

Green Territorialization and Indigenous Politics

A Case Study of Aye Chaung Public Protected Forest
in Chin State, Myanmar

Ling Houg



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on Regional
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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).

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Author: Ling Houng
Series Editor: Chayan Vaddhanaphuti
Publisher: Regional Center for Social Science and
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Contact: Regional Center for Social Science and Sustainable Development
Tel: +66 (0) 53 943 595-6 Fax: +66 (0) 53 893 279
<http://rcsd.soc.cmu.ac.th>, e-mail: rcsd@cmu.ac.th

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

ABD	accumulation by dispossession
AIPP	Asia Indigenous Peoples Pact
CBD	Convention on Biological Diversity
CBPA	Conservation of Biodiversity and Protected Areas Law
CF	community forestry
CFI	community forestry instructions
CFW	Cultivable, Fallow and Waste Land
CHRO	Chin Human Rights Organization
CSO	Civil Society Organization
DFMP	District Forest Management Plan
DICA	Daai Indigenous Conserved Area
DIN	Daai Indigenous Network
FPIC	free, prior, and informed consent
ICCAs	Indigenous and Community Conserved Territories and Areas
ILO	International Labor Organization
INDC	intended nationally determined contributions
INGO	international non-governmental organization
IP/ENN	Indigenous Peoples/Ethnic Nationalities Network
ITTO	International Tropical Timber Organization
IWGIA	International Work Group for Indigenous Affairs
KIO/KIA	Kachin Independence Organization/Army
KNU	Karen National Union
MCRB	Myanmar Centre for Responsible Business

NBSAP	National Biodiversity Strategy and Action Plan
NCEA	The National Commission for Environmental Affairs
NGO	non-governmental organization
NLD	National League for Democracy
NSDS	National Sustainable Development Strategy
NSM	new social movement
NLUP	National Land Use Policy
PA	Protected Area
PES	payment for ecosystem services
PFE	Permanent Forest Estate
POINT	Promotion of Indigenous and Nature Together
PPF	public protected forest
REDD+	Reducing Emissions from Deforestation and Forest Degradation
SLORC	The State Law and Order Restoration Council
SPDC	The State Peace and Development Council
SOP	Standard Operation Procedure
UNCCD	United Nations Convention to Combat Desertification
UNDP	United Nations Development Programme
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNFCCC	United Nations Framework Convention on Climate Change
UNWGIP	United Nations Working Group on Indigenous Peoples
VFV	Vacant, Fallow and Virgin Land
WCS	Wildlife Conservation Society

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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

Indigenous Land and Conservation in Chin State, Myanmar

Myanmar is comprised of 135 state-recognized ethnic groups speaking 118 languages (San Thein et. al, 2018). The country is divided into 15 administrative units: seven states, seven regions, and one union territory (Department of Population, 2014). Chin state, where this research was conducted, is in the north-western part of Myanmar bordering India and Bangladesh.

Myanmar state laws classify land under customary tenure as “vacant, fallow and virgin” (VFV) land, which is legally at the disposal of the government (Ferguson, 2014). Almost half (47 percent) of the total landscape of Chin State remains classified as VFV land, followed by Kachin State at forty-two percent, and Karen, Rakhine, and Shan states at around 41 percent each (San Thein et. al, 2018). This means that almost half of the territory of Chin state remains fully under customary tenure systems. Indigenous communities maintain forested areas in their territories, including evergreen mountain forests. These areas have become frontiers for state territorialization processes. Myanmar’s VFV Law categorizes unregistered lands as vacant and unused whereby local peoples become “squatters” on their own lands (Suhardiman et al., 2019). According to this law, land under customary tenure can be formalized and enclosed by the state. As a result, the state’s efforts to meet national and international conservation commitments are likely to be implemented in

indigenous areas. Many indigenous communities (also referred to as ethnic groups) have been asserting their rights to customary land tenure against the state's control. Indigenous communities reject the state's classification of their lands as VFV lands:

For indigenous people, the land is life and inheritance from our ancestors. Through different governments they have never recognized our customary practices. There is no VFV land in ethnic areas (Sekine, 2021, p. 528).

Bryant (1997b) asserts that forest governance in Myanmar has been characterized by centralized and top-down approaches. Local communities' forest use rights are restricted to community-managed forests and are not allowed in areas immediately outside of them. State management of forest reserves emphasizes creating and enforcing boundaries, prosecuting unlawful users, and establishing a discernible presence at control centers and in rural townships (Prescott et al., 2017). Sekine (2021) argues that conservation projects by large organizations in Myanmar usually connect with state-making and territorialization processes that have historically marginalized and excluded local indigenous and ethnic peoples. Implementation of these projects frequently leads to accumulation and dispossession by military cronies (p. 520). The state also justifies its control over the landscape through laws and the discourses of deforestation. Barney (2008) describes how state forest departments view upland peoples as destroyers of the forest and, through national laws, seek to stop communities' land-use practices which are assumed to be drivers of forest degradation (Barr & Sayer, 2012).

Since the early 1990s, successive governments in Myanmar have engaged more in global climate change activities by signing international agreements related to forest conservation and renewable energy, including the intended nationally determined contributions (INDCs) (Boras et al., 2020). Myanmar became a party to the Paris Agreement on climate change in April 2016. To mitigate and adapt to climate change, the agricultural and forestry sectors were identified as the most feasible way to absorb carbon by improving forest conservation and sustainable management. The state planned to sequester 1,910 million tons of carbon by afforesting and regenerating 50 percent of Myanmar's

degraded forests through REDD+ projects¹ (MoNREC, 2017a). The government's main strategy has been to expand conservation areas (known as the permanent forest estate, or PFE) into 40 percent of the total land area of the country (GOM, 2015b). The PFE is under government management and the benefits go directly to the government sector. The government's efforts to expand conservation areas have resulted in great policy arguments and a variety of conflicts with destitute communities, including the usual practice of partly or completely banning communities' access to the forest, thus undermining farmers' self-governance and ability to maintain their livelihoods. Indeed, programs of climate change mitigation and adaptation take place at the cost of the communities whose autonomy and ability to access and control their customary lands and resources are increasingly eliminated (Boras et al., 2020). The state's top-down green territorialization approach is thus likely to create more conflicts between the government and indigenous communities in Myanmar.

In Chin State, Aye Chaung Public Protected Forest (PPF) was designated in 2002 under the previous military regime, the State Peace and Development Council (SPDC). However, implementation only started under the quasi-democratic transition government in 2013. This protected area covers many villages, including the research village (M'pai) and four surrounding villages. The entire territory of M'pai is inside the PPF, which also includes most of the neighboring villages' territories as well. These territories belong to Daai and Uppu indigenous groups from Kanpetlet. Until the last decade, villages in this area used to depend fully on rotational farming for their livelihood, known as *lone ma*² in the Daai language. However, due to the boom in elephant foot yam plantation, dependence on *lone ma* is decreasing. Nevertheless, villagers still depend on *lone ma* for food security and on the forest for collecting firewood, timber for buildings, and non-timber forest products. Establishment of Aye Chaung Public Protected Forest thus affects people's livelihoods and use of

1 REDD+ stands for "Reducing Emissions from Deforestation and Forest Degradation." It is a global United Nations programme.

2 *Lone ma* is Daai language refers to rotational agriculture in upland area where the people grow rice and other vegetables for subsistence. *Lone ma* is characterized by clearance of vegetation, burning of that vegetation, one year cultivation and longer fallow periods at least more than 8 years for the regeneration of trees and soil. This agriculture system is called hill cultivation by lowland people or *taungya* in Burmese.

natural resources for domestic purposes. Furthermore, territorialization of the landscape in the name of conservation not only is eliminating the customary land tenure system, but also its associated cultural identity. Springate-Baginski (2019) provide a working definition of the customary land tenure system as,

The systems many villages around the world operate to express, order, and regulate the possession, access, use and transfer of local land and the resources found therein. These systems involve local people controlling, managing, and using their local lands and natural resources, primarily for the benefit of the local peoples themselves, according to and expressing their cultural traditions and knowledge systems (p. 9).

The above conditions lead to conflicts between government and indigenous/local communities in Myanmar. This study examines the contestation between the state and indigenous populations, highlighting the state's green territorialization in indigenous territories, its impacts on communities, and indigenous communities' resistance against the state's bureaucratic land and resource control. These contradictions are explained through a specific case study focused on the state's creation of Aye Chaung Public Protected Forest (2002), dispossession on M'pai village, and Daai communities' mobilization for land tenure rights and their resistance against expansion of Aye Chaung Public Protected Forest in 2020. From this study, policy recommendations are provided to support sustainable conservation while minimizing conflicts.

Research Statement

Environmental conservation and sustainable development have become critical topics for the international community to mitigate worsening climate change. One prominent mechanism to mitigate the climate crisis is the creation of protected areas and forest reserves. Protected areas can be seen as the home of human society, a shield against climate impacts, a source of clean water and essential ecosystem services, home of genetic diversity, conservation of sacred sites, and landscapes for recreation and physical and spiritual restoration (Mulongoy & Chape, 2004). In this way, conservation projects may be considered essential mechanisms for maintaining the vitality of life on earth.

However, governments in Myanmar have used top-down approaches to establish environmental conservation areas and meet national conservation targets. For example, the government has aimed to increase the permanent forest estate (PFE), including both reserved and public protected forests, to 30 percent of the country and protected areas to 10 percent of the country by 2030 (Instituto Oikos & BANCA, 2011). Those targets were related to the country's international commitments (GOM, 2015b), including those under the Convention on Biological Diversity (CBD), the United Nations Framework Convention on Climate Change (UNFCCC), and others (Forest Department, 2020).

Although conservation is a vital way to combat climate change, the implementation of conservation projects usually results in conflict when the rights of forest-dependent communities are ignored. Relating to this issue, Woods (2019) asserts that green territoriality is a process of state-making that excludes populations and their rights over lands and resources. Woods writes that

Making state territory in practice involves bringing in state officials, creating state maps and boundaries, building state infrastructure, and enforcing state (and in some cases private) property, sometimes in the process displacing and resettling the local populace... [Customary lands] thereby get forcibly inserted into the state domain (p. 219).

Due to the potential impacts of state conservation projects on livelihoods and access to lands and resources, local and indigenous communities in Myanmar have risen to resist the creation of conservation areas. Examples include Geba Karen groups in Lake To in Karen State (2018), Asho Chin ethnic groups in Min Hla in Magway region (2019) and Daai Chin indigenous groups in 2020. Woods argues that international conservation initiatives have, in various times and places, exacerbated violent conflict over land use and access (Woods, 2019).

Springate-Baginski (2019) adds that the failure to recognize customary land tenure regimes of Myanmar's ethnic groups is one of the main factors generating ethnic conflict in the country. While the government claims all land under customary tenure but lacking legal documents as VFV land, ethnic groups counter-assert that "there is no vacant land in ethnic Myanmar" (Springate-Baginski, 2019, p. 34). However, the government continues to fail

to recognize customary land tenure and considers customary land-use systems as “unstable or pioneering rotational farming” with their current policy committed to eradicate all forms of rotational farming since it is a source of pollution and harmful to the environment (Erni, 2018, p. 17). In these ways, the creation of conservation areas in indigenous areas is legitimated by the state. This situation is likely to fuel ongoing conflicts and threaten the livelihoods, cultures, and identities of indigenous groups.

This research examines the case of the original Aye Chaung Public Protected Forest designated in 2002 and implemented since 2013 in Kanpetlet Township, Chin State. In addition, it investigates the resistance of indigenous Daai communities to a new proposed PPF in 2020 covering 20,234 hectares. Aye Chaung Public Protected Forest resulted in exclusion of the local people from ownership, management, and access to land and resources, especially in M’pai village. Villages in this area manage land according to the customary land tenure regime. Green grabs, like other land confiscations, have endangered the livelihoods of these forest-dependent peoples (Yukari, 2021; Holmes, 2014). Forestry staff based in M’pai village enforce the rules. The whole territory of M’pai village is inside in PPF; therefore, the villagers are forced to covertly extract timber for domestic use, collecting other forest resources and practicing *lone ma* at risk of prosecution. The government implemented public protected forest thus affects the community’s customary land tenure, livelihoods, and cultural identity.

Existing studies about protected areas in Myanmar include an overview of history, policies, and practices by U Myint Aung (2010) and peoples’ attitudes towards parks and protected areas (Allendorf et al., 2006). Van Bawi Mang (2020) focused on state territorialization in the proposed Zinghmuhltlang National Park, including its potential effects on livelihood, identity, and customary land tenure. This study also focuses on local communities’ opposition to the project and why it stopped. Kevin Woods (2019) also employed the concept of green territoriality to show how global conservation, combined with economic concessions, is deployed as a counterinsurgency strategy to assert control over the resource-rich frontier areas of southern Myanmar, displacing local communities. However, there is limited existing literature related to the process of green territorialization of the state into indigenous areas, its relationship to accumulation by dispossession, and different tactics by indigenous movements against land confiscation of the state for environmental ends. This study helps to address this literature gap by examining

processes by which the state legitimizes green territorialization in indigenous territories; the impacts of state protected areas on customary land tenure systems, means of production, and cultural identity; and resistance by indigenous communities to these state green projects. It does so through a case study of the Daai indigenous movement for their territorial rights.

Research Questions

1. How does state territorialization manifest in the establishment of Aye Chaung Public Protected Forest in Kanpetlet, southern Chin State, Myanmar?
2. How does the conservation project dispossess land from local communities, and affect the ethnic identity of the local people?
3. How do indigenous communities mobilize collective action and negotiate the establishment of a Public Protected Forest and a new proposed protected area in the form of a social movement?

Conceptual Framework

This is an in-depth study about state attempts to control indigenous areas by exercising power, land laws, discourses, extra-economic means (i.e., direct coercion), and militarization in the name of conservation. State encroachment into indigenous/ethnic territories has resulted in dispossession of land and autonomy, and indigenous peoples have therefore resisted through reclaiming indigenous identity and collective environmental stewardship. To more fully understand these processes, this study employs three concepts: 1) green territorialization, 2) accumulation by dispossession, and 3) new social movement theory.

The concept of green territorialization enables me to demonstrate how the state extends control over land, resources, and people under customary land tenure through the creation of protected areas. These processes often involve formalization of property rights, mapping, and enforcement through registration of land, resources, and people, which is embedded within state-making processes and sometimes directly or indirectly strengthened by international actors. The concept is also relevant to examine the state's justifications for excluding indigenous communities from accessing their lands and resources.

The concept of accumulation by dispossession helps me to investigate the connection between dispossession and capital accumulation. Accumulation by dispossession involves separating people from their means of production and subsistence, enforcing property systems by replacing customary land tenure, and appropriating community lands and resources for capital accumulation. These processes not only dispossess the livelihoods and land tenure of indigenous communities but also affect their identity. Accumulation by dispossession is also strengthened by neoliberal conservation, market-based processes, and extra-economic means.

New social movements theory is used to demonstrate indigenous communities' movements to achieve social justice or resist state domination to change the system and to get recognition. Indigenous movements have taken place on different scales using a variety of tactics including articulation of ethnic identity, initiating community-led conservation, and creating networks to achieve desired outcomes. In the context of Myanmar, indigenous movements have emerged as a form of re-enhancement of indigenous sovereignty or power over their territory which have been undermined by processes of state territorialization. This concept focuses on the movement or resistance of communities and civil society organizations (CSOs) against green territorialization while advocating recognition of communities' land and resource rights.

To sum up, the concept of green territorialization examines the state's efforts to control land, resources, and people in the name of conservation. The concept of accumulation by dispossession investigates processes of dispossession and exclusion through the creation of conservation areas. New social movement theory implies the resistance of people against state domination and exclusion by using different tactics as part of the negotiation to change a system or to secure their rights. As a whole, this study examines political contestation between the state and indigenous communities in terms of territorial control as well as control over people.

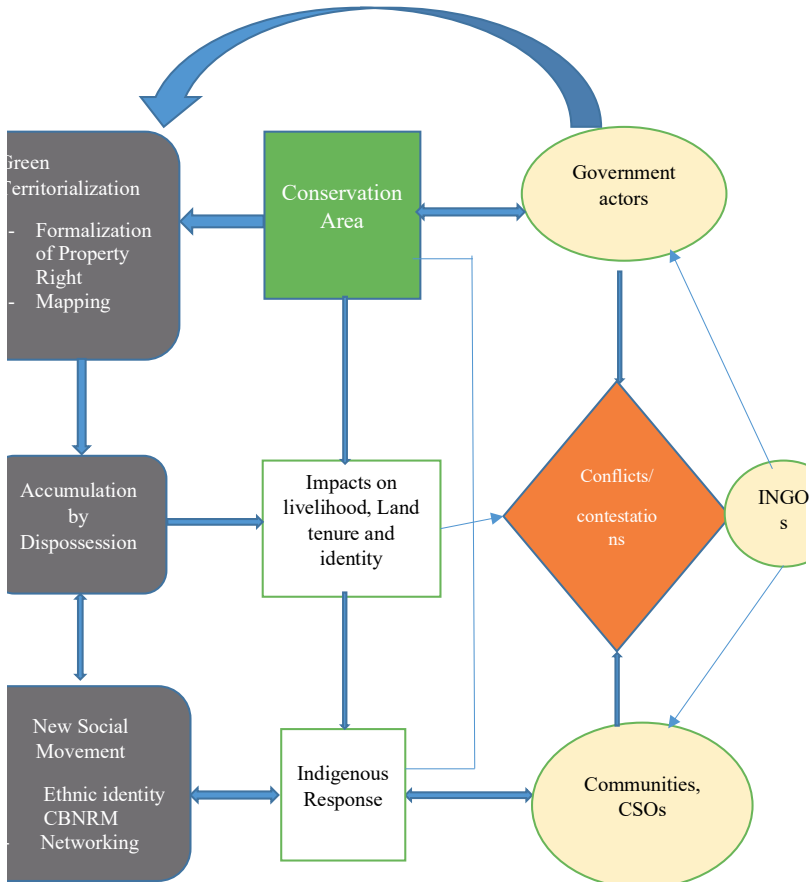


Figure 1.1: Conceptual Framework of Green Territorialization and Indigenous Politics in Chin State, Myanmar

Research Methodology

Research site

Field research for this study was conducted in M’pai village, Kanpetlet township, southern Chin State, Myanmar. This village was selected because the forest department is based in this village, and it has the possibility of being the most affected village. The village is in a very remote area and about seven hours’

drive by car from Kanpetlet town. Villagers belong to the Daai ethnic group (a sub-group of Chin ethnic people). There are about 28 households in this village. They depended mainly on *lone ma* for their livelihoods until the last decade. However, due to the boom of elephant foot yam plantations (a cash crop), many families come to earn their living from yam plantations. The decline of *lone ma* is also driven by access to roads and being able to transport rice from the lowlands. Although utilization of land for *lone ma* is decreasing, most villagers still depend on it. Moreover, land and natural resources still play a crucial role for yam plantations, non-timber forest products, and forest resources for domestic use.

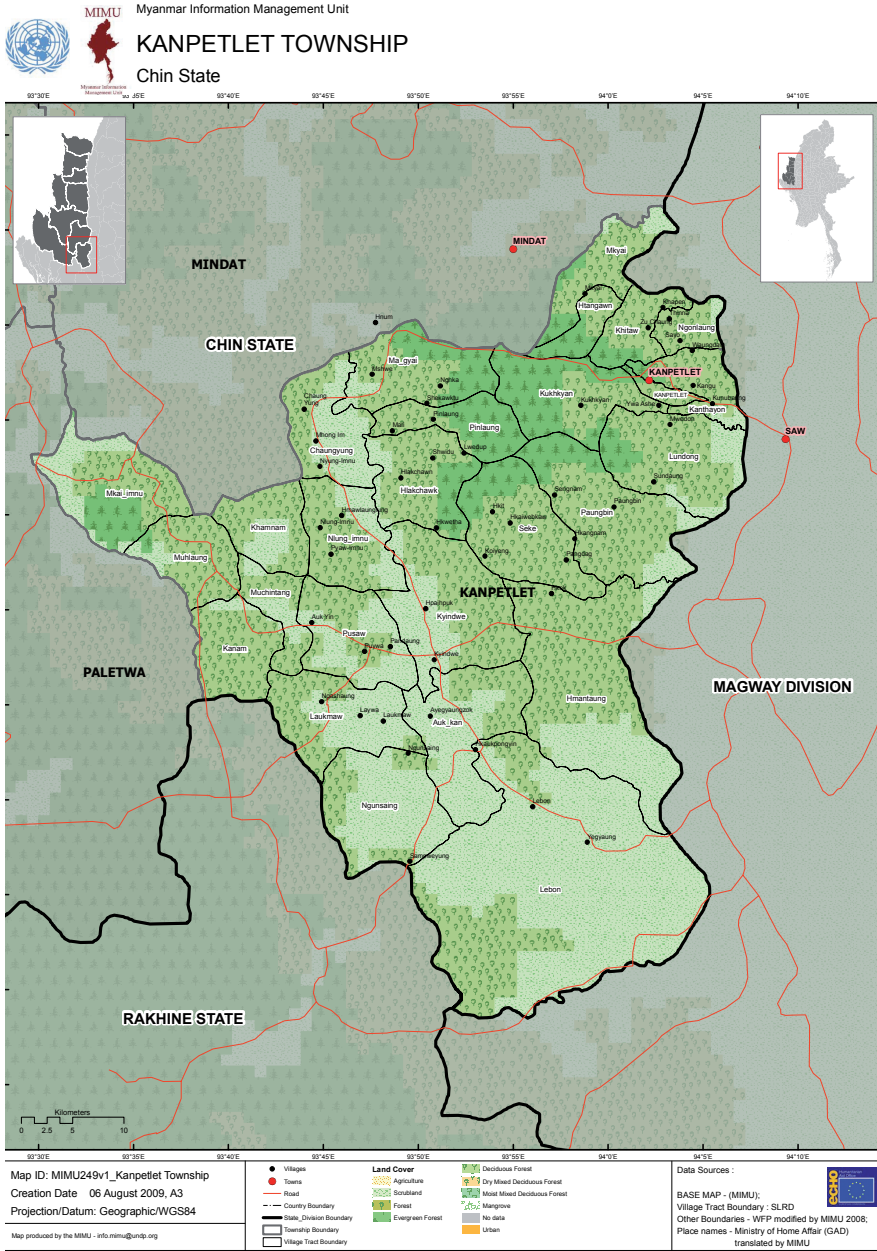


Figure 1.2: Map of Kanpetlet Township, Chin State. Source: Reliefweb (2009).

Level of analysis

The research emphasizes the contradictions between the state and indigenous communities which involves both macro and micro levels. At the macro-level, the research examines policies, laws, and programs deployed by the state for green territorialization in the process of state formation and its attempt to encroach on indigenous territories. In addition, international commitments and programs and their effects on national-level policies as well as indigenous movements at the national level were analyzed.

At the micro-level, the process of public protected forest implementation by the government and its impacts on local livelihoods, customary land tenure system and identity were examined. In addition, the research studied local communities' resistance movement against the implementation of both existing and proposed Aye Chaung PPFs and their struggle for territory rights at the community level.

Unit of analysis

In this research, the unit of analysis focused on the contested relation between indigenous communities and state power. At the community level, the unit of analysis involved M'pai village and the Daai Indigenous Network, followed by other indigenous networks and CSOs. Lastly, the research analyzed government bodies associated with land management and conservation, its bureaucratic system and the policies to understand the green territorialization of the state through the formalization of property regimes, zoning, and mapping that leads to the dispossession of indigenous territories and resulting resistance by indigenous and local communities. Therefore, the unit of analysis in this research is comprised of the village, local networks, CSOs/NGOs, and government to highlight the contradictions in terms of politics, land, and territory ownership between the state and indigenous peoples.

Data collection

This research adopted a mixed method approach. A quantitative household survey was first conducted to gain knowledge of livelihoods and land use. A qualitative method was then applied to gain rich data on the processes and impacts of territorialization from state and community perspectives in M'pai village, Chin State, Myanmar.

Four data collection methods were used in this research. Primary data was collected via a household survey, one focus group discussion, ten in-depth interviews, and 17 key informant interviews. In this way, an intense connection with a “field” or life condition, including the “everyday lives of individuals, groups, societies, and organizations” was attained (Punch, 2014, p. 142). The in-depth interviews also followed Punch’s directive to be “a means to investigate peoples’ interpretations and meanings of events and situations and their symbolic and cultural significance” (p.170). Secondary data was collected by reviewing literature and government and NGO reports.

Since I was not able to conduct field research in person due to civil unrest, two field assistants, both of whom have graduate degrees and field research experience, were hired to conduct a household survey, four of the in-depth interviews, and one focus group discussion in M’pai village. Prior to them conducting the fieldwork, I held an online training with them to explain the objective of the research and the structure and purpose of the questions for both the household survey and the in-depth interviews.

Household survey: The household survey was conducted in M’pai Village by the field assistants. This method was employed to understand and interpret livelihood activities and their contribution to livelihood (i.e., food and income) and acres of land use for elephant foot yam plantations and household gardens. I formulated structured questions for the field assistants to ask in the Burmese language. The Microsoft Access Database was used for data entry. The data on livelihood activities, contribution of each livelihood activity to food security and income, and areas of elephant foot yam plantations and gardens were extracted from the database. Out of 28 households, 25 completed the survey.

In-depth interviews: The research assistants also conducted five in-depth interviews with M’pai villagers (four male and one female) and one focus group discussion. After collecting the data, the field assistants transcribed the recorded interviews in Burmese. Data collected from in-depth interviews detailed the process of Aye Chaung PPF implementation, its impacts, and the resistance of local communities. To supplement the information received from the household survey and in-depth interviews conducted by the field assistants, I directly conducted in-depth online interviews with a further five M’pai villagers.

Focus group discussion: The research assistants also conducted one focus group discussion in which 7 villagers (4 male and 3 female) participated. This

was held after the research assistants completed the individual interviews and household survey to garner specific attitudes and understandings of the impact of the Aye Chaung PPF and new proposed PPF project.

Key informant interviews: To understand the Daai Indigenous movement for land rights, I conducted online interviews with three Daai Indigenous Network leaders. I also interviewed 14 key informants from civil society organizations and non-governmental organizations (NGOs) to examine conservation issues, contestations with local communities, and the indigenous movement for land rights at community, national, and international levels in Myanmar.

Secondary data: The analysis of secondary data such as literature and NGO reports related to the development of conservation and scientific forestry in Myanmar, as well as related laws, policies, and programs of the forest department and related ministries, enabled an analysis to understand the state green territorialization into indigenous areas by undermining customary land tenure and institutions under centralized military regime.

Social media platforms were also utilized for data collection. For example, I was able to access an interview posted on Facebook conducted by Khit Thit Media with a land activist's opinion on the NLD government's instruction to register VFV land during the latter half of 2018. This activist's permission to use data from this interview was given. A personal communication by a CSO actor posted on Facebook was also included in this research with his permission. This communication referred to the Mone Chaung Company's proposal of 1,600 acres for an eco-tourism development in Kanpetlet Township, Chin State.

Data analysis

Data analysis for this research was based on the conceptual framework and literature review related to territorialization, new social movements, and accumulation by dispossession (See Chapter Two). The method of analysis for this study followed thematic analysis methods. First, the information generated through in-depth interviews was translated and transcribed from Burmese into English. Second, translation and transcription were followed by coding, including labelling and categorizing of data. Third, keywords or general concepts were identified by regrouping the data and selecting a broader or more general concept from identified concepts to communicate findings effectively. The

coding process revealed four themes for analysis: 1) Daai Peoples' perspectives on land and customary tenure; 2) the dispossession of means of livelihood and customary land tenure; 3) effects of dispossession on identity; and 4) indigenous movements as resistance to state conservation.

Ethical considerations

I adhered to the ethical codes of “free, prior, and informed consent” and “do no harm.” Prior to beginning this research, I was program manager with the NGO Promotion of Indigenous and Nature Together (POINT). In that role, I had visited M'pai Village several times conducting trainings and workshops. In this way, I had developed strong relationships with the village head, elders and local villagers not only in M'pai village, but in surrounding villages also impacted by green territorialization. I was careful to separate my former role as POINT staff with that of my role as a researcher. As it was not possible for me to visit the research site in person, I contacted the village head by phone and explained in detail the research questions, objectives, and anticipated outcomes. The village head organized a meeting and passed on this information, from which villagers were unanimous in agreeing to participate fully in this research.

Regarding the field research, online training with the research assistants included principles of consent and confidentiality. Based on the M'pai villagers' suggestion not to use their names directly in the research, numbers were substituted for names of the interviewees. For in-depth online interviews, the interviewees' consent was sought to bring them to another village where phone was accessible. Since this village is prone to conflict between the Chin Defence Force (CDF) and the military, the protocol of CDF was followed to inform research activities and movements of the research assistants. CDF was always informed for the approval to pass their territory in order to ensure the security of research assistants and the villagers.

All interviewees were provided with an information and consent letter in the Burmese language. I communicated with them first to inquire about their situation, since many of the intended interviewees were seeking safe places. Due to security concerns, some of the expected interviewees were not able to participate in the research.

Limitations of the Study

The main limitation of this study is that I was not able to conduct field research in person due to the widespread civil unrest in Chin State. Therefore, field research was conducted partly by community-based research assistants. Moreover, research assistants were not able to go to the selected research site frequently and freely due to security concerns since the village is located between the camp of the Chin Defence Force and the Burmese military. The second limitation was the unavailability of phone and internet at the research site. Consequently, four villagers were brought to a neighboring village nearly ten kilometers away for a direct phone interview with the help of community leaders from that village. Third, government actors in the implementation of Aye Chaung Public Protected Forest were not able to join interviews since government institutions are not functioning in Kanpetlet and Mindat. Lastly, some key informants were not able to take part in the interviews as stated above. However, regarding one who was not able to join, he had previously participated in an interview with the media, information which I was able to access for this research. Although there were many limitations for conducting this research at the community-level, the strong support of community leaders found ways for the research to proceed.

Organization of the Book

This book is divided into six chapters. Chapter one provides the background and problem statement of the study, including brief information about conservation-induced conflicts in indigenous areas, the importance of the study and a brief introduction of the case study area is provided. This is followed by research questions, research objectives, and methods. The methods encompass the discussion of research site, data collection, and analysis. The chapter concludes with a discussion of the limitations of the study.

Chapter two provides theoretical and conceptual discussions, involving the concept of green territorialization, accumulation by dispossession, and new social movements. Under the concept of green territorialization, land formalization and mapping of the forest landscape are discussed. This is followed by a discussion of the concept of accumulation by dispossession and relation of the concept to current conservation schemes and processes of dispossession. The last concept discusses new social movement theory and mainly focuses on

reclaiming ethnic identity and emerging community-based conservation initiatives and networking. The condition of Myanmar is reflected into all the three concepts. The chapter concludes with the development of the conceptual framework that guided this research.

Chapter three articulates the development of green territorialization in Myanmar from pre-colonial times to the present day. The discussion expands on the conservation situation in pre-colonial times, the development of scientific forestry during the British colonial period, and its dispossessions for accumulation as well as indigenous resistance (1852-1947), the emergence of centralized territorialization after post-independence (1948-2011) and policy developments under quasi-democratic governments (2011-2020). This chapter concludes with a case study about the implementation of Aye Chaung Public Protected Forest in Kanpetlet township, Chin State, Myanmar by highlighting the approach to conservation.

Chapter four is the first of two findings chapters that explore dispossession and accumulation through green territorialization. It highlights the ways that dispossession of indigenous territories is legitimized by employing the politics of shifting cultivation and discourses of policy implementation, sustainability, and wildlife protection. This is followed by an analysis of themes that emerged from the research findings, including Daai Peoples' perspectives on land relations and customary tenure; processes of dispossession; and effects of dispossession on livelihoods, customary land tenure, and identity. The chapter concludes with a discussion of current and future accumulation by dispossession and green territorialization in the context of Myanmar.

Chapter five is the second the two findings chapters. It focuses on literature concerning indigenous movements against the state's green territorialization and the articulation of indigeneity at the national level in Myanmar. This is followed by an analysis of the strategies of Daai indigenous peoples for land rights, highlighting ways they are re-articulating their identity, mapping, establishing conservation initiatives, and networking. In this chapter, different community-level indigenous movements are articulated as follows: the resistance of M'pai village to the Aye Chaung Public Protected Forest; the identity-oriented environmental activism of Daai indigenous peoples for land, resources, and territory rights through the creation of Daai Indigenous Conserved Area and Daai Indigenous Network; and collective resistance to a

new proposed PPF. This is complemented by a discussion of other community-level indigenous movements in Myanmar.

Chapter six provides the conclusion of this thesis, highlighting the process of delegitimization of customary land rights and institutions of indigenous peoples by the state and extension of green territorialization into indigenous areas. This is followed by a summary of the key findings of the research, discussion about the contribution of the research, and recommendations.

Chapter 2

Theoretical Background and Literature Review

This research engages with scholarship on green territorialization, accumulation by dispossession, and new social movements. In this chapter, these three bodies of literature are reviewed to examine processes and impacts of dispossession on indigenous communities in the neoliberal era, especially in the Myanmar context.

Green Territorialization

Before discussing green territorialization, it is first important to understand the definition of this term. Green territorialization is a specific kind of territorialization. Bassett and Gautier (2014) state that,

Territorialization refers to specific territorial projects in which various actors deploy territorial strategies (territoriality) to produce bounded and controlled spaces (territory) to achieve certain effects (p. 2).

Hein et al. (2020) identify the state's green territorialization in Colombia via three components:

1. green territorialization enables state access to areas under the control of insurgents,

2. creation of new national parks attracts public and individual funders to support state formation, and
3. green territorialization is described as market-oriented conservation such as REDD+ and payment for ecosystem services.

They add that green territorialization is associated with

the mapping and zoning of forest land, demarcation of forest boundaries and enactment of conservation laws. Moreover, green territorialization often implies land appropriation by the state and by non-state actors and the homogenization of land tenure by replacing customary land tenure regimes (Hein et al., 2020, p. 40).

Kevin Woods (2019) uses the concept of green territoriality to fill a gap in the literature on green grabbing, the appropriation of land and resources in the name of environmental conservation. This implies how the state uses global nature conservation to extend its authority over areas controlled by insurgents. According to Woods (2015), confiscation of land for conservation is to be understood as the creation of state power in peripheral areas where state authority and its organization are not strong or even present at all. It is reordering territory to reinforce state rule in “wild” space. Moreover, green territoriality involves territorial interference by the state to reach environmental targets, which is better understood as state formation through the creation of state-protected zones (Woods 2015). Therefore, green territorialization can be understood as a spatial project to create bounded spaces, appropriating resources and land in the name of conservation while expanding the territorial control of the state.

Green territorialization involves various methods to control lands and resources. Scholar Phuc Xuan To (2015), in his research of this issue in Vietnam, identifies several steps such as the creation of state agencies responsible for natural resources, delineation and categorization of these resources, and registration of people’s resource use. He argued that upland peoples in Vietnam faced two types of state territorialization between the 1950s and 1980s. The first was collectivization of all common property and resources under the centralized socialist regime, and exclusion of citizens from individual land ownership or making a profit from these resources. The second was the creation

of state forests. In the early 1990s, the state shifted to a socialist-oriented market economy by allowing a system of private business ownership and letting local communities utilize forest land and participate in its management (Phuc Xuan To, 2015).

In Thailand, Vandergeest and Peluso (1995) write that state territorialization of forest land took place at three levels; first, the government's proclamation of all forest areas as state forest apart from the land which is permanently cultivated by farmers; second, establishing part of the forest as a reserve and protected landscape by banning activities of rotational farming and collecting of non-timber forest products; and third, categorization and mapping of all land, including forest and non-forest areas. These maps are fundamental to the government's regulation of people's activities and withdrawal of resources (Vandergeest and Peluso, 1995). These strategies of power and regulation include formulation of land and forest laws defining legal and illegal forest uses (Woods, 2019).

The green territorialization process of these two countries took several steps. According to the above discussion, green territorialization can be understood as specific territorial projects to produce bounded and controlled spaces to achieve environmental ends by asserting control over a geographic area and the appropriation of land and resources in the name of environmental conservation. However, in Myanmar, green territorialization into indigenous areas is not simply as the above-mentioned definitions; rather, there are additional factors contributing to territorialization such as political contestation between ethnic groups and the state, state policies of Burman supremacy, and employment of racialized state discourses. In the following sections, formalization of property rights and mapping are discussed as processes of green territorialization, demonstrating how these processes work on the ground.

Formalization of property rights

Green territorialization involves imposing formalized property regimes on landscapes which are under informal tenure regimes. Derek Hall et al. (2011) define formalization as the "recognition and inscription by the state of rights and conditions of access" inside of certain boundaries, replacing unofficial tenure, access, and organization of economic activities (p. 28). Formalization is the arrangement of any informal or customary law into a system. It also

involves the arrangement of rights to possess, access, or commercialize land and assets according to written legal or regulatory standards recognized by the state (Putzel et al., 2015). In sum, land formalization is the process by which “state land managers document, legalize, register, title, and assign property rights in the land through bureaucratic means” (Kelly and Peluso, 2015, p. 473). The following paragraphs review this process in terms of its objectives and discuss the formalization experiences of some Southeast Asian countries.

