

The Life We Lived

A Research on Land Confiscation and Livelihood Strategies of Farmers
in the Ayeyarwady Region, Myanmar

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Cover Page

The Life We Lived; A Research on Land Confiscation and Livelihood Strategies of Farmers in the Ayeyarwady Region, Myanmar.

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Cover Photo: Farmland in Kangydaung, Myanmar



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Share Mercy

မျှဝေတရဏာ

“Look at the real world and try and understand things from the local perspectives”

- Scoones (2009) -

Summary

Land tenure in Myanmar is highly complex. Land confiscation occurred all over the country due to the legal and political situation and has affected livelihoods of thousands of farmers in the country. The topic of land confiscation has been widely discussed globally within both academia and politics. It becomes clear that land confiscation should not be seen as a mere economic or political action but as a process that influences the livelihoods of thousands of people around the world. This research adds to the debate about land confiscation by linking the livelihood approach to the process of land confiscation. A holistic and people-centred view on the effects of land confiscation is provided.

The research describes the effects of land confiscation on livelihoods within two cases in the Ayeyarwady region in Myanmar: Kangyidaung and Pantanaw. It builds on existing literature as well as on group and individual interviews. The findings show the importance of the context in place. The specific context of structures caused that land confiscation could take place and that many farmers ended up in a circle of debts and loans. They felt they lost their power over their livelihoods. The circle encompasses strategies of diversification, migration and dependency. The specific context of structures also determined the possibility to get out of the negative circle as it determines the agency farmers have in order to regain power over their livelihoods. Finally, the research shows the importance to get away of the image of the life farmers have lived. Away from the image of themselves as farmers who are depending their livelihoods on land and explore new livelihood strategies.

Key words: *Land confiscation; Land Tenure; Livelihoods; Livelihood Strategies; Ayeyarwady; Myanmar*

Preface

Walking on the streets of Yangon after a full day of working, sometimes overloaded by new information, sometimes frustrated that once again I had to change my whole planning, I every time realized why my interest for this country is so big. The streets are always full of life and energy. Passing the street vendor selling anything you can imagine and small tables with people having conversations and drinking tea or sometimes something stronger than that, made me so motivated. Everyone is smiling at you and often people will come up to you just out of curiosity of what you are doing in their country and maybe to practice their English. Being back in the Netherland I often think back to one of the conversation I had, while walking home one day. It was a girl, around the age of 15, introducing herself to me and asking me what I was doing in Yangon. She explained to me, in nearly perfect English, that she was actually from Mandalay and now on a family visit in Yangon. She told me that for the past years, nearly every evening she was going to Mandalay Hill to meet foreigners in order to be able to practice her English. Her dream was to go to a Singapore university to study medicines, but she was still insecure whether she would be able to make it. After the 10 minutes' walk and conversation, just before we had to go into different directions, she introduced me to her mom, who was walking beside her all the time. The mom clearly didn't understand anything of the conversation we just had, but her face was still so proud. This was a girl full of positive energy and motivation to get a better life than her parents have had and to help create a better society in her country. These people, that have lived in a closed country, eager to push their country and lives toward a better situation, are the reason I was so eager to write my thesis about Myanmar one year ago. It made me want to know more about the situation of these people and hopefully support to the best of my ability in the limited time frame of five months. It has taught me a lot about the local perspective, which I wanted to take as core of this research. The quote on the first page of this research has been a small but determined voice in the back of my head. It was like one of these small parts of a song that you unconsciously keep on repeating in your mind. It has motivated me to honestly try to see the local perceptives, despite the difficulty of genuinely grasping the true local perspective of lives within a country so complex as this one.

The research has been a real journey in which I gained a lot of knowledge but also with some obstacles to overcome mountains I had to restrain. It was not always easy to work within a totally different culture on such a sensitive topic. Therefore I want to thank all the special people met and all the friends that I made on the way. I especially want to thank Cho Cho Than for being the best company in the office and for taking care of me on the fieldtrips. I thank Than Than So for showing me what real compassion and motivation is and all other staff members of Share Mercy that helped

me with the practical matters or for being the highly needed key-informant or translator. I should also thank all the farmers I have interviewed and who shared their stories and way of living with me. And of course all the other interesting people who made time to talk and share their knowledge with me. Also special thanks to Karen Witsenburg who triggered me to think carefully about what I was going to do and especially for stimulating me to write down this thesis in a coherent way. Last but not least thanks to Merlijn and Iris, who spent some time to check my final thesis.

And mom, this one is dedicated to you. You showed and taught me what it is to be independent, interested in the world around me and to be passionate about what you want to do in life. I am sure you would be so proud if you could see I followed my dream and made my own pathway.

- Laurien Petri, 8 April 2017 -

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1. Introduction

Myanmar is a country that is nowadays going through a far-reaching transition. Both the political and the economic situation are changing and a transition towards a more democratic and open society is ongoing (Hudson, 2007). The recent elections at the end of 2015 that resulted in a major win for the NLD party of Aung San Su Kyi made people hopeful about a transition towards a brighter future for the people in Myanmar. The country has had however a strict military regime, several internal conflicts and a closed economy for decades (Kubo, 2013). This past regime and its policies has had big influence on the daily lives of people within all levels society in Myanmar, which make the transition highly complicated and challenging. The challenges that have to be addressed include peace settlements, post-conflict encounters, policy change and legal enforcements. For future development, it will be highly important that these challenges will be addressed in a constructive way. Some of these challenges that have to be handled with great care are the disputes linked to land tenure (Green Lotus, 2015).

Prior to 2011, many cases of land confiscation have occurred in Myanmar. These land confiscations were mainly carried out by either the government or the army, related agents or well-connected individuals and their companies (Namati, 2015). The land confiscation forced many people to leave the land they depended on in order to sustain their lives. Land is very important for many livelihoods in Myanmar, as around two-third of the population works primarily in the agriculture (Haggblade, 2013). The negative effects of these land confiscations have affected thousands of lives of people in Myanmar. However, land confiscation, is not only a process of the past in Myanmar. The great need for the development of infrastructure and agriculture and the booming economic interest in the land of Myanmar, along with a lacking legal framework, are making land tenure issues a continuing threat for peoples livelihoods (Green Lotus, 2015).

Land tenure in Myanmar can be highly complex as it is often not clear who has the legitimate control over the land and conflicting interests often arise between different users and owners (BNI, 2015). Nevertheless, it will be crucial for the future development of the country that the land tenure issues will be managed in a constructive way as lives of the majority of the population depends on land (BNI, 2015, U Tin Htut Oo, 2016). Land has been essential to many kinds of human practices and to the building of diverse human societies. It has shaped local societies in several dimensions: economic, social and cultural, as well as political (Franco et.al., 2015). It can be stated that for this rural population securing their land often means securing their livelihoods (U Tin Htut Oo, 2016). But what will happen when the secure livelihoods are lost and the only way of living they have known for

ages has become impossible? This research will uncover the effects of land confiscation for farmers. By doing so, it will try to raise awareness about the injustice that can take place when land confiscation took place, which can help to create a more just land policy in Myanmar in the future.

