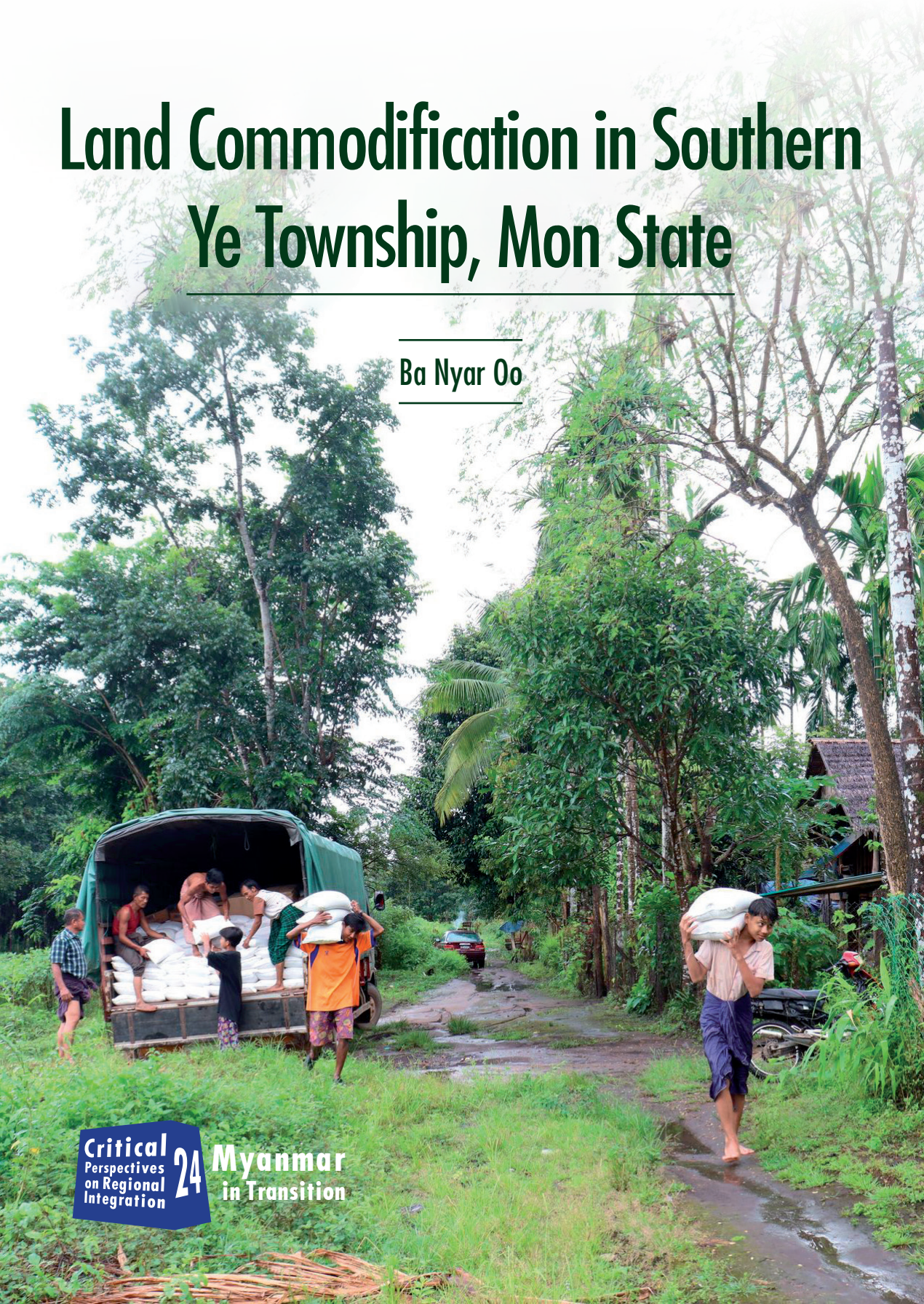


Land Commodification in Southern Ye Township, Mon State

Ba Nyar Oo



Critical
Perspectives
on Regional
Integration

24

Myanmar
in Transition



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The Critical Perspectives on Regional Integration series is the product of teaching and research at the Regional Center for Social Science and Sustainable Development (RCSD), Faculty of Social Sciences, Chiang Mai University. It draws on primary postgraduate research undertaken for the dissertation in the Center's International Masters of Social Science (Development Studies) program. The focus of the program is to consider the processes and consequences of the increasing interconnections and regionalization between the five mainland Southeast Asian countries (Burma/Myanmar, Thailand, Laos, Cambodia and Vietnam), and specifically to examine the relations, exchanges and encounters within the context of the Greater Mekong Sub-region (GMS).

The publication series is informed by the interface between the social sciences and development studies, specifically engaging with concepts which relate to physical and social mobility, boundary crossing, and the construction of ethnic identities. Within these concerns, the series also addresses issues of social, cultural and environmental sustainability, and the ways in which livelihoods are sustained and transformed in the mainland Southeast Asian sub-region. The series seeks to strike a balance between the experiences of both urban and rural life, and to examine the rich variety of responses and adaptations to processes of regionalization and globalization.

Land Commodification in Southern Ye Township,
Mon State, Myanmar

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Critical Perspectives on Regional Integration series

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Series Foreword

The monographs of the Critical Perspectives on Regional Integration series started as masters theses based on original primary field research and written as a part of the requirements for the Master of Social Science (Development Studies) program (RCSD) in the Faculty of Social Sciences, Chiang Mai University. Initial volumes in this series focused on Myanmar, covering livelihood strategies, changing ethnic identities, border- and boundary-crossing, and the commoditization of culture in the context of tourism. Later volumes broadened to cover a range of issues in Thailand, Laos, Vietnam, and Cambodia—from resource governance conflict between state and citizens, conditions for migrant workers, cross-border trade, labor, and remittances, and the dynamics of networks built on ethnicity, religious identity, and even organic agriculture.

For over twenty years RCSD and Chiang Mai University have developed research expertise in resource management, environmental impact assessment, upland agricultural systems and indigenous knowledge, and ethnic and gender relations. In the last six years of this research series, these monographs have shone a light on how these complex issues have taken on new dimension and form as populations and territories have transformed in line with the promises and (un)fulfilled on-the-ground realities of regional projects such as the Greater Mekong Sub-region (GMS) and the ASEAN Economic Community (AEC). It is my great pride that much of this important research is being done by Chiang Mai University students who come from the countries in focus, and it is my great hope that the data they gather and the critical analyses they offer can help improve the scholarship on— and the lives of—people throughout this region.

Chayan Vaddhanaphuti, Series Editor,
Critical Perspectives on Regional Integration Series

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Abbreviations

EIA/SIA/HIA	Environmental Impact Assessment/Social Impact Assessment/Health Impact Assessment
FDI	Foreign Direct Investment
FPIC	Free, Prior, and Informed Consent
HRP	Hongsawatoi Restoration Party
HURFOM	Human Rights Foundation of Monland
KIA	Kachin Independent Army
KNU	Karen National Union
MACDO	Mon Area Community Development Organization
MNLA	Mon National Liberated Army
MOU	Memorandum of Understanding
MP	Member of Parliament
MRCLTDC	Mon Region Customary Land Tenure Documentation Committee
MRLPAC	Mon Region Land Policy Affairs Committee
MRP	Mon Restoration Party
NCA	National Ceasefire Agreement
NMSP	New Mon State Party
SLORC	State Law and Order Restoration Council
SPDC	State Peace Development Council
UNFC	United Nationalities Federal Council
VFV	Vacant, Fallow, Virgin Land Management Law

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Burma/Myanmar: A Note on Terminology

Prior to 1989, the largest country in mainland Southeast Asia was exclusively known internationally as “Burma,” the name that British colonizers used after they consolidated the central plains and previously autonomous mountainous regions in the mid-1800s in reference to the country’s largest ethnic group, the Burman. The international use of “Myanmar” to refer to the country dates only to 1989, when the country’s unelected military rulers of the time announced the change of the nation’s name to “Myanmar Naing-Ngan.”

In addition, the official names of many ethnic groups, regions, cities, and villages were also changed, including that of the former capital from “Rangoon” to “Yangon.”

The name changes were purportedly an effort on the part of the military regime to remake Burma into a more inclusive, multiethnic country, and to cast off vestiges of the colonial era. However, many critics pointed out that these changes failed to address the root causes of problematic Burman/ethnic minority relations, and historians have shown that both “Burma” and “Myanmar” were used prior to British administration. In addition, the use of “Myanmar” in English presents a grammatical challenge, as there is no conventional adjective form.

While international organizations such as the United Nations and Amnesty International have adopted the use of “Myanmar,” journalistic, activist, and academic convention in much of the world continues to favor the use of “Burma,” although usage patterns continue to evolve. For this series, the decision of whether to use pre- or post-1989 “official” names has been left entirely to the author of each work, and in most instances the names are used interchangeably with no intended political implications.

Chapter 1

Introduction

Research Setting

Magyi village borders Southern Ye Township in Mon State and Northern Yebyu Township in Tanintharyi Region. The villagers of Magyi earn their living from farming, plantations, and fishing. Magyi village tract is surrounded by mountainous forest and coastline. The area is underdeveloped and was considered a “black area” by the military government during the era of the State Peace and Development Council. During the years 1999–2002, the Burmese Army expanded their military deployment in the southern part of Mon State by confiscating a lot of land and properties from Mon people in order to clear ethnic armed groups and territorialize the land. As a result, human rights violations against communities have been widely reported in the southern part of Ye Township (HURFOM, 2020).

By looking at these facts, despite the ceasefire agreement with the Burmese regime, New Mon State Party (NMSP) leaders were unable to protect the rights of landowners. The ceasefire agreement was an opportunity for the military regime to extend militarization into the Mon area through massive military reinforcement. This led to local residents’ land being grabbed, turning them into landless migrant workers. Some areas in southern Ye Township, such as Khawzar, Magyi, and Ann Din, used to be under the control of the NMSP administration before the ceasefire agreement in 1995. However, today these areas are no longer under NMSP administration.

According to the ceasefire agreement, the Mon National Liberation Army (MNLA) had to withdraw their troops from conflict areas where they had conducted guerrilla fights against the Burmese military since the 1960s. The Burmese army planned to take over MNLA active areas in Ye Township and other areas. Villagers and communities suffered many human rights violations at the hands of the Burmese military as they were suspected of being NMSP informants. In 2000–2003, the Burmese Army expanded many military battalions in Ye Township and confiscated many acres of rubber, betel nut, and fruit plantations (Kasauh Mon, 2020).

The area has been an area of insurgent operations since the mid-1990s, and there have been at least thirteen armed groups conducting operations in the area. Later, many of the groups disbanded or signed ceasefire agreements with the SPDC, including the Mon National Liberation Army (MNLA) in 1995. The MNLA is the armed wing of the Mon political party, the New Mon State Party (NMSP). Another Mon armed group, known as the Monland Restoration Party or Hongsawatoi Restoration Party, lasted until 2003. This group was formed by MNLA second-in-command Nai Pan Nyunt after he left NMSP. These groups were active in the area, which caused a lot of trouble for the local community. Some local people believe that this group was necessary because they attacked the Burmese army, but others say that local people were frightened of both the Burmese army and the small armed groups. Eventually, these small armed groups were attacked by the Burmese army and today no longer exist. The Burmese army used the strategy of “Four Cuts;” cutting rebels off from supplies of food, funds, intelligence, and recruits, to clear rebel areas. Thus, during that time the area was classified as a “black area”, while the area of southern Ye Township and northern Yebyu Township of the Tanintharyi region was classified as black or gray areas (Kasauh Mon, 2020).

In 2011, the New Mon State Party (NMSP) joined the United Nationalities Federal Council (UNFC) with other ethnic armed organizations. In 2012, NMSP and UNFC signed a second bilateral ceasefire agreement with the Mon State government and Southeast Command. NMSP signed the Nationwide Ceasefire Agreement (NCA) with the Burmese government in 2018. In 2019, Daw Aung San Suu Kyi spoke at the Invest Myanmar Summit that Myanmar is Southeast Asia’s final frontier market, final and best, which offers world opportunities (TNI, 2019). However, it was an over confident statement as there are were still many ongoing conflicts happening across the country,

especially land related conflicts. In the case of Mon State, the view of the role of investment became more polarized as the territory became opened to increase investment. This polarization was exacerbated by the signing of the NCA by the NMSP in 2018. As a result, people in the local communities were fighting against the government's business cronies as well as ethnic armed leaders (HURFOM, 2020).

Despite the 1995 ceasefire agreement, human rights violations such as forced labor and torture continued with government infrastructure projects. The ceasefire seemed to make no difference in terms of social or humanitarian issues. For example, gas pipelines to Thailand became controversial and an important source of revenue for the military government. During this time, there were many human rights violations against communities, such as forced labor. Despite increased development, Mon, Karen, and Tavoyan people¹ suffered economic hardship. After the 1995 ceasefire agreement, many Mon refugees in Thailand resettled back across the border under pressure from Thai authorities. However, migrants still crossed into Thailand, and migration continued to increase. When the celebration of Golden Jubilee Mon National Day was denied in government-controlled areas after the 1995 ceasefire agreement, distrust of the government grew among the Mon people. Later that year, the military regime arrested many Mon politicians. Mon leaders believed that the government was trying to divide and rule. After three years of the 1995 ceasefire, there was little to no positive impact. The main objectives of the NMSP were in the social and educational fields and new enterprises. NMSP had committed to the ceasefire and placed all their hopes in the peace process—political dialogue. However, it was not successful (Kasauh Mon, 2020).

After the 2010 political transition, there were many development projects planned in Mon State. Meanwhile, the land market surged due to land sales, land speculation by businessmen, and land grabs by the state and powerful people. Local people were worried since there was no clear information or transparency whenever there was a project proposed in the local area. People in the Mon area experienced the impact of development projects from the previous government of Thein Sein government and then the National League for Democracy (NLD). When reforms took place in 2011, Thein Sein, then President of a quasi-civilian government, proclaimed he would make the

1 The Tavoyan are an ethnic groups in southern Myanmar's Tanintharyi Region

country more accessible for foreign investment to improve the economy by reforming land policy (HURFOM, 2016). A number of laws related to land were reformed in 2012, including the Farmland Law, the Vacant, Fallow, and Virgin Lands Management Law (VFV), and the Foreign Investment Law, for the government to increase industrial agriculture manufacturing through large-scale foreign investment by making land available to private companies and foreign investors.

Mon State was one of the areas targeted for investment. Ye and Kyaikmayaw Townships were the areas most affected by natural resource extraction companies. Violations of land rights and social, economic, and cultural abuses have been common in FDI deals under Myanmar's previous NLD and Thein Sein governments (HURFOM, 2016). The experience of the FDI project in the Pharlain region of Ye Township shows that it has created conflict amongst local people and deeply divided local community. Some FDI projects have not started yet; however, investors and people from outside the areas have tried to buy land in advance. At this stage, conflict in the community has started to occur, such as dividing opinions among villagers as they did not have correct or up-to-date information. Some people have been coerced to sell their land, and some people refuse to sell their land. The research study site known as Magyi village tract might face a similar fate as previous land grabs for resource extraction at the hands of investors.

The Excellent Fortune Group, formerly known as Myanmar Force Group, an international company owned by Myanmar citizens, specializes in natural resource extraction, construction, land and estates, timber, cement factories, and banking and financial services. The company is planning to do mining in the Magyi village tract. In 2018, the company requested permission from the Vacant, Fallow, and Virgin Land Management Central Committee to use 98 acres of land near Balae Kha Boi Mountain for stone mining. They requested another 625 acres of land to use for their construction business. After the request, the company began secretly buying orchard lands. The company officials made a connection with the village leader and did not inform villagers when they bought land, and there was no informed consent from landowners when land was surveyed. The company also included grazing and communal land in their land survey. When villagers reported to the township court about their village leader's corrupt behavior, the head sued those villagers for defamation. Conflict within the village began (HURFOM, 2020).

To protect their land from grabbing, the villagers attempted to get Form-7 documentation (a land use certificate) under the 2012 Farmland Law by applying to the Department of Agriculture, Land Management, and Statistics in Ye Township. However, their applications were rejected by the land department. However, when the company applied for VFV land for a mining operation in 2018, permission was granted. This project is the subject of a land dispute in the village between the village head and the villagers. They are concerned about the potential for land dispossession and loss of livelihood in the future.

Research Problem

The Thein Sein government began inviting foreign direct investment by promulgating the Foreign Direct Investment (FDI) Law after political reform in 2011. Myanmar opened to the global market, and since then, FDI has seen rapid growth (HURFOM, 2016). FDI is indeed vital for the economic development of a country. However, it overlooks the many ongoing conflicts related to land in the country. Schoenberger (2017) argues that a global land grab or land rush emerges when a large-scale initiative is taking place. Scholars define land grabbing as a concept that retains rhetorical punch. Borrás and Franco's work (Schoenberger et al., 2017) reframed land grabbing as control grabbing, which involves not only land acquisition but also capital. In the Marxist view, this framing is a new, post-land grab determined by the accumulation imperative of capital. These scholars have problematized the connection between land grabbing and enclosure, primitive accumulation, and accumulation by dispossession.

As Myanmar opened to the global market, new commodities emerged. Nevins and Peluso (2008) have argued that the idea of commodities is old and new, and it has been used a long time in human society, but new commodities appear as non-commodities turned to commodities for exchange. For example, water, land, and labor are characterized as elements for means of production in Marx's theory. These scholars explore Southeast Asia as a region of some of the world's fastest-growing economies that is diverse, resource-rich, and deeply rooted in violence and authoritarianism. Jones (2014), who analyzed the political economic context of Myanmar reform, argued that the emergence of capitalism in Myanmar has been mediated by the state since 1988. The economy was dominated by the state, and it has created crony capitalism that has a relationship

with the state. During the State Law and Order Restoration Council (SLORC) regime, SLORC seized control and adopted pro-market reform, which has opened the door to foreign investment, liberalized agriculture, timber extraction, and fisheries, and a shift to the private sector.

The state resisted full liberalization for fear of losing revenue. They tried to monopolize many sectors, which channeled foreign investment to establish State Economic Enterprises (SEE). When they became dominant, the private sector was restricted. During the process of liberalization, the army exploited it to augment its own business holdings, like large conglomerates such as Union Myanmar Economic Holding Limited (Bauer, Hein et al., 2018, pp. 7-9). Most foreign investment could only gain access through military links (Kingsbury, 2014). Those in the private sector who had close relationships with powerful officials could obtain trade licenses like joint ventures and so on.

Regarding the case of the research area where Excellent Fortune Development Group plans to start stone mining at Mount Ba Lae Kha Boi—close to Magyi village and villagers' orchards—the project has caused the relocation of many villagers' homes. Two houses had already been relocated after the company coerced villagers into paying compensation. It used the presence of soldiers from the Light Infantry Battalion (LIB) to get consent to operate their business but ignored the community's concerns. Most villagers oppose the plan for stone mining in their village because there will be many impacts on their livelihoods, their farmland, orchards, and water sources in the area. Among villagers, some people have agreed to sell their land and while many disagree, they are worried that the company will use military force to intimidate villagers into selling their lands (HURFOM, 2020).

The total land acquisition for the project is about 1500 acres, and the company has bought about 646 acres. Villagers are clashing with each other over the project. One group agreed to sell their land to the company, and another refused to sell. Most villagers are worried that the company might use military force to intimidate them into selling their lands. According to villagers, the way the company tries to get land contradicts proper procedure. The first thing the company did was buy land from villagers. According to normal investment procedure, it is illegal to buy land before permission for investment has been granted. A local NGO released a report "Socioeconomic Research in Balae Kha Boi" and planned to call for the company to withdraw from the area

at the Mon State Parliament, to call for allowing customary land tenure on their land, to investigate ties between village authorities and the company for alleged unlawful land trades, and to urge lawmakers to help solve land disputes (HURFOM, 2020).

The village (in the outside area²) has 17 houses; two houses have already been displaced, and the rest do not want to move. This village community has been here for about 150 years, this is one of the main reasons why people are not willing to move out. People rely on orchard farming for their livelihoods and are concerned about threats to their water sources that can affect farming and have long-term negative impacts on livelihoods. The main plantations are growing rubber, betel nut, coconut, mango, and other fruit. Now the villagers have divided opinions, even among family members, because the company has used money to persuade locals to sell.

Myanmar has many laws from the colonial era that are outdated and not adequate for democratic governance (HURFOM, 2016). However, during the time of the NLD government, the VFV Lands Management Law was amended, and the amendment threatened local land use practices that now fell under the category of VFV and could be confiscated by the state. In this research site, the company accessed land by applying for VFV land and secretly buying land without the consent of villagers. This created tension between the villagers and the company. Villagers reported that the company unlawfully bought as much land as they could, and the village leader did nothing to stop them. In addition, the company also appropriated land that included grazing and community land.

Research questions

1. How has the ceasefire agreement instigated a dynamic land market in Magyi village, Ye Township, Mon State?
2. How does the stone mining project exacerbate land commodification in Magyi village tract?

2 Dani Kyar village has two locations which locals call “the village inside” and “the village outside”. The village inside is situated far from the coast and the village outside is close to the coast.

3. How do communities respond to land commodification after the peace process and work to de-commodify their land?

Research objectives

1. To understand land dynamics related to the peace process from 1995 to 2010, political economic reform.
2. To examine the process of land commodification in Magyi village tract, Mon State.
3. To investigate how local communities, react to land commodification from the stone mining project and how they mobilize to protect their communities.

Literature Reviews of Theoretical Concepts

In this research study, two main concepts are applied: the concept of commodification and variegated capitalism, to understand how land is commoditized in the market and how different capitalism works in the Mon context after the political and economic transition in Myanmar. In the final part of the literature review, the relevant studies from different scholars are examined.

Commoditization of land

Karl Marx believed that capitalism is characterized by a division between classes in society; the capitalists, or bourgeoisie, and those who do not own the means of production; workers, or proletariat. Capitalism at its heart is about social relations of power and control in society (Cuff, Sharrock, & Francis, 2006). Capitalists produce commodities for exchange in the market, and they exploit workers to make profit from their labor. Marx argues that elements such as labor and land are regarded by capital as a means of production. Capitalism is based on the systemic relationship of domination that produces constraints to which both workers and capitalists are subordinate (cited in Heinrich, 2004).

Capitalism, as Weber sees it, is a modern spirit based on formal and rational instrumental orientation—to gain for the sake of gain—mediated via commodity, money and rational enterprise. Max Weber's idea of capitalism was not general but based on the rational form that is found in modern western

societies with two main characteristics: continuing progress and operation, and the pursuit of accumulation as profit. Business practice is based on the endless expansion of profit. The process of pursuing greater profit is not driven by greed but by moral righteousness. It is dedicated to providing a good life to larger populations in societies (cited in Cuff, Sharrock, & Francis, 2006).

The Marxist view of capitalism attributes wealth to the immense accumulation of commodities. The commodity form is generalized to labor-power, which is a fictitious commodity but treated as if it were “real.” According to Marx, capital accumulation is a process that motivates the pursuit of profit. The role of money in social relations is to mediate profit-oriented, market-mediated accumulation processes (Cuff, Sharrock, & Francis 2006). Marx recognizes that commodities predate capitalism and views commodification under capitalism as a switch from the mercantilist sale of commodities to secure money to buy (more) commodities to the outlay of money as capital to produce commodities in order to sell for more money. Marx argues that this is a system of commodity production and exchange (Yusin, 2002).

Polanyi (1944) argued that the commoditization of nature (for example, land) or of labor can only be as fictitious commodities. He claimed that nature and labor are special categories of commodities in that they are not literally produced exclusively or primarily for sale. As such, Polanyi defines commodities as objects produced for sale on the market; markets are empirically defined as actual contacts between buyers and sellers. He further argues that labor, land, and money are also essential elements that industries organize in the market, but in fact these elements are not commodities—they are not commodities according to the empirical definition thereof. For example, he argues that land is only another name for nature, which is not produced by humans; therefore, the commodity definitions of labor, land, and money are entirely fictitious.

The process of commodification turns land and land-related rights into commodities, disembedded from local and particular social relations, freely tradable on the market, and usable for capital accumulation (Zhang & Wu, 2017). When land becomes a commodity and is integrated into circuits of capital, it enables spatial changes in settlement patterns, the organization and use of land in agricultural and industrial production, locational relations of various types of land use, and the representation of space.