The formalization of property rights is justified as the advancement of tenure security and enhancement of different sectors such as livelihoods, economic growth, and environmental protection (Cronkleton & Larson, 2015). Hirons et al. (2018) state that,

Widespread concern for global forest loss has fueled international demand ... to formalize forest governance and tenure, based on a presumed link between legal formalization and sustainability (p. 405).

Therefore, countries seek to expand state forest cover to meet international conservation commitments. However, in many circumstances, formalization can destabilize land tenure of the most destitute sectors by causing dispossession, while providing opportunities to elites (Cronkleton & Larson, 2015). In the case of Myanmar, land formalization involves political interests to bring ethnic controlled areas and indigenous territories under centralized administration and to make the people governable. In addition, the state has sought to monopolize and exploit resources. These factors all contributed to Myanmar’s first military coup in 1962 and the imposition of centralized rule that resulted in long lasting ethnic conflict.

In the cases of Ethiopia, Cameroon, and Indonesia, formalization was the initial stage in producing new resource frontiers for exploitation. These new frontiers involve the notion of state land (Kelly & Peluso, 2015). State land includes lands which are not formally registered as an individual possession, although the land is claimed, occupied, and utilized. For example, policy and practices have generated accounts of vacantness and frontiers in Ethiopia, classifying the southern lowland regions as wildernesses and ownerless lands, by legal default, but as “state land” (Kelly & Peluso, 2015). Such representations are used to justify the confiscation of land from the people who have owned the land for generations.

Formalization of property regimes thus results in turning unregistered land uses into state land while excluding and delegitimizing former users as well as producing new frontiers. This is well reflected in the case of Myanmar, where the military regime created procedures in the 1990s to manage supposedly uninhabited “wastelands” in its new pursuit of a market economy.

In the case of Thailand, the establishment of state forest as a form of internal territorialization started with announcing all unoccupied land as state forest under the authority of the Royal Forest Department in 1896 (Isager & Ivarsson, 2002). This was followed by the formulation of laws and regulations to delineate reserved and protected forests in the name of conservation of nature. For instance, at the initial phase, the state enacted the Protection and Reservation Act of 1938 and the Forest Act of 1941, followed by the National Forest Reserve Act of 1964, through which forty percent of the total landscape of Thailand was allotted for conservation and economic forests by categorizing all forested land as National Forest Reserves (Isager & Ivarsson, 2002). This Act categorized twenty percent of farmers (1.2 million households) as “illegal occupants” of these landscapes on which they depended for their living (Hirsch, 1990, p. 168). Vandergeest (1996) adds that these acts strengthened the forest department to carry out mapping and claiming of certain territories to become “protected” or “reserved” forest, limiting local peoples’ access to the forest.

Similar to the situation described above in Thailand, between the 1950s and 1980s, a centralized Vietnamese government claimed all forest landscapes as state property (Phuc Xuan To, 2015). The state’s ownership claims excluded citizens from benefiting from forest resources. In the village of Ban Yen, for example, state land formalization processes did not recognize shifting cultivation areas when allocating land to the villagers; later, all forest in the water catchment site of a nearby dam, including lands that had been distributed to villagers, was announced as protected forest (Phuc Xuan To, 2015). Meanwhile, state officials accumulated capital from illegal logging, enforcing state control over forests while allowing widespread illegal timber extraction in the uplands. In this research, Phuc Xuan To argued that current state territorialization is dominated by the international value of forests for things like payments for ecosystem services (PES) and REDD+ (Phuc Xuan To, 2015).

In Colombia, the whole area of the province of Guaviare was announced under a 1959 law as a forest reserve, by restricting individual land ownership

but permitting business and domestic purposes via a concession regime (Hein et al., 2020). At this initial stage of state territorialization, indigenous territories were designated as vacant without acknowledging the land rights of indigenous peoples who inhabited the land. Due to indigenous social movements in the 1980s, these policies were changed and developed, such as the Amazon Policy, which recognized indigenous peoples' customary rights to govern their territory (Del Cairo, 2012).

The formalization of the landscape for green projects is also promoted by “factors influencing the legitimacy of actors” such as “shared norms and beliefs, laws and power” (Hein et al., 2020, p. 41). According to Peluso and Lund (2011), “legalization and institutionalization of this new ownership dispossesses commoners or individual claimants without legal titles, and powerful, legitimized, or draconian enforcement turns ordinary people into poachers and squatters” (p. 674). Mattei and Nader (2008) write that the rule of law repeatedly legalizes and legitimates dispossession of the powerless. Indeed, national and transnational forest governance relies on the discourse of conservation to legitimate exclusion (Hall et al., 2011). For example, international discourses of sustainability, biodiversity, and lately climate change have been the means by which the government of Laos has used to legitimize efforts to eradicate shifting cultivation and control ethnic minority groups, as this practice is narrated as one of the main drivers of deforestation (Ramcilovic-Suominen, 2019).

In sum, land formalization can be understood as a replacement of informal tenure via a legal system (state-imposed property rights) in which land and resources are documented, registered, legalized, and made governable. Indeed, land formalization by the state into ethnic areas or indigenous territories in Myanmar is all that and more. It is related to state-making and control of ethnic or indigenous territories for political purposes at the expense of local communities. It is not only supported by the law, but also through the discourse of deforestation or claiming the original owners as poachers. In the process of land formalization, the state also uses different approaches such as not allowing village tract administrators to solve land disputes involving customary land tenure, which was the case in Kanpetlet, Chin state. Land formalization has thus become a tool for the state to de-territorialize customary tenure systems by excluding indigenous and local communities from land and resource use and ownership.

Mapping of the forest landscape

State claims on the land or forest and formulation of regulations are usually followed by “functional territorialization,” a term coined by Vandergeest (1996). Zoning and mapping are the essential territorial strategies to control the land as well as people. Vandergeest (1996) states that the main text for states attempting territorial techniques is the modern map. Modern maps simplify complicated realities into sets of uniform areas (forests, soil classifications, and so on). As mapping of forest types, soil, and other characteristics is not easy, state agencies are more likely to map and register property rights on the land. In Thailand, forest territorialization thus involved mapping the entire forest into reserve and permanent forest to prevent peasants from occupying forest land (Vandergeest, 1996).

The next phase of forest territorialization in Thailand illustrates Vandergeest’s concept of “functional territorialization,” regulating the activities of the people in accordance with detailed land categorization including soil type, slope, and vegetation. At this level, zoning and mapping were used as the foundation for regulations forbidding and prescribing explicit activities in certain areas. In 1985, functional territorialization following scientific standards zoned watershed areas into six types: 1A, 1B, 2, 3, 4, and 5, each representing the classification of topography including slope, elevation, types of soil, rock, and forest. In zone 1A, development activities and cultivation were either limited or not allowed at all (Isager & Ivarsson, 2002).

Similarly, in Vietnam, territorialization of forest land after independence involved claiming all forest land as state ownership. which was followed by assessment of land, delineation, and mapping. Land divided into small segments was managed by the local units of the Ministry and People’s Committee at the grassroots level (Phuc Xuan To, 2015). Another policy reform, called “doi moi” reform (economic renovation) in 1986, was followed by reassessment of forest land, measuring or mapping, zoning, and distributing or contracting to individuals and families for afforestation, production of wood, and conservation of forest. According to the 1993 Land law, the process of “functional territorialization” comprised categorizing forest into three types: protected forest, special-use forest, and production forest (Phuc Xuan To, 2015).

In the case of Laos, territorialization under French colonial rule (1893-1953) worked to consolidate the power of the French in the region. In this phase, the colonial rule started exercising a model of governing land, forest, and people, including surveying, classifying, and mapping land, forest, and other assets as well as registering people in the name of modernization of farmers and upland peoples (Ramcilovic-Suominen, 2019).

To sum up, land demarcation, zoning, and mapping are tools of green territorialization in which not only lands and forests, but also the people are governed by limiting and defining rights. Moreover, these are part of the process of formalization and legitimization of state control over land and resources. However, green territorialization is not limited to state attempts to control insurgent areas, create national parks, and promote market-orientated conservation. It does not simply end up with state land formalization for tenure security, economic development, and environmental sustainability. In the context of Myanmar, green territorialization is a state strategy to control land under customary tenure and its population (ethnic groups/indigenous peoples) to achieve its political targets and accumulate capital while neglecting self-determination. This is highlighted further in Chapter Three.

It might be argued that green territorialization never involves recognition of self-determination, customary land tenure, or territorial ownership of indigenous peoples or ethnic nationalities. From another perspective, however, the territorial projects of indigenous communities can be considered a form of “re-territorialization” to defend their territories, collectively resist state bureaucratic control, and reclaim resource stewardship (Hall et al., 2011). In this way, green territorialization can be understood as not only employed by the state, but also by indigenous communities to assert their territorial rights. According to Herner, de- and reterritorialization are closely related processes (cited in Sletto, 2016: p. 120). Deleuze and Guattari (1983) expand: “what modern societies deterritorialize with one hand, they reterritorialize with the other” (cited in Sletto, 2016, p. 119). This research agrees with scholars that the concept of green territorialization is relevant to analyze the government’s attempt to control land, natural resources, and people in the context of Myanmar. Especially, it is helpful to examine the processes employed in green territorialization to indigenous areas in the name of conservation.

Accumulation by Dispossession

Accumulation by dispossession is a useful framework for analyzing how state conservation projects dispossess indigenous communities, accumulate capital from that dispossession, and justify the dispossession. Contemporary conservation schemes are not only driven by pure conservation, but also by the market. Green grabbing is considered as a new emerging wave of capitalism (Fairhead et al., 2012). This trend toward neoliberal forms of governance associated with global capitalism emphasizes marketization of nature, which is related to contemporary green grabs such as biofuels, carbon credits (REDD+), and ecotourism. These projects are not only intended to solve the issues of environmental deterioration, but also to enhance economic development and create new economic prospects. On the other hand, green confiscation is also legalized and legitimated by new and vigorous discourses in which international NGOs play an important role in state and global level resource governance by mobilizing market-oriented environmentalism (Holmes, 2014). In current times, a market-oriented mechanism is used to solve conservation issues, something Peet and Watts (1996) called “market triumphalism” (cited in Hall et al, 2011, p. 78). This implies turning nature into a commodity as a solution to the failures of environmental governance.

The term “accumulation by dispossession” was coined by David Harvey (2003) as an advancement of Marx’s aspect of primitive accumulation. For Marx, the process of primitive accumulation is a separation of producers from their means of production and the creation of free-labor power (Patterson, 2018):

The methods of primitive accumulation are anything but idyllic, and that ‘conquest, enslavement, robbery, murder, briefly force, play the great part (Marx, 1967, p. 714).

Primitive accumulation continues from the past as an ongoing process of alienating labor from the means of production (Hartsock, 2006).

Among other things, Harvey’s new theory of accumulation by dispossession emphasizes that the commodification of nature (land, water, and air), the enclosure of the commons, and transformation of common property regimes into individual ownership rights through processes of dispossession follows in the name of the neo-liberal tradition (Harvey, 2003).

Jun Borrás and Jenifer Franco (2012) state that the “massive enclosures” of individual and public lands that comprise contemporary land confiscation show how accumulation by dispossession is generated by the requirements of capitalist growth and converging food, energy, monetary and environmental problems (p. 49). As noted, accumulation by dispossession is the historical and ongoing process of alienating producers from the means of production, changing means of subsistence and the products into capital and the producers into wage laborers through violent and/or legal means of seizing and enclosing the commons (Glassman, 2006), while turning the land of people into private property. Primitive accumulation and accumulation by dispossession are thus conceptualized as the expropriation of assets, originally possessed, or held by the alienated people. This involves three important processes.

First, accumulation by dispossession divorces people from their means of production. According to Kelly (2011), Marx’s aspect of primitive accumulation and exclusionary conservation regimes have a significant connection through the establishment of conservation areas that delimit land and do not allow people’s access and use. Kelly cites Perelman (1997) to discuss how the prohibition of hunting rights of local people by imposing the game regulation takes away the means of local people’s livelihood. In the case of green grabbing in Tanzania, for example, conservation activities have separated rural users from land and assets, while benefiting powerful people (Benjaminsen & Bryceson, 2012). However, in the case of wildlife, the process of alienation can take place without expulsion of the people. Even so, loss of access to assets gradually increases. In some cases, alienation from land and resource takes place slowly and in piecemeal fashion, and sometimes it is violent (Benjaminsen and Bryceson, 2012). Thus, the creation of conservation areas or exclusive spaces can be perceived as dispossessing local communities from means of production.

Second, accumulation by dispossession imposes a new property system on common property. Imposing new regulations delegitimizes and de-territorializes existing land tenure systems. In Mexico, one of the tactics of dispossession is to accuse and criminalize indigenous and campesino (peasant) communities as destroyers of forest and wildlife (Rocheleau, 2015). Eviction of delegitimized groups is then followed by creation of reserves, tourism zones, and territories of extraction, industrial agriculture, and PES or carbon credit contracts. The implementation of scientific resource management has altered the relationship of rural populations with their natural resources. As a result,

group governance by local people of their natural assets has declined. According to Neumann (1998), demarcating “wilderness” areas has effectively erased the history and natural resource rights of the people who had once used and/or lived in these areas by imposing new property systems. Recent research by Woods (2019) found that processes of state-making, which encompass sending state officials, producing maps and boundaries, constructing infrastructure, and putting state property systems into force, often results in relocation of local people as well as destabilizing or replacing customary practices with statutory law. Thus, communal land use and tenure are changed into state property regimes and private property, which results in dispossession and accumulation. In fact, dispossession is not only limited to imposing new property regimes, but it has also been carried out through militarization which is significantly found in the case of Kachin, Shan, Karen and Karenni States and other ethnic areas in Myanmar where the state controls the land through military power. As a result, indigenous communities have suffered the misery of war for decades.

Third, accumulation by dispossession involves the appropriation of land and resources for capital accumulation. Neoliberal conservation has become a powerful tool for such accumulation through the appropriation of land and forest to meet environmental targets (green grabbing) (Fairhead et al, 2012). REDD+ initiatives also employ technical and scientific approaches to forest management, often excluding local people in the process (Vigal, 2018). Kelly (2011) contends that exclusionary conservation regimes and the notion of primitive accumulation are closely related. Neoliberal conservation leads to exclusion of local people and alteration of their way of life by controlling and commodifying nature, employing rules and the cooperation of government, non-governmental organizations, and the business sector. States may also prefer to establish exclusionary conservation areas to protect natural capital for future use, including genetic resources, oil, and other mineral resources (Kelly, 2011). Kelly adds that the demarcation of eco-zones such as water catchments and land protection areas may become the foundation of forthcoming enclosures and the means to validate these enclosures. Thus, in some cases, dispossession in the name of conservation can become the foundation for future capital accumulation.

As seen in the above review of the literature, accumulation by dispossession is conceptualized as alienation of means of production and subsistence, transformation of property systems, and seizure of lands and resources for capital accumulation as a response to energy, environmental, and food crises. However,

there has been less consideration of politically-motivated dispossession. In the context of Myanmar, accumulation by dispossession follows patterns described above to exclude populations from their lands and resources for capital accumulation by imposing laws, policies, and force, but this occurs in the context of political targets and state territorialization of peripheral areas.

There is a dearth of literature that considers accumulation by dispossession in terms of alienation of the identity and autonomy of a particular group which is associated with a certain territory. In Myanmar, dispossession of indigenous territory in the name of conservation is related with political contestations between the state and ethnic groups who have struggled for territorial and political autonomy since the country's independence in 1948. This shows that dispossession and accumulation are not only supported by the market, but also by extra-economic means. Mattei and Nader (2008) contend that the rule of law often legalizes and legitimates dispossession. As Marechal and his colleagues (2013) argue, reterritorialization by the state always leads to deterritorialization of existing control or order in a place, and eliminates 'tribal territories.' In other words, these processes can be understood as deterritorialization of the customary land ownership of indigenous peoples.

New Social Movements (NSM)

Within the theory of new social movements (NSM), three sub-topics have been identified for this study—ethnic identity, community-based conservation, and networking—to analyze tactics of indigenous movements in Myanmar to fight for land and resource rights. NSM mainly focuses on the “why” but also includes the “how” of collective action (Buechler, 1995). The following discussion explores the emergence of new social movement theory, and how NSM works against institutional and systemic domination.

NSM literature developed from the European context, with the phenomenon limited to Western nations with less extension to underdeveloped nations (Buechler, 1995; Johnston et al., 1994; Pichardo, 1997). Buechler (1995) explains that the approach of new social movements developed mainly as a reaction to the insufficiencies of classical Marxism for examining collective action. First, Marxism's economic reductionism assumed that every politically important social action emerges from the basic economic logic of capitalist production and other forms of social logic are minor in contributing such

action. Second, Marxism's class reductionism considered that the prominent actors will be identified by class relationships grounded in the process of production and that all other social identities are secondary at best in organizing group actors (Buechler, 1995). In this way, the old social movements can be seen to have concentrated on economic distribution (Pichardo, 1997), believing that class was the core problem of politics and that all social problems could be sorted out by a single political-economic change (Calhoun, 1993).

In response to these identified insufficiencies, by the end of the 1960s, new social movements were begun by those who worked outside formal organizations and focused on lifestyle, ethics, and identity. This was a major paradigm shift from the old social movements which mainly focused on labor movements, Marxism, and socialism. The new social movements developed partially from the new left and associated student movements of the 1960s (Calhoun, 1993).

New social movements concentrated on quality of life and lifestyles related to post materialistic objectives including peace, feminist, ecological, and local self-governance actions that increased in the West since the mid-1970s (Cohen 1983; 1985). Buechler (1995) contends that focus on cultural identity, acknowledgment of non-class-based populations, the theme of self-government, and the image of resistance to a systemic logic of commodification and bureaucratization demonstrate influential elements in NSM theories. The element of collective action encompasses the expressive proclamation of an identity, which comprises stylized and scheduled staging of one's identity to obtain recognition and/ or influence (Cohen, 1985).

The other distinctive ideological character of NSMs is their self-reflexive manner which refers to continuous interrogation of the meaning of what is being done. This ideological dissemination and self-reflexive manner mainly direct the types of strategies, structures and participants joined in NSMs. Mobilization of people involves deploying disruptive strategies along with ideological orientation, including expressing grievances and resisting injustice (Pichardo, 1997; Johnston et al., 1994).

In this research, NSM is defined as a wide range of identity-oriented movements for self-defense against bureaucratic domination, while acting for autonomy or democratization through collective actions in different levels by deploying different strategies. According to Giri (1992), NSMs may attempt to

produce a new collective and cultural identity. Much of NSM literature originates from the West with limited input from an Asian context, thus failing to reflect emerging identity-oriented new social movements in Southeast Asia. The following explores the reclaiming of ethnic identity, mobilization via grassroots conservation activities, and networked movements which characterize the identity-oriented social movements of indigenous and local communities in Southeast Asia.

Reclaiming ethnic identity

The focus of NSM is reclaiming ethnic identity as embedded with land and resource rights and governance decentralization. Identity may be defined as

a shared set of meanings that define individuals in certain roles in society as members of specific groups in society and as persons having specific characteristics that make them unique from others (Stets and Serpe, 2013, p. 31).

Stuart Hall (1994) highlights how “cultural identities come from somewhere, have histories. They are subject to the continuous ‘play’ of history, culture, and power” (p. 225). Derek Hall and colleagues affirm this point in the case of Southeast Asia:

In Southeast Asia, local collective mobilization is often constructed not in class terms, but in terms of ethnicity, culture, and attachment to place, with overlapping and sometimes conflicting narratives around indigeneity; ethno-territorial autonomy; citizenship and right to land and livelihood; and rural utopias (Hall, 2011, pp. 171-172).

According to Johnston et al. (1994), ideology, grievance, and collective identities are firmly connected and at the core of coordination and mobilization. To organize any social or political action, a collective identity is required (Bernstein, 2005). Claiming identity is a political act. Reclaiming identity can be seen as identity politics in which people use identity to claim their right to territory, land, and resources. The term identity politics is used to refer to the identity-oriented paradigm in NSM theory. New social movements are seen as an attempt

to re-obtain power over decision-making from the state, to oppose the subjugation of people's lifeworld, and to expand civic space (Bernstein, 2005).

Castells (2010) identifies three demands of new social movements. First, they demand provision of goods and services in accordance with use-value in a community situation, contesting the capitalist logics of exchange value. The second demand emphasizes the significance of cultural identity as it relates to territoriality, in which the community resists formalization and simplification related to bureaucratic systems of management while promoting genuine community-led management and decision-making. The last demand involves the political mobilization of citizens seeking more decentralized ways of government that focus on community-led management and free decision-making.

Thus, NSM can be understood as a rejection of centralized governance and decision-making.

Protest action is nothing but the reversal of institution action: not to be centralized, but decentralized; not to be legal, but legitimate; not formal, but informal; not to act strategically, but expressively (Eder, 1985, p. 879).

Reflecting Castells' (2010) analysis, the indigenous movement in Myanmar also encompasses resistance to formalization and bureaucratic impositions, demanding decentralized forms of governance that emphasize community-led management and reclaim identity based on community values. Likewise, ethno-territorial and identity-oriented assertions are also evident in Indonesia (Hall et al., 2011). For example, in response to the Lindu Dam project and the state resettlement project in 1994, Lindu indigenous peoples and activists produced an article and presented it to state officials. The article articulated Lindu People's traditional good practices related to resources governance, and the right of Lindu people to present their culture. It was a political activity by which indigenous knowledge and identity were communicated, created alliances, and got media attention. It was the articulation of Lindu identity to reposition themselves as protectors of the land and forest (Li, 2008).

As can be seen, local and indigenous peoples use articulation of ethnic identity as a means to defend or legitimate their rights to territory, land, and resources. In Myanmar, reclaiming of indigenous identity, which is justified by historical and cultural attachment with the territory, is based on the right to

self-determination and autonomy over territory against the state's bureaucratic domination. This research argues that Myanmar indigenous movements are also rooted in ethnic nationalities' struggle for self-determination, through both nonviolent means and armed struggle, since post-independence.

Community-based conservation initiatives

While limited, a body of NSM literature exists on contemporary identity-oriented movements and mobilizations in the Global South. This section explores this literature to expand knowledge of community-based conservation and networking movements for land and resource rights.

Identity-oriented community-based conservation initiatives for social justice have emerged in many places as a response to natural resource depletion and social inequality. These movements resist state control and advocate recognition of the land rights of local people as a tool of negotiation. They promote the role of local peoples and indigenous communities in natural resource management and social justice for marginalized peoples. Scholars emphasize the political probability and legal effects of a community-based advocacy plan in which rights to territory, assets, and governance are related to the notion of ethnicity, space, and indigenous identities. This regime is considered a way to obtain social justice and environmental wellbeing (Brosius et al., 1998). Brosius and his colleagues argue that it is also attached with counter-mapping by NGOs and/or local peoples, which “redefine social and natural communities in forests, coasts, and seas as a means of asserting local community control over natural resources” (p. 162). Thus, these indigenous movements assert land rights, political identities, and land uses by local communities in the quest for legal recognition.

As an example, indigenous peoples and mestizo communities of Oaxaca, Mexico are creating ICCAs (Indigenous and community conserved territories and areas). By 2009, 126 Oaxacan villages had claimed or labelled 375,457 hectares as community conservation areas and applied for their recognition by the government of Mexico (Martin, 2010). In this self-mobilized community-based conservation regime, the communities do not need to abandon their ownership and customary management of land and natural resources. Rather, this movement is characterized by self-mobilization, political self-government, and a community ownership regime. These conservation initiatives support

resilient resource governance and the capability to react to external conservation and development projects (Martin, 2010).

In northern Thailand, NGOs and forest-dependent farmers, led by the Northern Farmer's Network, conducted tree ordinations in community forests to reaffirm their local identity and their obligation to nature (Isager and Ivarsson, 2002). These ordinations were used as a cultural instrument to support community-led forest protection and to assert local people as forest protectors. Anan Ganjanapan (2003) noted the reproduction of customary rules for sustainable management and control of natural assets by communities as they negotiate with the state and secure their rights and livelihoods in water catchment areas. Community-based conservation initiatives have thus become one of the mobilization strategies for local and indigenous communities to assert sustainable forest management under customary land tenure and to negotiate their rights to land and resources (Pichardo, 1997).

Networked movement-building

Along with community-based conservation initiatives, the networked movement is also employed for mobilizing collective action to achieve desired goals. New social movements consider the role of civil society and various networks for mobilizing collective action. The process of movement-building involves the creation of group identities, identification of the collective interest, expression of grievances, and development of a group ideology (Buechler, 1995). Likewise, Thomas (2011) contends that NSMs involve three stages of tactics; first, generating clear objectives including translating what is wrong or unjust in society into a narrative; second, identification of contemporary problems and framing them as public problems; and third, motivation of the public to act for transformation.

According to Pichardo (1997), NSMs as a form of organization are decentralized and non-hierarchical. They not only gain their motivation from local custom, but they also underscore community practices and are strongly grounded in a certain landscape. Moreover, NSMs are also an attempt to rejuvenate civil society and to stress individual action. Sometimes, everyday life itself becomes a site of struggle and resistance. NSMs are not only open to cross-class coalitions, but they also give the space for intellectuals and activists to engage in solving social problems (Giri, 1992). In this way, civil society

becomes an essential space in which social actors gather, organize, and mobilize (Cohen, 1985).

In the case of the land reform struggle in Mexico, resistance to land-grabbing has employed networked strategies (Rocheleau, 2015). The resistance is rooted locally in Zapatista communities, indigenous and peasants' groups. In this struggle, national and international civil society groups coordinated and networked with locally based organizations such as religious, indigenous, peasant, feminist, human rights, and environmental groups (Rocheleau, 2015). Similarly, in West Africa, alliance-creation is the main tactic of local, national, and regional resistance to swells of transnational enclosure. The movement against related land and water grabbing is framed by creating national platforms and connecting new partners at transnational levels (Tramel, 2018). In Indonesia, resource grabs in the name of climate change mitigation were responded to or resisted through agrarian and environmental social justice movements in which partnerships and strategic alliances had been created between peasants, traditional fisherfolks, indigenous communities, and NGOs (Tramel, 2018). This is a collective mobilization to achieve social and climate justice against land, water, and resource grabbing. As can be seen, networking plays a crucial role in contemporary movements for social justice and pursuit of land and resource rights.

Summary

To conclude, new social movement theory emerged as a response to the insufficiencies of old social movement theories based on Marxist materialism. NSM is a broad concept reflecting different contemporary movements including peace, feminist, ecological, and local self-governance actions increasing in the West since the middle of the 1970s. In a variety of forms, the assertion of identity is its main unique character. NSMs are a countermovement against state control, a reterritorialization of indigenous control and deterritorialization of state control. As Marechal and his colleagues aptly state, “although *deterritorialization* may be oppressive, it can also be a form of resistance, and a form of the exercise of freedom, reasserted as a process against *reterritorialization* – taking lines of flight that evade imposed control” (Marechal, 2013, p. 200).

The ethnic/indigenous movement in Myanmar also emerges from the political contestation between the state and indigenous peoples. This struggle

has been characterized by armed conflicts as well as political negotiations. It is grounded in ethnic groups' struggles for self-determination as agreed upon in the 1947 Panglong Agreement between Burman leaders and ethnic leaders and later enshrined in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), of which Myanmar is a signatory (Dr. Sui Khar, Chin National Front, cited in Morton, 2017).

As a project of reterritorialization against state territorialization, the Daai indigenous movement in Chin State deploys the strategies of, among many others, claiming ethnic identity, community-level conservation initiatives, and networked movements in claiming the rights over territory. While there is limited NSM literature on identity-oriented contemporary social movements in Southeast Asia, scholarly works are being undertaken that attest that the emerging indigenous conserved areas for asserting indigenous people's territory rights is one of the new social movements. This research employs NSM theory to examine indigenous movements in Myanmar, including Daai indigenous peoples' resistance against the Aye Chaung Public Protected Forest.

Chapter 3

Historical and Current Green Territorialization in Myanmar

This chapter discusses the history of green territorialization in Myanmar by dividing it into three periods: 1) pre-colonial to colonial period, 2) post-colonial (1948 to 1990), and 3) current conditions (1990s to the present). Green territorialization by the state is grounded in the colonial teak business and the introduction of scientific forestry through the creation of reserved forests and teak plantations, which were a response to depletion of the teak forests under laissez-faire forestry in the early stages of British rule. The creation of reserved forests was followed by the establishment of wildlife sanctuaries during the British colonial period. This chapter also illustrates the factors shaping the development of green territorialization and the legacy of colonial forest management on post-colonial green territorialization amidst current state attempts to delegitimize customary land tenure institutions and control indigenous landscapes. Lastly, the findings of state territorialization in M'pai village in the name of conservation are analyzed.

Pre-colonial and Colonial Period

A study about green territorialization by the state in Myanmar needs to begin with the pre-colonial and colonial periods, as the development of contemporary forest governance is rooted in both precolonial monarchical conservation practices and the British colonial period. Scientific forestry was

not developed under the monarchical regime but was introduced by the British. The British also did not employ scientific forestry at the beginning of their annexation of Rakhine and Tanintharyi region in 1826. Rather, this regime emerged as a response to the exhaustion of the Tanintharyi forest due to unchecked teak exploitation.

Status of forest governance in monarchical times

Before the entry of the British into Myanmar, forest governance took place in two significant ways in the territory of the Burmese kings: the declaration of teak as a royal tree and the creation of wildlife sanctuaries in the name of religious beliefs. The foremost forest policy was initiated in the 18th century when the teak tree was declared as “royal property” and people were not given the right to extract it without the approval of the king. Teak was intended to support the improvement of the kingdom, to construct palaces and build ships. However, citizens could extract teak trees by paying taxes to the local delegated officials of the kingdom (Kyaw Myo Linn & Wu Cheng Liang, 2015; Thein Lwin & S. T. Khaing, 1990).

Thein Lwin and S. T. Khaing (1990) explicated the concept of protected area (PA) as it progressed in Myanmar over hundreds of years. It was rooted in Myanmar kings’ designation of a “threat-free” forest area (*baymehtaw*) where wildlife was protected. In 1860, the first PA under Myanmar King Mindon was created: the Yanadanabon wildlife sanctuary of 7,088 hectares near Mandalay Palace. Twenty years later, King Theebaw (1878-85) issued a royal order to give a safe sanctuary to wildlife in his kingdom, which covered Upper Burma.³ The concept of wildlife protection under Burmese kings was embedded in Buddhist custom. Areas surrounding Buddhist monasteries were designated as sacred areas that banned hunting. According to Myint Aung (2007), these de facto wildlife sanctuaries numbered more than 500. The wildlife sanctuary at Shame-ma-ga Monastery was the largest, occupying 135 hectares in Wetlet Township, Sagaing Division. However, most monastery PAs were less than two hectares (Myint Aung, 2007). In the pre-colonial period, green territorialization emerged through the declaration of teak as state property and the creation of wildlife sanctuaries, but it was not yet developed in the form of a scientific forestry regime.

3 Upper Burma (upper Myanmar) refers to the central and northern parts of present-day Myanmar that were the last areas to be conquered and annexed by the British in 1885.

Laissez-faire forestry under the British

Scientific forestry only developed following the British annexation of Myanmar through the three Anglo-Burmese wars which occurred in 1826, 1852, and 1885. After the first Anglo-Burmese war when Rakhine and Tenasserim regions became British colonial territory, the British quickly began to exploit the teak trees (MoF, 2008). After the annexation of Tanintharyi (Tenasserim) region, the British authorities appointed Mr. Nathaniel Wallich, who was the Superintendent of the Botanical Gardens at Calcutta, India, to observe the teak forest in Tanintharyi with a view of export to India. Mr. Wallich reported that the teak forest was not only abundant, but also high quality. In 1827, Tanintharyi Commissioner Mr. Anthony Maingy declared all forests as state forests to protect them from illegal logging according to Wallich's recommendations (Bryant, 1994; MoF, 2008). The government also monopolized the timber industry. However, this monopolization ended in 1829 when a *laissez-faire* forestry system was introduced (Bryant, 1994a; Bryant, 1993). Due to overharvesting to meet the high demand of teak for shipbuilding and export, teak forests rapidly decreased. When teak forests became exhausted in Tanintharyi by the late 1840s, the timber extraction business moved north to territories under the authority of Karenni and Shan chieftains (Bryant, 1994a).

In 1841, the colonial government issued stricter forest regulations to respond to the overexploitation of teak. It enhanced the minimum girth of harvestable trees from four feet to six feet, and licensees needed to plant five trees for each tree harvested. The government could revoke licenses to those who did not abide by these rules. However, many license holders failed to comply (Bryant, 1994a; 1993). Measures to address deforestation of teak forest later affected shifting cultivators when Johan Wilhelm Helfer (Chief of India's Botanical Gardens) reported fire and shifting cultivation as drivers of deforestation and called for immediate intercession and control by the government (Bryant, 1994b; Win 2004).

Thus, the British territorialization of the forest landscape began with the declaration of the state's exclusive right over teak trees for economic benefit which was followed by imposing rules to control the timber harvest. The exhaustion of teak in Tanintharyi under a *laissez-faire* system was the foundation leading to the introduction of scientific forestry after the second Anglo-Burmese war.

Development of scientific forestry (1856 to 1948)

After the second Anglo-Burmese war (1852), Mottama, Bago, Yangon, Pyay, and Ayeyarwady delta regions were occupied by the British. This second annexation was followed by the creation of rules and plans to manage the forests in these regions of lower Myanmar. The British government introduced initial measures to control Bago's teak forests beginning with the proclamation, in 1853, that all forests were state-owned through the Indian Forest Charter of 1855 (Than Naing Win, 2004). This limited unauthorized teak production. At the same time, special measures were introduced to fine or incarcerate shifting cultivators. To manage the forests for sustainable production, the colonial Burma Forest Department was established under the leadership of Dietrich Brandis, a German botanist-turned-forester, in 1856. The forest department was given special authority to control forest use and issue forest regulations (Than Naing Win, 2004; MoF, 2008). In 1856, Brandis developed the first working plan for the management of Bago forests. He also initiated the Burma Selection System of scientific forestry (MoF, 2008). In 1858, a more comprehensive forest regulation was issued. Apart from the teak forest in remote or difficult to access areas, all teak forests were brought under scientific forestry management (Bryant, 1994a). This was the beginning of scientific forestry in Myanmar.

Colonial Burma was part of British India. The Forest Act for India, adopted in 1865, thus provided procedures for the creation of reserved forests, calculation of forest products, conduct of ground surveys, production of forest maps, and establishment of *taungya* plantations (MoF, 2001; Instituto Oikos & BANCA, 2011). Scientific forestry regimes and regulations were imposed as a response to destructive timber extraction granted to private companies and to ensure the sustainability of forests⁴ (MoF, 200). The India Forest Act of 1865 was succeeded by the Burma Forest Act of 1881, which reinforced the state's claims on the teak tree and formulated the procedures for forest reserves (Than Naing Win, 2004). In reserved forests, shifting cultivation and illegal intrusion were strictly disallowed. In addition, this Act provided articles related to the creation of village forests to support fuelwood, timber, other forest products, and grazing areas for villages. However, this Act did not mention the rights

4 *Taungya* is a Burmese word meaning "hill or shifting cultivation" (Boutry et al, 2018: xviii). In the context of colonial forestry in Burma, the British promoted the planting of teak following swidden cultivation, thus establishing teak plantations on former shifting cultivation lands.

and forest access of the communities. The emphasis of this Act was the creation of reserves for long-term commercial exploitation of timber, with little focus on local communities (Than Naing Win, 2004).

After the creation of the Burma Forest Act in 1881, reserved forests scaled up rapidly. Between 1885 and 1886, the forest department created 4,471 square miles of reserved forest. To obtain support for reserved forests, the government initiated the involvement of local farmers, especially in the Karen uplands, in forestry work such as sowing teak trees in shifting cultivation lands in exchange for tax release. However, local communities resisted in many ways, such as burning the forest for grazing, clearing the forest, and refusing to cooperate with the forest department (Bryant, 1994b). After 1852, green territorialization developed systematically through the declaration of all teak forests as state property, adoption of comprehensive forest rules, and establishment of teak plantations through the *taungya* system. According to the Charter of Indian Forests, all landscapes covered by teak forests became state forests and excluded former users of the land (Bryant, 1994a).

After the third Anglo-Burmese war in 1885, the British completed their conquest of present-day Myanmar by annexing and occupying the remaining Burmese kingdom in upper Myanmar. The British declared all forests in upper Myanmar as state forests. Rules and regulations used in lower Myanmar were also applied to upper Myanmar. In 1887, the upper Burma Forest regulations were issued and enforced in Shan State (MoF, 2001; Than Naing Win, 2004). By 1901, 17,152 square miles of forest area across Myanmar was designated as reserved forest. This scaled up to 29,190 square miles by 1929 (MoF, 2001).