Besides the importance of land issues in Myanmar, a global discussion has also arisen about the importance of land and land confiscation (Borras et.al., 2011; Cotula, 2012; Zoomers, 2010). This discussion is triggered by an expanding global competition over land and emphasizes the importance of a correct land tenure management (Borras et.al., 2011). The contemporary global land grabbing has recently become a key issue within development studies and attention is given to the effects it has on the livelihoods of poor people around the world (Zoomers, 2010). Moreover, land conflict is increasingly seen as a critical issue in conflict-related emergencies and as a key feature in post-conflict recovery (Franco et.al., 2015; Künnemann & Suárez, 2013; LIOH, 2015; Pantuliano & Elhawary, 2009). Besides the increase in academic writings about land grabbing awareness within the political area has been triggered. Several NGO's together with the FAO for example, made efforts to raise awareness on the importance of good governance of land and formulated the *Voluntary Guidelines on the Responsible Governance of Tenure* in 2012. The procedures to draft these guidelines have had a high impact on awareness raising, resulting in the adoption of the guidelines by 92 states. The guidelines state that:

“The livelihoods of many, particularly the rural poor, are based on secure and equitable access to and control over these resources. They are the source of food and shelter; the basis for social, cultural and religious practices; and a central factor in economic growth”
(FAO, 2012).

Within the contemporary global land grabbing debate, academics like Zoomers and Borras, state that the contemporary land grabbing is triggered by the liberalization of the global land market (Borras et.al., 2011; Zoomer, 2010). However, it is not the case for the land confiscation that has taken place in Myanmar. The past regime didn't adopt a global market system and land market liberalization. Consequently, the underlying trigger the land confiscation that took place in Myanmar has to be seen as different than the overall global trend. By researching land confiscation in Myanmar, it will add to the academic debate by widening the scope of underlying processes effecting land confiscation.

Moreover, the research will contribute to the global debate and understanding of land tenure and the influence on the livelihoods of people involved. It will take a local scope of the issue and cover a geographic area that has not often been included within this discussion. Besides that, the holistic approach of this research will add to the academic understanding of land confiscation as it will

uncover the process from land confiscation itself until the outcomes. It will provide an insight into the overall effects that land confiscation has on the daily lives of people affected by it.

To enable a comprehensive understanding of the changes and the development of the way people organise their lives and households, the livelihood approach is used. This approach is widely used in development studies and is an overarching approach focused on the active role of households. It is seen as a useful tool for asserting whether livelihoods are being sustainable (De Haan & Zoomers, 2005; Ellis, 2000). Land confiscations in Myanmar have been taking place in many different ways, at many different places and involving many different actors. Consequently, it is not easy to understand the effects on the livelihoods of the people that have been affected by it. A holistic and in depth study on the local scale seems therefore necessary. By using the livelihood approach, this holistic and local view will be created. However, the livelihood approach should not be seen as a theory that is capable of explaining poverty, or events. It should rather be seen as a tool that helps to uncover processes, which very well suits this research. Moreover, the research aims to study the multiple strategies of farmers who lost their lands and show the hidden effects of land confiscation and its consequences for the livelihoods in rural communities in Myanmar. To this end, two cases of land confiscation within the Ayeyarday region in Myanmar form the focus of this research.

Although there have been reports on land confiscation published by NGOs and international organization, these mainly focus on raising awareness about the topic of land tenure in Myanmar and preventing the continuation of unjust land confiscation. As a result, most of the research in this field focuses on contemporary land confiscation processes and government policies (Global Witness, 2015; Green Lotus, 2015; LIOH, 2015; Namati, 2016; Franco et.al., 2015;). To enable a full understanding of the land issues however, not only the legal, administrative and procedural issues, but also the historical, economic, and social dimensions should be highlighted. Furthermore, it is still unclear what the real effects of past land confiscation have been on the daily lives of people in Myanmar nowadays. The way in which the loss of land affects the activities of farmers is a very important question, and should be answered in order to understand the effects of land confiscation for local communities and the development of the country.

The main research question addressed in this research is:

In which way have livelihood strategies of farmers changed in the Ayeyarwady region in Myanmar after land confiscation in an era of economic and political transition?

The aim is to gain both an understanding of past processes and the current livelihoods in order to understand the impact of land confiscation on the livelihood strategies of effected farmers. In chapter 4 the research aim and questions will be elaborated in more detail, including a distinction of sub-questions used in this research.

The data for this research was collected during a research internship of four months at Share Mercy in Yangon. The data collection has taken place in the period of July 2016 till November 2016. The data collection included document research, expert interviews, focus groups and in-depth individual interviews.

This thesis consists of different parts. The first part is a contextual framework that elaborates on the global context of land confiscation and agricultural change, including both the past and current situation in Myanmar. Subsequent, a theoretical framework is formulated, reflecting the livelihood approach that forms the basis of this research. To conclude the first two parts, the use of the above theories within this research is pointed out. The following part contains the research methodology used in the thesis, after which the results are clarified. This part encompasses a description of the structures and processes influencing the land confiscation and livelihood, the asset change within the livelihoods and the livelihood strategies involved. Finally, a conclusion including the possible ways forward is given after which the overall research process will be elaborated.

Notes

There are some terms used in the thesis of which the use can be interchangeable. The use of these terms within this thesis and the choice made for the use of these terms will be clarified.

Land grabbing and Land confiscation

It is important to clarify the use of the terms land grabbing and land confiscation in this research. There is an ongoing debate about the use of the terms land confiscation and land grabbing and whether or not a distinction should be made. The term land grab is often used to refer to the undemocratic taking over of the control over land (TNI, 2013). Others also include scale and border components in the definition of land grabbing, referring specifically to land grabbing as large-scale, cross-border land deals or transactions (Zoomers, 2010). Adding these components will make a definition that corresponds to the definition given by the Dictionary of Human Geography:

“The acquisition of large areas of agricultural land by overseas firms, governments, or individuals, largely in countries of the developing world” (Rogers et.al., 2013 p. 104).

The above definition of land grabbing, including the scale and border component, is used within this research. Consequently, when the global phenomenon of large scale and border crossing land acquisition is absent, the term land confiscation is used. The use of this term also reflects the main use of the term land confiscation within government policy documents, reports and laws within Myanmar. Moreover, in this research, land confiscation is not only seen as an illegal action. Land confiscation can also refer to an action that has taken place within the legal framework. Finally, land confiscation can both involve the shift in real control over land or merely the shift in land tenure, whereby local communities can continue to live on the land, but this will be discussed more in-depth later on in the first chapter (TNI, 2013).

