

**Letter of concern regarding implementation of the Vacant, Fallow and Virgin Lands
Management Law (2012)
as Amended by The Law Amending the Vacant, Fallow and Virgin Lands
Management Law (2018)**

16th November, 2018

To:

- 1) Chairman, National Land Use Council, Nay Pyi Taw.
- 2) Chairman, VFV Land Management Central Committee, Nay Pyi Taw.

We are writing to express our concern regarding the public announcement made on October 30, 2018 calling for those currently using Vacant, Fallow and Virgin (VFV) land without Central Committee permission to apply for a permit by March 2019, making reference to Section 22 sub section (b) of the Vacant, Fallow and Virgin Lands Management Law (2018), as amended. This letter has been developed on the basis of expert legal analysis and extensive experience working with communities who will be most impacted by this law.

We recognise and support the Government's stated commitment to the resolution of land disputes, the advancement of the national peace process, and the promotion of agriculture-based economic development. We appreciate 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.

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.

The VFV law remains very controversial throughout the country, and we note that some organizations are now calling for the abolishment of the VFV law. We note the following problems with the law, among others:

- VFV land includes both large areas of land on which rural communities have multiple traditional uses upon which their livelihoods, culture and identity depend and also many areas in which VFV land has been used continuously by settled communities for a long time. Such land use can be referred to as "informally used" or "customary land".
- Instead of recognizing this, the VFV law forces these people to give up their rights to the land and apply for 30-years VFV land use permits, or risk being charged with trespassing. People will be giving up the chance to own their land or 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.

- The boundaries of VFV lands are not clear and millions of people do not know whether their lands are considered VFV land or that they need to apply for registration.
- Often, persons displaced by conflict lived in areas which may now be considered VFV land.
- Many people, particularly in upland areas, do not have access to land administration services.

Rather than achieving your aims, 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 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.

Noting that only 4 months remain until the deadline announced by the VFV Central Committee, and in the interest of promoting the long term, peace, prosperity and stability of Myanmar, we, representatives of the undersigned organisations call on the Government of Myanmar to:

- 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, reflect and 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.

Thank you for your kind consideration in this important matter. We stand ready to discuss any of the above concerns with you and to support the Government on this matter.

We will also send the contents of this letter to the media and also copy this document to the following people:

1. Chair, National Land Use Council, Nay Pyi Taw
2. Speaker, Pyihtaungsu Hluttaw, Nay Pyi Taw
3. Speaker, Amyothar Hluttaw, Nay Pyi Taw
4. Speaker, Pyithu Hluttaw, Nay Pyi Taw
5. Chair, Union Parliament Law and Special Issues Investigation Commission, Nay Pyi Taw
6. Farmer Affairs Committee of the Amyotha Huttlaw, Nay Pyi Taw
7. Farmer and Labour Affairs Committee of the Pyidaungsu Huttlaw, Nay Pyi Taw

Yours sincerely,

Representatives of signing Organizations