in industrial establishments. Most of them had to go back to the countryside and get back a few land plots, or work as tenants for landlords to earn a living. Clearly, the French colonialists' land policy in the Tonkin and Annam pushed peasants into bankruptcy, poverty, and deadlock. As the endways, they forced to move to other areas such as Cochinchina, Laos, Cambodia, and the Islands of South Pacific Ocean to work until dying in plantations, mines, or industrial factories of the white owners (Henry, 1932, p.28). This migration trend developed strongly in the 1920s in Tonkin and Annam and it only slowed down when the Great recession struck.

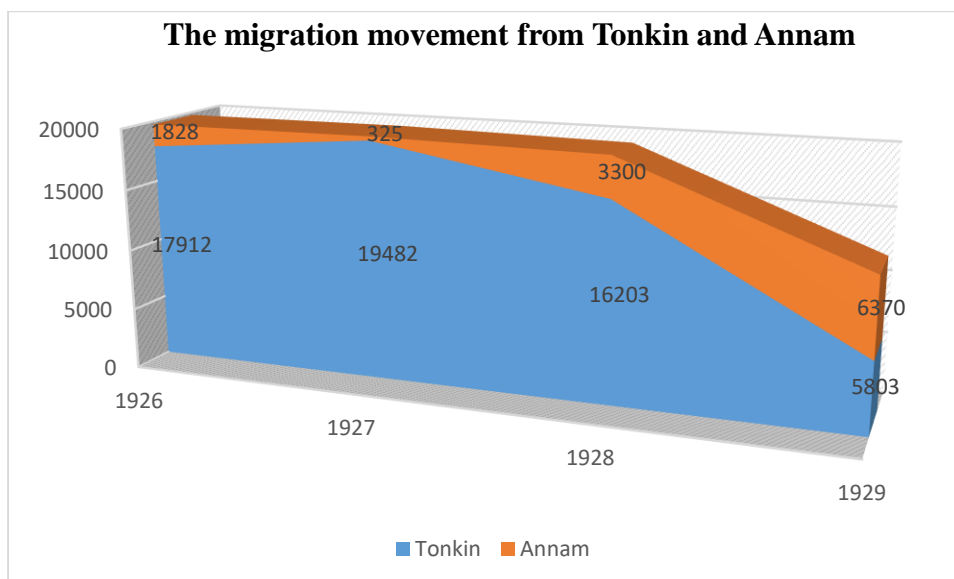


Figure 4. The migration movement from Tonkin and Annam

Source: Yves Henry, *Économie agricole de l'Indochine* (Hanoi : Imprimerie D'Extrême-Orient, 1932), pp.28,40

Meanwhile, the French land reform law also provoked outrage in Cambodia. Cambodian argued that this new land law not only undermined the sovereignty of their kings but also paved the way for the French and the Annamese invaded a large amount of their land.

In short, this new land law brought more benefit for whites, landowners, elite class than indigenous people. Therefore, disputes related to land between whites and natives often took place.

Conclusion

We might brief that, at first the French colonizers were based on the recognition of local laws such as Gia Long code and Khmer code, even customary laws in order to apply to indigenous peoples. Still, the French then sought to abolish these laws and replace it by French law. Although this new legal system has been restructured and incorporated with some indigenous factors, it is basically aimed at the highest level to ensure the long-term stable development of whites people in the region.

Under the influence of the new land law regime, the land ownership regime in Indochina has had a profound change and a legal order has been established. The emperor's supremacy over land was basically completely abolished, common property or collective property, even communal land deeply rooted in some indigenous traditional laws, was severely reduced by the lack of protection from French law. France recognized or was only maintained some kinds of land to maintain social stability, while private property rights were encouraged to develop and protected by the state. In particular, this land law not only affected the deltas, but also the protected communities living in mountainous areas such as the Highlands, North Tonkin, as well as Laos and Cambodia. It also affected the land ownership regime of Indochina, with the growing popularity of large landlords in Cochinchina and Cambodia as well as the widening gap between small landlords and large landlords.

This land regime also resulted in bankruptcy and impoverishment of Indochinese peasants, who later had to leave their homeland to emigrate to Cambodia, Laos, or the mountains or to work in remote islands in Pacific Ocean. In other words, the change of land policy created a large amount of labor for the French plantations, mines, factories or transport construction

The French implemented land registration and land measurements in Indochina, although the highest purpose was to manage the land and collect land tax, however this was also the first time, the land measurement is carefully, meticulously and organized in Indochina. Hence, it also provides accurate and relatively accurate land data in Indochina. Along with the expansion of rice cultivation areas in the plains, the French colonialists also advocated exploiting the lands in the midlands, highlands and uplands to develop husbandry and industrial

crops such as tea and coffee, rubber. This policy contributes to exploring, taking advantage of and promoting the strengths of land in areas outside the delta, while contributing to the destruction of monoculture in agriculture, diversifying crops and animals, increasing sources of income for the national economy.

Reference

- Boudillon, A. (1915). *Le Régime de la propriété foncière en Indochine, ce qui à été fait, ce qu'il faudrait faire: : rapport présenté à M. le ministre des Colonies.*
[https://gallica.bnf.fr/ark:/12148/bpt6k751226.r=Le régime de la propriété foncière en Indochine?rk=21459;2](https://gallica.bnf.fr/ark:/12148/bpt6k751226.r=Le%20r%C3%A9gime%20de%20la%20propri%C3%A9t%C3%A9%20fonci%C3%A8re%20en%20Indochine?rk=21459;2)
- Boudillon, A. (1927). *La réforme du régime de la propriété foncière en Indochine. Rapport présenté à M. le Gouverneur général de l'Indochine, août 1924, Imprimerie d'Extrême Orient, Hanoï, 1927.* [https://gallica.bnf.fr/ark:/12148/bpt6k75123j.r=Le régime de la propriété foncière en Indochine?rk=42918;4](https://gallica.bnf.fr/ark:/12148/bpt6k75123j.r=Le%20r%C3%A9gime%20de%20la%20propri%C3%A9t%C3%A9%20fonci%C3%A8re%20en%20Indochine?rk=42918;4)
- Brocheux, P. (2009). *The Mekong Delta: Ecology, Economy, and Revolution, 1860-1960.* Center for Southeast Asian Studies.
- Cleary, M. (2003). Land codes and the state in French Cochinchina c. 1900-1940. In *Journal of Historical Geography* (Vol. 29, Issue 3, pp. 356–375).
<https://doi.org/10.1006/jhge.2002.0465>
- Cleary, M., & Eaton, P. (1996). *Tradition and Reform: Land Tenure and Rural Development in South-East Asia.* Oxford University Press.
- Gouvernement Général de l'Indochine. Direction des Finances. (1931). *Recueil des décrets, arrêtés et circulaires relatifs au régime de la propriété foncière en Cochinchine et dans les concessions francaises en Annam et au Tonkin.* Hanoi : Imprimerie D'Extrême-Orient.
- Henry, Y. (1932). *Économie agricole de l'Indochine.* Hanoi : Imprimerie D'Extrême-Orient.
- J.Murray, M. (1980). *The Development of Capitalism in Colonial Indochina (1870-1940).* University of California Press.
- Jaluzot, B. (2019). Civil Law in the French Asian Colonies. In *Civil Law Reforms in Post-Colonial Asia* (pp. 3–20). Springer.

- Khánh, N. V. (2013). *Ruộng đất, nông nghiệp và nông thôn Việt Nam thời kỳ cận- hiện đại* [*Land, agriculture and countryside in Vietnam from premodern to modern period*]. Thế giới, Hà Nội.
- Khánh, N. V. (2016). Đo đạc và quản lý đất đai ở Việt Nam thời Pháp thuộc [Land measurement and management in Vietnam during the French colonial period]. *Khoa Học Xã Hội và Nhân Văn*, 2(4), 356–369.
- Khérian, G. (1937). *Le problème démographique en Indochine*. Hanoi : Imprimerie D'Extrême-Orient.
- Long, N. V. (1991). *Before the Revolution: The Vietnamese Peasants Under the French*. Columbia University Press.
- Maspéro, G. (1930). *Un Empire colonial français. L'Indochine*. Paris-Bruxelles, Ed. Van Oest.
- Phúc, V. H. (1986). Thái độ của Thực dân Pháp đối với vấn đề ruộng đất ở Nam Kỳ vào nửa cuối thế kỉ XIX [French colonial attitude towards land issues in Cochinchina in the second half of the nineteenth century]. *Nghiên Cứu Lịch Sử*, 5, 27–39.
- Quỳnh, T. H., Doãn, P. Đ., & Minh, N. C. (2001). *Đại cương lịch sử Việt Nam Tập 1* [*Vietnam history, Part 1*]. Giáo dục.
- Robequain, C. (1944). *The economic development of French Indo-China*. Oxford University Press.
- Thompson, V. (1937). *French Indo-China*. George Allen & Unwin, Ltd.
- Thúy, T. T. (1996). *Đồn điền của người Pháp ở Bắc Kỳ 1884-1918* [*French Plantations in Tonkin 1884-1918*]. Thế giới, Hà Nội.