Burma and Myanmar

In 1989 the military government changed the official name of the country from Union of Burma to the Union of Myanmar (Topick & Leitich, 2013 p.108). Not all citizens accepted this change of name however and many who opposed the military government continue to use the name Burma until today. In this thesis, the name Myanmar is used as it is the term that most of my interviewees and the internship organization have been using. The term Burmese subsequently refers to the people living in Myanmar. Whenever it is considered necessary to emphasize a certain ethnic identity, the ethnic names like Karen, Kachin etc. are used. Moreover, the term Burman is used to describe people with the Burmese ethnicity.

Townships, Village Tracts and Villages

In Myanmar there is a so called *graded administrative structure* on geographic designations. In documents about rural areas it means that the terminology of townships, village tracts and villages is used to describe different geographic levels of administration units. Villages are the smallest units and are to be placed within the larger unit of a village tract. The village tracts are then again to be placed within a township. Administrators at each level are often guided by, or work in partnership with, issue-focused line ministries or departments and legislators. For example, the village administrator is accountable to the village tract administrator who is accountable to the township administrator.

Myanmar Spelling

The written Myanmar language does not use the Latin alphabet. Consequently, to make this research easy to read, some written words were transliterated into the Latin alphabet. The transliteration mainly concerns the names of people, places and companies as no direct English translation is available. However, there are several transliteration systems for transforming the Myanmar alphabet into the Latin alphabet. Consequently, there are different ways of writing the same Myanmar name in English. In this research, the most common way of writing is adopted. Nevertheless, when maps and quotations are used, slightly different spelling can occur.

2. Global Land Tenure and Development

This chapter will first discuss the global scale of land issues and the important dynamics within them.

2.1 Global Land Tenure

Globally there has been an increase in attention and concerns for land grabs. Academics are stating that in the contemporary world a 'global land rush' or 'global land grab' is taking place. With these terms they refer to the rush to gain control over land, especially land located in the global South (Borras et.al., 2011). Countries with large financial resources, but with a lack of other resources are looking for countries which are lacking financial resources but have an abundance of other resources. This is done in order to secure their production and food supply for the future. The other way around, financially poor countries are looking for potential investors for their resources (Borras & Franco, 2010). Besides that, western countries increasingly seem to regard land in the Global South as a source of alternative energy production, like biofuels, food crops, mineral deposits, and as reservoirs for environmental services (Borras et.al., 2011). This increasing interest in land causes land to be increasingly viewed as an economic asset, which makes large scale land acquisition rewarding (Cotula, 2012). Along with that, there have been processes of globalization, land market liberalizations and a rapid increase in foreign direct investment which have made large scale (trans)national commercial land transactions easier (Borras et.al., 2011; Zoomers, 2010). Consequently, there is a continuing tremendous rise in the volume of cross-border large-scale land deals (Borras & Franco, 2010). The World Bank estimated the volume of land grabs between 2005 and 2010 around 450 million hectares of land worldwide (The World Bank, 2010).

However, land grabbing is not something new, as it was also a common process in colonial times (Borras & Franco, 2010). As Liz Alden Wily (2012) states, the current situation of land grabs should be seen within the historical context. Examples are the Irish and English enclosures in the seventeenth to nineteenth centuries, the North American dispossession of land from the native populations, and the three great African land rushes of 1885 (Wily, 2012). As stated by Wily:

“ [T]he current land rush in its historical context, less as a new phenomenon than a significant surge in the continuing capture of ordinary people’s rights and assets by capital-led and class-creating social transformation” (Wily, 2012 p.751).

The idea of private owned property rights has, for a long time already, been deeply embedded within western society, whereas in other societies it has not. In colonial times this disparity caused conflicting situations. The areas under colonial power of western countries did not have the same property right system as in the west. The colonial powers often saw the property regulations in these

countries as primitive and unclear. It caused that the local land uses were not recognized and marked as irresponsible or wasteful. Consequently, the colonial powers used this to legitimize the large scale confiscation of these so called 'waste land'. Moreover, colonial powers introduced several 'waste land' policies (Van Meijl, 1999). These policies from colonial times, are nowadays frequently being reinvented as governments and international development organisations support the acquisition of great expanses of land by large (transnational) corporations. It means that land confiscation still takes place in the name of development (White et.al., 2012). This continuing influence of historical and colonial processes is clearly to be seen in the land management in Myanmar (FAO, 2015). Laws and processes that the British regime have invented in colonial times are still applied today. For example the past military regime and the current government are still referring to laws about 'vacant land' introduced by the British colonial rules (Mark, 2016). More details on this later on in the research.

However, differences also seem to exist between contemporary land grabbing and the land grabbing of the past. The main reason for this, is that current land grabbing is triggered by a different phenomenon, namely the liberalization of the land markets that started in the 1990s. This liberalization process caused that many people were forced off their land, resettled in more isolated or marginal locations and/or lost parts of their livelihoods (Zoomers, 2010). The land liberalization and the linked increase in land grabbing triggered a discussion about the effects of it. Where one group of actors, academics and politicians see land grabbing as an opportunity, the other sees a threat. The basis of the opportunity arguments is that land grabbing is important for the global food security in an era of growing world population (Borras & Franco, 2010). Similar statements include economic arguments about urgent land investments and increase of agricultural productivity (Deininger & Byerlee, 2011). The other group however hold a more negative view on land grabbing regarding it as a threat to the lives and livelihoods of the people in the South (Borras et.al., 2011). Additionally there is the statements about the impact on the environment, local rights, sovereignty, development and conflicts (Cotula, 2012).

The realization that land grabbing involves the impoverishment of the poor, has in the end caused an increasing attention for the human rights involved in land confiscation. This realization was mainly caused by the understanding that the rural poor often loses out to local elites and domestic or foreign investors because they lack the power to claim their rights effectively as well as they lack the possibility to defend and advance their interests. Consequently, the rural poor were forced to search for new strategies (Oxfam, 2011). Research conducted by Oxfam (2011) showed that in general, the rural poor has five different responses to land confiscation, see box 1.

Box 1: Response of farmer after Land Grabbing

Information gained for an interview with Duncan Pruett who has been working on land grabbing for Oxfam for the past years.

In general, five different strategies in response to land confiscation can be pointed out:

Working for the grabber. The small scale farmers will work for the company on their own farms and/or will work as labourers for the company

Change towards a non-agricultural livelihood. In these cases the farmers totally lost their old livelihoods and start a totally new livelihood in a other sector.

Migration. This can be temporary or permanent migration often to urban areas.