Wildlife conservation emerged in colonial Burma only at the beginning of the 20th century with the establishment of the first wildlife sanctuary in Pidaung to protect the Sumatran rhinoceros (MoF, 2008). The Elephant Preservation Act of 1879 began to be implemented for the first time, and 1902 amendments to the Burma Forest Act prohibited hunting and fishing in reserved forests. These regulations were followed by the Wild Birds and Animals Protection Act of 1912. The colonial government issued amendments to this Act in 1929 and 1934, and the most comprehensive Burma Wildlife Protection Act was issued in 1936 (MoF, 2008). Some reserved forests were declared as wildlife sanctuaries (MoF, 2001). Pidaung wildlife sanctuary was the first reserved forest to be changed to a wildlife sanctuary in 1918 as a response to

over-hunting and habitat loss due to the expansion of agricultural land. During the colonial period, 11 wildlife sanctuaries were established (MoF, 2008). In contrast to reserved forests, where limited uses might be allowed with permission, no customary use rights were allowed in wildlife sanctuaries (U Myint Aung, 2007).

Thus, territorialization of forest landscapes was developed gradually during the British colonial period. This territorialization was driven first by the commercial exploitation of teak trees under a *laissez-faire* system after the first Anglo-Burmese war in 1826. The rapid destruction of teak forests resulted in the gradual stipulation of rules and regulations to impede the destruction of teak forests and ensure long-term production. After the second Anglo-Burmese war (1852), the colonial government declared all teak forests to be under the state's exclusive ownership. In this period, Brandis introduced scientific forestry and employed the *taungya* forestry system for teak plantations backed up by comprehensive regulations for sustainable production. The most significant development was the creation of reserved forests in 1870 supported by the India Forest Act of 1865. However, *taungya* forestry and reserved forest regimes undermined access and use rights including shifting cultivation of local people, especially hill Karen. Villagers' traditional uses were prohibited in reserved forests, except under permit. The villagers eventually lost customary rights to timber and non-timber forest products. As a result, popular resistance to the government's forest rules increased. The creation of reserved forests and *taungya* plantations developed rapidly after the third Anglo-Burmese war, when the forests in upper Myanmar were declared as state forest. This development was followed by the creation of the Ministry of Forests in 1923 when colonial Burma became separately governed from British India.

To sum up, green territorialization under British colonial rule was characterized by 1) declaration of all forest as state owned; 2) creation of regulations; 3) coercive creation of reserved areas, plantations, and wildlife sanctuaries, and mapping of these areas to ensure the absolute management by the government for its benefit; and 4) dispossession of local livelihoods and land. This strategy was an exercise, not only for economic benefit and environmental sustainability, but also for control of people.

Post-independence Forest Governance (1948-1990)

Myanmar's independence from colonial rule in 1948 was followed by the unification of the country under a similar administration system by employing the same rules for upland frontiers and lowland areas. After the British had occupied the whole country in 1885, they had separated "Burma Proper" from the "Frontier Areas," which were inhabited by the non-Burman ethnic nationalities. After independence, ethnic Burman leaders advocated a unitary state and denied the indigenous nationalities autonomy (Tin Maung Maung Than, 2004). This gradually led to centralized control under Burman leaders and territorialization of the frontiers which continues in current times. In terms of forest governance, policy, and management in Myanmar, the legacy of British forest management is still influential post-independence, although the politics of Myanmar have changed over time. Green territorialization before the 1980s did not develop strongly due to political instability and civil war (Kyaw Myo Linn & Wu Cheng Liang, 2015).

Under parliamentary democracy immediately following independence, 2,852 staff were recruited for the management of the forest. The forest department adopted the former structure under the British (MoF, 2008), as well as forest laws and rules (Kyaw Tint et al., 2011). The State Timber Board controlled timber extraction, milling, and marketing (Kyaw Myo Linn & Wu Cheng Liang Linn, 2015). According to Than Naing Win, the government of Myanmar continued to apply colonial policies and kept the claim to the forest as state property after independence. Private sector enterprises were still involved in timber extraction until 1963 (Than Naing Win, 2004). Between 1961-62, forestry staff increased to 6,380 to take more responsibilities related to conservation and protection of natural forests, to execute village-use tree plantations, industrial plantations to produce raw materials, and plantations for watershed protection (MoF, 2008). The State strengthened institutions for forest management, reaffirmed the forest as state property and declared the state as the sole owner of the land.

In 1902, the Forest Act had exempted some of Kachin land and the Naga mountain range catchment of the Chindwin River. However, from October 8, 1963, with the establishment of a socialist country under General Ne Win, the Forest Act started to apply equally to all people in both upland and lowland areas. The Committee of Land Reform was appointed for this task through the

instruction of the Ministry of Agriculture and Forestry (MoF, 2008). Private sector participation in the timber trade was terminated, and control of timber extracting, milling, and marketing came under the State Timber Board (Myanmar Timber Enterprise) (Than Naing Win 2004). The 1953 Land Nationalization Act (Union of Burma, 1953) and the 1963 Tenancy Law gave the state legal authority to confiscate all land and reallocate “fallow” land following socialist principles. It is the legacy of colonial practices to grab land not used continuously in a productive way, or if the “fallow tax” is not paid, so as to use the land efficiently (BEWG, 2011).

In 1962, the military introduced the “Burmese Way to Socialism” by nationalizing industry and trade. Moreover, the regime imposed centralized political control and constrained political freedoms of the people (Thawngmung, 2003). In 1972, the institutional structure was transformed. District-level governance was replaced with central, province, and township level governance regimes (MoF, 2008).

From 1962 to 1974, reserved forest land was expanded from 34,725 square miles to 47,435 square miles, or 14 percent of the total land area of the country (MoF, 2008). During this period, the state created only three wildlife sanctuaries: Thamihla Kyun in Ayeyarwady Region (218 acres) in 1970, Minwuntuang in Sagaing Region (50,874 acres) in 1972, and Htamanthi (531,456 acres, also in Sagaing Region) in 1974 (MoF, 2008). Between 1962 and 1974, the government also created 74,474 acres of tree plantations. Between 1974 to 1988, the government established an additional 606,426 acres of tree plantations and 1,429 square miles of reserved forest. From the colonial to socialist eras (1918 to 1975), the demarcated forest for wildlife sanctuary was a total of 1,825 square miles (MoF, 2001).

After independence, the government was able to reinstate order in the central plains, while upland areas became a battleground with insurgents. In this condition, forest management was characterized by long-lasting insecurity until the 1970s. In the mid-1970s, General Ne Win’s regime controlled central Burma and restarted forestry activities in Bago (Bryant, 1996). Between 1972 and 1990, eight protected areas were created, but only one of these, the Inle Wetland Birdlife Sanctuary in Shan State was created in the ethnic areas (MCRB, 2018).

To sum up, post-independence green territorialization adopted colonial rules and its governance system. Moreover, the state’s ownership of all forests

was reaffirmed. However, applying different rules for upland areas was abolished with similar forest laws enforced for both upland frontiers and the lowlands. The emergence of a socialist regime resulted in the nationalization of forest-related businesses and strengthened centralization and top-down approaches to resource management through the replacement of the district-level governance system. The military coup in 1962 was a cornerstone of territorialization into indigenous areas for political and resource control. However, political instability halted or limited the state's green territorialization in ethnic areas in this period.

Introduction of Market Economy and Forest Governance (1990s to 2020)

The late 1980s is a turning point in Myanmar politics from socialism to capitalism or market economy under the military regime which opened the country to engage the international community.⁵ At the beginning of the 1990s, the government of Myanmar formulated new policies, laws, short-term and long-term plans for forest and environmental conservation, and strengthened the institution of forestry. The development of conservation schemes was also based on the economic and political purposes of the regime. The military regime was imposing “coercive conservation.” New forest policies and laws integrated community participation in forest management but were still weak in promoting indigenous land and resource rights while increasing green projects of the state into indigenous territories.

After the 1988 uprising, the military government of the State Law and Order Restoration Council (SLORC) imposed an uncompromising political order and national unity. The necessity to play a central position in the politics of Myanmar by the military was asserted. In February 1990, SLORC formed the National Commission for Environmental Affairs (NCEA) to formulate policy and law, and to lead coordination with international commitments (Bryant, 1996). The Ministry of Forestry was created separately from the Ministry of Agriculture and Forestry in 1992. Under the umbrella of the Ministry

5 The most tangible outcome of the 1988 public protest movement and its suppression was the collapse of Ne Win's Burmese Socialist Programme Party (BSPP) and return to military rule under the ostensible leadership of the State Law and Restoration Council (SLORC) renamed in 1997 as the State Peace and Development Council (SPDC) (Huang, 2013).

of Forestry, new departments such as the Planning and Statistic Department, the Forest Department, the Myanmar Timber Enterprise, and the Survey Department were formed (MoF, 2008). The forest department strengthened its institutions by creating new departments and recruiting more staff, expanding to 15 regional offices, 68 district offices, and 321 township offices for the implementation of reforestation, rehabilitation, and conservation activities. Moreover, the Forestry Education Department in Yezin Agriculture University was upgraded into a University of Forestry in 1992 (Forest Department 2020). In 1997, a new separate department called the Dry Zone Greening Department was formed to carry out projects in central Myanmar's dry zone (MoF, 2008).

Under the NCEA's leadership, a new Forest Law was formulated in 1992 and a new Forest Policy was created in 1995 to replace the 1902 Forest Act (SLORC, 1992; GOM, 1995a). The new law and policy further connect forest management to social needs and integrate environmental factors such as biodiversity conservation, watershed protection, and private sector participation in forestry. However, they remain strongly influenced by the laws and policies developed under British colonial rule (Bryant, 1996). In addition, in 2002 the government adopted the 1994 Protection of Wildlife and Protected Areas Law (PWPA) and associated rules. Under the PWPA's Section 15 (a), the forest department issued the instructions for the protection of endangered species by categorizing completely protected wildlife, normally protected wildlife, and seasonally protected wildlife (MoF, 2001; GOM, 1994). Although forest policy integrated peoples' participation, the main intention of policies and laws was the creation of reserved forests, public protected forests, and protected areas. The policy targets included expanding reserved forests from 14 percent to 30 percent and protected areas from one percent to five percent of the total land area of the country. Relating to this increase, Bryant (1996) hypothesized that "as much of the forested areas in central Burma is demarcated as reserved forest, new reserves will mostly happen in peripheral areas" (p. 349).

In 1995, the forest department calculated the forest cover of the country by using satellite images, estimating forest cover to be 52 percent of the total land area of the country when combining closed and open forests (MoF 2008). In 2001, new long-term plan for the forest sector was launched called the National Forest Master Plan (2001-02 to 2030-31), which integrated into the Nationally Determined Contributions of Myanmar to meet international climate change mitigation commitments. According to this master plan, the permanent

forest estate will be increased to 40 percent of the total land of the country (protected areas 10 percent, reserved forest and public protected forest 30 percent). In addition to these, the National Sustainable Development Strategy (NSDS) for Myanmar (MoF, 2009) was developed to implement the commitments made at the World Summit on Sustainable Development and The Earth Summit in 1992 to achieve sustainable development and improve the quality of life and eradicate poverty in Myanmar (MoF, 2009). Moreover, Myanmar ratified the Convention on Biological Diversity (CBD) in 1992 and the United Nations Framework Convention on Climate Change (UNFCCC) in 1994, and joined the International Tropical Timber Organization (ITTO) in 1995 (Kyaw Myo Linn & Wu Cheng Liang, 2004). According to NSDS (MoF, 2009), economics is integrated with conservation. Among many others, to achieve forestry targets, the strategy prescribes to classify remaining unclassified forests (about 30 percent of the country's land area) into reserved forests and protected areas and to strengthen laws against encroachment, poaching, illegal logging, and trade in wildlife and orchids (MoF, 2009). Moreover, the strategy aims to stop shifting cultivation by turning it into permanent farming, and regenerate existing shifting cultivation areas (MoF, 2009). According to the government, some 29.5 million acres, or 17.5 percent of the country's forests, were affected by shifting cultivation (MoF, 2008).

The forestry sector in Myanmar has been placed as an economically feasible sector with a stress on market-oriented policy and legal frameworks, sustainable forest management, and timber economy:

At the meeting of National Biodiversity Strategy Action Plan (NBSAP), it was declared that the report "Investment Opportunities for Biodiversity Conservation in Myanmar," published in 2005 by Birdlife International, UNDP-Burma and Critical Ecosystems Partnership Fund (CEPF), would be used as a baseline document for the NBSAP process (MoF, 1997, p. 4).

Indeed, this report listed key biodiversity areas, threatened species, and conservation corridors, pointing out the main options for conservation investment during the following five years. However, the report did not consider social and cultural values, indigenous territories, or ethnic conflicts in Burma (BEWG, 2011). The Burma Environment Working Group (BEWG) contends

that huge conservation projects, mainly in ethnic territories, might also disguise the economic or military purposes of the government (BEWG, 2011). During the 1990s and 2000s, several laws and policies were enacted and put into practice. The situation of nepotistic patron-client relationships between the military, state, and business has continued to prevail (BEWG, 2011). Conservation schemes of the state are heavily embedded with political and economic benefits to elites while failing to consider the rights of local and indigenous peoples to their natural resources.

The Forest Law of 2018 (GOM, 2018b), like the previous Forest Law of 1992 (SLORC, 1992), highlights reserved forests and protected public forests, while the revised Conservation of Biodiversity and Protected Areas Law (CBPA) (GOM, 2018a) highlights the protected areas regime. As the Food and Agriculture Organization's country report for Myanmar noted in 2010,

All forest areas, whether notified as reserved and protected under forest act or not notified and categorized as un-classed forest belong to the "State" or "property of the government" (FAO, 2010, p. 10).

According to the FAO report, community forests are excluded from state ownership and granted to local people with long-term lease permission from the government (FAO, 2015). The new Forest Law and CBPA Law open space for local and ethnic communities to participate in scrutiny bodies to inquire about the affected rights of the people when the protected area is declared, and to participate in demarcation of reserved forests, public protected forests, and protected areas (Section 6). Article 7 (d) of Forest Law states,

The Ministry, with the comment of Naypyitaw Council, State, and Regional Cabinet, and with the approval of Union Cabinet, may recognize the natural forest and mangrove conserved customarily (traditionally) by the local people (GOM, 2018b).

The CBPA Law was adopted to implement the biodiversity strategy and policy of the country. Moreover, under Section 13, a community-protected forest can be allowed (GOM, 2018a), complementing the Community Forestry Instructions of 1995 (MoF, 1995). However, there is no clear language about the community-protected area, the procedure for implementing it, and the

participation of local people in the settlement body that is responsible for investigating the effects of the proposal on communities' rights and for conducting preliminary demarcation. These two laws open the opportunity for local people to conserve their forest; however, the approval and governance system is still very centralized. The rights of ethnic groups and indigenous peoples on customary land ownership and forest management are not considered in the legal framework, but rather formalized under the property regime of the central government.

Among some positive impact reports of community forests on livelihood and environment, critics also point out challenges such as the potential of elite capture and granting to companies for plantations since community forest law allows group right-holding system (Fodor & Ling, 2019; Kyaw Tint et al., 2011). In a case in Kachin State, local communities faced rice shortages when community forestry projects took both land and labor away from shifting cultivation and rice production (Woods, 2010). In addition, community forests are considered as delegated management with 30 years lease but not community ownership, which is contradictory to customary land rights demanded by ethnic people (Anderson, 2016; BEWG, 2011). At the same time, legal frameworks and programs declare shifting cultivation as a driver of deforestation, therefore encouraging to stop and replace it with permanent agriculture such as agroforestry.

One of the critical attempts to support and legitimate the states' green territorialization and dispossession in ethnic areas is the creation of the Vacant, Fallow, and Virgin Land Law (VFV) of 2012, amended in 2018 (GOM, 2012b). The primary intention of the VFV law is to attract investment in agri-business and to use unregistered land for economic purposes (Fodor & Ling, 2019). According to this law, all unregistered land is at the disposal of the government, and those who use VFV land are criminalized. This has threatened many farmers with fines and imprisonment (Saw Alex Htoo & Scott, 2019). This law affects mainly ethnic or indigenous areas because, according to government statistics, 75 percent of the state's vacant, fallow, and virgin lands (35 million acres) remain in ethnic areas (Saw Alex Htoo & Scott, 2019). Although the 2015 elected government – the National League for Democracy (NLD) – voiced support for customary rights in conservation, they also imposed this law threatening indigenous lands and territories and attempting to eradicate customary land ownership.

Between 1993 and 2017, the forest department created 23 protected areas, 17 of which were established in ethnic areas, in addition to many reserved forests and public protected forests (MCRB, 2018). Today, the policy framework of the forestry sector of Myanmar is still strongly regulated and centralized (Rand et al., 2019). Green territorialization projects have resulted in the dispossession of ethnic and indigenous lands, the accumulation of wealth and resources by a few people, and state control of territories which were under customary tenure systems. Previous military governments legislated absolute control over the land and natural resources that led to unending ethnic conflicts. Armed conflicts were combined with oppressive laws supporting the dispossession of the land and livelihoods of smallholder farmers, especially in ethnic areas (Saw Alex Htoo & Scott, 2019). While these policies were implemented in the name of sustainability or conservation, increasingly they have reflected a concern for enhanced political and economic control over people and environments located within the national territory while creating new income-earning opportunities for elites, such as commercial forest plantations and eco-tourism (Bryant, 1996).

In conclusion, forest governance after independence has been characterized by centralization and attempts to impose absolute control over land and resources by the state (military regime), declaration of the land and resources as state owned, legitimization of the state's control of resources and land through legal frameworks, and coercive implementation of green projects. Processes of territorialization for absolute control of the state emerged in 1963 under the military regime's "Burmese Way to Socialism" and nationalization of business and trade, including the forest sector. However, green territorialization by the state was hindered due to civil war until the 1970s, especially in ethnic areas. 1988 became a turning point for the country through the state engagement with the international market economy. Green territorialization became intertwined with the state's political purposes. In the mid-1990s, the government introduced community forestry for community participation in forest management. At the same time, to meet international commitments, the state targeted to expand the permanent forest estate to 40 percent of the country while creating laws such as VFV and conservation-related laws to legitimate dispossession of ethnic lands and elite accumulation of resources. Although some policy developments occurred after 2018 concerning ethnic and indigenous land rights, the state is still pushing centralized forest governance

and formalization of the property regime. Since 75 percent of the land prescribed by the state as VFV remains in ethnic and indigenous areas, the state's green territorialization is likely to increase unending conflicts.

State Territorialization and Dispossession of Indigenous Territories

As mentioned above, green territorialization was strongly developed under British rule and enormous effects have been brought to indigenous areas. The emergence of conservation was initially driven by dispossession for the accumulation of wealth, which has carried on to the time of writing. This accumulation takes place at the expense of indigenous peoples and forest-dependent communities. Indigenous Karen first resisted the dispossession of the British government for their accumulation and political control. After independence, internal territorialization has been ongoing, especially since the first military coup in 1962. From this time, centralized Burmese military regimes have continued to employ various means in their attempts to extend territorial control into indigenous lands and insurgent-controlled areas. Territorialization into indigenous territories continued strongly under the NLD government (2015-2020). However, some considerations were made in policies to recognize customary tenure systems of indigenous peoples.

Colonial dispossession of indigenous areas and resistance

The British government's declaration of teak as state property, monopolization of teak forest, and imposition of rules to regulate shifting cultivation resulted in the dispossession of customary lands of Karen people in Tanintharyi and Bago as well as other ethnic/indigenous areas. However, limited literature is available regarding the resistance of other indigenous groups to British colonization and green territorialization. Between 1829 and 1857, the exploitation and depletion of teak forest in Tanintharyi by private companies under "laissez-faire forestry" resulted in accusations of shifting cultivation as a cause of deforestation along with timber extraction. After the second Anglo-Burmese war and the annexation of lower Myanmar in 1852, the colonial regime brought shifting cultivation under special control by stipulating penalties including fines and incarceration of shifting cultivators (Than Naing Win, 2004). Teak extraction under the British was accumulated by government and

private sector firms, including both Myanmar contractors and European timber traders. The economic incentives of teak generated limitations and dispossessions on customary land and forest use.

In the case of hill Karen people, dispossession took place in three ways: dispossession of land and forest in the name of teak and the *sha* tree (*Acacia catechu*), dispossession of land (cultivation area) for teak plantation “*taungya* forestry,” and the creation of reserved forests. Such dispossession was backed up by the military (Than Naing Win, 2004; Bryant, 1994b; Taylor, 2009), legitimized by regulations (MoF, 2008), and justified by blaming shifting cultivation for deforestation. The colonial forest regulations of 1856 decreed that a plot with more than 50 teak trees was not allowed for shifting cultivation (MoF, 2008). The creation of reserved forests provided greater government control of the forest. Reserved forests imposed strict rules on local utilization, including control of fire. The 1881 Forest Act, for example, imposed a 500 rupee fine and six-month incarceration for setting fires in reserved forests, while restricting hunting and imposing capitation and *taungya* taxes (Bryant, 1993). The creation of *taungya* forestry gradually replaced cultivation areas of local communities. On the other hand, villagers were given incentives such as exemption of capitation tax; wages for weeding, planting teak, protecting the forest from fire; and other benefits to join *taungya* forestry. Indeed, the idea of this regime was to reduce the cost of plantation and to control shifting cultivation as well as a means of political control to eliminate rebellions and gain economic control. In combination with widespread reserved forests, the land was controlled and managed systematically (Than Naing Win, 2004; Bryant 1994a; 1996).

Since all the forest was declared as a state forest in 1885, the Burma Forest Regulation of 1887 was also enforced in Shan State and into the “Frontier Areas,” where Kachin, Shan, Chin, and other indigenous groups were governed separately from “Burma Proper” (MoF, 2001; Than Naing Win, 2004). The British dispossessed indigenous peoples from their territories in “Frontier Areas” by creating reserved forests. For instance, the British government created 14 reserved forests covering 266,705.78 acres in Chin State between 1901 and 1921. In 1936, five mountains in Hakha, Chin State, covering 60,352 acres of forest, were declared to be at the disposal of the government (MoECAF, 2016a; MoECAF, 2016b; MoECAF, 2016c). The British did timber production across indigenous areas including Shan, Karenni, Chin, Kachin, Karen, and others. However, limited literature exists regarding indigenous resistance against the

green territorialization of the British. The literature that does exist mainly concerns the Karen hill people.

Hill Karen in Bago resisted forest rules by burning the forest and damaging government assets including reserves and plantations (Bryant, 1993). The resistance of hill Karen is related to fear about the change of their way of living including religious and cultural issues. The creation of “*taungya* forestry” was replacing shifting cultivation areas with plantation areas. Because of this condition, in the mid-1860s, some migrated to Siam (Thailand) to shun the limitations, but others resisted in their own way (Bryant, 1993; Bryant, 1994b). The most successful resistance was the clearing of teak seedlings, elimination of evidence of teak in their farms, and pleading ignorance of forest rules (Bryant, 1994b). Moreover, the upland Karen people remained resolute against the government’s attempts to relocate them to the plains. However, by the early twentieth century, the growing power of the forest department enabled it to exert greater control over the hill Karen, which hindered their ability to practice shifting cultivation and their independent way of life (Bryant, 1993).

The British attempt to control the forest and land of indigenous peoples employing plantation, *taungya* forestry, and reserved forests was backed up by rules and empowered by the military. These green territorialization processes created greater state control into indigenous areas, benefiting the state economically and politically. Conservation was carried out to meet the interests of colonial rule by controlling people and forests. Such dispossessions of indigenous land and forest for the accumulation of private sector and colonial authorities undermined indigenous way of life. The dispossession and exploitation of customary land did not happen without resistance. However, such resistance did not emerge as a movement but as a form of everyday resistance.

Emergence of top-down territorialization into indigenous territories

Current green territorialization into indigenous areas is deeply rooted in the post-independence political condition of the country. State formation in Myanmar has been characterized by unending resource and territorial conflicts since 1948. The process expresses the centralized military government’s attempts to incorporate indigenous and insurgent areas into its administration through formalization and militarization amidst indigenous resistance. According to Scott (2009), the upland areas currently part of Myanmar state

territory were a portion of a huge non-state area which is called Zomia, including the hilly areas of mainland Southeast Asia and Southeast China. Zomia offered a space for various groups of people who desired to avoid state-building schemes in the valleys. Notwithstanding, since the second half of the 20th century, Zomia has encountered major alterations, described as the “last enclosure” (Scott, 2009: 10). As Taylor explains,

The Kayin, Kachin, Chin, and the Kayah, as well as the more developed Shan were never integrated into the Bamar kingdom. The British ruled central Myanmar [but] opted for suzerainty rather than direct rule [in the frontier areas]. Thus, the British probably found such an arrangement extremely convenient in terms of retaining administrative and military resources and continued the practice with some modifications (Taylor, 1982, p. 13-14).

According to Sakhong (2003), frontier areas of the ethnic groups were autonomous states with the right to govern their territories. The territory of Myanmar was not uniform during British rule. The Burman-populated land was designated as Burma Proper (later Ministerial or Parliamentary Burma), where traditional institutions were eliminated and replaced by direct rule. Ethnic-dominant areas were named as the Excluded Areas (the Scheduled or Frontier Areas), where indigenous institutions were preserved and used as channels for indirect rule under traditional rulers and headmen (Holliday et al., 2015; Einzenberger, 2016; Tin Maung Maung Than, 2004).

In this situation, Aung San, the interim Burmese government representative negotiating Myanmar’s independence from the British, pleaded with ethnic groups to join an independent Myanmar as co-independent partners (Sakhong, 2003). When ethnic minority leaders aimed to seek an autonomous state, Burman leaders looked ahead to a unified independent nation. To solve this condition, the Panglong Agreement was concluded in February 1947. However, instead of making the way to a fully territorial arrangement during independence talks with the British in 1947, it triggered into civil war in 1948 (Holliday et al., 2015). According to Tin Maung Maung Than (2004),

The Panglong Agreement of 12 February 1947 designed the foundation for the non-Burman nationalities to join Burma in

the pursuit of independence by the adoption of a wait-and-see approach. The agreement mentioned that ‘full autonomy in internal administration for the Frontier Areas is accepted in principle, but it did not sort out the interrogation of the right to separate, as demanded by the Shans, and Kachins’ (p. 191).

The assassination of Aung San in July 1947 undermined the Panglong spirit (Tin Maung Maung Than 2004). The era of a parliamentary system (1948 to 1962) was the time of open competition of power, a frail democracy, and delicate governance. The national army obtained its power progressively and fought back the insurgents (Holliday et al., 2015). Before 1962, the ethnic groups in Shan, Kachin, Karen and Karenni States and the Special Division of the Chin maintained a form of autonomy in the Union. For instance, the Minister of Chin Affairs and the Chin Affairs Council were responsible for Chin Affairs, without control or dictating from the central level. In March 1962, any prospects of decentralization of the state were abolished by a military coup, which overtly rejected federalist inclinations inside the country and ruled on a firmly unionist basis (Holliday et al., 2015). For instance, before 1962, in the Chin Special division under Chin Special Division Act 1948, tribal chiefs, the village head, and customary rules were recognized under formal administration at the village level. However, from 1962, the Minister for Chin Affairs was substituted with a military officer and a village-tract system was introduced (Pyi Soe Aung, 2019). According to Holliday et al.,

Proponents of a territorial distribution of power, seeking formally to allocate governance authority, functions, and funding to sub-national tiers were often cast as enemies of the state (p. 642).

Such strongly centralized and military-controlled government remained active until 2011, while quasi-military government emerged in 2011-2015 and quasi-democratic government from 2015 to 2020. This political trend has gradually eliminated the role of customary institutions and imposed formalization of land tenure in the legal framework.

The fear of state disintegration by military leaders after a “federal seminar” to advise a formal arrangement, ended up with the coup that eliminated Burmese democracy in the 1960s. The coup triggered a Burman-centric form of state

territorialization, especially into ethnic/indigenous areas (Thang Moe, 2019). After independence in 1948, the Burmese government's control of the whole territory had been on paper only, while most of the forest, as well as fertile valleys, were under the control of insurgent groups (Bryant, 1997). Since the military took political power in 1962, territorialization has been a tactic and entire objective of the government to bring insurgent-controlled areas under its authority (Ferguson, 2014).

Therefore, green territorialization, as well as land formalization schemes, became a tactic of the centralized state through the dispossession of ethnic/indigenous lands and resources, while accumulating wealth from those resources. According to the 1947 constitution (Article 30 (1), the state is "the ultimate owner of all lands" (Ennion, 2015), while the 1974 constitution added that the state is "the ultimate owner of all natural resources above and below the ground, above and beneath the waters and in the atmosphere, and of all the lands" and it shall develop, extract, exploit and utilize the natural resources (Union of Burma, 1974, art. 18). This principle was reaffirmed by the 2008 constitution (GOM, 2008, art. 37.a). At the early period of independence, land distribution was conducted by the Land Nationalization Act 1953 (Union of Burma, 1953), and farmers were given cultivation rights, although mostly limited to Burmese citizens and impeded by civil war, incapability, and corruption (Ennion, 2015). Under the post-coup regimes from 1962 to 1988, land use and management, including marketing of products, were controlled by the state (Ennion, 2015).

During this period (1948-1980s), state territorialization into ethnic areas was not implemented successfully due to ethnic conflict (Kyaw Tint et al., 2011). Formalization of land mainly took place in the lowlands populated by Burmans. However, a firmly unionist and centralized military-led government was developed by rejecting ethnic nationalities' aim of autonomy and by legitimizing its absolute ownership of the land and resources through policies.

Green territorialization of indigenous land and resistance

Green territorialization into indigenous territory has been intertwined with the delegitimization of customary land tenure regimes. The military coup in 1962 occurred when military leaders feared the disintegration of the state, leading to attempts to firmly centralize military control into the frontiers. These

efforts were backed up by policies. Such territorialization has also encountered the persistent resistance of ethnic armed groups and local communities.

The Land Nationalization Act of 1953 did not recognize individual land ownership (with certain exceptions) and instead allowed usufruct land use rights, or “tillage rights” to people using the land (Union of Burma, 1953). However, land was exempted from state confiscation if the family which owned and cultivated the land were Burmese citizens (Article 6, cited in Ennion, 2015). Moreover, selling and transfer of ownership was also restricted related to size of agricultural holdings based on land classification, land use, and size of a household (Leckie & Simperingham, 2009). Following the 1962 coup, the Tenancy Act of 1963 and amendments in 1965 were created to complete nationalization of agricultural land while the Village Security and Administrative Committee (SAC) became the authorized entity to decide the tenants for agricultural land, rather than the landlord (Ennion, 2015). This Act further brought the land under the control of the state by taking the land from agriculturalists. According to this Act, the government can lease any land to the tenants, and appropriate the rights of landowners to rent their land. Those who failed to comply with the regulations ended up with confiscation of land, fines, and incarceration (Leckie & Simperingham, 2009). In this way, the Acts delegitimized and weakened customary land tenure while vesting power over land management in the centralized military government.

After 1988, the socialist government started to change its policy toward a market economy under the State Law and Order Restoration Council (SLORC) and appropriated the land to meet domestic and international demands under a capitalist market economy. According to Ferguson (2014), to meet the objective of control, the land used by local communities for subsistence was classified as “wasteland” based on two factors: 1) the land was not producing revenue for the state, and 2) the land was used by opponents of the state. In 1991, the government created the Central Committee for the Management of Cultivable Land, Fallow Land, and Waste Land (CFW) (SLORC, 1991). CFW land could be allotted by the military junta to the state-owned economic institutions and other businesses on a profitable basis (South & Katsabanis, 2007). The committee bestowed power to control big landholdings for state-owned enterprises and granted lands from 5,000 to 50,000 acres for perennial crops. The size of land allocations depended on the type of crop, and leases

were granted for 30 years. Certain exemptions from land tax were also granted under legislation (SLORC, 1991; GOM, 1998).

The CFW was further enshrined in 2012 by the creation of the Vacant, Fallow and Virgin Land Law (GOM, 2012b). According to the Forest Law of 1992 and the VFV Law, public forest land which is outside of the permanent forest estate (reserved forest, public protected forest, or protected areas), can be used for economic purposes. These lands are mainly found in upland areas utilized by smallholder farmers for rotational agriculture. Rotational farming land is not included as a land classification to be recognized (Oberndorf, 2012). “Virgin land” is defined in Article 2 of the VFV Law as “new land or other woodland, in which cultivation has never been done before” (GOM, 2012b). The land actively used for upland farming or unregistered land can be classified as “vacant and fallow land” or “wasteland” which can be granted for foreign investment (Oberndorf, 2012; Woods, 2010). In this way, indigenous customary land tenure is delegitimized and exposed to appropriation and formalization. The military carried on confiscation of the land and assets for its purposes. A formal complaint of the confiscation of 247,105 acres of farmers’ land was submitted to the Parliamentary Committee in 2013 (Htet Naing Zaw & Aye Kyawt Khaing 2013).

From when the military government opened the country to the international community in 1988, conservation projects were rapidly scaled up in the 1990s and 2000s, along with ceasefire agreements with ethnic armed groups. For instance, huge areas of forest under the control of the Kachin Independence Organization (KIO), Kachin Independence Army (KIA) and Karen National Union (KNU) were brought under state control in the name of both conservation and agribusinesses.

Kevin Woods (2011) argued that the military government made use of “ceasefire capitalism” as a strategy to control and govern ethnic territories in northern Myanmar. The ceasefire agreements between the Burmese military and ethnic armed groups in the 1990s were followed by the commodification of ceasefire zones that had previously been under ethnic armed groups and indigenous peoples. Logging and large-scale agribusiness concessions as a form of primitive accumulation under China’s opium substitution policies produced military-controlled spaces while depopulating the upland swidden farmers in non-state zones and undermining the political roles of the KIO/KIA

(Woods, 2011). The Ministry of Agriculture and Irrigation (MoAI) and regional military commanders granted land concessions for logging and large-scale agriculture to national and transnational businesses. Transnational businessmen and ethnic political elites, strategically supported by infrastructure development, altered and legalized the transformation of ethnic-controlled land into military-controlled territory. As a result, customary headmen lost their role and position (Woods, 2011). Swidden lands were grabbed from subsistence farmers without compensation since their customary land had been delineated as “wastelands” by MoAI. Upland communities were relocated to roads under military surveillance (Woods, 2011).

In 2010, in Kachin State, 11 companies were allocated nearly 400,000 acres, while 105,000 acres was awarded to 21 companies in northern and southern Shan States (DAP, 2010). The government granted 200,000 acres to Yuzana company, with strong military relations, in 2006 for cassava and sugarcane for the Chinese biofuel market, which was embedded with logging (Woods, 2011). Due to the acquisition of shifting cultivation land for the rubber plantations, between 20 and 50 percent of households of Wa areas in northeastern Shan State became landless and 10 percent of village households were involuntary displaced and forced into cheap labour. For example, 125,000 Wa villagers from Panghsang in northeastern Shan State were forcibly relocated along the Thai-Burma border in Southern Shan state as part of military tactics in the name of rubber business (LNDO, 2002). The Myanmar Auto Corporation (MAC) in Kawthaung district, Tanintharyi, grabbed and damaged 2,500 acres of gardens, paddy fields and *taungya* encompassing areca nut, cashew nut and jackfruit plantations of Karen communities, affecting 87 households. This project was not only for palm oil plantation, but also for timber extraction and led to deforestation (ALARM, 2018). By mid-2013, more than 5.2 million acres had been granted as industrial agricultural concessions throughout Myanmar. Over 60 percent of concessions (primarily biofuel and rubber) were in the Tanintharyi region (approximately 1.9 million acres) and Kachin State (1.4 million acres) (Woods, 2015). Woods argued that since the projects took place in ethnic conflict areas, these projects were likely to have strategic purposes beyond logging revenues, such as military-state securitization of the territory (Woods, 2015).

Along with territorializing ethnic areas by granting logging and agricultural concessions, conservation schemes are also employed to justify the confiscation of indigenous territory. The most general land use in non-PFE forest lands is

shifting cultivation of small-holder farmers in the hilly land. They own the land without legal rights under present forest laws and policies, allowing their lands to be taken for conservation purposes. For instance, the world's largest tiger reserve was created by the Wildlife Conservation Society (WCS) in Hukawng Valley. Woods (2011) stated that international conservation actors and funds are another means by which ethnic frontiers are brought under military-state control. Creation of conservation areas legitimates state control which has generated landlessness and destitution among local people (Woods, 2011).

