

**Joint Statement of the United Nationalities Alliance (UNA)  
and its Sister Organizations  
on the Vacant, Fallow & Virgin Land Management Law**

**November 2018**

1. The Farmland Law and the Vacant, Fallow & Virgin Land Management Law were enacted in 2012 and amended with more penalties in late 2017. Now, we've learned that the amendments to the Vacant, Fallow & Virgin Land Management Law were passed during September 2018.

2. The Farmland Law and the Vacant, Fallow & Virgin Land Management Law come up without a land policy as the National Land Use Policy was adopted in January 2016. And in the presence of more than 60 laws related to land use, **the National Land Use Policy stipulates the National Land Use Council to draft a National Land Law.**

In section 66(b) of the National Land Use Policy Part-8 - Land Use Rights of the Ethnic Nationalities – it demands to recognize formally & to protect customary land tenure rights and related local customary land management practices of ethnic groups, whether or not existing land use is registered, recorded or mapped. The Vacant, Fallow & Virgin Land Management Law 2018 is in contrary with that provision.

3. People across country, depending and conserving land, forest, environment and ecosystems through generations, are the primary owners. The principal interpretation of vacant, fallow & virgin land on the land resources those already have owners – means grabbing the land ownership of people.

The essence of the Vacant, Fallow & Virgin Land Management Law is **demolishing the ethnic peoples' genuine land ownership and supporting centralized management; which is polar opposite to democratic norms those ethnic peoples desired and potentially affecting seriously on peace process.** Therefore, just amending legal terms & provisions is not capable to remove the essence of the law.

4. After the enactment of the Farmland Law and the Vacant, Fallow & Virgin Land Management law at the same time on 30 March 2012, the Land Nationalization Act 1953, the Tenancy Law 1963 and the Law Protecting Peasants' Rights 1963 were abolished according to the Farmland Law section-43. The Law Protecting Peasants' Rights which is from socialist era, protects the farmers from getting sued, properties seized and land grabbed. Since the law was abolished in 2012, the protection on farmers is ended and farmers were sued and their lands were grabbed officially. There were cases of suing the whole village in many places and land grabbing cases are trending. In order to suppress the movements against land grabbing, these laws were proposed with more penalties in 2017 and the Land Acquisition Bill was also proposed to the Parliament. The bill was opposed as it can expand land grabbing thus was renamed as the Land Acquisition, Resettlement & Rehabilitation Bill in 2018. In conclusion, the Farmland Law 2012, the law amending the Vacant, Fallow &

Virgin Land Management Law 2018 and the Land Acquisition Bill are the laws with the intention to grab the land, to legalize the previous land grabs and to exploit the power & profit.

5. Civil society organizations and lawyers are helping the victims as land grabbing cases are increasing. The amendments to the Vacant, Fallow & Virgin Land Management Law in 2017 include provisions to punish both the person who resides/enters and the person casing to reside/enter and penalties increased from 6-months imprisonment to 2-years imprisonment. In overview, all of those 3 land-related laws are aiming to expand and legitimize land grabbing.

6. Most of the farmers tenanted do not aware on land titling and that their lands are specified as vacant, fallow or virgin land under the Vacant, Fallow & Virgin Land Management Law; thus just to be labeled as trespassers and penalized. And legal professions, activists and organizations helping the tenant farmers from losing their land will become criminals under the specification of the person/organization casing/helping to trespassers.

On the other hand, the opportunists closed to authorities are taking advantage by applying the land use under the vacant, fallow & virgin land titles - those the people are depending for their lives – and become landlords within a short period. The provisions granting 30,000 acres of land for 30 years are not for any tenant farmers but clearly for domestic & international investors, cronies and opportunistic wealthy persons. The vacant, fallow & virgin land can be reverted to farmland according to the Farmland law section-34 and this exactly is creating landlord system.

The provision for seizing back the land if it is not used as proposed and if it is not registered within specific duration would oppress one-sidedly to farmers rather than enterprises and wealthy persons.

7. Therefore, we release this statement in joint effort on **existing 3 land-related laws including the Vacant, Fallow & Virgin Land Management Law, that the enactment and implementation of these laws** intending for wealthy peoples and landlords without prior existence of a good governing land law aligned to the National Land Use Policy **must be halted and abolished completely rather than amending the provisions.**

**The United Nationalities Alliance (UNA) and its Partner Organizations**

**Contacts**

1. Sai Hsai Leng	UNA Office Manager	09 43159639
2. U Myo Kyaw	Arakan League for Democracy	09 5143823
3. U Aung Moe Zaw	Democratic Party for a New Society	09 976051770