Dependency on humanitarian aid. An example of this happened in Guatemalan, were the government actually recognized their worrying situation and provided emergency aid to farmers.

Fighting for compensation. In this case, farmers will not adopt another livelihood strategy but will mainly focus on fighting for compensation. With the support of others, they will be able to survive (Pruett, Personal communication, 5 October 2016).

Following the increasing interest for the negative effects of land confiscation, there has been a call by both academics and policy implementers within governments and international organizations for more sustainable and equitable land development processes (Borras & Franco, 2010). Moreover, an increase in attention is given to the importance of land titles. The idea that formal and individual rights over land will create more efficient use of land and could increase the wealth of the poor, more than collective and customary land rights (De Soto, 2010; Deininger, 2003). Consequently, organizations like the World Bank, FAO and the EU got involved in stimulating, conceptualization and facilitation of initiatives related to land policies and legislations in the South (Borras et.al., 2011; Deininger, 2003).

Moreover, the FAO has acknowledged that land is central for sustainable development and that the livelihoods of the rural poor in the world are mainly depending on the adequate access to and control over land. Consequently the *Voluntary Guidelines on Governance of Tenure* were introduced (FAO, 2012). They state that:

“States should strive to ensure responsible governance of tenure because land, fisheries and forests are central for the realization of human rights, food security, poverty eradication, sustainable livelihoods, social stability, housing security, rural development, and social and economic growth” (FAO, 2012 p.6).

The objective of these guidelines is to provide a practical guidance for improving the governance in tenure of land, fisheries and forests with the focus on food security (Seufert, 2013). The guidelines also acknowledge that land tenure should not only be seen as merely an administrative or procedural issue, but as something with multiple dimensions. Moreover, land should be considered part of

broader historical, economic, social and cultural dimensions (FAO, 2012). Although Myanmar did not participate in the negotiation for the Voluntary Guidelines and has not formally adopted them, the government has received technical briefings about the guidelines and showed an interest in receiving more assistance for awareness raising (Henley, 2014). Land confiscation in Myanmar and the implications of it are discussed more in detail later on.

2.2 Agricultural Transition and Development

The contemporary global land grab and land liberalization is often associated with agricultural changes taking place over the world (Borras & Franco, 2010). The agricultural transition mainly involves an agricultural change from land used for food or forestry production aimed for local and domestic use and consumption, to export-oriented food production. The agricultural changes involve change from small scale and labour intensive work towards large scale farming which is less labour intensive and more investment intensive. The agricultural changes are often based on the idea of the importance of agricultural accumulation and is embedded in the modernization thinking within development. The growing scale of agriculture is increasingly causing large-scale acquisition of farmland (Borras & Franco, 2010; White et.al. 2012). Because of the less labour intensive agriculture, an increasing number of people are losing their jobs. It often results in diversification of livelihoods and more mobile and casual labor which in turn can result in (temporary) labour migration in diverse directions and related inhuman conditions for migrants and remittances dependency of the relatives staying behind (Borras & Franco, 2010). As Bernstein (2008) states:

“[M]any pursue their means of reproduction across different sites of the social division of labour: urban and rural, agricultural and non-agricultural, wage employment and self-employment” (Bernstein 2008, 251).

Changes in rural areas in the world can also be noticed within a shift in the rural–urban balance. In 2007, the absolute number of people living in urban centers worldwide overtook the number of people living in rural areas for the first time in history (Borras & Franco, 2012). However, the percentage of rural poor people continues to be much higher than the urban poor. Around 75% of the world’s poor today live and work in rural areas. Most of these rural poor are small holder farmers, and because of that they are most likely to be affected by agricultural transition in a negative way (Wiggins et.al., 2010).

A long held common view within development theory was that the best opportunity for improving the situation for these rural poor is to shift their lives from agriculture to industry, from rural to urban, and from peasant to proletarian or entrepreneur (Akram-Lodhi & Kay, 2009). This thinking

was embedded in the modernisation paradigm dominant in the period from the 1950s till the early 1970s. It was based on the idea that underdevelopment could be addressed by pushing countries towards modern capitalism and liberal democracy. Underdeveloped countries should 'catch up' with western countries by copying the development stages western countries went through. The general idea was big faith in the idea of a linear, unconstrained path to economic development with a high efficacy of and determining role for urban-based industrial growth. More specific, the transfer of finance, technology and experience from the developed countries would provide the highly needed industrialisation which was seen as highly needed for development (Desai & Potter et.al., 2004; Elliot, 2012).

However, this view has been challenged during the last decades as evidence shows that industries in many development countries are not able to replace the labour lost in agriculture and to provide the community a way up on the value chain for development. It resulted in forms of economic and agricultural transition involving investments and dispossession, which causes people to be expelled from agricultural labour without creating alternative job opportunities in for example manufactories. Besides that, empirical evidence showed that this way of modernisation development was causing more inequality (Akram-Lodhi & Kay, 2009; Elliot, 2012; White et.al., 2012)

Consequently, the debate about development changed towards a view in which the need to invest in agricultural development was given more attention. The role and future of rural development and small holder farmers has been given more attention (Wiggins et.al., 2010). Today, agricultural growth and change instead of direct industrialization is often seen as the best way for development and poverty reduction. It is proved that poverty reduction is best supported by agricultural productivity growth, much more than productivity growth in other sectors (Christiaensen, 2007). Moreover, it is stated that as the majority of the poor are living in rural areas and are employed in agriculture, it seems logical that growth of agriculture is more important for poverty reduction than growth of industry or services (Sumarto et.al., 2004). The issue of rural development has therefore come back onto the agendas of the international agencies concerned with the promotion of sustainable development (Akram-Lodhi & Kay, 2009) The view of agriculture for development is highly supported by the World Bank in their 2008 World Development report. The reports states that:

"[T]oday's agriculture offers new opportunities to hundreds of millions of rural poor to move out of poverty. Pathways out of poverty open to them by agriculture include smallholder farming and animal husbandry, employment in the "new agriculture" of high-value products, and entrepreneurship and jobs in the emerging rural, nonfarm economy" (World Bank, 2008).

As with other narratives about agricultural change the assumption is that what is needed is an agriculture which is seen as a business, driven by entrepreneurship and markets, linked with growing, urban and global, economy needs (Scoones, 2009). Many national governments, investors and NGOs have adopted this view by incorporating it within their policies. It has made many policy actors eager to promote private sector driven investments and encouraging the linking up with the world economy, the global value chain and other centres of capitalism. On the other hand a commitment to a discourse of support for smallholder farming and opposing the process of global land grabbing is needed (White et.al., 2012). It has been shown that agricultural growth that is concentrated in relatively few hands, shows weak multiplier effects to the overall growth. The rate of growth and the multiplier effect of agricultural growth, is likely to have more affects if the distribution of assets in the agricultural sector, particularly land, are more equally distributed (Jayne et.al., 2003). A good description of this transformation is given by the National Economic and Social Advisory Council (NESAC) in their advice for agricultural development in Myanmar. They are calling for the promotion of an agricultural sector that is not a rice bowl but a sector supporting the creation of a food basket. It urges the government to step away from the support of large scale, monoculture, industrial approach for agriculture (U Tin Htut, 2016).