Moreover, Woods (2019) argued that forest department officials, foreign and national conservationists utilized ceasefire conservation funding and global conservation discourses as a tool to control rebel frontiers by creating state-managed green spaces. This affected the potential return of Karen refugees forcibly displaced by war in the 1990s and 2000s across the Thai border, as their homes are considered a threat to conservation targets). During the ceasefire, international conservation organizations and their large-scale protected area projects achieved territory control (Woods, 2019). For instance, during this time, Tanintharyi Nature Reserve Project (TNRP), Tanintharyi National Park (640,000 acres), Lenya Forest Reserve, and Nya Wan State Reserve Forest (700,000 acres), were implemented by the government and WCS, affecting thousands of Karen villagers and refugees (CAT, 2018).

The UN's REDD+ program with its multi-donor support in Myanmar also cooperated with the Myanmar Forest Department in helping to fund and further legitimize the protection of forestlands as state territory and national resources. In these protected areas, the country's Forest Laws (SLORC, 1992; GOM, 2018b) and Forest Policy (GOM, 1995a) denied villagers' forest access, use, and occupation claims inside state forests. Forests and forest-dependent ethnic minority communities were categorized during the ceasefire in ways that further legitimized and perpetuated political violence against them just as they had been targeted during war. Woods states that the military government endeavored to remove the rebels and villagers and substitute them with Myanmar foresters and soldiers. They altered the forests under insurgent control into state conservation parks which "[lent] the state stronger legalization powers and domestic and international justification, legitimization and funds to better realize those outcomes" (Woods, 2019, pp. 14-15).

During periods of war and military dictatorship in Myanmar, the movement of indigenous and ethnic peoples against land confiscation can be understood in the form of armed resistance by groups such as the KIO/A and KNU attempting to control their territories, rather than agrarian activism or indigenous peoples' movements for land and forest rights. According to Reshmi Banerjee, agrarian activism and social-institutional intercessions to defend indigenous peoples' rights in Myanmar emerged in recent years against the creation of unclear land laws which worsen and increase the process of land confiscation (Banerjee, 2018). During military rule, the upland peoples resisted the military government by ignoring the policies and laws. For example, in 2017 when I was working with POINT, a villager shared,

The Asho Chin communities in the Magway region continued shifting cultivation, although the government stopped and forced them to develop terracing in the early 1990s (24/5/2017)

Regarding conservation, affected villagers cut trees from Kho Nung M'zung, or Nat Ma Taung National Park, which had been created between 1993 and 1997; they also continued to access the area for shifting cultivation, logging, hunting, and collection of non-timber forest products (Pyi Soe Aung, 2019). An indigenous movement against green grabbing and in defense of customary land rights emerged in the decade from 2010 to 2019 with the opening of political opportunities together with exacerbating land confiscation (Sekine, 2021). In this way, indigenous movements against state territorialization, including green territorialization, started in the last decade separate from armed resistance.

Green territorialization of the state happens in two forms: attempting to bring insurgent areas into state control and formalization of indigenous tenure. To meet the objective of central control by formalization, the military government uses all forms of tactics such as a declaration of all land as state owned land or unregistered wasteland land under the VFV Law. The policies and laws are framed to delegitimize customary land ownership beginning from the Land Nationalization Act of 1953 and employed the discourse of conservation while blaming land use under customary land tenure as unproductive and destructive to nature. In the last decade, the ceasefire agreement and international conservation organizations were used to bring insurgent controlled areas under state control while dispossessing customary land of indigenous communities. However, until the end of the 2000s,

indigenous peoples tried to maintain their control over territory through armed resistance (especially KIO/A, KNU, and some others) while local communities practiced everyday resistance rather than coalescing into a movement.

Territorializing the Land of M'pai Village in the Name of Conservation

The Aye Chaung Public Protected Forest was designated in July 2002. According to the District Forestry Management Plan, the total area of this PPF is 101,420 acres (MoECAAF, 2016c). There is 1.69 percent of teak inside this PPF. The total acres where the villagers can be allowed to support timber needs is 748 acres. Out of 101,420 acres, 62,064 acres is demarcated as production forest, 20,027 acres as watershed area and 19,329 acres as community forestry areas (MoECAAF, 2016c). This section discusses how the state is implementing Aye Chaung PPF in M'pai village. The village's dispossession is further discussed in Chapter four, which focuses on the fieldwork sites of M'pai and affected surrounding villages

Territorialization of M'pai village by the creation of Aye Chaung Public Protected Forest is characterized by lack of prior information, a top-down approach, and state reclassification and mapping of the territory.

Lack of prior informed, consultation and clear regulations

Aye Chaung Public Protected Forest was implemented without compliance with existing forest law and the procedures developed for guiding the creation of protected areas including reserved forest, public protected forest, and protected areas. The authorities failed not only to inform communities about the creation of the PPF, but also failed to inform them of their rights and relevant regulations.

First, the creation of Aye Chaung PPF is characterized by lack of prior information and consultation. According to the Standard Operation Procedure (SOP) for public protected forests, forest settlement officers must declare or inform affected communities to claim their grievance on the right to utilization of the forest and land inside of a proposed public protected forest. The information involves the right to claim their rights and privilege to forest settlement officers within 90 days after the declaration of the proposed PPF

(MoNREC, 2016; GOM, 1995b). According to the amended Forest Rules of 2018, a “scrutiny body” involving local ethnic communities and relevant experts must be formed to examine and decide on the rights of affected people on their land and to execute the delineation of the reserved forest. Moreover, the Ministry needs to convene a working committee, including local ethnic communities and appropriate experts, to examine, decide and tackle the affected rights of the people which emerge under the restrictions contained in the declaration (GOM, 2018b). The Ethnic Rights Protection Law (Pyidaungsu Hluttaw, 2015) states that the projects carried out within ethnic areas must inform the communities and be coordinated and implemented with the related local ethnic groups in terms of development activities, major projects, businesses, and harvesting of natural assets (Pyidaungsu Hluttaw, 2015).

Villagers were informed of the creation of PPF in 2013; that is, 11 years after its designation on paper. All those interviewed (n=10) regarding this issue stated that they were not informed about the PPF when it was first proposed, as I-7 shared:

We do not know when our territory was designated as public protected forest until 2013. The authorities did not inform the villagers when it is proposed. They did not consult the rights and privileges which we can claim (20/9/2021).

I-4 added,

Forest staff come to our village to implement public protected forest in 2013. They said this project has been agreed upon by the village. Indeed, we do not know anything about the PPF. They did not inform and consult the villagers. For me, they are doing whatever they like (18/9/2021).

In Hmu Long village, although the authorities came to the village three times in 2020, the authorities did not organize formal meetings to explain the rules and regulations of the PPF. There was no consultation to negotiate the rights and privileges of the villagers. Neighboring villages only got information about Aye Chaung PPF when forest staff came to M’pai village in 2013. As two members of a CBO stated,

The authorities created the PPF by force and implemented it without the villagers' consent (KI-3, 10/10/2021).

When forestry staff erected boundary marks in 2020, KI-1 asked the forest ranger and forester about prior consultation about the PPF:

I asked them "do you inform village-tract administer when the PPF is proposed?" They said "we did inform, but I think the information did not reach village-tract administrators. Mindat District forest ranger said the rights and privileges of ... village will be executed by the forest department in coming years. It will be the weakness of the forest department" (9/10/2021).

Second, there is no clear information about rights and regulations. Section 5 of the forest rules states that the Minister needs to declare the restrictions inside of reserved or public protected forest such as building new constructions, logging trees, withdrawing forest products, clearing land, developing new crop or forest plantations, pasturing, and burning the forest (GOM, 1995b). However, the villagers were not formally informed of these regulations; rather, some villagers obtained information through informally. Therefore, the villagers have limited knowledge about the regulations provided in forest law, and about community forestry. The villagers feel that the forest department is gradually enforcing without clear dissemination of those regulations and rights. The forest department did not organize a formal meeting to inform them of rights and regulations inside the public protected forest, as I-7 stated,

They did not inform what regulations the villagers must follow inside of PPF as well as what will be implemented in the future. The villagers do not have knowledge about regulations, but few have limited knowledge about regulations, especially those who are familiar and working closely with them (11/10/2021).

The villagers discussed this in considerable depth in the interviews with the researcher and his field assistant. To date, there is no clear and strict enforcement of the law on *lone ma* (shifting cultivation), collection of non-timber forest products, timber extraction for domestic use (e.g., for building houses), hunting, and fishing, especially outside of plantations and community

forestry areas. However, there is a warning about the possibility of restrictions in the coming years (I-4, 19/9/2021). Regarding forest department tree plantation areas and community forestry, the villagers are prohibited from timber extraction and farming (I-5, 20/9/2021). I-7 explained,

In my opinion, they are doing it gradually. Although they did not impose regulations clearly and strictly until now, we can see that they are limiting one by one gradually. For instance, we can do nothing in the plantation area of the forest department. A huge area of the *lone ma* area was decided as community forestry. It seems they are trying to stop extracting of trees and *lone ma* (11/10/2021).

In relation to community forestry (CF), villagers spoke of a few community leaders who had limited knowledge. Most of the interviewees did not know about the 30-year management plan and the CF certificate which are the backbone of the CF regime.

We villagers know nothing about Community Forestry regulations and rights. Few people have limited knowledge about CF (I-6, 11/10/2021).

Another interviewee, KI-2, supported this contentious issue,

The villagers do not know about rights and regulations not only regarding PPF but also CF (31/10/2021).

In the implementation of Aye Chaung PPF, the government did not conduct prior informed consultation about PPF and negotiation of rights and privileges. Moreover, the government actors failed to inform community members both about the rules and regulations inside of the PPF, and the rights and responsibilities of community forestry. In the household survey, only five out of 25 respondents identified forest department rules limiting logging, hunting, using dynamite in the streams, and practicing *lone ma*, while one respondent identified no clear regulations at all. The remaining 19 respondents had no knowledge about rules and limitations except prohibitions on logging and *lone ma* in government tree plantations and community forestry areas. Therefore, there is no clear information about regulations and enforcement of

regulations inside of the PPF until now. Only a few people have limited knowledge about regulations and potential limitations. According to the findings from the in-depth interviews and household survey, only village leaders and those who have a close relationship with forestry staffs have some limited knowledge of regulations and rights. All the interviewees (n=10) expressed their feeling that the people come to feel unsafe to extract timber for buildings or to withdraw bamboo after the establishment of the PPF.

Top-down approach to the implementation

Regarding the implementation, the forest department conducted demarcation of settlement areas, cemeteries, tree plantations of the forest department, community forestry areas, and land uses. While the settlement area and cemetery were measured in 2013, it was not until 2016 that the authorities began to carry out forestry activities. Villager I-7 provided detailed information how in 2016, forest staff came to the village again and informed the village to grow trees for the government's tree plantation. The tree nursery was raised in 2017 and planted in 2018. The villagers were compensated 200,000 kyats (USD \$150) for nursery raising and 5000 kyats (USD \$3.8) per day for clearing vegetation and planting trees. I-6 added that the plantation area of the forest department was about 20 hectares (50 acres) 11/10/2021). The interviewees expressed about the implementation of state forest plantations that

Forestry staff come to our village and told us “You have to do nursery” and “grow trees”. They selected the fallow of *lone ma* for plantation. Although we requested them to grow in another place, they refused. They chose the location they prefer. We grew 4000 plants. They decided everything as they wished. They did not consult with the villagers. We also followed whatever the government did (11/10/2021).

I-5 also shared,

When we clear existing forest to grow trees [Mezali, *Senna siamea*], we advised them to conserve existing forest rather than clearing them. But they said they are doing under the instruction from the upper level of the department (20/9/2021).

Indeed, the effectiveness of tree plantations is questionable. The interviewees contend that the trees are not planted carefully with no care and protection after planting. The government tree plantation area was also burned by a forest fire in 2020. Although the trees died, the plantation area became state land and is fully under government control. According to one of the interviewees,

In my opinion, they are doing the plantation for show and to show their accomplishment of work because they are not doing it systematically. I think, only a few trees will survive since the plantation area is also burned by a forest fire (I-8, 12/10/2021).

The implementation of tree plantations was a top-down approach, and not implemented systematically. Villagers were not able to negotiate the location for the plantation but forced to grow the trees in their fallow area. As a result, *lone ma* areas were converted into tree plantations of the forest department and villagers were prohibited from cutting trees and farming in the plantation area and its vicinity.

Community forestry is also an imposed project rather than in consultation with the villagers. Forest department staff informed the villagers to establish community forestry and to raise a nursery in 2020. For community forestry, the forest department demarcated 412 acres of land, of which 300 acres are for the new village and 112 acres for the old village.⁶ The villagers accepted community forestry because the authorities informed them that community forestry is owned by the village and excluded from PPF. I-8 and I-6 explained,

We did not demand community forestry. They come to the village and tell us, you have to do community forestry that is owned by the village, so we just did it. Most of the land demarcated for community forestry is shifting cultivation *lone ma* area. In 2021, we planted *Acacia mangium* and *ye way*⁷ to green the forest” (12/10/2021).

6 In 2012-2013, the families in M'pai village moved one kilometre to a new location along the vehicle road for easy access.

7 *Ye way* is a term that community members use to refer to any trees planted in the watershed.

Some villagers are willing to do community forestry because forestry staff said, community forestry is for the village, and it is excluded from PPF. Some people are not happy with this plan because we are not allowed to do rotational farming and extracting of timber (11/10/2021).

Furthermore, the villagers have very limited understanding of the rights and responsibilities of community forestry, even among village leaders. The interviewees know that community forestry can be used for gardening, that community forestry areas are excluded from the PPF, and that the right to extract timber is by the approval of the forest department. The implementation of community forestry is also ineffective. Although each household has to grow 300 trees, the new village (about 18 households) had grown only 1000 plants by the beginning of 2021. Tree species are *Acacia mangium*, *Kassod* tree (*Senna siamea*), and various species planted in the watershed area. The selection of community forestry location is done by the villagers, but they need to choose suitable land for a plantation. Therefore, the community forestry area is also fallow land (I-6, 11/10/2021; I-9, 12/10/2021). The important step of community forestry is developing a 30-year management plan and obtaining a community forestry certificate (Forest Department, 2019). According to four of the interviewees, who were directly interviewed by the researcher, there is no 30-year management plan, and they did not know whether the community forestry certificate had been received or not.

We the villagers do not know about the regulations of community forestry. There is no explanation of community forestry. They said *Acacia mangium* would be big enough to sell in 15 years and it can be sold with the permission of the forest department. They said, you all will become rich, so villagers laughed (I-8, 12/10/2021).

We did not receive a community forestry certificate and we do not have any evidence. Moreover, we do not have a 30-year management plan as well. We did what they instructed. We villagers know nothing, and few people have limited knowledge about community forestry (I-6, 11/10/2021).

According to the interviewees, tree plantations are conducted only to meet the instruction of authorities rather than for the good of the forest. Worst of all, the 30-year management plan to guide community forestry is not developed, and there is no community forestry certificate. Although community forestry is intended to improve the quality of the forest, there is weakness and contradiction in implementation of the government’s Community Forestry Instructions. This case shows that top-down conservation has resulted in weak participation by the villagers. Villagers planted only 1,000 seedlings rather than the required 5,400, and there been no caring of planted seedlings.

Reclassification, and mapping of land use

The implementation of the Aye Chaung PPF involves reclassification, demarcation and mapping of land uses and the boundary of the PPF. According to the district forest management plan, the government conducted a survey of the whole land and forest area of Mindat District in detail including land use types, forest types, tree species, wildlife species, and forest cover. The assessment involved volume of extractible timber resources including teak, sal tree and other types of hardwood trees expected for production (MoECAF, 2016c). According to the district forest management plan, the state has classified and surveyed all the information about land use, tree species, and wildlife (Figure 3.1).

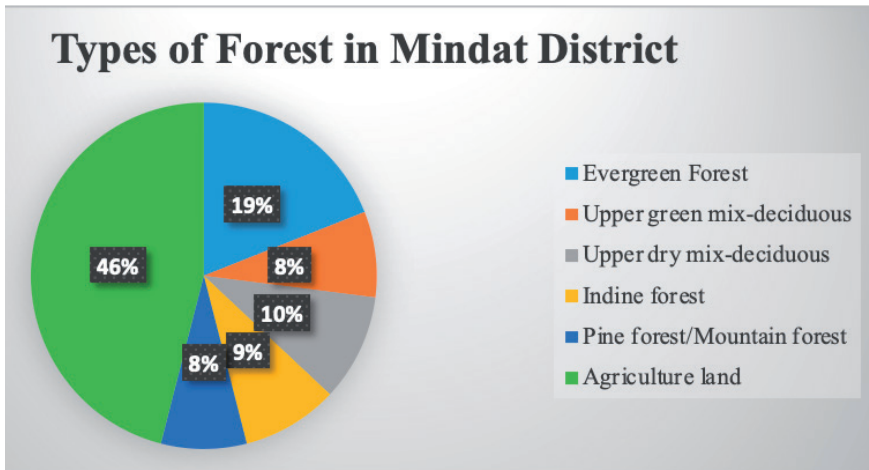


Figure 3.1. Types of forest in Mindat district (Source: MoECAF, 2016c, p. 34)

However, the information in the forest management plan is questionable in that the information is an estimation or based on a ground survey. In the case of M'pai village, land use classifications and mapping through ground surveys began in 2013. When forestry staff came to the village in 2013, they measured the settlement area at about 8 hectares (20 acres), and the cemetery. The authorities (forestry staff and land record department staff) produced maps of the plantation area, community forestry, and the boundary map of the PPF after 2016. According to the state classification, land uses in M'pai village are community forestry, village lands, and cemeteries which are excluded from PPF. The rest are public protected forests and tree plantation. As noted, villagers were not aware of their rights to claim gardens or orchard lands to be excluded from the PPF. Regarding mapping, I- 5 and I-7 explained,

Forestry staff said they have been done survey and satellite image of the forest (20/9/2021).

They also produced maps. When they do map, they did not mention rotational farming areas and they avoid these areas in the map. But they take photos of the rotational farming area where trees are planted (11/10/2021).

The state actors not only produced maps of community forestry and tree plantation areas, but also erected posts or other markers to ensure the boundary of the whole area of PPF, plantation area and community forestry. CBO staff explained

They did boundary map from Auk Kant to M'pai village. They are demarcating our land as their own by erecting boundary posts. This condition, on the other hand, creates the feeling that the land is owned by the government (KI-1, 9/10/2021).

When forestry staff came to Hmu Long village, they said they will do systematic mapping of each land use. After completion of the maps, the villagers cannot use the land and forest as they used to (KI-3, 11/10/2021).

The declaration of PPF is followed by the systematic demarcation of land uses under the state's simplified land formalization process by erecting posts

or marks and producing maps of internal land uses and the boundary of PPF. The government survey of this area also includes soil types, tree species and wildlife (MoECAF, 2016c). According to information from a neighboring village, the mapping would be used to impose and enforce the regulations, limit customary use of natural resources, and restrict villagers' land uses.

To sum up, Aye Chaung Public Protected Forest was designated in 2002 without any prior information about the proposed PPF to the affected villagers, and it was implemented in a top-down approach. The right to claim rights and privileges is considered unlawful by the forest department, who have rejected villagers' right to do this. The implementation has both contradicted and failed to comply with existing laws. As a result, the villagers have very limited knowledge about rights and regulations inside of PPF and community forestry areas. Apart from banning shifting cultivation and timber extraction inside of government tree plantations and community forestry areas, there is no clear information about regulations and enforcement. Furthermore, the land use of the territory of M'pai village has been converted into public protected forest, tree plantations, and community forestry areas. Although plantations are intended to be green, this tree plantation can be seen as a failed project, created rather only for state control. Forest department granted 412 acres of land to the villagers in the name of community forestry. While giving the land to villagers might seem like a positive action, logging and *lone ma* are prohibited in CF land, and the community forestry designation has also brought the land under the state property regime. Lastly, the land use and boundary of PPF have been reclassified and mapped by the forest department. It is formalizing or de-territorializing customary land into the state property regime.

Summary

In the monarchical regime among Burman Society in pre-colonial times, teak trees were declared as royal property, and the first wildlife sanctuaries were created. However, green territorialization in Myanmar was strongly developed during the colonial period by the adoption of scientific forestry. Green territorialization in the British time was characterized by the following factors. Firstly, the British government declared teak forests as state property after the second and third Anglo-Burma wars and announced all forests to be state owned after the third Anglo-Burma war. Secondly, the creation of scientific

forestry was solely for the long-term production of teak and accumulation of wealth, rather than the wellbeing of nature before 1920. Scientific forestry was institutionalized by the creation of the Forest Ministry for effective governance. Thirdly, teak plantations and reserved forests were created in 1870, and protected areas after 1920 as a means to control the wider forests and people. Lastly, green territorialization dispossessed customary lands, livelihood means, and identity of indigenous and forest-dependent peoples, especially Karen from Bago, by regulating shifting cultivation and cultivators, which resulted in resistance.

After Myanmar's independence in 1948, green territorialization attempts were strongly linked with the legacy of the British colony in terms of policies, laws, and institutional structures. Green territorialization in the post-independence period has been characterized by internal territorialization, especially to ethnic areas where political control of the state has been absent or weak. The significant changes have been, first; centralization of political control through the "Burmese Way to Socialism" and nationalization of trade and business as well as resource control under long lasting military control. Centralized control of land and resources is also reaffirmed and strengthened by the constitutions and other legal frameworks. However, due to the civil war, green projects were only carried out in the central area of the country. Second, the state strengthened the institutions to govern and manage the forest effectively. Third, the state engagement with the international community in the 1990s and introduction of a market economy brought greater pressure on customary land tenure of indigenous peoples for economic concessions and conservation projects while delegitimizing customary land as wasteland, VFV land or unclassified land at the disposal of the government. Fourth, the opening of a legal framework to people's participation and the private sector in conservation through community forestry enabled some positive effects, although many problems remain. Fifth, green territorialization is increasingly taking place in ethnic and indigenous areas since 75 percent of VFV lands and unclassified forests remain in ethnic lands. Existing policies and programs encourage reclassification of VFV land, discourage shifting cultivation, and regenerate it into the forest by the introduction of agroforestry. Lastly, utilization of ceasefire agreements as a means to bring insurgent-controlled areas under state control has been characterized by violent dispossession of indigenous territory and accumulation by the private sector and military-related businesses. Through these different eras, green territorialization has encountered resistance

and the persistence of indigenous communities. However, under dictatorship, this resistance did not emerge as an indigenous movement until the 2000s. Although the opportunity to recognize customary tenure and indigenous conservation emerged in legislation after 2015, the process is still obscure with no clear procedures.

Although the Aye Chaung Public Protected Forest was implemented during the previous civilian government (2013-2021), state actors failed to respect the rights of local communities prescribed in the existing laws and procedures such as the right to prior information and coordinated implementation with local people, and the right to claim rights and privileges rather than an imposed top-down approach to conservation. Moreover, the villagers were not clearly informed of the regulations, not only the regulations in relation to the public protected forest but also the rights and responsibilities of community forestry areas. The state actors failed to comply with the existing rights of indigenous peoples mentioned in the ethnic protection law by dictating planned activities rather than informing, coordinating, or implementing the project together with local communities. The territory of M'pai village and surrounding areas were brought under the state's public protected forest without prior information about the PPF and associated rights and regulations. In this case, the state green territorialization has been characterized by top-down conservation, formalization of the landscape by converting the territory into a PPF, reclassifying and mapping village land uses while excluding the rights of M'pai village prescribed in existing laws. In short, in these ways, M'pai village and its people are brought under the state's control. State green territorialization has been dispossessing customary land tenure, livelihoods, and the identity of the village, topics that will be discussed in chapter four.

Chapter 4

Dispossession and Accumulation through Green Territorialization

Chapter four discusses how the state has undermined and deterritorialized the customary land tenure of indigenous peoples through the establishment of centralized administration, which has undermined customary institutions especially after the 1962 coup d'état. At this time, policies and laws were created which failed to recognize customary tenure systems, placing all unregistered indigenous lands at the disposal of the government. This chapter first articulates the ways that the state legitimized dispossession of indigenous territory, especially through the discourse of “shifting cultivation.” This analysis complements the discussion about the process of delegitimization of customary tenure and the dispossession process in M'pai village. Secondly, the ways that the state conservation project – Aye Chaung Public Protected Forest – dispossessed M'pai village are examined. These two factors can be considered as a reterritorialization process on customary land tenure. Lastly, recent and potential future accumulation from conservation in the context of Myanmar is examined.

Legitimizing Dispossession of Indigenous Territory for Conservation

The state's justifications for dispossessing indigenous territory for conservation areas including reserved forest, public protected forest, and protected areas are embedded in the discourses of shifting cultivation, climate

change mitigation, sustainability, and wildlife conservation. In fact, shifting cultivation is the main livelihood system of indigenous peoples, especially in upland areas, and a pivotal marker of customary land tenure. From the early years of British colonial rule to recent years, discourses about shifting cultivation have been used to legitimate the dispossession of resource-rich indigenous territories for the exploitation of natural resources, conservation of biodiversity, and climate change mitigation.

The politics of shifting cultivation

Shifting cultivation is a prominent livelihood system for most indigenous communities in Myanmar, especially in upland areas, and is the main part of customary land tenure systems. Although shifting cultivation plays a crucial role for the livelihoods of indigenous peoples for subsistence agriculture, discourses about this practice have become a weapon for the state and conservationists to legitimate green territorialization, formalization of the land under a state property regime, and dispossession. These actors blame shifting cultivation as backward, unproductive, and destructive to the environment (Cairns, 2017). Such accusations result in the eradication of shifting cultivation as well as failure to recognize customary land ownership.

Attempts have been carried out to eradicate shifting cultivation since the colonial period. In Myanmar, this started with the report by Johan Wilhelm Helfer (Chief of Indian Botanical Gardens) about his observations in Tanintharyi in 1936 which pointed out how forest fire and shifting cultivation caused deforestation (MoF, 2008). Shifting cultivation was condemned along with laissez-faire forestry as unsustainable and destructive to the forest, and the government was called upon to control this practice (Bryant, 1994b). Therefore, the British government started imposing measures and rules over shifting cultivators. According to the rules, if people were found cutting teak trees, they could be fined and put in jail. In addition, they imposed taxes on *taungya* land, which aroused the anger of the hill Karen in Bago (Bryant, 1994b). The blame on shifting cultivation during British rule was mainly based on the economic incentive of the teak forest, rather than the willingness for conservation. Indeed, Bryant (1994b) argued that shifting cultivation does not lead to the permanent depletion of forest. Rather, the adoption of *taungya* forestry proves that shifting cultivation of hill Karen does not lead to permanent damage of forest because of the long fallow period.

Since the prospect of the *taungya* system was introduced for teak plantations, hill Karen people were encouraged to grow teak along with rice and cotton. When the Karen realized this plantation system was undermining their land use and ownership as well as their belief system, cultures, and livelihoods, they resisted in many forms. However, the plantations were scaled up in force. Around 1869, incentives were provided for Karen people such as exemption from capitation tax, the offer of wages for planting teak, and demarcation of exclusive land use for them (Bryant, 1993). In this way, the land of indigenous Karen was gradually brought under state control. Bryant argued that although *taungya* forestry was considered as a way of plantations for long-term production, this system was introduced to enable the expansion of state forest control in the colonial area, a “highly political process” (Bryant, 1994b, p. 226). Since the shifting cultivation system involves burning and clearing, fires were accused of depleting the trees, deterring teak growth, and turning teak forest into less valued evergreen and bamboo forest. This is one of the justifications for the state’s control over the forest (Bryant, 1993). The establishment of massive reserved forests transformed a nominal right over the forest into systematically governed and controlled state ownership (Bryant, 1994b).

Shifting cultivation is mostly found in Kachin, Kayah, Karen, Chin, and Shan States. According to the estimation of the forest department of Myanmar, 22.8 percent of the total land area of the country is affected by shifting cultivation. Moreover, shifting cultivation is stated as the key fundamental cause of deforestation in Myanmar by officials and some researchers alike (e.g., San Win, 2004). The politics of shifting cultivation have been deeply rooted among officials and used to justify the creation of plantation and reserved forests supported by coercive means and the creation of rules.

The Myanmar Forest Policy of 1995 gives the directives, “to discourage shifting cultivation practices causing extensive damage to the forests through the adoption of improved practices for better food production and a better quality of life for shifting cultivators” (GOM, 1995a, art. 3.1). The National Development Strategy of 2009 also clearly states that substituting shifting cultivation with agroforestry and other relevant technology will rejuvenate shifting cultivation and encroached areas into forest (MoF, 2009). Rules under the Farmland Law of 2012 also include instructions to eradicate shifting cultivation (GOM, 2012a). Similarly, the NLD’s 2015 Election Manifesto under the environment sector aimed to eradicate shifting cultivation by providing

educational and practical assistance (NLD, 2015). According to the VFV law of 2012 and amended in 2018, shifting cultivation areas are at the disposal of the government, which can use these areas for conservation, plantations, and other purposes (GOM, 2012b). The way of defining “vacant” and “fallow” resulted in many shifting cultivation lands used by farmers and communities for pastureland or other customary uses being categorized as vacant and fallow (Andersen, 2016). The ignorance of customary land rights by the Farmland Land and Vacant, Fallow and Virgin Land (VFV) is related to the condition that shifting cultivation “remains open to reclassification as vacant, fallow, or virgin land” (McCarthy, 2016, p. 4).

The state imposes formal land rights over primary local claims by promoting land titling under these laws as the sole legal right to land. Therefore, the formalization of land rights via titling reinforces current inequalities and generates new injustices. Indeed, the reclassification of shifting cultivation land in Myanmar as wasteland for various political and economic reasons, rather than describing the quality of the land itself, has been practiced since the colonial period and it continues today (McCarthy, 2016). Accordingly, large areas of shifting cultivation areas have been permitted for foreign investment as concessions (Talbot et al., 2013). For instance, shifting cultivation lands in Kokang region, northern Myanmar, were grabbed and given as concessions for rubber plantations (Ennion, 2015). Dispossessed swidden land was classified as “cultivable waste land” by the government and converted to rubber plantations which led to the increase of landlessness under the Chinese opium substitution program (Kramer & Woods, 2012). Due to land concessions for agriculture and resource extraction, 50 percent of households in 12 out of 19 townships are landless in Kachin State; most of the allocated land was previously used for shifting cultivation or grazing land (Kramer & Woods, 2012). In contrast, the National Land Use Policy (GOM, 2016) provides a separate chapter for customary land tenure recognizing the value of shifting cultivation. However, the National Land Law has not able to accomplish change to date and the recognition of customary land tenure and shifting cultivation is still unmet in practice. Most existing laws and policies continue to discourage shifting cultivation as well as the customary land tenure regime.

According to NGO key informant KI-16, shifting cultivation has been claimed as the main driver of deforestation, leading to efforts to eradicate and discourage this practice. Indeed, the establishment of permanent forest estate

in indigenous areas is considered as a response to deforestation caused by shifting cultivation and unregulated land use of indigenous peoples. Therefore, to protect the environment, the state converted shifting cultivation land into conserved areas (28/8/2021). Key informant KI-5 concurred with KI-16,

The view of shifting cultivation as a backward, unproductive system and destructive for the environment is related with the expansion of conservation areas into indigenous territory and resulted in the criminalization of shifting cultivators (6/8/2021).

These comments are supported by scholar Borras (2016), who stated that the narratives about peasants' production as "economically inefficient and ecologically destructive was, and still is, strong to grab natural assets (land, water, forests) from the destitute" (p. 7).

The negative accusation of shifting cultivation existed since the colonial period and has been used to legitimize dispossession and formalization of customary land ownership into the state's property regime including conservation areas and commercial plantations. The current forest policy and strategies have also been targeted to regenerate fallow areas of shifting cultivation into forest by employing sedentary agriculture or agroforestry. On the other hand, the state's failure to recognize customary land ownership is also related to notions of unsustainable land use and "slash and burn." The above accusations on shifting cultivation become one of the ways to delegitimize customary land tenure regime, and to legitimate formalization of customary land use, the creation of conservation areas, dispossession of the land, and consequent capital accumulation.

Dispossession as policy implementation, sustainability and saving wildlife

The dispossession of customary land of indigenous peoples is also legitimized through implementation of laws and policies for climate change mitigation, sustainability, and conservation of wildlife hotspots. Many of the key informants in this research referred to the expansion of conservation areas as the implementation of state policies and targets. The Forest Policy of 1995 targeted to convert 30 percent of the country's total land area into reserved

forest and five percent into protected areas (GOM, 1995a). The 1992 Forest Law similarly aims to protect reserved forest from encroachers and from shifting cultivators, to regulate plantation and production forest, and to meet international agreements for sustainable development (Bryant, 1996; Instituto Oikos & BANCA, 2011). The government intended to increase reserved forests from central Myanmar into peripheral areas. Moreover, under the Forest Law, forest dependent communities can be evicted by force despite many years of traditional inhabitation. More than one million acres were granted to 100 companies and organizations in 2001 (Leckie, & Simperingham, 2009). At that time, the forest department formulated the Community Forestry Instructions to promote community participation in conservation and to support community needs (MoF, 1995; Bryant, 1996; Kyaw Tint et al., 2011). At the same time, a 30-year forest master plan was developed which mandated to expand the permanent forest estate to 30 percent and of protected areas to 10 percent of the total area of the country (MoF, 2001; Instituto Oikos & BANCA, 2011; GOM, 2015b). These laws and plans legitimized green territorialization of the state into indigenous areas. Over months of fieldwork, I garnered the views of state conservation from ethnic based and conservation NGOs. In the following three quotes, the contestation between these two groups can be seen.

The state conservation into indigenous land is legitimized with existing laws and policies and plans to meet the national target. However, it is difficult to say that the projects are implemented according to the departmental instructions (KI-4 [Ethnic-based NGO]5/8/2021).

Conservation is justified by existing laws and policies. Although CSOs have been advocating for indigenous rights on land, there is not any reliable legal protection on land and resources rights of indigenous peoples. Moreover, most of the forest and natural resources remains in indigenous territory (KI-7 [Ethnic-based NGO, 25/8/2021).

However, KI-17 [Regional conservation NGO] gave reasons for supporting the state expansion of conservation into indigenous areas,

It is sure that the expansion of conservation areas will fall on the land classified as vacant, fallow, and virgin land. However,

it is important to understand the reasons for the expansion of conservation areas such as the need to reduce emission levels, the issues of deforestation, biodiversity loss, and climate change impacts (1/5/2022).

Therefore, converting indigenous territory into conservation areas is legitimized by the discourse of sustainability and climate change mitigation, and the assumption that state-led conservation is the only way to mitigate worsening climate crisis (KI-6, 12/8/2021). The government sees customary land use, especially shifting cultivation, as creating environmental issues including deforestation and soil erosion. Therefore, the government imposed top-down interventions such as the creation of conservation areas to regenerate land under customary use into forest (Van Bawi Mang, 2020). The discourses of soil destruction, air pollution, climate change, forest decline and wildlife extinctions are combined with techniques of surveillance to reshape practices considered unsustainable into new forms of conduct (Luke, 2009).

Key informant KI-5, who has many years of experience of working on both indigenous and environmentally focused issues, shared her knowledge relating to international environmental commitments. As per her sharing, according to the policy perspective, the creation of more conservation areas is for climate change mitigation and maintaining ecosystem services. Moreover, conservation is articulated as for the common good of the world but often at the expense of indigenous peoples and local communities. The discourse of sustainable development is also linked with state commitments at the international level such as the Intended Nationally Determined Contributions (INDC) through the UNFCCC, and the Convention on Biological Diversity (CBD). The INDC commitments reinforce the government's targets to create 40 percent of the total land area of the country into permanent forest estate. Recently, as the Myanmar state came to engage more in the international community, the creation of protected areas came to be legitimated as meeting the state's international obligations. This is believed to benefit the state in return through eco-tourism development, carbon credits, payment for ecosystem services, and other revenues (KI-5, 6/8/2021).

Baird (2014) argued that REDD+ initiatives have the possibility to recentralize forest resources in specific ways in Cambodia and Laos, mainly regarding their schemes for marketing carbon credits. However, there is possibility to prevent outsiders from taking their land, if the government ensures

long-term tenure of forest under REDD+. Tenure security is the key for the success of REDD+. Baird also points out that as REDD+ can be seen as incentive for forest conservation, it encourages governments to increase their control over forest resources by emphasizing the concerns of the international community while neglecting the welfare of forest-dependent communities (Baird, 2014). REDD+ did not bring significant change in centralized countries such as Vietnam in terms of devolution of forest tenure and management, while there is also the possibility of “recentralizing” in democratic countries such as Mexico, Indonesia, Tanzania (Libert-Amico & Larson, 2020).

KI-6 and KI-7 shared their professional knowledge regarding the creation of protected areas that are driven and justified by declaring a certain area as a biodiversity hotspot. Biodiversity surveys by international organizations and resulting recommendations support the government to create protected areas in the name of protecting biodiversity. For instance, Fauna & Flora International (FFI) conducted biodiversity surveys in Tanintharyi region that the government of Myanmar was unable to do by itself. The data was submitted to the government, and it makes it easier to decide conservation areas in the regions based on the biodiversity data (KI-6, 12/8/2021).

