



FIGHT OR FLIGHT

Land Grabbing in the Development of
Mandalay's International Airport
and the Local Fight for Justice

Hnin Hnin Nge, Thet Thida Win and Khin San Wai



*Understanding
Myanmar's
Development*

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Canada

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Foreword

Since 2012, the Understanding Myanmar's Development (UMD) series, supported by the International Development and Research Center (IDRC), Canada, has sought to enhance knowledge of Myanmar's development processes, strengthen the capacity of Burmese researchers, and encourage them to actively engage the study of development policy and practice. In this first phase of the series, fellowships were given to midcareer researchers to support their work and publication in their respective areas of expertise. In the second phase, though we are continuing to publish under the UMD series banner, the research outputs have emerged directly from a long-term capacity building initiative held at the University of Mandalay, still under the support of IDRC.

This research is a helpful addition to our knowledge of local land grabbing and the prospects for local people to reclaim their stolen livelihood assets through Myanmar's period of transition. The authors studied a small community who lost their land some years ago because of the development of Mandalay's international airport. The circumstances surrounding this airport land grab, which we move through regularly in our trips to Mandalay, presents a strong case highlighting the nature through which the military dispossessed people of their land without any regard for local livelihoods. However, perhaps the biggest strength of this report is their account of how local actors attempted to navigate Myanmar's complex and evolving land bureaucracy, and what this reveals about how these processes are formed to be intentionally vague and mostly unhelpful to farmers. In this particular case, the farmers were able to receive some parcels of land back through the

investigatory process, but they are mostly still seeking the forms of justice which they have long been promised.

The researchers here faced many challenges in undertaking this piece of research. With limited experience in conducting the sort of grounded fieldwork this case required, they had to learn with us through practice how to collect the sort of data which would shed light on these community and political dynamics. The scholars come from three quite different academic disciplines – law, psychology, and anthropology - which also created significant obstacles to bringing this work to completion. While creating synergies in their distinct methods was challenging, the content presented here does at least reflect an attempt at a multidisciplinary approach, with Hnin Hnin Nge's legal focus shedding light of the legacies of both colonial, postcolonial, and more modern land law, and Khin San Wai's background in psychology adding a dimension to the accounts of livelihood lost which were primarily based on the anthropological discipline which is home to Thet Thida Win. We are thankful for their continued commitment to finishing this monograph even after the dual challenges of COVID-19 and the Myanmar coup made this even more challenging. The result here is pleasing and we hope this work is something they are proud of.

Chayan Vaddhanaphuti, PhD
Director, RCSD

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We would like to express our special thanks to Elliot Lodge, the coordinator of the capacity building project, for his help with all parts of this study. Without his effort it would not have been possible to complete this work.

We would like to express gratitude to Dr Edgard Rodriguez from IDRC for placing trust in us to conduct research for improving knowledge for democracy in our country, and IDRC and Canada for supporting this. We would like to thank Kanchana

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Finally, we would like to give thanks to the all the people who participated in this study. This includes key informants who gave information and facilitated our fieldwork. In particular we are grateful to villagers from Aye Kyi Kone who shared their experiences and provided information.

About the Series

Knowledge for Democracy Myanmar

Knowledge for Democracy Myanmar is a five-year partnership that nurtures a new generation of young actors to promote inclusion, gender equality, respect for diversity, and prosperity for all in Myanmar.

Capacity Building in Knowledge Production

Since 2018, RCSD at Chiang Mai University has coordinated an intensive research and teaching capacity building project with the University of Mandalay. The project was conceived as part of IDRC's larger Knowledge For Democracy Myanmar initiative, and our goal is to support the long-term professional development of researchers at the university through regular critical engagement. We have provided exposure to ideas, methods and research processes in the social sciences, and given them practical tools and opportunities to put learning into action. The project has successfully emerged from a foundation of shared experience and knowledge between the participants and our diverse team of mentors and support staff affiliated with RCSD. It has also been built on the legacy of Ajarn Chayan's long and continuing commitment to empowering young Myanmar researchers, providing a strong case for potential benefits of academic collaboration across the 'global south'.

The first phase of the project focused on the building blocks of qualitative research, with workshops introducing selected concepts in the social sciences which are applicable to the changing

development context of Myanmar and Southeast Asia. We then worked on improving their ability to build towards conducting research by targeting capacity in fundamental skills in research design and methods. This was achieved through specific workshops on several tools, such as writing a literature review and conducting ethnography in the field. RCSD invited this larger group of participants to submit research proposals by harnessing their growth in these research tools. Eight projects were then chosen by a committee to receive research grants and intensive academic support through the second phase of the programme.

These eight projects involve seventeen researchers from a range of academic backgrounds and disciplines, all of whom are women. Throughout 2019 and 2020 the researchers were closely mentored through their data collection and analysis, with RCSD's team in frequent contact to help shape their skills and approach as they worked, including visits to their field sites, workshops in Mandalay and Chiang Mai, and regular online engagement.

Their research covers a range of important academic endeavors across urban and rural settings—from the dry zone to highland ethnic areas—seeking to give thorough accounts of local people's and communities' experiences amid Myanmar's social, economic and environmental challenges. While the program will produce tangible outputs in the form of eight research reports published in the Understanding Myanmar's Development series, we are more proud of the growth we have seen in the research skills of our irrepressible group of committed *sayama*, and the small contribution we have made to restoring Myanmar's university research culture.

In 2021, in spite of the dual challenges of Covid-19 and the tyranny of the Myanmar coup, we have continued to work closely to finish putting together these monographs. RCSD remains committed to continued engagement and collaboration with our colleagues in Myanmar's universities, civil society, and beyond.

Abstract

Rural communities across Myanmar have faced, and continue to face, the prospect of having their land grabbed by state and military-led development projects. These land grabs not only displace communities and rob them of their livelihoods - including traditional agricultural practices - but they also leave lasting forms of more subtle community dislocation. This research traces the experience of villagers who in the mid-1990s were moved off their land for the construction of Mandalay's international airport, and the adjoining highway and Tatmadaw camp. Despite promises of compensation and livelihood support, there was none forthcoming. In the small community which forms the main basis of this study, the community faced significant social and economic struggles in the subsequent years including large outward migration of young people. In the past decade, however, there has been some increase in the civic space and bureaucratic process through which villagers can attempt to reclaim stolen land and access compensation schemes. Amid this broader, gradual transition to a quasi-civilian government (prior to the coup of February 2021), villagers did have some limited success in using the opening of land justice avenues as they were able to reclaim some land. Overall though, community members remain frustrated at the lack of progress and the state's unwillingness to fulfill the promise of justice. By documenting the tension between local village actors and the political and bureaucratic figures who have entangled responsibility for taking up the issue, this research therefore sheds some light on the local reality of pursuits of land justice amid the opaque legal-bureaucratic land regime of "transitional" Myanmar.

Keywords: Mandalay airport, land grabbing, land rights, compensation, Tatmadaw, land reform

စာတမ်းအကျဉ်းချုပ်

ဒွိမြေမှပျံသန်းမလား၊ မန္တလေးအပြည်ပြည်ဆိုင်ရာလေဆိပ် တည်ဆောက်ရေးကြောင့် ဖြစ်ပေါ်ခဲ့သော မြေယာသိမ်းယူမှု များနှင့် တရားမျှတမှုအတွက် ဒေသခံတို့၏ရုန်းကန်လှုပ်ရှားမှုများ

နိုင်ငံတော်နှင့် စစ်တပ် ဦးစီးသော ဖွံ့ဖြိုးရေးစီမံကိန်းများကြောင့် မြန်မာနိုင်ငံ အနှံ့အပြားရှိ ကျေးရွာများသည် မြေယာသိမ်းခြင်းခံရန် အလားအလာများ ဆက်လက်တည်ရှိနေပါသည်။ ထိုကျေးရွာမြေယာသိမ်းမှုများသည် ဒေသခံ များအား နေရာပြောင်းခြင်းနှင့် အသက်မွေးဝမ်းကျောင်းများ (ဥပမာ၊ မိရိုးဖလာ ကျေးလက်စိုက်ပျိုးရေး) ပျောက်ဆုံးခြင်းများ ဖြစ်စေသည့်အပြင် ကျေးလက် အသိုင်းအဝိုင်းများအတွင်း လူမှုပြဿနာများနှင့် ပျက်စီးမှုများ ဖြစ်စေသည်ကို တွေ့ရှိရပါသည်။ ဤသုတေသနသည် ၁၉၉၀ စုနှစ်အလယ် ပိုင်းတွင် မန္တလေးအပြည်ပြည်ဆိုင်ရာလေဆိပ်၊ ၎င်းနှင့်ကပ်လျက် အဝေးပြေး လမ်းမကြီးနှင့် တပ်မတော်စခန်း စသည်တို့၏ ဆောက်လုပ်ရေးစီမံကိန်းများ ကြောင့် မိမိအိမ်ယာများမှ ဖယ်ရှားခံရသော ကျေးရွာဒေသခံများ၏ အတွေ့ကြုံကို လေ့လာဖော်ထုတ်ထားခြင်းဖြစ်သည်။ လျော်ကြေးငွေနှင့် အသက်မွေးဝမ်းကျောင်း အတွက် ထောက်ပံ့မှုများပေးဆောင်သွားမည့် ကတိ များရှိခဲ့သော်လည်း လက်တွေ့ဆောင်ရွက်မှုများ မရှိခဲ့ခြင်းကြောင့် လေ့လာ ရာ ကျေးရွာအသိုင်းအဝိုင်းများသည် နှစ်အဆက်အဆက် လူမှုနှင့် စီးပွားရေး ပြဿနာများနှင့်တကွ များပြားလာသောနေရာပြောင်းရွှေ့မှုများ၊ လူငယ် နည်းပါးလာမှုများ ရင်ဆိုင်လာခဲ့ရပါသည်။ သို့သော်လည်း လွန်ခဲ့သောဆယ်စု

နှစ်အတွင်း အရပ်သားတစ်ပိုင်းအစိုးရလက်ထက်တွင် ဆုံးရှုံးခဲ့ရသော မြေယာများ ပြန်လည်ရရှိရေးအတွက် အခွင့်လမ်းများ ပေါ်ပေါက်လာခဲ့ပါသည်။ ထို့သို့ (စစ်အာဏာသိမ်းယူမှုမတိုင်ခင်) အရပ်သားအစိုးရသို့ အကူးအပြောင်းကာလတွင် ၎င်းအခွင့်လမ်းများမှတစ်ဆင့်ဒေသခံများသည် မြေယာအချို့ကို ပြန်လည်ရယူနိုင်ခဲ့ပါသည်။ သို့သော်လည်း၊ ခြုံငုံသုံးသပ်ကြည့်ပါက တရားမျှတမှုဆိုင်ရာ ကတိကဝတ်များကို နိုင်ငံတော်က အကောင်အထည်ဖော်ရန် ဆန္ဒနည်းခြင်းကြောင့် ကျေးလက် အသိုင်းဝိုင်းများတွင် အလိုမကျမှုများ ဆက်လက်ဖြစ်ပေါ်နေသည်ကိုတွေ့ရှိရပါသည်။ ဤသုတေသနသည် သိမ်းယူခြင်းခံရသော မြေယာများအတွက် ဒေသခံလှုပ်ရှားသူများနှင့် သက်ဆိုင်ရာပုဂ္ဂိုလ်များကြား ဖြစ်ပေါ်နေသော တင်းမာမှုများကို မှတ်တမ်းပြုခြင်းမှတစ်ဆင့် မြန်မာနိုင်ငံ၏ "အကူးပြောင်းကာလ" အတွင်း ပွင့်လင်းမြင်သာမှုမဲ့သော တရားဥပဒေနှင့် ဗျူဟိုကရေစီစနစ်များကြား မြေယာတရားမျှတမှုရရှိရေးအတွက်ကြိုးပမ်းမှုများ၏ ဖြစ်ရပ်မှန်များနှင့် အမှန်တရားများကို မီးမောင်းထိုးပြလျက်ရှိပါသည်။

အဓိကစကားစုများ (Keywords)

မန္တလေးအပြည်ပြည်ဆိုင်ရာလေဆိပ်၊ မြေယာသိမ်းယူမှု၊ မြေယာအခွင့်အရေး၊ လျော်ကြေး၊ တပ်မတော်၊ မြေယာပြုပြင်ပြောင်းလဲမှုများ။

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1

INTRODUCTION

In 1993 General Khin Nyunt, one of the most powerful members of Than Shwe's military government, travelled to Tada U and met with leaders from across the township. The area which comprised much of their villages farmland as well as some homes, needed to be taken over in support of Myanmar's national development. A full 28 thousand acres was to be acquired by the state, comprising land used by households from over a hundred villages. The area had been selected to construct Mandalay's new international airport which was to be built as part of the the military regime's attempt at attracting more international tourism - an iniative that was dubbed the 'Visit Myanmar Year'.

Villagers would have to promptly vacate their land, Khin Nyunt told them, but he assured them that they should not worry, that they would be well taken care of, compensated for what they lost, and supported in re-establishing their livelihoods in agriculture. For those who lost their homes as well, he said they would also be supported with the process and cost of relocating. But for those in attendance they knew these words would most likely ring hollow. The meeting, which had begun with pomp, ceremony and a warm local welcome to one of the country's most high-profile state figures, ended with communities shaken by the prospect of what was to come.