The view of agriculture for development is highly debated and arguments against it are often heard within development studies and practice, and as Scoones (2009) states it includes a highly normative judgment:

“Such framings of course present normative version of ‘good and ‘bad’ livelihoods and so ‘good’ and ‘bad’ rural futures, defining ‘progress’ in a particular way” (Scoones, 2009).

It is often stated that the market led approach to agricultural change and pro-poor development has underestimated the power, both politically and economically, of (local) large landowners and overestimated the power of the small holders and landlessness. It has been proved that the marketization of agriculture often has even reinforced this imbalance in these power relations (Akram-Lodhi & Kay, 2009). To enable inclusive rural development providing a playing field for smallholders appears to be crucial. As stated by Byerlee (2013) history has showed that support services for smallholders like land-tenure security, extension and finance will be the best way to promote inclusive rural development (Byerlee 2013).

Concluding, it can be stated that it seems that a sustainable agriculture requires the involvement of the public sector for investment and policy support in order to create dynamic labour and service markets (Jayne et.al., 2003). At the same time the complexity and dynamics of the livelihood of the

rural poor need to be taken into account and these livelihoods need to be given space to develop (Scoones, 2009). Combined with the above discussion on land and livelihood it seems that for sustainable development, the rural poor need to be able to get the freedom to develop their own livelihood, which inescapable also includes the power over and security of their own land.

3. Livelihood Approach

The livelihood approach is a concept widely used in studies on poverty and development and which will be used in this thesis as well. It is a widely used concept because of its overarching approach to development which pays a lot of attention to the way people organize their lives. The approach is opposing many other approaches which are mainly focusing on the outcomes of the ways of living. The livelihood approach takes an actor oriented perspective and pays attention to household strategies in order to capture the behaviour of low-income people (De Haan & Zoomers, 2005; Ellis, 2000). This chapter discusses the roots of the livelihood approach and gives a clear definition of the approach for the rest of the research.

3.1 Roots of the livelihood approach

The contemporary understanding of livelihoods and livelihoods studies is based on the ideas about lives of the poor people by Gordon Conway and Robert Chambers (De Haan & Zoomers, 2005). Their widely used understanding is advocated in the paper '*Sustainable rural livelihoods: practical concepts for the 21st century*' published in the 1992 and states that;

"A livelihood comprises the capabilities, assets (stores, resources, claims and access) and activities required for a means of living: a livelihood is sustainable which can cope with or recover from stress and shocks, maintain or enhance its capabilities and assets and provide sustainable livelihood opportunities for the next generation; and which contribute to net benefits to other livelihood at the local and global levels and in the short and long term" (Chambers & Conway, 1992 p.6).

This view on livelihoods focuses on the means of living gained by livelihood capabilities and assets (Chambers & Conway, 1992). It is a bottom-up approach focused on the lives of the poor itself. This stands in contrast to the traditional focus within development field of the 1980s which was mainly about the impoverishments of the poor and the idea of top-down interventionists (De Haan, 2012). The livelihood approach is highly influenced by the human development paradigm developed in the 1990s. It relates to the capability approach, first advocated by Amartya Sen. Both the human development paradigm and the capability approach are further discussed below.

Beside the changing paradigm within development studies and practice, the livelihood approach was developed because of a general disappointment about the effectiveness of policies and practices inspired by former approaches (de Haan & Zoomers, 2005). As a consequence, the livelihood approach was developed with the central objective to search for a better and more effective way to support people and communities. The support should be more meaningful to the daily lives and

needs of people than the ready-made interventionist instruments used in development practice at that time (Appendini, 2001).

Over the years the use of the conceptual sustainable livelihood framework became more popular within research and among development practice organizations such as the UNDP and the Department of International Development (DfID) of the UK, and among NGOs like Oxfam. It developed into a mainstream conceptual framework for assessing and prioritizing interventions essential to safeguard people's lives (Adato & Meinzen-Dick, 2002). This framework will be described more in detail in the next paragraph, paragraph 3.2.

3.1.1 Human Development Paradigm

The livelihood approach is developed within the same time period the wider development paradigm shifted to the human development paradigm (Fukuda-Parr, 2003). In the 1990s a change within the view on the meaning and goals of development took place. The idea that non-income indicators of human well-being had to be given more attention got support (Elliott, 2008). The human development paradigm stepped away from the till then dominant idea that development is merely linked to economic growth. For the first time it was noticed that a distinction should be made between economic growth and development and wellbeing. (Thirlwall, 2008). Moreover, the human development paradigm acknowledges that development also involves other aspects than economic growth. It starts with the idea that development should be seen as the expansion of a person's freedom to make decisions and to reach their key objectives (Alkire & Deneulin, 2009). In order to expand this freedom, the paradigm identifies three important factors; the ability to live a long and healthy life, to gain knowledge and to have access to necessary resources to build a decent standard of living (Morse & McNamara, 2013). All things considered, due to the new way of thinking the debate about development no longer only includes the means of development, but also its overarching ends (Elliott, 2008).

The human development paradigm caused that another way of measuring of development was initiated by Amartya Sen and further developed by the United Nations Development Program (UNDP), notably the Human Development Index (HDI). Not only economic statistics on growth rates and levels of per-capita income are determining the HDI but also very different kind of achievements. The HDI for example contains life expectations, education rates and real per capita income (Thirlwall, 2008). It is clear that there is a link and overlap between the human development paradigm and the livelihood approach as holistic approaches to development that does not only focus on growth (Alkire & Deneulin, 2009).

3.1.2 Capability Approach

Linked to the above explained human development paradigm are the ideas of Amartya Sen about capabilities, which he advocates in his book *Development as Freedom* (Fukuda-Parr, 2003, Morse & McNamara, 2013). Sen argues that development should be seen as a process of enlarging peoples' freedoms which can be reached by taking away the un-freedoms. To be able to grasp of a person it freedoms and un-freedoms, the focus should be on the overarching objective of a person's life and not on the particular means or chosen list of instruments of development. With these means and instruments Sen aims economic measurements like GNP or individual income. He sees them as things that indeed can help to increase a person's freedom, however he states that they should be seen as merely a tool that can help to reach development and not as the end goal of development itself. In his opinion, the real end we are truly seeking is to increase the freedom to lead the kind of lives we have reason to value (Sen, 1999).