When the government or international NGOs did wildlife surveys and found important species and endangered species such as tiger, they consider the area to be a wildlife hotspot and they recommend that the area has to be established as a corridor for wildlife conservation. It is species or habitat-based conservation rather than a response to deforestation (KI-7, 25/8/2021).

Indeed, the attempt for sustainability and biodiversity conservation is critically important for the wellbeing of the nature, ecosystem services and the livelihoods of the people. KI-7 continued,

Indigenous peoples also worry about climate change and deforestation because they are one of the most vulnerable peoples. Therefore, many indigenous peoples around the world, as well as indigenous peoples in Myanmar, are managing and conserving the forest. For instance, collective management activities such as Salween Peace Park, Tribal

Park in Taungoo area [Thawthi Taw-Oo Indigenous Park] and ICCAs in Tanintharyi region ... However, the state conservation schemes failed to consider about indigenous ways of conservation, customary tenure systems, and livelihood means (25/8/2021).

Key Informant KI-16 shared his belief that the government's progressive establishment of permanent forest estate has three main factors, among many others. Firstly, the expansion of conservation areas is the implementation process of law and policies. Secondly, the state consider itself as the responsible institution for environmental conservation. They have the mentality of obligation as the only institution to lead and act on conservation rather than citizens' participation. Thirdly, there is international pressure for climate change mitigation that the government has an obligation to engage in (28/8/2021).

In the context of Myanmar, green territorialization and its dispossession is enabled and legitimized by undermining customary land tenure and shifting cultivation systems. The negative discourse of shifting cultivation is common among government officials and the general public, as well as being reflected in existing policies and laws. Therefore, converting indigenous land into conservation areas is legitimized to protect the land from deforestation. Further, green projects in indigenous territories are justified as the implementation of national policy targets and plans, which are in turn backed up by the articulation of the importance of conservation for sustainable development and climate change mitigation. Finally, the state proposed wildlife conservation areas based on wildlife assessments by international NGOs. These factors are used to reterritorialize customary tenure systems, while reterritorializing and extending state control over indigenous territories where the state is weak or absent. In the following, these processes are discussed in the context of Aye Chuang PPF and the dispossession of M'pai village.

Defining Land, Customary Land Tenure and Relations

In order to better understand the dispossession caused by Aye Chaung Public Protected Forest, it is important to examine the Daai peoples' perspectives on customary land tenure and their relations to land, forest and natural resources in terms of livelihoods, culture, governance, and identity. To date, Daai people

in the research area are almost fully exercising the customary tenure system except for very few applications under the Myanmar government's Form 7 for paddy fields, a few garden lands in one village in the last decade, and villages inside of Aye Chaung Public Protected Forest designated in 2002. Regarding customary land ownership, I interviewed elders from M'pai village and leaders of the Daai Indigenous Network from different villages who are knowledgeable about the customary rules, practices, and values of the Daai people. According to these informants, the customary land tenure system is related to the concept of "*khaw*" or "land."

The land is defined in many ways by Daai People. Its definition not only reflects physical matter but also values of the population such as territory ownership, identity, and livelihoods. First, the claim of "territory ownership and land ownership" is common among Daai People. For instance, they use the term "our land" or "our territory" not only for plots of agricultural land, but also for territory,

We say "*ni ei khaw, ni ei nel*" meaning "the territory we own that we have the right to manage and use." We have our territory boundaries which cannot be separated from people who owned the land. Although we sold the land among our communities, we did not sell territory. Going the other side of our territory is said in our saying "departing from our home or den" (KI-2, 31/10/2021).

When we talk about our ethnic group, we Chin people say about our territory and our land "*ka khaw, ka m'dek*" refers to "our territory, our land" since the time of our ancestors (I-9, 12/10/2021).

Second, land and territory are inseparable from the identity of the people. Loss of territory or land is considered as the loss of identity and the existence of an indigenous group. Because the history, way of life, cultures, language, and knowledge are embedded within the territory and its resources. The territory and the landscape are where the history of a village, its sacred sites, and spiritual attachments can be seen. Moreover, the forest and nature of the territory is where the language of the people and traditional knowledge are deeply rooted. For instance, I-8 shared that the names of varieties of vegetation, animals, fishes,

and herbal medicines in our land cannot be seen in other places (12/10/2021). I-9 and KI-3 added,

We cannot separate our identity from the territory. Moreover, we cannot detach our culture, language, and way of life from the forests, streams, and shifting cultivation. They are all integrated and connected (12/10/2021).

Since our forefathers, we have a saying “*ka kong yu:ng, ka sang ng’la*,” which means that land is identical with the generations or the existence of an ethnic group. Without land, the generation of a certain group of people will end: “without land, no generation.” To maintain the identity of a certain group is to have ancestral territory. Because our culture, language, knowledge, and way of life are deeply attached to the land and forest inside of the territory (11/10/2021)

Third, the land is a source of livelihood and for survival, especially via shifting cultivation. Until 2010, almost all Daai People depended on shifting cultivation for a living. Fishing in small streams, hunting, and collecting non-timber forest products were complementary to shifting cultivation. In the last decade, due to the introduction of elephant foot yam plantations, shifting cultivation has decreased in some villages. However, this agricultural system still plays an important role in local livelihoods. At the same time, the shifting agriculture system is the main part of customary land tenure and management. The interviewees expressed that the loss of land, restrictions on shifting cultivation, and reduced access to the forest will destroy their livelihoods since they depend fully on agriculture and forest use as a source of living. Especially as market access is now very difficult due to the 2021 military coup d’état, shifting cultivation and forest products become the only coping mechanism for the people:

This land, forest, and streams are our life. By relying on this land, forest, and streams, we live as an ethnic group. This is the land which provides our living (I-8, 12/10/2021).

We depend on the forest for timber for building houses, to collect firewood, and as a source of herbal medicines, meat, and fish (KI-2, 31/10/2021).

Since the villagers cannot access the market and cannot sell their yams, which were their main income source, due to firstly the COVID-19 pandemic and now the 2021 coup, all households need to fully depend on shifting cultivation again. I-6 shared that

After the pandemic and coup, we villagers come to rely fully on *lone ma* to make a living (11/10/2021).

Fourth, customary land ownership is embedded in all types of land and forest use. According to the VFV land law, evergreen forest conserved by villages for centuries without any individual claim is virgin land, and the fallow areas of shifting cultivation are deemed unused. However, villagers do not consider the land of shifting cultivation as vacant, but rather resting for regeneration. There are three types of land ownership under customary tenure in Daai territories: private land (*pum khaw*), kinship land (*pasa khaw*), and communal land (*ng'nampum khaw*). *Pum khaw* is primarily land which is cleared by a person before anyone else has cleared, bought or traded from other individuals, or given to an individual by their parents. *Pasa khaw* is the land owned by groups of families from the same clan and inherited through clan lines. *Ng'nampum khaw* refers to the land which is owned communally by all the villagers such as forest and other lands outside of agricultural land. Moreover, common land involves forest areas maintained between farming plots and forests along the streams, evergreen forest, and forests maintained along the ridges.

In a report for DIN, researcher Salai Myo Chit (2020)⁸ detailed how kinship land is also inherited through kinship lines. Another way of gaining kinship land is as compensation for a criminal case. Private land can be inherited from parents or ancestors, bought from other families, or exchanged for gongs or *mithuns*⁹ among villagers. Many of the research participants supported this concept of 'kinship land.' KI-1 (9/10/2021) shared how individual and kinship-owned land are mainly shifting cultivation plots and paddy fields.

Therefore, all the land, forest, streams as well as wildlife in a territory are under different types of ownership systems and claims. I-8 (12/10/2021) added how ownership is attached not only to all types of land and forest use but also to wildlife. These customary rules were respected and followed among the people. However, in the case of M'pai, I-6 (11/10/2021) stressed that, although land for elephant foot yam plantations is individually owned, land for rotational (shifting) cultivation remains communal land, because the original owners of the land are people from Pusaw Village. The land was given to the people of M'pai village to use as owners, and the territory belongs to M'pai villagers collectively. I-7 clarified further,

There is no land, forest, and streams without the owner. We have individual, kin-group, and communal ownership. Only the difference is the types of ownership. The land designated for Aye Chaung PPF has been owned by us (11/10/2021).

8 The research was conducted in Kanpetlet and Mindat townships where Khawnumcung National Park is located. The researcher visited 12 villages that are located within the park boundary, and the most affected communities from Ra and Daai Yindu tribes. This research was produced by interviewing 58 villagers and one focus group (20 people) discussion. The key informants were mostly village heads, elders who experienced the livelihood conditions before and after the park creation, women who face difficulties in their farming process, and some youths as well. Conducting in-depth interviews and personal observation was the main source of the research.

9 The *mithun* (*Bos Frontalis*) are distinctive cattle with pale socks and triangular shaped sharp horns and are venerated as sacred by the Chin people and are an important part of their culture, rituals and traditional life. They are often sacrificed as part of local festivals, religious rites or marriages and then their skulls will be exhibited on the fronts of houses. (<https://www.myanmarhighlandsecoadventure.com/the-chin-highlands/northern-chin-hills/the-mithun/>).

In customary tenure regimes, the whole area of forest, fields, and fallow fields, whether managed collectively or individually, is village land (FSWG, 2011). Therefore, the land used by Daai People is classified as village land, cemetery, garden, yam plantation land, shifting cultivation, and forest, each with its own “bundle of rights.” Forest and land are also classified into three types such as lowland forest (*xam khaw*) below approximately 3000 feet, upland forest or land (*pui khaw*) from 3000 to around 5000 feet, and evergreen forest (*du:mp khaw*), which is located above 5000 feet. There are forests related to spirituality called *kho yu: ti lu* and watershed forest called *tui khaw hning*. Spirit forests and watershed forest protection can be found at almost every elevation.

Fifth, customary land ownership is characterized by local legitimacy. Key informant KI-1 (9/10/2021) stated that there are certain territories and boundaries between villages. The ownership of a village is enforced regarding any land and resources in their territory. KI-3 expanded on this:

The streams shared by villages also have enforcement of ownership by those villages connecting their territory. When people from other villages would like to withdraw timber from the territory of another village, the owner village must be informed and offered chicken, traditional beer (*yu:*), blankets, and so on to get permission. There is respect and recognition of ownership between villages in terms of territory ownership and resources (10/10/2021).

I-8 (12/10/2021) added how the allocation of shifting cultivation land and land disputes were also tackled by the elders and traditional leaders selected by the villagers. Therefore, the customary tenure system is an enforceable and legitimized regime among Daai people. However, the government does not recognize customary land tenure, although the people claim the land as ancestral land and assert their ownership of the land.

Lastly, customary land tenure is integrated with the sustainability of the land, forest, and wildlife. KI-2 (31/10/2021) related this sustainability to the Daai’s cultural beliefs:

According to the ancestors, the term *khaw* or land is constituted by land, water, and air, including the weather or climate. If *khaw* is depleted, human beings will encounter

disaster. They believed that if *khaw* is harmed, disasters will happen. Therefore, they protected nature and did not exploit it (31/10/2021).

In this way, it can be seen how there are traditional knowledge and instructions for sustainable use of the land, forest, and wildlife. Those customary regulations were passed down orally from generation to generation. Since the main land use of Daai people is shifting cultivation, ancestors warned not to overexploit the land for agriculture. KI-2 continued to explain,

Our ancestors instructed the generations “*Long nga tui nga pi koh si h’ling naak vai, khi sa bi koh pyan kyu nak ko laik vai*” meaning “not to overexploit fish and wildlife” or “not to go fishing and hunting often.” We receive what nature gives to us (31/10/2021).

KI-3 also shared his belief in this important aspect of Daai culture:

Our ancestors said that we have to make our land happy that “the land will be fertile and human beings also will be healthy.” They said that “*bawi ca naw khaw vaw lawn kai*” and “*nga kyah naw yu: aw lawn kai*,” meaning the rich will clear a huge area of land for farming or overexploit the land and the poor will become drunk.¹⁰ To regulate those potential exploitations, our ancestors put demarcations of shifting cultivation plots clearly. We must follow regulations such as conserving the forest between farming plots and in water catchments. The evergreen forest is the place that brings the rain (10/10/2021).

For Daai people, customary land ownership and tenure are essential for their identity to exist as indigenous peoples, and for their livelihood. The state’s claim on their land as VFV land is contrasted with the ownership and tenure

10 In Daai society in the past, the poor might not have *yu* (traditional beer) and could not drink regularly like other families. But when the whole village would hold communal ceremonies, everyone would be invited to drink *yu*, and poor people might become drunk. Thus, this expression is referring to human exploitation and inequality.

system of these people. Moreover, the people's ownership claims are enforceable and legitimized in the community. Therefore, the customary land governance system still prevails in Daai lands. The articulation of customary land tenure is characterized by identity, livelihood, ownership, and local legitimacy. Customary land tenure regimes of Daai people are also attached to the concept of sustainability.

Public Protected Forest Dispossess M'pai Villagers

Although Aye Chaung Public Protected Forest was designated in 2002, the implementation did not start until 2013, and especially after 2017. Demarcation of the government tree plantation and village territory mapping was started in 2018, and community forestry was implemented in 2020. The creation of the PPF has dispossessed the villagers and brought impacts on livelihoods, customary land tenure regimes, and the identity of M'pai village. Fortunately, the impacts on livelihood from the PPF at the time of writing are minimal because the villagers still have some *khaw hlen* (fallow lands for shifting cultivation) which have not been demarcated as community forestry and plantation area, and also because of weak law enforcement. However, it has the potential to severely affect the livelihoods of the villagers in coming years.

Shifting cultivation and food security

Before discussing dispossession and its impacts, it is important to elaborate the role of shifting cultivation, or *lone ma*, for the villagers' livelihood. The villagers mainly earn their living through *lone ma*. Collecting forest resources, hunting, and fishing are complementary. Until the last decade (the mid-2010s), the villagers fully relied on *lone ma* to make a living since it was the only way to ensure food security.

Our forefathers said, "*lone hin ni xun lone*," which means "*lone ma* is our life," which provides food for our living and sustains our lives. Our language and traditions embedded with *lone ma* (KI-3, 10/10/2021).

Later, the people from this area, including M'pai village, diversified livelihood opportunities and reduced their dependence on *lone ma*. However, *lone ma* still plays a crucial role in livelihood security.

Out of 25 respondents surveyed in the household survey, 21 households are still doing *lone ma* and also doing yam plantation for income generation to complement *lone ma* while the other four households abandoned *lone ma* and fully depend on yam plantation, salaried labor, and remittances. *Lone ma* is not only a source of rice but also a source of vegetables, a seed bank of a variety of local seeds, and a coping mechanism for local people. Shifting cultivation is the traditional and main livelihood system of the village (FGD, 22/9/2021). *Lone ma* provides stable food or rice for the people in this area. *Lone ma* (combining not only rice and corn but also vegetables) contributes 70 percent of livelihoods and still play a crucial role in M'pai village (See Figure 4.1).

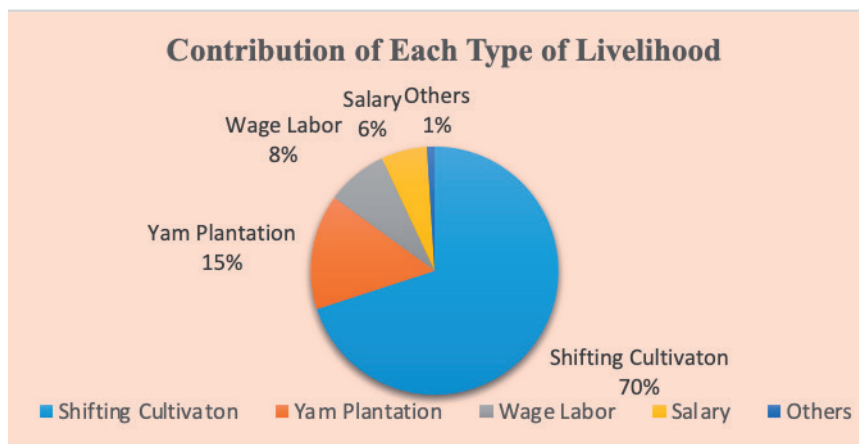


Figure 4.1: Contributions of each type of livelihood (household survey)

In the *lone ma* fields, villagers grow a variety of vegetables which provide for their families for the whole year. According to I-7, it is difficult to earn enough income from the yam plantations to buy not only rice but also vegetables and other expenses (11/10/2021). I-3 added that the villagers grow local vegetables such as pumpkin, chili, bitter gourd, cucumber species, marrow, sweet potato, potato, different kinds of beans, roselle, and so on. Almost all of the vegetables are local varieties (19/9/2021). There are 11 varieties of rice, seven of sticky rice, and five to six regular and sticky millets in nearby Hmu Long Village (Field Assistant's Field Note, 2020). Therefore, *lone ma* is a seed bank for the villagers where they maintain those varieties. I-5 explained this in detail,

In the farm, we grow not only rice and corn but also a variety of vegetables including fruits, leaves, and tubers. There are

many kinds of local rice such as *hmingma*, *bawh*, *kyaje*, *psangsang*, *yawsang*, *shiipnu*, *shiipsa*. Sticky rice includes *khomleh thaai*, *sakhi ng'thaai*, *vabawk ng'thaai*, and *khotoi*. Regarding vegetables, different types of pumpkin, varieties of cucumber, beans, chili, taro, sweet potato, *xaa*, *sumphului*, *chu:mchaw*, *yainu*, and *lungkkhu:i*. Different species of local seeds are grown in suitable land in different elevations and different temperatures (20/9/2021).

Lone ma is also a coping mechanism for the villagers. All the participants in the focus group discussion (22/9/2021) discussed this in detail. They shared how the villagers fully depended on *lone ma* in the past. There was no option to buy rice as the community was secluded from urban areas or towns until the last decade. However, due to yam plantations and market access, some families clear less land for farming, and some families abandoned *lone ma* altogether. Since people earn income from yam plantations, they buy rice from the market. Although yam plantations are increasing, *lone ma* still plays an important role to ensure food security. Most households continue to do both yam plantation and *lone ma*, while only a few families abandoned *lone ma*.

I-9 also spoke about the situation in Hmu Long village. The whole village stopped rotational farming in 2017 and 2018, when they earned money from elephant food yam production. In 2019, a few families resumed small-scale farming to preserve seeds and grow vegetables, although they no longer did *lone ma* for growing rice:

In the last decade, some families did a small area of rotational farming until 2020 before the outbreak of the pandemic but complemented with elephant food yam plantation. They bought rice from Kyin Dwe. But they grew vegetables in the farm (12/10/2021)

Due to the COVID-19 pandemic, and more recently the 2021 coup d'état, villagers again became solely reliant on *lone ma* as their source of income and food. Villagers I-6, I-9 and KI-1 shared:

After the pandemic, the villagers again depend fully on *lone ma* due to the prohibition of travel and market access.

Especially, after the military coup, due to the imposition of the four cuts policy¹¹ in Kanpetlet, the villagers come to fully rely on *lone ma* again. Therefore, some of the families who did not harvest enough rice are facing a food shortage because some families hope to buy rice from the market by selling yam (11/10/2021).

After the outbreak of the pandemic, and especially after civil unrest, we cannot travel since the roads are blocked by the military. We cannot access the market. As a result, people are not able to buy rice from the market and cannot sell elephant foot yam, so they lost income. This year, all the villagers cleared enough land for *lone ma*. *Lone ma* has become essential to meet the livelihood needs of the villagers (12/10/2021).

All families in our village (Shen M'Pang village) did *lone ma* since 2020 due to the pandemic and military coup. *Lone ma* is the only way to survive since the price of rice is very expensive and it is insecure to access food from outside. Significantly, those who did not do *lone ma* before also came to do farming after the military coup. *Lone ma* became the only means to cope with this catastrophic condition. This situation brings everyone back to farming (KI-1, 9/10/2021).

As can be seen, *lone ma* still plays a crucial role in the village not only for rice but also for a variety of vegetables. After the pandemic and the military coup, the villagers who did not clear enough land for *lone ma* faced food insecurity. Since 2020, all the villagers have come to depend on *lone ma* to solve the food crisis, and *lone ma* has become the only way to cope with food insecurity.

Dispossessing shifting cultivation lone ma land

The creation of Aye Chaung Public Protected Forest dispossessed the means of production of the villagers which is going to affect the livelihoods of

11 The Four Cuts was a policy instituted by General Ne Win in the 1960s. It was designed to cut the connection between insurgents and local populations concerning food, funds, information, and recruits (Walton, 2012).

the villagers in the near future. This dispossession involves conversion of *lone ma* shifting cultivation land into tree plantations of the forest department and community forestry for the villagers, while gradually limiting other uses such as timber extraction, hunting, fishing, and non-timber forest products.

Firstly, the creation of Aye Chaung Public Protected Forest dispossessed *lone ma* to create tree plantations and community forestry areas. This compares with the situation in northern Kachin State. Although community forestry was utilized as a tool to protect the land from agricultural land concessions, it also created a problem by displacing village *taungya* cultivation practices. Moreover, regarding access to forest products, mainly firewood, the people who were not involved in the community forest user group, such as poor and marginalized households who depend heavily on forest for extracting bamboo and collecting firewood, were excluded from access to forest products. In addition, this regime allowed village elites to grab the land (Woods, 2010). Although community forestry is excluded from the Aye Chaung PPF, M'pai villagers consider this regime to be a problem for customary land use and *lone ma*. M'pai village had a 10-year fallow period for shifting cultivation in the past. However, since converting 50 acres for the government tree plantation and 412 acres for community forest, the fallow period has been reduced to four to five years. In relation to the reduction of the fallow period, villagers and key informants shared as follows:

Now, more than half of the *lone ma* area has become a plantation area which is not allowed to do *lone ma* and logging (I-7, 11/10/2021).

We do not know that they will allow the remaining land for farming. *Lone ma* can be sustained if there is at least an eight to nine-year fallow period. Otherwise, the vegetation and soil cannot regenerate sufficiently for farming (I-9, 12/10/2021).

Key informant KI-1 explained how in Shen M'Pang village, their three-year-old fallow lands for *lone ma*, as well as half of the village's forest area, were demarcated as PPF. However, land inside the PPF was cleared for *lone ma* in 2020-2021. The villagers worry about strict enforcement of the forest department on *lone ma*, which will cause severe livelihood problems for the village. The reduction of fallow land will result in insufficient regeneration of vegetation

and soil fertility. I-7 and I-6 (11/10/2021) each added that the consequence of a shorter fallow period is more weeds in *lone ma* and less fertility of the soil. The reduction of soil leads to less productivity of rice, corn, and vegetables, leading to food insecurity. In response to questions about what potential results of the shortage of land for farming, land degradation due to intensive use of land, the opening of new forest for farming, and conflicts between the forest department and the villagers, I-8 shared,

Shorter fallow will end up with land and forest degradation. If there is less land for *lone ma*, the villagers might clear forest outside of the plantation area for cultivation. If the forest department takes action on them, conflicts will exacerbate (12/10/2021).

In relation to this issue of shorter fallow period, Kerkhoff and Sharma (2006) argued that

Forest fallows are the most important component of shifting cultivation farming systems. Forest fallows are fallows in which forests are allowed to regenerate on land after it has been used to grow crops. Trees take comparatively long time to grow, thus forest fallows last longer and comprise a much greater proportion of the cropping cycle, and corresponding large area of land, than fallows in rotational arable systems. Forest fallows enable restoration and conservation of forest ecosystem functions, while making the land suitable for the cropping phase that follows (p. 15).

According to Woods (2010), community forestry's main focus is tree plantations, which restrict the growing of crops to limited areas in the spaces between the tree canopies. The state management of nature based on its land classifications intensely affects local villagers' *taungya* practices, which do not fit simplified national land use classifications. As a result, in Kachin State, community forestry user groups required United Nations (UN) food support since converting their hill swidden fields into community forest, due to the lack of enough land for shifting cultivation, as well as labor shortage for farming because they have to manage the community forest. Moreover, even in shifting cultivation areas, fewer crops are grown because the space is shared with the

trees (Woods, 2010). Therefore, the villagers are not able to harvest enough rice, and food shortages have resulted.

Moreover, people have come to feel unsafe doing shifting cultivation since their territory was designated as a PPF, as I-3 shared:

We do not dare to do *lone ma*; it is the beginning of the impacts of PPF creation. We feel that we are not free anymore to access and use our land (19/9/2021).

To sum up, the creation of Aye Chaung PPF, and the establishment of government tree plantations and community forestry where logging and *lone ma* are strictly prohibited, has dispossessed *lone ma* of M'pai villagers. Reduction of fallow land is likely to negatively affect regeneration of vegetation and soil, leading to land degradation and food insecurity. Since the whole territory of the village has been designated as PPF and there is no clear information about farming, the villagers feel unsafe to do *lone ma*. Even so, the villagers continue doing shifting cultivation outside of community forestry and plantation areas since there is no alternative to meet their food security needs, especially since the COVID-19 pandemic and military coup.

Rejecting the rights to claim garden and yam plantation land

Since 2015, the villagers progressively have been doing elephant foot yam plantations and gardening. They have also planted orchards of orange, mango, avocado, and other fruit trees, although these have not yet matured into full production. Yam plantations have become the main source of income. M'pai villagers transport yams to the nearest towns of Kyin Dwe and Saw by motorbikes and trucks owned by local people.

Elephant foot yam (*Amorphophallus konjac*) plantations are a sedentary agroforestry system (Kyaw Shwe Lin & Lin Lin Thi, 2018). It can be harvested in three or four years based on the quality and size of seed used. Three- to four-year-old yams weigh between 0.65 and 2.4 kg based on the quality of the soil. About 9,500 to 12,000 seeds can grow in one acre (Kyaw Shwe Lin & Lin Lin Thi, 2018). When the plants get bigger, the space between each plant must be adjusted by transplanting. The 75 percent canopy of tree cover is the most suitable condition for its productivity and pest resilience (Kyaw Shwe Lin & Lin Lin Thi, 2018). Since this species likes the shade, this practice does not lead to deforestation.

Key informants KI-18 and KI-14, who are both respected for their knowledge and experience of yam farming, added,

Although the whole vegetation is cleared at the beginning, trees are left to grow along with the yam to give shade (9/2/2022).

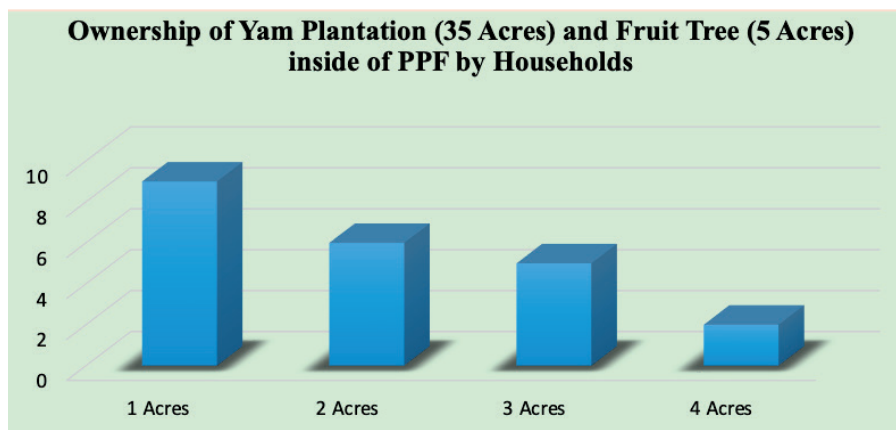
If yam plantations increase more, there will be less *lone ma* and it will allow more *lone ma* land to regenerate into forest land (10/2/2022).

KI-14 further explained that in M'pai village, yam is grown under the canopy without clearance of trees in an agroforestry system. However, in some areas, the people do not allow the trees to grow with the yam, and it can lead to deforestation in those yam plantation plots (9/2/2022). Therefore, the impacts of yam plantations on the environment are related to the method of plantation. During the last decade, the government has also encouraged yam plantations. However, in M'pai village, the forest department rejected the villagers' right to claim rights to garden and yam plantation areas. Even though this PPF was designated in 2002, the project was mainly implemented in 2017. It thus seems like the authorities should have had time to conduct an assessment of the rights and privileges of the village. However, they refused the villagers' claims to their rights, especially to garden and yam plantation areas. According to I-9 and I-6,

Forestry staff also said, we cannot demand the rights and privileges because PPF has been designated. Therefore, we did not ask to exclude garden and yam plantation areas from PPF (12/10/2021).

Although the forest department designated our land as public protected forest, we did not apply for rights and privileges regarding plantations. We worry that they will regulate our plantations which are inside of the forest (11/10/2021).

Figure 4.2 shows the villagers' livelihood dependency on yam plantation and the land.



**Figure 4.2: Yam plantations and fruit tree gardens inside of PPF
(household survey)**

According to the interviewees, gardens and yam plantations are not legally recognized by the state. The villagers also do not inform the exact areas of the plantations for fear of limitations. Most interviewees stated that it is impossible to use community forestry for yam plantations because the authorities do not allow clearing trees. In tree plantation areas, the trees are too closely planted to allow any cultivation. The villagers also worry about shortage of available land for yam plantations and gardening due to the strict regulations of land use. Although gardening is allowed in community forestry areas, not all land is suitable for gardening, which depends on the types of soil and the slope of the land.

Thus, the authorities delegitimized the right of villagers to claim their rights and privileges by articulating that the process of claiming these rights had to be done before the designation of the public protected forest. Indeed, the villagers were not informed about the proposal of their territory for Aye Chaung Public Protected Forest, nor of their rights and privileges. The current situation demonstrates that although yam plantation areas can be legally dispossessed, the villagers are still doing it without informing the locations of plantation areas to the authorities. Most yam plantation areas are difficult to be identified from satellite or drone images because of the tree canopy. The villagers also expressed the potential shortage of land for yam plantations, which have become the main source of income and a way to ensure food security

as there are no better alternatives. Regarding community forestry, the villagers can do agroforestry, but they consider that it is impossible due to the prohibition of cutting trees and the close spacing of trees in the tree plantation areas.

Dispossessing customary timber use and access to forest products

Among livelihood means, this is the one currently affected by Public Protected Forest. However, although utilization of forest products is not strictly limited, verbal limitations on access to forest products have happened and with some forest department staff taking actions on timber extraction for village use. Interviewee I-9 (12/10/2021) shared how the forest department already prohibited cutting timber from government tree plantations and community forestry areas. They did not regulate or stop access and use of the forest for small scale uses such as hunting and fishing outside of tree plantations and community forest, but they told the villagers that these activities are not allowed under the law. I-7 (11/10/2021) also expressed his observations on forest use, that the villagers will not dare to cut bamboo or trees, or make planks for building houses while forest staff are present in the village. In 2019-2020, villagers from neighboring Chit Saw village logged trees and made planks to build a bridge between Chit Saw and Pu Saw village:

Forest staff threatened the villagers that they will confiscate the planks. Indeed, the project was run by the government and approved by parliament. Another case is that forestry staff did not allow a company to log timber for an estate project supported by a rural development program in Chit Saw village. They warned that they would confiscate the timber if they found that a company is doing logging (11/10/2021).

Likewise, KI-1 explained that in 2019, villagers who made planks for building houses had to give cash to the police in order to avoid having them confiscated, after the village administrator in Shen M'Pang Village negotiated for them. The authorities have been imposing regulations on illegal timber extraction, but for the villagers, it is customary timber extraction for domestic use. Due to the state intervention on timber extraction, the villagers harvest forest products mainly when the authorities are absent:

Although we need bamboo and timber, we did not extract when they are present in the village. When forestry staff are present in the village, we no longer feel safe as we did before the creation of PPF (I-6,11/10/2021).

For us, we have to go to the forest and collect fruits and leaves to cook, and to hunt and fish. It is our way of life and the way to meet our daily needs. The forest is also a source of vegetables for Chin people. According to forest rangers, these things will not be allowed inside of the PPF (KI-3, 10/10/2021).

The authorities have not only been verbally warning against extracting timber, but they also took action against timber extraction in Shen M'Pang village. Limitations on timber extraction for public buildings have been imposed in Pu Saw village. At the same time, there are verbal warnings on access to the forest for hunting and fishing. This evidence shows that the government is dispossessing customary use of forest resources by villagers in M'pai and surrounding villages inside the PPF.

Dispossessing customary land tenure regime

Effects on the customary land tenure system are one of the most serious impacts of Aye Chaung Public Protected Forest. Many of the interviewees expressed their views that customary land tenure is already eliminated in some parts of the territory. Firstly, the government's tree plantations and community forestry areas are no longer under customary land tenure. In M'pai, the land designated as a community forestry area is managed under the government's Community Forestry Instructions as per the conditions of the 30-year lease, not according to customary practices. Villagers I-7 and I-8 shared,

50 acres of *lone ma* land became the forest department plantation area and 412 acres became community forestry which is under the state forest management regime. These areas cannot be managed under customary management. We cannot use these areas for *lone ma* and cannot withdraw forest products without permission of the authorities (11/10/2021).

Even now, our customary land tenure has been lost in some parts of our land. More than 500 acres of land is totally under the state management system and no longer under customary land tenure. They already banned cutting trees and clearing for *lone ma*. Community forestry is given to the villagers but managed under the law of the government (12/10/2021).

Scholars including Ennion (2015) state that community forestry became a mechanism to partially recognize customary land tenure while prohibiting shifting cultivation and only allowing agroforestry. Indeed, community forestry has become a mechanism which allows local communities and indigenous peoples' right to participate in conservation, to create forestry enterprises legally, and to protect their land from land grabbing. Moreover, through this regime, communities can apply for forest rights under the permanent forest estate. However, it is a 30-year land lease that undermines customary tenure systems. Moreover, the Community Forestry Instructions is a tool for powerful vested interests such as crony business groups to get land leases and to obtain control over local assets. Therefore, the customary tenure system and management are no longer applicable to these areas.

This topic was discussed in interviews with the village participants. In separate interviews, I-7 and I-3 similarly shared that it is not only inside of plantation areas and community forest, as mentioned above, but the government is also limiting customary use of timber for building houses (11/10/2021). Elimination of customary land tenure also means replacement of customary institutions in terms of land management and associated access and use rights. The creation of the PPF already erased customary use rights and decision-making. Furthermore, it will also change collective management activities such as making firebreaks, fencing against animals' encroachment, and allocating farms following the customary system (19/9/2021).

Secondly, the state becomes the owners of the land while the villagers who owned this territory for centuries become encroachers. According to Meinzen-Dick and Mwangi (2009),

formalization makes it (customary tenure) difficult to register multiple claimants, and thus has favored the exclusion rights of single interests; this has shifted rights to land and related

resources to subsets of the original claimants and involved a transfer of authority to the entity that was sponsoring the formalization (p. 41).

Regarding the questions on the status of land ownership of the village, villagers shared that

According to a forest ranger, we are encroaching on public protected forest (I-4, 19/9/2021).

Our land has become the land of forest department. Although we are still using and managing the land, including withdrawal of resources and farming, it seems we are using it under their ownership. For instance, the tree plantation area is absolutely under the control the forest department, and community forestry is also under the state regulation and control (I-9, 12/10/2021).

The creation of PPF is undermining our sense of ownership of land and belonging to our territory. Because the whole territory is claimed as public protected forest (I-7, 11/10/2021).

As a result, the villagers come to feel unsafe to use forest resources or do farming in the forest areas. This condition leads the villagers to extract forest resources in the absence of forestry staff. Although the villagers are still using forest and land in accordance with the customary tenure system (apart from government plantation area and community forestry), their concern is strict enforcement of the law by the forest department in upcoming years. In the case of Hmu Long village, the village has had to implement government tree plantations without the financial support of the forest department for maintaining the tree nursery raising or daily wages for tree planting. The reason for not planning to support Hmu Long villagers like M'pai villagers is because the territory of Hmu Long village is documented as "ancestral land" at the Land Record Department of Kanpetlet town. As Hmu Long resident KI-3 explains,

For our village, unlike other villages, we have to establish the tree nursery, clear the forest, and plant trees by ourselves without any wages which they granted to other villages. They said, "Your

grandfathers signed an “ancestral land ownership” document at the Land Record Department. Therefore, you must do every activity on your own and the forest department will not support you. I feel that it seems they would like to threaten indigenous people’s claim on land ownership (10/10/2021).

In addition, in the surrounding villages, the government has been encouraging the registration of household agricultural lands through the application of Form 7. This process is carried out through village administrators by notifying that land disputes and agricultural issues among villagers will no longer be sorted out by village administrators, as KI-1 explained:

The government encourages people to apply form 7 to ensure land tenure. Village-tract administrators are instructed to encourage communities to apply form 7 on agriculture land and not to deal with land disputes without form 7 in the meetings at the township level monthly meetings. However, they did not instruct in detail about the regulations and the procedure to apply form 7. Indeed, the instruction to apply form 7 is an attempt to eradicate customary land tenure and management systems and traditional dispute resolution mechanisms. The government would like to substitute this system with state-imposed form 7, private ownership, and conservation systems. If the government strictly impose their systems, the customary land tenure system will be weakened, which has until now been a sustainable way of farming suitable to our context (9/10/2021).