At the time, nobody would dare say anything, of course. This was Myanmar under one of its most feared periods of military dictatorship, where there was minimal civic space let alone any

opportunity for aggrieved villagers to push back. The promises of that meeting, as was to be expected, were left unfulfilled. Severe economic and social dislocation was to follow. This case echoes what other examples have shown. Across the country, the Myanmar state has confiscated farmland for the supposed purpose of national economic development, but the loss of land has left farmers stripped of their human rights, and left them bereft of options amid the loss of the farming systems and agricultural practices which they had relied on (Franco, Twomey et al. 2016).

The impacts of land grabbing in Myanmar, both in the past and the present, are not limited to the period of which land was taken, but are ongoing and varied in nature, involving not only economic and livelihood consequences but also lasting psychological and social damage (Land in Our Hands, 2015). The prolonged impacts are apparent in the small village of Aye Kyi Kone which forms the basis for most of this research. This village was one of those who not only lost their farmland, but also lost their entire village area, their homes and their community space as they were forced to shift to another site.

This case is but one of a countless number of cases where land was taken by military and state actors across rural Myanmar. Since independence, successive regimes, including the present government, have frequently invoked powers under prevailing legislation to compulsorily acquire and allocate large tracts of land in all areas of the country (more commonly referred to in Myanmar as 'land confiscation' or 'land grabbing' and referred as such here). Land acquisition and involuntary displacement in Myanmar has been carried out for a number of reasons and forced displacement and forced resettlement has occurred without informed consent or adequate compensation (Displacement Solutions, 2019). As Carter (2015) explains, land grabs are "facilitated and legitimized by the rules that govern the acquisition of land use rights mainly because they reside in a tangle of overlapping, opaque and often contradictory laws which allow huge, unbridled discretionary powers to decision makers, and create an environment conducive to coercion, corruption, cronyism, violence and graft."

In an example of such use of discretionary authority, La Ring (2015) looks at context of ruby mining in northern Myanmar, understanding local livelihood insecurity through the framework of accumulation by dispossession and the forms of legitimization which enabled these processes to play out. However, Woods (2014) explains how land grabbing in Myanmar has largely moved on from the gunpoint force of decades past as the “the newly-minted Myanmar government, backed by its new land-related laws and policies, is working hand-in-hand with former military-favoured businessmen and their companies, enabling them to gain access – now “legal” – to the country’s biggest and most promising new billion-dollar asset: land.” In the 1990s though, military threats tended to be of most use alongside these vague legal regimes which were used to in part to legitimize land grabbing. The role of such precedents, from colonialism to the present, formed the basis for events around the airport project which are described in greater depth in chapter two.

In the period of Myanmar’s often-termed ‘transition’ period after the 2010 election, land reforms were enacted and a new commission was opened to receive complaints. It was quickly inundated with claims - including over 500 separate incidents in just a few months – and promises flowed from both newly positioned bureaucrats and military leaders that land would be promptly returned and compensated for (Htet Naing Zaw & Aye Kwant Khaing, 2013). While there was an opening up of the political process, the Farmland Law and the Vacant, Fallow and Virgin Lands Management law (VFV law) have both been heavily criticized - predominantly in the context of upland ethnic communities - for failing to provide acknowledgement of customary tenure and inexplicably forcing farmers to prove that their own land does not belong to the state. Moreover, the amendments to VFV law in 2018 under the NLD government are seen as having only further entrenched the burden of proof on farmers (Doi Ra & Khu Khu Ju, 2021).

Within Myanmar there have been strong critiques of the land return processes, notably how the only land that has been “returned” was land that was no longer of any use to military actors, and how other land was defined in a way in which, under the Farmland Law, placed the burden on farmers to navigate the bureaucratic process (Doi Ra & Khu Khu Ju, 2021). This research

provides a case study of both the increased opportunity for farmers to pursue land return and compensation claims, which have provided a small slice of justice, alongside the flawed legal regimes and bureaucratic entanglement which limit justice being more fully available to community leaders and the organizations working on their behalf.

Of interest to this discussion is a similar case in Maubin Township. Mark and Belton (2020) uncovered how Myanmar's transition did enable local actors to begin challenging the state's own conception of legality in their actions. As in Aye kyi Kone, local actors as well as state actors faced high levels of complexity in which material and discursive forms sought to "institute processes of land policy reform in contexts where multiple overlapping laws and claims exist." Instead of emphasizing documentation, in which the odds would always be stacked against them, local actors pursued recognition of their land rights through showing their ongoing relationship with the land. This, in their analysis, could be understood as a tension between concepts of legality and legitimacy.

A complicating factor here, which is perhaps even more evident in the lowland Bamar areas which form the basis of this study, is the dominance of NLD loyalties and the suggestion that any critiques of the party, the government or their representatives risks a return to dictatorship (Doi Ra & Khu Khu Ju, 2021). In this particular case, as the NLD representative proved to be largely ineffective, this became an interesting community dynamic.

This research is a story covering all these issues – the land grabbing, the impact of the injustice, attempts at organizing to reclaim land, as well as the ongoing forces which make access to justice difficult. This introduction is deliberately kept brief as the chapters which follow delve deeper into all of these matters and respond to the research questions introduced here, beginning with the context of land grabbing in Myanmar and the specific circumstances of the airport case. Along with this backdrop, chapter two also traces the experiences of the villagers when their land was grabbed and they were left neglected by the state. Chapter three then looks at how over the following decade the village fundamentally changed amid the decline in animal and crop

agriculture and subsequent outward migration, before chapter four explores how, in a new but imperfect political era, community figures attempted to navigate the complex processes and laws and attempt – with varying success – to reclaim their former land and access the compensation they were owed.

Research questions

- How did the Myanmar state seize farmland and evict villagers in the construction of the Mandalay airport, and how did the displacement and land grabbing affect livelihoods and community in Aye Kyi Kone?
- From the period of 2012 up until the coup of 2021, what were the processes at both the community level and in national/regional governance systems through which attempts were made to reclaim unused land and access compensation for occupied land?
- How can we understand which processes or strategies were partially successful during this period, and the reasons for why many of the promises of compensation have not been kept?

Research methods and field site

This note on the field site and research methods remains brief here, as the background to the community and its dominant forms of livelihood and culture is contained in the chapter which immediately follows. While the research concerns the entirety of the airport development and the issues here relate to the experiences of 1,574 households who had their land grabbed across Tada U Township, we selected Aye Kyi Kone village as the main focus of the study. This village was chosen because it was one of the villages who not only lost their land, but also were forced to completely relocate their community outside the project site to the west of the proposed airport area. It was also selected because it was home to U Aung Htike, who, as chapter four explains, became a prominent figure in the local effort to organize their efforts to seek justice, meaning it

served as a strong example of the types of displacement experienced and was a key center for understanding political issues.

Aye Kyi Kone is around 32 kilometres from Mandalay city and at last count was home to 188 households and 687 people. As seen in the map here, the new village moved around one mile from the old site which is now buried under the airport runway. The new village is also now very close to the main highway connecting Mandalay to Yangon which was also constructed as part of the project.



Figure 1.1 The new Aye Kyi Kone village, which is around one mile from the old village under the site of the airport runway



Figure 1.2 Closer map of the new Aye Kyi Kone village, just off what is now the main Yangon-Mandalay highway

Data collection took place on an intermittent basis for around 18 months across Aye Kyi Kone and different sites of relevance throughout the broader Mandalay area. The research process began through connections to several key informants, first in Aye Kyi Kone and then with figures who played different roles in the reclamation and compensation attempts. U Aung Htike is the community's 85 year old village headman who has been involved in the process from 1993 until the present. He has access to lengthy documentation through his own surveys and collections of farmers data, and his interactions and correspondence to politicians and officials. Likewise, his son was a crucial source of knowledge on the various impacts experienced by the community through these processes. The old regional officer of Tada U Township representing the land administrative department was another crucial figure in collecting the land claims of Aye Kyi Kone village and the project more broadly.

We then connected with people representatives of the NLD and various Hluttaw representatives who provided different and often conflicting perspective of the process. Likewise, figures in the general administrative office at the regional government, and township land offices were each able to share perspectives on the process and various views of how events had played out. This collection of key informant interviews enabled us to form a complex picture of how community figures related to political and bureaucratic actors during this period of increased civil space in land rights claims.

The main themes identified through these key informant interviews assisted in the design of short interviews with villagers throughout Aye Kyi Kone. 20 households were able to respond to questions on their memory of the period in which they were forcibly displaced, the forms of displacement and livelihood dislocation faced afterwards, as well as their involvement in and knowledge of the land claims process. The data was continually transcribed and analyzed to ensure different narratives had the chance to emerge and be scrutinized. Most interview participants consented for their names and information to be used but in some cases names have been omitted on their request. However, as the Myanmar coup has increased sensitivities we have since revised the publication to include pseudonyms for all participants.

2

LOSS OF FARMLAND IN THE DEVELOPMENT OF MANDALAY'S AIRPORT

Land grabbing through Myanmar's eras of dictatorship

The intentional neglect of customary land rights, which is the most common form of land claim in Myanmar as well as in Tada-U township where the airport was constructed, has been widespread throughout the country, particularly since independence. Those in power have utilized the 1953 Nationalisation of Land Act and the 1894 Land Acquisition Act as a way of legitimizing “violence or threats of violence, combined with a prevailing view by those holding political power that all land within Myanmar ultimately belongs to and is controlled by the State” (Displacement Solutions, 2019, p. 11), as was experienced in Aye Kyi Kone.

The modern history of state land grabbing in Myanmar can be traced back to 1852. After the second Myanmar territorial war, lower Myanmar came under control of the British. In asserting their control the colonial government enacted the Land and Revenue Act 1876, which gave the state the authority to assess individual land holdings and collect tax for land, including rural farmland – the same law that was enacted in British controlled India. In essence, this can be seen as the beginning of the British

system of individual property rights in Myanmar, whereby after continuous use for twelve years, farmers were conferred the right to trade land. In 1885, after the third Burmese territorial war, the whole of what is now Myanmar came under control of the British Government. Therefore, the British extended the land law to cover upper Myanmar through the Upper Burma Land Revenue Regulation 1889, which meant the farmland revenue, measuring and tax system extended across the whole state (U Mg Mg Nyunt, 2016).

Although the Land and Revenue Act was enacted with the intention of collecting tax from farmlands in Lower Myanmar, it was not sufficient to cover the state's desire to impose their development plans, and over the subsequent period the colonial government and private companies came to occupy what was previously recognized as community farmland. This is seen as instigating a culture of state seizure of private land that would continue for more than a hundred years. The Land Acquisition Act 1894 gave companies the authority to seize land for the public profit, but notably stipulated that the company had to consider compensation rates whenever they seized land, and they had to give compensation to victims immediately and quickly. According to Mark (2016), many communities today attempt to invoke this colonial legislation as in many cases it affords them greater rights to seek compensation than more recent laws which do not impose such obligations on the state.

Sources suggest that land acquisitions were generally pursued somewhat legally during the British colonial period and the era of post-colonial parliament democracy because the Land Acquisition Act was in place protecting smallholders (Kan Hla, 2016). This is because the Act provides that land acquisition can only be legally pursued if the land is required for state use and in the public benefit, and farmers have a right to compensation for their land. According to Kan Hla (2016) there were many legal judgments during this earlier period which went some way to protecting the rights of landowners against state and private developers.

Although the original Land Acquisition Act was still in place during the Socialist Era, the presence of unjust land acquisition

was more widespread as the 1953 Nationalisation of Land Act had given further powers to the state at the expense of smallholders, and a culture of state impunity was well on the way to embedding itself. The government during that period created a body known as the Public Council, which seized lands as the state wished and only gave compensation amounting to around five or ten times the amount of land tax. At that time, the land tax was only five kyats and so compensation amounts were woefully insufficient (U Zaw Min, 2016). In the Socialist Era, the government did not allow farmers to sell their farmland, and so nobody knew the real market price of their land to claim appropriate compensation. Regularly, the authorities seized the lands by order but claimed that their land-acquisition was legal. Although farmers filed cases for compensation, often they received nothing or very little, with Myanmar language accounts of this describing their hardships in detail (Kan Hla, 2016).

However, it wasn't until after the political events of 1988 and the SLORC era that followed, which brought about what is seen as the most damaging period of land seizures by the military government. During the military era land across the whole of Myanmar was grabbed under both legal and illegal pretenses. Most frequently, the land grabbing targeted those possessing small amounts of lands and those who lived in rural areas, often under the guise of forming industrial zones or pursuing large-scale projects. In Shan State, reports have documented how big business often collaborates with military forces to seize land and resources, which has led to devastating effects on small communities (Global Witness, 2015).

The Mandalay Airport project was one high profile case in Central Myanmar which followed these well-established patterns of blatant and brutal land grabbing. As was generally the case, the Tatmadaw state-military structure used vague legal pretenses to provide some justification for their actions, but also acted in full knowledge that there was no real need to properly account for or gain public consent. On 29 August 1995, the Mandalay Region authority of the SLORC government referenced the 1953 Land Nationalisation Act and the 1894 Land Acquisition Act in seizing 25,015 acres of land with the order No. (14/95) and La/Na (39). Although under the 1953 Land Nationalisation Act, Section 42 provided that the

President shall pay the compensation according to this Act, by cash or by bonds or by other suitable means, either by lump-sum payment or in multiple instalments, there was no payment forthcoming. It would not be until nearly two decades later that this law would be referenced again in the fight for compensation, as across Myanmar the reality of Tatmadaw impunity trumped any real legal process.

