

# 3<sup>RD</sup> MEKONG REGIONAL LAND FORUM 2021: REFLECTIONS FROM MASTER'S STUDENTS AT CHIANG MAI UNIVERSITY

JUNE 2021



**MEKONG  
LAND**  
RESEARCH FORUM

**RCSD** The Regional Center for Social Science  
and Sustainable Development  
Chiang Mai University

**MRLG**  
MEKONG REGION  
LAND GOVERNANCE

On 26-27 May 2021, the [3<sup>rd</sup> Mekong Land Forum](#) was held online, hosted by [Mekong Regional Land Governance](#) (MRLG). The Forum provided in-depth discussion and debate into land tenure security and community resource management, focused through the two main workstreams of MRLG, namely Customary Tenure and Responsible Agricultural Investment. Each day of the Forum was dedicated to one of these workstreams, bringing together reform actors, community leaders and researchers.

Under funding from MRLG, the [Mekong Land Research Forum](#), housed at the [Research Centre for Social Science and Sustainable Development](#) (RCSD), supports training on land at Chiang Mai University (CMU) in Thailand. This includes a Focus on Land Relations through the MA in Social Science (Development Studies). We asked five first-year students from Myanmar to give some reflections on the Forum and how it contributes to their studies.



Prior to his study at CMU, **Ling Houng (LH)** worked at POINT organization (Promotion of Indigenous and Nature Together). He is specifically interested in state conservation activities in indigenous areas and cases of resistance by local communities.



**Ba Nyar Oo (BNO)**, from Mon State, has been working on land issues for five years with organizations such as Mon Human Rights Foundation, GRET and Myanmar Centre for Responsible Business. At CMU, his research interest relates to foreign direct investment into land, particularly in Mon State.

**Saw Nyi Nyi Hein (SNNH)** was working at the Karen National Union land department before taking up his latest study. His research investigates land registration and acquisition in a dual administration township of Karen State.



**Aung Nyi Lwin (ANL)** is from Kachin State. His master's research concerns the case study of a land grab for a Chinese-run banana plantation in Kachin State.



**Nan Mya Oo (NMO)** worked with migrant workers in Chiang Mai under Shan Youth Power from 2007 to 2019. Her research focus looks at how Shan migrants to northern Thailand access land and support their livelihoods in protected forest areas.

## 1. Which session did you find most interesting and why?

**BNO:** Out of all the topics and discussions, I found FPIC (Free, Prior, and Informed Consent) most interesting. In the case of Myanmar, FPIC is often mistaken with the process of consultation. But it is more than this. It involves the rights of community to decide whether they allow an investor to proceed with a proposed project plan. Yet community rights are not much respected by authorities in Myanmar. During the forum, there was discussion on the challenges for investors and companies to follow FPIC. It is important for us to keep pressing this issue to encourage responsible investment and show how the application of FPIC can benefit businesses.

**LH:** The most interesting session for me was Session 4, looking at the ASEAN Responsible Agriculture Investment Guidelines. It is a new topic for me, but a crucial one for Southeast Asia countries, where land-based investments are booming. The intention of the guidelines is to attract socially, economically, and environmentally sustainable and inclusive investments by balancing rights and interests. They create a guidance framework and establish a reference for behaviours and decisions in ASEAN. However, most important is implementation at the national level including integration into the legal framework of a country. This is not yet done.

**ANL:** I found the break-out sessions magnetic because I could receive much more detailed information and knowledge. For instance, from a breakout group on FPIC (Free, Prior, and Informed Consent), I acquired specific knowledge about my country from experienced local social workers. Having discussed this in my native language, I could learn about my country's situation very closely.

**SNNH:** I find the sessions on customary land tenure most interesting. I am particularly curious how such tenure is used to develop the local land use system and the ways that it can be promoted.

**NMO:** The most interesting session concerned FPIC (Free, Prior, and Informed Consent). I realised that FPIC is not only about communities understanding a project, but it is also about project managers understanding the community perspective. Yet it is a challenge for investors to follow FPIC for small projects. There is a need to show respect and build trust with local communities. As we have seen in Myanmar, there are many cases where companies do not follow proper processes. In order to benefit both investors and communities, it is vital to encourage responsibility through applying FPIC.

## 2. How does the content of the Forum relate to what you learn in classes during the master's programme at Chiang Mai University?

**LH:** At university we have looked at customary land tenure (such as forest tenure issues), and the need for Environmental and Social Impact Assessments (EIA and SIA) as a means to improve responsible investment. Investment-related issues are mostly covered under the topic of neoliberalism, while customary land or forest tenure issues are mostly included under course modules on political ecology and land relations.