Thus, the customary land tenure system is gradually being replaced by state conservation. Government tree plantations and community forestry areas are totally out of customary land tenure. Declaration of territory as PPF, converting into community forest and tree plantation is formalization of the land into the state property regime and dispossession of customary land tenure. It is deterritorialization of customary land tenure systems. The government already declared and designated the whole territory as Aye Chaung Public Protected Forest and claim customary owners as encroachers. As seen in the Hmu Long case, the government is attempting to suppress the claims of customary land

ownership by indigenous communities. The most significant attempt of the state is enforcing registration of agricultural land by applying Form 7 through local administration units instead of recognizing customary land tenure rights.

Effects on the identity of the people

For the Daai People, territory is considered as identity. The answers to the questions about identity can be summarized as 1) converting of the territory and customary land use into PPF and bringing it under state administration; 2) potential effects on language and indigenous knowledge due to limitation on access to the forest; 3) the impacts of PPF to the way of life; and 4) possibility of greater dependence on the market. Indeed, according to the informants, territory ownership, tenure systems, language, indigenous knowledge, and way of life are important factors of their identity.

The creation of Aye Chaung Public Protected Forest converts the territory of M'pai villagers into Aye Chaung Public Protected Forest under the administration of the forest department. As a result, people's identity changed from being owners of the land into encroachers of the PPF (I-7, 11/10/2021). The villagers expressed their concerns about land ownership, especially regarding the tree plantation area and community forestry, which occupy most of the shifting cultivation area:

When we consider these two areas [community forestry and tree plantation area], these lands are under the regulation of the forest department and our customary tenure system and management practices are already lost. The remaining *lone ma* areas are also in the PPF, and it will not be allowed for *lone ma* in the future (I-9, 12/10/2021).

KI-2 further explains,

They are trying to eliminate our identity of being indigenous peoples by taking our land. If our land is under the control of the central government, our identity of being indigenous is already lost. Because, without land and territory ownership, the meaning of being indigenous is incomplete. We call ourselves indigenous based on the fact that we are a group of

people who own land and manage our territory. We live like the owner of this land and territory (31/10/2021).

The implementation of PPF is also likely to impact indigenous language and knowledge if access to the forest is limited and shifting cultivation declines, as the forest is related to the language of the village including names of varieties of tree species, herbal medicines, and animals in the forest. In addition, I-6 and I-7 each emphasized how shifting cultivation is the location where varieties of seeds are associated with the language of the people (11/10/2021, 11/10/2021). KI-3 explicated further,

Land and forest are deeply connected with our language and culture. Loss of land and forest will result in the loss of language. Limitations on extracting timber and entering the forest will lead to learning less about the forest such as names of tree species and plants and weeds, and names of wildlife and fishes. We have names for all the trees and animals which we learn from the forest and farms (10/10/2021).

Thus, the PPF is leading to the potential loss of indigenous knowledge. Indeed, the villagers have indigenous knowledge about herbal medicines, land, trees, and animals which they inherited from their ancestors and pass down from generation to generation. For instance, Hmu Long village has 60 varieties of herbal medicines made from flowers, roots, tubers, bark, and leaves. These herbal medicines traditionally treat conditions related to gastric issues, eye problems, bone problems, bruises, wounds, and the needs of women after bearing a child (POINT, 2021). Moreover, they have many varieties of local seeds which the villagers maintain through shifting cultivation. These are potential impacts of PPF, if the forest department strictly regulates and enforces access to forest resources. In relation to this, both TP and FDG-5 shared,

Loss of land or territory will lead to the loss of our knowledge related to agriculture. For instance, we know what kind of seeds is suitable with what kind of soil at what elevation. Different types of soil for specific local species. If farming is limited and regulated, we are going to lose local knowledge and we cannot maintain our seeds as well (I-9, 12/10/2021).

Limited land and fallow period of *lone ma* will make it difficult to maintain a variety of local seeds and we will lose all. If we stop doing farming, our seeds will disappear only in one year. We can preserve seeds only for one year. Loss of seeds will affect the resilience of livelihoods (FDG-5, 22/9/2021).

Imposition of state conservation mechanisms is eliminating villagers' way of life, such as communal land management and collective activities or social solidarity in terms of shifting cultivation including making firebreaks by the whole village, making a fence, and sharing of labor in the farms. According to the current land demarcation of the forest department, shifting cultivation will face a shortage of land in the coming years. I-3, (19/9/2021) shared how shifting cultivation is indeed very important culturally as well as for livelihood. She spoke of *Cang Pai Taik*, which is one of the significant traditional culture-related ceremonies in shifting cultivation to celebrate the blossoming of the paddy field. I-3 further explained that the creation of the PPF is likely to undermine cultural activities related to shifting cultivation such as the *Cang Pai Taik* ceremony (19/9/2021). KI-3 also shared his thoughts on this issue,

Regarding *lone ma*, we have a special ceremony when the paddy field is blossoming. All the villagers are invited and served food, and we pray for the fertility of the field or the land (10/10/2021).

Moreover, regarding the way of life, upcoming strict enforcement of regulations will eliminate collective activities and social solidarity in shifting cultivation as well as group hunting.

The loss of *lone ma* will be the loss of communal activities of the villages which make our community significant as it is a communal value and build our unity. Our culture and identity are related to the agriculture system or *lone ma*. As well as group hunting which is not leading to the extinction of wildlife. The imposition of regulations in the PPF will affect the culture and values of the village (I-1, 22/9/2021).

Lastly, the loss of land and restrictions to access the forest will lead the villagers to depend more on the market for food as I-7 shared,

It will change the food system of the villages ... In the village, we have organic food such as rice, corn, and vegetables that contribute to a healthy life. Shortage of land for cultivation will push villagers to depend more on the market and to consume food grown with chemicals (11/10/2021).

The creation of PPF has already changed the identity of M'pai villagers. The territory of M'pai has become the state PPF, and customary landowners have become encroachers from the perspective of government. Moreover, they are losing customary land tenure rights, management rights, and the role of customary decision-making. Finally, villagers are facing the possibility of losing their way of life and indigenous knowledge.

To sum up, Aye Chaung Public Protected Forest has dispossessed the livelihood means of M'pai villagers such as *lone ma*, yam plantations and garden land, and customary forest use. Converting fallow land into tree plantation and community forestry will affect the cycle of *lone ma* and food security. Yam plantation areas are not secured since the authorities refuse to recognize them. Moreover, the authorities have been regulating customary timber use for building houses and issuing verbal warnings on access to forest products and wildlife. The PPF also dispossessed customary land tenure in M'pai territory. Customary land tenure is dispossessed by reclassification of land use and mapping, such as the creation of tree plantation areas, community forestry, and demarcation of the whole territory within the PPF. Legally and technically, customary land tenure has been eliminated and replaced with the state tenure regime. The COVID-19 pandemic, civil unrest, and weak enforcement allow the villagers to continue using the land and forest. Lastly, the identity of the village has been affected by declaring the territory as PPF and the villagers as "encroachers." The villagers are concerned about strict enforcement of laws regarding access to forest and land which will affect their attachment to the land, forest, and way of life. The state conservation scheme is systematically deterritorializing or eliminating customary tenure systems while imposing its property regime, which is gradually bringing the land and people under its control.

Conservation Areas: Current and Future Accumulation

In the context of Myanmar, conservation and scientific forestry mainly emerged under colonial rule to ensure state monopolization of teak and sustainable extraction of timber as a response to overexploitation under *laissez-faire* forestry (Bryant, 1994a). The first demarcation of reserved forest was carried out in 1870 which restrained popular access to forest and other areas (Bryant, 1994a). However, scientific biodiversity conservation was not introduced until 1918 (U Myint Aung, 2007). More recently, trends in conservation, both globally and in Myanmar, aim to not only manage exploitation of natural resources, but also to earn income from tourism, payments for ecosystem services, and carbon credits. Succinctly stated by Heynen and Robbins (2005), neoliberal conservation indicates the acceleration of “the ongoing commodification of natural things” (p. 6), or as McAfee (1999) states, “the pricing of life offers to nature the opportunity to earn its own right to survive in a world market economy (p. 134). Bucher (2012) argued that neoliberal conservation is “changing the focus from how nature is *used* in and through the expansion of capitalism, to how nature is *conserved* in and through the expansion of capitalism” (p. 4). In this way, conservation can be seen as a tool for accumulation of wealth by the state or relevant agencies.

Regarding conservation in Chin State, the NLD government intended to promote eco-tourism by creating more conservation areas, especially parks. According to Van Bawi Mang, the customary land-based resource governance in Chin State is under great pressure because the government sees shifting cultivation practices as leading to environmental issues, including deforestation and soil erosion. As a result, the government and policy makers worked to replace customary land-based resource management of local people with a more top-down intercession. Therefore, the government proposed six more protected areas in a form of parks to conserve forest and biodiversity, encourage ecotourism, and attract investment in Chin State (Van Bawi Mang, 2020).

Khawnumcung National Park in Kanpetlet township was visited by many tourists before the COVID-19 pandemic and 2021 military coup d'état. However, regarding the benefits of the park, villagers are excluded. Regarding this, Salai Myo Chit's 2020 report for DIN states,

The informants (from 12 affected villages) spoke out that they are intentionally neglected for hiring in the park conservation services, because the qualification requirements for the jobs are raised [out of reach for most villagers]. Indeed, there are three main sectors where affected villagers could be employed [but are often excluded]: park conservation services, hotel and accommodation services, and local guides for tourists (p. 11).

The implementation is also characterized by top-down approaches and by manipulating power, law, and policies. Park creation dismantled customary land tenure, forest management, livelihoods, and social life of the villages (Salai Myo Chit, 2020). Rather, hotel owners from other areas, the authorities, and employers from other towns or villages benefit from it.

Reserved forests and public protected forests are mainly created for accumulation of income by harvesting natural resources and establishing plantations, although conservation of watersheds and other types of conservation are intended. Under the Myanmar Forest Law of 2018, categories of reserved forest include reserved forests for

1. commercial extraction,
2. local supply (community forestry),¹²
3. watershed protection, and
4. other forms of reserved forest.

Public protected forests include

1. protection of water and soil,
2. conservation of arid-zone forests,
3. conservation of mangrove forests,
4. conservation of environment and biodiversity and

12 Local supply reserved forest is established 1) to support the building materials (wood, posts, bamboo, etc.) and firewood needs of local communities, 2) to reduce and eradicate shifting cultivation, 3) to contribute to the local economy by planting long term crops or fruit trees, 4) to enhance awareness of local communities on forest related knowledge to prevent deforestation.

5. conservation for sustainable production (GOM, 2018b).

Indeed, there is not much difference between reserved forest and public protected forest. According to Woods (2015), public protected forest is more likely to focus on conservation, although logging is possible in this type. Unclassified forest is also at the disposal of the state.

Indeed, Article 7 of the Forest Law states that land under reserved forest and public protected forest can be converted into other land uses (GOM, 2018b). In these forests, the forest department can grant concessions for extraction of natural resources and agribusiness to private sectors. Forest reserves are heavily targeted for de-gazetting, which legalizes clearing the forest for other uses, especially agribusiness grants. The companies first accumulate profit from clearing the timber, followed by planting commercial crops. In 2004 and 2005, 1.77 million acres of the permanent forest estate were legally de-gazetted to use the forest for resource extraction, energy infrastructure improvement, agricultural extension, and military areas (Woods, 2015). In 2013, 0.74 million acres of de-gazetted reserved and public protected forest was granted for agricultural production alone to 822 companies and individuals. Due to corruption and lack of systematic data collection, the rate of forest conversion is considered underestimated. Furthermore, some forest reserves and PPFs have been changed into non-forest land uses without making any real alteration in official land categorization (Woods, 2015). In Tanintharyi, forest reserves and “unclassified forests” have been targeted for oil palm concessions which bring pressure on valuable lowland forests and scarce wildlife in the region (Woods, 2015). Likewise, in Kachin State, teak, rosewood, and other valuable hardwood plantations are allocated in forest reserves with existing high-quality forests in the name of reforestation with little or no reforestation actually occurring (Woods, 2015). Moreover, agricultural concessions were granted in the Hukaung Valley Tiger Reserve which is almost 2.5 million acres created with the support of the Wildlife Conservation Society (WCS). Some 200,000 acres for cassava and sugar cane plantation was granted to the Yuzana company in the tiger reserve area. Likewise, illegal mining is widespread in Kachin State’s Indawgyi Wildlife Sanctuary (CAT, 2018). Corruption is widespread in Myanmar, and the country was rated near the bottom (number 137) on the corruption perception index in 2020 (Transparency International, 2020). Therefore, the PFE is more likely to benefit the government and private sector companies rather than forest dependent communities.

In Aye Chaung Public Forest, more than half of the area (62,064 acres) is designated as production forest, 20,027 acres for watershed protection, and 19,329 acres for local supply (MoECAf, 2016c). The forest department extracted 46,785 tons of teak and 14,806 tons of hardwood from Mindat district production forest, which includes Aye Chaung PPF, between 2005 and 2015 (MoECAf, 2016c). Although M'pai village's territory is in the watershed protection area, forestry staff started to benefit from small-scale timber extraction in recent times as I-5 explained,

After the creation of PPF, forest depletion increased, and local people also logged illegally. Those who have good relationship with forestry staff are doing timber extraction and selling timber, sharing the benefits [with the forestry staff]. Moreover, people come to consider that they no longer own the land; therefore, they use unusual ways of hunting, fishing, and logging (20/9/2021).

All the interviewees in this research pointed out the existence of vested interests in controlling forested areas for resource extraction, such as timber, bamboo, and non-timber forest products, and granting land concessions to private sectors for tree plantations and agribusiness. Highlighting this aspect, KI-5 (6/8/2021) emphasized how for the permanent forest estate, the state is the absolute decision maker and beneficiary, and the private sector such as pharmaceutical companies, research institutions and investors are also potential beneficiaries of conservation. In contrast, if the rights of indigenous peoples are not protected, indigenous peoples will lose their knowledge and their territory. KI-4 (5/8/2021) and KI-6 (12/8/2021) also emphasized this issue similarly stating how the state benefit from the permanent forest estate through timber extraction, revenue from concessions, rubber plantations, other agribusinesses, ecotourism, hotels, and non-timber forest products. Due to widespread corruption and weak measures to prevent corruption, state accumulation is seen as intertwined with the vested interests or personal gain of state actors. Sometimes, concessions granted to the private sector for teak plantations are intended to appropriate timber rather than for plantations.

These concerns resonate with a 2018 ALARM report which revealed that the Myanmar Auto Corporation cleared 16,000 acres of forest for oil palm plantation out of concession covering 133,600 acres. However, only 3,000 acres

out of these 16,000 acres was developed as oil palm plantation along the roadsides. The company extracted timber and sold it to international markets. The report argued that the project aimed to benefit from timber extraction rather than oil palm plantation at the expense of the local Karen people and at the cost of the environment. KI-8 and KI-5 further added,

Regarding to conservation areas (reserved forest and public protected forest), when the land was granted for other purposes, they can exclude it from the conservation area. Since the law opened the right to use [the land] for economic purposes, if the government and businesses agree on the benefits, it can be turned into an economic activity at the expense of indigenous communities (16/11/2021).

For instance, mining activities are taking place in conservation areas of Hukaung Tiger Reserve [in Kachin State]. This case implies the utilization of conservation areas for other purposes or other incentives (6/8/2021).

Logging inside the Aye Chaung PPF started around 2013. The forest department harvested teak and hardwood trees at the lower area of M'pai and three neighboring villages. A group of local people also harvested hardwood trees in these areas with the permission of the forest department. It seems that local elites and forestry staff have been accumulating income from the exploitation of the forest.

Another means to accumulate income from conservation is the REDD+ program. Myanmar became a partner country of the UN REDD program in 2011 with national-level activities starting in 2016 (MoNREC, 2017b). In Myanmar, many civil society organizations and activists have criticized the expansion of the permanent forest estate and the initiation of REDD+ and PES (payment for ecosystem services) in Myanmar as a means to grab the land. They state that these mechanisms will not benefit local communities. According to KI-16, since REDD+ is a government initiative, and there is no systematic legal protection or recognition of indigenous rights, there is no hope for local communities to benefit from it (28/8/2021). KI-8 further added,

Indigenous peoples and local communities have no opportunity to benefit from what the state is aiming to implement, the so-called REDD+ and PES. Because there is no clear statement to guarantee the right to benefit. We might not have the right to participate in decision making (16/11/2021).

All the interviewees pointed out that forest-dependent communities have little chance to benefit from REDD+ since all land under PFE is legally under state control. Remaining forest under customary tenure systems is not protected legally but remains as unclassified public forest and VFV land which are at the disposal of the state through the agriculture and forest departments. One of the driving forces for the expansion of conservation areas is related to the competing interests among the land-related government departments to control the land for economic incentives. Control of the land allows respective departments to benefit from granting land concessions to the private sector for different purposes. Since PFE is under the control of the forest department, state actors and investors are likely to be the main actors to accumulate from conservation at the expense of forest dependent communities.

Summary

Dispossessing indigenous territory in the name of conservation has been legitimized through narratives about shifting cultivation as a driver of deforestation and an unproductive land use since the colonial period. As a result, the conversion of customary land of indigenous people into state forest is justified by the need to protect forest from deforestation caused by shifting cultivation and unsystematic land use of indigenous peoples. This is backed up by policy and laws which provide legal rights to discourage and eradicate shifting cultivation areas and to regenerate them into forest. Secondly, dispossession of indigenous land in the name of conservation is justified by claiming it as the implementation of existing laws and national targets. These include the Forest Policy (GOM, 1995a) and the National Forestry Master Plan (MoF, 2001), which targeted to expand the permanent forest estate to 40 percent of the total land area of the country. Since unformalized forest land or land that falls into the VFV category mostly remains in indigenous areas, conservation will take place in these areas. Thirdly, the dispossession is justified by employing the discourse of sustainability involving

climate change mitigation and biodiversity conservation. Lastly, in the context of Myanmar, the creation of conservation areas is legitimized by claiming biodiversity hotspots or habitats for endangered species. According to the interviewees, the narratives about biodiversity conservation and climate change mitigation become a tool to justify the establishment of conservation areas in indigenous areas, although these conservation areas are usually turned into other economic benefits or vested interests.

In the case of M'pai village, public protected forest has gradually dispossessed the livelihood means and customary land tenure regime, and changed the identity of the village. Firstly, livelihood means have been dispossessed to some extent, especially shifting cultivation. Shifting cultivation land with six-year-old fallow (562 acres) has been converted into government tree plantation and community forestry. Indeed, as discussed in this chapter, shifting cultivation still plays a crucial role in the food security of the community along with the introduction of yam plantations and gardening. During the COVID-19 pandemic and civil unrest resulting from the 2021 military coup d'état, shifting cultivation is the only way to meet food security since the military junta have imposed their four cuts policy. The reduction of fallow period to four years is already dismantling the shifting cultivation system. This situation will result in insufficient time to regenerate vegetation and soil, leading to food insecurity. According to the villagers who participated in this research, to maintain enough regeneration of vegetation and soil, at least seven to eight years fallow is necessary. Therefore, in the coming years, the villagers are going to experience a shortage of shifting cultivation land and the problem of food insecurity. Moreover, the forest department has rejected the right to claim yam plantation areas and garden lands inside of their territory. Yam plantations as a cash crop is a growing livelihood system and provides the main income of the villages, gradually reducing dependency on shifting cultivation. The rejection of the authorities to grant the right to yam plantation areas means, on the other hand, dispossession of these areas. Therefore, villagers do not inform the exact location of plantation areas. However, inside of community forestry areas, yam plantation and gardening can be done as a form of agroforestry. Even so, many of the participants do not believe that agroforestry in its intended form is possible as they planted trees intensively and they are not allowed to cut trees. In addition, the forest department is gradually limiting the villagers' access and use of timber, strongly prohibiting cutting in tree

plantation areas and community forestry. Moreover, the villagers have already received information unofficially that the possibility of law enforcement on regulating timber extraction, collecting non-timber forest products, hunting, and fishing will be applied more strictly. Since the whole territory of M'pai village is demarcated as a PPF, the villagers worry about strict enforcement of regulations against customary access and use of forest resources.

Secondly, customary land tenure and ownership of the village has been dispossessed, although, the villagers are still using the land as usual outside of government tree plantations and community forestry areas. KI-2 expressed his opinion on land ownership of M'pai village, that their territory is no longer under customary land tenure regime. Indeed, 50 acres of one-year-old fallow land has been turned into government plantation areas and 412 acres into community forestry areas. These two areas are totally under government conservation mechanisms and control. Community forestry is also only for a 30-year lease, not ownership. The villagers were also granted 20 acres for the settlement area and a demarcated cemetery. The forest department has demarcated land use and produced a map of each land use and also a map of the PPF boundary. Those newly introduced land use types under the government regime replaced the customary land-use and ownership system. The whole territory of M'pai village is designated as a PPF. The state has become the landowner of the territory. Although the villagers are still using the land as usual due to a lack of strict prohibitions, customary land tenure regimes have been already supplanted or formalized into the government's regime.

Thirdly, the establishment of the PPF has already changed the identity of M'pai village, with the potential for more impacts in the future. According to the Daai people who participated in this research, the territory is considered to be the identity of an indigenous group: being indigenous means having a territory and customary land ownership. Moreover, the land is also attached to culture, language, indigeneity, and way of life which makes them unique. Territory and land are inseparable from indigenous identity. However, the forest department considers M'pai villagers as "encroachers" rather than owners of the land. Customary land tenure, management, and the role of the village committee in decision making and managing the land is undermined and replaced by the state governance system. The role of the villagers has changed from landowners to the people who only have limited rights on land granted by the forest department. In addition, the villagers also worry about the potential

loss of a way of life and cultures along with eradication of shifting cultivation and strict prohibition of access and use of forest resources including hunting and fishing as their collective way of life and traditions are deeply embedded with shifting cultivation and the forest. Moreover, one of the significant features of indigenous people is their traditional knowledge regarding agriculture, seeds, and herbal medicines which they learn from their ancestors and pass down from generation to generation. Indeed, such customary way of life, traditional knowledge, and attachment make them significant as indigenous peoples. The villagers still maintain these characteristics to date but are threatened by the state-imposed regulations. Conservation thus serves as a tool of the state to de-territorialize the customary land of Daai indigenous people.

Lastly, based on the legal framework and existing departmental resource management, conservation areas are likely to benefit the state from direct resource extraction and revenue from concessions to the private sector. The promotion of community forestry may be an opportunity for local communities to gain some legal protection of their land, but only under the state's instructions in the form of agroforestry systems. There are still challenges in the implementation of community forestry to meet livelihood security in this context. According to the literature and research participants, the permanent forest estate has become a space for vested interests and personal accumulation. Conservation areas can be converted into other business activities such as different kinds of agribusiness, mining, and timber extraction where the state actors, crony groups and the private sector accumulate wealth from resources. Moreover, recently developed green mechanisms such as REDD+ and PES are also likely to benefit state actors rather than communities in the absence of community land tenure security. In the case of Aye Chaung Public Protected Forest, the authorities have accumulated income from timber extraction by working with local people. Corruption is the key issue by which the authorities and private sector expropriate resources for accumulation.

Chapter 5

Indigenous Movement Against State Green Territorialization

This chapter examines the Daai indigenous movement against the state's green territorialization at the community level and their engagement at the national level. The chapter starts with the rearticulation of ethnic identity as *khaw mah m'dek mah* ("indigenous") or *htar-nay taing-yin-thar* from *taing-yin-thar* ("national races"), although *taing-yin-thar* is considered as an assimilation term from some indigenous perspectives. The indigenous movement in Myanmar emerged at a broad scale with the creation of the Indigenous Peoples/Ethnic Nationalities Network (IP/ENN), which promotes the rights of indigenous peoples as prescribed in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) adopted by the United Nations General Assembly in 2007 (IP/ENN, 2017a; Dunbar-Ortiz et al, 2015). The term "indigenous" is not legally recognized by the Myanmar state. However, many ethnic groups adhere to the term *htar-nay taing-yin-thar* which means "the original owners or inhabitants of the territory."

The discussion of indigeneity is followed by an examination of the Daai indigenous movement at the community level, which is characterized by a restrengthening of customary land tenure, promotion of an Indigenous Conserved Area, and reclamation of indigenous identity through documentation and awareness raising. It is a counter-exclusion against the state's green territorialization or reterritorialization (D. Hall et al., 2011). Documentation not only translates customary practices into written forms, but can also be used

to prove the link between indigenous peoples and their ancestral territory. The chapter concludes with discussion of two forms of resistance by the Daai indigenous peoples against the original Aye Chaung Public Protected Forest created in 2002 and the new proposed PPF in 2020.

Articulation of the Term “Indigenous”

The term indigenous emerged in the legal framework when it was originally used by European colonial powers in the Berlin African Conference of 1884-1885 “to protect indigenous populations” of Africa (Daes, 2008, p. 32). The term was used to distinguish between the colonial powers and the Africans living under them (Daes, 2008; Erni, 2014). However, the term changed when the Pan American Union used it in 1938. The Union declared that:

“The indigenous populations, as descendants of the first inhabitants of the lands which today form America, and to offset the deficiency in their physical and intellectual development, have a preferential right to the protection of the public authorities” (cited in Daes, 2008, p. 33).

Indeed, the term is rooted in the Latin word *indigenea*, which refers to those who are born in a particular place. It is compared with the French term *autochtone* and the German *Ursprung*, which imply the first to exist in the particular location. All these terms refer to the concept of “priority in time” (Daes, 2008, p. 32). Ian Baird (2008) states that “indigenous” is also used to identify “marginalized and vulnerable peoples” within the state boundary who are dominated by other peoples, including not only the “first peoples” of the geographical area they are currently living (pp. 202-203). These people have often experienced displacement due to attempts by others to control them and their territory through processes of internal colonialism.

Identity politics is sometimes used for the exclusion of certain groups, while it becomes emancipatory for others. For instance, the government of Indonesia, during Suharto’s regime, created the *masyarakat terasing* or “tribal slot” to relocate specific people groups, such as the Lauje people, in state resettlement programs (Li, 2008, p. 347). In response to this, the Lindu people articulated their indigenous identity as an emancipatory tool, while excluding outsiders from use of resources inside their collective territory except with the

permission of *adat* chiefs (Li, 2008). Derek Hall et al. (2011) researched the assertion of ethno-territorial claims as “the right to exclude” that resulted in the expulsion of more than 300,000 Madurese transmigrants by indigenous Dayaks in Kalimantan between 1997 and 2001. Astuti and McGregor (2017) stated that indigenous land assertions through the making of indigenous territory and the assertion of green indigenous identities under REDD+ are likely to exclude migrants, miners, and others from new land claims and possible benefits. In Malaysia, the government uses the concept of *Bumiputera* (“sons of the earth”), meaning original inhabitants, which is used in discriminatory legislation against Chinese and Indians (Baird, 2011, p. 159). In these ways, identity politics have resulted in the exclusion of some even while it is emancipatory for others. The following discusses how the concept and articulation of indigeneity at international levels and in Myanmar is used as an emancipatory tool.

Although people in Myanmar use the term indigenous to claim their rights over land and resources, territory, and self-determination, there is no clear definition at the national level and the term is not used in the legal framework of Myanmar, but rather ethnic groups or national races. The term “indigenous peoples” also remains without a clear definition in international mechanisms. In 1987, the Special Rapporteur for the United Nations Sub-Commission on the Prevention of Discrimination and Protection of Minorities, José Martínez Cobo, devised a “working definition” of indigenous peoples as

Indigenous communities, peoples, and nations (are) those which, having a historical continuity with pre-invasion and pre-colonial societies that developed their territories, consider themselves distinct from other sectors of societies now prevailing in those territories or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop, and transmit to future generations their ancestral territories and their ethnic identity as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions, and legal systems (cited in Davis, 2008, p. 4).

However, at the global level negotiations, indigenous representatives rejected developing a specific definition of “indigenous,” with some representatives (especially from Asian and African member states) stating that such a definition

would result in exclusion of other minority groups within a state (Davis, 2008). Rather, they insisted on a flexible approach and self-identification as part of self-determination to avoid potential exclusion of some indigenous peoples. Indigenous lobby groups were concerned that a single definition would be unable to capture the diversity of indigenous peoples. As a result, the members of the United Nations Working Group on Indigenous Affairs (UNWGIA) determined that adoption of a standard definition would be unrealistic and not useful (Erni, 2014; Baird, 2011). Furthermore, they also disagreed with the notion that people should lose their indigenous rights if they have lost or abandoned specific customs, traditions, or even languages because of repressive policies and actions of dominating ruling powers (Baird, 2011). On the other hand, while agreeing that having a definition at a global level risks excluding other indigenous groups, some indigenous leaders believed it useful to have a definition at the national level (Tauli-Corpuz, 2008; Erni, 2014).

In 1989, the International Labor Organization (ILO) adopted the Indigenous and Tribal Peoples Convention referred to as No. 169. This Convention confirms that the fundamental objective criteria for indigenous and tribal people is their distinctiveness and the subjective criteria is based on self-identification. The preamble states the importance of establishing international standards that “recogniz[e] the aspirations of these peoples to exercise control over their own institutions, ways of life, economic development and to maintain and develop their identities, languages, religions, within the framework of the States” or “self-management” (ILO, 2003, p. 10). Article 1 of ILO 169 identifies indigenous peoples as those who have distinctiveness in terms of culture, social, economic, and political institutions, and are the inhabitants of the territory before colonization and establishment of the present boundaries. In addition, indigenous peoples have the right to self-identification and self-governance.

Although there is no clear definition of indigeneity in international conventions, scholars and institutions have proposed similar characteristics pertaining to the meaning of “indigenous peoples,” such as having territory with historical continuity and strong attachment with that territory, having a distinctive identity from mainstream society in terms of cultural, linguistic, political, social, and economic institutions, being vulnerable people due to marginalization, and being recognized by other peoples or groups as indigenous. Table 1 shows in paraphrase form these similarities in how ‘indigenous peoples’ are defined by the way two of these scholars – Erica-Irene Daes and Jeff Corntassel – and a joint

statement of two non-government organizations (IWGIA and AIPP), in a letter to the World Bank in 2014 regarding safeguard policies for indigenous peoples.

Definition of indigenous (paraphrased)	Scholar	Scholar	NGOs
Historical continuity as descendants of the original inhabitants of their ancestral homelands. Close and strong attachment to the land, forest, and natural resources. Displaced persons who live in other people's lands due to conflict (AIPP).	Erica-Irene Daes	Jeff Corntassel	AIPP/ IWGIA
People with informal or formal political, economic, and social institutions which tend to be community-based.		Jeff Corntassel	
Peoples who distinguish themselves from the dominant society or other cultural groups and have distinctive identity which may include the aspects of language, social organization, religion and spiritual values, modes of production, laws and institutions.	Erica-Irene Daes	Jeff Corntassel	AIPP/ IWGIA
An experience of subjugation, marginalization, dispossession, exclusion, or discrimination, whether or not these conditions persist.	Erica-Irene Daes		AIPP/ IWGIA
Self-identification, as well as recognition by other groups, or by state authorities, as a distinct group.	Erica-Irene Daes		

Table 5.1: Comparison of defining indigeneity by scholars Daes (2008) and Corntassel (2008) and the NGOs AIPP and IWGIA.

AIPP/IWGIA highlighted in their joint 2010 report that across Asia, indigenous peoples are referred to by different names in respective countries such as “ethnic minorities,” “hill tribes,” “tribal people,” “aboriginal people,” “native people,” and even “primitive” or “backward,” all of which imply the notions of cultural inferiority which many indigenous peoples do not appreciate (AIPP & IWGIA, 2010).

Specifically in the context of Myanmar, the Burma Citizenship Law (SRUB, 1982), Chapter II, Article 3 states,

National races such as the Kachin, Kayah, Karen, Chin, Burman, Mon, Rakhine or Shan, and ethnic groups as having settled in any of the territories included within the State as their permanent home before 1823, are Burma citizens.

In Burmese, the term *taing-yin-thar* is used for “ethnic group” and *myo-nwel-suh* for “national races,” which were generally translated as “original” or “indigenous races” in the 1947 Constitution. *Taing-yin-thar* are the people who qualify for citizenship while others such as those of Indian or Chinese descent, or the Rohingya, can only apply for the status of “associate” or “naturalized” citizenship (Steinberg, 2010, pp. 72-73; Erni & Ling Houn, 2017). According to the Land Nationalization Act, all citizens have the right to own agricultural land, including associate and naturalized citizens. However, families practicing permanent agriculture (e.g., orchards or irrigated rice paddies) have priority in land redistribution (Union of Burma, 1953). Citizens (citizens, associate, and naturalized citizens) are not separated in terms of land rights (GOM, 2012a). Even in the Ethnic Rights Protection Law of 2015, the government uses “ethnic groups” and *taing-yin-thar lu-myo-myar* (“indigenous ethnic races”) to include the Burmans who are the socially, economically, and politically dominant group in Myanmar (Erni, 2017, p. 12; Pyidaungsu Hluttaw, 2015). However, José Martínez Cobo’s working definition of indigenous peoples emphasizes recognition of non-dominant groups (Davis, 2008). In Myanmar’s most recent 2008 Constitution, the term *taing-yin-thar lu-myo-myar* is officially translated as “national races.”

While the term indigenous peoples is not recognized legally in Myanmar, it is recognized in some government documents such as REDD+ in conjunction with ethnic groups and environmental impact assessment (EIA) procedures, by necessity of receiving funding for environmental projects by international donors and advocates who support indigenous rights. For example, in the Environmental Impact Assessment Procedure (GOM, 2015a), indigenous peoples are defined as “people with a social or cultural identity distinct from the dominant or mainstream society, which makes them vulnerable to being disadvantaged in the processes of development” (p. v). A 2016 Myanmar Centre for Responsible Business (MCRB) report points out the lack of clarity in law and inconsistent use

of terms and practices regarding the existence of groups qualified to be indigenous under international definitions (Erni, 2017; MCRB et al., 2016; Erni, 2018).

Moreover, the government of Myanmar argues that all its citizens are indigenous (Erni, 2018). In response to this, indigenous rights activists resist the use of the term *htar-nay taing-yin-thar* as it fails to recognize the reality of indigenous peoples in Myanmar, rooted in the international concept of indigeneity, the criteria of non-dominance in the national context, historical continuity, ancestral territories, and self-identification. They further contest the state's categorization of 135 ethnic groups as incorrect and divisive (MCRB et al., 2016; MIC, 2015). I discussed this issue with my key informants. KI-16 argued that the term *taing-yin-thar* refers to being part of the country or the state which, on the other hand, replaces the identity of being the native or original owner of the land (28/8/2021). KI-5 (6/8/2021) further expanded on the MCRB et al. report and how there is contention of the state's position that "all peoples in Myanmar are indigenous," not only by activist groups but also at the national business level.

Einzenberger (2016) highlights how the discourse of indigeneity, as it refers to the concepts of tradition, cultural difference, marginalization, moral rights, and historical claims to a homeland, is emerging in relation to increasing land conflicts. He adds that, in Myanmar, the term indigenous – unlike categories such as 'national races, ethnic minorities or ethnic nationalities – is a rather new discourse on the national agenda. Morton (2017) explicates how the struggles and demands of the indigenous discourse as prescribed in the UNDRIP at the international level are gaining ground at the national Myanmar level, being led by national and community-based advocacy organizations such as the Promotion of Indigenous and Nature Together (POINT) and the Chin Human Rights Organization (CHRO). These organizations now have formal connections with the international indigenous peoples' movement advocating for the recognition of indigenous peoples' cultural uniqueness and their emancipation rights as opposed to the majority Burmans (Morton, 2017).

The issue of indigenous peoples' rights and struggles was eagerly engaged in by key informants in the research. For example, KI-7 (25/8/2021) discussed how the definitions and provisions for indigenous peoples in the UNDRIP are relevant to Myanmar. He expanded how the provisions of UNDRIP state that indigenous peoples are a group of people with unique culture, language, territory, resource management, and governance practices from other groups.

Therefore, ethnic groups in Myanmar are also corresponding to these internationally recognized provisions and definitions.

KI-12 (19/2/2022) and KI-13 (26/2/2022) shared similarly regarding two aspects of being “indigenous” or “*htar-nay taing-yin-thar*,” with KI-13 explaining in detail,

Firstly, we based this on UNDRIP, and there are many groups who meet the working definition of being indigenous. Secondly, we reclaim the right to self-determination because we have been autonomous groups with our own territory, political institutions, and land management systems. However, in Myanmar, as “indigenous” is considered as a term to refer to a subordinate group or position, some people do not want to apply it for political reasons.

KI-16 (28/8/2021) spoke at length regarding indigenous identity in Myanmar. He emphasized that whether the indigenous movement in Myanmar is driven by international trends or not, ethnic groups in Myanmar already have the identity of being indigenous.