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

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 acknowledge is the economic aspects behind Rohingyas narration of expulsion. 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. The flood of homeless Rohingyas solicits shelter from atrocities both internally as IDPs and outside the country, such as Bangladesh and India. The crisis of Rohingyas in Myanmar not only has social (ethnic and religious) and political aspects. It also, deep down, has economic aspects as well, such as land acquisition laws and economic development as contributing factors to forced displacement. The paper presents a succinct overview of the economic aspects, including how the law and conflicts of land acquisition/grabbing-induced displacement affect Rohingyas lives in Myanmar and force them to leave their country of origin.

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.

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). Taking Rohingyas particular issue, the paper examines how Myanmar's economic factors make lives miserable and vulnerable. 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. 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. Since the 1990s, several academic papers have been recorded 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).

The spike in land acquisition in Myanmar has two leading causes.

- *First*, the laws on land's question in Myanmar failed to keep pace or somehow become medium to facilitate land acquisitions in the State.
- *Second*, the economic development boom to increase foreign direct investment somehow leads to land conflicts and land acquisitions in the State.

¹ Land grabbing is understood here as the undemocratic capture or control of both the physical resource (e.g., land, water, forests etc.) and the power to decide how these will be used and for what purposes. For more information please visit— <https://www.tni.org/en/publication/access-denied-land-rights-and-ethnic-conflict-in-burma>

Law's on land's question 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 and a lesser degree on the Karen Muslims intensified again in 2012. In the meantime, the Government of Myanmar has adopted numerous laws and regulations relating to land management and distribution. On the question of Myanmar's land acquisition, the following laws have specific relevance in the domestic law: The Constitution of the Republic of the Union of Myanmar (2008), The Land Acquisition Act (1894), The Farmland Act (2012), The Vacant, Fallow and Virgin Land Act (2012), The Foreign Investment Act (2012) (Displacement Solutions, 2015).

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 Act (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. 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 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 defending 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).

In Myanmar, hundreds of civil society organizations are mobilizing in opposition to the government's implementation of The Vacant, Fallow, and Virgin Act (2012) due to the expectation that the law facilitates land acquisition, large-scale displacement, and land disputes/conflicts. 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 boom (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).

To reflect the country's development needs in the 21st century, Myanmar seeks to amend its colonial-era 1894 Land Acquisition Act. In 2019, Myanmar adopted the Land Acquisition, Resettlement and Rehabilitation Law (LAARL) (not yet in force, awaits Presidential notification/rules), considering projected affected persons. 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, the new legislations are seen as *"exclusively benefitting the private sector"* (TNI-BCN, 2013), particularly large-scale foreign investors, at the detriment of smallholder farmers, who

constitute three-quarters of the population.

From Economic Development to Land Conflicts: An aggregate presentation

Opening up Myanmar's economic boom to the world in 2011 has been attracting significant foreign investment (seen as an investment on the rise) in several fields such agriculture, livestock & fisheries, mining, manufacturing, power, oil and gas, construction, transport & communication, hotel and tourism, real estate, 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 sector in average percentage² 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%).

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 the past decades have emphasized: "*a new intensity*" between the Buddhist-Muslim divide culminating in "*one of the greatest refugee crisis in the modern world*" (Transnational Institute, 2019, 8). Opening up Myanmar's economic boom to foreign investment was the reason Arakan (a coastal geographic region in southern Myanmar, Burma) has also confronted large-scale economic development projects, becoming the trading hub for countries such as India and China. Figure

² 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.

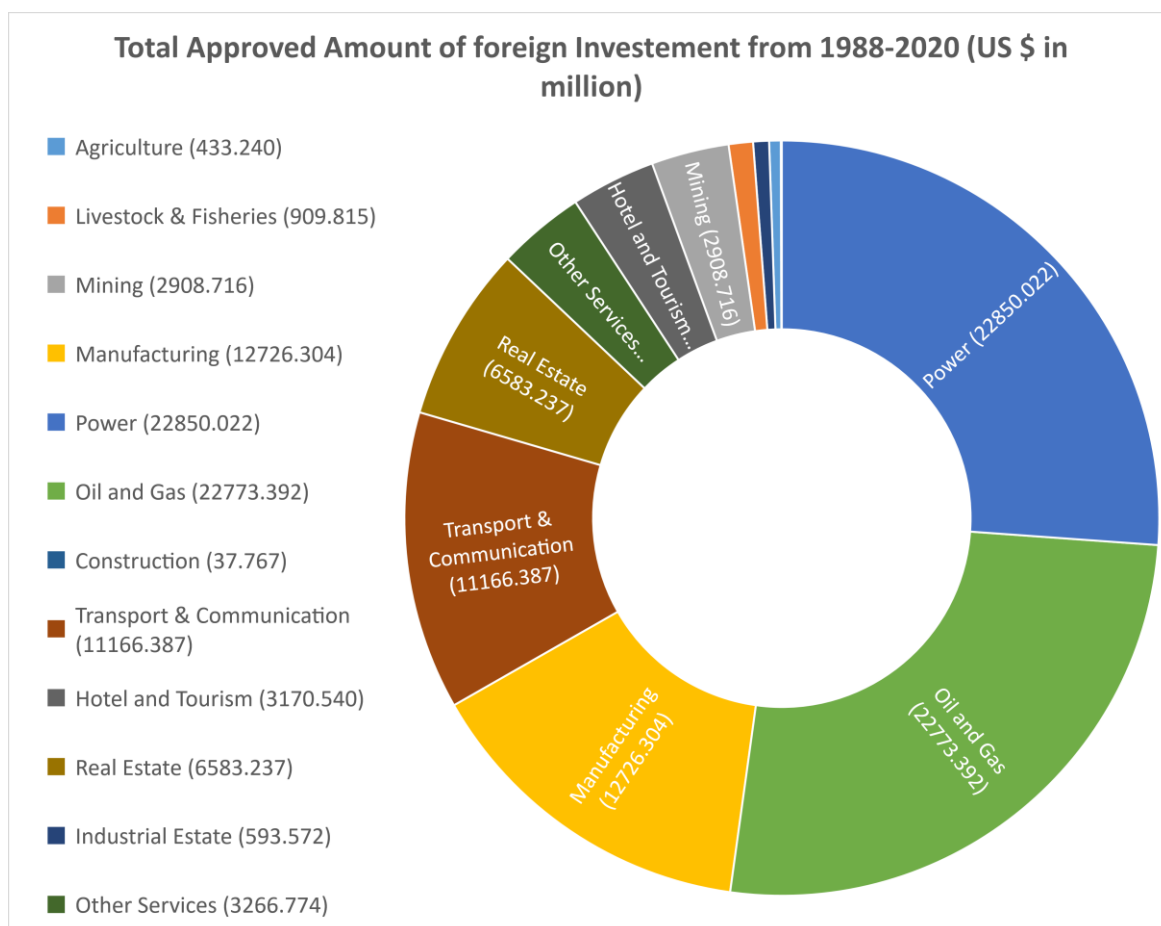


Figure 1. Foreign capital to be brought in by sector³ from 1988-2020 (As of 31/10/2020). © Myanmar Directorate of Investment and Company Registration (October 2020).

Economic development projects have severely affected Rohingyas lives caused developmental displacements, both internally and outside the country. Approximately one million Rohingya resides in the Rakhine state of Myanmar, of which over 700,000 are concentrated in the northern region of the state (The Equal Rights Trust, 2012). Large-scale economic development projects also leave a deep impression on the other Rakhine communities. China, India, Bangladesh, France, and South Korea are significant players in driving controversial multi-

³ Retrieved from: https://www.dica.gov.mm/sites/dica.gov.mm/files/document-files/yearly_sector_12.pdf

million dollar ventures under foreign direct investment projects within the state of Arakan, such as Sittwe and Kyauk Phyu deep seaports and Shwe oil and gas exploration pipelines (at the heart of China’s Belt and Road Initiative), Kaladan Multi-Modal Transit Transport Project (India’s strategic roadway), the Kanyin Chaung Economic Zone (Bangladesh’s interest in the Maungdaw borderlands), hydropower power projects (French project on the upper Lemro river), the Special Economic Zone of Kyauk Phyu and connective trade corridors (Arakan Oil watch, 2020). Rakhine State's coastal areas have obviously strategically crucial to the broader context of geopolitical maneuvering for Myanmar.