Aye Kyi Kone Village prior to forced relocation

Aye Kyi Kone village was, according to villager accounts, once a small community located along the Paunglaung River, quite far from modern-day Mandalay. These local oral understandings believe that the small community of just 23 households decided to move to a new site during the Inwa Period, as Prince Maung Mu rebelled against the King of Inwa and in 1364 fled to what became known as Min Kan village - which means to rebel from the king. The water level of the Panglaung River would rise twice a year and so the villagers and the prince chose a place between A May Gyan Mountain and Minwon Mountain which was high enough to avoid flooding. Prince Maung Mu built a pagoda at the village which was just next to Min Kan village and therefore that village was called 'Phayar Kyi Kone', and the name of 'Min Kan' village then also supposedly changed to 'Aye Kyi Kone' at the instigation of the prince. This small community, founded on the myth of fleeing a powerful king, later became the site of this major infrastructure development.

Present-day Aye Kyi Kone village is situated around 20 miles from Mandalay, in Tada-U Township, Kyaukse District, Mandalay Region. Official documents at the local government office said that before the village moved, there were around 70 to 80 households in the old Aye Kyi Kone village. But in reality, locals say there were 129 households in total as some families did not complete family registration documents, and often the children of local families would get married but stay on their parents' registration documents even though they had built new houses in their parents' compound and lived separately. Before the airport project upturned their lives, the villagers made their living mainly

in agriculture and animal husbandry, with over 90% of the population owning their own agricultural land. Only around 20% worked as wage labourers working in other farms or in additional forms of informal employment.

The community is dominated by local Buddhist religiosity, culture and ritual. The village has a particular connection and belief with a specific nat spirit, Amay Gyan. Meaning the rude mother, it is seen and appreciated as the owner of Aye Kyi Kone village - a belief which, like the founding of the village, can be traced back through many generations. Upon entrance to the new village, visitors confront a large shrine of Amay Gyan which has been built within an accompanying compound for worship and community affairs. The village holds an annual event to pay respect to this nat, which is attended by many worshippers from Mandalay and elsewhere and is an additional source of seasonal income for the community.¹

The village is part of a village tract in which there are five adjacent communities which collectively have one elected village tract administrator. Each village also has their own chief to take care of particularly local affairs. Between 1962 and 1974, U Aung Htike from Aye Kyi Kone village was the elected administrator of Kan Chaw village tract. From 1974 to 1986, U Aung Htike continued serving as the chief of the ward on the village council, and from 1986 to 1988, he then worked as the village judge for the village tract under his administration. While the village has since had multiple other representatives, given this vast experience in working with different levels of government, U Aung Htike is generally recognized by the community as the main authority on issues of law, justice and administration, and he has taken on the role of advocating for the village in ongoing land disputes.

Local villagers formerly grew paddy rice in addition to other crops, including; groundnut, sesame, red bean, maize, wheat, chickpea, mango, onion, and roselle leaves. Villagers reflected that the yield was often very high in the past, and so they would usually have

1. For more on the cultural significance of the Amay Gyan nat and its elaborate rituals, see Chiarofonte (2017).

enough food to sell excess produce to the market and feed their own family. Many families also depended on animal husbandry, raising animals such as cows, buffaloes, goats, chicken and pigs. They had plenty of land for their animals to graze, including over a hundred acres of land for communal use (although the state considered this land to be 'vacant') so they did not need to worry about feeding them. Families often owned around 15 acres of grazing land each, and therefore could raise as least 50 to 60 cows. They claimed this land through their ancestors who cultivated it for many generations, and so a form of customary tenure was dominant in demarcating land plots. For drinking water, they had a large open community well where they would store rainwater, and for agricultural use they could access irrigation from a nearby river.

Community members expressed that they had strong food security in the past. For daily consumption they had vegetables such as roselle leaves and water spinach, which would be grown around their homes. Many people were able to save gold and buy land with the money they got from selling crops. Most of the farmers would usually buy land rather than saving their money and therefore they owned large parcels of land over time. They felt that owning land was safer than having gold and saving money as they feared the "five enemies" (flooding, fire, bad rulers, thieves, and bad sons and daughters who are unworthy heirs), a widespread local form of belief. One Aye Kyi Kone villager reflected this general priority on livelihood and food security; "We Aye Kyi Kone villagers prefer land rather than gold and money. We will have rice and food only when we have land."

The small number of households who did not have farmland would work at the farms of people from the village and so, locals said, they still had enough income to live on. The villagers could also forage for forest fruits and hunt wild animals such as rabbits and mountain goats in the Minwon mountain range, near where the airport runway was built. Locals also claimed there were minimal gender divisions in the community, with both men and women farming and working together. Men ploughed and worked in the field, while women did household chores as well and also helped the men with farming. Because of the secure livelihoods and the strength of attachment to the land and place, there was insignificant outward

migration to other parts of the country, but often villagers would travel to Mandalay, Tada-U, and Kyaukse to sell their crops. It was, however, very difficult to travel back then, with only one bus per day running to the town from Aye Kyi Kone village.

High school students also had to take that bus to attend school in the nearest town of Tada-U, as the village only had a primary school. Students who did could not go by bus had to walk for an hour each morning and evening to get to school. Only very wealthy families could rent places in Tada-U for their children to stay while they attended school. Poor families couldn't afford the cost of sending their children to school and after they finished their basic primary education, they would have to help in the field. As a result there are only a few matriculation graduates in the village. An elderly woman, 89, reflected;

We could only let our children study till Grade 5 because transportation was quite difficult. The children had to go to school far away, passing one mountain after another. It was the worst during the wet season.

There was also no medical clinic in the village and so locals would have to go to Tada-U and Mandalay whenever they needed medication, and there was also no access to electricity in these rural parts.

While the community was lacking in this basic infrastructure due to the state's long neglect of rural development, overall villagers in Aye Kyi Kone reflected fondly on the era pre-land grabbing. The land was generally plentiful, as was food and communal spirit, and the worries of the past were less than those of the present.

The airport construction and the forced relocation of villagers

The airport project

In 1993, Aye Kyi Kone was one of twenty-five villages who had their communities drastically affected by the announcement of the

construction of the city's new airport on their land. For the purpose of constructing the airport, the State Law and Order Restoration Council (SLORC) used their authority to seize 28,576 acres of land that was variously classified as paddy land (*le myei*), upland (*ya myei*), village land, and religious land -including so-called 'vacant and virgin' land under the law. Though the officials informed villagers in advance about their seizure of their land, most locals continued engaging in their existing farming work in the hope that it would not go ahead, and so they were shocked and devastated when they were forcibly removed. Most of these villagers lost substantial parts of their farmlands which they relied upon for their livelihoods. For Aye Kyi Kone, as well one other village, they not only lost their farmlands but were also forced to relocate the entire community too, as it was directly on the land where the large runway and international terminal were to be built.

As the second biggest city in Myanmar and a central point of connection for central and northern parts of the country, Mandalay had long-needed a more substantial airport hub, as its old, central location was fast becoming insufficient. Prior to its construction, the only other international airport in the country was in Yangon, and Mandalay was serviced only by domestic flights to Chanmyathazi Airport, which despite its central location was far too small and decaying to service the growing urban expanse. The Ministry of Hotel and Tourism claimed that the airport would contribute to global recognition of the beautiful scenery, ancient pagodas, cultural heritage and traditional customs of Northern Myanmar, with 1996 designated as the 'Visit Myanmar' year in a national campaign that emphasized the airport construction. The hope, they pronounced, was that Mandalay could be a center to connect with other hubs in South, East and Southeast Asia such as Beijing, Hanoi, Bangkok, Dakar and Kolkata.

The government and developers chose this expanse of flat farmland in Tada U Township in Kyaukse district, around twenty miles from the city. In selecting the area, they stated that the land was dry and large enough for long runway to be paved, and well away from the tall buildings that were increasingly being constructed in urban Mandalay. They expressed little regard for the communities in the area whose lives would be drastically affected. When interviewed,

the Chief Engineer of the Department of Civil Aviation explained that:

Mandalay International airport was jointly implemented by the Ministry of Construction of Myanmar and the Italian-Thai Company. Under Than Shwe's military government, they looked for a place free from high buildings where aeroplanes could land and take off. They needed a stretch 10000 ft long for the runway by 200 ft wide on each side. The area had to be strong in order to upgrade Mandalay's domestic airport into an international one for the development of foreign investment and tourism in Myanmar. They found this current place and destroyed the Minwon mountain range with machines, then built the runway using the raised soil from the mountain where the bottom stone part of the mountain was very strong. It was also close to the Dokhtawaddy River to give access to water, and the Mahar hydropower station could provide reliable electricity access.

To implement the project, in 1993 the military government announced its master plan for the airport construction, and by 1995 most of the land was seized across the last expanse of Tada U Township. 25,015 acres were first taken, followed by an additional 3,561 acres at a later date. In the map here, the total area of grabbed land is shown in total, with the different colours showing how the land was allocated and used for particular purposes. In total, 1,574 households lost farmland across the whole area, either entirely or partially, including 61 households from Aye Kyi Kone village. However, only a small part of this farmland was actually used in the project construction, with large parts of grabbed land either left vacant or used by the army.

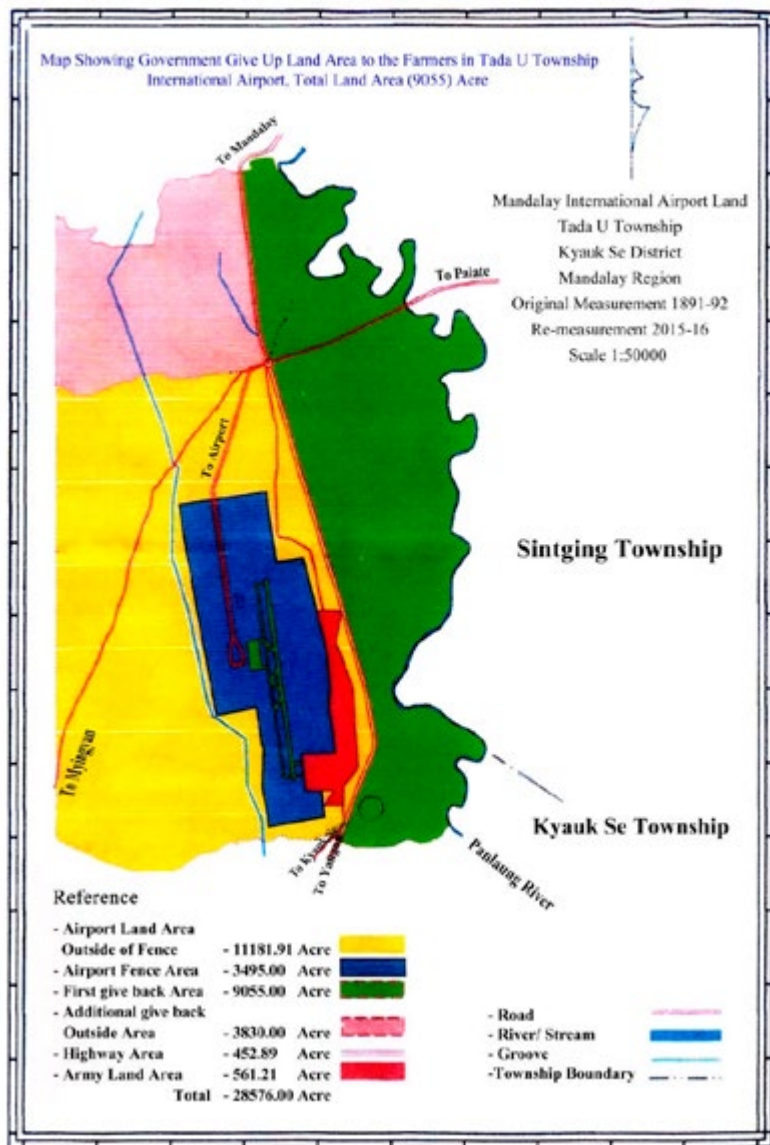


Figure 2.1 The different categories which formed parts of the large expanse of land grabbed as part of the airport development

To explain in more detail the different dynamics of the land that was grabbed, the colour codes on the map are informative. Only the blue section can actually be recognized as part of the wider

airport construction – the runway, terminal, carparking and other aspects servicing the facility. There are 3,495 acres in the blue area, in which Aye Kyi Kone and Palin Taung villages were originally located. These two villages not only lost their farmland, but lost their village too. In the other areas the local people lost access to huge swathes of farmland, but were allowed to continue to live in the smaller confines of their villages. The people of Aye Kyi Kone and Palin Taung had to relocate to areas more than a mile from the eastern side of the newly-constructed Mandalay-Yangon highway.

The 11,182 acres shown in yellow here include several villages which lost their farmland, but the village was allowed to remain as it was. This land has still not been compensated for. The 9,055 acres shown by the green area likewise included many villages who lost farmland but were allowed to stay in their homes. This land was returned in 2014. The smaller pink area includes 3,830 acres which were confiscated, but three villages there remained. The pink area is the land which is not used anymore for the airport construction, and this land areas was returned in 2017. However, in addition to the blue area which was used for the airport, the smaller red area (561 acres) was taken for use by the nearby army regiment. To build the adjacent highway, 453 acres of land were also seized. In short, as discussed in chapter four, while some land that was not in use was eventually returned without compensation for the years of loss, the yellow land has still not been returned despite no longer being in use, while red and blue sections, and the land taken for the road, remains without any compensation.



