

## **NGOs call for halting the implementation of the VFV land law amendment to protect the rights of displaced persons**

*8 March 2019*

As national and international NGOs supporting conflict affected communities in Kachin and Northern Shan State we are concerned about the 11 March 2019 deadline for people to apply for land use permits or risk imprisonment or eviction under the Virgin, Fallow and Vacant (VFV) Land Law amendment.

The deadline comes as Internally Displaced People (IDPs) in Kachin and Northern Shan States are increasingly experiencing pressure and offers of support to return to their lands. However, without legally guaranteed security of tenure many IDPs will have no land to return to. The combination of the current security context and the implementation of the VFV Land Law amendment potentially renders tens of thousands of displaced persons in Kachin and Northern Shan States landless as of 11 March 2019. This would have negative implications for the ongoing peace process, the future for displaced persons, as well as contravening the spirit of the 2016 National Land Use Policy.

Under the 2018 amendment of the VFV Land Law, land users were given six months - until 11 March 2019 - to apply for land use permits or risk criminalisation. After the deadline, if land users have not registered their land they risk being charged with trespassing, which may result in up to two years' imprisonment and eviction. For many displaced people, there is a lack of long-term security in their place of origin, with widespread presence of landmines and the risk of reescalation of the conflict due to the absence of a sustained ceasefire and peace process. Not having been able to return to their lands, the vast majority of IDPs have not had the opportunity to protect their own land rights, particularly within the short 6-month time period.

Through consultations, IDPs have stated that the VFV land law amendment is a factor pushing them to return to their places of origin before they believe those areas are safe. However, with limited access to land administration services or legal guidance, such returns are extremely unlikely to result in successful regularisation of their land use. Further, premature returns carry significant risks: humanitarian organisations have received reports of IDPs being injured by landmines when visiting their villages of origin to explore the possibility of return.

These and many other concerns regarding the law and the associated amendment<sup>1</sup>, have been previously raised by NGOs, CSOs, IDPs, donors, media and other stakeholders, but to date there have been no steps to revise or abolish the law, nor any change communicated in government policy or clarifying guidance.

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<sup>1</sup> These include but are not limited to: the lack of consideration for customary land; restrictions on acres to be registered; no provisions for inheritance and no right of sale; potential for allocation of all VFV lands to private sector entities that are inhabited or relied upon by communities; lack of clarity on the boundaries of VFV land; etc. For more information, see "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)" (<https://reliefweb.int/report/myanmar/41-civil-society-organisations-call-myanmar-government-suspend-controversial-land-law>) and November 16 2019 "Statement on VFV law and related announcement" (<https://lioh.org/?p=46>) .

In the interest of supporting a sustainable future for IDPs, and the promotion of long term peace, prosperity and stability in Kachin and Shan States, and Myanmar more broadly, we, representatives of the undersigned organisations, call on the Government of the Republic of the Union of Myanmar to:

- Immediately halt the implementation of the 2018 amendment of the law.
- Prevent the criminalization, imprisonment and eviction of innocent individuals and communities under the Amended VFV law, including displaced people who currently cannot return to their own land.
- Conduct open and transparent consultations with IDPs, farmers, ethnic nationalities and civil society organizations to establish a just and effective land governance framework supporting formal recognition of customary tenure, in line with the National Land Use Policy and the Pinheiro Principles concerning Housing, Land and Property rights for displaced persons.

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