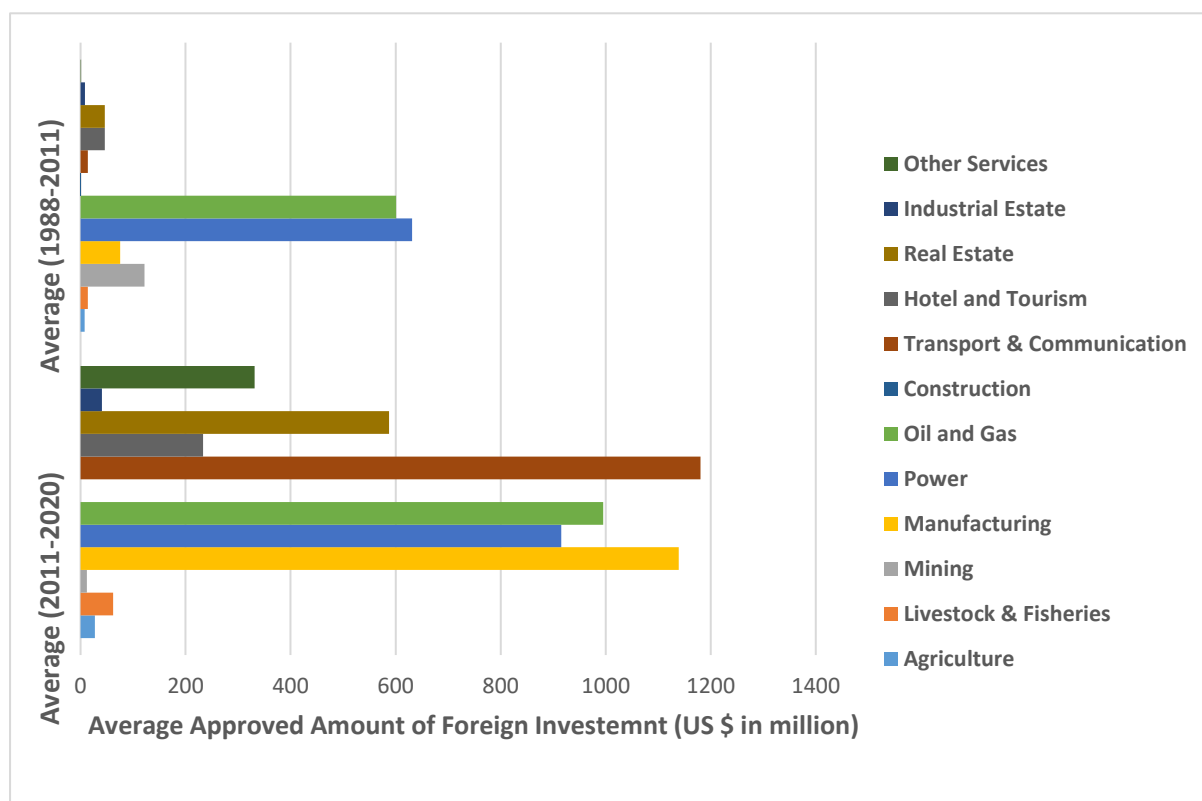


Figure 2. The average approved amount of foreign investment⁴ by sector. © Myanmar Directorate of Investment and Company Registration (October 2020)

⁴ Retrieved from: https://www.dica.gov.mm/sites/dica.gov.mm/files/document-files/yearly_sector_12.pdf

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.”⁵

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 local fishing and farming industries and the confiscation of thousands of acres of land. Another project led by a Thai company, Italian-Thai Development in the Dawei Special Economic Zone, caused development-induced displacement (from their lands) of almost 20,000 individuals for the infrastructure and commercial interests (Long & Brake, 2013). 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.

⁵ 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

A report released on the situation of Arakan, “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 period⁶, 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.

Conceptual Model: -

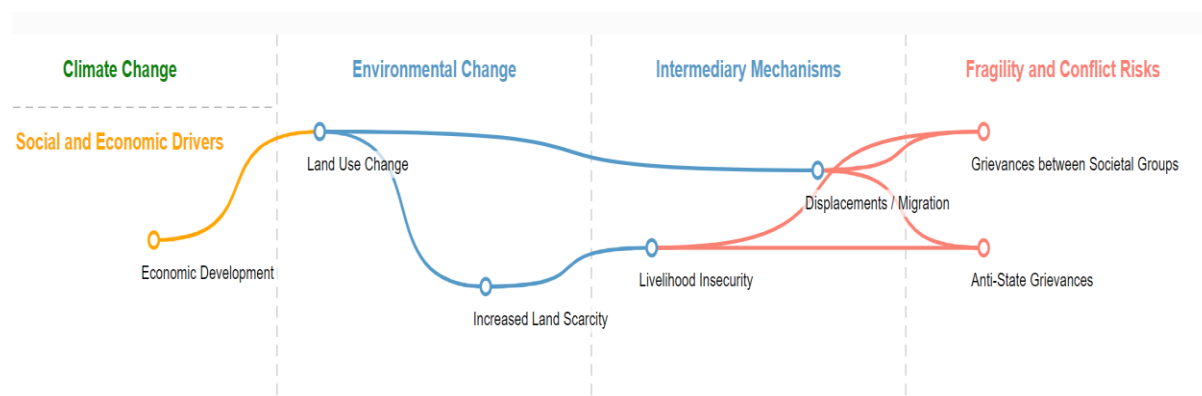


Figure 3. ‘Conceptual Model’ the trajectory of the land-grabbing conflicts in Myanmar © adelphi/ECC Factbook

Retrieved from <https://library.ecc-platform.org/conflicts/land-grabbing-myanmar>

⁶ SLORC (1988-1997) refers to ‘*State Law and Order Restoration Council*’. SPDC (1997-2011) refers to ‘*State Peace and Development Council*’.

In Myanmar, economic development and insecure land tenure play a significant role in the land-grabbing phenomenon. Due to several political transitions (colonization, communism, and democracy), 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, enforcement of The Vacant, Fallow, and Virgin Act (2012) 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 as shown in figure 3 (be it through mining, industrial agriculture—especially for rubber, palm oil, and paddy rice, etc.) 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-use⁷ 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

⁷ The classification of the conceptual model on the land grabbing conflicts in Myanmar retrieved from the © adelphi/ECC Factbook.

<https://library.ecc-platform.org/conflicts/land-grabbing-myanmar>

compulsory displacement due to ethnic conflicts compounded by land confiscation, forced labour, and forced relocations to build army bases. The SPDC's Southeast Command unexpectedly seized some 200 acres of land from 49 Mon farmers and planned to build the artillery regiment in the southern region of Mudon Township on November 5, 2002. Including 600 acres of agricultural land confiscated from Ye Township in May 2003 without any compensation cost who lost their lands (Global IDP, 2003). Extremely fragmented and a significant proportion of the population had become landless when Muslims were forcefully displaced by Kayin (Karen) State from their villages in 1997. Some townships in the Arakan State became "*Muslim-free zones*" (such as Suchas, Thandwe, Gwa, and Taung-gut) in 2001, where Muslims were not allowed to live, mosques were destroyed and burned, 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, Rohingya and other individuals are frequently displaced as a result of brutal policies on discriminatory conditions, including establishing "*new villages*" (for Buddhist settlers) in central and northern Burma for trans-migrants (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. The unlawful confiscation of land without indemnification continues either by transferring land for new Buddhist immigrants or constructing and extending military bases, including plantations for military cultivation, for their own commercial use.

Migration/displacement and livelihood scarcity both contribute to intensifying the state discontentment, leading to anti-state grievances and grievances between societal groups, as shown in figure 3. 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 ‘military-backed state,’ ‘army-backed cronies,’ and ‘foreign companies’ that have contributed to violent disputes between civilians and land grabbers.

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 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 colonisation 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 Arakan, 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 Arakan, 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 Arakan.

To forever drove the Rohingya Muslims from the Northern part of the Rakhine state, the Myanmar military (with the help of local vigilantes and Border Guard Police (BGP)) launched a targeted and organized campaign on the Rohingya population in “*Northern Rakhine State as a whole*” (Amnesty International, 2017, 6) on August 25, 2017. The attack was in response to the attack by Arakan Rohingya Salvation Army (ARSA) on approximately 30 security force outposts near Koe Tan Kauk (also attacked police outposts in Tha Win Chaung and Thin Baw Kwea villages). In October 2016, the ARSA was publicly known for its series of attacks on Myanmar Border Police Posts in Rakhine State. Before changing its name to ASRA, the Rohingya insurgent group (ARSA) was previously known as “*Harakat al-Yaqin*,” or “*the faith movement*” (Lintner, 2017). 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, unlawful extrajudicial killings of hundreds of Rohingya women, men, and children. A report briefing by Amnesty International titled “*my world is finished: Rohingya targeted in crime against humanity in Myanmar*” unveiled after 150 interviews of victims (more than 120 Rohingyas)

and through aerial photographs and satellite imagery that 20.7 square kilometers detected burnt areas of destroyed structures in Maungdaw (especially Min Gyi village, Ye Baw Kya village), Rathedaung (especially Chut Pyin village, Chein Kar Li village, Koe Tan Kauk village), and Buthidaung Townships; within seven weeks, more than 520,000 Rohingya have fled into neighboring Bangladesh due to the relentless abuses of human rights (Amnesty International, 2017). When Armed forces in Myanmar set fire to Rohingya villages, people in their homes were burnt to death. The authentic conformation of the “*systematically burned Rohingya houses and buildings in villages*” (Amnesty International, 2017, 13) was later corroborated by Amnesty International through satellite imagery, dozens of video footage, photographs, and witness accounts. 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). The violent campaign intended to throw Rohingyas out of the country and make the conditions incredibly worse for them to return.