Figure 2.2 the project to construct Mandalay International Airport took around four years from when work began in 1996. Source: Airport Technology



Figure 2.3 The now abandoned Chanmyathazi Airport in the center of Mandalay. Source: Iris Veldwijk



Figure 2.4 The new airport in its current form. Source: Aecom

The experience of displacement in Aye Kyi Kone

The farmlands of Aye Kyi Kone village intersected across many of these areas. Some of their land was returned as part of the justice process for the green and yellow areas, but villagers also had land that was permanently lost in the red, blue and road areas. However, as one of the two villages to not only lose their farmland, but who faced the added pain of having to move the entire village, Aye Kyi Kone provides a strong window into the types of suffering experienced across the affected communities. As described in the introduction, in 1993 General Khin Nyunt, one of the most powerful members of Than Shwe's military government, personally travelled to Tada U and met with farmers from across the township. He came to inform the local people that the government would have to use their lands in the airport construction, and to request them to prepare for this. He further declared to the leaders of Aye Kyi Kone and Pa Lin Taung villages that they would have to move their villages as they were inside the airport area.

Many farmers vividly recalled this particular day and reflected that the message was met with nothing but silence. Myanmar was

under military control, they said, and so nobody would dare speak in opposition of the plan to such a senior figure in the regime. It was clear the junta was placing a high priority on the prompt construction of the airport, and they had little power to contest this reality. One farmer said;

Even Daw Aung San Suu Kyi, who was influential throughout the country, had been prisoned many times for speaking out under the authoritarian military government. If we farmers talked back to them, we would be burnt into ashes immediately.

A local woman, Daw Khin Aye was less aware of the details of the meeting and the seriousness of what was to transpire:

I know that they came with two helicopters. But I don't know the reason they came. All the villagers went to see the helicopters because we had never seen it before. That was all we were interested in. We went there just to have a look at the helicopters as we didn't know that we had to move. If we knew we had to move, we wouldn't go and see the helicopters. I only found out later after they had gone that they came to tell us to move because of the construction of the airport.

Officials from Tada-U township invited two farmers from Aye Kyi Kone to attend the meeting with General Khin Nyunt. U Aung Htike went with the two farmers, gathering around the pavilion with the other invitees who were the ten and one hundred household heads from each community². Only these selected representatives could attend, with most farmers across the airport site completely excluded from the proceedings. A temporary pavilion was put up to hold the meeting inside, on the hillside which was flattened in the eventual construction. The rest of the

2. Across most of rural Myanmar, households are represented by a 'ten-household head' and a 'hundred household head' who often negotiate with government officials, general administration, and military figures. Both these positions are elected, though their degree of agency varies, and they are often represent greater numbers of households than their titles suggest.

villagers were not allowed to even come near the pavilion and they looked on from afar. When the official government party arrived, young girls greeted and welcomed them, and gave them wet towels. The officials then sat down and explained to the farmers that they were going to take the farmlands in order to build an international airport, which they said was necessary for the development of the country. To the two villagers who had to relocate entirely, the military made an explicit promise to take responsibility for everything necessary to comfortably move, such as water, electricity, new jobs and livelihoods, and transportation to move and build the new village. They told the villagers that they were allowed to move to a site of their choice, and trucks would be arranged to help move their belongings.

One of the leaders who was representing Aye Kyi Kone village recalled how U Khin Nyunt gave what he considered to be a thinly-veiled threat that coercion would be forthcoming:

We were told clearly that Aye Kyi Kone and Palin Taung villages must move. When we asked what would happen if we did not move our villages, U Khin Nyunt simply said that we must move. U Khin Nyunt asked me if I had ever been to Bago. I replied to him that I had been there twice, only visiting and paying homage to pagodas there. U Khin Nyunt explained that when the Hanthawaddy Palace in Bago was restored to its former glory, the monasteries and slum houses inside had to be relocated. Before relocation, he said, the military official who was assigned for relocation called U Khin Nyunt, as the monk who was very close friend with U Khin Nyunt said he would talk to him and tell him not to move his monastery. U Khin Nyunt said he replied to the officer “I will avoid the monk’s call. You will follow the plan. After moving the monastery, build a new one for the monk”. When U Khin Nyunt did not accept his call, the monk came to Yangon to meet him. While the monk was on the way to Yangon, his monastery was dismantled by bulldozer. U Khin Nyunt said that he avoided the monk in Yangon and

when the monk went back to Bago his monastery was already gone. The new monastery outside the Hanthawaddy Palace was built in seven days for the monk, he said. By telling us this story U Khin Nyunt was indirectly saying if we do not move, he will have no hesitation to use a bulldozer to relocate us.

To all those who were to lose farmland, communities were also promised that graduates from these villages would be the first chosen to be employed in the construction of the airport, and those without a formal education would also be hired as wage labourers on various parts of the projects. According to one observer, officials told the villages there was no need to worry about their future employment or livelihoods as everything would be taken care of. If farmers had trucks for loading soil and stones too, these could be hired to help in the project. Without the chance to ask questions and gather specific details of the arrangements that would be made, across Tada U villagers were left hoping they would be adequately compensated for their loss of land and livelihoods - but with little knowledge of their rights, the reality of the injustice that was occurring took some time to be fully understood.

As it became clear to U Aung Htike and other village elders in Aye Kyi Kone that the demolition of the village would become a reality, they hoped to move to a better place with good transportation closer to the city. "We have to move anyway. Let's choose the best place where we can engage in trading, as we will lose our farmlands and we can't do farming anymore." one of them remembered saying. Together they chose to move near the town of Palate, because it is close to big cities such as Mandalay and Kyaukse and transportation is good. Palate is known for its Snake Pagoda and is located around 30 minutes from Mandalay - much closer than the old village. However, officials promptly rejected their request to move there and instead instructed them to move to the eventual relocation site. This was the first broken promise of the meeting with Khin Nyunt, as, according to U Aung Htike, their 'choice' of relocation site was really no choice at all. The township-level government, comprising the General Administration Department, the Land Record Department, and the Immigration Office, instead

made the decision without any consultation or any regard for the needs or wants of the community.

Further, the officials asked and recorded households who would like their new houses built using brick and cement, promising that the lives of these people would be better than in the past. For households without government registration and the requisite family registration forms, they promised to issue new forms and provide each household with a plot of land and an appropriate land title. As a result, the numbers of households registered in the new Aye Kyi Kone village would be more than in the old village. But this belied the fact that there was no compensation given for housing reconstruction but just the hollow promise to help with the removal.

The village farmers pleaded with authorities to postpone relocation for a small period as their local cultural understandings meant that it was not considered an appropriate or auspicious time to move. But the authorities rejected this and ordered them to move immediately, saying it was the order of the ruler of the country while claiming moving would do them no harm (considered by some to be a threat that harm would be forthcoming should they stall). When they moved to the new village, some villagers said they felt discriminated in the process. When the Land Record Department assigned plots of land for each household, those who had capital to build big brick and cement houses were placed at the front of the village nearest the road, while those without much money were left to take what were objectively considered worse plots.

A local woman, Daw Mya Kyi, recalled that:

We told the government officials that we must not move during the Myanmar month of 'Pyartho' (December). Moving during that month brings bad luck, but they said if we didn't move, they would destroy all of our houses with a bulldozer. So, although we know that we must not move our houses in the month of Pyartho, we had to move.

While they were promised help to move, in reality each household got permission to use the small removal truck only once to move all

of their belongings and houses, which was woefully inadequate. Aye Kyi Kone villagers had to move their belongings by themselves with their own money and bullock carts with minimal notice to get themselves prepared. The time to move was so short that villagers couldn't rebuild their houses in time. For a lengthy period of time, they had to stay in temporary tents, exposed to the heat and rain that came down across different months. When they finally had the chance and money to rebuild their houses, there was no support given and they had to do everything on their own accord.

Daw Khin Aye, a 64 year old women who owned over 30 acres of farmland and three houses in the old Aye Kyi Kone village, said: "I got only one truck to carry the house and belongings for all three houses, and so I had to move everything with my own bullock cart." She had made her living through agriculture and animal husbandry, before her farmlands were grabbed by Battalions 62 and 64.

After grabbing people's land, the military enforced a boundary around its claimed area through the construction of tall barbed wire fences. The rest of the land which was outside of the fences was also used by the military only to grow beans, bananas and rice which they could further profit from - at the expense of the farmers who were left with nothing. The people of Aye Kyi Kone were undoubtedly some of the worst affected, but across the landscape so many families faced immense difficulties. They no longer had grass for their cows, they couldn't cut palm trees and they could no longer even gather firewood. They were left trying to survive with the small land parcels they were left with - land they didn't choose and with which they were given no resources to use. Without any knowledge of the rights they were entitled to, and no avenue through which to claim some remedy for this gross injustice, villagers were left to pick up the pieces and struggle into attempts at new livelihoods; ironically all in the pursuit of 'development' for the people of Northern Myanmar.



Figure 2.5 The dirt road entering the new Aye Kyi Kone village



Figure 2.6 A view towards the airport from the old Amay Gyan Nat shrine

3

FORCED LIVELIHOOD CHANGES AND SOCIAL DISLOCATION IN AYE KYI KONE FOLLOWING THE PROJECT

In the years that followed, the community re-established itself in its new location, but not without enormous change in the community structure and the livelihoods of the people involved. As this chapter explores, agricultural industry experienced a rapid and irreversible decline in the community, largely due to the lack of access to land and resources, but also in part due to broader headwinds faced by farmers across the country. This forced many workers to search for new forms of livelihoods away from agriculture. This was a challenge for many, although some community members made a sufficient living in the burgeoning construction industry - initially through their direct involvement in the airport project and later by using these acquired skills and connections. Longer term, these construction workers migrated out of the village in large numbers, joined by younger people looking for work and opportunities in urban areas. The village experienced enormous changes as a result of land loss and displacement, with older villagers expressing sadness at the breaking down of their traditional community structures and the splitting of families.

The rapid, irreversible decline in local agriculture

As a result of land grabbing some families were left without any agricultural land at all, and farmers who had for generations relied on their land were suddenly left searching desperately for work to support their family. Some farmers found work making coal, others eventually were able to be involved in car and bus companies, some continued as daily wage labourers in the farmlands of others, while more left to foreign countries for work. One farmer who became landless and turned to making coal after his farmland were taken, reflected this experience;

I started my coal business by borrowing money from a local broker as I did not have the money to invest. When I made coal, I had to sell it to the broker. But I still couldn't do enough help get enough income for the family and I was still stuck in debt. Now I work in construction sites and I move wherever the construction business goes.

Daw Yin Yin, who is now an 89 year old woman in the village, told of how in the past she had a massive 21 acres of farmland in the old Aye Kyi Kone village where she could do farming and animal husbandry. When she moved to the new village she had to sell the gold she had saved to rebuild her house. Her children were just students back then, and because of financial difficulties due to the evaporation of her business and the lack of transport options to take them to school, she had to get them to quit schooling and help earn for the family. She couldn't even afford to use metal for her roof, so she had to use palm leaves. There was plenty of food in the old village, she said, but in the new village her family could only eat rice mixed with maize or pumpkin. "I went from having my own land with my own livelihood, to having to work as a wage labourer on someone else's land. This was a desperate time", she said.

Some farmers did not lose all of their land to the project, so were still able to continue to do some farming on the land that remained unused in the airport construction and free of army occupation. However, most of Aye Kyi Kone village's farmlands that were grabbed for the airport project were fertile paddy lands (*le myei*),

while the plots which were left were upland areas (*ya myei*) which had soil that was not suited to cultivating paddy rice. In the past, farmers were able to grow beans, onion, sesame and wheat on this land, but at the time of the land confiscation, the government had implemented a state order that farmers in this area were only permitted to grow paddy rice and not other crops. Further, the state imposed restrictions on the amount that could be sold, and fixed prices at low levels. Some of them tried to grow rice without much success, while others disobeyed the order and grew bananas instead of paddy rice as it was more manageable in the dry soil conditions. They were able to sell the bananas to markets in Tada-U, Mandalay and Kyaukse. Later, officials came and prohibited them from growing bananas. Some farmers stubbornly refused to comply and continued growing them. When the officials found out, they came and destroyed the farms entirely.

Even for those who retained some agricultural land, there were several factors which further compromised their ability to forge a living in the declining industry. The restrictions on which crops they could grow was one significant factor which led to uncertainty and created a false economy in the sector. There was also an increased incidence of extreme weather and unusual climactic patterns, most likely as a result of climate change, which was also regularly cited by community members and reflects broader recorded changes in Myanmar's central Dry Zone.³ The lack of grazing lands for cattle forced farmers to rent expensive machines in their place in addition to increases in wages in other parts of the economy, and increased variable costs of production for farming each season.

3. The Dry Zone is a large area in Central Myanmar comprising most of Bago, Sagaing, Magwe and Mandalay Divisions. It has a relatively flat topography, is deforested and has a dry climate prone to drought and flash flooding. The area faces increasingly severe food security issues.