The ideas of Sen form the fundamentals of the capability approach. The core of this capability approach is its focus on what people are effectively able to do; their capability (Robeyns, 2005). In more detail, it focuses on expanding a persons' capability and with that expanding the substantive freedom a person has in order to achieve what he or she really values. A difference is thereby made between what is to be measured and the reason and value of these measurable, fixed outcomes (Alkire & Deneulin, 2009). With the focus on what people really value instead of the outcomes makes the process of choosing by itself important (Sen, 1999). By focusing on capability, social development becomes important. Social development includes subjects like empowerment, responsibility and informed public action (Alkire & Deneulin, 2009). An example to clarify is the choice people have to fast in times that there is enough food for them to be nourished. While focusing merely on the outcome, it would probably be assumed that the person lacks the ability to eat. While focusing on the capabilities a person has, it becomes clear that the person has the ability to eat but chooses not to eat based on specific values not to eat anything (Sen, 1999). Equally, the focus on capability makes it possible to understand that people sometimes will choose to be deprived in one area or time period in order to reach something that is more valued in the end. Another concrete example is a student that will choose to have a lower or no income while he or she is studying in order to gain knowledge which eventually can result in obtaining a degree (Alkire & Deneulin, 2009). In the view of Sen, five different types of instrumental freedoms are contributing to the overall capability of a person. These are; political freedoms, economic facilities, social opportunities, transparency guarantees and protective security. These types of freedom can, in his view, increase a person's real freedom by themselves, but will also complement each other (Sen, 1999).

Moreover, the people centered focus of the human development paradigm can be traced back to Sen's ideas as he states that;

“The people have to be seen, in this perspective, as being actively involved – given the opportunity- in shaping their own destiny and not just as passive recipients of the fruits of cunning development programs. The state and the society have extensive roles in strengthening and safeguarding human capabilities. This is a supporting role, rather than one of ready-made delivery” (Sen, 1999 p.53).

The capability approach focuses on the possibility to make people the agent of their own life, as people themselves have to decide upon what kind of development they strive to achieve (Alkire & Deneulin, 2009).

An important remark in relation to the capability approach, is that the approach should not be regarded as a theory capable of explaining poverty, inequality and well-being. It is first and foremost a tool and a framework that can be used to conceptualize and evaluate the previously pointed out phenomena. To enable to fully explain these phenomena, other and additional theories will always be needed (Robeyns, 2005). The capability approach therefore should be seen as a tool to make it possible to create an overview of the situation, which enables follow-up investigation of factors that seem to pose particular problems or opportunities for the poor. Nevertheless, the capability and livelihood approach are useful for this research as the research has the aim to understand the overall capacity of the livelihoods of the farmers affected by land confiscation. Moreover, this thesis will not try to explain poverty or inequality and the causes of it, but will conceptualize the overall effects of land confiscation on the livelihoods of farmers in the Ayeyarwady region.

3.2 Definition of the Livelihood Approach

Both the people centered and the more holistic view on development within the human development paradigm and capability approach can be found in the livelihood approach. In the livelihood approach people are to be placed at the center of development analyses and decision-making. Furthermore it stresses the importance of the processes of making a living, rather than only examining the outcomes (Williams et.al., 2014). The approach is by some even seen as the operational instrument of human development and the capability approach (Alkire & Deneulin, 2009; Morse & McNamara, 2013).

As stated earlier, the livelihood approach is a pro-active and holistic approach within development studies and practice. What is important for the livelihood approach is that it regards livelihoods as something that does not exist out of one single activity. More specifically, livelihoods should be seen as complex, contextual and dynamic strategies which are developed by households in order to be

able to meet their needs (Gaillard et al. 2009, 121). The approach tries to uncover more layers within livelihoods than previous approaches, in order to gain a better understanding of the realities of people their lives and the dynamics they exist of (Zoomers, 2008). It encompasses a multidisciplinary approach to poverty as it acknowledges that poverty is not just an economic issue, but also includes political, cultural, social and ecological elements (Kaag, 2004). Consequently it does not focus on one type of capital, but on different kinds of capitals within the livelihoods. These capitals are more than just material capitals and also include non-material capitals (Zoomers, 2008). These are; human capital, physical capital, financial capital, social capital and natural capital (Chambers & Conway, 1992). Beside the focus on multiple capitals, the emphasis also lies on the flexible combinations of, and trade-offs between, different types of capitals (de Haan & Zoomers, 2005). It is exactly this interaction and dynamic picture of peoples' livelihoods and how these develop within their pre-given environment that enables the livelihood approach to reach the aim of stepping away from the previous preconceptions and static approaches within development studies and practice (Carney, 1999). Later on, the concept of capital is further described.

Furthermore, the livelihood approach includes a dynamic and holistic view on the context, structures and policies (de Haan & Zoomers, 2005). Scoones in this respect states that any livelihood research should question;

“Given a particular context (of policy setting, politics, history, agroecology and socio-economic conditions), what combination of livelihood resources (different types of ‘capital’) result in the ability to follow what combination of livelihood strategies (agricultural intensification/ extensification, livelihood diversification and migration) with what outcomes? Of particular interest in this framework are the institutional processes (embedded in a matrix of formal and informal institutions and organisations) which mediate the ability to carry out such strategies and achieve (or not) such outcomes” (Scoones, 1998 p.3).

The approach recognized the dynamics within livelihoods as it acknowledges the changes caused by both external fluctuations and the results of a persons actions. The resources interact with policies, institutions, and processes and these set conditions for the choice of livelihood strategies. These strategies, in turn, shape the livelihood outcomes. It is thus a multi-level analysis which seeks the interaction between the micro, intermediate and macro level on the livelihoods of people (Adato & Meinzen-Dick, 2002). The approach and the involving interactions is often represented in a framework similar to the one shown in figure 1.