The Exacerbation of the Lives of Rohingyas

After the independence of Myanmar (1948), the conflict between Rakhine Buddhist communities and Rohingya Muslims, the Buddhist-Muslim divide, 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.*” 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, take back or 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 the 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.

Rohingyas, ‘*country’s long-oppressed Muslim minority*’ (Prasse-Freeman, 2017), confronted with the awareness of international audience in one of the significant brutal events in 2012 and 2017 cause in loss of lives and livelihoods and a mass flight of internal (external) displacement of tens of thousands and death of several hundred continuously facing an unprecedented level of outrage (homes, businesses, and mosques have been burnt and looted) and seen as not belongingness inside the community of Myanmar. The conflicts between Rohingyas and Myanmar military annihilated several times, such as the 1940s, 1978, the early 1990s, 2012, and 2017 in what a “*textbook example of ethnic cleansing*” (Nebehay & Lewis, 2017) was aptly quoted by the head of the Office of the United Nations High Commissioner for Human Rights (OHCHR). The violent campaign’s which forced “*over half the population of Rohingya*” (Amnesty International, 2017, 44) out of Myanmar and two mass refugee exoduses of about 250,000 Rohingya refugees each in 1978 and 1991-92 (The Equal Rights Trust, 2012). The conflicts against Rohingyas are often evoked by state and non-state actors (the military and Buddhist Rakhine people) who claim their belongings’ in the community and

land as their own. With isolated cases reported from the townships of Buthidaung and Rathedaung, the conflict has mostly erupted in Sittwe and the North Rakhine township of Maungdaw. There is no accurate data on the casualties.



Figure 4. Burma/Myanmar: Displacement and discrimination continue to affect Rohingyas (© CC BY-NC-ND

2.0) Retrieved from <https://flic.kr/p/dW8Buh>

According to some Rohingya sources, Rohingyas death numbers surpass more than 10,000 alone from Sittwe City and several thousand from Maungdaw Townships to Rathedaung and Kyauktaw, and at least 25,000 of Rohingya houses were burnt down- covering

Sittwe, Maungdaw, Rathedaung, Rambre and Kyauktaw townships in June 2012 massacre⁸ on the one hand. But the State and National government officials (including Government-run media) explicitly reprisal mass killings, on the other hand (Ferrie, 2014). The Ministry of Information has announced that 78 persons were killed and 87 injured due to a result of the violation, with 4,821 buildings (Sittwe 3,635; Maungdaw 474; Rathedaung 367; Kyauttaw 171; Pauktaw 124; Ramree 35; Mrauk-U 15) being demolished (ReliefWeb, 2012). The intentions of Myanmar's military and Aung San Suu Kyi's government in Myanmar are trying to hide the whole event of burning villages and portraying them as they (Rohingyas) are burning their own homes and evoking false rape charges. To justify the commencement of a collective punishment and ethnic cleansing campaign, Myanmar's military portrayed them as '*illegal immigrant,*' '*terrorist,*' and their connection with '*transnational jihadists*' (Prasse-Freeman, 2017). Some intellectuals and academics argued that one of the solutions to '*the Rohingya crisis*' in Myanmar should be the grant of citizenship (Holliday, 2014). To just giving the citizenship is not just enough to end hostilities and integrate society if they don't have any rights in the state. Their struggles are demanding the '*rights*' in the state and the '*rule of law*' for the land and polity.

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 sold, bought, and transferred the

⁸ NDPHR cited on The Sail, 20 June 2012, available at: <http://thesail.wordpress.com/2012/06/20/12-days-report-of-ongoing-ethnic-cle%20%80%8Bansing-against-defenceles%20%80%8Bs-unarmed-rohingya-8-19-june/>.

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 FDI into the country. Thus, foreign investors' large-scale development projects in the resource-rich and strategically located ethnic borderlands have also culminated in the 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 from industrial, military, and state land-grabbing aspirations. In order to meet the need and rights of smallholder farmers, particularly in Myanmar's ethnic border regions, the mentioned new land laws and *The Foreign Investment Law* should be amended considerably. The current refugee crisis in Myanmar not only have humanitarian aspects arising from massacres, riots, and mass displacement in Myanmar 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-acknowledgment 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. In Myanmar, the relevance and intricacy of religious, political, and ethnic problems are 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.

References

- Amnesty International. (2017). *My World is Finished: Rohingya Targeted in Crimes against Humanity in Myanmar*.
- Arakan Oil watch. (2020). *Fuelling Conflict: Investment Exacerbating Turmoil in Western Burma*.
- Aung, N. N. (2012, December 17). *Commission Will Report Over 300 Land Grabs to Myanmar MPs*. The Myanmar Times. <https://www.globalpolicy.org/social-and-economic-policy/world-hunger/land-ownership-and-hunger/52166-commission-will-report-over-300-land-grabs-to-myanmar-mps-.html>
- Bosson, A. (2007). Forced migration/displacement in Burma: With an emphasis on government-controlled areas. *Internal Displacement Monitoring Centre, May*, 1–58.
- Displacement Solutions. (2015). *Land Acquisition Law and Practice in Myanmar: Overview, Gap Analysis with IFC PSI & PS5, and Scope of Due Diligence Recommendations* (Issue May). <http://displacementsolutions.org/wp-content/uploads/2015/05/LAND-ACQUISITION-LAW-AND-PRACTICE-IN-MYANMAR.pdf>
- Ferrie, J. (2014, January 23). *Rights group says Muslims massacred in Myanmar amid official denials* | Reuters. Reuters. <https://www.reuters.com/article/us-myanmar-rohingya-idUSBREA0M0P320140123>
- Forino, G., Meding, J. von, & Johnson, T. (2017, September 12). Religion is not the only

- reason Rohingyas are being forced out of Myanmar. *The Conversation*, 1–5.
<https://theconversation.com/religion-is-not-the-only-reason-rohingyas-are-being-forced-out-of-myanmar-83726>
- Franco, J., Twomey, H., Ju, K. K., Vervest, P., & Kramer, T. (2015). The Meaning of Land in Myanmar. *Transnational Institute (TNI)*, 39.
- Gelbort, J. (2018, December 10). *Implementation of Burma’s Vacant, Fallow and Virgin Land Management Law: At Odds with the Nationwide Ceasefire Agreement and Peace Negotiations*. Transnational Institute. <https://www.tni.org/en/article/implementation-of-burmas-vacant-fallow-and-virgin-land-management-law>
- Global IDP. (2003). *Profile of Internal Displacement: Myanmar (Burma)*.
- Government of Myanmar. (2008). *Constitution of the Republic of the Union of Myanmar (2008)*. https://www.burmalibrary.org/docs5/Myanmar_Constitution-2008-en.pdf
- Government of Myanmar. (2016). *National Land Use Policy*.
- Holliday, I. (2014). Addressing Myanmar’s Citizenship Crisis. *Journal of Contemporary Asia*, 44(3), 404–421. <https://doi.org/10.1080/00472336.2013.877957>
- Jayewardene, R., & Nanayakkara, A. (2018). *Technical Review of the Draft Myanmar Land Acquisition Law 2017* (Issue February).
- Lintner, B. (2017, September 20). *The truth behind Myanmar’s Rohingya insurgency - Asia Times*. Asia Times. <https://asiatimes.com/2017/09/truth-behind-myanmars-rohingya-insurgency/>
- Long, C., & Brake, Z. (2013). Dark clouds for human rights and business in Burma. *Human Rights Defender*, 22(2), 21–23.
- Nebehay, S., & Lewis, S. (2017, September 11). *U.N. brands Myanmar violence a “textbook” example of ethnic cleansing*. Reuters. <https://www.reuters.com/article/us->

myanmar-rohingya-idUSKCN1BM0QF

- Parker, E. (2016, November 18). Myanmar's Opening: Doing Business in Asia's Final Frontier. *The Diplomat*. <https://thediplomat.com/2016/11/myanmars-opening-doing-business-in-asias-final-frontier/>
- Prasse-Freeman, E. (2017). The Rohingya crisis. *Anthropology Today*, 33(6), 1–2. <https://doi.org/10.1111/1467-8322.12389>
- ReliefWeb. (2012). *Rakhine Response Plan*. <https://reliefweb.int/report/myanmar/rakhine-response-plan-july-december-2012>
- Springate-Baginski, O. (2019). "There is no vacant land": A primer on defending Myanmar's customary tenure systems. https://www.tni.org/en/publication/there-is-no-vacant-land?fbclid=IwAR17Vs6s54_btPi_e7TUiNEcFcJDTHiGwEU0qsYxbzUU9f4HVf0NGmsVwjY
- The Equal Rights Trust. (2012). *Burning Homes, Sinking Lives: A situation report on violence against stateless Rohingya in Myanmar and their refoulement from Bangladesh* (Issue June).
- TNI-BCN. (2013). *Access Denied: Land Rights and Ethnic Conflict in Burma*. <https://www.tni.org/files/download/accesdenied-briefing11.pdf>
- Transnational Institute. (2019). *Arakan (Rakhine State): A Land in Conflict on Myanmar's Western Frontier*.
- Woods, K. (2014, March 10). *A political anatomy of land grabs*. Transnational Institute. <https://www.tni.org/en/article/a-political-anatomy-of-land-grabs>
- Yee, H. W. (2020). *Myanmar's Land Acquisition, Resettlement, and Rehabilitation Law 2019- One Step Forward, Two Steps Back?* www.mcrb.org.mm
- Yoshino, N., & Paul, S. (2019). Land Acquisition in Asia: Towards a Sustainable Policy