Figure 3.1 A present day plot in Aye Kyi Kone, where some farmers have been able to diversify into crops such as onion, but still face extreme agricultural vulnerabilities

One villager, U Thar Myaing, said:

If there is enough rain-water or dam-water, the farmers can grow crops. But, after relocation we faced difficulties in agriculture due to the lack of water as well as extreme temperatures and changing rainfall. Our rice was not enough for the whole year so we had to buy it for daily consumption. We sold our cows just to get by.

Another, U Kyaw Hlaing, felt that the decline in their livelihoods actually predated the loss of farmland, but the worsening of their predicament certainly had been further exacerbated by the land grabbing. He described the different experiences faced;

Our crops had been destroyed for almost thirty years due to natural disasters until we even had to buy rice for our own consumption. The farmers whose farmlands were seized within the airport fence could

no longer grow anything, and the farmers who didn't own plots in other places couldn't be farmers anymore. Their lives were completely destroyed by the airport project. Only a few farmers who owned the plots outside the fence of the airport and the army camp could carry on their farming and earn a modest living. While some youth got work in the construction sites, older farmers couldn't make that transition, and so they still tried to grow in whatever small acres of land they could get access to.

For the large majority of villagers, the only livelihood they had known was in agriculture. While it was often challenging work, they knew the land intimately and were able to support their families with the income the land provided. The land grabbing therefore devastated Aye Kyi Kone and other communities across the airport site, forcing people into unstable work for which they had no previous experience. One farmer estimated that before they lost their land 80% of village families mainly depended on agriculture, but today only 20% remain.

New livelihoods in the airport construction and beyond

When the airport construction began in 1994, some farmers were able to gain work as daily wage labourers, earning 3000 kyats per day. Many villagers from Aye Kyi Kone worked there for four years until 1999, with some of them benefitting in learning constructions skills which they could continue to use. A few of the villagers excelled in this work and were promoted as foremen, meaning they could earn more income and their families lived with relatively greater security. Other villagers also tried to indirectly benefit with varying success, attempting to earn money by renting rooms in their house to workers from other areas, opening small shops and stalls selling local food, tea and snacks, and other goods to workers engaged in the project. Some recalled encountering difficulties due to their lack of know-how and experience in selling food and managing shops, as they had never before worked outside the farm.

One villager who opened a tea shop recalled how the tea makers and servers he had hired didn't last long in the job, which forced him to learn to make tea and snacks by himself. He continued the business for four years while the project was ongoing, and it provided his family with a regular income and they could make their ends meet. But any benefits of the airport project would always be temporary for most villagers, while the devastation of the land loss would never dissipate.

Another villager recalled events of the construction period as a time when his family was able to earn a relatively good living. His two daughters were able to get work in the runway construction and between them they earned 6,000 kyat a day which was much more than in the past. He also made small bits of income on the side by engaging in various forms of business. He was able to strike an arrangement where some workers on the construction site could siphon off petrol to him which he could resell at a profit. However, eventually officials cottoned-on to the scheme, and he was arrested and fined as a result. After the project was finished he stayed in Aye Kyi Kone but was unable to find more work and he relied on the support of his daughters. This seems a familiar story across the community, as older farmers struggled to find new work or transition into new industries, while some young workers were more able to adapt, and in some cases thrive.

Some former farmers attempted to pivot towards new opportunities but struggled to make a decent living. One of them reflected:

As my parents no longer owned farmland, I started making charcoal and sold it for a small amount of money which I used to buy rice and pay for it at the end of each month - I lived again and again in this way. As I didn't have enough money to make charcoal, I made it with the help of a broker. To make charcoal, firstly I cut the fire wood from the forest acquired by the army. We got permission to cut firewood by paying 1000 kyats to the Army. But unfortunately in the long term there was no profit from charcoal for us. We were still in debt after this, until I was able to complete my matriculation exam.

One further adverse impact of the construction boom was on the small number of farmers who had continued farming in Aye Kyi Konevillage. It created a labour shortage, as those who worked in the airport construction site would work in the farmers' fields only if they got the same amount of money as in the airport project, leading to an unsustainable increase in the cost of farming.

Beyond the airport project, some villagers were able to find new work. Several former farmers made charcoal to sell, while others found work in the car and bus enterprises often connected to the new transport hub which was now near them. But across the community the feeling of decline seems to be most dominant, with villagers recalling with regret the days before the land grabbing where they could live independently off the land, able to support the basic needs of their families. The mental impact of this, particular for older former farmers, was also frequently mentioned. Stripped entirely of their livelihood and the only form of work that they knew, the transition undoubtedly impacted their happiness, sense of community and sense of self.

Despite this general situation, Aye Kyi Kone is able to gain some seasonal income through hosting the Amay Gyan Nat festival every year. A large crowd of people who believe and worship the spirit come from across the country to celebrate. During the festival, Aye Kyi Kone village is crowded with guests and visitors, with traffic extending down the main road. Those who come are mostly business people and they offer donations to the Amay Gyan Nat while praying for prosperity, fame, good health, and good fortune over the coming year. One popular offering is known as *kan tot pwe*, which includes banana branches, a coconut, some flowers and money. They also worship by spreading money while dancing, playing drums and singing. Over the five days of the festival, Aye Kyi Kone villagers are able to make significant money in selling the offerings as well as other goods such as longyis and scarfs.

While the government broke so many promises during the land dispossession, the Amay Gyan shrine was one part of the process where their word was kept. After the old shrine was demolished, officials provided a new land plot for the shrine, supported its construction, and continued to give some help in arranging the

festival every year. Officials who were in charge of the airport project also came and offered donations, believing this would protect them during the construction process. Some villagers recalled that they prayed and gave offerings to the shrine in the old village during the events of 1993, believing that this would help them get their land back, but their offering did not reap the rewards they had hoped.

On 17 September 2000, the largest and the most modern airport in the Myanmar, built at the cost of \$15 million USD, was officially opened by Vice-Senior General Maung Aye, the second-highest-ranking member of the SPDC, along with U Hla Myint Swe, then Minister of Transport, and U Ye Myint, the Chief Minister of Mandalay. While a minority of younger villagers had benefitted from their involvement in the project, for the majority the village was left without access to sustainable livelihoods, and in the midst of long-term decline.



Figure 3.2 The entrance to the site of the old Amay Gyan nat



Figure 3.3 The new Amay Gyan nat shrine in Aye Kyi Kone village, which draws large crowds every year

Migration as a result of land loss and changes in family and community structure

After the airport construction was finished, many of the former farmers who had worked in the airport construction project were able to continue working on the building of the extensive Yangon-Mandalay Highway. Some villagers said that for many younger people, these new opportunities constituted a livelihood improvement in their eyes, and they had no desire to return to farming. Many of them became skilful at working in the construction industry, with some promoted to positions of responsibility or gaining roles as foremen in which they earned significantly more money. After the highway was completed, these workers followed their employers to construction sites all over Myanmar, such as in the cities, towns, and villages of Magway and Sagaing Regions in central Myanmar, and even further afield in Kayin State and Chin State. They were further lured into taking these jobs through offers of advanced payments which could be used to support their families before they left.

While many young men benefitted from this, the large migration of workers out of the village and the increased dependence on remittances had significant impacts on family and village structure. The workers would generally spend between 6 months to a year on a construction site at a time, returning to the village only on special community occasions or for important family matters. Some of these young workers said that they found this difficult being away from family for so long, but they had little choice as there was no alternative way to support their families. If they worked for several months, they could save enough to send 10 to 15 lakhs back to their families. However, the impacts certainly cut across gender divides in the community. The construction companies would only pay women significantly less than men, leading to most women choosing to stay in the village to raise families and look after the home while totally dependent on remittance income. Whereas farming was a household industry in which women could be involved, the loss of land had the impact of leaving women without work and the sense of contributing to the household that, for many, comes with employment.

One young man who works at construction sites told of his experience as construction worker;

My parents' 100 acres of farmland were seized for the airport project. We did not have any farmland left to farm for our survival, so I had to work in construction sites in cities far across the country. I rest in the rainy season for four months, and then start working again. There are about 15 groups of construction workers in Aye Kyi Kone village who all live in this same way.

In addition to gender divides, there are different perspectives upon the changes of Aye Kyi Kone village which generally seem to reflect generational differences. Older residents recall fondly living a simple peaceful life working on the farms, growing crops and engaging in animal husbandry. They had plentiful food and were able to donate goods to the monasteries to make merit, and were always in a position to treat their guests well and look after those in monastic life. Their lives became much more stressful after losing their land. Everything became unstable and they could no

longer rely on the land and on the community in the same way. However, for the younger generation there is no such fondness for the past. They welcome the benefits of modernity, believing that now they can access better education, electricity and transportation and they can earn higher incomes through the construction industry than they ever could by working on the farm. Regardless of these differing perspectives, the devastating livelihood impacts and the ruptures in village dynamics are evident.



Figure 3.4 The new Aye Kyi Kone has electricity and improved transport connectivity



Figure 3.5 Some families have benefited from increased employment options for young men, enabling them to construct new, modern houses

4

CONTINUOUS ATTEMPTS AT RECLAIMING LAND THROUGH LOCAL INITIATIVES AMID MYANMAR'S TRANSITIONAL BUREACRACY

In 2010 Myanmar held national elections. While the vote was far from legitimate, and the continued control of the Thein Sein government represented a heavy continuation of military presence in the country's politics, the period that followed brought a significant degree of liberalization in various facets of governance. While change in embedded political structures was predictably slow to materialize, the period of change led to an improvement in civil space at national and local levels, where local people were given improved representation and an increased ability to access political networks to voice their concerns and pursue certain issues. This was particularly notable in the area of land relations, where a reformed political space emerged for aggrieved communities where rural people could at least attempt to stake their claims for land that was historically taken from them. The change was also enabled by the enactment of the 2012 land law, which changed the way land rural land could be interpreted as being owned by the state or through local titling - although not without inherent problems.

This chapter will first explore these changes in greater depth, analyzing how political and legal shifts led to the emergence of improved access for claimants, but also limitations, vagueries and

contested dynamics in claiming historic rights to land. The chapter then looks at this in the context of how villagers in Aye Gyi Kone adapted their strategy amid these shifts, tracing how village leaders attempted to variously engage with local people and the changing political network that was in charge of different, yet often overlapping aspects of the process, and the ongoing challenges involved in navigating these systems and the competing forms of legitimacy.

The emerging political and legal space for land reclamation and compensation

On 30 March 2011, Thein Sein president delivered his inaugural speech in which he proclaimed his intention to focus on national unity by working with Myanmar's "ethnic nationalities" in a peaceful way. He stated that political changes were urgently needed in Myanmar and declared that his new government would pursue three main national causes: non-disintegration of national solidarity, non-disintegration of the Union, and national development. Under this mantra, he invited ethnic armed groups to sign the National Ceasefire Agreement on 18 August 2011. On 15 October 2015 before fresh elections took place, a ceasefire ceremony was held with 13 different ethnic insurgent groups, with eight ethnic insurgent groups signing the ceasefire agreement. However, this ceasefire proved to not have much lasting effect in bringing long-term peace to ethnic and border areas and the Tatmadaw continued to act with little regard for human rights. Further, on 17 May 2011, a total of 14,600 prisoners were released in the first of a series of presidential amnesties. Among them, more than 2,000 prisoners were believed to have been jailed for political reasons. (Frontier Myanmar, 2016). However, many other outspoken political prisoners remained in jail.

President U Thein Sein pushed the first wave of political reform in order to solve the problems of the Union of Myanmar, having faced over 60 years without lasting peace in the country and under various forms of authoritarian political rule. His government implemented what was considered a 'top down' administrative approach, believing they could begin a wave of widespread political

and legal reform while handling ongoing daily challenges too (Salai Lyan Mone, 2018). This first wave of political reform emphasised increased democratization of systems as a priority – which would eventually be reflected in attempts to amend the land law. As an example, U Thein Sein promptly adjusted the election laws enacted by his predecessor Senior General Than Shwe, opening up the opportunity for Daw Aung San Suu Kyi to participate in the forthcoming election.

Many observers assumed that things would not change significantly during President U Thein Sein's term and it would simply reflect a continuation of the military regime. However, even though the new government had the full support of the military, U Thein Sein's new government surprised with several important reforms in areas of politics, the economy, administration and social affairs. Freedom of speech and association was one area of huge improvement, with people given freedom to gather and organize different groups for different purposes. Although huge challenges remained in this front, from land issues to other issues, most observers expressed that expectations had been exceeded in this regard (Wilson, 2014) – which undoubtedly empowered land activists to some degree.

In his speech of 19 July 2012, President Thein Sein indicated his intention to focus on issues relating to the law and rural development. This led to an increased emphasis on public sector reform. As part of its 'people-centered development' agenda, the government decentralized decision making power away from Nay Pyi Taw towards states, regions, districts and townships. Although there was initially reluctance among some central government ministries, township committees were created with leaders drawn from society and community organizations to improve the voice of local people in decision making (Hook et al., 2015). This reform improved the space for local people to raise land reclamation issues more directly to different levels of government through local representatives.

The expansion of President U Thein Sein's core executive was identified as an important factor in the relative achievements of the government in enacting policy reform (Su Mon Thazin Aung

and Arnold, 2018). Most significant among these changes were land reforms; proclaimed by the state as part of their plan to improve the agricultural sector and reduce poverty.