**ANL:** It is clear to me that the Forum content relates closely to my classes at university. However, what is particularly interesting is the variety of perspectives we received in the Forum. These included presentations from academics, INGOs, authorities, and investors.

**SNNH:** The Forum content relates not only to university study but also to issues in the community where I was working. It is great that we can learn about case studies from other Asian countries on topics such as community forestry and FPIC. Breakout group discussions were particularly useful to hear from academics and other practitioners. These gave me some ideas in how to develop land policies and land laws to support local people and their customary land use systems. But we still need to do more research and then advocate to local people and government authorities.

**BNO:** In our political ecology and land relations classes, we had frequent discussions on community rights, including the notion of a bundle of rights. When people mention rights, they usually mean legal or formal rights. But what of community rights, such as for the spiritual value that indigenous people attach to their land? There are many different types of rights that should be recognised, and FPIC can help in this process concerning investment projects. In this way, land-based projects do not have to pose a threat to the distinctive relationship that indigenous peoples have with their territories and resources.

### 3. What did you learn during the forum that relates to your own research plans for your thesis?

**NMO:** The main topics of the forum can be related to the history of Shan migrants in Loi Khur before they fled to Thailand. Their customary land was taken by the Burmese government through the 'Four Cuts' policy, which aimed to cut off ethnic militias from access to food, funds, information and recruitment. Later on, the government used this land for its own benefit. However, my current research site is in Thailand as a destination point for Shan migrants, looking at how they have accessed land in protected forest areas through rentals and purchases from local Thai people. Although forest tenure was a key topic in the forum, the idea of migrant access to land was little discussed.

**ANL:** Before this forum, I only aimed for interviews with villagers, an investor, and government staff. However, I can now see the weakness of this, and so plan also to meet with other local actors such as religious leaders, senior cultural figures, and local NGOs. In my case, I will use online interviews because of the current situation in Myanmar. I have connections with a female activist from my case village, an investor of the banana plantation, local government staff, and local NGOs. This thesis topic clearly relates to responsible agricultural investment.

**SNNH:** My research topic concerns land property and registration in a dual administration area of Karen State. Local people must register their lands under both Union-level and Karen National Union's land policies as well. There is a problem in that Union laws and policies do little to recognise the customary land use system of local people. The sessions on customary land tenure in the forum helped me organise ideas on this topic and consider how local land usage can gain legitimacy.

**BNO:** My research is related to foreign direct investment in Mon State, and how land becomes a commodity in the process of development. Both the topics on FPIC and Responsible Agricultural Investment are important here. From the example of previous cases in Mon State, there has always been conflict between community and investor whenever investment projects have arrived in the area. There is a lack of application of FPIC and responsible business practices, as well as the weakness of existing laws relating to land security in rural areas. Investors may take advantage of this weakness and there are no guarantees that the rights of farmers will be protected. Following the Forum, I am interested to learn how much investors take into consideration principles like FPIC. How much do they, and government, understand such principles?

**LH:** Various discussions in the Forum informed my research interest in state conservation activities in indigenous areas. During a breakout group on forest tenure in Myanmar, provisions on customary land and forest tenure were discussed in relation to Burmese policy and laws. These include National Land Use Policy (2016), Forest Law (2016) and Conservation of Biodiversity and Protected Areas Law (2018). However, there is no clear procedure to recognise forest conservation or the forest tenure rights of local and indigenous peoples.

## 4. Did you learn something during the Land Forum that was surprising?

**LH:** I was surprised how companies like Burapha Agroforestry Company focus on tree plantations for wood production. My experience of agricultural investments mainly focuses on crops such as rubber and oil palm.

**ANL:** I did not expect such diversity in the attendees including representatives from FAO, private sector investors, high-ranking government staff, members of prominent regional NGOs, and academics. It was fascinating to hear the dialogue between different actors, such as between investors and activists.

**BNO:** The specificity of the forum topics surprised me. For example, the promotion and securing of forest tenure can contribute to many sectors such as improving forest cover, strengthening local livelihoods, meeting domestic timber and non-timber needs and delivering on Sustainable Development Goals. One session looked at eucalyptus plantations in Laos. They select the degraded land to plant eucalyptus in order to restore degraded forest land. It is interesting for me to learn that they restore degraded land by planting eucalyptus because I have known this tree as being environmentally unfriendly, especially to the soil and other plants. In Myanmar in the previous decade, the government planted these trees in order to claim land that had previously been under local use. But in this session, eucalyptus plantations were tied to a process of FPIC.



Mekong Land Research Forum, 2021

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