With state expansion and market integration, rights held by and within communities have been seriously undermined by commodifying pressures to delineate, endorse, and extend “a systematic legal basis for what is called title to the land” (Wallerstein 2012:7, cited in Cottyn & Vanhaute, 2016). The commodification of land rights corresponds to economic intervention that reshuffles the labor, legal, fiscal, and spiritual ties of the people that live from the land, those living from the property of the land, and state structures to the land and amongst each other (Cottyn & Vanhaute, 2016).

The concept of land commodification in this research explores the process of land transformation in which land is used based on local livelihood that has been handed down from generation to generation becomes a commodity for profit making. In this case, land commoditization includes land sales, land leases, and land mortgaging. After the 2011 political and economic reform, land in rural areas in Mon State has become increasingly commodified. Among the 10 townships in Mon State, Ye Township has been the target of the most new investments. Land in Ye Township is mostly owned by local people who grow betel nut and other crops. Their land has passed from generation to generation, and many landowners in this area do not have owners’ documents or land titles.

In the modern capitalist world, land has become an essential element in the world economy. When land is commoditized in the market, it needs to be privatized in order to facilitate transaction. Macpherson (1978) refers to the treating of property as things spreading throughout the capitalist market economy from the 17th century. Eventually, land became more and more freely marketable. It is the reason that people began to think of property as a thing. However, the term “property” changes over time. In the current capitalist state, where the free market overwhelmingly drives the global system, property has become a right that is an enforceable claim.

According to Tania Li (2014), the global land rush has drawn new attention to land, land use, and land value. She argues that land is now treated as a commodity, even though it cannot be carried as such. She argues that the meaning of land for farmers is not the same as for other actors. In order to explore how land is rendered available for global investment, assembling land as a resource involves many different types of actors, such as villagers, investors, government officials, and legal experts. The meaning of land cannot be captured if we define it narrowly as ownable property. It has been centuries since efforts

have been made to prevent the privatization of customary land, suppressing the land market. Land, in fact, is different from other resources like oil or coal. It is challenging to make land available as a resource for global investment. In her research in Indonesia, Li shows that land involves many things, including spirit owners of the earth, water and social relations. In order to turn land into a product, it requires a regime of exclusion through legal means such as title deeds, laws, zones, regulations, and landmarks (Li, 2014).

Land, according to Karl Polanyi (1944) (cited in Hall, Hirsch, & Li, 2011) is not an ordinary commodity but a basic element of life. Hence, exclusion from access to land is continuously subject to what he calls a countermovement recalling land's social function. Polanyi emphasized that market-based exclusion is the primary threat to land access. Countermovements concerned with restricting the commoditization of land have a long history in Southeast Asia and continue to emerge and reassemble in the neo-liberal era, where markets appear to be triumphant. It is not only market processes, but also regimes and land grabbing that destroy the conditions for maintaining peoples' lives and livelihoods.

According to research conducted by the Local Act Thailand (2015), there are multiple global economic processes that enable land grabbing on a large scale: globalization, liberalization, land titling, and the worldwide boom in FDI. These have made it easier for FDI to obtain land throughout Southeast Asia. Local Act Thailand argues that the creation of a free land market and the conversion of collective and customary land rights into formal, individual titles has played a large role in fueling global land grabbing. The global land rush marks a move away from family farming. In Myanmar, the government passed two laws in 2012 that favored large foreign investors by giving them land concessions. The Vacant, Fallow, and Virgin (VFV) Land Management Laws and Foreign Investment Laws enabled investors to be granted the right to use land for up to 70 years. This period is much longer than in the previous law and enabled foreigners to own land for the first time.

David Harvey (1982) argues that capital over-accumulates and new spaces for investment need to be opened up and brought within the capitalist logic of accumulation (cited in Sakar, 2015). Levien (2018) claims that Harvey's theory attempts to create narratives that capitalism rules the roost, displacing and subsuming local capital and labor, but he stated that this narrative is blind, arguing instead that farmers know the best price for their land and are not against dispossession. According to Levien, the price of land and compensation

are not problems of commodification. Sakar, on the other hand, argues that the land acquisition process is diverse. The state cannot be simply reduced to a broker of capital, nor does the forceful acquisition of land by the state automatically open up a speculative land market (Sakar, 2015).

Polanyi (1944) defines land, labor, and money as fictitious commodities because they are not specifically produced for exchange. Commodification and market exchange do not, by themselves, entail a capitalist mode of production. If commodities are defined as simply objects produced for exchange on a market, then commodities have long existed in many non-capitalist economies (cited in Green & Baird, 2016, p. 7). Capitalist commodities are produced according to the law of value. The commodity form of capitalism is defined not simply by money, market, and exchange but by organizational and institutional relations of production.

Kelly and Peluso (2015) argue that the state formalizes land with the purpose of making its claimants, uses, and transactions controllable by state authorities through practices of legalizing, registering, titling, and assigning property rights. In the study area for this research, land used to be under NMSP control; however, after the ceasefire agreement signed in 2018 between the Burmese government and NMSP, the government amended the VFV Land Management Law, which classifies all land without documents as VFV or unused land, and the state could then make a claim over this type of land. As argued by Kelly and Peluso, state land is difficult to define because it is a type of land that the state claims as its own or is rightfully its own to dispose of.

Alden-Wily (2012) stated that most large-scale land transactions in the last decade have occurred on these contested state lands. State lands include areas that have been formally established as customary or resource reserves, protected areas, or sites of state-owned enterprises. Sometimes state lands are temporarily allocated for private use through leasing, rental, short-term allocation, or communal access; these lands are considered state lands (cited in Kelly & Peluso, 2015). In this study's research site, land use by the local community involves many things. Historically, people had many types of livelihoods, such as small-scale agriculture, fishing for consumption and sale in markets, and orchards of betel nuts, rubber, and shrimp farms. These livelihoods rely on access to land, sea, and surrounding water sources. Moreover, the area near the village is more

than just a source of livelihood; it has important history and culture. This land use is now under threat as they lack legal documents (TNI, 2019).

Since the political reforms of 2011, the land issue has gained attention. The rise of capital flows into the country is linked to land relations. The capitalist expansion, protection logic, and the interests of different state actors and social forces create tensions that play into land policies (Polanyi, 1944; Perelman, 2011). Polanyi's idea of the double movement states that capitalist actors and institutions push back against protective regulations, institutions, laws, and social movements. He argues that land, through state control and reform becomes commodified, and state land becomes the new frontier of global capitalism. Kelly and Peluso (2015) point out how state land played a role in the global land rush and how the historical formalization of state land created an enabling condition for today's large-scale, international, and national acquisition of land (Alden-Wily 2012, cited in Kelly & Peluso, 2015).

As global capitalism expanded into all frontiers around the globe, the increase in demand for productivity led to land rushes and natural resource destruction, especially in the Global South. According to Nevins and Peluso (2008), the commodity production process in Southeast Asia has changed rapidly under the capitalist market economy. This led to a land rush for development projects and for resource extraction. As Myanmar has a deep rooted authoritarian regime, this makes it possible to design laws in order to grab land. Nevins and Peluso argue that this resource control links to the deep root of colonial influence. Colonial power forced people to become producers of commodities with free market strategies and legal institutions with rules for local resources such as land concession agreements, tax control, and the flow of commodities. As the idea of free markets expanded to colonial territories, including Myanmar, the principles of free markets were applied as a new form of control over production and commodities. Land laws were designed to favor state and private accumulation. As a consequence, people have been dispossessed of their land.

Variegated capitalism

This research also applies the concept of variegated capitalism to understand how capitalism works in particular geographical contexts. Variegated capitalism (VC) originates from the idea of varieties of capitalism. Varieties of Capitalism (VOC) is a conceptual approach to analyzing the ways in which

different forms of capitalism have developed in different institutions (Kenney-Lazar and Mark 2020). Hall and Soskice (2001) defined capitalism as having different forms across the world. Among them, there are two major types of capitalist economies: liberal market economies (LMEs), which are modeled on the US, UK, Canada, and Australia, and coordinated market economies (CMEs), which are modeled on Germany, Japan, and Sweden. These two models differ in the role that institutions play in shaping how markets operate. Hall and Soskice describe CME as the institutionalized form of a highly liberal economy, especially derived from the western European, Scandinavian, and Japanese economies. LME revolves around market logic, contractualization, competition, and short-term price signals, while CMEs are socially coordinated, negotiated, with strategic partnerships (Jessop 2012, cited in Zhang & Peck, 2016, p. 54).

Regarding varieties of capitalism (VOC), economic geographers Brenner, Peck, and Theodore (2010) critiqued VOC for ignoring the commonalities of capitalism as a system. VOC fails to take seriously the way CME has been increasingly neo-liberalized since the 1990s and is under threat. VOC's approach is nationalistic and ignores variation within nation-states. The capitalist variety is reduced to two ideal types, which are overly focused on North Atlantic economies. Questions arise as to where other major emerging national economies such as Brazil, Russia, China, India, and South Africa might be located within the model. Therefore, VOC has begun to scratch the surface of geographical differentiation pertaining to varied modes of capitalist development.

Peck and Theodore (2007) and Brenner et al. (2010) developed a conceptual approach called 'variegated capitalism' (VC) or 'variegated neoliberalism'. VC is more concerned with the processes of late capitalism. A variegated capitalism framework has been employed to analyze late capitalism in advanced economies rather than the political economies of global capitalism (Kenney-Lazar & Mark, 2020). VC is interested in how geo-institutional variation is produced through the process of capitalist expansion. The VC framework was developed with regard to the North Atlantic processes of neoliberal capitalist economies; however, it has been applied to the transformation of capitalism in China (Zhang & Peck, 2016). Economic geographers argue that Chinese capitalism varies even across different regions of the country.

According to Zhang and Peck (2016), the variegated capitalism approach was shaped by the European social model of capitalism under Americanization, and European capitalism altered the US model, which became a variety of capitalism. VOC claims that there are multiple pathways to long-run economic competitiveness and that there are institutionally distinctive national capitalisms. Peck and Zhang (2013) explored Chinese capitalism as a variegated formation, arguing that there is variation within and beyond the national model, which focuses on regional sub-formations of capitalism and their local connections.

Peck and Theodore (2007) argue that since the rise of capitalism, there has been no unitary capitalism articulated. For example, in Myanmar, capitalism in frontier areas such as in Kachin and Chin States may not be the same as in lowland areas such as the delta and Mon areas. Jones (2014) argues that capitalism in Myanmar is mediated by the state. Myanmar transitioned from state socialism to state-mediated capitalism in 1988. This state-mediated capitalist development has created a business class of crony capitalists who are in relationships with the state. They adopted pro-market reforms in order to stave off economic collapse and open the country to foreign investment by liberalizing agriculture, such as timber extraction and fisheries, and encouraging the private sector. The state liberalized the economic process by establishing its own conglomerates, called Myanmar Economic Holdings Limited or Myanmar Economic Corporation. Most foreign investments are made by military-linked firms and SEEs. Business people who have connections with the military have gained from this liberalization of the economy after 1988, such as those in the timber extraction sector and agricultural commodities (Jones, 2014).

We might wonder whom this economic reform is for. Throughout the liberalization process, trade and investment licenses and arbitrary regulations were not simply mismanagement, but were a deliberate means to regulate business access to resources. The state then selectively enforces laws to exercise political control (Jones, 2014). In other parts of the country, for example, Kachin State, capitalism emerged through ceasefire negotiations, which enabled the state to exploit natural resources located in borderlands and/or in ceasefire zones to construct trade and energy infrastructure. Lee Jones called this frontier capitalism while Kevin Woods called it ceasefire capitalism (2011).

Myanmar has a small share of the global economy, and it is a place for land appropriation and resource extraction. It is a source of commodities for

global capitalism, material inputs into the global economy, and also social and economic abuses in terms of extraction (Kenney-Lazar & Mark, 2020). These scholars argue that a variegated capitalism approach investigates the political-economic transition towards capitalism in marginalized resource-exporting countries of the Global South. The political transition in Myanmar from military to democracy has been marked by protests and land occupation, which combined with ongoing conflicts have led to highly contested processes of land concessions. Despite these political developments, some areas are still experiencing wars and conflicts, while other regions have embraced capitalism. This market transition has attracted foreign investment, especially in the extraction of natural resources and the commodification of land.

Ceasefire capitalism

Different types of capitalism, known as ceasefire capitalism, frontier capitalism, and crony capitalism shape current investment projects and the commodification process of how land is expropriated. The concept of ceasefire capitalism was developed by Kevin Woods (2011) in his Ph.D. dissertation to refer to military-state centralization, land control and securitization, and primitive accumulation in the ceasefire zones along the Burma-China borderlands. Woods argues that ceasefire capitalism emerges through transnational businessmen and ethnic political elites that together reconstruct a political-economic and biophysical frontier landscape increasingly conducive to military-state control. In the case of Myanmar, the military regime uses this as a post-war strategy to appropriate territoriality or the use of territory for political, economic, and security ends (Woods, 2011).

Banki (2020) argues that the opening up of the country has only increased the frequency with which the military-state has enacted resource grabs such as land confiscation and resource extraction. As remote regions are pried open, powerful actors with close connections with the military have rushed to capitalize on these areas by reallocating agricultural land, taking over local industries, and profiting from the exploitation and sale of natural resources. Ethnic groups are caught between a rock and a hard place, either in direct conflict with military forces or under the guise of the ceasefire, and forced to give up local autonomy and funding. For example, the Kachin Independence Army (KIA), after signing a ceasefire agreement with the Burmese regime in 1994, was forced to give up some of its territories to the regime. After the Kachin

Independence Organization army's ceasefire, the deforestation rate increased along the Kachin State-Yunnan border (Global Witness, 2002, 2005 cited in Woods, 2011). Woods argues that these logged-out landscapes coincided with a re-orientation of Burma's political economy from a post-colonial, socialist military state to a selective capitalist one.

In the case of Mon State, after the Cold War, the Thai government made a new policy of "turning Indo-China from battlefield into market place" (Kramer, 2009, p. 10). Thai applied this policy to Myanmar as part of a wider effort to promote trade and investment with Thailand's neighbors, and 'liberated areas' were no longer seen as buffer zones but as a potential areas for regional economic development. Thai authorities suggested that the Burmese regime open formal trade in its border areas so that the regime could improve relations with Thailand while at the same time acquiring resources and access to areas controlled by different ethnic groups (Kramer, 2009).

The Thai military and National Security Council put high pressure on the New Mon State Party (NMSP) seeking an economic opening, threatening to force tens of thousands of Mon refugees back into Myanmar if the NMSP refused to enter into negotiations with the Burmese regime. Fighting between the Burmese regime and NMSP had been an obstacle to large-scale development projects. Also at around that same time, the Karen National Union (KNU) and the National Democratic Front (NDF) stronghold in Manerplaw fell in 1995. These circumstances led the NMSP to decide to sign the ceasefire agreement to maintain control of its territory (Kramer, 2009, p. 11).

Frontier capitalism

Rainer Einzenberger (2018) argues that frontier capitalism means a specific "regime of dispossession". He further argues that the dispossession of land and natural resources in border areas or frontier areas is authoritarian and facilitated by the state for the benefit of a few elites. This concept of frontiers can be used as a tool to explain the process of transitioning unproductive land in the periphery into the national economy and capitalist world system (Geiger, 2009; Hall, 2012, 2013). Both Geiger and Hall's research concluded that frontiers are areas close to the border or far-reaching areas with rich natural resources where land and territory are contested.

Peluso and Lund (2011) argue that state control on the frontier is achieved through many practices that fix or consolidate forms of access, claiming and exclusion. Enclosure, territorialization, and legalization processes, as well as force and violence, are used in order to control land. A new frontier of land control is being actively created through struggle involving varied actors, contexts, and dynamics. These created frontiers are where authorities, sovereignties, and hegemonies of the past have been challenged by new enclosures, territorialization, and property regimes.

Cottyn and Vanhaute (2016) explain that frontiers are understood as the processes of incorporation and differentiation of people and places—such as peasants and their land—into commodified structures. Frontiers redefine the socio-ecological relations between humans and nature and are the sites of the appropriation of new supplies of nature, land, and labor. They argue that the invention of private property and the commodification of the countryside marked the beginning of capitalist expansion, which accelerated in the sixteenth century. Within capitalism, peasant regimes are premised on new forms of enclosure of land and labor. This leads to greater diversification of systems of access to nature, land, and labor in the systems of production and reproduction.

Crony capitalism

The economic liberalization process in Myanmar was accompanied by political reforms. The state tightened investment regulations in response to civil society activism, expressed as formal and contentious politics (Mark 2016, cited in Kenney-Lazar and Mark 2020). Reform was initiated by the military government to open the country to foreign investment by liberalizing the agriculture sector and encouraging private trade. However, with lasting impacts on how capitalism would develop in the country, they kept tight control of this transition to a market economy through “state-mediated capitalism, which is characterized by state-linked business classes and crony capitalism and an emergent symbiosis between big business and the state” (Kenney-Lazar & Mark, 2020).

Rubin (2016) defines crony capitalism as a term describing an economy in which success in business depends on close relationships between business people and government officials. It may be exhibited by favoritism in the distribution of legal permits, government grants, special tax breaks, or other forms of state interventionism. The initial stage of cronyism is when the

capitalists tactically allow the government to dictate economic plans in order to set their own hidden agenda. The government hosts the capitalist agenda on so-called economic development, while the capitalist plays the good boy's role in obedience to the government's policy (Bayart, Ellis, & Hibou, 1999; Goran & Rwekaza, 1999, cited in Aluko 2015).

In Myanmar, the system of crony capitalism was restored by the transition from socialism to economic liberalization. Coyle (2021) says that the military coup of February 1, 2021 is a part of the country's long-running social and economic crisis, and the current military regime has its roots in the coming to power of the Burmese Socialist Program Party (BSPP) of 1962 which held the country back with its system of crony capitalism. Despite the increase in foreign investment since economic liberalization, the military as a ruling class—such as generals' family members and their cronies—has benefited the most from these developments. Coyle argues that Myanmar is an example of parasitic crony capitalism in which the military is deeply embedded. According to the CPB (Communist Party of Burma), the ruling elite has failed to implement an independent economic strategy despite being a resource-rich country (cited in Coyle, 2021).

Review of Related Studies

Variegated capitalism in Asia

Jamie Peck and Jun Zhang (2014), who studied Chinese style capitalism, regional models, and multi-scalar constructions, found that there are tensions between varieties of the capitalist framework and heterogeneous particular Chinese cases. The case of China calls into question those models of capitalism that focus narrowly on institutional coherence at a national scale. There are sub-models of Chinese capitalism, like regional styles of capitalist development that remain distinct from one another and network into ranges of global production networks. These scholars explored how the Chinese case has been handled by variegated capitalism scholars and make an analysis of Chinese capitalism which concludes that Chinese capitalism has been jointly constituted with a range of regional models of capitalism and has been constructed through particular patterns and processes of uneven spatial development. The case of

variegated capitalism in China can be related to Myanmar, as different regions in Myanmar embrace the process of capitalism differently.

To discuss the case of Chinese capitalism, it is important to look at how different unions operate under the Chinese communist party. The Chinese system of industrial relations is marked by a combination of repression and restiveness. The Chinese form of corporate governance and financing is diversified, with state-owned banks playing major roles alongside the heavy presence of foreign investors and rapid growth in overseas stock markets—a bundle of characteristics that are distinctive from stakeholder tradition in many coordinated market economies. Peck and Zhang argue that the Chinese model is not Americanizing or Europeanizing, but it still echoes foreign forms of capitalism in China and a combination of bureaucracy and political corruption. Although it may work, authoritarian state parties control key sectors of the economy and patterns of liberalizing foreign investment and transnational trade, which can open doors. The process of the Chinese economy can be referred to as a form of capitalism, even though it is not standard. Variegated capitalism is divided according to geographical location. In some places, it is remote, and in other places, it is crowded and modernized. By looking at the variegated capitalism in China, we can reflect on the context of Myanmar, especially in Mon State, where specific investments are targeted for certain resources.

Kenney-Lazar and Mark (2020) studied the case of Myanmar and Laos by applying the concept of variegated transition in order to understand how the variegated capitalism framework can be extended and applied to marginalized transitioning economies by analyzing the emergence of resource extractive capitalism on land in these two countries. Both Myanmar and Laos are post-colonial countries that have experienced socialism in transitioning to capitalism. However, their political structures are different, and the transitions are shaped by those structures to generate variegated transitions toward capitalism. They argue that the economic and political transition of these two countries shows differences in how domestic politics and institutions interact with economic reform and the external forces of capitalism, which leads to a variegated transition to hybrid capitalism.

Pinkaew Laungaramsri (2012) studied frontier capitalism in Laos focusing on the expansion of large-scale rubber plantations in border areas. She argued that this phenomenon and the attendant land concession controversy must be understood from the perspective of the resource frontier. In this case, Vietnamese

invested in rubber plantations as a form of land-based capitalism and acquired land in the frontier, which they claim was used as a “productive but unused” or underproductive resource. According to Pinkaew, this is a form of frontier capitalism. Frontier is not a place or process but an imaginative project capable of molding places and processes that create wildness so that some and not others may reap rewards. Through these processes, resourcefulness becomes a frontier. In the case of Laos, rubber expansion shows how land concessions took place and became controversial. Pinkaew looked into the complex web of such construction that is frontier capitalism. The persistence of frontier capitalism is questionable. Unplanned market-driven land management policies and the transformation of rural landscapes and economies into foreign commodities place the central state in a constant governance dilemma.

From this point of view, Ye Township in Mon State has attracted both foreign and domestic investors after Myanmar’s political transition. This research area can be classified as a new frontier for investment as it was isolated due to political conflict during previous decades. The expansion of global capitalism is the expression of a fundamental transformation of land rights (Linklater, 2013, cited in Cottyn & Vanhaute, 2016). Scoones et al (2013) argued that a global land grab, started in colonial times, is currently underway as state and speculative investors acquire millions of hectares of land through the purchase of land in the global South (cited in Cottyn & Vanhaute, 2016).

In the case of Mon State, peace and development are the approaches. When the NMSP joined the “second round” of ceasefire talks in the mid-1990s between members of the National Democratic Front and the military government at the time, the State Law and Order Restoration Council (SLORC), the military shifted its strategy to so-called “peace tours” around the country, including to Mon State. Ethnic armed organizations (EAOs) were invited to return to the legal fold. However, this invitation was backed by pressure from the military, and for NMSP, it was pressure from Thailand as part of Thailand’s strategy toward neighboring states to turn battlefields into marketplaces. This opened the path for economic projects close to or inside NMSP territory (Brenner, 2014). This approach seemed to support EAOs along the border by integrating borderland spaces into regional capital circuits that seemed to outweigh political considerations. As a result, the liberated area in Mon State was seen as integrated through large-scale projects such as the Yadana gas pipeline and a deep seaport in Dawei.

NMSP was not willing to go into negotiations with the military government during that time. Thailand saw this as a hindrance to potential economic projects. For that reason, the Thai authorities pressured Mon communities in the borderlands, and over 10,000 refugees were pushed back into NMSP-administered territory. This situation led the NMSP to negotiate with the military government and sign a ceasefire agreement in 1995. After the signing of the ceasefire agreement, NMSP's territorial control area was curtailed. The military regime, meanwhile, used the ceasefire with ethnic groups as a process to facilitate business for cronies (Brenner, 2014). According to Lee Jones (2014), a crony is a statelinked oligarchic elite who enjoys considerable economic dominance and has close relations with the state. Despite the NMSP's ceasefire agreement, the main actors who have benefited from this political change have been cronies. It has enabled them to access all types of resources in Mon State and throughout the country.

During the time of Myanmar's military regimes of the 1980s and 1990s, the research study site, Magyi village tract, was categorized as a "black area," meaning it was not clear who controlled the area due to the active presence of both ethnic armed groups and the military regime. As political reform took place in 2011, the situation in the Mon area became more peaceful. This type of area was opened to access, and cronies tried to access land and resources there. In the name of development, villagers were pressured to accept a proposal for a mining project. According to Barbesgaard (2019), actors such as the Myanmar armed forces, NMSP, and business cronies worked together to take the coastline near Magyi village tract. There was not much space left to allocate to people for their livelihoods. The government has amended the VFV Land Management Law, which requires land users to register; otherwise, landowners' land will be categorized as VFV. This land reform has opened access to local land and resources to the market.