It is not the application of this concept into the country, but the people of Myanmar already have this concept, and it is reflected in the emergence of the international concept. Since pre-colonial times, some ethnic groups lived separately from Myanmar. They have not been under the authority of the Burmese kings or the British, such as Naga and Karenni. Some groups became part of the British colonial administration such as Chin in accordance with the Chin Regulation Act, Shan through the Shan Regulation Act (Shan Saw Bwas), and Kachin with the Kachin Hills regulations. Naga and Karenni were not under the authority of the Burmese king. The interpretation of indigenous into Burmese is *htar-nay taing-yin-thar*. *Htar-nay* in Burmese implies a specific place or native land. The state uses the term *taing-yin-thar* for ethnic groups in the national state formation. The term *htar-nay taing-yin-thar* indicates self-identification with being a “significant group,” having a certain territory, a distinct political history, and

unique cultures from other groups. Therefore, it is not just an international trend but also the self-identification of indigenous populations in Myanmar. Indigeneity is reclaiming being a native, and historical justice or identity.

The Indigenous Peoples/Ethnic Nationalities Network (IP/ENN) states that indigenous peoples have inhabited Myanmar since a long time ago, and they built self-autonomous societies under their own leaders such as Duwar, Sawbwa, Ram-uk, Sawphyar, and Sawke, living peacefully (IP/ENN, 2017b). However, these people lost their freedom and lived in underdeveloped social conditions due to invasion and occupation by successive state regimes. Therefore, the IP/ENN was created to support the movement for the rights of these diverse peoples, who comprise 40 percent of the total population and occupy 60 percent of the total land of Myanmar (IP/ENN, 2017a). Likewise, civil society organizations in Myanmar progressively narrate ethnic groups' connection with their territories using the language of indigeneity (Paul, 2018). The Indigenous Peoples Coalition translates *htar-nay taing-yin-thar* as “original dwellers who have strong ancestral ties to their present territories, based on the concept of self-identification, and using the criteria of non-dominance in the national context, historical continuity, ancestral territories, and cultural values” (MIC, 2020, p. 2).

In sum, there is no recognition of the term indigenous in Myanmar, except use of the term indigenous peoples in some government documents and international initiatives such as EIA procedures and REDD+ projects in which indigenous peoples are actively engaged. However, this research acknowledges that indigenous lobbies in Myanmar have insisted on using the term *htar-nay taing-yin-thar* rather than *taing-yin-thar* which is considered as an assimilation of indigenous identity under Bamar domination. The addition of *htar-nay* refers to being “native or original.” The meaning of being indigenous is “the owners of certain territory” or “the original owner of the land,” implying that an indigenous group has the right to self-determination. This interpretation can be reflected in all the ethnic armed groups' struggles for self-determination in Myanmar, including the recent development of land policies by indigenous groups who claim to be the owners of their lands or territories.

In brief, the concept of indigeneity in Myanmar is a repositioning indicating non-Burman groups (non-dominant groups in the national context) who have certain ancestral territories, historical continuity, and cultural values

(distinct identities), but those who have lost their sovereignty or self-autonomy due to the formation of the Union of Myanmar. Indeed, indigenous movements can be understood as part of long-lasting ethnic struggle for self-determination since at least 1948. The following section employs different approaches to examine indigenous or *htar-nay taing-yin-tar* movements in Myanmar at the community, national, and international levels.

Daai Indigenous Movement: Rearticulating Identity as *khaw mah m'dek mah*

The Daai indigenous movement is a response to the current dispossession of indigenous territory for conservation, and lack of recognition of customary land ownership. Another factor driving the Daai indigenous Movement is village-level conservation initiatives. Champagne (2008) states that indigenous movements involve claiming an identity in response to nation-state threats to a group's cultural, political, and physical survival, as well as due to openings in policies of some nation-states and in the global political and diplomatic arena. Likewise, Daai communities in Kanpetlet and Mindat in Chin State have redefined their identity as *khaw mah m'dek ma* ("owner or inhabitant of the land or territory") or *htar-nay taing-yin-thar* in their struggle for land and territory rights. The Daai indigenous people's movement for customary land rights and resistance against the state's green territorialization has employed three main strategies: 1) rearticulation of identity and community mobilization, 2) creation of the Daai Indigenous Conserved Area and Daai Indigenous Network, and 3) collective resistance to the new proposed PPF.

In this research, three key informants – KI-1, KI-2 and KI-3 – expanded on the history and activities of the Daai indigenous peoples' movement. A summary of their discussion on this issue follows. It began around 2015 when some of their community leaders engaged with national level indigenous movements. The movement was grounded in community-level conservation initiatives and awareness raising on indigenous rights, REDD+, environmental conservation, and mapping activities carried out by the CHRO (Chin Human Rights Organization) in 2017.

KI-2 further shared how these activities become a cornerstone for the creation and establishment of collective conservation projects in 2018 as a countermovement. The network comprises 21 villages from Kanpetlet and Mindat

townships in southern Chin State, who agreed upon collective conservation of evergreen forest covering about 50,000 acres. These villages' territories included evergreen forest which had been conserved for generations. Although the network was established in 2018, the idea to form the network began when environmental conservation training was organized in 2015, in which 12 villages in this area participated. In this process, the concept of being indigenous and *htar-nay taing-yin-thar* was discussed as a process of self-reflection or self-realization. Re-articulation of indigeneity goes along with the creation of a Daai Indigenous Conserved Area (DICA) and the Daai Indigenous Network (DIN). As one of the leaders of an indigenous CBO, KI-2 explained its vision and mission,

We claim ourselves as *khaw ma d'mek ma* since our ancestors which means "the owners of the land" or "natives to the land." We have owned and inhabited this land for centuries and governed the land through customary rules. We are free autonomous society before the coming of the British. Therefore, we claim that we are the owners of the current territory. At the same time, we have characteristics of "indigenous" in international mechanism which is embedded with distinct identity, historical continuity, and ancestral territory (31/10/2021).

Another leader also shared on this point:

We have characteristics of *htar-nay taking-yin-thar* or "native" which in our language is *khaw mah m'dek mah*. We Chin people have certain language, culture, and history which is distinct from other ethnic groups, and we have political institutions and certain territory which is managed through customary rules. Therefore, we have the right to own and manage our land (KI-3, 10/10/2021).

The term *khaw mah m'dek mah* is equivalent to *kha kong jung ka cang ng'la* meaning "the land I own and the people I belong to," which is used to express their relationship with the land and their identity. Defining indigeneity among the Daai community in this research is thus based on the ancestors' claim to be *khaw mah m'dek mah* or "owners or inhabitants of the land," being autonomous before the British colonial period and strongly having attachment

to the land historically, politically, and culturally. They also refer to the Burmese word *htar-nay taing-yin-thar*, which is persistently used by indigenous coalitions in Myanmar. It is a countermovement against the state's territorialization into peripheral areas which still maintain customary tenure systems and governance. The Daai indigenous movement thus emerged as a form of identity-oriented environmental activism.

Re-articulation process of identity and community mobilization

Re-articulation of identity emerged as a process of community mobilization through awareness-raising, documenting customary practices, recording the socioeconomic and historical profile of the community, mapping territories, and developing collective conservation while creating a local network. Awareness-raising is the foundation of indigenous mobilization or self-reflection as *khaw mah m'dek mah* who have the power to make decisions for their territory.

In an interview, a local villager, I.6 (11/10/2021), shared how community mobilizing for the Daai indigenous movement started in 2015 and involved dissemination of UNDRIP principles, which stress the right to land, resources, and territory, and free, prior, and informed consent (FPIC) for any projects implemented in indigenous areas. Key informant KI-2 (31/10/2021) explained in more detail, as summarized in the following. The international concept of indigenous peoples is reflected in local conditions such as customary land tenure systems and peoples' attachment to their territory. Among the Daai communities, awareness raising highlighted the opportunities and threats to indigenous territory in existing laws and policies regarding land tenure. Regarding opportunities, the Ethnic Rights Protection Law states that regarding large-scale projects, ethnic communities must be fully informed, and project implementation must be coordinated and performed with communities. The National Land Use Policy (2016) further prescribes recognition of customary land tenure and shifting cultivation. The main threats to customary land tenure and indigenous territory are the state claims on unregistered land; the classification of shifting cultivation land as vacant, fallow, and virgin land; and the state's Forestry Master Plan to expand state forests to 40 percent of the total area of the country (MoF, 2001).

Re-articulation of identity through documentation of customary conservation practices is one of the main activities of the Daai Indigenous Network to support the development of community protocols. In addition to this, POINT

began a study in 2020 of the profile of Hmu Long village, including customary forest management practices, indigenous knowledge on herbal medicines, local seeds, and the agriculture system (POINT, 2021). Relating to this, KI-3 shared,

DIN has an objective to do more documentation on the customary land tenure system involving village profiles, historical and spiritual relations to the land, the land and forest management system, local knowledge on herbal medicines, and local seeds. Documentation is the way to mobilize local communities for the development of sustainable conservation, as evidence of being natives to the territory and to pass indigenous knowledge to the younger generations (10/10/2021).

Salai Myo Chit shared how he began research on the customary land tenure system of Daai People in Kanpetlet Township for DIN. However, due to the COVID-19 pandemic in 2020 and the 2021 military coup d'état, his findings have still to be published (23/11/2021).

A leader of a conservation-based CBO (community-based organization) expanded on how documentation of customary practices involves management of resources, classification of land uses, management roles, and regulations governing access and use rights. Documentation of customary land management systems supports the development of community protocols for the Daai Indigenous Conserved Area (DICA) and the revitalization of customary tenure, governance, and knowledge systems which are the foundation of reclaiming identity as *khaw mah m'dek mah* who have the power to make decisions for their territory and advocate for customary land rights (9/11/2021).

Indeed, awareness-raising and documentation are the foundation of re-articulating identity through understanding about indigenous rights in international mechanisms, national laws, and policies while reflecting the reality on the ground. DIN have employed documentation as part of redefining *khaw mah m'dek mah* identity as owners or inhabitants of the territory, which is used to assert and advocate for their land rights and to utilize as evidence against land confiscations by companies and government conservation projects. At the same time, these activities are revitalizing customary knowledge and a sense of ownership while strengthening the customary governance system. What is more, it is redefining indigenous identity as *khaw mah m'dek mah*, which is

embedded within Daai communities' own political system, culture, and language as owners of the land or territory. The term has become an emancipatory means of reclaiming their territorial ownership while promoting customary land tenure and identity.

Driving forces for the creation of the Daai Indigenous Conserved Area

One of the increasing approaches of indigenous movements at the community level is the creation of conserved areas across Myanmar. Examples include collective community-based conservation by 12 Karen villages from the Kamoethway River Valley in Dawei Township, and the Salween Peace Park covering 1.35 million acres (5,485 km²) involving some 10,000 Karen households based on customary practices as an Indigenous and Community Conserved Area (ICCA). These initiatives provide an alternative to state-led conservation while defending the territory from mining concessions and state conservation plans (CAT, 2018; Paul, 2018). Likewise, Daai indigenous communities in Kanpetlet and Mindat township also have employed collective conservation in the form of a DICA. Documentation is the foundation for creating community-based conservation areas. It involves restrengthening customary forest management rather than imposing new forms of conservation. In a nutshell, the objective for the creation of the DICA is to conserve the forest sustainably by strengthening customary good practices into a more systematic management regime. In addition, it is intended to advocate for legal recognition of land and forest rights of the Daai People and to engage with other indigenous organizations in the movement for land and resource rights. Indeed, this collective conservation initiative has been driven by internal community threats to the wildlife and external threats to the land and resources.

The creation of the Daai Indigenous Conserved Area has been driven by the decline of fish and orchids in these areas, as well as the state's implementation of Aye Chaung PPF and a proposal by the Mone Chaung Company to establish an ecotourism business on 1,600 acres in Kyindwe village tract. Before the creation of collective conservation, village-level conservation initiatives emerged as a response to the gradual decline of the fish population in Mone Stream and the dramatic decline of orchids in this area due to overexploitation which many villages depended upon for their livelihoods. KI-2 (31/10/2021) shared how around 2010, youth in Yaing Imnu village initiated to stop collecting seven types of orchids for sale, to stop using dynamite

for fishing, and to end the exploitation of fish by outsiders. Due to this initiative, orchids in the territory of Yaing Imnu gradually increased and fish stocks significantly returned. This initiative is the beginning of the strengthening of customary use of resources and wildlife. On this same topic, Naing Thang (25/10/2021) from the Daai Indigenous Network shared how Kyaung Yaing villagers now also strictly prohibit use of dynamite or exploitation of fish by outsiders in Mone stream inside of their territory. Likewise, Pyawh villagers also came up with an agreement not to hunt big wildlife in a certain area.

However, KI-2 (31/10/2021) cautioned how these initiatives have limited capacity to enforce and stressed how the collective management of villages is needed in sharing the landscape. He shared how infrastructure development after 2011, the introduction of chainsaws, and the state's green territorialization project to expand the Permanent Forest Estate have become significant threats to nature, especially wildlife and forests. To combat these threats, KI-2 explained how community leaders started facilitating collective conservation of evergreen forests since environmental conservation training was conducted in 2015. KI-3 (10/10/2021) shared further on this issue:

Mostly, we are afraid of potential illegal logging and overexploitation of resources along with the improvement of infrastructure. On the other hand, the government's conservation schemes to expand Permanent Forest Estate or state control over forest landscapes are likely to impact forest frontiers. To mitigate these challenges, we started community mobilization by organizing workshops and training on law, policies, customary land ownership and use, and challenges of state conservation programs (11/10/2021).

Local villagers I-7 (11/10/2021) and I-4 (19/9/2021) shared more about how collective conservation is driven by the creation Aye Chaung PPF and the Mone Chaung ecotourism proposal. The information about the designation of Aye Chaung PPF was received in 2013. The protected forest area includes the territory of many Daai and Uppu villages. At the same time, the villages were unable to negotiate and defend their territory, and the government implemented the PPF without consultation with local communities. The result has been that some local landscapes have been turned into government tree plantation areas, restrictions have been imposed on villagers' natural resource use, and natural

resources have been monopolized by the state and private sector, especially teak and other hardwood trees. The state conservation project has resulted in the loss of customary tenure rights and decision-making rights of local communities. This condition led to DIN's activities to claim back the land. Likewise, the eco-tourism development proposal in Kyindwe village tract, which borders M'pai and surrounding villages, is another factor driving collective conservation. Kam Tin Thang, working for a CSO in Kanpetlet, explained about Mone Chaung Company's proposal:

People from Kyindwe village tract once wrote a petition against the company's proposal and addressed it to the township administration department with copies to relevant Chin State officials, in April 2017. The villagers thought that the proposal will be rejected by the government. In contrast, the company organized a meeting in May to explain about the project. The company said it applied to the government under the VFV land law which has no consideration for customary land tenure system of ethnic minorities. Indeed, the proposed land is owned collectively by the Kyatui clan of Uppu peoples in Kyindwe village tract and it needs the collective consent from the clan (Kam Tin Thang, 2017).

Kam Tin Thang also noted that the project will affect the community both socially and environmentally by comparing the situation in Kawnumcung National Park. While generating some employment, the creation of this park resulted in complex land issues and environmental impacts. Salai Myo Chit's unpublished research findings (2020) show that communities inside the national park gained very little benefit. They were excluded from employment in the park conservation services, hotels, and tourist guiding companies due to excessive job qualification requirements. Tourism mainly benefited hotel owners in the hotel zone and from Kanpetlet town while affected communities benefitted the least. Recently, one opportunity emerged for local people to provide motorbike service for tourists to the mountain peak. KI-2 (31/10/2021) shared how one of the justifications of the ecotourism proposal by the Mone Chaung Company, which was successfully resisted by local communities, was to conserve the forest. In fact, the proposal was intended to exploit the Mone Stream for canoeing and the landscape for construction of buildings. These issues and experiences became

driving forces for the Daai movement and resulted in active participation of the people in the process of developing a collective conservation initiative.

The creation of the Daai Indigenous Conserved Area is characterized by developing community protocols and mapping. In fact, collective conserved area formation and re-articulation of indigenous identity emerged in parallel and complemented each other. Awareness raising and documentation worked not only for collective conservation but also served as identity re-articulation process. Community protocols for collective conservation, which also direct land and resource use in their territory, are based on customary land and forest management systems. This is a countermovement or reterritorialization of Daai communities against the state's green territorialization.

Community mobilization for environmental conservation and mapping activities in Daai villages in Kanpetlet (nine villages) and Mindat (two villages) was extensively carried out in 2017 and 2018 with the facilitation and support of CHRO. Along with this project, a collective movement for indigenous rights and collective conservation emerged. This involved the development of community protocols based on documentation of customary good practices. Also, documentation of customary forest management was carried out and a set of regulations for collective conservation was developed. In 2018, a workshop was organized in Shen M'Pang village where the community protocol was developed and the Daai Indigenous Network (DIN) was formed. All the representatives of 21 villages agreed on the creation of the Daai Indigenous Conserved Area (DICA) and on regulations for conservation (DIN document, 2018). During 2019 and 2020, every village was consulted, and the DICA was improved upon along with awareness-raising training on indigenous rights, the importance of environmental conservation, and opportunities and challenges in existing Myanmar laws and policies. In this way, the DICA was created. Table 2 details the Community Protocols for this DICA.

Regulations of Conserved Area

1. These regulations apply to all villages participating in Daai Indigenous Conserved Area.
2. Daai Indigenous Conserved Area must be managed according to customary land and forest management practices.

3. Villagers can extract timber from the Conserved Area for building houses and other public uses through the permission of the forest conservation committee at the village level.
4. Timber and other forest products cannot be extracted and collected through the permission of an individual person.
5. Forest products from the Conserved Area cannot be extracted by individuals or groups for economic purposes, including timber, rattan or cane, bamboo, variety of orchids, and other non-timber forest products.
6. Individuals and groups are not allowed to camp inside of the Conserved Area without receiving permission from the conservation committee.
7. Encroaching into the Conserved Area for agriculture (rotational farming) is not allowed.
8. Setting fire is strictly prohibited inside of the Conserved Area. If vegetation in the vicinity of the Conserved Area is burned for farming, the firebreak must be done carefully.
9. Inside of the Conserved Area, watershed areas must be demarcated for strict protection.
10. Felling trees or its branches for firewood is not allowed, but dry wood can be collected.
11. The Conserved Area committee and village level committee must examine and investigate carefully infrastructure development inside of the Conserved Area to minimize its impacts to nature.
12. Land inside of the Conserved Area cannot be sold and or rented by the decision of a single village.
13. The establishment of settlement or village is not allowed inside of the Conserved Area.
14. Customary practices of sharing and utilization of forest products must be followed in conservation.

Hunting

1. Hunting and planting traps are not allowed inside of Conserved Area (hunting hornbill, tiger, bear, deer, armadillo, apes, and serow are strictly prohibited).
2. Each village can establish a wildlife sanctuary
3. If necessary, each village can create regulations for hunting to ensure sustainability of biodiversity.

Hunting outside of Conserved Area

1. Quantity of traps must be decided by each village.
2. Hunting from outsiders in our territory is not allowed.
3. Bringing people from outside for hunting is strictly prohibited.
4. Burning of forest for the purpose of hunting is not allowed, which is practiced in other areas.
5. Strict protection of some animals (hornbill, apes, tiger, bear) are also imposed outside of the Conserved Area.

Fishing

1. Fishing in the Conserved Area is strictly prohibited.
2. Using dynamite or electric shocks, and bringing people from outside of our community for fishing, are not allowed in our territory.

***Lone Ma* Management outside of the Conserved Area**

1. All villagers have to follow customary good practices (making firebreak, maintaining watershed forest inside of farming areas, and keeping forest between farming plots) related to *lone ma*.
2. Encroaching on existing forests which have been maintained since our ancestors is not allowed.

**Table 5.2: Community Protocols for Conservation of
Daai Indigenous Conserved Area**

In fact, the forest designated as DICA is mainly an evergreen forest that has been maintained as a water-catchment area since the ancestors' time. This forest is home to wildlife. Clearing of this forest for cultivation is prohibited customarily; therefore, the forest remains healthy. Communities have been conserving the forest according to their customary practices for generations. Customary knowledge and practices are rediscovered and disseminated in training and workshops. KI-2 shared how regulations for the conservation of the DICA are also based on customary conservation practices:

DIN is rediscovering and restrengthening knowledge and practices of our ancestors to pass on to young generations. On the other hand, we are doing conservation relevant to the current socio-economic and political condition. We would like to improve environmental conservation by restrengthening customary forest management and to manage our territory

under customary tenure system inherited from our ancestors. The experience of villages in Aye Chaung Public Protected Forest led to the active participation of communities in these processes (31/10/2021).

One of the main activities of DIN is planting trees in each village on Daai Indigenous Tree Plantation Day (May 6). KI-1 shared regarding this customary practice:

Our ancestors grew trees in settlement areas, along the roads where people rest. They also planted trees that produced fruits and flowers consumed by birds and animals. We learn about tree planting from our ancestors. However, this practice is gradually weakening among young generations. By this activity, the practices of tree planting are being revitalized (9/10/2021).

In this way, the conservation work of DIN is strengthening an existing customary forest management system rather than introducing a new form of conservation.

Part of Daai Indigenous Conserved Area implementation is mapping of the territory. Although some scholars have argued that mapping can lead to negative results such as boundary conflicts and territorial fragmentation (Dewi & Peluso, 2016), participatory mapping has also resulted in successful land claims, compensation for customary lands confiscated by states or businesses, and the acknowledgment of customary lands and territory. The mapping process is thus considered a powerful technique to empower communities for securing their access to land and resources, to strengthen resource management, and to assist community advocacy on land-related problems (Gessa, 2008). Peluso (2005) adds that counter-mapping or local territorialization is a tactic to strengthen the forest territory claims of indigenous communities.

Local villagers and NGO staff alike spoke about the role of mapping. For example, KI-10 (15/01/2022) shared how documentation and mapping has become a tool to mobilize indigenous communities by re-educating about customary land tenure systems and revitalizing customary good practices, especially for the youth. KI-19 (12/2/2022) added that mapping the village territory began in 2017 with the facilitation of CHRO. However, due to boundary issues between villages, only Yaing Imnu village track was able to produce a

map. KI-2 (31/01/2021) shared how mapping was not only intended as evidence to claim customary land tenure against state conservation projects and land concessions, but also to support sustainable land and forest management. KI-1 (9/10/2021) spoke how the CHRO project was followed by the creation of the DICA and a plan to map the whole territory of the Conserved Area, which is shared by 18 Daai villages from Kanpetlet township and Mindat township. However, due to the COVID-19 outbreak and the military coup in 2021, it has not yet been possible to conduct mapping through field surveys.

In sum, the creation of the DICA is a countermovement and reterritorialization against state territorialization processes. This conservation initiative strengthens an existing conserved area of the ancestors, which is based on customary good practices. A new initiative is going beyond village-level conservation initiatives, to a move towards collective conservation, constructing a collective movement for legal recognition. Community-based conservation schemes of indigenous peoples are restrengthening customary management of land, forest, and streams by developing written protocols for more systematic management. This initiative also supports the claim of *khaw mah m'dek mah* as protectors of the forest in a countermovement against the state's green territorialization and associated land concessions. In addition, it is rebuilding local sovereignty in which communities manage their territory in accordance with their own customary rules.

The creation of Daai Indigenous Network for conservation and negotiation of land right

The Daai indigenous movement is characterized by a networked movement at the local level, realizing the importance of community organizing for successful conservation, a collective voice to prevent external threats to the land and natural resources, and effective negotiation of communities' rights. In this section, the emergence of the network, its objectives, and engagement with other organizations are examined. The Daai Indigenous Network was created in 2018 after three years of community mobilization. The network encompasses 21 villages from Kanpetlet and Mindat Township in southern Chin State. These villages are inhabited by the same indigenous group called Daai, who share the evergreen mountain forests which lie between their villages. Although the network was established in 2018, the idea and process started from environmental conservation training organized in 2015, in which 12

villages in this area participated. In 2017, CHRO gave awareness training on environmental conservation, REDD+, indigenous rights, and mapping. Following the CHRO project, community leaders decided to create the Daai Indigenous Conserved Area (DICA) and to establish a network to lead conservation work. Subsequently, a workshop attended by representatives from 21 villages was conducted to discuss challenges regarding forest and customary land rights of indigenous peoples. This was the meeting at which the Daai Indigenous Network (DIN) report was formed.

The priority of the Network is to strengthen customary land tenure and forest management and to protect the land from the government's conservation schemes, external interventions, and forest degradation. DIN's aim is 1) to strengthen negotiation against the government's conservation schemes, 2) to facilitate 21 villages for collective Conservation initiative (DICA), 3) to strengthen advocacy for the recognition of customary land rights of Daai Chin indigenous peoples at different levels, and 4) to engage with indigenous/other organizations and networks working for indigenous rights and environmental conservation (Constitution of DIN, 2020). KI-2 explained:

The network was created to protect our land from external intervention through collective effort since our land ownership is not secure. The government of Myanmar claimed control and management rights over land and forest of indigenous peoples by justifying it with the VFV law. According to the state, unregistered land and forest lands are owned by the government. This law is threatening our customary land and forest ownership. To negotiate the government's upcoming attempt to control the land, we need better conservation and organization to convince them, so we created the network (31/10/2021).

KI-3 added how the prospects for the recognition of customary land and forest management in existing policies and laws became an encouragement for the communities to create the network:

Although threats to customary land tenure remain, there are some prospects to recognize customary land tenure; for instance, the National Land Use Policy (2016), which has one chapter about customary land tenure. Moreover, other related

laws such as the Conservation of Biodiversity and Protected Area Law are open to allowing Community Protected Areas (CPAs). Therefore, we established a network to lead and to bring better and strong coordination in our attempts to advocate for the recognition of our customary land ownership and to protect our land from outside intervention (10/10/2021).

The Network documented a customary forest management system and developed conservation regulations to govern the DICA. The document was disseminated in training and workshops and improved upon through open discussions and suggestions from participants. The initial community protocol for conservation of the DICA was agreed upon by representatives of 21 villages in consultations from 2018 till the beginning of 2020 (refer to Table 2 on page 132). With the support of POINT and the Siempenpu Foundation (another NGO), the regulations for conserving evergreen forest and surrounding areas was also agreed upon by all 21 villages. However, due to the COVID-19 pandemic and the 2021 military coup d'état, mapping of the conserved area and the official launch are still pending.

DIN is also engaged with other indigenous organizations and networks to strengthen their movement. Key informant KI-3 (10/10/2021) explained DIN's work and role as follows. DIN works with CHRO and POINT for financial and technical support. These organizations capacitate leaders to mobilize and facilitate their communities, including knowledge on the rights of indigenous peoples, environmental conservation, and related laws and policies. At the same time, by engaging with indigenous organizations, these community leaders have regularly participated in national level workshops and advocacy activities. DIN also became a member of Indigenous Community Conserved Areas North, East, West, South (ICCA NEWS¹³), which is the national level indigenous network created to promote ICCAs and to advocate for their recognition in national law in Myanmar. Members of the network include indigenous peoples who are practicing community-based conservation and customary land management across the country. These indigenous groups are mainly living in Myanmar's borderlands and tend to rely on the forest more than other groups.

13 Following the 2021 coup d'état in Myanmar, ICCA NEWS was reformulated as the All Burma Indigenous Peoples' Alliance (ABIPA). Their website is <https://www.abipa.indigenoussurma.org/>.

Another key informant, KI-6 (12/8/2021), also discussed the role of ICCA NEWS as a national network to advocate for ICCAs in policy, to strengthen the ICCA movement nationwide, and to mobilize community-based conservation initiatives. It has become a platform where indigenous communities, CSOs, and NGOs come together for stronger advocacy for the recognition of ICCAs in Myanmar. The network advocates for the recognition of customary forest management under ICCAs as a mechanism that can contribute to meeting Myanmar's international environmental conservation commitments, to improve community participation in sustainable forest management, and to minimize conflicts between government staff and indigenous communities. Under this network's leadership, communities have the opportunity to present local customary conservation initiatives based on the good practices of indigenous communities. However, KI-6 also reiterated how the COVID-19 pandemic and political instability have hindered this movement.

M'pai villagers' negotiation and resistance to state conservation

The state's implementation of Aye Chaung PPF has involved demarcation of land uses, creation of tree plantation areas, and the establishment of community forestry beginning in 2017. In this process, M'pai villagers' resistance can be seen in two ways: firstly, by attempting to negotiate their rights during the project's implementation, and secondly, continuing the use of *lone ma* on land designated for the PPF.

In M'pai village, there has been no direct confrontation or overt negotiations between the villagers and the forest department. According to the law, the project was supposed to be implemented through a negotiation process (SLORC, 1992; GOM, 2018b), especially the right to claim rights over the land used by the villagers. However, since the villagers were not informed about the PPF proposal before 2002, they did not get a chance to negotiate at that time. A local villager explained how after the designation of the PPF, the villagers attempt to negotiate their rights to their elephant foot yam plantation areas and garden land, but the authorities rejected this, asserting that rights and privileges can only be claimed before the designation of the PPF (12/10/2021).

The villagers also attempted to negotiate the selection of land for government tree plantations, by proposing the land outside of *lone ma* land and

to allow the existing forest to grow. However, forestry staff paid no heed and selected *lone ma* land for tree plantations, and also forced villagers to clear trees.

For government tree plantation area, we requested them to grow in another place, but they refused. They chose the location they prefer. We planted trees in the place they chose. They decided everything as they wish. They did not want to consult with the villagers (11/10/2021).

We clear regenerated trees to grow trees. In some parts, we clear the forest. We tried to consult with them not to clear existing trees, but they said we are doing this according to the instructions of the department (11/10/2021).

I-9 shared how the M'pai villagers considered following the whole process of the forest department in the implementation of PPF as a tactic for free access to forest products and to continue *lone ma* outside of government tree plantations and community forestry areas.

They did not restrain our villagers for access to forest and doing agriculture strictly. They just informally inform what should not be done. It could be because we did not resist them openly and followed their project (12/10/2021).

Although the villagers did not agree with the demarcation of their territory as a PPF, they did not have negotiation power and had to follow what the forest department is doing. Even though the villagers could not confront the authorities, villagers shared how they are expressing their resistance, for instance, through the destruction of notice boards.

Around 2016, forest staff put vinyl describing “no burning, no logging, and no shifting cultivation” and declared “Aye Chaung Public Protected Forest (I-9, 12/10/2021).

The vinyl was destroyed by the local people because they are not happy with the creation of PPF (I-8, 12/10/2021).

Even though villagers have participated in some resistance, they still worry about the strict imposition of regulations limiting access to forest products and agriculture in upcoming years, since *lone ma* cultivation and elephant foot yam plantations are the main way to meet their livelihoods, as I-9 shared:

We worry about the current situation in our village and the loss of our land. We are thinking about how to negotiate with the forest department and how to object to upcoming government projects. We have to negotiate and compromise our needs from both sides (12/10/2021).”

A second form of resistance by local communities is taking place in the form of continued use of forest resources and land demarcated for PPF. Although the whole territory of the village has been designated as PPF and there is a formal notification to stop cutting timber, all the villagers continue to extract bamboo and timber for building houses and other domestic uses. The villagers collect firewood even when forest staff are present in the village. However, the villagers extract timber and bamboo for building houses only during the absence of forest rangers. Villagers I-6 and I-7 explained:

They [forest staff] came to the village monthly until 2020. They do not want us to cut trees. But we cannot avoid extracting timber for domestic use. We are not using the forests for economic benefit that can destroy the forest. So, by the time they are not in the village, we extract timber or poles for domestic use as usual (11/10/2021).

Although *lone ma* is not allowed inside of PPF, we did not inform the forest department about clearing vegetation for *lone ma*. If we inform them, they will ban doing farming. If we clear the forest although they are prohibited, it will result in conflict. Indeed, it is our way of life and customary way of livelihood (11/10/2021).

In Shen M’Pang village, almost half of their territory was demarcated for Aye Chaung PPF, including the community’s three-year fallow land. However, the villagers are continuing to clear vegetation for farming without

consulting the authorities. Regarding this issue, KI-1 shared a conversation he had with a forest ranger:

A forest ranger said, “you challenge us because even though you see that we have demarcated the land as PPF, still you clear the forest”. And I said, “we do not challenge you, but as you know, we have been doing this *lone ma* and owned the land for centuries since our ancestors. You just came here and demarcated our land as a PPF, and it is not our mistake (9/10/2021).

To conclude, in the case of Aye Chaung Public Protected Forest, the communities' attempts to negotiate their rights and privileges, as well as selection of location for tree plantations, are not acknowledged. In M'pai village, going along with the project of the forest department and helping to implement it became a tool for the villagers to ensure their continued access to resources and farming. Although the villagers are not resisting overtly, they covertly oppose the PPF in their daily life through the continued shifting cultivation and withdrawal of resources as usual during the absence of forest staff. Likewise, resistance also took place in Shen M'Pang village by continuing to use of the land inside of the PPF. They are still fully exercising the customary land tenure regime. In the case of Aye Chaung PPF, the affected villages deal with their issue by themselves rather than through collective negotiation with the forest department.

Collective resistance against a new proposed PPF

In contrast to the original Aye Chaung PPF, a new proposed PPF has been collectively resisted by Daai villagers. The new PPF of about 52,000 acres is an extension of the original Aye Chaung PPF and was proposed in mid-2020. The proposed area involves evergreen forests which have been sustainably conserved for centuries by Daai People, who have proposed and demarcated via satellite imagery as the Daai Indigenous Conserved Area since 2018 (ground demarcation remains to be conducted). The new proposed PPF by the government will affect about 17 Daai villages. In this section, three factors are discussed: 1) the reason for the communities' objection to the proposed PPF, 2) the process of objection, and 3) the perception of factors contributing to the success of objection.

Leaders of the DIN name five reasons for villagers' objection to the PPF. Each of these is now discussed using the voices of both key informants and villagers during my fieldwork.

Firstly, according to KI-2,

The proposed landscape is owned by Daai People and the villages in the territory. The land has been owned, managed, used for centuries, and inherited from our ancestors. Without this land, we cannot survive. If we no longer own this land, we would not be able to stay here (31/10/2021).

Demarcation and designation of the land as protected areas mean going from being owners to becoming landless, and the government becomes the landowner. Therefore, the proposed project was resisted by the villagers (I-3, 19/9/2021).

As can be seen by these quotes, if the proposed PPF is implemented successfully, the whole territory of the Daai People in Kanpetlet township will be under state controlled protected areas. Becoming landless also means becoming "encroachers," the term that is always used by the government to refer to people in protected areas.

We will become the ones who ask or request the land for cultivation and other use. Indeed, this is our land since our ancestors' time. If we do not object, the owners will become landless and face a shortage of land for agriculture. We do not want to be landless. Therefore, we objected to the project (KI-3, 10/10/2021).

Secondly, the land is a source of livelihood for people in this area, who depend on agriculture and forest resources. The creation of the PPF will eliminate rotational farming, customary land management, and the use of forest resources (I-7, 11/10/ 2021). KI-2 explained:

We resisted the proposed PPF because we earn our living through rotational farming or other agriculture systems. In addition, we rely on the forests for firewood, timber, and bamboo for houses. We collect vegetables from the forest and

find fish and meat from the forest. Forest is essential for our livelihood (31/10/2021).

A third reason for objection to the PPF is fear of resource monopolization and exploitation while limiting local peoples' use for subsistence. The creation of a protected area constitutes the establishment of a state monopoly and control of all resources. State conservation projects are not only for pure conservation but also for the extraction of resources. Since the creation of Aye Chaung PPF, the government and private sectors have monopolized exploitation of teak and other hardwood trees:

After the creation of the PPF, the state is likely to extract timber and monopolize resource use. Moreover, subsistence use of forests such as timber extraction for building houses, collecting firewood, and non-timber forest products will be limited. One of the important possibilities is the control of people's activity inside protected areas (I-3, 19/9/2021).

We have experienced how the state uses the land in other protected areas. The government is granting the land from public protected forest and reserved forest for plantations, agriculture, and logging to the companies to earn taxes which lead to forest depletion (KI-4, 10/10/2021).

Fourthly, even before the creation of the Daai Indigenous Conserved Area (DICA), evergreen forests have been customarily conserved by all communities. In 2018, evergreen mountain forest and its vicinity areas were proposed and designated as a DICA for stronger and more effective collective conservation:

We objected to the proposed protected area because we have been conserving our land by strengthening our customary practices and creating a Daai Indigenous Conserved Area since 2018 (KI-1, 9/10/ 2021).

Fifth, objection to the state conservation scheme is related to identity. Communities worry about loss of identity if their land becomes PPF under the management of the government with limitations on access, use, and management of resources. The territory is the identity of the people:

If we are not allowed to do rotational farming, we will lose our seeds, way of life, and cultures including handicrafts made of forest resources. We play flute on the farm traditionally and sing songs. The disappearance of rotational farming will result in the loss of our culture. Our territory and way of life make us unique or distinguished from other people. Our culture and way of life are deeply connected with our territory (I-3, 19/9/2021).

