



Copenhagen
November 15, 2018

LETTER OF CONCERN REGARDING VACANT, VIRGIN AND FALLOW LAND MANAGEMENT LAW

It is with great concern that IWGIA has been informed about a recent public announcement made on October 30, 2018 regarding registration/application of permits of vacant, virgin and fallow (VFV) land use.

A contested law

The Vacant, Virgin and Fallow Land Management law and its amendment are already problematic in several areas;

- VFV land includes both large areas of land on which rural communities have multiple traditional uses upon which their livelihoods, culture and identity depend – also referred to as “customary land” recognized in the National Land Use Policy¹
- Instead of recognizing this, the VFV law forces the indigenous/ethnic communities to give up their rights to the land and apply for 30-years VFV land use permits, or risk being charged with trespassing. This means that people will have to give up their inherent ownership rights to these lands and consequently the possibility to pass on legal ownership to their children.
- At the same time, the law opens the door to companies and influential individuals to apply for VFV land on which communities depend.

Summary of the issue

The public announcement states, that those currently using Vacant, Fallow and Virgin (VFV) land without Central Committee permission have to apply for a permit by March 2019². By demanding everyone to apply for permits within this very short time-span there will be serious consequences for millions of people because;

- The boundaries of VFV lands are not clear and millions of people do not know whether their lands are considered VFV land.
- People living in remote, rural areas will not know that they need to apply for registration.
- Often, persons displaced by conflict come from areas that now may be considered VFV land and that they are not able to claim due to their displacement.
- Many people, particularly in upland areas, do not have access to land administration services.

Therefore, it is simply not realistic for most indigenous peoples to even apply for a permit.

IWGIA's position

We recognise and support the Government's stated commitment to the resolution of land disputes, and that the law *attempts to* recognise customary land. We also acknowledge that many policy makers supported the amended VFV law with the intention of clarifying land claims and reducing landlessness.

¹ <https://www.iwgia.org/en/myanmar>

² making reference to Section 22 sub section (b) of the Vacant, Fallow and Virgin Lands Management Law (2018), as amended.



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However, we are concerned that **the rapid implementation of the amended law has great potential to increase land conflicts and grievances rather than resolve them** and make individuals and communities trespassers on their own land. The scale of the problem is significant as the total area of land that is currently estimated as VFV by the Government is approximately 50 million acres. This is almost one third of the total area of Myanmar and concerns the livelihoods of millions of people.

Rather than achieving the aims of solving land conflicts, if the law is implemented it is likely that:

- By March 2019, millions of rural people will be considered trespassers and could be punished with up to 2 years imprisonment and evicted from their land.
- Given that the majority of VFV land is located in indigenous/ethnic areas, this law will undermine the peace process in which ethnic leaders prioritize recognition of customary land.
- Land conflicts and grievances will increase around the country and undermine economic development.
- Displaced persons may lose rights to lands in their places of origin, along with facing penalties for using land in their current locations
- Key elements of the National Land Use Policy, such as land use rights of ethnic nationalities and restitution rights of displaced persons will be negatively affected.

IWGIA calls on all diplomatic missions in Myanmar to put pressure on the Government of Myanmar to immediately:

- Prevent the imprisonment and eviction of innocent individuals and communities, immediately halt the implementation of the 2018 amendment of the law.
- Halt the allocation of all VFV lands to private sector entities.
- Consider to abolish the VFV land management law altogether.
- Consult with farmers, ethnic nationalities and civil society organizations to establish a just and effective land governance framework in line with the National Land Use Policy.

We remain at your disposal if you have any questions or concerns.

Kind regards,


Julie Koch, Director