Land commodification in the context of political-economic transitions

Milne (2013) has studied land commodification and communal title in Cambodia. She argues that land titling policy in Cambodia exemplifies the commodity frontier. Through the land titling program initiated by the government, ethnic Bunong people have been excluded from their land and resources. Cambodia's land reform on titling entails the state's recognition of land ownership and rights to sell, transfer, or mortgage land, which is land

commodification. However, land alienation and commodification have occurred in Cambodia through force, abuse of state power, or endogenous processes of exclusion and voluntary sales. The communal land title project has been eroded by the internal process of dispossession or exclusion related to voluntary land sales and the external process of violent dispossession and land grabbing, which has been enabled by Cambodia's neo-patrimonial and predatory regime. The Cambodian government's implementation of Order 01 indicates a more complicated story than just the formalization of land occupation and ownership. Individual titles have been a way to divide people and control them, making land available for the market and state allocation. Villagers have been forced to choose between two options: to be displaced or accept the implementation of communal titling by the government whereby land that was not actively farmed such as fallow or spirit forest cannot be claimed or titled. Both options are hostile to the indigenous communal land title, thereby accelerating land commodification.

Bennike (2017) explores the case of frontier commodification in Darjeeling, India, through the approach of commodification from the perspective of economic and socio-cultural processes. Darjeeling is part of the frontier and is now increasingly incorporated into the circuit of global capitalism. Bennike explored the shifts and erasures that enabled Darjeeling's commodification, which transformed it from a wild Himalayan frontier into a speculative wasteland and picturesque summer place. He argues that the assemblage of government and capital enabled this transformation of the commodification process. Darjeeling was once known as a frontier that was not suited to be governed, but the arrival of the British turned this mountainous frontier into a commodified space for tea production and leisure tourism. Even though it is still a frontier, it is now in a different, commodified form. Bennike argues the commodification of the Darjeeling frontier involved several processes, such as the exploitation of conflict, the erasure of earlier history in administrative creation of a no-man's land open to investment, the creation of a market for this no-man's land, and a speculative boom to attract capital.

Xu, Yeh, and Wu (2009) examine the development of the land market in China in the late 1990s. Land commodification has occurred in China since the 1990s with the spread of capitalism. They argue that the structure of the land market has become more complicated and that land sales are pervasive and rampant. The state rearticulated its function in land governance to apply

more consolidated regulatory power. They claim that the market has emerged as an institution supported by the state. The state tries to control land through regulation to commoditize land. They examined a method of commodifying rural land called transfer of development rights (TDR). TDR involves the creation of land-related rights associated with different types of land as commodities and then the trading of those rights between multiple actors across space. They claim that the state plays a role in creating a new commodity, land development rights (LDR), and building a market institution to foster and regulate its trading.

Zhang (2017) discussed modifying rural land development rights in China. She argued that the spread of capitalism is one of the key forces behind the commodification of land in rural China. Local governments at multiple levels worked together to construct land development rights as a commodity and build market institutions to foster trading; land commodification became a political process. This commodification of land was a result of both central and local government. As a result, land commodification has changed rural spaces and communities. In China, land commodification has progressed rapidly since the 1990s. In rural areas, leasehold transfers of farmland among rural residents have occurred, and the state has supported the transfer of land use rights to agribusinesses and other capitalized means. This caused the transfer of rural land into urban use through the black market. Interestingly, Zhang argues that this land commodification process is far more prevalent and consequential than dispossession caused by land expropriation. The main factor is the local state, with the spread of capitalism intertwined with state action.

Kan (2019) also studied land commodification in the case of China. She argues that the increase in urbanization in rural China is not due to land grabbing but to strategies of land speculation in rural communities. In post-socialist China, there has been an increasing expansion of cities into the countryside. The emergence of market transitions also contributes to the process of rural spatial transformation. Kan argues that this land development is a new approach to rural land encroachment in the process of accumulation through participation in speculation and rentier-ship, which has resulted in dispossession and landlessness. Regarding to Magyi village's case, land commodification occurs through the development process by applying land laws to acquire land from local residents, who find themselves dispossessed.

Nevins and Peluso (2008) studied how and why the commodity-producing process in Southeast Asia has changed and how these changes relate to neoliberalism and globalization. They argued that it is not only necessary to understand histories and geographies to see changes in commodity production but also to compare past and present commodification processes, which show how nature, people, and places are changing with shifting social relations and the political-economic context. Since capitalism has emerged, commodities have been integrated into global and regional economies. As southeast Asia has had a history of violence, authoritarian states especially have played a role in using natural resources and land for private and state accumulation, appropriating land into commodities, and creating labor forces to foster capitalist accumulation. However, from a local point of view, many of the investments in Mon State are far from securing development but rather a destructive force. As a result, villagers find themselves fighting against either government plans and business “cronies” or the NMSP and business “cronies.”

Conceptual Framework

Land became one of the top issues during the political transition in Myanmar. After the 2011 reforms, Myanmar opened to more foreign investment. Remote and previously inaccessible areas such as frontiers and ceasefire zones also opened to investment and development projects. This research employs two main concepts, land commodification and variegated capitalism, as well as other concepts such as ceasefire capitalism, crony capitalism and frontier capitalism, to understand the political influence and the process of land commodification in the southern area of Ye Township in Mon State. Capitalism varies in different geographical zones within a country—it can work differently in the northern and southern regions of the country. The concept of land commodification is derived from Marxist theory and Karl Polanyi. It argues that land becomes commodified in a particular context. This research uses the concept of variegated capitalism to discuss specific ceasefires, crony capitalism, and how they are practiced. The concepts are used to look at a range of actors, and consequences—who wins and loses the benefits of reform in the context of land formalization. The first argument is that capitalism works in certain contexts of political and economic transition and that ceasefire agreements shape the process. Secondly, the research explores how different actors play a part in turning land and resources into commodities. Finally, this leads to land

contestation, land grabbing and impacts on local socio-economic life. Local resistance in the form of invented traditional land tenure systems is also examined in the everyday practices of politics. How the local community de-commodifies their land and mobilizes to protect their land rights is also the subject of investigation.

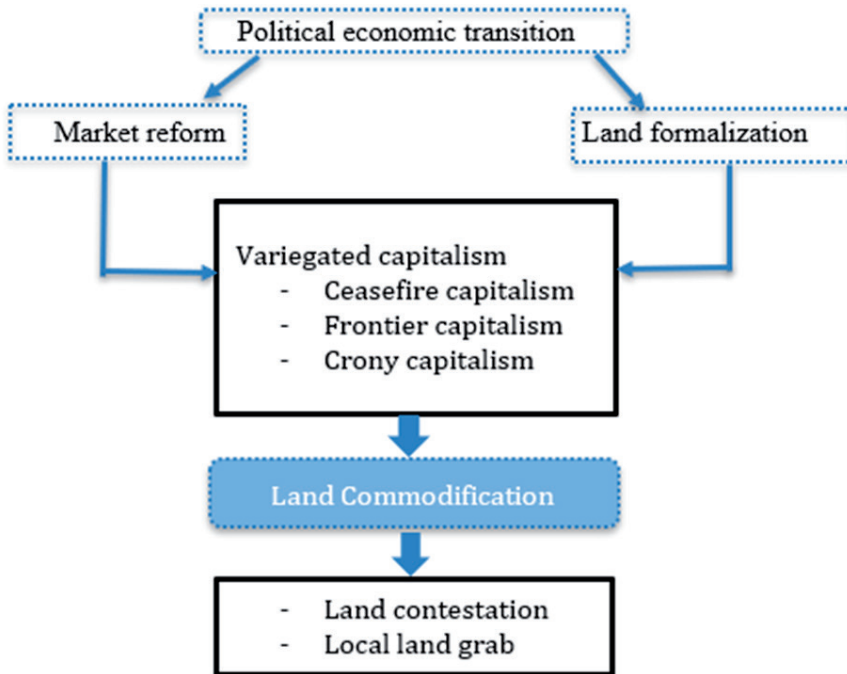


Figure 1.1: Conceptual framework

This research took place in Magyi village tract, located in the southernmost area of Mon State in Ye Township, bordering Yebyu township of Thanintharyi region (see Figures 1.2 and 1.3). The village tract comprises four villages: Magyi, Mi Htaw Hlar Lay, Mi Htaw Hlar Gyi, and Dani Kyar villages. The actual research sites are two villages; Magyi village and Dani Kyar village. Most of the residents are of ethnic Mon nationality.

The research site has rich natural resources, close to the coast and mountains, where villagers have orchards and farms. This site was chosen for the study as it used to be classified as a black area and ceasefire zone, and to

see how residents make a living and how various actors are involved in shaping the land and resource extraction.

Magyi village is under Khawzar sub-township, Ye Township, Mon State. The village has 210 households with a population of 914 (at the time of the research). The village's main livelihoods are agricultural, including rubber plantations, betelnut orchards, farming, and fishing. Dani Kyar village is one of several villages within Magyi village tract. Dani Kyar village has two locations referred to as the 'village inside' and 'village outside'. The 'village outside' is located by the coast and the 'village inside' is further inland. Bleh Patoi mountain is situated between Magyi village and Dani Kyar village, where the stone mining project is planned. Villagers believe that these villages were established around 130-150 years ago. As the villages were considered a "black area" in the past, villagers faced robbery, kidnapping, extortion and forced labor conscription. Villagers often had to flee. However, during the democratic government of the decade before the 2021 military coup, it became peaceful.

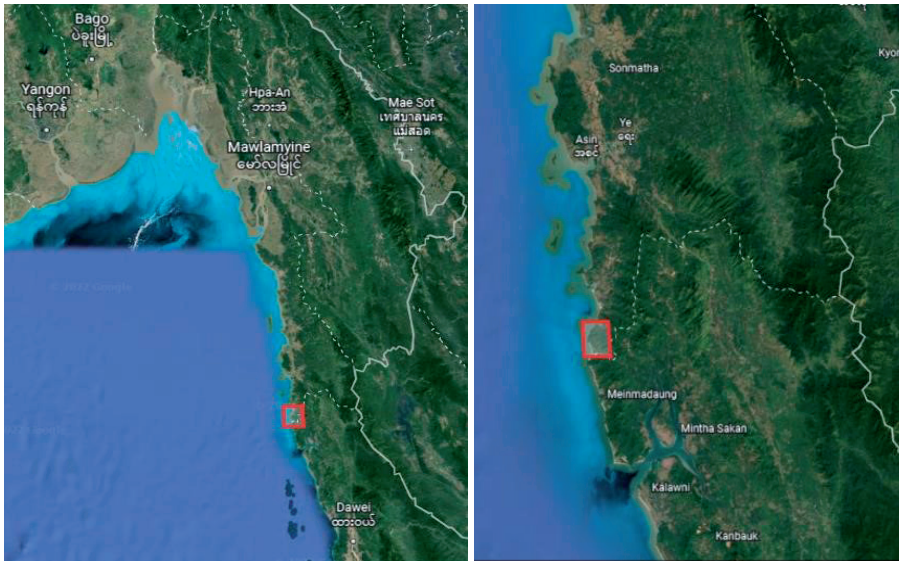


Figure 1.2 (left): Map of Magyi village and Dani Kyar village, on the border of Mon State and Tanintharyi region (source: Google Maps, 2022)

Figure 1.3 (right): Research area overview (source: Google Maps, 2022)

Data collection methods

Data was collected through qualitative, in-depth and semi-structured interviews of key informants and individual interviews. The data collection was carried out between January and March 2022 through online (Zoom) interviews, Phone interviews and Facebook messenger. The interview with villagers were conducted by phone since villagers are not able to use online platforms, whereas interview with CSO, local activists, key informants and experts were conducted online (Zoom). As a Mon person, interviews were conducted in Mon language as most of interview participants were also Mon. Only one interview was conducted in Burmese with an INGO expert.

I selected interview participants from villages as advised by a research assistant who is very familiar with the area and research site. He has been working closely with this community since 2013 and has done many trainings and workshops on land rights in Mon communities. Trust building with community was well established. Before I contacted the research assistant, I planned to get help from a community-based organization who works closely with this village, but they later responded that they could not travel to the field because security during that time was highly risky. It was dangerous to travel because of military checkpoints which stopped and checked phones of civilians. Those who they found sharing political related information on their social media or supporting the National Unity Government could be arrested.

Key informants were village key persons such as village heads, village youth group members involved in defending land rights, and village monks who are influential in the village. Individual interviews with villagers were conducted to understand their history, land use, their livelihoods, and their concerns. Most of the interviews with villagers were conducted by the research assistant. It was challenging since one of the villages is very remote. Villagers did not have phones. The research assistant had to invite each villager to come to the house of a villager who had a phone. Interviews with relevant government departments were not possible with the political crisis taking place in Myanmar, especially since the research area is close to areas of armed clashes between the Burmese army and ethnic armed groups and revolutionary armed groups (See Table 1.1 Participant Demographic Profile).

Interview type	Gender	Position	Organization
Key informant interviews	M	civil society member	Mon Human Rights
	M	land rights activist	Mon State
	M	village monk activist	Magyi village
	M	extractive expert	INGO
	F	Mon civil society local activist	Ye township
Individual interviews	M	villager	Magyi village
	M	villager	Magyi village
	M	villager	Mi Htawhlar village
	M	villager	Dani Kyar village
	M	villager	Magyi village
	F	villager	Dani Kyar village
	F	villager	Magyi village
	F	villager	Magyi village
	F	villager	Dani Kyar village
	M	villager	Dani Kyar village

Table 1.1: Participant data³

Ethics and limitations of the research

The case study of this research is quite sensitive because tensions between villagers and the village head already existed in the community and were still present due to the stone mining project. I adhered to ethical codes of prior informed consent and doing no harm. I explained in advance to informants that the interview was being conducted with the aim of studying the land issue in this community and was not part of any organization or targeted at studying the tensions in the local communities. I also explained the research objectives to my research assistant in advance. Since the research assistant is well known to and trusted by villagers, it was no problem interviewing them about land, social issues, and the stone mining project.

³ To ensure anonymity, participants' details are restricted to interview type and gender.

Chapter 2

Ceasefire Agreement Instigates Land Dynamics in Mon Areas

The Historical Background of Mon Politics

In order to understand the current politics and land issues in Myanmar's Mon communities, I would like to provide some historical background on Mon politics from the post-independence period. Prior to Burma's independence, Mon was a sovereign nation called Hongsawatoi, which lasted until 1757 when it was defeated by the Burmese. Since then, Mon lived under Burmese rulers and then British Burma. Today, the Mon population is about 4 million, but only around 1 million Mon speakers are officially identified, and their culture and territory have declined (Smith, 2002). The assimilation of Mon communities into Burmese society accelerated under British rule because of increasing Burmese immigration into lower Myanmar and restrictions on the use of Mon language and practice of Mon culture under Burmese rule. Today, Mon people control only a small territory in the south-eastern part of Myanmar. Mon State was formally created in 1974, but Mon people are also present in other areas of Myanmar including Karen State and Tanintharyi Region.

It is said that Mon were among Bamar and other ethnic nationalities during the fight for Burma's independence from British colonization. Burma gained independence from the British in 1948. Ethnic groups in the mountain hills were granted self-determination rights according to the Panglong

Agreement. However, Mon, Rakhine, and Pa-O—all groups who live in lowland areas of Burma—were denied political rights, importantly the right to form their own states. When Mon leaders realized that the Anti-fascist People's Freedom League (AFPFL) led by Aung San failed to support ethnic minorities, Mon politicians began to turn away from Aung San. Because Mon people lived under Burmese and British rule since the fall of the Mon kingdom in the 18th century, they had little to no armed experience or armies. Mon young people took police training from Karen ethnic groups, and in 1948, this young Mon group, led by Nai Aung Tun, seized weapons from a police station in Zarthabyin village near Mawlamyine, the capital of Mon State.

After confiscating arms from a police station and buying more arms with money collected from Mon people, these young people established the Mon United Front (MUF) in 1952. However, after five years of activity, the MUF surrendered to the Burmese government in 1957. Nai Shwe Kyin, one of the executive members of MUF, disagreed with the decision to surrender to the Burmese regime. With some followers, he established the New Mon State Party (NMSP) in 1957. NMSP initially aimed to establish an independent sovereign state if the Burmese government refused to grant it self-determination (South, 2008). When General Ne Win staged a coup in 1962, former MUF members who had surrendered to the Burmese government again joined Nai Shwe Kyin. From the 1970s a new generation, including young people, students, and monks, joined NMSP, and the organization gradually became stronger (Kasauh Mon, 2020).

The Mon United Front (MUF) was considered the most powerful Mon insurgent force during the parliamentary government era (1948–58). It was the first organization to demand the creation of an independent sovereign state of Monland. The Mon National Conference was organized in Pa-auk village near Mawlamyine in 1947. Following the conference, there was a mass demonstration in Mawlamyine, with the MUF chairperson calling for the immediate creation of Mon State. However, during that time, Myanmar was in the process of demanding independence from the British (South, 2005, p. 106). In 1974, the Burmese government created Mon State, which consisted of two districts: Thaton and Mawlamyine.

The Mon National Liberation Army (MNLA), the armed wing of the NMSP, was established in 1971. The NMSP allied with the Karen National Union (KNU). Mon leaders made an agreement with the KNU in a four-point

memorandum that Mon and Karen were eternal allies. In 1976, the KNU and its allies established the National Democratic Front (NDF), which was a highly effective ethnic insurgent alliance. NMSP and KNU changed their positions from demanding independent states to calling for autonomous statehood within the federal union (South, 2008). The Ne Win regime accused these insurgent allies of trying to wreck the union claiming that federalism was impossible and would destroy the union (Smith, 2002).

In this climate, NMSP organized its own school system. According to the Mon human rights group (HURFOM), the state and NMSP education systems' objectives have conflicting aims. The state education system aims to force non-Burman ethnic students to learn and speak Burmese, whereas the main objectives of the Mon education system are to preserve Mon literature, culture, history, and identity (South, 2008). Mon villagers have been persecuted because of their presumed ethnic identity, and as a result, many have had to flee to NMSP-controlled areas. In 1988, the NDF and twenty other anti-Burmese regimes formed the Democratic Alliance of Burma (DAB) in the liberated area. The politics then became more focused on the border area (South, 2008). Before 1988, the Burmese military had been fighting two civil wars, one against ethnic insurgents and the other against the CPB (Communist Party of Burma). The CPB later split into four ethnic militia groups.

The NMSP has been operating with its own funding since its establishment after Burma's independence. In the 1970s, they received aid from the US, which was channeled through Burma's ousted Prime Minister, U Nu. In the 1980s, Mon and Karen insurgents relied on black market trade across the Thailand border in order to raise funds for themselves. This was the main economic activity, and the main source of income came from the logging concession. Before that, they relied on taxing the Mon people. During that time the NMSP also developed relationships with the Thai military, from whom they bought arms (South, 2005, p. 126). Thai goods flowed through unofficial border checkpoints into the black market which grew under the Burmese state's socialist economy. During those days, insurgent groups such as Mon, Karen Karenni, and Shan acquired weapons from Thai authorities, and in the north, Kachin and the CPB received support from China.

There were more splits within the NMSP during the 1970s due to personal issues and different ideologies, particularly between Nai Shwe Kyin and Nai

Non-Lar, but in 1987 they reunited. After reunification, the party became stronger and large numbers of activists and soldiers rejoined the NMSP. But at the same time, the relationship between NMSP and KNU was not going well. In 1988, armed conflict broke out between Karen and Mon forces for a month in Three Pagoda Pass, the main Thailand-Myanmar border trade route. Tensions between the NMSP and KNU were over trade, taxation at border crossings, and areas of operation in the overlapping territories between the KNU and NMSP. This was also the same time that the 8-8-88-uprising was taking place in Myanmar's urban areas. About 10,000 students and other refugees from the democratic uprising fled to border areas controlled by Mon, Karen, Karenni, and Kachin armed groups and established military training camps in these areas.

After 1988, large areas of the country came under government control which had previously never been subject to the central government (South, 2005, p. 140). Also after 1988, the Democratic Alliance of Burma (DAB) was formed, which was a new coalition of ethnic and political opposition, similar to the previous relationship between PDP, NMSP, and KNU. During that time, in northern Burma, ex-communist groups agreed to ceasefires with the military regime. This had an impact on the remaining groups of Mon, Karen, and Karenni in the south as military activities expanded in the territories near these ethnic groups.

During the 1990s, the All Burma Student Democratic Force (ABSDF) the People Defense Force (PDF) and Democratic Patriotic Army (DPA) were all operating in the area around the Three Pagoda Pass. On March 22, 1990, a joint MNLA-ABSDF force launched an attack on Ye Town, but they were not successful and many soldiers died under bombardment by the Burmese army, with some Mon soldiers who surrendered even later executed by the Burmese military. The Burmese army launched a heavy attack against Mon and other revolutionary groups in the area using with a force of over 1000 soldiers. Mon troops, the KNLA, and ABSDF suffered heavy casualties. After this attack, the relationship between MNLA and ABSDF was strained and damaged the reputation of MNLA.

After this, the relationship between MNLA and ABSDF became unclear. The ABSDF student group blamed Mon officers for warning their families and friends in Ye Town before the attack, and that information leaks gave the Burmese army warning of the MNLA-ABSDF attack plan. Their relations were

damaged and it seemed impossible to defeat SLORC. The NMSP lost control over the Three Pagoda Pass trade routes, which had been its largest source of income (South, 2005, p. 150).

The primary aim of Mon insurgents was to reclaim the territory of old Mon State, which consisted of five districts: Mergui, Tavoy, Moulmein, Thaton, and Pegu. However, in reality, insurgents could not control a large part of the territory (South, 2005, p. 170). After the NMSP signed a ceasefire agreement with the Burmese regime in 1995, many members left the party. Many soldiers also left which was one reason why the NMSP became very weak in the years following the ceasefire agreement. Some former soldiers formed a new Mon revolutionary group to continue fighting against the Burmese regime, the Hongsawatoi Restoration Party (HRP). HRP joined the Mon National Defense Army (MNDA) to establish the Mon Restoration Army in 2007. The Burmese government wanted to transform NMSP into a Border Guard Force (BGF) but in 2009, the NMSP announced that it would not agree to transit MNLA into a Burmese government-controlled Border Guard Force. MNDA reunited with the NMSP in 2011 after the NMSP refused to become a Border Guard Force. Due to this, the ceasefire agreement between the Burmese military government and the NMSP was terminated (Mon News, 2011).

Ceasefire Agreement Between NMSP and SLORC (1995-2010)

There were many factors that led the NMSP to enter a ceasefire with the SLORC military regime in 1995. According to Lee Jones (2016), it was the time of changing geopolitics after the Cold War, and this pushed many of the insurgencies to enter the ceasefire agreement with the SLORC. According to Ashley South (2005), the NMSP was under pressure from internal and external factors, including the Thai government. After the end of the Burmese Way to Socialism, the SLORC government announced a new open-door economic policy under which the border with Thailand would be a crucial lever for business. New trade deals between Thailand and the Myanmar military government were made on timber, fisheries, minerals, and natural gas. The military expanded its counter-insurgency operations, so-called “regional clearance,” for coming economic projects while targeting the NMSP base area for military operations.

Many revolutionary armed groups were based around the Three Pagoda Pass, including the NMSP, KNU, ABSDF, PDF, and other groups. Fighting between the NMSP and Burmese army was intense in 1990, with the Burmese army employing over 1000 soldiers and using airstrikes, NMSP and other armed groups were suffering casualties. NMSP headquarters near Three Pagoda Pass fell, and many Mon civilians fled across the border into Thailand. The first Mon refugee camp, Halockani, was established in Thailand at the border of Sangkhlaburi and Three Pagoda Pass. Later, Thai authorities forcibly repatriated nearly 10,000 Mon refugees back into the NMSP-controlled area. The Royal Thai Army and National Security Council pressured the NMSP to negotiate a ceasefire agreement with SLORC. Thailand had a new policy of “turning battlefields into markets” in the Indo-China region, opening its border areas for opportunities for economic exploitation in lower Burma (COHRE, 2007, cited in South, 2008). The Thai government was interested in business deals with the Burmese military government along the Thai-Myanmar border.