KI-1 (9/10/2021) lamented about how these limitations will lead to the loss of the indigenous identity of Daai people in the territory while, Tung Thang from the Daai Indigenous Network provided examples of the anticipated losses:

Conservation is indeed a good intention; however, top-down and centralized conservation schemes are likely to eliminate and ignore the way of life and customary practices of local communities such as rotational farming, other resource use, and customary land management regimes and values (10/10/2021).

Objection to the PPF was led and facilitated by the Daai Indigenous Network. The objection process involved village-level consultation to seek agreement from the villagers, signing of an objection letter, and submission of the letter to authorities. The village-level consultation involved visiting and organizing meetings in each village to discuss the positive and negative effects of the protected area on livelihood, ownership and customary land tenure of the communities, and the benefit of self-management. Thanks to the community mobilization that had already been done over the previous four or five years, organizers were able to complete these consultations in a short period of time. Based on these discussions, the decision was made among the villagers to oppose the project.

After seeking agreement from the villagers, all the villagers above fifteen years old signed an objection letter, which was sent to the authorities. KI-2 (31/10/2021) explained that not only the villagers, but also village tract administrators, signed the objection letter. The objection letter with signatures of the villagers was sent to Kanpetlet township forest department and district level authorities by the leaders of the DIN at the end of September 2020. This

process was also supported technically and financially by POINT. KI-1, speaking with determination, stated that one month later, on October 9, 2020, the forest department of Kanpetlet informed the villagers that the project was cancelled.

For DIN and community leaders, three main factors contributed to their successful objection to the PPF expansion. They have built a strong local network through developing the DICA, prior community mobilizing, and support from the outside. These factors led to strong participation by all affected communities, easier consultation in a limited time, and strong voices that reached the authorities. KI-3 articulated that,

The objection process would be very difficult if we had not done awareness training for the Daai Indigenous Conserved Area, and if we had not established the network. Because the authorities said, a single village or few people cannot object to the project. The objection needs the consensus of all the villages. Without having a network and prior knowledge on the impacts of PPF, it is impossible to consult all the villages as it is rainy season and difficult to visit the villages (10/10/2021).

The interviewees believed that the creation of the Daai Indigenous Conserved Area and conservation activities of communities became an opportunity to negotiate the state's green project. According to KI-2, "if we do not have a network and conservation schemes, we would not be able to oppose it successfully." KI-3 added that

They agreed to our objection because we are also trying to conserve the forest in a sustainable way by ourselves. The forest department knows what we are doing for conservation (Daai Conserved Area) at the community level. Having done a conserved area became an opportunity for us to convince the forest department (10/10/2021).

Another factor is the strong participation of communities. All the affected 17 villages came together against the state conservation project:

The objection was strong because 1024 people from 17 villages signed the objection letter. The authorities received our

objection letter and issued the cancellation of the proposed PPF (KI-2, 31/10/2021).

In this case, the resistance against a new proposed Aye Chaung Public Protected Forest is not resistance to conservation, but to top-down conservation approaches which will have significant impacts on local people. The communities' resistance was related to their concerns about becoming landless and losing their livelihoods, resistance against state monopolization and exploitation of their natural resources, assertion of their role as protectors of the forest, and fear of losing identity. Although the DICA is not legally recognized, it has become a tool for communities to negotiate their territory successfully under the leadership of DIN. The creation of a network among local communities (21 villages) has strengthened the local movement for customary land and forest management, while also becoming a strategy to protect their territory from state intervention. They are challenging the state formalization or state green territorialization by asserting their customary tenure rights. Knowledge, conservation, and a collective movement have become the factors contributing to successful resistance, which was missing in the case of villagers' resistance to the original Aye Chaung PPF created in 2002. At that time, the villagers did not have negotiation power and following the project of the authorities was considered as a way to maintain continued use of forest and farming.

Summary

The indigenous movement in Myanmar emerged especially at the beginning of the 2010s as a response to the lack of recognition of customary land ownership of indigenous peoples, their ongoing struggles for self-determination, and the threats of state dispossession of indigenous territory in the name of conservation. Using terms such as indigenous or *htar-nay taing-yin-thar*, constitute a repositioning and redefining of ethnic identity rather than the government-recognized terms *taing-yin-thar* or *taing-yin-thar-lumyo* which usually translate as “ethnic” or “national races.” The term *htar-nay taing-yin-thar* indicates indigenous peoples' territory ownership, historical continuity, and distinctiveness from dominant society or other groups in terms of language and culture. In the case of the Daai indigenous movement, the people claim themselves as *khaw mah m'dek mah*, the owner or inhabitants of the land which is embedded with their attachment to the territory, way of life, culture, and

identity. As discussed in chapter four, land and resources are deeply connected with ethnic groups' history and language. Therefore, documentation and mapping are employed as a tool to claim their ownership to the land and their attachment to the territory as indigenous peoples or *khaw mah m'dek mah*, as a counterclaim against the state's attempts to formalize and control land and resources. Documentation of the community profile, their relationship with the territory, and customary management system including good practices are factors to prove being indigenous, the original owners of the territory.

The movement also goes beyond documentation to actively restrengthen customary land tenure systems through collective conservation. Indeed, awareness raising and documentation are a set of tools to mobilize indigenous communities to revitalize customary land management systems for sustainable resources management, and to advocate for legal recognition as well as to claim their rights against land concessions and state conservation schemes. These activities are all part of the process of redefining and repositioning indigenous identity. Indeed, the communities are restrengthening their sovereignty in terms of land management and decision under customary governance. This conservation initiative at the local level has also come to support the claim of "indigenous peoples as forest protectors" and to counter the stereotype of indigenous peoples as destroyers the environment.

This research's findings reveal two different approaches of resistance to the state conservation project. Firstly, the resistance of M'pai villagers and surrounding villages to the original Aye Chaung PPF can be characterized as passive resistance, with weak knowledge about indigenous rights and negotiation at the village-level. Following the government's project became a way to maintain the right to use forest resources and *lone ma* outside of strictly limited areas such as government tree plantations and community forestry areas. However, the villagers continued utilization of forest resources as usual, especially during the absence of forestry staff, and they continued *lone ma* cultivation outside of the tree plantation and community forestry areas. In contrast, the resistance to a new proposed PPF in 2020 featured organized and collective resistance by affected communities. Before the proposal of a new PPF, communities had created a network of 21 villages, declared an environmental conservation area, and given awareness to the people about their rights. These processes under knowledgeable leaders strengthened the power of the community against the state green territorialization. Due to this condition, although this conservation

area is not legally recognized, it became a strategy and tool to negotiate their territorial rights against the state conservation scheme. It shows that, sometimes, collective movements at local level and sustainable conservation can override existing state policies and plans. This can be understood as identity-oriented environmental activism deployed as a strategy of reterritorialization against state bureaucratization.

Lastly, DIN also worked with national level indigenous organizations such as POINT and CHRO in strengthening the network and the creation of the Daai Indigenous Conserved Area (DICA). Moreover, DIN became a member of ICCAs-News to promote indigenous conserved areas and to advocate for legal recognition at the national level. The successful resistance against the expanded Aye Chaung PPF occurred not only by the communities themselves, but with the financial and technical support of organizations, especially POINT. Therefore, networked actions become power to strengthen customary land tenure rights and resist the state conservation projects. At the same time, local level indigenous initiatives and documentation have been used to advocate at the national level. For instance, through the presentation of community initiatives to government officials, ICCAs-News and other indigenous organizations have advocated for Indigenous Conserved Areas as a means to implement national conservation area targets of 40 percent of the national territory and to meet national and international commitments, promote local communities' participation in conservation, and to minimize conservation-induced conflicts. As a networked movement, the Daai indigenous movement has become a tactic for stronger collective voices for customary tenure rights and policy change at community and national levels.

Chapter 6

Conclusion

This research examined state green territorialization in indigenous territories, processes of dispossession and accumulation, and indigenous peoples' countermovement in Daai communities. To better understand current green territorialization into indigenous areas in Myanmar, this research began with an examination of conservation practices in the monarchical era of Burmese kingdoms before British annexation, the development of scientific forestry under British rule, and British colonial relations with indigenous peoples, especially Karen in the Bago Yoma. The colonial government's attempt to control the land and people resulted in dispossession and encountered local communities' resistance. However, the British government was able to implement green territorialization into indigenous territory successfully for resource exploitation.

After independence from the British, new patterns of internal territorialization emerged amidst political turmoil, especially between the central state and ethnic/indigenous groups who demanded autonomy within a federal state based on the 1947 Panglong Agreement (FSWG, 2011; Tin Maung Maung Than, 2004). Burman leaders' fear of ethnic groups' demands for self-determination and autonomy led to the military coup in 1962 and introduced strong trends toward Burmanization and a unitary state, which involved attempts to force "assimilation of ethnic groups into the dominant Burma ethnic culture" (Walton, 2012, p. 11; Steinberg, 2001). This situation resulted in long-lasting ethnic armed conflicts. After the 1980s, state territorialization into

indigenous areas became stronger alongside continued armed conflicts, with the creation of new policies and laws legitimizing the state's dispossession of indigenous territory for conservation, economic concessions, and investment under military regimes until 2011 and continuing under the quasi-democratic regime that followed. Up until the 2021 coup d'état, NLD policies, targets, and plans also supported dispossession of indigenous territories in the name of conservation and development.

In 2018, the Myanmar parliamentary Legal Affairs and Special Cases Assessment Commission led by Thura U Shwe Man (himself a former general of the military's State Peace and Development Council) proposed to eliminate Chapter 8 from the National Land Use Policy. This chapter, which deals with the land use rights of the ethnic nationalities, affirms recognition of customary land tenure and the land rights of indigenous peoples, including shifting cultivation. Speaking of the commission's proposal, Ko Si Thu from the organization Land In Our Hand (LIOH) shared his perspective:

It is related to Burmanization, that means Burmans have to govern or control the country, and the military has to be powerful. It is the expansion of their power or control into ethnic areas under the idea of Burmanization. It seems the NLD government is reimplementing this agenda (Khit Thit Media, 2018).

Burmanization can be understood as one of the main drivers of centralized control of land and resources, alongside discourses of biodiversity conservation, sustainable production, and climate change mitigation. Together, these discourses shape the process of territorialization in indigenous territories. Theoretically, conservation without political interest might be possible; in Myanmar, however, historical experiences, a centralized governance system, and failure to recognize ethnic groups' self-determination all shape the practice of conservation in indigenous/ethnic territories.

To complement understanding about green territorialization, its dispossessions, and indigenous responses, this research investigated the state's establishment of Aye Chaung Public Protected Forest and villagers' resistance in Kanpetlet township, Chin State. In addition, the collective resistance of Daai

indigenous peoples to a new proposed public protected forest was examined, as well as their efforts to establish a Daai Indigenous Conserved Area.

Key Findings of the Research

The research concluded with two key findings: lack of free, prior, and informed consent in the implementation of Aye Chaung PPF, and the Daai Indigenous Conserved Area as enhancement of local sovereignty. The two findings have contributed new knowledge in several areas: green territorialization into indigenous territory as a process of delegitimization and militarization; public protected forest as dispossession not only of means of production and customary land tenure but also of identity and local autonomy; collective and networked action as a negotiation tool for land rights; and Daai Indigenous Conserved Area as a territorial project and a part of indigenous politics.

This research not only complements previous scholars' findings, but also contributes new findings regarding green territorialization into indigenous territories and indigenous movements against state conservation projects. Van Bawi Mang (2020) highlighted lack of free, prior, and informed consent in his study about state territorialization in the establishment of Zingmuhtlang National Park in northern Chin State. Van Bawi Mang's study also demonstrated the importance of territory as identity and the role of the international Chin diaspora in resisting the state conservation project. The present study also agrees with Andrew Paul's argument that community-based conservation initiatives advance indigenous sovereignty, based on his study about the politics of conservation in the Salween Peace Park (Paul, 2018).

Lack of free, prior, informed and consent in the implementation of Aye Chaung PPF

The state implemented Aye Chaung PPF without compliance with free, prior, informed, and consent (FPIC). The right to FPIC is one of the main mechanisms advocated by indigenous peoples in Myanmar and around the world to minimize the negative impacts of projects and ensure indigenous peoples' rights. According to Myanmar's Forest Law, the procedure for creating reserved forest, public protected forest, and protected areas prescribes informing affected local communities about the proposal. According to the procedure, this includes creating a scrutiny body (GOM, 2018b) and appointing a forest settlement officer

who must issue a declaration, within 30 days of his/her appointment, for affected communities to claim their grievances within 90 days (GOM, 1995b). However, in the case of the original Aye Chuang PPF proposal in 2002, the forest department did not inform either the M'pai villagers or other surrounding villages. Therefore, all the villagers in M'pai village and the interviewees from surrounding areas do not know the year when Aye Chaug PPF was created.

According to the Ethnic Rights Protection Law (2015), for large-scale projects in ethnic areas, the state actors must fully inform and coordinate implementation of the project with relevant local communities. This provision is indeed taken from the principles of FPIC, as recommended by indigenous organizations during the formulation of the law. Although, the term “prior” is not mentioned in the official English translation, the Burmese version includes the word *kyo tin*, which means “prior”.

Contrary to these principles, Aye Chaung PPF was created without informing the villagers about their rights or the rules and regulations. As a result, only the village leaders know some rules and regulations inside of the PPF, while almost all villagers do not. Lack of knowledge about the rules and regulations causes confusion among the villagers and leads to fear of forest use and cultivation. It is a violation of the rights of indigenous peoples prescribed in UNDRIP, especially the right to FPIC, and their rights in existing Myanmar laws and policies. The implementation process of Aye Chaung PPF contradicts the legal framework itself. Since the villagers were not fully informed and consulted, there has been no active participation of villagers in conservation, and strict enforcement is likely to cause conflict between the state actors and the villagers. However, regarding a new proposed PPF in 2020, the authorities informed village tract administrators and visited some villages. The latter is similar to researchers' experience in other areas of Myanmar, such as the proposed PPFs in Lake To, Karen state in 2018 and Minhla, Magway region in 2019. The top-down creation and implementation of protected areas in indigenous peoples' territories greatly expanded under the NLD government (2015-2020).

Indigenous conserved areas as enhancement of local sovereignty

The creation of Daai Indigenous Conserved Area is an enhancement of indigenous sovereignty. In his study concerning Salween Peace Park, Paul stated that community-based conservation advances indigenous sovereignty (Paul

2018). Regarding the relation between land and sovereignty, Ko Si Thu from LIOH explained in an interview with Khit Thit Media (2018) that “land is history, politics, and sovereignty. Without land, there is no sovereignty and no federalism.”

In the Myanmar legal framework and in practice, customary land tenure has been delegitimized and undermined since independence from the British. Indigenous peoples’ customary land tenure systems, including shifting cultivation land, were dismantled by claiming these lands as unregistered, vacant, fallow, and virgin land under laws that serve the state’s green territorialization and economic purposes. This is how indigenous peoples and their lands are controlled by the state. Although customary institutions were allowed during British rule in frontier areas and until 1962 under parliamentary democracy, this has since been gradually weakened through centralized legal frameworks and administration. However, customary tenure systems and the role of customary institutions in land management remain in most indigenous areas, and their local legitimacy is still strong.

Along with the reopening of political opportunity after 2011, indigenous peoples and ethnic groups demanded the recognition of customary land tenure and started conservation initiatives which involved documentation of community profiles, land and natural resource management practices, and peoples’ relation to the land and spiritual beings. They also developed sustainable management rules. Community conservation became a tool for reterritorialization by restrengthening customary land tenure and enhancing local self-governance to manage and govern the territory or part of the territory in accordance with locally developed regulations and customary practices. It is a rejection of the state property regime and land formalization, and resistance to the state’s bureaucratic domination. At the same time, community conservation activities involve rearticulating indigenous identity, including historical and spiritual attachment to the territory, customary practices, and indigenous communities’ roles as forest protectors.

Examples of indigenous community conservation exist in many parts of Myanmar. Karen communities in Kamoethway, Tanintharyi Region, for example, manage their territory in accordance with their customary conservation model, democratic institutions, and practices, in which conservation and management of the territory are decided by the community. The forest is successfully managed, and local communities control their own

natural resources (CAT, 2018). In Ponggan Razi area, Kachin State, Rawang people initiated collective management of land and forest to reclaim their sovereignty which had been undermined by state conservation projects (10/01/2022). Likewise, the Daai Indigenous Conserved Area involves the revitalization of customary forest management, rules, and institutions, in which resource control and decision making are under the control of local communities. At the same time, the regulations also are enforced among the villages. In both Kamoethway and Daai communities, customary-based local land management sometimes overrides existing legal frameworks. Because land management and resource use are guided by customary rules, and decisions are made based on those regulations, community-based conservation initiatives have local legitimacy that may enable them to supersede state frameworks.

Main Contributions of the Study

This study makes new contributions in terms of understanding green territorialization and indigenous political resistance to state territorialization. Firstly, this study addresses a literature gap on processes of state green territorialization into indigenous territories in Myanmar, identifying militarization as a significant factor. This is similar to Phuc Xuan To's (2015) study about state territorialization in upland areas of Vietnam, especially in the name of conservation. Secondly, this study shows how state conservation not only dispossesses means of livelihoods and customary land tenure, but also the identity and autonomy of indigenous peoples. Thirdly, the study extends Kevin Woods' (2019) study of green territoriality in southern Myanmar and Einzenberger's (2019) study about indigenous politics in Chin State. In southern Myanmar, Kevin Woods argued that the state utilizes international conservation projects to territorialize insurgent-controlled areas.

I argue that Daai indigenous peoples in Chin State, Myanmar deploy green territorialization as a strategy of counter-exclusion to the state. This study expands on findings by Einzenberger (2019), who concluded that the repositioning of identity, mapping, and community forestry are part of the strategies of indigenous politics among the Chin people. However, Einzenberger does not discuss emerging conservation initiatives among indigenous populations to defend their territory. In contrast, the present study, analyzes conservation initiatives as a part of indigenous politics in Myanmar. I argue

that green territorialization is not limited to the state's territorial projects, but that indigenous communities may also employ green territoriality as a means of reterritorialization and counter-exclusion (cf. D. Hall et al., 2011).

Green territorialization as a process of delegitimization and militarization

Green territorialization into indigenous territories in Myanmar is characterized by delegitimization of customary land tenure and extension of militarized control. Territorialization of indigenous lands emerged under British rule through the declaration of all teak forest as state forest. The exhaustion of the forest under laissez-faire forestry led to accusations against shifting cultivators as destroyers of the forest and brought shifting cultivation under special control by imposing taxes and penalties, including imprisonment. The creation of reserved forests in Myanmar in the 1970s brought greater government control over the forest (Than Naing Win, 2004, Bryant, 1993) while failing to recognize customary land tenure (Ennion, 2015). In addition to reserved forests, five protected areas were created in ethnic areas under British rule.

Although customary institutions and practices such as shifting cultivation were undermined during British rule, customary land tenure systems and institutions were partially recognized by the British government in the frontiers, especially outside of reserved forests. In post-independence, delegitimization of customary land tenure and its institutions followed the British way by advancing legal frameworks and a strongly centralized government under military regimes, especially after the military coup in 1962.

In the case of Chin State, as discussed in chapter three, the military regime's "Burmese Way to Socialism" started replacing customary institutions and governance systems. For instance, the role of tribal chiefs, village heads, and customary laws in Chin State had been recognized under formal administration at the village level under the Chin Special Division Act of 1948. That form of autonomy was undermined by the military regime, which replaced village-level customary administration with the village tract system (Pyi Soe Aung, 2019). This was the starting point of intensifying territorialization into the country's peripheries, which were mainly occupied by indigenous populations. Although policy changes in the 1950s and 1960s provided partial recognition of customary land use rights, in general, the state created conditions

for greater control over lands and assets, along with the possibility of the misuse of power (Ennion, 2015).

The continued claim that shifting cultivation is destructive to nature is not based on concrete evidence. Indeed, there are findings that show that higher levels of biodiversity are maintained in shifting cultivation than in mono-crop agriculture, and shifting cultivation areas contribute forest cover and conservation (Kramer & Woods, 2012; FSWG, 2011). Nevertheless, continued claims against shifting cultivation are used to justify dispossession of customary lands for development projects, conservation, and other vested interests. Therefore, delegitimizing shifting cultivation as unproductive and unsustainable generally involves affirming the state as the sole owners of the land and resources, replacing customary institutions with the state bureaucratic systems, and legally categorizing customary land as “wasteland” or “vacant, fallow, and virgin” (VFFV) land to bring it under the disposal of the government.

A little hope emerged to legalize the customary land tenure of indigenous peoples in the last decade, especially under the National Land Use Policy. However, no clear legal protections have been put in place. Moreover, the Myanmar parliament’s Legal Affairs and Special Cases Assessment Commission proposed to eliminate the National Land Use Policy chapter 8 recognizing the customary land rights of ethnic nationalities. While the attempt to formulate a National Land Law was delayed, the policy was adopted in 2016. In the absence of clear legal protections, delegitimization of customary land tenure and territorialization into periphery areas continue.

Another significant feature of the state’s green territorialization into indigenous areas in Myanmar is militarization. This is the difference between green territorialization in Myanmar and in other Southeast Asia countries such as Laos and Thailand. There are some similarities between Myanmar and Vietnam in terms of political changes post-independence, such as formation of a socialist government and transition to a market economy in the 1990s. In the case of Vietnam, the state imposed territorialization into the northern uplands in the 1950s by collectivizing all agriculture land, delineating boundaries to enable commercial timber harvesting, forcing shifting cultivators to become sedentary farmers, and declaring all forest as state property while excluding local communities from forest resources (Phuc Xuan To, 2015). Since the 1990s, Vietnam has pursued a market-oriented economy and encouraged privatization

through redistributing and titling forest and agriculture land to individual households. However, the state continues to regulate utilization of forest in allocated lands. Phuc Xuan To (2015) called this form of territorialization “regulated inclusion” (p. 230). Moreover, international donor support in conservation schemes led the government to establish forest conservation areas, intensifying the state’s green territorialization of upland areas to control people and forest. One of the driving forces of state green territorialization into Vietnam’s upland area is illegal logging, because to address illegal logging, the government enforces more control over the forest (Phuc Xuan To, 2015). These forms of green territorialization undermine the land ownership and agriculture systems of upland peoples.

In Vietnam, policy changes of the state drive the whole process of green territorialization, rather than militarization and ethnic conflicts. In the case of Myanmar, as mentioned above, green territorialization into indigenous areas mainly emerged after the 1962 military coup. According to Einzenberger (2019), territorialization in Myanmar’s border areas is related with militarization of ethnic territories. This militarization involves physical occupation by soldiers, confiscation of lands and farms for military use, forced relocation, and other human rights abuses including torture, extortion, and forced labor (KHRG, 2007; Fink, 2008). In Chin State, the government soldiers were not deployed until 1988 under military rule. By 2008, Human Rights Watch reported the presence in Chin State of 14 battalions, each with an average of 400 to 500 soldiers, in 50 army camps (HRW, 2009).

In the case of Colombia, the state employs alliances with paramilitary actors and elites to gain territorial control and stimulate the accumulation process (Reina, 2022). Paramilitary forces, elites, and non-local investors accumulated resources while contributing to state territorial control as a counterinsurgency strategy (Reina, 2022). Likewise, in northern Myanmar, Woods (2011) argues that the military regime exercises ceasefire capitalism as a strategy of military-state territorialization to control territory and people through land concessions for rubber plantations, resources extraction, and infrastructure development at the expense of local communities.

The creation of conservation areas in conflict zones with the support of international conservation organizations also makes possible state making and resource extraction, such as the case in the Hugawng Tiger Reserve, which was

supported by WCS (Woods, 2011). Green territorialization, where international conservation groups play a crucial role, is also deployed by the state to bring insurgent areas under state control and facilitate resource exploitation in southern Myanmar (Woods, 2019). Ethnic conflicts and militarization thus shape the state's green territorialization into indigenous areas in Myanmar. In both northern and southern Myanmar, state and non-state armed groups, ethnic leaders, businessmen, and conservation organizations all play crucial roles in enabling the military regime's state-making process in resource-rich ethnic areas.

Aye Chaung PPF as dispossessing indigenous identity and autonomy

Aye Chaung Public Protected Forest not only dispossessed communities' means of production and customary land tenure, but also their indigenous identity and autonomy. The concept of accumulation by dispossession focuses on how dispossessing people's means of production changes their means of subsistence into objects of capital accumulation and producers into wage laborers through enclosing and privatizing the commons (Harvey, 2003; Glassman, 2006). Top-down approaches to conservation are one of the means dispossessing people's means of production and customary land tenure. Lack of recognition of indigenous peoples' land and resource rights, and the existence of legal frameworks which delegitimize those rights, bring different levels of dispossession to indigenous peoples. In the case of M'pai village, the PPF dispossessed *lone ma* areas, elephant foot yam plantation land, and domestic forest use, with potential limitations on non-timber forest products and hunting. Fallow *lone ma* land has been converted into the government tree plantations and community forestry areas, which is likely to affect the whole practice of *lone ma* rotational farming. The reduction of fallow period is likely to cause insufficient regeneration of fallow land, soil fertility problems, and food insecurity. Moreover, the forest department refused to recognize the villagers' elephant foot yam plantation areas, which had become the villagers' main income source before the COVID-19 pandemic and 2021 military coup d'état. Timber extraction is prohibited, which makes the villagers extract only during the absence of forest staff. However, regarding collection of non-timber forest products and timber use, the villagers continue as usual since there is no strict enforcement of law. The state has dispossessed the main livelihood means of the villagers, and they are concerned about further enforcement of the law by the state.

Aye Chaung PPF thus represents deterritorialization of customary tenure systems in the name of conservation, in which customary land ownership, governance, and use rights are gradually being eliminated. Deterritorialization is the replacement of customary tenure systems with the state property regime, which excludes the customary rights of indigenous peoples who have been settled in the land for centuries. In the case of M'pai village, deterritorialization of the customary tenure system is characterized by declaration of the territory as a PPF, creation of government tree plantations, transformation of *lone ma* land into community forestry areas, limitations on forest use, reclassification of land use, and mapping. Thus, dispossession of the means of production involves enclosure of the commons by deploying force and legal means.

The Public Protected Forest also dispossesses identity and local autonomy. After creation of the PPF, the identity of M'pai villagers as shifting cultivators and customary owners of the territory is gradually turning into an identity as community forestry users, encroachers on state lands, and landless people. This process has been carried out in a coercive manner. Community leaders expressed their opinion that conservation is essential for the wellbeing of the community, and they are not objecting to conservation. However, they object to the state's conservation approach. The villagers are concerned about how further enforcement of the law will gradually have negative effects on culture and language which are attached to the agriculture system, customary way of life, and the forest. The state is bringing the territory of M'pai village under its control through formalization, which limits and eliminates customary land ownership of the village, which was characterized by local autonomy in terms of land governance.

DICA and networked action as re-territorialization strategy

In response to these pressures and threats, the Daai indigenous peoples came together to initiate collective conservation and create a networked movement. In Myanmar, networked and collective actions of indigenous peoples at local and national levels have become a tool to defend their land rights and protect their territories against the state's green territorialization. In M'pai village, when the state first established Aye Chaung PPF in 2002, the villagers had limited knowledge about the rules and regulations, and they had no power to defend their rights. In this situation, M'pai villagers chose to follow the plans of the forest department. For instance, although the villagers have the legal right to claim ownership of agriculture land, especially for elephant foot yam

plantation areas and gardens, they were not able to negotiate. Moreover, private sectors also exploited timber by working with the authorities. As a result, the whole territory of M'pai village and surrounding villages were demarcated as public protected forest.

In contrast, regarding the proposed expansion of Aye Chaung PPF in 2020, affected villagers successfully resisted the state's green territorialization. There are two main factors contributing to the success of this resistance. Firstly, the creation of the Daai Indigenous Conserved Area as a collective conservation action for sustainable forest management based on customary land and forest management, agreed upon by 21 villages, became a strength of the communities in defending their territory. Conservation is not an individual initiative at the village level, but rather a collective initiative. However, it has not yet been possible to fully implement the project through mapping and declaring the conserved area to respective authorities, and surrounding communities due to the COVID-19 pandemic and 2021 military coup d'état.

Secondly, the creation of the Daai Indigenous Network, representing 21 villages, has become a strong collective power to advocate for their land and forest rights. The new proposed PPF would affect 14 villages. The authorities informed the people that the project could not be stopped by the objection of only a few people or a few villages. The existence of the network and its leadership made it easier to reach agreement between villages to object to the proposal. The objection letter was completed with more than a thousand signatures of villagers over 18 years old, including village tract administrators. Through creation of the Daai Indigenous Conserved Area, villagers have gained an increased understanding about the potential impacts of laws and policies, and the positive aspects of self-management of the forest under customary tenure systems. This has resulted in strong participation of the people in objecting to the state's proposed PPF. In this case, collective conservation action at the community level and a networked movement, including financial support from POINT, have become powerful tools for successful resistance, even though the legal framework does not protect the indigenous conserved area and the initiative is not legally recognized.

Daai communities are mounting their resistance campaign similar to previous collective actions that were successful in opposing state-led conservation projects in Kamoethway, Paw Klo, and Htee Moe Pwar

communities in Tanintharyi Region. These communities all successfully conserved their territories through the establishment of management committees, formulation of communal rules and regulations, and the creation of conservation areas, successfully resisting mining, agribusiness projects, and dam proposals (CAT, 2020). Indeed, such local-level movements are the foundation of indigenous struggles for self-determination. In addition, collective actions through networked movements of indigenous peoples at regional, national, and international levels are linking and strengthening these struggles, building solidarity at multiple levels.

In conclusion, the Daai indigenous movement can be understood as identity-oriented environmental activism to achieve customary tenure rights and self-governance while defending the territory from the state's green territorialization based on the following two factors. Firstly, the Daai indigenous movement for customary land tenure rights against state land formalization and green territorialization is an identity-oriented social movement. Community mobilization involves reclaiming their identity as *khaw mah mdek mah* ("owners and inhabitants of the land") or indigenous peoples, an identity which is embedded with their attachment to territory in terms of history, culture, spirituality, and way of life. The revitalization of identity as *khaw mah mdek mah* becomes a common ground for asserting their customary land rights. In other words, it is repositioning of identity as an emancipatory tool.

Secondly, the Daai indigenous movement is intertwined with environmental activism. The movement emerged along with the creation of the Daai Indigenous Conserved Area (DICA), which is not only for promoting sustainable forest management and strengthening customary tenure system but also for asserting ethnic identity. The territory designated for the DICA is directly shared by 16 villages. However, 21 villages are involved in the creation of the DICA and the development of community protocols, with the intent to extend the movement to other Daai villages. The process of community mobilization for collective conservation is where the communities redefine their identity as owners or inhabitants of the territory, and where they revisit customary land tenure systems as well as good practices of the ancestors in terms of resource management. In turn, the creation of the collective conserved area has become a tool to strengthen customary tenure systems and self-governance of natural resources. In addition, it has led to the creation of the Daai Indigenous Network as a collective movement for land tenure rights of

Daai People. This movement constitutes identity-oriented environmental activism against the state's green territorialization and bureaucratic domination, whilst enhancing self-governance. There are many cases of environmental stewardship becoming a tool to assert indigenous land rights, such as tree-ordination and claims to environmental stewardship by ethnic minorities in northern Thailand (Isager & Ivarsson, 2002). Although the Daai indigenous movement is intertwined with environmental conservation, it is grounded primarily on prior rights to the territory as *khaw mah m'dek mah* and self-determination. The conservation initiative has thus become an approach of community mobilizing and a tool of counter-territorialization.

Thus, this research expands understandings of state green territorialization into indigenous territories in Myanmar. This study focuses on the role and impact of militarization where different actors have been involved in state-making. This study also extends the concept of accumulation by dispossession, highlighting ways that the PPF designation affects the identity and autonomy of indigenous peoples under customary tenure systems.

Finally, this study demonstrates the ways that green territoriality in Myanmar has not been limited to the state but also employed by indigenous groups as a countermovement against state land formalization and deterritorialization of lands under customary tenure. By establishing the Daai Indigenous Conserved Area and networking at multiple levels, the Daai indigenous movement is reclaiming indigenous identity, employing environmental activism, and asserting conservation of collective territories in resistance to the state's green territorialization of indigenous lands.

Recommendations

The research has shown that the process of green territorialization into indigenous areas is characterized by centralized and top-down conservation laws and institutions. The legal framework fails to recognize indigenous customary land tenure and forest management systems, replacing them with the state conservation regime. As a result, state conservation negatively affects livelihoods, land tenure, and identity, undermining indigenous peoples' relationships with land as history, politics, and sovereignty. In Myanmar, the government targets to expand its conservation areas into most remaining forested areas where indigenous peoples in Myanmar live, using legislation such as the Vacant, Fallow

and Virgin Land Management Law (VFLM). This condition is likely to exacerbate conservation-induced conflicts between state actors and indigenous communities. This is not because indigenous communities reject conservation, but because of the negative impacts of certain conservation approaches on indigenous communities. Based on the literature review and findings from this study, I would like to make the following recommendations.

The Republic of the Union of Myanmar should

1. Seek to build common ground through political agreements between the state and ethnic groups. Conservation conflicts in Myanmar are strongly linked to the political conditions, which may influence communities' perspectives on state conservation projects. The unmet promises of the Panglong agreement and continuing centralized governance systems are the main causes of ongoing resource conflicts. As a result, conservationists, government agencies, ethnic politicians, and indigenous communities have different agendas and perspectives on conservation, which results in conflicts. Therefore, to minimize conflicts and ensure successful conservation, a political model agreed upon by all parties (for example, political decentralization and a federal state) is essential.
2. Develop a National Land Law based on National Land Use Policy (NLUP) of 2016 by opening full participation to civil society organizations including indigenous organizations, ethnic armed organizations, and local communities. This land law needs to recognize and protect the customary land rights of indigenous peoples which have been undermined especially since 1962 under successive military regimes. The recognition of customary land tenure would also encourage customary-based conservation among indigenous communities.
3. Diversify conservation approaches based on the International Union for the Conservation of Nature (IUCN) protected area mechanisms, and ensure that local communities and indigenous peoples are able to both participate in and benefit from conservation. Encouraging local communities' participation and ensuring that they benefit will lead to better coordination between local communities and state actors. The recognition of land tenure rights is suggested by scholars as key to the success of programs such as REDD+. Ensuring customary land tenure

rights is essential to both guarantee conservation benefits and to promote indigenous peoples' participation in conservation.

4. Indigenous conservation initiatives and ICCAs (Indigenous and Community Conserved Areas) should be recognized in law to promote local communities' participation in conservation and to minimize conflicts resulting from state-led conservation activities. Community-based conservation activities are important initiatives which can be applied in decentralized or federal forest management. Many ICCA initiatives are emerging in different parts of Myanmar. It is the most suitable way to meet the state's conservation target of 40 percent of the total area of the country since most of the remaining forest exists in indigenous areas.
5. Recognize free, prior, and informed consent (FPIC) in the law and ensure that all actors fully comply with this mechanism regarding development projects and conservation activities taking place in the territories of indigenous peoples. This mechanism should be seen as a way to minimize conflict between project proponents and indigenous communities, and to minimize the social and environmental impacts of the project rather than be seen as a threat to state-led conservation and development.

International organizations should

1. Promote and ensure the protection of the customary rights of indigenous peoples and local communities over lands and resources in their engagement with the government of Myanmar in terms of policy formulation and the implementation of conservation activities on the ground.
2. Promote and support the effective management of forest and biodiversity under community-based conservation or ICCAs rather than reinforcing existing state conservation regimes. For instance, community forestry development under the state's Community Forestry Instructions might be relevant and desirable for some local communities, but it would not be a good solution for all local and indigenous communities under different contexts. It is thus essential that communities have the ultimate decision over the forms that conservation takes in their customary territories.

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Green Territorialization and Indigenous Politics

A Case Study of Aye Chaung Public Protected Forest, Chin State Ling Houg

In Myanmar, as in many parts of the world, conservation projects have become a means for the state to extend control over territories and customary lands of indigenous peoples and local communities, dispossessed people of their livelihoods, land tenure systems, and cultural identities, prompting increasing resistance.

This study examines the Daai indigenous peoples' movement against the proposed expansion of the Aye Chaung Public Protected Forest in Chin State. Drawing on concepts of green territorialization, accumulation by dispossession, and new social movements, the analysis demonstrates that Aye Chaung Public Protected Forest is characterized by a lack of free, prior, and informed consent. In turn, Daai Indigenous communities seek to defend their land rights by redefining their identity as *kho mah m'dek mah*, or indigenous peoples. A countermovement against state green territorialization, Daai communities are reterritorializing their customary tenure systems through the creation of a Daai Indigenous Conserved Area. This approach has played a crucial role in the community's successful resistance against the proposed expansion of the public protected forest.