Framework. In *Land Acquisition in Asia*. Palgrave Macmillan.

<https://doi.org/10.1007/978-981-13-6455-6>

The acquisition of agricultural lands.
The experience of the Gulf states in Ethiopia and Egypt as a model

Abstract

This paper provides notes and recommendations on the phenomenon of agricultural land acquisition by studying the Gulf States' experience in acquiring lands to ensure their food security. The Gulf experience in both Ethiopia and Egypt was reviewed and shed light on the opportunities and risks facing the Gulf investment in the two countries. The acquisition of agricultural lands by the rich countries in poor countries can solve the global food crisis and improve the living conditions of a wide range of farmers in poor countries. In case these investments aimed to develop the agricultural sector to ensure the application of practices that preserve the environment and enhance production. But if the project's goal is only quick profit, the consequences will be catastrophic for the local population in the short term and global food security in the long term.

Introduction

In 2008, the world was exposed to a severe global food crisis that had significant impacts and repercussions as the food prices sharply raised. The United Nations, Food and Agriculture Organization announced a 45% increase in the world food price index during the crisis. Wheat prices increased by 130% compared to 2007 levels. Soybean prices increased by 87%. Rice prices increased by 74%, and maize prices increased by 31%. In the Arab world, the food crisis contributed to an increase in public anger. It

prompted the region's peoples to carry out violent protests and demonstrations, such as in Algeria, Yemen, Tunisia, and Egypt.¹

There are many and varied reasons for this surge in the prices of basic foodstuffs. Analysts attributed it to the problem of climate change globally, the continuous increase in global population growth, the high rate of food consumption in emerging economies, and the shift in agriculture from the production of food crops to the crops used in biofuels production. Besides, the rise in oil prices led to Rising transportation and fertilizer costs. Last and not least, the introduction of food commodities into EFT market speculation.²

Millions are already suffering from hunger and malnutrition, although there is plenty of food to feed the world's population (7.8 billion people). Today more than 820 million people are starving, and at the same time, there are about 144 million children under the age of five suffering from stunting; That is, more than one child out of every five children worldwide. The Covid-19 pandemic could push about 50 million additional people into extreme poverty due to the virus prevention measures, including preventing movement, affecting food transportation. Also, some food-producing countries restrict exports or increase their stocks of food commodities.³

The continuing lack of control over the virus; will push many countries to take measures to enhance their food security, such as importing and storing more Food. This will result in higher prices, as well other countries will stop or limit foodstuffs' export,

¹ World Disasters Report .2011. Continued price instability questions reliance on global food markets, The Oakland institute, <https://www.oaklandinstitute.org/sites/oaklandinstitute.org/files/Chap3.pdf>

² The Food Crisis: The New Global Strategic Challenge. 2011. Emirates Center for Strategic Studies and Research

³ The Secretary-General: We must act now to avoid a global food emergency due to COVID-19 | United Nations News <https://news.un.org/ar/story/2020/06/1056252>

which threatens the food security of countries that depend on imports to provide their food needs.⁴ On the other hand, preventive measures against the virus have led to decreased demand for oil and lower oil prices. The fact that the Gulf countries' economies depend mainly on the production and export of oil, so their financial resources will be sharply reduced.

It is apparent at first glance that countries that depend heavily on food imports are more likely to suffer large increases in domestic prices compared to increases in world prices compared to exporting or self-sufficient countries.⁵ The Gulf countries are considered one of the largest regions in terms of food import ratios in the world, as the volume of the imports of their needed Food is estimated at more than 90%. Also, the growth of their food imports is ranked eighth in the world, driven by growth in domestic consumption due to the population growth estimated by 2.5% annually. The value of Gulf States food imports is estimated at USD 52 billion in the current year 2020.⁶

"Self-sufficiency means that the Gulf countries will be able to produce their own food, but achieving this goal faces many obstacles, mainly related to geographical nature."⁷ According to the Food and Agriculture Organization of the United Nations (FAO) official website, the obstacles facing Gulf countries in the agricultural sector include The extreme scarcity of renewable freshwater resources, the harsh climate, and

⁴ Thus, the Gulf strengthened its food security during the Corona pandemic. 10-16-2020. Al-Khaleej Online <https://alkhaleejonline.net/>

⁵ The State of Food Insecurity in the World.2011. Lessons learned from the global food crisisIn the period 2008-2006, Food and agriculture organization <http://www.fao.org/3/i2330a/i2330a04.pdf>

⁶ Al-Haidar. Gulf countries' food imports for \$ 52 billion in 2020, Al-Riyadh Newspaper, November 06, 2020 <http://www.alriyadh.com/1851784>

⁷ Shabbir, Mushtaque, Samreen, Ahmed. (2014). Changing Face of Agriculture in the Gulf Cooperation Council Countries. 10.1007/978-3-319-05768-2_1.

the limited fertile lands. Therefore, achieving self-sufficiency in every sense of the word is difficult.

Given these existing and anticipated challenges, the GCC countries are looking for potential new food security options. There are many ways in which these countries can achieve food security, such as intensifying local food production using a multi-faceted high-tech approach (rational use of soil resources, modern irrigation systems, protected agriculture, and the use of alternatives to water sources); to continue importing Food; Outsourcing food production to countries with a comparative advantage for agricultural expansion; Leasing agricultural lands abroad, and establishing a strategic food reserve for the Gulf Cooperation Council countries to be used in case of emergency for at least several months.

What interests us in this paper is the option of investing in agricultural lands outside the country (Agricultural Lands Acquisition). As countries that have capital but need agricultural products, they rely on external resources to produce their needs. These external resources are countries with natural agriculture elements, such as fertile land, cheap labor, and water. Still, they need capital to develop the agricultural sector and provide modern technologies and access to appropriate markets. Instead of buying Food on global markets, companies backed by their politically influential governments buy or rent farmland abroad, grow crops, and ship them home. Supporters of such deals say they provide new seeds, technologies, and money for agriculture, which is the basis of the economies of poor countries, which have suffered from massive and catastrophic underinvestment for many decades. Also will provide hard currency and job opportunities. On the other hand, it will increase global food production, facing a global

food demand increase. Opponents describe these projects as "land grabs" and claim that the host countries will not benefit from the farms and that poor farmers will be expelled from the lands they have cultivated for many generations. The investment also represents a risk that will not necessarily contribute to ensuring food security for investing countries. This is because the host countries will not allow the export of foodstuffs in case of a food crisis, not to mention corruption, the judiciary's bias, and political fluctuations in the host countries that may topple any investment. To be sure, the projects are large, risky, and controversial.⁸

We want to emphasize here that the option of acquiring land in countries that have agricultural investment opportunities is not a recent phenomenon but rather an ongoing one. However, the investment rate increased dramatically a decade ago due to the noticeable rise in food prices. Also, since 2007 the financial market crisis made investors more interested in land and agricultural products.

In this paper, we will try to shed light on agricultural land acquisition to provide food security. On the one hand, the risks and obstacles and the potentials and opportunities, on the other hand, will be studied. We will review the agricultural land acquisition experience of the Gulf states in Egypt and Ethiopia for this purpose. Egypt and Ethiopia were chosen due to the difference in the types of lands that were acquired. In Ethiopia, agricultural land used by the local population has been acquired, while in Egypt, land that has been reclaimed for the purpose of agriculture has been acquired.

⁸ Mombelli. (2016). The worldwide race to own fertile land, SWI swissinfo.ch
https://www.swissinfo.ch/eng/neo-colonisation-_the-worldwide-race-to-own-fertile-land/42511788

Finally, the paper tries to present observations and proposals regarding the acquisition of agricultural lands in a way that serves the achievement of food security.