The ceasefire process between SLORC and NMSP began in 1993, and they finally signed in 1995, a year after the KIA signed in 1994. Myanmar’s Intelligence Chief Khin Nyunt traveled to Ye and invited the NMSP to discuss the ceasefire agreement in 1993. Informal meetings took place three times in 1994, but ceasefire negotiations were in deadlock after the failure to agree over the issue of MNLA-based camps and territories it controlled (Kasauh Mon, 2020). The agreement with the NMSP was unlike the KIO’s in 1993. There were 14 points of “gentlemen’s agreements,” which recognized MNLA troop locations, agreed on settlement of civilians and issues of local area development, such as giving travel permits to NMSP members to travel to the Mon State heartland. Khin Nyunt made many promises with NMSP leaders; however, they were quickly broken or never fulfilled, such as allowing Mon language teaching in government schools, local development of schools, clinics, hospitals, roads, and food ration support to the MNLA on a monthly basis. These promises ultimately only lasted a few months (Kasauh Mon, 2020).

Kasauh Mon (2020) summarized the 1995 NMSP ceasefire agreement with SLORC as having both advantages and disadvantages. NMSP leaders were finally able to meet with people in the Mon heartland, as the NMSP had been confined to the jungles near the Thai border since the Mon revolution began in 1958. In the ceasefire agreement, NMSP demanded religious rights, literature and culture preservation, ethnic education, and other non-directly economic

issues. However, SLORC mainly offered economic opportunities such as logging, real estate, and border trading (Kasauh Mon, 2020).

Since 1995, the situation has remained unstable (Smith, 2002). In some areas of Ye township, there has been an increase in land confiscation, forced labor, and other human rights abuses. The NMSP ceasefire decision caused a split within the NMSP. About 200 former NMSP troops split from the NMSP. The first faction to break from NMSP was the Hongsa Command, led by General Yap (South, 2005, p. 246). The Hongsa Command was terminated and its Bangkok-based office was closed by Thai authorities due to clashes with Thai Border Patrol Police. But after the 1995 ceasefire, other anti-ceasefire groups came to the fore. One of the factions was the Mon Army Mergui District (MAMD), based in Mergui District, an important strategic location from which Mon troops could access the Maw Daung Pass, which links Thailand and the Tanintharyi Seaboard. MAMD opposed any territory being handed over to the Burma Army and said they would reunite with NMSP when the NMSP withdrew from the ceasefire agreement with the Burma Army (South, 2005:, p. 248).

The relationship between the Thai government and the Burmese regime began to develop in the early 1990s. Thailand was looking out for their interests based on regional economic development and their own development policy. As sanctions on military regimes from the West increased, development assistance from the West and Japan was withdrawn. Thailand had eyes for new markets and capital, especially for natural resource extraction, and was particularly hoping for investment projects in the Yadana and Yetagun natural gas fields, which could link to Thailand. From this natural gas field investment, the Myanmar military regime gained USD \$200 million annually. This was the main reason that the military regime was trying to control the area of the southern Mon State and Tanintharyi region since the 1980s. In 1989, a new project, the Border Areas Development Programme, proposed by the Burma regime in borderland areas with the aim of controlling rural populations. One example of Thai-Burma regime cooperation was in 1992, when the Thai government signed contracts with western oil companies under which Thailand agreed to buy natural gas from Yadana Gas. Thus the Burma military had a high interest in expanding their forces into these areas, which, as a direct result of this deal, provided the single most important source of income for the junta (South, 2005).

Ethnic armed groups relied on black market cross-border trade. After losing the border route, ethnic armed groups were challenged to find new financial resources. Losing control of liberated zones and territory, Mon, Karen, and Karenni armed groups became dependent on refugee camps in Thailand, which is how Thailand played a crucial role in shaping the ceasefire politics among ethnic armed groups in Myanmar, in particular ethnic armed groups along the border of Thailand. Thailand and ASEAN began to engage with the Burmese junta over the prospect of new investments in Myanmar, in particular the Yadana and Yetagun natural gas fields. The Yadana Gas Pipeline is on the shore at Kambauk in Tanintharyi Region, on the boundary of Mon State and Tanintharyi Region, close to this research's focus area, Magyi village. The growth of Burmese army battalions in the pipeline area resulted in the confiscation of hundreds of acres of land as the military built bases and housing for soldiers and their families, and agricultural projects to support them (HURFOM, 2009). Yadana and Yetagun gas fields in the long-neglected Tanintharyi region were a means to open up Myanmar's closed-door economy (South, 2005., p. 202). South (2005) describes how each time ethnic insurgents fought, they lost territory they controlled, had fewer natural resources, and their power declined (South, 2005, p. 203). It can be concluded that the decision of the NMSP to enter into a ceasefire agreement was inevitable.

As reported by Irrawaddy News (2012), the NMSP maintained a ceasefire for 15 years, but there was no political dialogue, and the main thing the ceasefire did was convince many members to leave NMSP. There was no political advantage to be gained from the ceasefire. During that time, the Burmese regime was making ceasefire agreements with several armed ethnic groups. Some Mon people supported a ceasefire as a way to address problems in Mon State, such as the issue of illicit drugs. During the time of Burma's democratic reforms, the NMSP was not optimistic because they did not support the 2008 Constitution and demanded that it be revised. The Burmese government created a situation where a ceasefire became the only choice for the ethnic armed groups.

Militarization and land confiscation post-ceasefire

According to Human Rights Watch (2005), the most serious post-ceasefire problem in Mon State was land rights. Since 1998, thousands of farmland parcels have been confiscated by the military to expand their presence in Mon State without compensation to landowners. Some of these landowners

were even forced to work on confiscated land, building barracks and tapping rubber trees for the army. The military's strategic plan to expand into rural ethnic armed group-controlled areas was also their border development strategy.

A HURFOM report (2009) shows that from 1998 to 2002, 6,000 acres of rice paddy fields, orchard plantations, and homesteads were confiscated by the state to build army bases and agricultural projects for pipeline-area Burmese military forces. Both Mon and Karen villages suffered land confiscation. According to the 1974 Constitution, the state is the ultimate owner of all-natural resources above ground, above and beneath the water, in the atmosphere, and on all lands. Land confiscation by the state was considered legal during the SLORC and SPDC governments. The 2008 Constitution adopted the phrase: "The state is the ultimate owner of land." Despite the 1995 ceasefire agreement, the human rights situation at this time was still unstable. In some areas, development programs moved forward, but in other areas, land confiscation by the Burmese regime, forced labor, and other human rights violations continued, especially in Ye Township (Smith, 2002).

According to the 2010 report from the Ministry of Agriculture and Irrigation Department, 216 companies received 1.75 million acres of farmland in the form of state concessions. Many of the disputes being contested are related to land taken in the mid-to-late 1990s. During this period, land grabbing largely took place in ethnic-majority states, including Kachin, Shan, Karen, and Mon States (Asia Times Online, 2013). Land confiscation in these states took place due to the fact that they bordered China and Thailand. McCartan (2013) reporting for the Asia Times Online argued that the Burmese military militarized these states to battle ethnic insurgencies and uphold a tenuous ceasefire with other insurgent organizations. As reform took place under President Thein Sein, land grabbing continued in many areas, forcing farmers off their land for commercial agribusiness, infrastructure projects, and development projects.

According to Kasauh Mon, as the military regime was sanctioned by western countries, they sought income through gas and resource sectors in the lower part of the country. As these areas became militarized, many human rights violations occurred, including land confiscations and forced labor (Kasauh Mon, 2020). This included the building of a long railway from Ye to Tavoy to be used strategically and extending military forces to protect on-shore

and offshore Yadana gas pipelines. The Burmese army deployed 10 military battalions in Yebyu and Tavoy townships to protect railway construction. Military interests in the area were linked to pipeline construction (HURFOM, 2003, p. 14). It is one of the main factors that contributed to increased militarization in the southern Ye area, particularly the Yadana gas pipeline project and the Kanbawk-Myaing Kalay gas pipeline project. During this railway construction project, the military used a large amount of forced labor from civilians, and this military deployment confiscated a large amount of land to build the pipeline and military base. The NMSP opposed pipeline construction in Mon areas, but with no success negotiating this issue with the military, the NMSP turned to the Mon media to report these human rights violations to the world and UN agencies in Bangkok (Kasauh Mon, 2020).

The Burmese military expanded into Mon areas through military deployments in 1990-1991, taking areas of land in Yebyu Township surrounding Kanbawk where they needed to build a pipeline through the area heading to the Thai border. There was more military deployment and land confiscation in Ye Township and Thanbyuzayat Township between 1999-2002. Many farmers lost many acres of land to them. It proved that Mon leaders were unable to protect landowners' rights during this time. The ceasefire with the NMSP was an opportunity for the military government to militarize Mon areas (Kasauh Mon 2020). The ceasefire agreement stated that the MNLA had to withdraw their troops from areas where they had conducted guerrilla operations before the agreement. After the ceasefire in 1995, the NMSP lost many territories where they used to conduct operations. In the 1990s MNLA guerrilla troops were able to extend their influence into many parts of Mon State, including near the state capital Mawlamyine, Balu Island, and Kawkareik, but after the ceasefire the MNLA conducted lost access to all of Ye Township. Consequently, people in these townships suffered many human rights violations by the Burmese army, who accused people of being NMSP informants and sympathizers.

After the 1995 ceasefire agreement, the Burmese army planned to take over former MNLA active areas in Ye township and other locations, and MNLA troops had to regroup to 14 designated locations, mostly in Mon State. The NMSP had to withdraw some of its main bases in Ye township. When the NMSP entered into the 1995 ceasefire agreement, Mon leaders and Mon people thought that the decades-long civil war would end (Irrawaddy News, 2002). According to human rights workers, the NMSP had become weak and only new leaders

benefited from the agreement, while life in Mon areas had not improved or changed at all. For example, the Burmese army had started encroaching on land once controlled by the NMSP or MNLA.

Democratic Transitions and Land Law Reforms

After many decades of military dictatorship, the country transformed into a semi-civilian government when former military chief Thein Sein initiated political and economic reform in 2011 by releasing political prisoners, lifting restrictions against media freedom, and considering a meaningful ceasefire agreement and political dialogue (Kasauh Mon, 2020). Political and economic reforms primarily aimed to increase economic development and increase foreign investment focused on the exploitation of natural resources. However, one of the most challenging cases of reform was land related conflict throughout Myanmar. Land conflict in Myanmar is very complex and has remained unresolved throughout two terms of democratic government. Myanmar is now in its 4th year of a military coup and conflict continues at the time of this writing.

During the previous military regime, the government simply denied the existence of poverty and problems in the country, but during the Thein Sein government, the government acknowledged existing problems and expressed the desire to address them by reforming policies. The first step in reform was releasing political prisoners and reaching a preliminary ceasefire agreement with ethnic armed groups. The second stage of reform was the Myanmar Planning Commission's approval of a Framework for Economic and Social Reforms (FESR). This included public finances, monetary policy, trade and investment, private sector development, food and agricultural development, health and education, communication services, and infrastructure development programs (Soe Nandar Linn, 2015).

As investment came in, there were many conflicts around land still ongoing from past and present disputes throughout the country. To people in Mon State, many of the investments that had already taken place were far from securing development; rather they were a destructive force that impacted livelihoods and the environment. During the NLD government, views of the role of investment in Mon State became more polarized as territory increasingly opened up to investment. This polarization was exacerbated by the NMSP's signing of the NCA with the government in 2018 (TNI, 2019).

With the signing of a ceasefire with the SPDC in 1995, NMSP's territorial control was curtailed. Following these ethnic ceasefire agreements, the peace process led to the rise of a small group of business cronies. Cronies are people who have close relations with the military and state officials. During the 1990s, these people dominated in terms of business opportunities in the country. During the 2011 reform, people from military-linked crony groups were poised to influence the trajectory of reform (TNI, 2019). According to TNI, the main beneficiaries of open access to places and resources were cronies of the NMSP signatories to the NCA. For local communities and residents, it was a new wave of extractive and exploitative projects by these cronies that were ruining their livelihoods. As the case of Magyi village tract shows, new projects—like mining—drove local people from their land.

Land confiscation was very prevalent during those days of military rule, and was very common practice. Large tracts of land were seized for different purposes, such as military base expansion and commercial purposes, or sold to private companies without compensation to the original land users (Asia Times Online, 2013). There was little opposition to these land grabs under the military regime because people could not afford to do anything, but this changed during the democratic transition period. Local communities were able to fight back against unfair land grabbing, which led the quasi-civilian government of President Thein Sein to reform land laws. According to the Asia Times Online (2013), most of the land disputes and concessions happened in the mid-1990s and took place in ethnic states in border regions, such as the China border in Kachin and Shan states and the border with Thailand in Karen and Mon states, where the military once fought ethnic armed groups, but where after the ceasefire agreement they were able to control land.

In the early stages of the reform, media restrictions were relaxed. The country faced protests against land acquisitions by the military government (Scurrah, Hirsch, & Woods, 2015). The process of land reforms started in 2012 with the enactment of various land and land-related laws, such as the Farmland Law, Vacant Land Law, Fallow Law, Virgin Land Management Law, and Foreign Investment Law. In 2014, a draft National Land Use Policy (NLUP) was released, and a number of public consultations with civil society and other stakeholders were held. The main purpose of the NLUP was to form a basis for a National Land Law. However, this land reform process was contested. In 2015, when the

NLD took over the administration, the land reform process continued under their government.

These land laws opened rural areas to rampant land grabbing by crony businessmen with connections to the government whose businesses expanded into agriculture and property investment (Asia Times Online, 2013). In 2017, the NLD government announced that the 2012 Farmland Law and Vacant, Fallow, and Virgin Lands Management Law (also called VFV Law) was to be amended (Doi Ra & Khu Khu Ju, 2021). When the NLD came into power, its government focused on land restitution, especially land unjustly expropriated by the military and its crony capitalists. However, the NLD government came to realize that land confiscation by the military in the past was very difficult to resolve and address. Land reform was its first priority. The NLD pursued reforming land with policies, laws, and land conflict investigation committees (Suhardiman, Kenney-Lazar, & Meinzen-Dick, 2019).

During Thein Sein's government, his government first reformed land laws such as the Farmland Laws in 2012, which intended to address contradictions between the 1894 Land Acquisition Act and the 1953 Nationalization Act. This allowed states to expropriate land for economic development, while the 1991 Wastelands Instructions allowed expropriated land in the category of VFV to be reallocated to private investors. Thein Sein's government implemented reforms on these land laws, aiming to build the trust of investors (Suhardinman, Kenney-Lazar, & Meinzen-Dick, 2019). Following a series of reforms through legislation, the National Land Use Policy was developed to be used as a guide to form the National Land Law as an umbrella law for all other land-related laws. A land investigation committee was also formed to address land grabbing and illegally confiscated land cases from the past and deliver justice. When the NLD won a landslide in the 2015 election and came into power, it continued the land reform process to address land conflicts as well as land confiscation from the past. A new land investigation committee was formed.

The Thein Sein government also faced a lot of criticism from civil society organizations and international donor organizations regarding the reform of the 2012 VFV and Farmland laws. Farmer representatives, civil society, and international donor organizations advocated for the inclusion of customary rights, ethnic land use rights, and women's land use rights into the NLUP. In

this way, the NLUP could be used as a guiding policy for land law reform. Following this reform process, a number of consultations were held with civil society organizations and communities throughout the country, and comments were collected to include in the NLUP, especially comments on ethnic land rights and customary land rights.

Land rights was one of the priorities for the NLD after winning the 2015 election. After coming to power, they established the Parliamentary Commission for the Assessment of Legal Affairs and Special Issues, which was chaired by Shwe Mann, a former general and former head of the USDP, a military-backed political party. The Commission served as a legal justification to reduce the scope of the NLUP in favor of state territorialization. In 2019, the NLD established a National Land Use Council responsible for implementing the NLUP. The NLUP was supposed to be a legal framework for harmonizing land governance and addressing land conflict.

The NLD also established the Central Reinvestigation Commission for confiscated farmlands and other lands, which was in the main manifesto of the NLD's 2015 election campaign, to return confiscated lands to the original owners and settle land disputes, compensation, and restitution within a six-month period. However, it was unable to resolve as planned due to many challenges that existed in the government system and bureaucracy. One of the main challenges was that some of the government officials in the Reinvestigation Commission were themselves involved in land grabbing. Another was that the PLIC and the Reinvestigation Committee did not have any power to return lands. There was also a lack of procedure clarity concerning which institution makes final decisions as to what land should be returned. Even though civil society and farmer representatives were included in the committee, there was a problem with power asymmetry within the governance system. Doi Ra and Khu Khu Ju (2021) argue that land reform governance needs structural reform before it can be solved. The land reforms that the Thein Sein government took were only aimed at increasing the inflow of foreign investment and economic development, but on the ground, there were much more complex issues, such as resolving land disputes, and those reforms contradicted ethnic land use rights.

The 2017 announcement by the NLD government to amend two controversial land laws—the 2012 Farmland Law and the VFV Lands Management Law—sparked huge debate in civil society. The VFV Lands Act

and Farmland Law were enacted in 2012, with an amendment to the former in 2019 to foster large-scale agricultural investment and secure tenure of farmlands (ICIMOD, 2021). Civil society called for the VFV law to be abolished altogether and called for the government to develop a new national land law that would be acceptable to all ethnic populations and rural communities (LIOH & MATA, 2018). It started a social media campaign, and in ethnic communities, protests were organized with the slogan “We have no VFV land. We only have ancestral land” (Doi Ra & Khu Khu Ju, 2021).

Parliament passed four laws in 2011 and 2012, and two of them were related to farmers and their land: The Farmland Law and the VFV Lands Management Law, which encouraged private investment. The Foreign Investment Law, which had been replaced by the Myanmar Investment Law in 2011, was repealed in 2014 by the Special Economic Zone (SEZ) Law. Two laws, the Farmland Law and the VFV Law, were passed in parliament without open debate or consultation with farmers or civil society (McCarthy, 2018). They were seen as benefiting local cronies and former generals (Kramer, 2015, p. 364, cited in McCarthy, 2018). Moreover, the Farmland Law creates private land use rights for farmers, where land can be sold, exchanged, leased, inherited, and used to access credit. This law requires farmers to obtain a land use certificate from their local Farmland Administration for approval. On the other hand, the VFV Lands Law resembles the 1991 Wasteland Act, which allows the state to lease land to Myanmar citizens, the government, non-government organizations, and private investors, including foreign investors, through joint-venture arrangements based on the Foreign Investment Law (RoUM, 2012, s. 5, cited in McCarthy, 2018). McCarthy argues that the amendment of these laws was to formalize land grabbing and encourage land speculation.

Most of the lands classified as VFV were in ethnic rural areas. Many areas were classified as unclear areas or with unclear administration, such as gray areas and black areas. This law aimed to put unused land to more productive use. However, lands classified as vacant were, in fact, not vacant at all. Namati (2019) highlights that under the amendment of this law, lands used under customary tenure were excluded from VFVs; however, the law did not provide a definitive definition of customary land or a procedure by which communities could register their land as customary. The boundaries of VFV lands were not clearly defined, and there were millions of people who did not know if their land fell under the classification of VFV lands. Even those who did know lacked

the ability to access registration services, due to living in remote locations far from the relevant government departments in towns. Some of these people were also not used to using government services or visiting government facilities, and were scared to go to such a place. Decades of conflict under military dictatorship had pushed many people into displacement, and this law was troublesome for displaced populations.

During this reform period, land conflicts seemed to be on the rise, linked to past and recent land confiscations by the military and their business allies. The increased visibility of land conflict during this transition period was because of the new political freedoms and reduction of media restrictions, which allowed farmers and civil society to raise their voices. However, there were a lot of serious land conflicts related to large-scale projects. As more new investment inflows occurred, it led to more land conflicts during the two terms of democratic government. Gelbort (2018) argues that this land reform contradicted the ongoing peace process and the commitment to the NCA. The peace process remained unfinished because of (lack of) trust issues between ethnic armed groups and the military regime. Land reforms added to that lack of trust.

Ceasefire Weakens NMSP and Territorial Loss

This section answers the question of how the ceasefire agreement instigated land dynamics in southern Ye Township. From research findings, it shows the rise of crony capitalists in Mon State, and how reforms facilitated land access as a result of the peace process between NMSP and the government. Cronies did not just arise recently—they have been involved since the mid-1990s, but based on this particular area, the research reflects how economic and political reform encouraged a new situation of cronyism in the area surrounding land-related issues and business opportunities. To answer the question of how the ceasefire instigated land dynamics in Magyi village tract, I analyzed data from interviews with villagers, CSOs, NGO representatives, and key informants. In order to understand the land dynamic in this particular village tract, nearby cases were also brought in to reflect the situation of how land in this area changed after the peace agreement and political transition.

After the NMSP signed a ceasefire agreement with the military government in 1995 until 2012, the NMSP continued to lose even more territory.

When the NMSP signed a ceasefire with SLORC, they had about 14 points of “gentlemen’s agreements” in documents which recognized MNLA troop locations and other points of agreement such as the settlement of civilians, local area development, and travel permits to the heartland of Mon State for NMSP members. The ceasefire agreement was an opportunity for SLORC to extend their militarization into Mon State. According to the ceasefire agreement, the MNLA had to withdraw their troops from conflict areas where they had engaged in guerrilla fighting against the Burma army. MNLA had been fighting against the Burma army since the 1960s and 1970s and had eventually extended its territories into many areas in Mon State, such as near the capital city Mawlamyine in the 1990s and even reaching Chaung Zone township of Balu island near Mawlamyine, Paung Township, and Kawkareik Township (Kasauh Mon, 2020).

After the 1995 ceasefire agreement, there were 14 designated MNLA troop locations and six other temporary designated locations in the Tanintharyi region. The Burma army planned to take over former MNLA active areas in Ye Township and other areas. In 2000–2003, the Burma Army deployed about 10 military battalions in Ye Township, and about 500 acres of rubber orchards and orchard plantations were confiscated (Kasauh Mon 2020). The MNLA had to withdraw its troops from Ye Township after the ceasefire agreement, between 1996–97. Consequently, many MNLA commanders and soldiers retired and left the MNLA—some of them later formed separate armed forces to fight against the Burmese army. Southern Ye township, from where the MNLA withdrew, became a place for active small armed groups and splinter groups. People who live in villages in this area have had to deal with many armed groups and feel unsafe with no protection.

Armed groups or splinter groups are extorting money from orchard farmers at 3 *lakh* (equivalent to 149 USD at current exchange rate) per household. As the area is not peaceful, villagers have to pay extortion every year (Online interview, 26 March 2022).

There are different actors involved in this area, such as the NMSP, the Burmese military, and small armed groups. The NMSP in this area has no power over when investment arrives or if land confiscation by the military or business takes place. In 2012, a small armed group that had a ceasefire agreement with

the Burmese government started stone mining operations in the area. They were given permission by the Burmese government (Southeast Command Quarter).

After 2010, during the Thein Sein government, a border guard force (BGF) was installed and attempted to recruit ethnic armed groups that had signed a ceasefire agreement to merge into the BGF. The NMSP refused this move. Some small armed groups who surrendered their arms to the Burmese army integrated into the BGF, including one of the small armed groups of Nai Chan Mon. There was also another Mon group that surrendered to the Burmese army to become part of the BGF.

As far as I know, until 2008, NMSP taxed villagers in this area. They tax even in Kalawt and Hangan villages, where NMSP withdrew its troops after the 1995 ceasefire and the area came under government administration. At that time, small armed groups led by Nai Hlway and Nai Pin were active in the area, which the Burmese army could not fully control yet. As the Burmese army does not want to get much involved, NMSP helped by providing security. At that time, people in that area did not feel safe to go to their orchards, and villagers asked for help from NMSP for security. That is why NMSP is still taxing villagers in that area. After the 2010 democratic transition, NMSP no longer taxes in these areas. It is probably because they want to avoid criticism from the media, as the media has more freedom to expose any issue (Online interview, 26 March 2022).

The area is still considered a mixed area because, looking at the ceasefire agreement, the NMSP still has some control. However, officially, it is divided by the Mawlamyine-Dawei highway. The east territories belong to NMSP, and the west side of the highway is a mixed control area. Some of the areas of Khawza sub-township were still mixed areas, especially in the southern part during the SPDC government. In the current situation, the area has turned into a black area again after the 2021 coup. Many revolutionary forces have come to take refuge in this area, which has become an active armed area. During the NLD government, it was a “gray” zone as security became lighter.