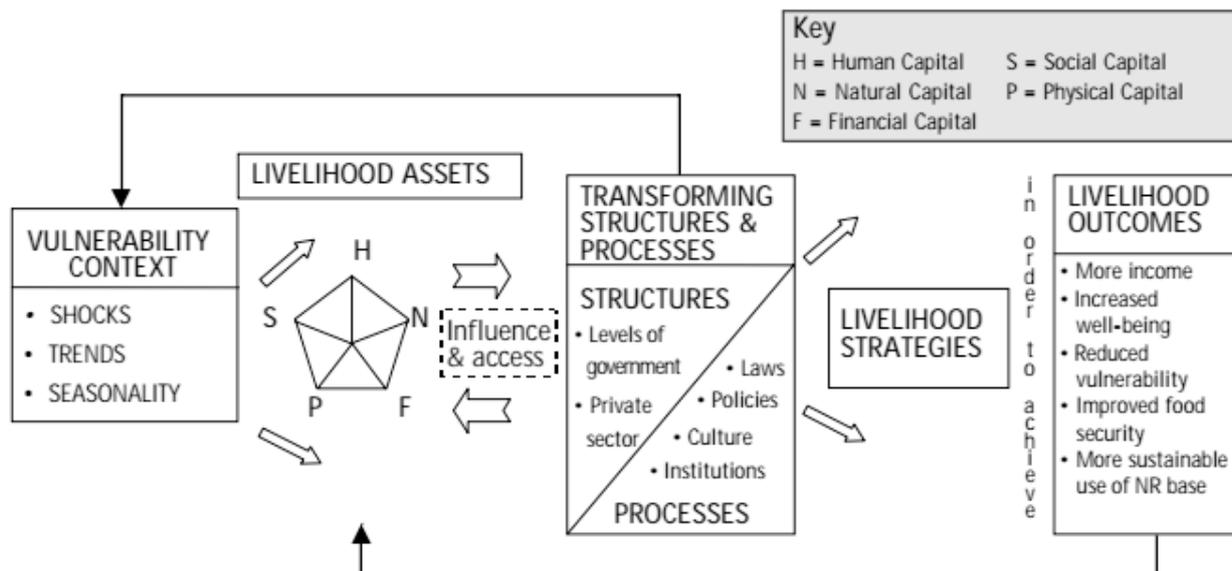


Figure 1, Sustainable livelihoods framework. Source; DfID (2001)

The framework of figure 1 is the sustainable livelihood framework, which is a particular form of livelihood analysis commonly used by organizations like the Department for International Development (DfID) of the United Kingdom and the United Nations Development Program (UNDP), as well as NGOs such as CARE and Oxfam (Ashley & Carney, 1999). The framework shows the relationship between the context, structures and processes and capitals, as well as the influence they can have on the livelihood strategies and outcomes. The framework is a simplification of real life and does not reflect all relations that may occur within a livelihood. It is neither a linear representation of real life nor does it represent a timeframe that should read from left to right (Neeffjes, 2000). Furthermore, the arrows shown in the framework do not represent one single kind of direct causality, but it represents all different kinds of relationships and dynamic interactions (DfID, 2001).

3.2.1 Structures and Processes within the Livelihood Approach

In order to truly understand the processes through which livelihood capitals are created and used and to grasp how livelihood strategies and outcomes are constructed an investigation of merely the livelihood resources is not sufficient. For a holistic understanding an analysis of the processes and structures that influence the resources and strategies and the linking the two is needed (Scoones, 1998). The structures and processes are the institutions, organizations, policies and legislation that determine the setting of the livelihoods. These include both formal and informal arrangements and have an influence on all levels, from international to household and individual decisions. Examples of structures and processes are; cultural norms, government policies and private sector arrangements. It can be seen as the part of the livelihood approach where the macro- and the micro-level are

coming together (DfID, 2001; Scoones, 1998). The processes and structures influence the resources, as they determine what people can obtain. It involves the different options out of which the real capitals are abstracted (de Haan & Zoomers, 2005). However, contrariwise, the capitals also influence the processes and structures that are in place. Furthermore, they also influence the condition in which the trade-off between the different capitals can take place and the returns that are created with a livelihood strategy (DfID, 2001). These structures and processes are highly location and situation specific. It is therefore not possible to construct one framework of structures and processes to apply to every livelihood. Each situation is different and requires its own context analysis which should also include local perceptions (Scoones, 1998). To be able to understand the importance of the structures and processes it is not sufficient to know their existence. It will also be needed to research how the structures and processes work and the effects they have on particular groups and livelihoods. In practice this means that a complicated analysis of policies and legislation is needed in order to gain knowledge on the written policies and legislations and the actual outcomes of them (DfID, 2001).

3.2.2 Capitals within the Livelihood Approach

Within the livelihood approach the different capitals are very important. Before discussing the position and definition of the different types of capitals within the livelihood approach, it is important to note that the capitals are open to debate and should not be seen as static but as flexible and overlapping (Morse & McNamara, 2013). For this research, the definitions following in this paragraph are leading. The capitals can be seen as the constructive basis of a livelihood as they are the livelihood resources on which the livelihood strategies consequently form the determining factor of a livelihood outcome (de Haan & Zoomers, 2005; Scoones, 1998). It is therefore essential to know what the capitals are in order to understand the livelihood strategies and with that the livelihood outcomes (Scoones, 1998). Although capitals are to be seen as the basis of the livelihood strategies, they should not be seen as simple building blocks of the livelihoods. Rather, they should be seen as the tools that give people the possibility to act. They give a person the power to reproduce or change the control over, the use of and the transformation of these capitals as they influence the structures and processes which in turn influence the capitals. More concrete, the capitals determining the capabilities of a person to confront the conditions that produce a livelihood (Bebbington, 1999). Therefore it is essential to unpack and investigate the capitals that are in place (Scoones, 1998).

The term capital has been used within economics for a long time. However, within economics it has a limited meaning as it was used mainly to describe physical things such as financial capital, land or

labor (Morse & McNamara, 2013). In contrast, the use of the term capital within the livelihood approach also includes other assets and nonphysical elements such as human capital and social capital (de Haan & Zoomers, 2005). In line with the human development paradigm and capability approach, capitals should be seen as more than an economical instrument, and more than the thing itself (Morse & McNamara, 2013; Sen, 1999).

Box 2: The different kind of capitals:

Human capital are the skills, ability and knowledge needed for labor and good health and are effecting the way the other capitals are used (DfID, 2001). They are highly related to the size of a household, level of education, experience, gender profiles and occupations (Morse & McNamara, 2013). Moreover, they are clearly linked to social capital, as the network of a person is determining how information is being shared with him (DfID, 2001)

Natural capital are the natural resources and are both including highly public goods, like the biodiversity of a place or the atmosphere, and the private owned land or community used resources like forests of lakes. They are highly sensitive for the vulnerability context like floods or landslides (DfID, 2001). In general the natural capital is more important for livelihoods that are based on resources extraction like farming or fishing, then urban livelihoods (Morse & McNamara, 2013).

Social capital are the social relations of a livelihood which are depending on the networks, connectedness with other people and groups and relationships of trust (Neefjes, 2000). It can be stated that social capital has three core elements: relations of trust, support and exchanges; common rules, norms and sanctions; and connectedness, networks and groups (DfID, 1999). These are highly related to the structures and processes as they effect the commonly accepted rules, norms and sanctions that are in place. (DfID, 2001). Social capital enables people to widen access to resources and other actors, it makes people able to make living meaningful and to modify power structures and rules (Zoomers, 2008).