Of relevance in this reform process was the introduction of four specific laws pertaining to land which were passed in the Hluttaw, including; the Farmland Law 2012, the Vacant, Fallow and Virgin Lands Management Law 2012, and the Law of Protection of the Farmer Rights and Enhancement of their Benefits 2013. The new farmland law created private land use (not ownership) rights for farmers, whereby land could now be sold, exchanged, leased, inherited and used to access credit (Section-9). The law required farmers to obtain land-use certificates from their local farmland administration bodies. According to the Vacant, Fallow and Virgin Lands Management Law, the Central Committee may permit the right to cultivate or utilize vacant, fallow and virgin lands within the State for these businesses; (a) agriculture (b) livestock (c) mineral production and (d) other lawful business permitted by the Government (Section 4). When the new land law came into force in 2012, the Land Nationalization Act 1953, the Tenancy Law 1963, and the Peasant's Rights Protection Law 1963 were all abolished. As chapter two describes, these previous laws had enabled the government to claim the land for the airport development. While the new laws were seen as something of a step forward, there were also many shortcomings identified by legal scholars which affected rural dwellers. Nonetheless, many villagers commented that the changes in political conditions during this period created a space where they were more able pursue their claims without fear of consequence of retribution by the state.

As part of the 2012 Farmland Law announcement and program, a Central Land Committee was created with part of their aim explicitly being to compensate for the lands which had been seized, or to use "other possible means" to make sure the farmers have not suffered as a result of giving up the land which were not used by and for government projects. After enacting these land laws and creating the institutional structure, President U Thein Sein also formed a Parliamentary Investigation Commission on Land Confiscation to specifically examine illegal land grabs and to return the land to its original owners in order to make sure the people would not continue

to suffer from historic injustices. The commission was tasked with receiving complaints from farmers and providing advice to the ministries on which land should be returned. The members of the commission formed sub teams to conduct field inspections in each region and state on land confiscations across the country. The commission investigated land confiscation cases and to some surprise were able to bring some justice to an issue which had long haunted many across Myanmar.

While the road to justice remained challenging, this period at least began creating a space where locals could begin working towards some sort of resolution for land grabs which they had previously lost all hope for. Despite this relative expansion of this space, people in Aye Kyi Kone remained understandably wary and afraid to speak out too much, although there was some increased optimism in their outlook.

Village committees and political process in the 2014 return of land

Following this period of gradual democratisation and reform, people in Aye Kyi Kone and across the affected villages saw an opportunity to bring their land claims to the new government structures tasked with providing a path towards justice. In particular, the enactment in 2013 of the *Law of Protection of the Farmer Rights and Enhancement of Their Benefits*, along with the government's Investigative Committee, provided a formal mechanism to which local actors could advocate. Villagers from Aye Kyi Kone and elsewhere across the area started taking actions to seek both compensation for the farmland which was grabbed while asking for farmland which was still not in use by the project to be returned to the people.

In a general sense, demands for compensation began to increase across the country. In some instances, protests and violent clashes erupted between farmers and police forces and companies who had subsequently bought the land from the military. In February 2013, for instance, a policeman was killed and 45 farmers injured when officers charged at farmers on the urging of the company

representative, following an agreement between the farmers and the authorities to return land that was not in use. The commission received complaints from farmers and was tasked with advising the ministry to give compensation and return land. Across the country, the government greatly underestimated the scale of grievance, with the commission initially estimating that it would receive about 300 complaint letters, but in reality they received more than 15,000 complaint letters, although these statistics are seen as rather unreliable (U Sein Thein, 2017).

After the enactment of the law and President U Thein Sein's announcement that issues relating to land confiscation should be resolved by different arms of the state structure, the commission members formed 11 small teams to conduct field inspections on land confiscation according to regions and states. The Commission investigated land confiscations from 1980 to 2000 and found out that official land confiscations by military, government agencies and private companies amount to at least 500,000 acres (Land in Our Hands, 2017). Among the land confiscations, the larger airport case which included Aye Kyi Kone Village was identified, leading to the formation of land committees across the country.

Relevant committees began to form across different bureaucratic levels, from district to township, down to village/ward level. In Tada-U Township, the Village Land Administrative Committee was established for the express purpose of examining farmland and other kinds of land which had been grabbed, and to solve those land issues for the people concerned. In this committee, one farmer from Aye Kyi Kone village (supposedly as a representative of all farmers in Aye Kyi Kone) was able to join as a member. The committee members are shown here, comprising a range of actors and representatives across the larger area:

Name	Occupation	Position
U Saw Nyan	administrator of the village group	Chief
U Min Min Ni	representative of the region/state Hluttaw	Member
U Than Hlaing	agricultural cooperative	Member
U Aung Khaing Lat	member of village groups clerk, ministry of general administration	Member
U Tin Htun	forest ranger, ministry of forestry	Member
U Aung Than	farmers association representative	Member
U Than Maung	farmers association representative	Member
U Aye Thauang	farmers association representative	Member
U Aung Kyaw Soe	department of administration and land measurement and statistic clerk	Secretary

The main tasks of the Village Land Administrative Committee were to survey the confiscated acres of land of each farmer in the village, counting from house to house, and compiling relevant documents from each households. After establishing the committee, the members went around the villages and informed farmers to collect the evidence of land ownership in order to ask for compensation for the land they had lost. In the land confiscation law it states that compensation for lands which was confiscated will be given to the farmers according to the current market price. Therefore, many farmers went about calculating how much money they could get if they received compensation and making plans on what they wished to do with it - such as paying off debts or giving donations. In that period, Chinese investors were buying up plots of land beside the highway which was pushing up the value of the land. Villagers in Aye Kyi Kone recall how the whole village was abuzz with talk of how much money they would each receive, with many calculating they were owed over 100 lakh.

During this period, farmers who had pawned their lands as collateral were frantically negotiating land ownership with the money lenders, which was a source of further confusion. Some did not have evidence of ownership, but could only show the surveyers

the area of land which they claimed used to be theirs. Others recalled that some households could no longer identify which area is theirs as their land now formed part of the airport compound, the military zone and the highway. Establishing land ownership was not a simple matter given the years which had passed and uncertain access to documentation.

A large number of villagers felt that the committee was not effective at carrying out its job or understanding the reality of land ownership and the vagaries it entailed. U Aung Thaung, who was the committee member supposedly representing Aye Kyi Kone, was not originally from the village, but a more recent migrant from another village who came with his own political connections. He was chosen alongside U Myint Thein and U Tun from Phayarkyi Kone, and U Kyaw Hlaing from Kan Chaw. This led to villagers feeling he didn't represent them well. U Aung Thaung was chosen directly by the committee by the existing members without any community vote or involvement. In the eyes of many there were others in the community who were far more knowledgeable on land issues and who had previously involved in community responses, who were neglected by this process.

Daw Khin Khin Nu, a longtime villager from Aye Kyi Kone, recalled that;

Our village head didn't accept or choose U Aung Thaung as the committee member representing the village. We would prefer to choose the one we all liked. U Aung Thaung who is on the committee is actually from another village so he does not know about the village well. The villagers think that choosing him as a representative of our village is a mistake.

Another important dynamic of this process was the role of the newly elected NLD representative for the area. Though the military-backed USDP remained in national power through this period, in the 2012 by-elections the NLD contested 45 vacant seats and won 44 of them. Among those seats to change hands was that representing Tada U Township. U Tin Aye, the Hluttaw Representative of the USDP for the township, become the Chairman

of the Union Election Commission. The NLD representative contested the vacant seat and won. With the NLD now having more power at the local level through the member of of the Pyithu Hluttaw⁴, villagers said they were hopeful that they might have someone who would take their concerns to those in power.

The NLD Pyithu Hluttaw representatives from Tada-U Township went to some of the villages, held public meetings and claimed to present the needs of the people in the Hluttaw. The Pyithu Hluttaw representative went to the villages of which the land was confiscated in Tada-U Township and collected information on the confiscated acres of land, including Aye Kyi Kone village. However, villagers were disappointed with the lack of initiative or action that followed the byelection. Reflecting on this time, farmers said that they thought the NLD representatives would have the skill as well as the willingness to speak out on their behalf and raise the issue to the national level government more than the USDP representative, but instead they found that they appeared disinterested in engaging with the issue at the local level.

Nonetheless, there was some progress being made. The Township Land Administrative Committee instructed to the members of village level committee to make lists of the lands which had been clearly taken. The staff from the Land Record Department and the committee chairman, along with village elder U Aung Htike, made a list of the grabbed lands with the evidence of land ownership. The Committee also held a meeting and discussion with the farmers from nine villages in Aye Kyi Kone village. They then met twice and when the list was largely agreed upon, and the Township Land Record Department presented the final list. The list comprised five village tracts and included claims to land that was variously used by the air force, the highway and the airport itself, as well as land that remained unused.

4. The Pyithu Hluttaw was the lower house of Myanmar's bicameral legislature (known as the Pyidaungsu Hluttaw) from 2010 up until the coup of 2021; 330 of the seats were elected, while 110 were military appointments.

But this process was not without some acrimony. Frustrated with being poorly represented on the committee and by their political representatives, farmers recalled arguing between all parties present. The farmers were not only underrepresented but they felt aggrieved by the unwillingness of committee members to put sufficient effort into investigating the local situation and to lobby on their behalf to receive what the farmers viewed as a fair market price for their land.

The challenge to this process was exacerbated by issues which arose in compiling adequate documentation, particularly as many did not hold the red books which served as certification or a form of title to prove their right to use the land. Under the previous government, farmers recalled that the Land Records Department took these red books as part of a paddy rice planting scheme. The department said they needed these possession documents to provide petrol to farmers according to the number of acres which needed irrigation. The farmers were then given yellow books to replace the red books. However, according to the farmers, the total acreage of farmland recorded in these new books was more than the real number. This was done because officials wanted to receive more petrol from the department which could be siphoned off, obviously as part of a petty corruption scheme.

When the villagers later tried to use these yellow books to claim compensation, the same Land Records Department had an about-turn and claimed that the very documents they themselves had issued were not considered legal title. They then asked for the red books from the department before discovering that all the red books had been destroyed by a fire in the department building. This frankly comical situation, which serves as a typical case of bureaucratic corruption and incompetence which was a feature of Myanmar under military rule, left farmers with none of the required documents to stake their claims.



Figure 4.1 The red book land certificate, issued in the 1980s

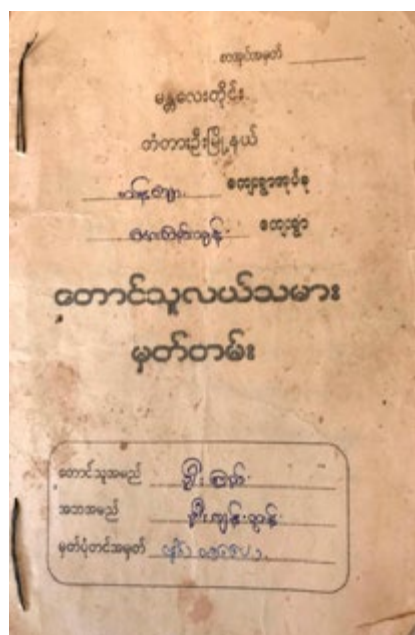


Figure 4.2 The newer yellow book land certificate, now deemed unofficial

The image shows a Land Certificate Form 105, which is a document used for land registration in Myanmar. The form is filled out with handwritten information in Burmese. It includes a header with the Ministry of Natural Resources and Environmental Conservation, a central section for land details, a table for land area and value, and a bottom section for signatures and stamps. A blue rectangular stamp is visible in the center of the form.

Figure 4.3 Land Certificate Form 105 which was supposed to be issued in accordance with the 2012 Farmland Law

One committee member admitted that the body was very limited in what they could hope to achieve:

The local people complain that through our committee we accomplish enough to bring about compensation. The farmers are always talking about what they want, and the members of the committee attend the meeting and present the issues of the villages at the townships. But we cannot lead any activities to implement initiatives or solve the problems on the real ground. We manage to solve some issues if we can, but we cannot solve the issues individually.

Meanwhile, U Aung Htike, who had largely been excluded from this official process, began carrying out his own work by more meticulously gathering information to present to officials through different channels as the opportunity arose. He put a significant amount of his own resources into this and did not collect fees from

the farmers of Aye Kyi Kone to cover the cost of seeking compensation and unused land from the government. He wrote a letter to the Nay Pyi Taw government to get compensation and loss of confiscated land for the construction of an international airport, and when the Investigatory Committee published the list of those who had demanded compensation for historic land grabbing, U Aung Htike was himself included. Through this period he did begin to gain some traction on the issue. For example, on one occasion a high-profile battalion officer from Tada-U Township ordered a junior soldier to bring U Aung Htike to meet him.

While U Aung Htike was working on behalf of affected villages, it was largely due to the efforts of the committee that in 2014, 9,055 acres of land was returned to more than 70 villagers in Aye Kyi Kone alone. This land, shown in green Figure 2.1 in chapter two, is on the eastern side of the Yangon-Mandalay highway. Additionally, some villagers who lost land in the highway construction also received compensation of a very modest amount. Despite the deeply flawed, exclusionary processes of the committee outlined here, they had still brought a degree of justice to villagers. However, villagers remained largely angry and disillusioned. Large parts of unused land was still sitting there vacant without them having the right to use it again or sell it, and there was still no real prospect of compensation for the land which was used in the airport, road and military construction. At the local level, the fight very much went on.