An interview with a member of civil society revealed one of the weaknesses of the NMSP is because of the economic opportunities given by the Burmese government after the ceasefire agreement, such as the opportunity to import cars to earn money. The NMSP were given rights to operate an internal road checkpoint where they could tax people and traffic, and were also given rights to manage and administer some forest lands. However, natural resources in NMSP-controlled areas are not as rich as those in other states, such as Kachin, which has gems, jade, and other highly valuable materials. The interviewee pointed out that there is no master plan or strategy for a long-term plan, which is one of the reasons NMSP is declining and running out of financial resources to fund themselves. As a result, they have continually become weaker since the 1995 ceasefire agreement. They have not used opportunity effectively and have lost a lot in the past 20 years.

The ceasefire does not give benefits to the people; there is no guarantee to protect their livelihoods. We do not see anything in development work, economics, or business that really supports the people. It is because both the government and EAOs are not honest. If they are really keen on local development, the community would have been developed a long time ago (Online interview, 26 March 2022).

The first two years after the ceasefire agreement in 1995 did not seem bad, but after two years, the government allowed NMSP to open a liaison office in Mawlamyine and an economic office in Yangon. They allowed businesses to import and export products and were given land to manage. Some NMSP leaders began enjoying city life and business interests. Those NMSP individuals turned from revolutionary leaders to businessmen. As they grew greedy, they left the revolutionary NMSP, which became weaker. In fact, this was the tactic of Burmese General Khin Nyunt, who made ethnic revolutionaries weaker. Another point of weakening of the NMSP was that soldiers left the army, went to work in Thailand, or went home due to financial difficulties, which became a challenge for the party.

After signing the ceasefire, logging activity in this area happened, especially by the Burmese military and KNU. But the NMSP started logging businesses in other areas, such as

Wae Sin, Bee Ree, Chiat Dike, and Three Pagoda Pass, from 1995 to 1997. Around 2002-2003, forest became scarce, and no more forest was logged, especially very big trees, to export abroad (Online interview, 26 March 2022).

Khawza used to be the main base of the NMSP before 1995. Most active fighting between the Mon and Burmese armies happened in this area because there are a lot of mountains and it is a strategic place to ambush Burmese soldiers. That is why the Burmese army wanted to take over this area. After the ceasefire agreement, the NMSP no longer existed in this area, and it was pushed back to the Wae Sin and Dawei areas. After 1995, the area of Khawza and Magyi became not safe at all. There were a lot of splinter groups. These groups were different factions from the NMSP. Also, the KNU and the Student Army were operating in this area. NMSP lost land and territory in 12 locations. It was eventually pushed back more and more toward the border with Thailand. The most recent case of territory lost to the Burmese army was Zee Hna Pin on the Three Pagoda-Pass road.

The ceasefire is killing Mon politics. It caused splits and fractions among the groups and was a nightmare for the revolutionary mission. There are benefits like economic opportunity, permission to do businesses like mining, investment in export and import, and permission to use forests for logging. Later on, when there is too much individuality, the NMSP could not control. So, there is no benefit as a consequence of this ceasefire. For the people, they expected good things to happen when NMSP signed the agreement. The lives of Mon people will improve. People were hoping for fewer human rights violations and could report such cases to NMSP, but all of these became like just a dream (Online interview, 26 March 2022).

As a result, NMSP could no longer protect land and communities in the area they used to control. It ended up as an open field for exploitation and investment without considering the sustainability of the community. Communities in this area suffered the threat of land confiscation by the state or companies when the country was opening up. With the inflow of investment projects in Mon State, the NMSP signed a bilateral ceasefire in 2012 and a series

of land reforms took place. According to Jason Gelbort (2018), the direct link to land comes from NCA meeting decisions and Article 30 of the NCA. The implementation of land laws reflects further centralization rather than moving toward a federal system. Land management was included in the implementation of NCA interim arrangements and shouldn't have been acted on unilaterally by the government in ways that conflicted with existing ethnic nationality administration. This is relevant in all ceasefire areas, especially in KNU-controlled areas, because the KNU has its own land use policy to protect their traditional land use system.

Capitalism in Political-Economic Transitions

Myanmar transitioned from military rule to democracy in 2010, but some people question whether it was actually heading into a Chinese-style state capitalism run by the military (Collier, 2013). Despite the democratic transition, the military was guaranteed 25 percent of seats in parliament to protect their power and businesses. According to Simon Shen (2017), Myanmar is notorious for crony capitalism in Asia. Crony capitalism refers to a political and economic system where connections with the powers that be, rather than productivity and competitiveness, determine the success of a private business. Under this kind of system, the only way for any business owner to succeed is to befriend those in power. Myanmar's regime previously relied heavily on crony capitalists to sustain its economy during times of international isolation. During that time, the country's economy was dominated almost entirely by a handful of business tycoons and powerful retired generals.

Some argue that Myanmar is also administered via crony militarism, in which economic resources are fused with a deeply authoritarian and militarized regime (Pstaniland, 2021). Cronies in Myanmar that are linked to the military and generals are common. This has deep-roots since the previous military regime of 1990. Some say that the 2021 military coup in Myanmar was about taking care of business to protect the economic interests of the military elite (The Conversation, 2021). When Thein Sein initiated reform to drive the economy by bringing in foreign investment, during those four years of transition the telecom, tourism, construction, and banking sectors were still largely in the hands of a few wealthy and well-connected families with ties to military-backed enterprises (Hnin Yadana & Slodkowski, 2015).

During the past 10 years, many investors have been cronies with ties to military generals. Khin Shwe was one of them and has many businesses in Mon State in the extractive sector. Khin Shwe owns Zaykabar Ltd., which engages in many types of business, including conglomerates, real estate, hotels, and more. He is related by marriage to former USDP boss Shwe Mann, who was purged by former president Thein Sein, and the two men have close business ties (Hnin Yadana & Slodkowski, 2021). His company has a long history of land disputes and land grabs in many parts of the country, including Mon State. Beginning in 2009, his company, Zaykabar, was involved in confiscating land from farmers in Mon State's Kyaikmayaw Township for a cement industry plant with unfair compensation (RFA, 2016).

Ye Township is home to many beaches, such as in Kabyawa, Yin Dein, and Yin Yel villages, which have attracted the attention of the tourism industry. These villages were under the NMSP before 1995 but came under government control after the 1995 ceasefire. There was a plan to develop the area as a tourism destination, but the plan has been delayed due to the slow pace of the peace process. If there is no peace, investment will not come (HURFOM, 2019). As a head of ecotourism was planned in 2014, RFA (2014) reported that land prices in southern Ye Township increased. In the beginning, land prices started at just 3 *lakh* per acre (approximately 140 USD at current exchange rates), and locals thought it was a good price, so they sold. Now, land prices have increased up to 1000 *lakh* depending on location. Those who bought then sold on at a much higher price. Land in this area was once abandoned, and locals did not know the value it had. The dramatic increase in the price of land is due to speculation. Most buyers are from Yangon.

The first group of people who bought land ahead of hearing about the tourism development plan in the area were Mon businessmen, relatives of Ye Administration Department, Land Records Department, and some Mon MPs. They bought from villagers at a cheap price, hoping to make a profit by selling to businessmen.

The special thing about Magyi village is that it is close to the beach. There are cases of land plots for sale. This kind of case is not just now; it has been happening for many years. For example, Green Motherland Company Limited is doing this. This company is actually a solar company, but they have lots

of land in the Magyi area and have arranged small plots for sale. In some cases, they sold land plots. They try to attract buyers by describing it as a place for a gasoline station, land easily accessible to electricity, and land close to a beach. They arrange types of land like this (at) Magyi beach, Kabyar wa beach, and Tayoke Htauk beach, which are each only 15 minutes to these beaches (Online interview, 26 March 2022).

Company and government officials cooperate with each other. Actually, this land is owned by Ye Township Administrator, Ye SLRD. They bought this land from local villagers at a cheap price. They bought it many years ago, and now they are making a land plot to sell it. There are many companies involved in this, but I just know this one name: Green Motherland (Online Interview, 26 March 2022).

The area was initially planned for ecotourism development. However, this did not happen because the peace process was delayed and the community was against it. Due to many challenges, the plan was cancelled. After selling off land in Kabyawa village, there are a rising number of land dispute cases. Villagers are wanting to reclaim cheaply sold lands (RFA, 2017). Regarding the current land issue in Magyi village tract, this resembles the case of Kabyawa. Due to the military coup, it is unknown what the company plans to do with the land or whether it will continue ahead with the initial stone mining project or repurpose their project plan.

Summary

The case of Magyi village tract is not disconnected from the ceasefire agreement in the 1990s. The current land issue may not be directly linked to the ceasefire agreement, but past politics have had an influence on this area. In the early 1990s, the military regime shifted its strategy to embark on peace tours around the country to invite EAOs to return to the legal fold. NMSP was caught under pressure by the military government and Thai authorities, which aimed to turn battlefields into market places. The area in southern Myanmar was long neglected. The peace tour paved the way for economic projects inside

NMSP territory or close to NMSP areas; for example, the Yadana gas pipeline and a deep seaport in Dawei that the military government was planning.

Upon signing the ceasefire agreement, NMSP's territorial control was radically curtailed (TNI, 2019). As the Than Shwe regime pursued ethnic ceasefires, the peace process facilitated the rise of a small group of business cronies, which helped entrench the military government. During the 1990s and 2000s, this small group became powerful enough to control the national development plan. This became more apparent after the 2010 political reforms under the Thein Sein government. This cronyism continued under the NLD government, through which crony capitalists were able to access this frontier area for natural resource extraction and played a role in land commodification.

Chapter 3

Land Commodification in the Case of Magyi Village Tract

This chapter discusses the case of land commodification and land conflict in the Magyi village tract from the stone mining project. An individual private company targeted the mountainous Magyi village tract to extract natural resource commodities. The land transaction was done with an outright purchase from the villagers directly. First, this chapter discusses land formalization in Myanmar in different periods, how new frontiers were accumulated in the global land rush and expansion of capitalism. Second, the process of commodifying rural land in the case of Magyi village tract is discussed. Last, the consequences of this commodification of land for the stone mining project are discussed.

Land Formalization

Land formalization in Myanmar first began after independence in 1948 and was revised in 1953, which stated that land is owned by the state and leased out to farmers. These leases can be inherited with approval of the local authorities. It prohibits the sale and transfer of land. Farmers were given permission to grow paddy and set a quota that they must sell to the government. If farmers were unable to do so, the state could confiscate lands (COHRE, 2007). Myanmar was ruled by General Ne Win under his isolationist foreign policy known as the Burmese Way to Socialism. After his reign ended in 1988, the

country transformed from a closed economy to an economically liberalized system under the State Law and Order Restoration Council (SLORC) which allowed foreign investment. During this period, some restrictions on agricultural land were relaxed. However, the country was still under the rule of the military who could change the law as they pleased (Callahan, 2009).

The economic reform of 2011, initiated by President Thein Sein, marked the political transition from military regime to democratic government (Tin Maung Maung Than, 2014). However, the military-backed party, the USDP, won the 2010 election and the regime continued leading their role in politics. They reserved positions for military personnel in parliament and government. President Thein Sein announced the opening of economic reform to reduce poverty and increased foreign investment by reforming and passing new land laws to increase foreign investment. It meant that landowners in rural areas could have their land confiscated and become dispossessed. Regarding the VFV law and Foreign Investment Law, private companies, both domestic and foreign, could obtain land use certificates (LUCs) for land purchased or acquired by this permission granting access to “vacant land” or “waste land”. Land titling also challenged tenure security in rural area and ethnic upland areas since the government did not recognize traditional land use system (Scurrah, Hirsch, & Woods, 2015). Civil society organizations and other actors criticized the land reform, particularly the 2012 land laws and the National Land Use Policy, for benefiting private sector investors at the expense of smallholder farmers.

Accumulation by Dispossession of New Frontiers

This chapter looks to analyze the land commodification process in the Magyi area, including state policies, local political and economic context, and other factors that shape the outcome of land commodification in this area. Land regulatory systems that are relevant to the discussion of the land commodification process from the stone mining project in Magyi village are farmland, VFV land management law, and investment law, which were recently revised and amended during the transition period of the reform process and facilitate this process of commodifying rural land areas.

Land commodification is a process that turns land and land-related rights into a commodity that is disembodied from social relations, freely tradable on the market, and can be used for capital accumulation (Zhang & Wu, 2015).

There are politics involved in turning socially embedded rights, traditional entitlements, and entitlements related to land into fictitious commodities, as well as social tension and displacement that come with land commodification. Li (cited in Doi Ra, 2022) argued that making land productive requires a regime of exclusion to determine who can access what resource, for how long, and for what purpose. The expansion of commodity frontiers not only causes environmental problems, conflict, and displacement but also threatens traditional livelihoods (Fernandez & Saunders, 2018).

Global land commodity rushes began in Myanmar in the 1990s, when the military regime started to adopt an open-door policy to infuse foreign investment and increase industrialization (Doi Ra, 2022). Doi Ra argues that the global land rush is ongoing and that the process is going even further. According to her, the driving forces behind land grabs come from various sectors such as agribusiness, mining, real estate, military expansion into ethnic states, big conservation projects, and more, which she terms the convergence of multiple commodity rushes (Doi Ra, 2022). Tania Li argues that there are two scenarios in the global land debate: 1) when land is needed but labor is not, and 2) when capital needs both land and labor. Both scenarios can be linked to increased poverty and dispossession of peasants and small-holder farmers in the countryside (cited in Doi Ra, 2022). In terms of the Magyi village case, labor exploitation and accumulation by dispossession are both targets.

Land formalization is another form of expropriation. Formalizing land is the practice by which state land managers document, legalize, register, title, and assign property rights in land through bureaucratic means (Kelly & Peluso, 2015). Formalization is a critical step in the production of a market-based society where market relations are dependent on clear property rights in all social relations (Kelly & Peluso, 2015). Formalization also creates the conditions under which state lands or resources on those lands may be commodified (Kelly & Peluso, 2015). Today's frontiers of capitalism are not remote or newly discovered spaces; these frontiers are new commodity forms within the confines of already formalized state lands (Kelly & Peluso, 2015). They argue that historical formalization of state land created enabling conditions for today's large-scale, international, and national acquisitions of land (Kelly & Peluso, 2015).

Since the opening of the country in 2010, more mining projects have taken place in Mon State. The political reform has opened up opportunities for

investment in the natural resource extraction sector. There are different types of mining in Mon State, such as quarry extraction, mining for cement production, and extraction of valuable stone for export abroad. The government revised the Investment Law (2016), which has attracted investment projects from both domestic and foreign investors. There are 141 types of investment in Myanmar, and among them, 10 are mining-related projects. According to the Myanmar Investment Commission (MIC), the mining sector attracts more investment than other sectors (LCG, 2019).

Reported by Mon News (2016), there are about 88 mining companies doing quarrying, which is permitted by the government, operating in Mon State. Of these 88 quarry companies, 44 are in Kyaikhto, 22 are in Paung Township, 13 are in Ye Township, 4 are in Kyaikmayaw Township, and 5 are in Thaton Township. Some of these companies are licensed, and others are illegal without permission from the MIC. Some mining companies don't follow regulations. Forty-four of these companies operate within forest boundaries. According to the Mon State Forestry Department, if some projects are in Reserved Forest, they will inspect to see if they can grant permission. Some of the mining companies are granted permission from the Forestry Department, but some companies have not been given permission from MIC and are still operating (Mon News, 2016).

Myanmar's market economy didn't happen just after the 2010 election. In fact, it was underway since the military seized power in 1988, when SLORC promised to open the economy to private and foreign investment (South, 2005, p. 259). The military junta adopted a program of economic liberalization to end years of international isolation by sweeping laws hoping to encourage foreign investment and economic growth to move from the Burmese Way to Socialism to an open market economy. The military then changed from SLORC to SPDC under General Than Shwe, the former military dictator. Through these years, the military directly controlled the economy of the country. In the Thein Sein era, again realizing Burma's isolation, the country opened up by revising a number of laws to allow an inflow of investment.

Land in Our Hands (2020) reported that the original Vacant Fallow Virgin (VfV) Land Management Law was issued in 1991 by the SLORC to commoditize land and attract investment from both domestic and foreign businesses to facilitate land grabbing. The new democratic government in 2010

continued to use this law and reformed it in 2012. The 2012 VFV law is meant to ease land grabbing under the economic reforms taking place during the 2011 political transition by then President Thein Sein. This law allows investors to rent up to 30,000 acres for 30 years. It can also sue farmers for encroachment under Section 27. However, the 2020 Land in Our Hands report revealed that, under the VFV law, land can be transformed into farmland, which allows it to be used as a commodity for leasing, mortgaging, and selling. The VFV law and Farmland law encourage individual land titling, which is in fact a threat to traditional land use systems such as customary practice in many ethnic areas in Chin, Kachin, Karen, Karenni, Shan, and some areas in the Mon community. This law was proposed in 2017 and adopted in 2018, which set a short deadline for farmers to register, making it impossible to grant the huge number of land titles in a short period of time.

In the Mon context, although private land ownership has been practiced for a long time, the development of purchasing rural land is a more recent phenomenon. Noticeably, it started to increase after the 2010 reform. In the past, land was exchanged and transacted between villagers for the purpose of agriculture and livelihoods. Individuals and families bought land and secured property rights, but they did not treat it as a commodity with economic exchange value, but for their agriculture and livelihood purposes. Polanyi argues that land is man's life, for his habitation and physical safety (Goodwin, 2020). Land has important non-economic dimensions such as social, political, spiritual, and ecological. It is only done between family and community members; the sale of land between members of the same or nearby community whose purpose is to stabilize their lives.

The territory of Mon State has been opened up to increase investment after the NMSP signed the Nationwide Ceasefire Agreement (NCA) with the government in 2018. For many decades, the southernmost part of the coast of Mon State has been characterized by the military government as a black area. This means that it was not under the control of the central government. Despite the NMSP ceasefire in 1995 and the NCA in 2012, the residents of this area were still not safe and at peace. They were often stuck between the Myanmar army and NMSP splinter groups that took them as hostages for ransom. But the situation in general was more peaceful than it was before the EAO ceasefires. But this meant more territory become the subject of the interests of cronies and powerful businesses that wanted to get access to land and natural resources in rural areas.

Commodifying Rural Land in Southern Ye Township

Causes of land commodification

The southern Ye area is linked to decades of civil war and armed conflict between the Burmese regime and ethnic armed organizations and is a refuge area for student revolutionary groups and Karen ethnic armed groups. After the 2010 political reform, this area became accessible to private companies, part of the process of capitalism's expansion and the increasing land demands of the neoliberal market. Bleh Patoi mountain in the Magyi village tract is not only important for local livelihoods but also for the fact that it is the ideal location for a village, protected from natural disasters and close to the sea. The Excellent Fortune Development Group has been attempting to start a stone mining project in the village since 2017/2018, targeting Bleh Patoi Mountain for stone extraction. This created tensions both within villagers and between villages in the Magyi village tract—some villagers were willing to sell their land in expectation of jobs from the company and development as promised by the company and persuasion by the local powerful person. The following discussion will demonstrate the research findings.

One of the reasons that the villagers of Magyi village and Dani Kyar Village decided to sell their farmland is that they feel that their land has no more agricultural value. In recent years, villagers have faced problems with embankment issues on their farmland. Their embankments broke every year, and salt water from the sea entered the farmland. The cost of repairing the embankment is high for the villagers, and they broke again and again. The villagers cannot afford to repair it. Despite the company's target to buy land in the mountain area for quarry extraction, they wanted to buy all types of land if possible, including these farmlands. In 2019, MACDO, a community-based organization, provided a budget of 60 *lakh* (2,860 USD at current exchange rate) to build an embankment. But after just a year, it was destroyed. Villagers could not afford to rebuild. Without embankments, they could not farm. So, they decided to sell those lands when the company offered to buy.

Farmland is also linked to land registration on Form 7. Most villagers want to get Form 7, a legal title for their land. This legal title, Form-7, is critical. Obtaining land registration means getting permission to use land or land use rights, but it is not land ownership. There are rules to follow after obtaining

Form 7. If villagers break these rules, their land use rights will be revoked. After obtaining Form 7, villagers have to work their farmland within a year. This is critical in Magyi village since farm embankments break nearly every year and villagers cannot farm. In the case of Magyi village, many farmers had not worked on their farms because it was impossible to make money, due to the cost of embankment repairs. Farmlands were no longer productive, leading most farmers to sell their lands.

Farming by tractor costs more, including fuel, etc. For 5 acres of farm, it cost about 7 or 800,000 *kyat*, which left no profit. So, many people are not working in farming anymore. They estimate that if they have to buy rice for a year for their family, it will cost only about 4 or 5 *lakh* (240 USD) (Online interview, 10 January 2022).

According to one of the key informants, rice farming has not worked well in recent years because more villagers, especially young people, are migrating to work in Thailand. Villagers also migrate to other countries such as Singapore and Malaysia where they earn more money. As there is no more farm labor available in the village, the cost to hire farm workers has increased by 10,000 *kyat* per day, equal to a sack of rice (the price of rice in those previous years). When farm labor was in short supply, people started planting rubber plantations instead. When farmland turned to rubber orchards, there was no more grazing ground for cows and buffalos. After a dispute over an animal entering the property of fellow villagers happened, the villagers no longer kept these animals and sold them.

The changing of plantations also led to this situation. In the past, villagers planted betel nut along with other fruit in their orchards, such as cashew and coconut. Many changed to also growing rubber in 2010–2013. They reduced their orchard land to grow rubber. It was becoming a more commercially viable crop. However, there are many factors that influence villagers' crop selection. Growing rubber costs a lot of money. It is interesting to learn why villagers were willing to grow rubber trees. Villagers grew rubber trees on just half of their land and left the other half as a fruit orchard. Later, they found out that growing rubber yields very little profit. The price of rubber dropped due to the Covid-19 pandemic, and Chinese companies were not buying rubber anymore. According to interviewees, about half of the land in this area had become rubber

orchards. As they found that growing rubber does not help them, many went to find work in Thailand. In this village, about 60 percent of the villagers are working in Thailand. They work and send back the money to manage their families' plantations.

Another factor that caused villagers to sell their land is that the company first aims to invest in a project, but eventually they not only buy land for the target area of their project plan but also try to commoditize as much land as they can. It is common in Myanmar to see companies' practices which are not transparent, one of the main causes of tension between community and investors.

The company said that they did not happen to do stone mining anymore but they wanted to plant trees: *mann sharr* tree, *pyinkado* (*Xylia Xylocarpa*), teak plantation. But we do not know. If the political situation changed, they might be mining again, because it all depends on the current political situation" (Online interview, 10 January 2022).

Due to the current political situation in Myanmar, most development or investment projects have paused. Villagers are not paying attention to this anymore due to the complicated crises happening in the country. It has become a good opportunity for companies to do what they want since no one pays much attention. According to a member of a Mon community-based organization, one company took the Covid-19 pandemic as an opportunity to grab land and coerce communities into selling their land (Mon News, 2020).

Land in this area also has high market potential since it is close to the beach, ideal for tourism businesses. The land in this area is very attractive to businessmen. Some companies have repurposed their initial plan for stone mining into other plans, such as growing trees. They commodify land in the community without caring how it might impact the lives of people and their future.

The special thing about Magyi village tract is that, as the village is close to the beach, there are cases of land plots for sale rising. This kind of case is not just happening now; it has been happening a long time ago. Plots of land for housing or commercial business opportunities like this have been on sale.

For example, Green Motherland Company Limited is one of the companies that is doing this.

This company is actually a solar company, but they got lots of land in the Magyi village area and arranged housing plots for sale. In some cases, they sold these housing plots and land for gasoline stations. Land easily accessible to electricity. Land that is close to the coast area. They arrange types of land like this (Online interview, 26 March 2022).

There are several beaches, such as Magyi, Kabyar Wa, and Tayoke Htauk, nearby. The Green Motherland Company arranged land plots for sale, which are 15 minutes' drive away from these beaches. According to one interview source, Green Motherland cooperates with Ye's administrator, Ye SLRD. Green Motherland bought these lands from local villagers at a cheap price and has had them since the NLD government. According to this source, this company is owned by cronies. It is known for solar energy, but behind the scenes, they are doing many other things. They do not have a website, which makes it difficult to know about their work.

As we know in Magyi, [there is] this stone mining and [also] we heard [there] are road construction projects that link Magyi beach to Dani Kyar village for ecotourism, but we do not know exactly (Online interview, 26 March 2022).