The Gulf States Experience in Ethiopia

Ethiopia is the second-most populous country in Africa, with an estimated population of 109 million in 2018, with an average annual growth rate of 2.6 percent. Ethiopia is classified as a "low-income food-deficit" country. Agriculture accounts for about 46 percent of the GDP and is thus the backbone of the economy. Agriculture is also the main employment sector, valued at around 85 percent of total employment. Despite rapid rates of urbanization, Ethiopia is still mainly rural, with about 82 percent of the population living in rural areas.⁹

The country has 15.5 million smallholder farming families operating 17.7 million hectares of land. Smallholder farms accounted for about 96 percent of the total cultivated area, while large commercial farms cultivated the remainder. In terms of production, smallholders account for 95 percent of total agricultural production in Ethiopia. Three-quarters of the land that smallholder families worked on was temporary crops (cereals, pulses, oilseeds, and vegetables).¹⁰¹¹

⁹ FAO. 2019. National gender profile of agriculture and rural livelihoods – Ethiopia. Country Gender Assessment Series, Addis Ababa. 84 pp. Licence: CC BY-NC-SA 3.0 IGO

¹⁰ Atakilte Beyene. (2018). Agricultural Transformation in Ethiopia. State Policy and Smallholder Farming. Sweden. by Zed Books Ltd, pdf page 45-46-47
<http://www.diva-portal.org/smash/get/diva2:1256803/FULLTEXT01>.

¹¹ Benjamin Shepherd.(2013).GCC States’ Land Investments Abroad. Center for International and Regional Studies Georgetown University School of Foreign Service in Qatar. P VXI, 1
<https://repository.library.georgetown.edu/handle/10822/558319>

Basically, Ethiopian agriculture has remained very traditional and depends on rainfall. The Ethiopian countryside, a definition that covers the vast majority of the population, is still characterized by a lack of roads and services, and 95% of the rural population. Population depends on firewood for cooking, heating, and lighting. Agriculture in Ethiopia has shown remarkable resilience over many centuries. This has been demonstrated by the remarkable way in which it has been able to provide Food despite the steady increase in population, using tools and production systems that are thousands of years old. But Ethiopian agriculture is increasingly declining as farmers work to expand agricultural land at great cost to the environment and the sensitive ecosystem, thus risking their livelihood fabric. The government has made great efforts to invest in the agricultural sector to modernize and improve production by investing in infrastructure, mechanizing agriculture, and developing human capacities. These efforts led to a 10% growth in GDP in 2018, but all these efforts were not as needed. Although production has improved, Ethiopia's imports of cereals (wheat, rice, and barley), oil, and cotton lint continue to rise dramatically. Imports now cost more than one billion dollars every year.¹² As Ethiopia achieves high economic growth rates, this growth will increase general consumption, including foodstuffs' demand.

The agricultural sector in Ethiopia is large and very important. It has promising potentials due to its land, water, and the workforce. Still, due to its primitiveness, it needs large investments not only for improving production but also for the sake of localizing

¹² Getachew Diriba.(2020).Agricultural and Rural Transformation in Ethiopia Obstacles, Triggers and Reform Considerations Policy Working Paper. Addis Ababa, Ethiopia. P 7 - 8
https://media.africaportal.org/documents/Agricultural_and_rural_transformation_in_Ethiopia.pdf

technology, tools, and practices that preserve the agricultural environment from destruction. At the same time, the expansion of traditional agriculture is also environmentally harmful. The question here remains what type of investment is appropriate. Three opinions can be put forward. The first is to invest in large farms that better integrate with global markets is an effective way to address food security. The second affirms that small farmers play a critical role as agents of economic development and social change and should be supported. The third one is to promote the interaction between agricultural investment on a large scale and smallholders.

Hence, the importance and opportunities for economic integration between Ethiopia and the Gulf states can provide Food and achieve well-being for both parties' residents. But have the current projects that took place in Ethiopia funded by the Gulf states really achieved the desired goals? Are there real prospects for achieving food security for all? We will try to know this by looking at the (risks and obstacles - potentials and opportunities) of the current experience. For that purpose, I will largely rely on a report prepared through data collected from fieldwork in Ethiopia, funded by the Center for International and Regional Studies (CIRS) at the Georgetown University School of Foreign Service in Qatar.

Potentials and Opportunities

There is a great opportunity to establish a complementary economic relationship between the Gulf States and Ethiopia through investment in the agricultural sector. From the above, Ethiopia possesses great agricultural capabilities in terms of land, water resources, and cheap labor. At the same time, it has a promising local market due to population growth and economic growth. The government realizes the need of the

agricultural sector for the development and localization of modern technology to meet its demand and preserve the agricultural environment on the other hand.

"The agricultural production per hectare in Ethiopia does not exceed 1.6 metric tons of wheat per hectare. It is a low percentage compared to developed countries in wheat production, such as China, the first producer of wheat, which amounts to 5.4 America, 3.5 Canada, 3.2 India, 3 metric tons of wheat per hectare."

Still, it must be noted that it is not far from a country such as Australia, whose production rate per hectare is 1.9 and which depends on its cultivating vast areas.¹³

"Although French technology ranks first in the world in sorghum production with 3.5 metric tons/hectare, Ethiopia also manages to achieve yields per hectare above the global average (1.8 metric tons/hectare versus 1.4), but it is behind the main producers."¹⁴

This number does not seem significantly low if we take into account that Ethiopia still practices traditional agriculture. It still uses the wooden plow drawn by animals; the harvest is done manually and relies on rainwater for irrigation. It does not have any irrigation systems and does not use fertilizers and pesticides efficiently and thoughtfully. However, it reflects the great potential that can be achieved in the event of developing the production process. The introduction of mechanization and modern agricultural methods that improve production and preserve the environment (improved seeds, organic fertilizers, and advanced irrigation methods) will be a great achievement.

¹³ Flake, Biki. (2020). Grain and Feed Annual. USAD.GAIN. AS2020-0011

¹⁴ Shepherd.(2013).GCC States' Land Investments Abroad. Center for International and Regional Studies Georgetown University School of Foreign Service in Qatar. P 18

The Ethiopian government has an ambitious project to attract investment in the agricultural field, as Ethiopia announced the allocation of large areas for rent or ownership. According to the Ethiopian constitution's text, the state and the people own the land, and the state has the right to give the right of usufruct to investors. The state's investment aims are to obtain hard currency, create job opportunities, develop the agricultural sector, and localize modern technologies. Also, to raise revenue and supplement the budget through fees and taxes, perhaps the most important is income tax and wage tax. As mentioned earlier, the vast majority of Ethiopian citizens' dependence on the agricultural sector makes the development of the agricultural sector a top priority for the government due to its significant repercussions on all society members.¹⁵

The Gulf states, represented by Saudi Arabia and the United Arab Emirates, signed more than 21 agricultural investment contracts in Ethiopia, 18 by more than six different Saudi companies. One of these contracts is in partnership with the Ethiopian government. The UAE has signed three contracts for three different investment companies.¹⁶

Risks and Obstacles

However, the process was not that positive on the ground, as many investors did not abide by the signed contracts. There was a significant slowdown in the implementation, and they only hold the lands. Some of the projects implemented by external investors do not provide workers' adequate wages, 0.80 US per day. Like the flower farms which export their production to Europe. Not to mention that the workers

¹⁵ Geda, Alemayehu. (2011). Readings on Ethiopian Economy.

¹⁶ <https://landmatrix.org/data/by-investor-country/?country=231>

work in harsh and unsanitary conditions. Also, the locals don't have skills that enable them to have job opportunities associated with the new projects. As a result, they have been deprived of land, and at the same time, of job opportunities that have been created by the investment. In addition, Not all companies and projects were serious about preserving the environment or localizing modern technologies. For example, sesame cultivation has achieved impressive results, but only in the early years. The cultivation of sesame for several straight seasons has led to soil exhaustion and crop deterioration year after year.

The allocation of lands to agricultural investors led to the displacement of the local people, not necessarily because the lands they were cultivating were taken, but because the communal lands were a source of livelihood for them as well. Such as providing firewood, wood necessary for the construction or grazing, and other needs. Also, the displacement of some people has exacerbated the ethnic and tribal conflicts plaguing Ethiopia. Because of the displacement itself on the one hand and the belief of some ethnicities, they are targeted by influential people from other ethnicities, which may be incorrect in many cases, according to the researcher's observation.

On the other hand, the deteriorating conditions of the local population, as well as the ethnic unrest in Ethiopia, led to acts of violence and sabotage against foreign investment, as some angry local residents attacked some farms, which led to the death of a Pakistani guard. The state sent a campaign to pursue the aggressors, which caused some citizens' killing and wounding. Such incidents clarify that despite the state's control, there is a possibility of rebellion or revolutions that may target agricultural projects, which may

cause investors to lose huge sums on the one hand and reduce the opportunities for food security that were dependent on the investing countries.