The charismatic leader U Aung Htike and his local committee efforts

Following this partial success in having land returned, U Aung Htike recognized the need for a more thorough local effort to reclaim the remaining land and access compensation for land that was in use, to finally fulfil the promises made more than two decades earlier. The village elder was responding to a local feeling that, despite the relative success in reclaiming some land, there was a lack of momentum or action on the part of the Village Land Administrative Committee to continue pursuing the issue further. This process was further instigated in 2015, when the aforementioned fire destroyed land records at Tada-U's Land Records Department.

Prior to the fire, officials from the Department had come to collect a list of confiscated acres of land from Aye Kyi Kone farmers, which had been compiled after they heard once again that the state would compensate them for the confiscated land. Shortly after the data was put together, however, villagers found that the department building was on fire. U Aung Htike and U Khin from Aye Kyi Kone village immediately went to the department and asked if they had any documents left containing the data from Aye Kyi Kone village. The relevant documents had been destroyed, but fortunately the ever-diligent U Aung Htike had kept a copy of the documents in his home and he showed these to the officers after the fire.

With U Aung Htike now holding the needed documentation, and the fire having seemingly further set back the process of the Tada-U committee, him and others recognized the need for greater local organization to pursue their fight for justice further. Initially, U Aung Htike attempted to begin his claim for land and compensation only for Aye Kyi Kone village, but officials from the land record department advised him that the government would not take action on behalf of just one village, that this was national level issue and the land was seized from across nine-village tracts each comprising up to nine villages. The case would be stronger, they said, if the claim came from all villages which had lost their land and the state would give adequate attention to the issue.

U Aung Htike thus went about forming a land reclamation committee with farmers from other villages who were interested in claiming compensation for the land confiscated for the airport construction. The villagers from other communities joined in the hope of claiming compensation for the farmland which was confiscated, asking for the remaining farmland which is was used for the project to be given up. A committee of nine members from across the affected area was formed to seek compensation with the 84 year old elder as the head. With his many years of pursuing the issue with the government, he was also chosen as the leader because it was felt that he had the most knowledge of relevant laws and procedures for claiming compensation. The committee also included villagers who were part of the local NLD party structure. The committee members from the various villages are shown as follows.

Name	Village	Position
U Aung Htike	Aye Kyi Kone	Chairman
U Khin	Aye Kyi Kone	Member
U Aye Ko	Tha HmyarbaYwar	Member
U Win Myint	Shwe Paw KyunYwar	Member
U Than Hlaing	Kan ChawYwar	NLD member
U Myint Thein	Phayar Kyi Kone Ywar	NLD member
U Soe Maung	Yae KharYwar	Member
U Aung Myint	Ye Maung KanYwar	Member
U Win Than	Ngar ZinyiengYwar	Member

Figure 4.4: Members of the Land Reclamation Committee

The first action U Aung Htike took was through the township court of Tada-U, where he sought more clarity on the changing process and how they could raise the issue further. With the help of clerk at the court, he sent a letter, shown below, to then-President U Thein Sein which said the farmers who lost their lands for the Mandalay airport project would like to access the compensation scheme.

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သို့
 ဦးစီးဌာန
 သမ္မတ
 နေပြည်တော်

ရက်စွဲ ၁၃/၁၂/၁၉၈၈

အကြောင်းအရာ: မန္တလေးအပြည်ပြည်ဆိုင်ရာလေယာဉ်ကွင်းတည်ဆောက်သောနေရာတွင်
 သိမ်းထားသော လယ်ယာမြေများအား နှစ်နာခြားဖြင့် အပြန်ပို့ရန်အောင် စီစဉ်
 ဆောင်ရွက်ပေးပါရန် တင်ပြခြင်းကိုး

၁။ အထက်ပါအရာနှင့်ပတ်သက်၍ မန္တလေးတိုင်းဒေသကြီး၊ ကျောက်ဆည်ခရိုင်၊ တံတားဦးမြို့နယ်၊
 မန္တလေးအပြည်ပြည်ဆိုင်ရာလေယာဉ်ကွင်းတည်ဆောက်သောနေရာတွင် ၅၁(၉)ဧကမှ လုပ်ငန်းနှင့်ပတ်သက်
 တောင့်သုများလုံး လယ်ယာမြေများကို ၁၉၇၃ ခုနှစ် ဇွန်လတွင် သိမ်းယူသွားပါသည်။ ယနေ့အချိန်ထိ နှစ်နာခြား
 မပို့ပေးပါ။

၂။ ၁၉၇၄/၇၅ တွင် စစ်တပ်မှ သိမ်းထားသော မြေများမှာလည်း ယခုအချိန်ထိ နှစ်နာခြားဖြင့် မပို့ပေးပါ။
 ကွန်တော်တို့ တောသုတောင်သားများမှ ပြန်လွှဲ စာအတိအကျ မပြုလုပ်သေးသေးပါ။ မြေများ အသိမ်း
 ရသောအခါ စာအတိအကျ ကျင့်သုံးနေကြပါသည်။

၃။ သိမ်းထားသော လယ်ယာမြေများကို သမ္မတကြီးမှ အပြန်ပို့ပေး နှစ်နာခြားဖြင့် မပို့ပေးအောင် စီစဉ်
 ဆောင်ရွက်ပေးပါရန် အသေးစိတ်တင်ပြပါသည်။ တောင့်သုများပိုင်ဆိုင်မှု တင်ပြပါသည်။ ၅၁(၉)ဧကဆိုသည်မှာ
 (၁) ကန်များကွင်း (၂) ဘုရားကြီးကွင်း (၃) အေးကြည်ကွင်း (၄) ပလ္လင်တောင်ရွာ
 (၅) မြေပေါ်ကွင်း (၆) သားများကွင်း (၇) သဲမောင်ကန်ကွင်း (၈) ငါးစင်ကန်ကွင်း (၉) မေခါးကွင်းတို့
 ပြန်ပါသည်။

လေယာဉ်ကွင်းမှ သိမ်းထားသောမြေ	၃၆၀၅ ဧက (သုခလကြီးအတွင်း)
စစ်တပ်မှ သိမ်းထားသော မြေများ	၅၁၅ ဧက
စုစုပေါင်းသိမ်းထားသောမြေ	၃၁၁၀ ဧက

ဦးစီးဌာန တင်ပြသူ ၉/တတည်(နိုင်) တွင်ကျေ အေးကြည်ကွင်းရွာ တံတားဦးမြို့နယ်	ဦးစီးသန် တင်ပြသူ ငါးစင်ကန်ရွာ တံတားဦးမြို့နယ်
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ပိတ္တောက်
 ၁။ မေါ်တောင်ဆန်းကြည် နိုင်ငံတော်အတိုင်ပင်ခံရုံး၊ နေပြည်တော်
 ၂။ ဦးလင်းနီရင်းလမ်း၊ ဥတီယသမ္မတမြန် နေပြည်တော်
 ၃။ လက်ခံ

Figure 4.5 The letter from U Aung Htike to the former President

U Aung Htike has built a reputation as someone who is trustworthy, who acts in a fair and equitable way, and who understands the law better than his fellow villagers. He is also a rather charismatic figure who is well known for his presence, and his role in local leadership has a long history. He first worked for the community as the chief of the village tract committee for 12 years from 1962 to 1974, before again serving from 1974 to 1986, and then becoming a judge for the village tract.

According to one source, while he was leading farmers in this process, an official came to meet him and asked him not to lead the

farmers in their compensation process anymore, promising that in return he would be given his own farmland back without issue. U Aung Htike emphatically told us that he turned the offer down, telling the officer he was doing this to get justice for all affected farmers, not for his own benefit. This is the sort of story which has cultivated something of a local legend surrounding his figure.



Figure 4.6 U Aung Htike showing the lost farmland

One local women, Daw Ma Kyi, reflected on her experience reclaiming land and her reliance on U Aung Htike:

Before we had 30 acres of land but now we have only a few acres. Some is outside the military fence but I don't have any document to prove that those are my land. I participated under the leadership of U Aung Htike as I don't know anything about land law and I don't know anyone else who could help. Nobody knows about land in the village, only U Aung Htike knows and he is the one who can help us now. When the Tada-U land administration office was on fire and all the information for was grabbed was gone we were so upset as we thought all hope was lost

Another villager from Aye Kyi Kone told of how, when small compensation was offered for land taken for the highway construction, it was U Aung Htike who convinced her and other villagers to demand more. Whereas other villages accepted the 15 lakhs per acre for land designated as former land for crop or bean cultivation, she said that most of those in Aye Kyi Kone refused it:

Actually Daw Hlsa Hmee must get about 30 lakhs per acre and she lost 3 acres of land. But the government officials only gave 7 lakhs as compensation. U Aung Htike told her not to accept that money because he would go and complain to the higher officials. So we didn't take the money.

Not long after the fire, the NLD government assumed office, bringing hope of an increased civilian role in the country's governance and a more movement towards more liberal and equitable policies and processes. The Central Land Administrative Committee was established in May 2016 with U Henry Van Thio (the newly appointed Vice President of Myanmar) as the Chairman, with the stated aim of giving back the farmland confiscated during the military government to the original owners and to solve the issues of farmland and other kinds of land which were grabbed as soon as possible. This central structure was intended to work with the village level committees which aligned with the structure initiated by U Aung Htike. While this did open up new some political channels through which to pursue the issue, progress continued to be slow. Recalling U Aung Htike and this period was another villager from Aye Kyi Kone;

U Aung Htike knows more than anyone else in the village about land issues and so we rely heavily on him. He attends all meetings as a representative of our group. He is also a very outspoken villager. When U Henry Van Thio came to assess land confiscation issues, the respective officials did not invite U Aung Htike to attend the meeting. But U Aung Htike went there himself to present the land grabbing issue. The officials there were impressed by his work and they asked U Min Naing (one of the chairmen) to make

sure that U Aung Htike could come in and join the meeting. Both those in the meeting hall that day, as well as the whole village land committee, were all feeling reliant on him to take up the matter further.

Under the new government U Aung Htike continued to be relied upon as a source of local guidance. Several villagers recalled situations where they were told to act in a particular way, but would instead refer to his judgement on such matters. As the NLD established this new bureaucracy, there was some progress. In February 2016, the committee proposed the return to the original owners of the remaining land which was not used for the airport project, to the chief of Township Land Administrative Committee. By June of that year, the representative of the Hluttaw (Tada-U Township), U Lin Lin Naing, formally asked the Mandalay Regional Land Administrative Committee whether they would return the give-up lands to the original owners or not. By 2017, the state gave up a further 3,830 acres of land.

As with the first, it is unclear the extent to which U Aung Htike's committee had influence in this second success. Him and his supporters claim their pressure was indeed influential in pushing the bureaucrats towards a resolution and collecting relevant documents. Others suppose that this was part of a broader government initiative and, as with the first return, it would have likely happened without his input. Regardless, despite relative progress under the NLD government, villagers continued to be frustrated at the state's unwillingness to redress the broader issue and fulfil the promise of justice through compensation.

Across all affected villagers there remains large amounts of land which is unused and yet has still not been returned. The table below corresponds with the map first shown in chapter two, which is shown again here for ease of reference.

Colour	Status of land	Total land area (acres)
Green	Returned in 2014	9,055
Pink	Returned in 2017	3,830
Yellow	Unused land not yet returned	11,182
Blue	Present-day airport area, still seeking compensation	3,495
Red	Present-day army zone, still seeking compensation	561
Highway	Used for the highway, partially compensated in 2014	453
Total		28,576

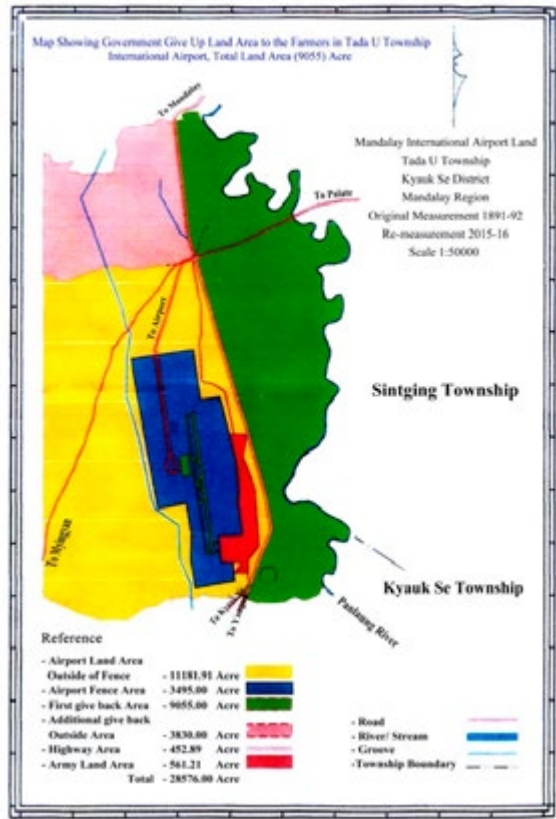


Figure 4.7 The areas either returned, unreturned or still in use around the airport area

Despite the return of land in 2014 and 2017, the total amount returned is only around half of the unused land with large parcels still lying vacant without any right for villagers to legally reclaim for use – this is shown in yellow. There are hundreds of farmers who remain without this land across 13 different villages, including 30 farmers just in Aye Kyi Kone. In addition, there has been no compensation provided for any of the land still currently occupied by the airport, the military battalion or the highway (aside from the paltry amount partially offered in 2014). Despite promises that compensation for these areas would be forthcoming at a rate of 20 lakh per acre, there scores of farmers in Aye Kyi Kone who have not received their payout, and countless others across neighbouring communities.