During the NLD government around 2017, many Mon businessmen bought land from relatives of Ye Township Administration Department and Land Record Department, and some Mon MPs bought land firsthand. These lands were once abandoned by villagers because they were close to the beach and could not grow orchards. The village head heard about the investment plan in this area, and people started buying land at a cheap price, which they then sold to people in Yangon and Mawlamyine at a higher price. However, the eco-tourism plan did not happen due to security issues and the peace process (Online interview, 10 January 2022).

Since Thein Sein's government, this area has been popular with business developers. HURFOM reported in 2015 that, among various places, Ye Township has been the target of many investments. Since 2014, a private company called Aurum Company Limited has been interested in investing in the beaches near Khaw Zar Village, as land in this area is untouched (HURFOM, 2015). A lot of lands were bought by outsiders, which they hope to sell at a higher price. While many locals are concerned about the project, there are also many who are also excited about the plans as they could develop the area in a positive way. The Aurum company said that they will only buy vacant land that is owned by the State.

After the company advertised the area on the news and in the local newspaper, Kabya Wa Beach, situated in Khawsar, became very popular among visitors and investors. Aurum promised to cooperate with the Mon State Government to acquire the land, which they initially said was owned by the State. According to local people, most land in this area was owned by local people who grew on orchards. Local people started to be concerned about future land confiscation, especially of ancestral land, for which they did not have land titles.

Regarding the case of Magyi village tract, there are two ways that the stone mining company got the land: they offered a higher price than the current market price at first. The area has mountain land, plain land, and coastal land. Most local people are not interested in coastal land since the road condition in this village is poor and underdeveloped compared to other areas of the country. That is why the villagers do not understand the value of this area. They have mountain rock, but they do not know whether it can be used or not. For businessmen, they know that this rock can be used someday. The area is also close to the beach, which is why it is worth buying. It is a virgin beach, untouched. Someday, it will have value. It is pure, unexploited, and untouched nature in this area. Someday this area will definitely be developed for tourism and will be a good place (Online interview, 26 March 2022).

Regarding land sales in Magyi village tract, there are pressures and situations that lead villagers who at first do not want to sell their land to finally

decide to sell also. According to one key informant interview, it is because the local community is not united.

The majority of the village monks support the company's plan. Conflict arises between those who sold and those who did not, and also from encroaching on other people's land as a result of boundary disputes. For example, villagers who own just three acres of land encroached on their neighbor's property and sold five acres to the company. According to one interviewee, for the villagers to be able to do this, they first needed to obtain approval from the village head before they could sell, even though legally, the village head cannot approve it. When making a deal on selling land to the company, villagers need four witnesses on neighboring land to demarcate the land parcel. In this case, it seems that the village head signed without the witness neighbors.

On this issue the community has become divided. This kind of manipulation has caused conflict and divided opinion among villagers. This is the root cause of conflict between them. Some villagers want to sell land to the company, and some do not. It has also caused tension between villagers. People who oppose the project and land sales want to protect the community, water sources, and the village land.

I sold my land where I could not do agriculture and grow. Most villagers near my land sold. I am the only one left in that area. That is why I sold it too. Because, if I do not sell, other people will sell my land (Phone interview with villager, 16 January 2022).

Also, other villagers afraid of the potential impact of quarry production were forced to sell their land.

I am the last person to sell my land because when the company starts stone mining operations, it will damage my orchard. That is why I have to sell (Phone interview with villager, 16 January 2022).

This has produced a domino effect. Villagers who sold land first encroached on the land of other villagers. As a result, many villagers lost some of their land to encroaching sellers. Due to this situation, the rest of the villagers feel that it is better to sell their land; otherwise, they will lose it all. Based on

this, the company's acquiring land process was not done properly. The company used false promises and threats to buy land. They said that the Mon State Government had already approved their project, and their company is legal and will go ahead with their plan. They promised to build roads, a monastery, provide electricity, improve village development, and create jobs for villagers. This kind of manipulation is what creates tension among villagers.

The company uses tricks. Some villagers do not sell their land, but the company buys all surrounding lands, which pushes the person to finally sell.

A higher price causes land to sell in the village. Some people just want to sell, not because of the threat, but because they got a good price and want to sell, and they buy orchard land somewhere else (Online interview, 30 March 2022).

The community is divided between those who oppose the project and those who push other villagers not to sell their land. When the company first arrived, they offered 10 *lakh* (477 USD) per acre of land. Many villagers did not sell at that time, but when they were offered 15 *lakh* (715 USD) per acre, many started selling. Villagers did not know the value of their land. Those who sold first got a price of 10 *lakh* per acre, and then more and more people began selling land on mountainous, rocky land where they could not plant anything. Land with legal documents was more valuable. Excellent Fortune Company bought land at 18 or 20 *lakh* (954 USD) per acre, but if the land had a Form 7 (title), it was sold at 30 *lakh* (1430 USD) per acre.

According to a Magyi resident, as reported by the Mon Human Rights Group, the company tried to bribe senior monks. The monks were convinced by the company that they would provide electricity and build roads, and the company urged villagers to sign consent forms so that the project could begin without delay. Many villagers disagreed, but they were reluctant to speak against the monks.

Lack of land security

According to one key informant interview, what caused conflict regarding land issues in this village was that there has been no specific procedure for land grant or land permission from the time of Than Shwe's military government until Thein Sein's government. An interviewee explained that the land in this

village is not designated orchard or VFV land; it is called free-hold land, which has passed from generation to generation. It is traditional and family-type land used for livelihoods. Land registration or Form-7 was not granted for these types of land when villagers applied for land registration; however, when the company bought these lands, land registration or Form-7 was granted to them.

Land in this village tract does not work just by going through legal documents or the legal process for these types of land. It also needs to go through free land holding or ancestral land ownership.

According to the law, ancestral land can be considered VFV land. So, there is no guarantee of land security in this case. Villagers can lose their land easily. The company knows about this advantage. They argue that the villagers do not have any legal proof that they own this land. The company persuades the local community in the name of development, “if you allow us to do this project, you will get money and development for the village, and your generation will get jobs in the future.”

The reason villagers lose their land easily is that, first, there is no guarantee for their land security. They want money for short-term spending. Those who sold first got a high price, but when everyone started selling, the company reduced their price offering. So, this is how the company got the land. So, imagine that, even with just one acre of land, they make a lot of profit by arranging land for housing plots for sale. This is how Green Motherland Company did in the nearby area (Online interview, 26 March 2022).

It is hard for villagers to get land registered. Although local people know the land in this area has value, they have never had the opportunity to register. When they applied for Form-105, they never got approval from the Statistics and Land Records Department. The village head has not supported the villagers. Villagers are not educated and do not dare go to government offices or into the city.

Land registration needs connections. For Form 7, it is for housing land. Not only for orchard land. About 40 people got Form 7 for orchard among 400 people. They are those who have

connections with SLRD, MPs, and village heads, and those who can pay the money (Online interview, 10 January 2022).

According to the interview with a CSO member, Form-7 means permission to use, or land use rights. It does not grant land ownership. It has 10 principles or rules. If you break any of these rules, your land use rights will be revoked. This is the problem with farmland in the village.

In Magyi village tract cases, embankments are often destroyed, so villagers cannot farm. It costs a lot to repair these embankments in order to farm. If farmers use tractors, it costs more, including fuel. For five acres of farmland, it costs about 7,800,000 *kyat*. If the cost of hiring tractors and others is deducted, there is no profit. Many people have decided not to work on farms anymore. They estimated that if they had to buy rice for a year for their family, it would cost about 4 or 5 *lakh*.

There are about 20 people who have Form-7. SLRD demarcated their land with GPS and charged villagers between 10,000 and 50,000 *kyat* per acre for land demarcation. Villagers demand the village head organize land registration for villagers. The village head invited Khawzar Township SLRD to come to the village to do land demarcation. Sometimes they came, sometimes they did not.

Businessmen and the company can apply for land use permission, Form-7, from VFV land. NGO and CSOs are providing awareness training to villagers about land tenure security (Phone interview with villager, 12 January 2022).

One of the reasons that it has become easier than before to apply for land registration in this village is because of a Mon ethnic person that arrived in the Khawzar Township SLRD.

We have submitted letters to all different departments. In 2015, finally, a Mon person became a staff member at Ye SLRD. It is easier for us to discuss with him the process of applying for land registration. Since then, applying for Form-7 has become possible and not difficult, as farmland, land, trees, etc. that

have been there for hundreds of years are still legible to apply for Form-7 (Online interview, 10 January 2022).

The CSO organization helped with land registration. HURFOM contacted the government department related to land in this area to determine whether or not it could apply for a land title, and were told they could not apply for Form-7 yet. In 2014/2015, a stone mining company started arriving in this village. The company and SLRD department worked in concert. They started working on applying for Form 7. The villagers also started applying for it, for which they had to pay between 40,000 and 100,000 *kyat*, but not all of them were granted it. Only 30 villagers who have close relationships with MPs and the village head got it.

In this village in general, most land does not have a title or land certificate because it was inherited from parents for generations and there have never been land documents from the government. There is also an unequal distribution of land titles and land documents among villagers. For example, only villagers from Magyi village received village-recognized documents or land certificates. For other villages, such as Dani Kyar village, it cannot be done due to security reasons, according to the relevant government department.

There is corruption and bias in the Land Record Department. According to the 2012 Farmland Law, cultivated land can apply for land registration on Form 7. Magyi villagers filled out and applied for Form-1 in 2018 to the Khawsa and Ye Farmland Management and Statistics Department. They met with the department officers several times, but the department officer never came to the village to demarcate the land. In 2019, villagers again applied for Form-1 for orchard land and common and religious land. However, there was no response to the villager's application for land registration. Not surprisingly, these government staff were actively involved in helping the stone mining company acquire land and follow land-related procedures.

Privatizing land tenure system

Land titling is a process associated with the global land rush. Once Myanmar opened to welcome investment flows, civil society organizations have been concerned about the threat of land expropriation by the state or private companies that would arrive in rural areas. The Mon Human Rights Foundation

started land legal awareness training in Mon villages, including Magyi village tract, in 2013. Since then, villagers have been willing to get their land registered. In the past, Magyi villagers felt secure because their area had no attention from outsiders because it was a conflict or “black” area. Now it is under the threat of expropriation by outsiders.

Philip Hirsch (2011) argues that while most farmers and other landholders are pleased to obtain formal title over plots of land that they hold individually under weaker demarcated and state-recognized arrangements, the process of land titling in some areas can weaken security in others and can entrench, sharpen, and exacerbate existing inequalities in access to land (p.15). Land titles or private property rights are one way of transforming discrete landed resources into fungible commodities (Sai Kalakrishnan, 2021, p.116). It shows that the recent commodification of land and the commodification of agricultural land frontiers are processes of the expansion of capitalism.

Land reform, including the amendment of land laws, is pressuring villagers to register their land; otherwise, it will be deemed VFV land and will be confiscated. The government has recognized undocumented land as VFV land. Regarding land in this area, it has been recognized as a “black” or “gray” area, whether it is included as VFV or not according to the law of the central government. In 2013-2014, village land was considered *kyay taing pyin*, which means eligible to apply for Form 7, according to interview with a local land rights activist in Mon State (Online interview, 28 January 2022).

For Magyi village, there are many competing claims to the use and control land. Even villagers who obtain land registration are not protected against land grabs by powerful outside actors (TNI, 2019). The land type in this village is inherited land. Most people inherit land from their parents from generation to generation. It is also called free-hold land. There is no legal document on these lands. There is no systematic documenting principle for types of land such as grazing, ancestral, orchard, farmland, mangrove land, and coastal land.

According to interview with Mon Human Rights organization (March 2022), land in this community does not work solely through legal documentation. Land here needs to be under free land holding or ancestral land ownership. According to the law, ancestral land can be considered VFV land. So, there is no guarantee of land security. Villagers can lose land easily. The company knows they have an advantage. They argue that villagers do not have any legal proof that

they own the land. Then, the company persuaded the local community to sell in the name of local development, essentially saying “if you allow us to do this, you will get money, the village will develop, and your generation will get jobs”.

Post-conflict makes it possible access to land

Land in the southern Ye Township in Magyi village tract was not fully capitalized in the past 10 years. Now it is being created in an open field, which is the expansion of the neoliberal market economy. According to Michael Levien (2018), turning farmland into commodities requires significant state intervention to overcome obstacles (cited in Ghertner & Lake, 2021). Every villager in this village tract owns land because it is central to agricultural livelihood. However, the commodifying of agricultural land in this village has turned many villagers landless and into daily wage laborers. Land that was used by communities for livelihoods has been commodified into a product of industry and potentially other commodified purposes.

This area was once considered not safe to travel or live. But this changed after the 2010 democratic transition, which made it access to this area possible. In the past, people from the heartland of Mon State could not travel to this place because of concerns for security, such as rebel and splinter groups that robbed and kidnapped for ransom. During 2017–2019, it became safe, and the beaches in the areas with blue-green water and white sands became popular for local visitors. There were three groups that were active in this area between 2005 and 2015: the NMSP, the Burmese military, and small armed groups.

This area is still considered a mixed area because, looking at the ceasefire agreement, NMSP is still involved in controlling some areas. Officially, areas of control are divided by the Mawlamyine-Dawei Highway. The east side of the highway is NMSP territory, and the west is a mixed control area. Some places in Khawhsar Township were mixed areas, notably the southern area, especially during the SPDC government. Nowadays, the area can be called a “black” area again after the 2021 military coup. During the NLD government, it became a “gray” area as security became lighter. Now, there is no more security, especially in this area where armed resistance fighters have come to seek refuge while fighting the junta.

Before the ceasefire agreement, the area was not really under the NMSP but under the NMSP taxation area. After the

ceasefire agreement, it became a mixed area. NMSP loses control over this territory, but Mon national schools remain in this area. That is why it is called a mixed area (Online interview, 26 March 2022).

In the past, there were splinter groups such as Nai Hlway, Nai Pin, and Nai Sok Klong. They acted more like criminals than rebel groups. They committed robbery, kidnapped villagers, and extorted money from them. Even for villagers, it was not safe to go to their orchards. In the earlier period, around 2002 or 2003, there were also armed groups like the Remonnya Restoration Party led by Nai Pan Nyunt, which acted like a political party. This group separated from the NSMP after the ceasefire agreement because they disagreed with the NMSP signing the ceasefire agreement with the SLORC regime. They separated and were determined to form an armed group to continue fighting the Burmese regime, but they eventually became weaker and were finally eliminated by the Burmese regime.

This area of Mon State in general is more peaceful than it was before the EAO ceasefires, but it has come at a cost, because peace means increasing pressure from cronies and powerful business interests who want to get access to land and natural resources in these areas (TNI, 2018). When the Thein Sein administration became the government in 2011, the Border Guard Force (BGF) was installed. Some small Mon armed groups surrendered their arms to the Burmese regime and became BGF, like the Nai Chan Mon group. After the Burmese regime attempted to use ethnic armed groups as BGF, the NMSP refused the Burmese regime's proposal to become a BGF, and the ceasefire agreement between NMSP and the Burmese regime no longer was legitimate. This is the reason this kind of post-conflict area became accessible to businessmen and cronies.

Land Grabbing in the Name of Development

The economic growth agenda has had a negative impact on rural populations. After 2010, there were investment projects in Ye Township, such as petrol stations, electricity projects, and around 20 stone mining projects. Some are small companies that cooperate with the Toyo-Thai company to produce quarry. In Andin village, a big coalfired power plant project by Toyo-

Thai Company Limited (TTCL) to construct a 1280-megawatt coal-fired power plant in AnnDin village, Parlain Region, Ye Township, was completed in 2016. The company purchased 500 acres of farmland near the village, but after mass protests against the project for its huge negative potential impact, the project was put on hold (Burma Link, 2016).

Another investment project currently taking place in Magyi village tract is said to be military-affiliated, according to the CSO members. The company — ToyoThai Company Limited — has a history of being affiliated with the military. This is not the first time that stone mining has reached this village. After 2012, the first stone mining project arrived and began buying land. Local communities did not agree with their project, and the investor company retreated. In 2018– 2019, a stone mining project from Excellent Fortune Development Group (Shwe Akrit Company) arrived and began buying land. This time, conflict between villagers started between those who would sell their land and those who were against the project.

The project is targeting land. They want to buy land in this area because they have found that the area has good quality stone for their products. Eventually, they shifted to buying as much land as they could, including orchard farms, farmland, and land close to the coast. The most wanted land for the company is where the water source is coming from (Phone interview with villager, 13 January 2022).

They buy land even near the village housing area. They buy as much as they can get, and it includes all types of land. No one is stopping those who have power and influence, such as village monks or any organization (Phone interview with villager, 15 January 2022).

Based on information collected from interviews, Excellent Fortune has approached powerful people to get what they want. They approach influential people, such as village monks, by making donations to the monks and monastery. They approach the village head, who has authority and power, and eventually buy land from the villagers. They approach those who are approachable first. They bribe the village head, according to the villagers.

The company often comes to the monastery to make donations, and the monks seem to support the company. The monks are no longer supporting the villagers who stand against this stone mining project. According to one of the monks who opposes the company's project, village monks, powerful people, and influential people all are on the side of the company. There are some monks who oppose this project, but the senior monk has chastised these monks and counselled them not to oppose.

One of the approaches that the company uses to get the land is to give false promises and threats to villagers. They said that the Mon State government had already approved their project. Their company is officially legalized. They will go ahead with their stone mining project. They promised to build roads, build monasteries, and provide electricity to villages. They will improve village development and give jobs to villagers. This kind of manipulation caused conflict among villagers and divided opinion among them.

Development and economic development are needed. We agree with that. But all they are doing is keeping it secret. There is no transparency, and only when people find out for themselves, do they cover other issues, like solar energy, like that. That is why we have to watch out (Online interview, 26 March 2022).

Exchange for development is what every company uses to expropriate land from communities. They say that they will build roads, provide electricity and build schools because many rural areas in Myanmar are underdeveloped. In many remote areas, there are no proper roads, schools, or other facilities. Companies always take this opportunity to persuade the community to accept their project.

Dispossession and Social Changes from Commodifying Land

As part of economic accumulation, rural land dispossession became a common phenomenon around the globe. In Mon State, land dispossession occurred through military land confiscations during earlier decades of military dictatorship. After 2010, land dispossession happened due to private investment projects entering rural areas of Mon State. In Dani Kyar village of the Magyi village tract, the company bought 60% of the land from villagers according to

an interview with a key informant. They built a new village for villagers who sold all their land and named the new village “San Pya Dani Kyar Village” to relocate those who sold their land. In the newly relocated village, the company has built some housing. One villager from Dani Kyar (outside area), who sold all of his land and properties to the company went to live in this housing in the new village. He has difficulties earning a livelihood to support his family because he sold his means of livelihood – his orchard and farmland – to the company.

Due to this land issue, there are also migration issues in the village. After selling, often the land became eroded, and plantations were destroyed. People went to Thailand to seek work. There were some families who moved out of this village to the nearby village of Khawsar. Those who were paid around 100 to 200 *lakh* remained in the village as they still had orchards there.

Villagers became company staff members and now live in company housing in the new village. Houses built by the company are provided for free. Nai Zaw, who sold all his land and has no place to live, decided to move to the newly built village. Some other villagers became daily wage laborers in the village. Villagers have no more jobs, as their prior jobs were orchard farming. The company cannot provide a job yet. They become plantation workers at other fellow villagers’ farms or orchards.

Some people become jobless after selling their land. According to many interviewees, their livelihoods were good before they sold their land. After selling their land, their family could live comfortably for a certain time, but eventually they start having difficulties since they had no job. Some villagers became landless. After a year, the money from the land sales had been spent. They have to work as daily wage labor at the orchards of other villagers.

Those who sold their land are poor households. After the stone mining project was planned, about 15 villagers sold their land to the company. After selling their land, 10 of them became company staff, and they live in housing provided by the company in the new village (Phone interview with villager, 11 February 2022).

Some villagers who are poor sold their land and even became poorer after selling their land. So, they go to live in company housing. They become orchard workers. Some people can

afford to buy land in other areas as a replacement (Phone interview with villager, 4 February 2022).

The money from selling land is spent in the short term. Villagers spend on things such as making merit, repairing pagodas, going on pilgrimages, building new houses, buying orchards, buying motorcycles, traveling, sending their children to school somewhere, and buying medication.

Water usage also has an impact on environment and livelihoods. Much land has been sold in good areas where there are water sources for village use. After selling their land, villagers hesitated to collect water in that area. There are many places for water sources. Not all land where villagers find water sources on the mountain has been sold yet. This area is surrounded by forest and is very close to the border of Thanintharyi Region. People in this area still use firewood for cooking. After their land was sold, villagers started going further into the forest in Yebyu township of the Thanintharyi region to find firewood.

Summary

After political reform and the NCA peace agreement, more territories in Mon State opened up for business cronies to gain access to resource-grabbing investment projects. Rural land and agricultural land are being commodified for business purposes. Areas in southern Ye township have become investment frontiers in recent years. These areas were blacklisted by the government for decades until 2010. People in Ye Township have constantly faced land confiscation throughout the years during previous military regimes, and about 7000 acres of land were confiscated by the Burmese army in coastal areas, fishing communities, and orchard plantations (HURFOM, 2016). More recently, domestic and foreign investment plans are emerging that require a lot of land in rural areas. Villagers say that they have been denied land ownership by the government Land Management Department when they apply for Form-7, the right to work on land according to the 2012 Farmland Land Law. Their reason is that due to the security of the area, they cannot go to demarcate the land for villagers. However, when a private company applied for land use permission, the Land Record Department immediately helped the company demarcate the land and approved the land use permission. Corruption in government departments is one of the biggest issues throughout Myanmar. Those who can

pay large bribes and those who have a close relationship with authorities can get Form 7, according to local villagers in Magyi village.

As argued by scholars, the commodification of land is facilitated by government intervention, such as through laws and policies. In the case of Myanmar, a number of laws have been amended during the reform period, such as the Farmland Law, the VFV Land Management Law, and the Investment Law. Civil Society Organizations claim that these reforms were made to favor businesses and investment projects that use land for economic development. The NLD government amended a controversial law that could have led to millions of farmers losing their land and becoming landless. The definition of vacant and fallow land according to the government would have resulted in land in areas where traditional land use and customary practice being categorized as unused land and vacant, fallow, and virgin land. In the case of Magyi village tract, the area has been categorized as a “black” unsafe area. Villagers use traditional methods for agriculture and livelihood purposes only. Due to these security reasons, villagers did not have land registration and land titles until 2010, when the threat of investment rose and villagers rushed to get their land registered. Land commodification from the stone mining project in Magyi village tract has had negative impacts in many aspects. It has changed traditional land use systems, destroyed livelihoods, created potential environmental and social problems, dispossessed land from villagers, caused migration, and forced people to become landless wage laborers.

Chapter 4

Communities' Responses to Land Commodification Post-peace Process

This chapter demonstrates how communities in Magyi village tract have reacted to land commodification after the peace process. First, this chapter discusses land relations with the community. Second, the chapter discusses development projects in Mon areas from the perspective of the community. Finally, the discussion focuses on customary tenure in the Mon context and how communities mobilize to protect their land from land grabs and de-commodify land in their area.

Land Use System in Mon Communities

According to the Mon Region Customary Land Tenure Documentation Committee (MRCLTDC) (2018), investment companies rush to ethnic areas where and when the land laws are not strong enough to protect the land of communities. They want to exploit natural resources in these areas before the peace process is achieved. Based on MRCLTDC research findings, villagers do not oppose development projects entirely, but they want sustainable development projects that benefit the community without negative impacts on the natural environment. In proper procedure, investment projects are required to conduct an EIA or SIA assessment before they get permission to start their project.

MRCLTDC documented and observed land use practices in the Mon population in three regions: Mon State, Karen State, and Tanintharyi region,

which are categorized as areas fully under government administration, mixed control areas, and fully under ethnic armed groups, and concluded that land management systems are based on the governance of the region. There are about 25 different types of land use in Mon communities in Myanmar, including farmland, rubber plantation land, garden land, pastured land, hillside land, mangrove land, monastery land, and cemetery land (MRCLTDC, 2018). According to the MRCLTDC, different types of private land ownership exist in Mon communities: farmland, agricultural garden land, rubber land, and hillside land. These lands have been handed down from generation to generation by inheritance tradition. In ancestral land, Mon people cut and cleared the wild forest and bushes when they found an unoccupied area and then cultivated these lands, which were passed down to generations. It is called ancestral land.