In an interview with some Gulf investors, they emphasized their keenness to absorb the local population with appropriate salaries as they represent an important segment of consumers. Part of the project's plan is to target the local market. Local residents are also eager to work and represent an important employment source, but they lack skills. They are contracted for manual work only, and the communities suffer from extreme poverty. He added. It won't be easy to overcome this situation in a short time or only with existing projects.¹⁷

Perhaps financial and administrative corruption in Ethiopia has contributed to such shortcomings. The procedures were not sufficient to oblige investors to implement projects in the required manner and on time. It also did not choose the lands on which the local population did not depend in any way. It didn't deliver appropriate compensation to locals. It did not provide adequate job opportunities and living conditions for the residents whose lands were confiscated. It Failed to qualify and train the local population to carry out new projects' jobs. On the investor side, there are many complaints because of bureaucracy. Still, the most common complaints are the failure of the government to provide public services such as roads, electricity, and others as the investor is committed to conducting all the necessary works and infrastructure within the land of the project, while the state provides all the necessary services outside the land of the project.

¹⁷ Shepherd.(2013).GCC States' Land Investments Abroad. Center for International and Regional Studies Georgetown University School of Foreign Service in Qatar. P 26

The Egyptian people suffer from high poverty rates, as 28% of the population lives below the poverty line. Egypt's food security is in a bad situation as it relies heavily on imports in light of a difficult economic situation and a scarcity of cash resources of hard currency. Egypt is the first importer of wheat World level. The import will increase due to high population growth, as Egypt's population increased from 73 million in 2006 to 95 million in 2017. It is estimated that the population will reach 123 by the year 2030, which will increase the need to provide new food sources and, of course, improve the current sources. This growth not only affects the increase in the demand for foodstuffs but also exhausts the current agricultural resources. Also, it leads to the deterioration of water resources and the deterioration of the fertility of agricultural land. In addition, the population growth adds urban pressure on agricultural lands.¹⁸

Since ancient times, Egypt is an agricultural country. It has an important source of water, the Nile River, which provides more than 5.5 billion cubic meters of water annually. However, the percentage of agricultural land remains limited, as it represents only 4 percent of Egypt's area and is estimated at 3.8 million hectares. Most of the agricultural land in the Delta and the Nile land (Nile River banks). The rest are about 80,000 hectares of oasis lands and rainfed lands. And about 720,000 hectares of newly reclaimed land while the rest of the Egyptian lands are desert.

¹⁸ Sayed, Thilmany. (2019). Grains Production Prospects and Long Run Food Security in Egypt. Agricultural Economics Department, Minia University, Department of Agricultural and Resource Economics, Colorado State University.

That makes the per capita cultivated land in Egypt one of the lowest in the world, which is 0.05 hectares per person. The sizes of farms are small, as it is estimated that 70 percent of agricultural holdings have less than 0.42 hectares; these lands are constantly shrinking. Egypt lost 85 thousand acres of agriculture between 2011 and 2018 in favor of urban expansion, and the percentage of land that is exposed to salinity due to overuse is increasing. It reached 35 percent of the agricultural land.¹⁹

The water resources are exposed to major challenges like water depletion for non-agricultural purposes. Water pollution, especially due to untreated wastewater. Not to mention the change in the structure of the Nile River as a result of water projects and dams that are being built in source countries. Perhaps the most influential of these projects is the Renaissance Dam in Ethiopia, which may deprive Egypt of a large amount of its share of water. Egypt is dependent on the Nile water, as it represents 93% of its water resources, and the rest comes from underground water and scarce rain²⁰. In addition, climate changes affect the quality and quantity of agricultural crops. Through the following numbers, we can note the high need for Egypt to import Food.

"In 2017, Egypt imported 65% of its total wheat consumption, compared to 43% in 2013, 53% of maize total consumption, compared to 43% in 2013, and 6% of rice consumption compared to no imports in 2013 [20]. Reliance on food imports makes the country

¹⁹ Ali. (2014).AN ECONOMIC STUDY OF LAND RECLAMATION IN EGYPT.Agricultural Economics Research Institute, Agricultural Research Center, Mansoura Univ., Vol.5 (3): 321-334.

²⁰ MWRI. (2017). 'Facts Regarding the Water Situation in Egypt Report.'

vulnerable to commodity price volatility and requires a healthy economy capable of earning sufficient foreign exchange to cover the costs if necessary."²¹

It is also worth noting that Egypt is the first importer of wheat globally as it imports about 12 million tons of wheat out of its total consumption of 16 million tons.²²

Egypt is well aware of its need to invest in the agricultural sector. The agricultural sector has been strongly present in all the state's five-year development plans since the year 52. Among those plans is to expand the agricultural area by reclaiming more lands. Egypt aims to reclaim about 3.4 million Acres by 2030, and of course, that land will be in areas outside the Delta and the banks of the Nile. The state aims to reclaim 3.4 million Acres until 2030 through several projects, the most important of which is²³

1. Al-Salam Canal, which aims to repair 2 million Acres, represents about 63 percent of the lands targeted for reform, and it extends east towards Sinai.

2. The Toshka project aims to reclaim 600,000 Acres, representing about 17 percent of the lands targeted for reform. The project is located in southern Egypt and extends towards the west.

3. The Western Sahara region project aims to repair 507 thousand Acres, which represents about 14.7 percent of the lands targeted for reform. The project is located in Western Sahara.

²¹ Sayed, Dawn .(2019) Grains Production Prospects and Long Run Food Security in Egypt. Agricultural Economics Department, Minia University, Department of Agricultural and Resource Economics, Colorado State University.

²² Support to Investment. (2020). Food and Agriculture Organization
<http://www.fao.org/support-to-investment/news/egypts-wheat-supply2020/en/>

²³ Ali. (2014).AN ECONOMIC STUDY OF LAND RECLAMATION IN EGYPT.Agricultural Economics Research Institute, Agricultural Research Center, Mansoura Univ., Vol.5 (3): 321-334.

Land reclamation projects do not aim to increase the cultivated areas only but to increase the inhabited area from the current level of 5.5 percent to 25 percent of Egypt's total area. Increasing the inhabited area, relieves the pressure on agricultural areas from urban expansion, provides newer and better services, and provides better living and environmental conditions. However, the state faces many difficulties in implementing these projects, perhaps the most important of which is financing. Therefore, the government has set its plans to attract the business sector in Egypt as well as foreign investment.²⁴

Within the framework of the Gulf states' initiatives to support food security, the Gulf private sector, supported by the Gulf governments, initiated investment around the world in agricultural lands, and only since 2018 has Al-Dhahirah company acquired 400,000 Acres around the world. Al-Rajhi Company has acquired 450,000 Acres around the world, including, of course, Egypt. The Gulf states sought to reserve their share of the lands of agricultural reclamation projects in Egypt, represented by Saudi Arabia and the United Arab Emirates. The orientation towards these projects started early, as the United Arab Emirates contributed to supporting the project, providing 100 million US dollars as a grant to implement the project's infrastructure activities. With the influx of water to the new areas in 2003, Gulf investments began to flock to the project, as the Saudi Al- Rajhi Company got 100 Acres of the total project area, estimated at 405 acres, and the Emirati Al Dahra Company got 100 acres as well. They represent 49 percent of the project area.

²⁴ Ali. (2014).AN ECONOMIC STUDY OF LAND RECLAMATION IN EGYPT.Agricultural Economics Research Institute, Agricultural Research Center, Mansoura Univ., Vol.5 (3): 321-334.

The rest of the lands were distributed to Egyptian companies for agricultural reclamation, and 10 thousand Acres were allocated to the Ministry of Housing to establish the new city of Toshka.²⁵

The two companies' complex relationships are controversial, as the two companies enter into complex and complex relationships with other Gulf and Egyptian companies. Al-Dhahra Company established Al-Dhahra Egypt Agricultural Company, where the latter bought an Egyptian company, which is Navigator. As for Al-Rajhi Company, its network of relations is more complex, with a number of Saudi companies working in agriculture and Food and the Egyptian Rajwa Company.²⁶

Potentials and Opportunities

Egypt possesses great agricultural qualifications for agricultural reclamation due to the size of unused land that is capable of reclamation. It also has a large water resource. In addition to the fertile and currently exploited agricultural lands, represented by the banks of the Nile River, we do not forget the great and qualified human resources and capabilities at the same time. At first glance, it may seem that the land and water are fully exploited in Egypt, but in fact, they are not used optimally. By using appropriate agriculture and irrigation technologies besides suitable crops, agricultural production in Egypt can be greatly improved. At the same time, water consumption will significantly rationalize due to modern irrigation techniques.