Local politics, complex bureaucracy and the ongoing struggle for justice

U Aung Htike and other committee members have continued to pursue the issue through to this day, without much success. These efforts have at times been connected with those of Hluttaw representatives who also claim to have been continuing to work on the issue. For villagers in Aye Kyi Kone and elsewhere, however, there is a prevailing sense of disillusionment with the process and a broad feeling of skepticism towards the idea they will ever receive the compensation they were promised.

This final section explores two key factors, which emerged over the previous period as well as in recent years, as major issues for less powerful villagers to navigate the process. The first is the complex nature of Myanmar's bureaucracy, from the national level to rural villages, which is typified by overlapping and unclear forms of delineation and complex process. The second, which closely relates to the first, is the challenges for villagers to collect the forms of often historic documentation which the bureaucracy demands. These points, discussed with reference to recent activities, predate the tyranny imposed by the military coup of February 2021 and so present a view only on these processes during the era of Myanmar's now aptly-termed "fragile democracy".

Under the NLD government, U Aung Htike continued to be frustrated by the lack of action or urgency from relevant government officials, and he also regularly expressed frustration at their lack of accountability. In an effort to move the issue forward, he, along with U Khin and U Maung Kyaw from Aye Kyi Kone village, registered their names on a public appointment list to meet with the Prime Minister of Mandalay in June 2018. More than a month later they were given a chance to meet the region's Prime Minister and had 20 minutes to present their issue and discuss with him. After showing the issue and the evidence they had on hand, they forthrightly said that villagers were ready to stage a protest to demand the compensation which had been promised. The Prime Minister requested them not to protest, promising to personally make sure that farmers would get the compensation. Yet again, a high ranking official made a promise which would ultimately not be kept.

Following the Prime Minister's order, U Lin Lin Naing (The Hluttaw Representative for Tada-U Township), along with the Administrator of the Land Management Department and the Administrator of Tada-U Township personally called by to meet with U Aung Htike and his committee, stating that they would take action to give compensation for lost farmland. After they again failed to follow through on this, the leaders again sent a letter of complaint to the State Counsellor's Office and the President's Office in order to carry out the process to give compensation to the locals or farmers who had lost their land for the airport project as soon as possible. This series of seemingly endless meetings, letters and promises closely echoes the earlier experiences of U Aung Htike. With layers of representation constantly delegating elsewhere and obfuscating their responsibilities, villagers were regularly bewildered as to what constituted proper process.

Hluttaw representatives, for their part, also claim to have been continuously presenting the land grabbing issue to the Prime Minister and others in authority. In their own view, the main tasks of the elected Hluttaw representatives from Tada-U Township are the representation of the people where they must meet with the people and represent them in the Hluttaw, shaping legislation, and

managing government budgets. In carrying out the first duty, the representative claimed in our interview that they regularly “arrange meetings with people, asking what they want and advocating on their behalf to the parliament.” However, the representative went on to say “There are 77 villages in this region of which I am in charge...I have a connection with all of them...but I can’t arrange to meet them regularly, but only in emergency cases”

The representative said they then presented the issue to the Prime Minister, who then presented it to the Pyidaungsu Hluttaw asking for the people to be adequately compensated. The submitted report referenced the confiscation of the land for the development of the country in Tada-U Township.

Although the farmers generally seemed to trust the NLD government more than the previous regime, they view their Hluttaw representatives as weak in implementing their case. In the opinion of several farmers, they have not put sufficient resources into properly collecting the necessary data across the affected villages. One farmer said that the Hluttaw representatives “do not stand on our side”, arguing that while they may claim to be advocating on their behalf, the lack of progress speaks to the fact that their priorities lying elsewhere. Others said that they had no knowledge of how these representatives were elected, and that only those of a certain position in society were able to assume these offices.

While villagers are justified in feeling this way, the issue seems to be more systemic than the fault of individual representatives. As this section has shown, the overlapping nature of governing remits creates a confusing environment for village figures, bureaucrats, as well as politicians. Villagers themselves are left without knowledge of the appropriate process or the resources to lobby on behalf of their community, while those in positions of greater authority find it easier to write a letter or make a statement as a form of passing the issue on to someone else.

Daw Ni Ni Aye, the Pyithu Hluttaw representative for Tada-U Township, for her part blames the lack of cooperation between the general administrators and Hluttaw representatives. “Coordination has always been very weak” she said. “and while it was weak before, there is now no activity at all. So I have to ask questions at the

Hluttaw again.” Daw Ni Ni Aye also called for patience from people towards the state:

On the side of the state, they are also taking action by drawing policies and instructions in order to give compensation to the farmers/people who lost their land. Dealing with land issues takes some time to implement because they need to make sure whether the farmers have official documents of ownership or not. They are also trying as much as they can to have justice for the farmers.

However, while individual representatives might be somewhat limited in their influence at the highest levels of power, Daw Ni Ni Aye’s view towards local people seems to reflect a dominant culture of top-down decision making which does not adequately engage with local concerns:

It is very easy to ask for something. Even Grade 4 students know how to ask what they want. And it doesn’t cost anything. You use only your mouth or words to do it. But we can’t ask for things or rights everywhere all the time. We also have to look at the condition of the country. However, the most important thing is to have justice in everything we do. As long as there is partiality, there will be no justice. Therefore we have to fight to get rid of partiality firstly.

U Lin Lin Naing, the local level representative for the NLD, showed a similar attitude towards local people working for land justice. At a time when the committee was more successfully collecting data than those in office, she remarked to us; “the cooperation and effort from the farmers are also needed. It would be better if they participate in this process of asking for compensation for the land loss.” It is unclear how exactly she thought they could more effectively participate. She was particularly scathing in her comments on U Aung Htike, describing him as “a man who, whichever government has gained power, is his government. He doesn’t do anything good for his village”. U Lin Lin Naing is a party political figure who had risen through the local NLD ranks to assume her

current office. It may be that this embedded partisanship is a further obstacle to collaborative local processes.

While the promises continue to ring hollow, U Aung Htike endures in committing significant energy and resources into pursuing this on behalf of the community, seemingly for no individual reward and with no financial support or major media or political networks supporting them. The complexity of these bureaucratic and political structures have only made it harder for them to pursue a clear path towards justice, and this has not been helped by politicians who seem to have little interest in empowering their efforts.

Closely related to this is the issue of land documentation and titling. Despite the efforts of U Aung Htike and the committee to collect and present accurate accounts and documentation of land ownership, the requirement for particular forms of evidence are at times impossible to meet due to the prevalence of older forms of titling and customary ownership. In this regard, the 2012 Land Law has proven to not be very useful to local people.

Though the General Administrator set up a Land Committee at the township level, it has only brought about difficulties in resolving land confiscation issues due to their own lack of transparency and willingness to engage locally. The list of confiscated land submitted by the village farmland management body with the list of individual farmers, was found in their view to be inaccurate. In reality, farmland is not defined by acreage but is marked by village custom, so there is difficulty in collecting the confiscated land list in a way which follows their strict regulations. While U Aung Htike and others went about solving these issues in practice, there are so many challenges in equating the amount of farmlands which has been seized with their data of who owns how many acres of land. One challenge is forming accurate maps of areas demarcated through local custom, and even when these demarkations have been more clearly established, the issue with the yellow/red ownership documents has only complicated matters.

The much-discussed the 2012 Farmland Law and the 2012 Vacant, Fallow and Virgin Land Management Law enacted by the government of U Thein Sein has likewise failed to be of much assistance to the majority of farmers due to the onerous

requirements on evidence of land holdings. In theory, the law allows farmers to register the farmlands they possess to get the relevant forms to allow them to cultivate crops in unused land which they claim to be their own. However, most farmers simply do not have the documentation required to enter this claim. This land law is generally seen to have failed to consider the common rights of rural farmers. One particularly problematic component is that if the farmer violates the usage guidelines set out in the land use right license, he can be fined by the Land Management Board, ultimately cancelling the license, which can lead to seizure of money and property and imprisonment for up to two years. Therefore, those farmers whose lands were confiscated do not have the protection of the law due to their historic lack of evidence and cannot simply go about reusing the land.

As mentioned earlier in this chapter, the Aye Kyi Kone case highlights another issue in the form of land that has been pawned. Those farmers who pawned their lands as collateral have had ongoing disputes over land ownership with unscrupulous money lenders. Some do not have evidence of ownership, but they can only show which area of land used to be theirs. Moreover, others in Aye Kyi Kone do not know anymore which area is theirs, as their land is included in the airport compound, the military zone and highway road. Claims to customary land ownership have been even further complicated by the paving over of old agricultural land, leaving little chance to produce adequate evidence.

U Lin Lin Naing is of the perspective that villagers are somehow to blame for the difficulty in collecting accurate data:

As I am a representative of the people I have to ask for everyone equally. But the farmers have collected incorrect lists of their land individually. It is a bit difficult in that they have their own traditional rural system of measuring their land acres so we have to measure them exactly again and explain to them how many exact acres they possess. Then, perhaps, they will accept it.

This perspective belies the local reality faced by those who have

had their land grabbed. That the state has imposed impossible documentation requirements on them is surely no fault of their own, and their representatives should be instead working to have their local customary understandings adequately recognized. The issue with the red title documents discussed earlier, which were inexplicably taken by the state before villagers were told that the yellow documents they had replaced them with were invalid, reflects this similar pattern. The constantly shifting requirements and the placing of the burden of proof on locals to proving historical record only adds to the challenge faced by local land rights activists and organisers such as U Aung Htike.

5

CONCLUSION

In a sense, the story of Aye Kyi Kone and of the hundreds of villagers who were left without farmland across Tada U provides scope to reflect upon the political and economic trajectories of Myanmar throughout the past thirty years of the country's modern history. The community was forced to directly face one of the military regime's most feared generals, who in no uncertain terms ordered them to vacate their land. But in the years up to the 2020 election, farmers such as U Aung Htike faced up against a different type of power, one that appeared more diffuse, complex and vague. It brought the promise of civic space yet still presented such limited opportunities for ordinary rural dwellers to properly engage in elite spaces. Military power remained dominant, yet it took on a different image. Though the broader trajectory in the country in this present moment is hard to predict, it should not detract from these helpful lessons of the local amid so-called "transitional" Myanmar.

This particular case of land grabbing and the brutal uncompromising way in which it was carried out is not exceptionally new. Land rights defenders and local activists have documented such events throughout the country, reflecting patterns of behaviour which are broadly the same, as are the lasting forms of dislocation brought about primarily through the separation of people from their customary land and their traditional forms of livelihood. This case too is interesting because, in developing a spanking new airport which covers far more

ground than one could possibly consider necessary, it so neatly characterizes the nature of state development actions carried out with such reckless impunity.

However, this research does not contribute much new knowledge on land grabbing itself or the impacts thereof. The area where it does potentially contribute some new perspective is on its tracing of the politics of land reclamation and compensation efforts at the local level. The opening up of national level committees to address long-sought compensation and reclamation claims carried the promises of decades of inaction, while also sitting uncomfortably amid a backdrop of continued Tatmadaw dominance and continued grabs throughout the country which could now be dressed-up in a thin cloak of legal legitimacy. Nonetheless, there was some space for local people to at last pursue these claims. Through the efforts of local actors at both the village and representative level, there were some successes too. Lands were partially returned and at least a sliver of justice had arrived.

Despite these small, perhaps performative cases of return, local efforts have as yet not brought long-deprived villagers the full compensation they are owed. The issue of land title is a strong example of why justice has been elusive, with rural dwellers themselves tasked with reconciling long-held records with their own customary understandings, and asked to provide forms of documentation to the very office which previously confiscated those same documents. For its part, the 2012 Farmland Law also inexplicably places the onus on farmers to prove their own continuous ownership of the land. Meanwhile, the research shows through a local case how the country's increasingly complex bureaucratic mess leaves politicians passing the buck onto the next department, with overlapping departments and levels of the state infrastructure often working at cross-purposes. If bureaucrats themselves can't make sense of what constitutes proper process and who is tasked with handling which part of these claims, what hope do local activists have of navigating this quagmire? Beyond these systemic challenges, the research further asks questions of the representatives themselves, providing a locally-engaged perspective not only on land but upon the nature of local governance and conflicting loyalties in this period of pre-coup Myanmar.

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FIGHT OR FLIGHT

Land Grabbing in the Development of Mandalay's International Airport and the Local Fight for Justice

Rural communities across Myanmar face land grabbing by state and military-led development projects. Land grabs displace communities and rob them of their livelihoods - including traditional agricultural practices - and also leave lasting forms of subtle community dislocation. This research traces the experience of villagers who were moved off their land in the 90's for Mandalay's international airport, the adjoining highway and a Tatmadaw camp. This community has faced significant social and economic struggles in subsequent years, including large outward migration of young people. However, in the past decade villagers have had some limited success with the opening of land justice avenues to reclaim land, but remain frustrated at the lack of progress and the state's unwillingness to fulfill the promise of justice. By documenting the tension between local village actors and political and bureaucratic figures with responsibility for the issue, this research hopes to shed some light on the local reality of pursuits of land justice amid the opaque legal-bureaucratic land regime of "transitional" Myanmar.



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