When parents pass away, lands are equally distributed to all siblings, and this is called inheritance land. After they inherit these lands, villagers change the property's name to their own with the village head's witness and agreements made by other siblings. Even though nowadays most land is privately owned, there are still public lands such as monastery or religious land, cemetery land, village vacant land, pastureland, and mangrove land.

Mon farmers who live in areas under central government control have certificates for their farmland that recognize their ownership. In mixed-control areas, farmers in these areas are required to pay taxes to both the government and ethnic armed groups. For example, in villages in southern Ye Township, like Magyi village, farmers have to pay taxes twice. In these areas, there has always been armed conflict, and they have had to flee their land at times. Only areas under government control or close to the town have valid tax receipts and documents.

Land Relations in Magyi Village Tract

The nature of Bleh Patoi mountain is that the top area is stone, but the bottom area is suitable for agriculture. The majority of land on the mountain is privately-owned orchard land already owned by villagers. Magyi villagers are working together, united to protect land in their village. At the beginning, many did not understand the project, and the company along with village monks and the village head convinced villagers that the project would help develop the community. When the company began buying land from villagers,

some sold their land. However, within a short time, some Magyi village monks and youth came to understand the situation more clearly and began talking about the potential negative consequences of the project. Together with community and civil society organizations, they began mobilizing to stop the project and prevent further land sales to outsiders. Today villagers are aware of what is happening in their village and have started talking about land sales not happening in the future.

Mon people in general are rice farmers, orchard farmers, or rural working people. Land is for basic survival, and not generally seen as a commodity. Rubber has become one of the major agricultural products now in many areas of Mon State. Those who live in the coastal region also make a living fishing. According to a report by the MACDO (2020), which conducted research on people in Magyi village whose socio-economic survival depends on the Bleh Patoi mountain, the Magyi village tract is situated in a unique location surrounded by forest, mountains, and coastline. They can rely on livelihoods from both land and fishing.

Magyi village is an agricultural community, not far from Ye Town. The transportation and roads are in poor condition because of the lack of security in this area in the past for infrastructural development. No local visitor has come to visit in the past. The village was formed over a hundred years ago by small groups of people who fled conflict in other areas. Later on, this collection of people became a village. Other settlements under Magyi village are the same; some were formed later. In some villages, not only Mon people but also Burmese migrants have come to search for work in fishing. The village is on the border of Yebyu Township in Tanintharyi region. It is surrounded by mountains and coastal landscapes. Villagers rely on water and firewood from the mountain by the village.

Villagers sell wood and bamboo from these forests for tent building and sell bamboo to fishermen for 1000 *kyat* each. Fishermen need bamboo. In summer, water from the mountain was used for orchard gardens. Orchard farmers rely on water from the mountain. Villagers rely on water from the mountain not only for agriculture but also for drinking. If this mountain is destroyed, the water source is also lost. That is

why villagers are opposing this stone mining project (Phone interview with villager, 21 January 2022).

For water usage in the village, land that is where the water source comes from is not sold yet. After selling the land, villagers hesitated to go collect water in that area (Phone interview with villager, 16 January 2022)

Orchards are the main livelihood. Mon people are not really working in fishing; they are mostly Burmese people who live in Mon State. Only a few people go fishing. Because they believe in Buddhism and do not want to live based on killing the lives of other beings. That is why Mon people engage in orchard plantations and farming (Online interview, 10 January 2022).

Villagers in this community depend on the forest, as one of the villages, Dani Kyar, under Magyi village tract, does not have access to electricity. It is more remote compared to other villages. The villagers here rely on the forest for cooking wood, picking bamboo shoots, and other things on Bleh Patoi mountain. After selling their land, they go to a mountain in Yebyu township to collect wood, which is near their village.

There is mangrove forest in Mi Htaw-hlar Gyi, which is inside the Magyi village tract. Villagers rely on this mangrove forest for many resources, including wood for house building and fishing. They have preserved this mangrove for a long time by making rules with other community members. This mangrove has provided many things, such as food, a balanced ecosystem, a place for those who conduct research, a job, and more. Fishing is one of the main sources of livelihood in these communities. According to research by MACDO (2020), if this village has to be relocated due to the mining project, villagers or those who are working as fishermen will return to their native town or migrate to neighboring countries for work.

Regarding stone mining on the village mountain, villagers' most concern is the storming during the rainy season because villages are protected from the storm by this mountain (Phone interview with villager, 21 January 2022).

Community Perception of Development

The term “development” became trendy after the 2010 reforms. Investments in rural areas, both domestic and foreign, increased. But what does development really mean to people in rural areas in Myanmar? According to TNI (2019), for members of Mon communities, many of the investments have been seen as a destructive force rather than securing development. This is because most of the investments or development projects have changed livelihoods and the natural resources that communities rely on with very little consideration for the community’s life. The projects are more like profit-seeking than development for the community.

Despite that villagers would have to lose their land, the Magyi village head, village monk, and community members have accepted the stone mining project to operate in their community because they want development. The area is underdeveloped compared to the heartland of Mon State due to intermittent conflict, even after the 1995 ceasefire agreement with the Burmese military. Villagers want development in their village, meaning better roads, access to electricity and mobile phones, and better infrastructure and jobs, but this development comes at a cost. Some villagers believe that if the Excellent Fortune company comes to invest in development projects in the village, the village will develop. Villagers are convinced to sell their land to the company. Some villagers also know that when the company comes to the community, they come to make money. In the beginning, there were not many people willing to sell their land to the company.

There is a conflict of interest. The reason some villagers were convinced to sell their land is that they want development. The company, village monk, and village head persuaded the villagers that the village would be developed, such as through better jobs. So, your area will have more value. This is a conflict of interest. It is actually true. However, their approach is not right. Because they have to do many things in correct procedure, such as a fair market price, proper compensation, consent from the community, and clear and right information to the community, they have to do an EIA or SIA (Online interview, 26 March 2022).

Among the Magyi village tract, only two villages, Magyi and Dani Kyar, are connected to the stone mining project by the Excellent Fortune Development Group company. The company approached the village leaders of these two villages and village monks. Monks in Mon society are very influential over their fellow villagers. The company persuaded the monks, and the monks became interested. So, the monk invited Excellent Fortune representatives to the village, and then the company applied for land use permission from the government in 2018, for 98 acres initially.

According to MACDO, the company has met with village heads and village monks many times. However, there has been no consultation (Free, Prior, and Informed Consent) with the local villagers of the communities. There has been no environmental, social, or health impact assessments (EIA, SIA, or HIA). It has been two years since the villagers applied for land registration under Form 7, but there has been no reply from the Land Records Department regarding the villager's application. However, the community has accused this government department of favoring the company, and encouraging the company in their application for VFV land use permission for their project.

In Mon communities, villagers have often been referred to as opponents of development. The government often made the comment that every time a development project was planned in Mon communities, they were against it. Communities want development, but most development is not in line with proper procedure, is not transparent, and is mostly done only to gain profit with a lack of consideration for the community's concerns and their lives.

For decades, the southern part of Ye area was blacklisted. During the military government, teaching Mon language and history was banned in schools. After 2010, the new democratic government signed a peace deal with the Mon armed groups, which opened the door for infrastructure and development projects. For example, a new coal-fired power plant was planned in Andin village in Khawsar sub-township. Local residents were against the project, not because they did not want development but because it might have many negative consequences, such as destruction of livelihoods, environment, health, and culture. A monk in Andin said he was worried that the project would bring new conflict to the area and Burmese migrants coming to look for work in the area. For decades, through Burmanization and militarization processes, more Burmese migrants have arrived in Mon communities.

According to HURFOM (2018), NMSP applied for permission to use land in the Parlain region of the Andin village tract, including Magyi village, Dani Kyar village, and some other villages in southern Ye Township, which aimed to halt land grabs by investment companies that want to exploit local natural resources. NMSP also tries to protect communities from land grabs by exploitative investments. According to youth members of Andin village, the community lacks trust in the NMSP for what they are able to do because the local community said that whenever a company comes to the village for an investment plan, they bring NMSP members. For NMSP, they believe that it is difficult to oppose the company when it operates with the government directly. Because of the lesson from the previous example, the local community is the one who suffers from the impact of the investment rather than benefiting from the profit, which is why the local community viewed the investment as a destructive force during the previous two terms of democratic government.

Community Mobilizing to De-Commodifying Their Land

Social opposition to commodification of land in communities has emerged. To draw from Polanyi's concept of the double movement (2001 [1944]), the push and pull dynamic of capitalist development shows that the struggle of land transactions is between land grabbers and those trying to retain possession (Sai Balakrishnan, 2021). Polanyi contended that industrialized capitalist economies experience a double movement as markets expand and counter-movements emerge to limit their reach. The concept of counter-movement proposed by Polanyi is the attempt by social movements to protect society from the deleterious effects of fictitious commodification (cited in Goodwin, 2018). It provides an alternative conceptual framework to explore resistance, activism, and contestation in capitalist societies. But Polanyi did not provide enough explanation of how this could be achieved, according to Goodwin.

In the case of the Magyi village community, not all community members have resisted the commodification of land, even though villagers have had to lose land. The village will be relocated as villagers expect development or because they lack the knowledge to resist or overcome the influence of powerful people. Not all of the villagers want to sell their land, but the company is negotiating with the abbot and village monk, and the monk decided to agree with the company. Villagers are afraid of the abbot's brother, who was a criminal and

former member of a Mon splinter group, and he has threatened villagers. Because of this, many villagers have to agree to sell their land.

Youth groups in the village oppose the project because it does not follow proper procedure and law. The stone mining company did not get consent from local villagers. HURFOM (2017) reported that the company used improper means to get land and permission to operate their mining business in the village. The company signed an agreement with three senior monks in 2018 and agreed to provide the village with a 20KVA power generator, electric cables, utility poles, a kindergarten, and a crematorium. However, the consent agreement was signed by force. Villagers accused the company of bribing the head abbot so that village monks would change from opposing to accepting the project as in monastic communities, monks are very respected people. In exchange for consent, the company instead sponsored a pilgrimage for villagers to visit Buddha Gaya in Bihar, India to win their hearts and convince them to allow the mining operation.

Villagers said that the company made connections with village leaders, did not inform locals properly when buying plantation land, and conducted land surveys without their consent. They reported that the company unlawfully bought as much land as they could, and their village leader failed to stop and prevent this. Grazing and community land were included in the sale, which made the villagers furious. They reported the case to the Ye Township General Administrative Department (GAD). In response, the village head claimed that the villagers aimed to harm his reputation and sued a monk and five local activists under Criminal Act Section 500, defamation. Ye Township Court summoned these five local activists, and a local monk was summoned by senior monks in the village for his activism in opposing land injustice in the village. As a result, the activist monk became silent about the land case and felt powerless and defenseless.

The villagers then sent a petition letter to the Mon State Parliament Speaker, requesting a stop to the misconduct of the company in their village. However, the project is pushing ahead despite the controversy. The village head, meanwhile, said that the project poses no harm to the communities but would spur economic and social development. The village head eagerly wants to see development in his community.

We have been underdeveloped for a long time. The company informed me that their stone mining operation has done no harm to the villagers. We accepted it because we want development, such as better road conditions, access to electricity, and others. Some villagers support the village head and some do not, and this creates tension in the village (Online interview, 26 March 2022).

The monk threatened villagers that oppose the project would face consequences, like a police investigation, if they refused to approve it. However, one monk who strongly opposed the whole process did not give up and had no fear of threats. He and five other activists were then sued by the village head due to their opposition to land grabs and land commodification by the company. The villagers who were actively advocating to stop the stone mining project accused the village head of being corrupt and selling communal land. The other senior monks tried to silence the activist monk from speaking up about what was happening in the village on the land issue. Since the activist monk seemed powerless, he remained silent afterward, while other village activists faced lawsuits. Those who opposed the stone mining project said they want to protect water sources and village cemetery land. With ten witnesses, it has been a year since the case was brought to the court in Ye city. Youth in the village, together with village stakeholders, formed a Village Land Committee. In the village, a land committee has existed since the Thein Sein government (2011-2015), but since the issue of land and the stone mining project has arisen, village youth with village stakeholders have formed a separate land committee because they have no trust in the village head. They see the village head as corrupt and as cooperating with Excellent Fortune on the stone mining project instead of protecting villagers from being pressured to sell their land.

The Mon Area Community Development Organization (MACDO) and the Human Rights Foundation of Monland (HURFOM) are the two Mon civil society organizations that are working closely with this community. HURFOM has been conducting training on land rights in Ye Township since 2013. After 2019, MACDO encouraged villagers to document customary land tenure, gave awareness training about land tenure security, and applied for land registration through Form 7. In 2019–2020, MACDO and HURFOM provided technical assistance to local youth to conduct land surveys, self-demarkation to document

customary land tenure, and awareness training about customary tenure to about 360 villagers.

According to MACDO, villagers submitted an appeal letter to the Mon State legislature in 2017. Villagers organized a field study trip to the cement factory in Kyaikmayaw Township to learn about the impact of the cement factory's limestone extraction on their communities. Villagers participated in workshops on investment and policy discussions with civil society organizations, and organized a field trip to Dawei to learn about environmental protection in mangrove forests. They also arranged a meeting with the Forestry Department, organized a field trip to Paung Township to learn about quarry mining and its impact, and organized land committee meetings in the village and meetings with the NMSP.

We, MACDO, organized a field trip for villagers from Dani Kyar and Magyi villages to other areas to learn about the impact of mining in Kyaikmayaw, Paung, and Dawei, get an understanding of the impact on livelihoods, and then organize a campaign opposing what happens in the community (Online interview, 30 March 2022).

We have been raising awareness among villagers to defend their land and community. For example, some villagers in Dani Kyar were included in the committee to mobilize fellow villagers, village heads, and former village heads.

Villagers removed village head from his position who sided with the company, and then they elected a new village head.

Villagers held a press conference in Ye in 2019 to spotlight the mining project and how it will impact the community as a whole. The mountain is home to many rubber and betel nut orchards; about 100 farmers have betel nut plantations on the mountain, which is the only source of income for this community. The environmental concern is that if this mountain is destroyed, the village will not be protected from natural disasters like storms and floods. Villagers claim that the Ye Township Department of Agricultural Land Management and Statistics is trying to classify the mountain land as vacant or fallow under the 2012 Vacant, Fallow, and Virgin Land Management Law.

Despite such efforts by some members of the community to protect their land from being sold to outsiders, they are powerless. The majority of village monks are supporting the company, though there are a few monks who do not like the stone mining proposal in the village. Senior monks have counseled other monks not to oppose. Meanwhile, the Mon State government continues to ignore what is happening in the village.

The company could get land because of some villagers who are helping them get the land. A village committee was formed to protect land in our village from being in the hands of villagers. However, the government and NMSP are not doing anything to prevent this from happening. They pay an attractive market price for these ancestral agricultural lands in order to get the land. Whether villagers have documents or not, these lands are ancestral land and need to be protected (Phone interview with villager, 21 February 2022).

The company has opened an office in the village. A monk in Yangon invited the company to go there. Villagers who are outspoken have questioned the company. They have mobilized other villagers not to sell anymore. NMSP has lately come to the village to also tell the villagers not to sell their land. However, in reality, NMSP is not doing anything to halt the project or make the company leave the village. MACDO and HURFOM are the main organizations helping the villagers on different issues, such as helping in writing letters to the government about land issues.

Success Story of Community Mobilization

There have been several mass demonstrations by Mon communities against investment projects in the past 10 years, such as a quarry operation in Paung Township, a cement factory in Kyaikmayaw, and a coal-fired power plant in Andin village of Ye Township. The Andin case was considered one of the most successful grassroots local community-led mobilization movements, able to halt an investment project that planned to construct a coal-fired power plant by the Toyo-Thai Corporation Public Company Limited (TTCL). In this case, TTCL attempted to build a coal-fired power plant near Yangon, but they could not acquire land for the project. The plan then moved to Andin, Ye Township,

in Mon State. Their plan was to sell electricity to the Myanmar government from coal-fired power plants, and they acquired about 500 acres of land. Andin village is situated in the south of Ye township, near the coast. It is an agricultural community surrounded by plantations, paddy fields, mountains, mangrove forests, and the coast. The village's livelihoods are orchards and fishing. If coal-fired power was built in this village, the impacts on the community would be huge, destroying whole livelihoods and the environment.

The project began without free, prior, and informed consent from the communities. In 2014, a domestic company began purchasing land, claiming that it would be used for fishing, but later villagers found out that this land would be used for a coal plant. The community emerged very strongly against the project because of the coal-fired power plant, which would have huge negative impact. Villagers built a strong network from the grassroots to the national level to lobby the Mon State Parliament and Union Parliament, calling on all parties to support their calls and halt the project. Press conferences were held to raise the general public's attention about the negative consequences of coal-fired power on communities and the environment. Nearly every house had a "No Coal" sticker. Mon State Parliament member Aung Naing Oo visited Andin, met with local villagers, and returned to parliament to present the message of the community. Later, the state government announced it would allow a feasibility study for the project to proceed, and Aung Naing Oo proposed to cancel the project entirely. Six months later, the Mon State Parliament agreed to cancel the project (Ghio, 2015).

The area was once on the blacklist of the military government during in previous decades. But after the peace agreement between NMSP and the Burmese government opened the door for infrastructure development, the community was strongly against the coal-fired power plant project. In previous decades, even teaching Mon language and history was banned. After 2010, it became free to teach Mon language and history. The community was worried that this coal project would bring new language and ethnic-rootd conflicts to the community, such as Burmese migrants and more (Ghio, 2015).

After the threat of the coal-fired power plant project, the community established Andin Community Mangrove Forestry by planting 5000 mangrove plants on 190 acres, for which they applied for community forest status in 2016. A community forestry certificate was granted for 150 acres by the Ye Township

Forestry Department in January 2020. According to a local activist from Ye Township, it was established on vacant land, and the main reason was to protect this land from outsiders. This vacant land was once paddy twenty years ago. But after the rice field embankments broke, salt water entered the land and farmers could not farm on them anymore. After that, mangrove trees began growing. Villagers started contacting the Forestry Department and Farmland Management Department to establish community forestry on this land in 2016. Despite this successful example of community-led movement to halt a project that would threaten their area, the case of Magyi village tract community has different circumstances. There are many challenges regarding community mobilization. The worst is the Covid-19 pandemic, followed by the military coup, both of which have overshadowed all of what is happening related to land issues on the ground.

According to a local activist from Andin, the difference is that their organization is project-oriented. In Andin's case, it was all done with volunteer spirit. That is why this case was successful. It also depends on how much villagers themselves understand the issue in their community. In terms of solving problems, villagers have also reached out to NMSP on land conflicts or other social issues, as NMSP has its own justice mechanism. Some villages in Ye Township go to NMSP to solve problems instead of government departments.

Customary Rights as a Way to De-Commodify Land

When discussing customary land tenure in Myanmar, it mostly refers to upland ethnic areas such as Chin, Kachin, Karen, and Shan. Land use in Mon communities is considered a commercial practice, but there are places where land and natural resources are shared and used in a traditional way. In the case of Magyi village tract, which is a area remote from other Mon communities, some land areas are shared among community members; for example, mangrove forests and Bleh Patoi mountain, which villagers use for water sources, food picking such as bamboo, and collecting firewood.

According to TNI (2019), customary land means customary land management systems, customary tenures and rights, or community-based property systems. MRLG (2016) states that there are many different types of customary tenure systems in Myanmar depending on history, geography, resource base, ethnicity, and the extent of market integration. The three examples

of customary tenure on the ground in Myanmar are customary communal tenure, customary tenure with a mix of family level and communal land management, and customary tenure that is fully partitioned. But this customary study by MRLG refers to customary tenure in upland ethnic areas. According to the 2018 USAID report on the Land Tenure Project in Customary Tenure in Burma, it differentiates the customary tenure regime from the private property regime. Every community member in Magyi village tract owns land because their survival and livelihoods are entirely based on working on the land. “Customary land systems can, by asserting control of resources against outsiders and by mediating use of local land and resource within communities, enable equitable, productive and sustainable livelihood-oriented resource use for rural communities over the long term” (TNI, 2019).

CSOs and NGOs play a role in this situation. MACDO works on raising awareness among community members about how, if the company comes to their village, it will impact the land, environment, their orchards, their health, and their children. MACDO organized a field trip for villagers from Dani Kyar and Magyi villages to Kyaikmayaw, Paung, and Dawek to learn about the impacts of mining. The community got to understand and become aware of the impact on livelihoods, and started considering whether what the company is doing is good for the community or not. They believe that this field trip benefitted them. Some groups started advocating and opposing the projects running in their community. They started collecting signatures to mobilize a campaign.

We have been raising awareness among villagers to defend their land and community. For example, some villagers in Dani Kyar included in the committee mobilized the villagers, village heads, and former village heads. Due to their activities, they took down the village head, who sided with the company, and elected a new one. In the case of land sales and purchases in the village, the village head cannot sign. The committee has to sign it. If the committee does not sign, the village head cannot approve the sale. For the moment, this case has been quiet, probably because of the complex conflict of the coup (Online Interview, 30 March 2022).

HUFROM started a customary land project and started giving training to community members about customary land rights in Mawlamyine.

Customary rights may not exist in the context of the Mon land use system, but we can still refer to it in our case, like our ancestral land, which was inherited from our older generation. It may differ from customary Karen land use systems such as shifting cultivation. In Mon traditional land use, there is no shifting cultivation. The Mon land use system has been integrated with commercial farming a long time ago, and it is not like Karen land use, where land is shared as a common resource and is not sold or transacted. In Mon communities, land is used individually, and defined by individual families, passed on from parents and grandparents who have been growing, planting, and working on some plots of land for hundreds of years.

According to an interview with a key informant, going through the legal document process is not really working. He explained that since land in this community is ancestral land, it should be under free land ownership. But, according to the law, ancestral land can be considered VFV land. Land in this community has no guarantee of land security, and communities can lose their land to investors or the state quite easily.

According to a report by the Mon Area Customary Land Tenure Documentation Committee (MACLTDC), customary land practices in Mon State and Mon Areas are under threat (HURFOM, 2018). There are many threats to traditional community land tenure and ancestral land ownership embedded in existing state laws. These ancestral lands that have been used for generations are not recognized in existing laws. In fact, these unregistered lands are categorized as wild and unused land, which is not true on the ground. MACLTDC has documented local Mon land management strategies and systems in eleven townships in Mon State, Karen State, and Tanintharyi Region.

Ethnic civil society organizations demanded that the NLD government postpone land law reform, arguing that the legislation was drafted by the central government, which does not represent grassroot ethnic minorities and neglects traditional land use systems (Irrawaddy News, 2021). Ethnic minority organizations have been advocating for the recognition of customary land rights, and because they lack these customary rights, they are vulnerable to land grabs by the state and businesses.

In 2016, the New Mon State Party and Mon farmers held a discussion on Mon region land policy to guarantee rights to land to the Mon community from land grabbing and land confiscation by the Burmese army and investment

companies. Throughout the past decades, the NSMP has issued land registration certificates in Mon-controlled areas. However, certain NMSP-controlled areas were recognized as forestry areas by the government. For example, in Mon communities in Yephyu Township, local residents reported that they have been denied land ownership by the government when they applied for Form-7 as they are situated on state forest land (HURFOM, 2016). NSMP, CSOs, and Mon farmers, through Mon region land policy discussion, initiated opposition to the government's 2012 Farmland Law, 2012 VFV Land Management Law, 2016 Land Use Policy, and forestry laws, which threatened customary land tenancy for ethnic groups in the country.

The Farmland Law stipulates that land can be legally bought, sold and transferred on a land market with a land use certificate. The VFV Law legally allows the government to reallocate what in fact are villagers' farm and forest lands to domestic and foreign investors. These territories include both upland shifting land, fallow and lowlands that do not have official land title, and the reallocation has caused land tenure insecurity. Civil society has claimed that this is to pave the way for more confiscation of customary land (KHRG, 2019).

In 2016, about 500 Mon representatives attended a workshop organized by NMSP in Mawlamyine. A committee was formed, including members of civil society, politicians, and NMSP members to draft Mon land policy. The policy drafting built on an old NMSP 1972 land use guide, but there was still a lack of an official Mon land policy, unlike other ethnic groups like the Karen National Union which had long formed their own Karen Land Use Policy (Zaw Min Oo, Mon land policy drafting committee member) (Mon News ,2021).

According to the 2008 Constitution, the ultimate owner of all land is the state. We question, who is the state? For us, land is the owner of the people and the people who use their land, whether with traditional practice, customary practice, or ancestral land, which can prevent land grabs or be better than the land acquisition act (Zaw Min Oo, quoted in Mon News, 2020).