²⁵ Falcon light and Nada Arafat. 2020. How does Egypt's water achieve the food security of the Gulf states? North African Food Sovereignty Network <https://www.siyada.org/ar/siyada-board>

²⁶ Falcon light and Nada Arafat. 2020. How does Egypt's water achieve the food security of the Gulf states? North African Food Sovereignty Network <https://www.siyada.org/ar/siyada-board>

However, given the difficult economic conditions that Egypt is going through besides political instability and social problems, it may be difficult to allocate the appropriate financial resources to reform the agricultural sector. This makes foreign investment an available option instead of standing idly in the face of economic and agricultural challenges such as the land's salinity; water dwindles, agricultural lands erode, and dependence on exports increases.

Gulf countries focus on investing in reclaimed agricultural lands. Still, there is an excellent opportunity to invest in the existing agricultural sector by providing modern technologies to Egyptian farmers as a commercial investment.²⁷ That also contributes to improving and raising Egyptian farmers' food production to enhance food security opportunities for the Gulf States and the whole world.

The size of the population in Egypt, as well as the high consumption rates, represent a significant local market for agricultural investments, including the Gulf states, of course, which enhances the demand for agricultural products. On the other hand, it provides for the investment of cheap and qualified human resources. The number of graduates of Egyptian universities and technical and vocational institutes reached more than 400,000 graduates in 2018.²⁸

Risks and Obstacles

Many considered that the large agricultural farms and land reclamation projects in Egypt do not directly serve the Egyptian economy and the Egyptian citizen. Also, these

²⁷Siam. (2008). Egypt's agricultural conditions. Center for Agricultural Economic Studies, Cairo University, commissioned by the Food and Agriculture Organization

²⁸ The Central Agency for Public Mobilization and Statistics. (2020). Graduates of higher education and academic degrees - technical institutes (government-private) 2019

projects, in fact, are selling Egyptian water. It also does not need many workers, nor does it bring in technologies that might benefit the Egyptian smallholder farmer. In addition to that, the products are exported abroad and do not benefit the local market in any way.

On the other hand, there are many accusations of corruption in the rental and ownership contracts. From the opposition's point of view, the sums paid for owning one Acre did not exceed 50 Egyptian pounds, while the actual Acre price exceeded 11,000 Egyptian pounds, and there are long-term tax and customs exemptions. No fair value is paid for the water used. Also, the Gulf companies did not abide by the contracts. They did not reclaim all the lands agreed upon and violated the contracts by cultivating more than 25% of the land with clover, which consumes water at a high rate. They also export their products abroad and does not contribute to meeting the needs of the local market.

Comparison of the two experiences

Both countries have large agricultural assets, such as fertile land, water, cheap labor, and a large local market, not to mention that both societies have been agricultural since ancient times. However, there are fundamental differences in both countries. It is important to address this difference in order to direct investment in a meaningful way to all parties.

Both countries, Egypt and Ethiopia, have a population of nearly one hundred million people, and they are both agricultural societies. Each country's area is about one million square kilometers, but Ethiopia's population is spread across all Ethiopian lands, with an average population density of 112 per kilometer. Whereas, the Egyptian society is concentrated in about 6% of the area, and at a very high population density rate for

populated areas, reaching more than 1100 per square km (the ratio to the total area of Egypt 86 individuals per square kilometer). However, Egypt suffers from a scarcity of agricultural land compared to the number of inhabitants, as the per capita share of agricultural land is 0.05 hectares, one of the lowest percentages in the world, unlike Ethiopia, where the agricultural land as a share of the land area is 36 percent.²⁹ But Egypt has a greater opportunity to reclaim More uninhabited lands, which avoids the problems of affecting the local population, which Ethiopia faces when it allocates land for investment.

Egypt depends on the Nile River as its main source of water, while Ethiopia has a diversity of water sources, but Egypt has higher educational and technical outputs than Ethiopia, and it also has better infrastructure and wider experience with projects.

The Egyptian economy is larger than the Ethiopian economy, with a domestic product exceeding 300 billion dollars.³⁰ In comparison, the Ethiopian economy does not exceed 95 billion dollars.³¹ Still, the Ethiopian economy is one of the fastest-growing economies in the world, while the Egyptian economy suffers many problems and shocks.

Ethiopian society consists of multiple ethnicities. These ethnicities endure long-standing animosities and conflicts that do not soon erupt from time to time if the state does not always confront them. In contrast, the social fabric in Egypt is more harmonious.

²⁹ In 2016, agricultural land as a share of land area for Ethiopia was 36.3 % . Agricultural land as a share of land area of Ethiopia increased from 30.5 % in 1997 to 36.3 % in 2016 growing at an average annual rate of 0.93%.

³⁰ Country data Egypt. (2020).World Bank.<https://data.worldbank.org/country/egypt-arab-rep>

³¹ Country data Ethiopia. (2020). World Bank. <https://data.worldbank.org/country/ethiopia>

Accordingly, it must be taken into account when investing, as follows:

1. in Egypt, Focusing on land reclamation in a way that contributes to expanding urban lands and reducing overpopulation. It may be impossible to acquire land from farmers in one of the world's most densely populated areas.
2. While in Ethiopia, the least dense or very low production areas, compensation for local citizens, providing job opportunities with appropriate wages and legal working hours must be considered.
3. Inclusion of the locals' training and qualification process in Ethiopia, either by investors or state institutions. Taking into account the needs of the projects and qualifying them to benefit from the new investments instead of using them for manual work only.
4. Taking into account ethnic problems in Ethiopia when investing and avoiding leasing or owning lands that may cause conflict that may nullify projects
5. In Egypt, partnerships with the political parties must be avoided so that projects are not subject to attack and targeting by the opposition, including filing lawsuits that may also stop projects.
6. Investing in local farmers (as a commercial activity) by providing services, materials, and agricultural tools, including tools to improve farmers' productivity and contribute to marketing to accommodate production.

7. Creating a healthy and humane work environment that guarantees and maintains the safety of workers
8. Perhaps the most important point is to invest in a way that is more environmentally friendly and preserving.

Conclusion

We can notice that the agricultural land acquisition process is based on three sides: first, the local environment, represented by the local population and the agricultural environment, including fertile land, water, weather, etc. The second side is external investors, represented by the private sector companies and their governments. The last side is represented by the host countries and their legislation and infrastructure projects, as well as the private sector. It is noteworthy that the local environment is the most important part of the process as it is the basis and aim of the whole process. Land acquisition's effectiveness and success to achieve food security can be judged fairly through the other two sides' relationship to the local environment.

Accordingly, the Gulf states must strive to create a strategic relationship through investments in land acquisition according to the following points:

1. Preserving, developing, and improving the local environment through the use of the best agricultural methods that preserve water, the fertility of the land, and quality of food, and not be dragged behind immediate gains.
2. Investment in the existing agricultural sector through commercial investment to provide services, materials, and modern technologies. And not only through the possession of agricultural lands.

3. Taking into account the rights of the local population. Seeking to integrate them into the investment process by providing job opportunities, transferring expertise, and modern capabilities. qualifying them technically and financially to keep pace with the requirements of work in the new environment
4. Work to enact laws that take care of and ensure the interests of all parties, instead of laws that preserve the rights of investing companies only
5. Not to participate and fighting corruption that results from foreign investors' mutual interests with the local private sector. This corruption leads to concentrating the benefits and gains in the hands of a minority of influential and big businessmen and depriving others, especially the local population, which may lead to a reaction against projects by citizens.
6. Maintaining a good relationship with local communities in general and not getting involved in local problems and disputes so as not to target investments in the event of internal conflicts. For example, the leasing of agricultural lands by one group influential at the expense of another class
7. Avoid partnering with parties in the existing political system so that investments are not exposed to problems by the opposition or other political parties, especially when revolutions occur, as happened in Egypt in 2012

8. In the end, it is not enough for the Gulf countries to think only about how to provide more quantities of Food to achieve food security. Still, they must try to look at the problem from different angles that may contribute to alleviating the severity of the problem. For example, Gulf countries suffer from very high food loss and waste³². According to a report issued by the Barilla Foundation for Food and Nutrition. The report recorded the amount of food wasted in twenty-five countries, representing two-thirds of the world's population and 87 percent of the global gross product. Saudi Arabia ranked first in global food wastage at a rate of 427 kilograms per person annually, and the UAE came fourth in the world after the United States of America at a rate of 197 kilograms per person. With this very high percentage, an attempt should be made to solve this problem within food's security strategies.

"Policies and best practices range from the development of eating guidelines to the imposition of taxes that discourage unhealthy consumption patterns and new educational programs. Market forces could play a role in improving global nutrition, too."³³

³² Food waste refers to food that completes the food supply chain up to a final product, of good quality and fit for consumption, but still doesn't get consumed because it is discarded, whether or not after it is left to spoil or expire. Food waste typically (but not exclusively) takes place at retail and consumption stages in the food supply chain.

³³ The economist. (2018).FIXING FOOD 2018. Barilla Center for Food & Nutrition Foundation