Mon Region Land Policy Affairs Committee (MRLPAC), under the program of NMSP, conducted a study of Mon community land use practices in 80 villages from 12 townships in Mon areas (Mon State, Karen State, and

Tanintharyi Region). Their aim was to draft a Mon Land Policy and then present this study at the Mon National Conference. They demanded a policy be drafted in which land, water, forests, the environment, and all natural and cultural resources, were to be preserved for long term customary use and managed for the well-being of Mon people. During previous military governments, land grabs were made without law, but in democratic government, land grabs were made with law.

The 2012 Farmland Law does not acknowledge customary land tenure, and the 2016 National Land Use Policy also does not include a specific description of land use policy in ethnic areas. According to ethnic civil society organizations, the government intends to allow domestic and foreign companies to acquire these lands for investment projects (MRCLTDA). According to their findings, there are many threats to traditional community land use and ancestral land ownership embedded in existing laws, particularly the VFFV land management law, because the law enables anyone to apply to use VFFV.

After the 2021 Military Coup

Since the 2021 military coup, mining operations in Mon State have been suspended. According to the interview with a local person, the mining project in Magyi village also has been suspended. Instead of conducting mining operations, Excellent Fortune are now planting trees such as acacia mangium, *xykua xylocarpa*, and teak. He shared, “we do not know if after the political situation changes, they might resume their mining operation again. It all depends on the current political situation.” He stressed that in the current situation, villagers are not paying attention to this case anymore due to the political crisis happening throughout the country.

After the military coup of February 2021, demonstrations took place all over the country. The military ruthlessly imprisoned and killed opponents and attacked innocent civilians. Soldiers and police began shooting protesters in the streets and jailing protesters, opposition leaders and journalists (New York Times, 2022). After a short time, the resistance evolved from street demonstration to armed revolution. Many protesters escaped to remote parts of the country and joined in armed revolution with ethnic armed groups and local guerrilla resistance groups known as the People’s Defense Force (PDF) to overthrow the

military. Since then, war between the military and the civilians has spread all over the country.

In Mon State, fighting between the Karen National Liberation Army, People's Defense Force, Mon State Revolutionary Force and the military junta has taken place in Kyaikmayaw, Bilin, Thaton and Ye Townships. As of December 31, 2023, the joint revolutionary forces in Southern Ye Township announced they would accelerate military action in Ye township and the rest of Mon State. In response to that, the military junta deployed more troops and tightened security at the entrance and exit gates of Ye Town (HURFOM, 2024). As reported by BNI, mining operations in Mon State were suspended after the military coup but were prepared to resume operations. However, the military council has restricted the use of dynamite. The mining company has to file with the military council for authorization to use dynamite (BNI, 2022). According to my interview, since armed resistance is strong, the mining projects in Mon State cannot resume due to fear of attack by resistance groups.

The New Mon State Party (NSMP) stands in a neutral position after the military coup in 2021. They have been criticized by the Mon community for their decision to engage and hold talks with the military regime despite the majority of Myanmar's EAOs rejecting the military junta's peace talk offers (Irrawaddy, 2022). NMSP's motto is to solve political problems through political means to achieve peace in the country. Despite peace talks with the junta, civil war has spread inevitably throughout the country, including to Mon villages in Mon State. Armed resistance groups such as the People's Defense Force and Mon State Revolutionary Force (MSRF) have emerged to fight the junta. Fighting between KNLA and junta troops often breaks out in Mon State. NMSP wants to avoid war with the junta, but they are unable to protect Mon villages from the impact of widespread war. Since the coup, Human Rights Foundation of Monland (HURFOM) has documented a notable increase of conflict between the military junta and revolutionary forces in Mon State, Karen State and Tanintharyi region.

Summary

The land issue was one of the most pressing issues during the democratic transition. As media freedoms increased and space for civil society and farmers grew, villagers were able to speak out about the injustice of land grabs, whether

by force or legal means. With the increasing inflow of domestic and foreign investment into the rural areas of Mon State, land grabs also continued. Rural communities use land for agricultural purposes as it is their only livelihood. In Magyi, agricultural land that did not have a price for many decades is now has now transformed into a land market. Fair price or compensation has not been considered with the law because in the past agreements were done orally by purchasers.

As the company exchanged land with development promises, some villagers were convinced to accept the stone mining project in their village with the hope of job and infrastructure development. However, many villagers understood the company's project plans, and understood that it would cause more harm to the environment and livelihoods of local villagers than positive benefits. Some local activists and monks have opposed the project. As the Polanyi's double movement of the push and pull dynamic of capitalist development suggests, the struggle of land transactions is taking place between land grabbers and those who want to retain possession. As capitalism has expanded and land has become commoditized, a countermovement has emerged. Communities rise to resist the process of their land being commoditized. However, in the case of Magyi village, it is a struggle between the powerful and the powerless. People are divided, not united. Many villagers seem to be convinced by promises of development for their village and have sold their lands to the company. Some villagers were pressured and threatened by village monks with relatives in armed splinter groups if they opposed the project.

Villagers who want to protect their community and land have attempted to find ways. MACDO and HURFOM are the two Mon NGO organizations that have been working closely with this community for many years. HURFOM has been conducting training on land issues and raising legal awareness since 2013. MACDO has been working on agriculture assistance, such as assistance to build embankments of farmland, trainings on customary land tenure, and research on communities. In order to protect their land and community, villagers have started mobilizing and campaigning by organizing field trips to other areas to learn about the impact of stone mining in Paung, see the impact of cement factories in Kyaikmayaw, and have visited the Kamoethway indigenous people in Dawei. They are demanding to protect their land through customary land use practices. Their land use is based on their ancestral heritage and agricultural use from previous generations. Many civil society organizations

believe that villagers need free hold rights to their land. It is not working to go through legal means. Villagers believe that whether they have land documents or not, their land needs to be protected.

Chapter 5

Conclusion

This study examines the process of land commodification in rural agricultural land and land is newly accessible to outsiders after decades of armed conflict. Since Burma's independence from British colonialism in 1948, the country has been in full civil war nationwide. The Ne Win regime resigned in 1989, and this was the end of the Burmese Way of Socialism. The country began to embrace capitalism; however, during this period, it was sanctioned by western countries and Japan for human rights violations committed by the successive military regime. Since then, the military government has relied on crony capitalists to sustain the economy. The military regime began adopting an open market policy to end international isolation.

The military regime began playing ceasefire politics during the early 1990s with different ethnic insurgent organizations in the north and then in the south, with the NMSP. In fact, this ceasefire was an opportunity for the military. They were able to expand their military battalions, gain control of territories in ethnic areas, and implement development projects such as the Yadana Gas Pipeline project in the Tanintharyi region, for which they earn billions of dollars annually.

The reform process began in 2010, and its purpose was to accelerate economic development and draw more foreign direct investment. Through the reforms, a number of laws related to land and investment were reformed and amended. The term development became trendy during this reform period with increasing numbers of investment projects reaching Mon State. Many of

them were joint venture projects between foreign direct investment joint ventures and domestic partners. According to HURFOM, most of the investment projects in Mon State are in the resource extraction sector, such as quarrying, cement, and deep-sea ports.

Major Findings of the Study

The area became accessible to crony capitalists after the peace process

Myanmar liberalized its economy when the socialist period ended the country's isolationist foreign policy under General Ne Win in 1988 and it opened to foreign investment. However, the military generals continued to rule the country. Following economic liberalization, ceasefire agreements with ethnic armed groups from the highlands of Myanmar's northern regions were made, such as with the KIO in 1994 and NMSP in 1995. Ceasefire with the ethnic armed groups along the Myanmar-China border, as argued by Kevin Woods, was the military's postwar strategy to control land and enact a kind of primitive accumulation, embracing capitalism in the ceasefire zones. The terms of these ceasefire agreements with ethnic armed groups differ for each group. They have given the military junta access and control to natural resources in these areas, allowed land confiscation without compensation, and opened space for the establishment of joint ventures with foreign investments. Despite increasing numbers of development projects in these areas, communities have not benefited. Land confiscation and human rights abuses abound.

After the NMSP signed a ceasefire with the military government in 1995, some part of southern Ye Township were still not peaceful. Some small armed groups emerged, such as soldiers who split from NMSP and formed a small armed group to fight against the junta. The ceasefire agreement between the military regime and the NMSP was for open-door economic policy on the border with Thailand and a natural gas pipeline project in Kan-bauk area of Tanintharyi region. After that, hundreds of acres of land in Ye township were confiscated for military expansion. Magyi village in the southern Ye was under dual administration. Villagers had to pay taxes to the government and armed groups. Villagers endured human rights abuses, forced labor by the military troops of the SPDC regime and robbery and kidnap by small armed groups until 2015.

The peace process with EAOs was initiated under President Thein Sein during the political transition of 2010. It was praised with positive outcomes by the international community. USDP, the military-backed party, won the general election in 2010. Many military personnel secured positions in parliament as well as military-affiliated crony businessmen. The regime continued to take a role in national politics. New land laws were enacted to focus on increasing investment to develop the country and reduce poverty. These land laws were not adequate to protect smallholder rights, but they allowed powerful tycoons to monopolize arable land. Civil society organizations opposed many investment projects which had negative impacts on the environment and human rights of local communities.

The government announced a proposed ecotourism project in Kabyawa beach in 2014, which is close to the study site of this research. Many businessmen from Yangon, local businessmen, government officials, and Mon parliament representatives rushed to purchase land from villagers at a low price. For example, Green Motherland Company purchased acres of land to arrange smaller plots to sell for profit. In Magyi village Excellent Fortune Company (also formerly known as Shwe Akarit Company) did the same. Villagers from these communities sold their land out of fear of land appropriation without compensation due to lack of legal documents.

One of the research questions reviews how the ceasefire agreement instigated land dynamics in the southern area of Ye Township. The research reveals that land in areas of mixed control will face land appropriation in the future. After the political transition, the area ends up an open field for resource exploitation by cronies and business opportunists. Inadequate land laws opened rural areas to rampant land grabbing by well-connected businessmen for agricultural and property investment. The newly amended VFV Land Management Law is in effect and threatens local land use practice. State actors are exerting their power over land in rural areas and have created opportunities for their business affiliates.

Commodification of land outcome shaped by different factors

The process of land commodification for the stone mining project in Magyi village is an interesting case. There are many factors that shape this process. One is that the location of this village tract is ideal for many business purposes and

has the potential for businessmen to profit in the future. The company first aimed to do a stone mining project, but eventually they not only were buying land for their target project plan area, but also were trying to commoditize as much land as they could. The company was not transparent, common practice during the two terms of democratic government. It is one of the reasons why there is constant tension between the local community and investors. The company has repurposed their project plan; land in the area has high market potential since it is also close to the beach for tourism businesses. According to a local human rights group, there are land plot sales happening near the Magyi village tract. One company, Green Motherland Company, known for solar energy, bought lots of land, and then arranged plots for resale to other investors.

One of the findings shows how, through land commodification in Magyi village, farmers are transformed into wage laborers. Villagers became company staff members and lived in housing that the company built for those who sold land to them. After they were persuaded to sell their land to the company, they became jobless, as their prior livelihood was only farming and orchard cultivation. Some have become plantation workers at other villagers' farms. The villagers hoped for jobs, but in fact, there were none. Due to the Covid-19 pandemic and the 2021 military coup, the company changed plans and repurposed their project into a plantation for economically valuable hardwood trees like acacia mangium, *xykua xylocarpa* and teak. There is no accountability and no consideration for the welfare of the community.

During the implementation of the stone mining project, the company did not get consent from the community. Throughout the process, powerful people made decisions. The company approached only powerful people—monks and village heads—who had authority. False promises were given to the community and villagers were threatened by powerful actors. There was no consultation or FPIC (Free, Prior, and Informed Consent), as well as no environmental, social, or health impact assessments (EIA, SIA, or HIA) which, according to their MOU, the company is required to do before beginning their project.

Land laws facilitated the process, and government agencies' corrupt practices were also involved. The threat of land grabs led villagers to seek out land titles (called "Form-7"). Most landowners in this village tract did not have a title or land certificate because their land was an inheritance from their parents from generation to generation. There have never been land documents issued

by the government. After the 2012 land law reform by President Thein Sein, villagers feared future land grabs from investment projects. They started applying for land titles and registration, but there has been no response to their application. The response from the Land Records Department was that, due to safety, they could not come to demarcate land titles for villagers. However, when the company applied for VFV land use for a stone mining project, the Land Records Department actively involved themselves in helping the company and gave land use permission.

De-commodifying and resistance emerged

Community members did not agree with the implementation of a project to bring stone mining operations to their villages. Some village activists were strongly against the project because they knew that it would have negative impacts. Farmers being dispossessed from their land, which is then commodified, has provoked community members to oppose the project. As Polanyi has predicted, land commodification has resulted in environmental damage and social dislocation, and has generated a countermovement.

In the case of Magyi village, the community has tried to find as many ways as possible to de-commodify or protect their land from becoming an industrial commodity. One of the findings from this section shows that the community has tried to justify their land use as a system of customary tenure or ancestral land use in order to protect their land from land grabs through legal mechanisms or company purchasing channels. In modern Mon society, almost all land is under individual ownership, but there are still mixed land use systems according to a recent study conducted by the MRCLTDC, which conducted a survey of land use systems in Mon communities in Mon State, Karen State, and Tanintharyi region. Land in these communities often does not have legal documents or titles, and villagers prefer to have ownership rights to their ancestral land without having to register their land under the legal system. In reality, the government has already recognized these types of land as VFV land; the community is still vulnerable to land grabs through these kinds of legal means.

Another key finding from the study relates to community mobilization. Learning what other communities, including Paung, Kyaikmayaw, and Dawei, do to protect their land, the Magyi village community has organized with civil

society organizations to mobilize. The nearby community of Andin village near Ye Town mobilized against a huge coal-fired power plant project, and this gave the Magyi community motivation. MACDO organized a trip for villagers to visit Kyaikmayaw, Paung, and Dawei to understand and become aware of the impact of extractive projects. Community members together with MACDO submitted appeal letters to the Mon State parliament and arranged to meet the government, among many other activities. However, the Mon State government has so far turned a blind eye and muted their voice. NMSP also attempted to be involved in protecting communities from land grabbing by investors by applying for land use permission for land in Andin, Kun Khari Island, Magyi, and the southern Ye area, but it was not successful (HURFOM, 2018). According to the youth of Andin, the community lacks faith that NMSP will be able to effectively do anything.

Theoretical Reflections

According to Kevin Woods (2011), ceasefire agreements have been used by the Burmese regime as a strategy to govern land and populations and produce regulated, legible, and militarized territory. Through ceasefires, he argues, the Burmese military government has transformed political-business alliances and continues to have significant implications for post-war land and resource control. The 1995 ceasefire agreement between NMSP and the Burmese regime caused the emergence of many small, armed splinter groups. The southern Ye township area became the main area of operation for these small armed groups. Villagers in these areas were caught in the middle of group clashes, and they had to pay taxes and extortion to groups on all sides. This area used to be under the control of the NMSP before the ceasefire agreement. After the ceasefire the NMSP had to withdraw from this area leaving it under the control of no one. Eventually, by 2015, some of these small armed groups were cleared and the area became safer for villagers.

The 1995 ceasefire agreement provided space for several large-scale development projects inside or close to NMSP territory, such as the Yadana gas field. The ceasefire peace process facilitated the rise of a small group of business cronies that helped sustain the military regime (TNI, 2019). Since the transition from socialism to state-mediated capitalism after 1988, the state has dominated the economy and created a business class and crony capitalists.

Political complexities emerged in the borderlands, and many groups, such as army battalions, militias, and local and foreign investors, were increasingly flowing. Some scholars have called it ceasefire or frontier capitalism. This flow of state-business nexuses enhanced state power and weakened minority groups' ability to resist the central state. Critics argue that the 2011 reform was initiated as a topdown process, enabling the military regime to secure its interests and dominate political power. Many crony capitalists ran for parliament for the military-backed party USDP in the 2010 election. Lee Jones (2014) argues that the reform process occurred not only at the policy level but that there were other political forces at the central level and ceasefire politics at the borderlands. New land laws were enacted, such as the Farmland Act, which enabled the state to allocate land and facilitate land leases to private parties, causing land grabbing.

Through the reform process, Jones (2014) also argues that the state-linked oligarchic elite, which has close connections with the military and state officials, has been the ultimate beneficiary. Cronies are dominant in market share and access to capital because they were seen as vital for Myanmar's economic growth. In the case of most development and investment projects, they threatened communities in order to get land, especially during the 1990s and 2000s; however, this became more visible after reform. Jones stated that with the military's retreat from direct political power, Myanmar's crony capitalists were poised to exercise considerable influence over the trajectory of reform. Business cronies have gained access to all types of natural resources which have destroyed and disrupted livelihoods.

During the transition, many policy reforms were initiated, including land and investment laws. Land was formalized. According to Kelly and Peluso (2015), the formalization of land and natural resources has benefited states economically. The formalization of state territories and resources and their commoditization allowed state agents and institutions to accumulate capital through both legal and illegal means. According to Suhardinman et al. (2019), these legal, political, and policy reforms are a tool of state territorialization, attempts to control and bring land closer to central state power through legal means such as the VFV Land Management Law. The new amendments to land laws have put pressure on villagers to register their land; otherwise, it will be deemed VFV and confiscated. Villagers in Magyi village rushed to register their land out of fear of appropriation, but in reality, whether their land has documents

or not, it is vulnerable to land grabbing or appropriation through the commodification process.

According to local land rights activists, government has attempted to recognize this land as VFV land and has encouraged the company to access it. Li (2014) argues that the making of land for productive use requires a regime of exclusion to determine who can access what resources for how long and for what purposes. The villagers from the community have applied for land registration since 2013, but they have never gotten a reply from the Ye Land Records Department. They have applied several times, and the government department has responded that due to security issues, they cannot travel to this area to make land assessments for demarcation. However, since 2018, a mining company has applied for VFV land use permission for stone mining, and permission was granted. A government staff member was helping the company with their case.

According to TNI (2019), commodification of land is defined as the turning of land into a commodity through the introduction of private property rights systems and laws where land is made alienable. Peluso and Nevins (2008) discuss that the commodification of people and land was, and still is, a component of what Adam Smith called “previous accumulation,” or what Marx called primitive accumulation. Peluso and Nevins argue that changes and privatization of access to or control over nature and resources deploy various legitimating techniques, including science, moral authority, and violence, to justify their projects. These are all part of the process of accumulating resources. Commodification in a capital-dominated world produces a landscape of a good life for some but dispossession for many. Excellence Fortune Development Company Limited’s stone mining project has, with no consideration of the well-being of the local community landowners, converted agricultural farm workers into landless, jobless, and daily wage labor as a result of the land commodification process.

As Polanyi argued, land, like labor and money, is a fictitious commodity, and its transformation into a commodity generates social dislocation, which then generates a counter-movement for social protection (cited in Michael Levien, 2021). A countermovement emerged in Magyi village to de-commodify their land. The community attempted to adopt customary land practices to protect their land from being commodified by private companies, as their land

use did not fit with individual or private ownership based on the state land reform model. The community started mobilizing with local activists to oppose the actions of the stone mining companies and those in power who tried to commoditize and grab their land, and collaborated with civil society organizations like MACDO. The community does not oppose all development, but they want development that is sustainable, does not harm the environment, destroy their livelihoods, or drive them off their land.

Contributions and Recommendation for Further Research

The study of new approaches to land issues in Myanmar is the contribution of this research in the context of the commoditization of agricultural land in rural area of Mon State. The study introduced a new method and approach to concept of commodification and provided a case study with policy implications. The study of land issues from the perspective of commodification has been very limited in Myanmar and in Mon State in particular, land has been very little studied from different perspectives. The commoditization of land is the process of turning land which has been used for livelihoods and agriculture into a market-oriented purposes. In the age of the global land rush, land is becoming increasingly commoditized for development projects in Myanmar.

This research had some limitations, namely, it only focuses on the southern area of Ye Township. The research findings cannot be generalized to other regions in the country regarding land commodification during the political transition. Despite this limitation, research findings of this case study reflect the impact of land policy and land formalization process during the transition period. Another limitation is that this research mainly studies only the period of political transition. The study does not cover the situation after the 2021 military coup. Further study will be required using different approaches to analyze, reflect on, and address the dynamics of land issues in the country as impacted by the current wave of widespread violence.

The study makes the following recommendations based on the literature and findings. After the 1995 ceasefire agreement, some areas in southern Ye township were no longer under the NMSP, but were also not completely under the control of the government. The residents of this community had to endure an unsafe situation, caught between small armed groups and the Burmese army.

Villagers often were kidnapped for ransom by small armed groups, and also suffered persecution and human rights violations by the Burmese army for being suspected as sympathizers of ethnic armed groups. When the reform took place, villagers feared land appropriation by the state or investors, so they rushed for land registration. They feel that there is no one to seek protection from because they lack of trust in the NMSP's ability to take concrete action. In this regard, the NSMP should grant land documents, especially to villages in this kind of mixed-controlled area to protect people who are vulnerable when land-grabbing cases occur.

The study shows that the VFV Land Management Law is a problem for land in this area. Land in this area has never been granted land title or registration. When an outsider can access land in this area—which has been an area of conflict for many decades—their land falls under threat of appropriation through legal means. Civil society claims that these laws were amended to attract more investment. But they have caused more conflict, and which could reduce interest from foreign investors. This study recommends that the VFV Land Management Law should be amended to ensure the rights of small-holder farmers who have been using land and recognize that these lands are not VFV.

During the past 10 years of democratic government, the inflow of investment from abroad or domestically into rural areas has increased. Whenever an investment project has taken place in a rural community, there has always been tension between the community and the investor. Often, communities are accused of being backward or disturbing development by their opposition. In fact, the cause of the tension is that foreign and domestic companies and investors have not conducted proper consultation with local communities. They collude with authorities to move forward on their projects with little consideration for the welfare of affected communities. This study recommends that businesses or development projects conduct proper consultation and apply the principle of free, prior and informed consent (FPIC) so that there is no tension between investors and the community whenever a development project is implemented.

Research Challenges

The chosen research study area was unique in comparison with other areas of Mon State. This area used to be a conflict zone with armed clashes between the Burmese military, the NMSP, and small armed groups. Studying land commoditization in the context of this area may be different from the rest of Mon State. The findings cannot be generalized to other areas regarding land commodification in Mon State, Myanmar.

Second, the research was done during the time of the Covid-19 pandemic and also the Myanmar 2021 military coup. Going to the field area and collecting data was the most challenging obstacle during these times. I was not able to travel to the field study area to conduct interviews and collect data. I started the interview process in January 2021 to March 2021 online with people who could access the internet. I planned to recruit a research assistant from MACDO who is working closely with this community. However, due to the high security risks in this area, they declined my request. A research assistant was recruited for data collection. He was recruited since he had been working closely with this community. However, during the data collection period, security was highly risky. It was dangerous to travel during that time because of military checkpoints which were stopping and checking the mobile phones of civilians. During these times the research assistant was not able to travel, and interviews with villagers were conducted through phone calls.

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Land Commodification in Southern Ye Township, Mon State

Ba Nyar Oo

Myanmar's 2011 political transition received international acclaim, spurring investment and leading to significant legal reforms, including the Farmland Act, the VFV Law, and the Investment Law, which greatly affected rural land. This study critically examines a 2019 stone mining project in Magyi village tract, southern Ye Township, Mon State, where a company purchased agricultural and village land. The research explores how the ceasefire agreement between the Myanmar military government and the New Mon State Party (NMSP) influenced land dynamics in Ye Township, the commodification of land by the mining project, and community mobilization to protect land rights.

Utilizing Karl Polanyi's analysis of commodification and variegated capitalism, the study employed qualitative methods, including online and phone interviews with individuals involved in the mining project and secondary data from literature reviews. Findings reveal the project's detrimental impacts on the community, such as increased tensions, job losses in agriculture, and forced relocations. The formalization of land and the peace process made land more accessible to wealthy outsiders, heightening villagers' fears of land appropriation.

In response, villagers adapted by engaging in wage labor, migrating to Thailand, or relocating elsewhere. Community resistance emerged as villagers sought to de-commodify their land by asserting customary rights. Learning from other communities, they mobilized to protect their customary land and management practices, demonstrating resilience and agency in the face of external pressures.

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