Physical capital: are reflecting the basic infrastructure and producer goods within a livelihood and are essential to make production within a livelihood (DfID, 2001). It can include houses, livestock, machinery and highways (Zoomers, 2008) and are often man-made capitals (Morse & McNamara, 2013). Physical capital can be a public good, like highways or irrigation canals, or highly private as a shelter and anything in between (DfID, 2001).

Financial capital: are the economic capitals which can be both the flows and the stocks of finance and it can contribute to consumption as well as production (DfID, 2001). It includes flows of money like wages or other earnings, credits and debts and saving (Morse & McNamara, 2013).

It is also important to point out that capitals within a livelihood are dynamic and flexible. They can interact across space and time and change their mutual balance (Morse & McNamara, 2013). In other words, there is an ongoing trade-off between the different capitals (de Haan & Zoomers, 2005). An example of this trade-off is the financial support from a rural household to a family member that is

living in a city in order for him to be able to study. This is a trade-off between financial and human capital that is not bounded to one place (de Haan & Zoomers, 2005; Morse & McNamara, 2013). The attention given to this trade-off makes it possible to see that people may sacrifice one capital for other kinds of capital if they see it as more useful for their livelihood (Morse & McNamara, 2013). The relationship can also be the other way around, when resources are reinforcing each other. For example the entitlement of physical resources, a big house, can form the basis for social capital by creating a high social status and a wide social network (DfID, 2001). In line with the dynamic nature of the capital, any livelihood consist of a combination of the different kind and trade-off between capitals. One capital by itself will never be sufficient (DfID, 2001).

In the framework (figure 1) the relationship between the different capitals is showed as a pentagon. The shape of the pentagon illustrates the trade-off between the capitals. Moreover, it indicates the changes that occur from situation to situation and over time. At one point one capital can be more present then in another situation (DfID, 2001). This interrelationship between the different capitals will be important for research about land confiscation. With land confiscation, the natural capital will change and most likely decline, which can influence the content of the other capitals. Consequently, there will be a need to rearrange the relationship between different capitals to find a new balance (Kaag, 2004). This also makes the livelihood approach an approach that can be useful in a situation of land confiscation.

3.2.3 Livelihood Strategies and Outcomes

The livelihood strategies are the actions and choices made by people in order to achieve their livelihood goals; the livelihood outcomes (DfID, 2001). In other words, the strategies form the output within the livelihood framework that create the outcomes or achievements. Examples of livelihood strategies are agricultural intensification or extensification, migration and diversification (Scoones, 1998). Livelihood strategies reflect the pro-active view of the livelihood approach, as it focuses on the active involvement of people in order to reach their livelihoods goals. It is the playing field in which people continuously explore the different options and choose the option which in their view is the best in order to reach their personal most valued outcome (de Haan & Zoomers, 2005). However, the livelihood strategies are based on the opportunity to access capitals (Zoomers, 2008) and those with more assets have a greater range of options of strategies to choose from (DfID, 2001). Furthermore, the structures and processes in place are highly determining the strategies, which explains why it is possible that households with the same capitals can choose different strategies and outcomes or people with different assets choose the same strategies and outcomes. (Scoones, 2009). Consequently, in some situations the capitals, structures and policies can force to choose a strategy

that will have a negative outcome (DfID, 2001). An example of this is a situation of restricting policies and a lack of capital in which a person has to migrate to an urban area permanently, even though temporary migration would be better for the overall livelihood of the household.

The livelihood strategies should to be seen as a combination of different activities and not just as one. Households and people may have multiple strategies, which can be in place at the same time. It is therefore important to also pay attention to smaller livelihood strategies. For example a farmer, can besides farming also have another activity, such as owning a small shop, in order to obtain enough money to feed his family (Adato & Meinzen-Dick, 2002). This indicates a dynamic process in which people combine different activities in order to meet their various needs (DfID, 2001). The view of strategies as multiple and dynamic points is important for a holistic approach towards livelihoods. Livelihood strategies can cross locational boundaries like urban, rural and national borders. A multi-levelled and multi-locational approach is needed to fully grasp the livelihood strategies that are in place (Ellis, 2000). Recent studies have shown that diversification of livelihood strategies is increasingly taking place at all levels, within geographic areas, across sectors, within households and over time (DfID, 2001). Diversification may be a deliberate household strategy or a forced strategy as a response to crisis or changing policies (Ellis, 1998). It can involve diversification in things like labor, investment but also locations. Some household members for example can live or work in different places permanently or temporarily (DfID, 2001).

The livelihood outcomes are the results of the livelihoods strategies. The livelihood outcomes highly influence the capitals in place within a livelihood. To be able to fully understand the outcomes, it is once again very important to have a wide view and to see the overarching picture. This implies recognizing and seeking to understand the potential of livelihood achievements (DfID, 2001). In line with the human development approach and the capability approach, the outcomes should be determined by the people involved within the livelihood and should not be seen as fixed or static (Scoones, 1998).

3.4. Critics on the Livelihood Approach

The livelihood approach has received much support and has therefore been widely implemented. This however does not mean that it remains uncriticised. The main critic is that with the use of the livelihood approach, power relations can be unnoticed or given insufficient attention. Applying the livelihood approach often causes too narrow views on local issues and ignores the context of structural constraints. This often heard critique emphasises that power relations have a fundamental role in causing poverty (Ashley & Carney, 1999; de Haan, 2012; Kaag, 2004). An example of this

critique, is the view of Frances Cleaver on social assets. With the focus on the overall participatory approach and more detailed on social assets, she states that a more complex model of the livelihood is needed. The livelihood approach has the tendency to encompass a too simplistic view of the relationship with socioeconomic and cultural inequalities and by doing so underestimate the relations of power (Cleaver, 1999; Cleaver, 2005). Nevertheless, de Haan states that contemporary livelihood studies are increasingly able to address these critiques and are including the structural constraints within their research. Moreover, he points out that contemporary livelihood researchers increasingly examine how global processes are being contested at the local level (de Haan, 2012).

4. Land Confiscation and Livelihood Approach in this Research

The global debate about land confiscation has caused that attention is given to the fact that land confiscation is a process that effects the livelihoods people all over the world. Moreover, land confiscation can cause the impoverishment of the poor. Subsequently this research will use this knowledge by focusing on the way land confiscation affects the lives of people living in the Ayeyarwady region in Myanmar. Another important statement made within the global land grab discussion is that contemporary land grabbing is caused by liberalization of the global land market. However, in Myanmar this will not be the underlying cause of the land confiscation, as the past regimes didn't engage in the global liberalization of the economy and closed the country for foreign investments. Consequently, this research start with uncovering the underlying cause of the land confiscation that took place in Myanmar, especially within the case study area.

The livelihood approach is used within this research as it provides a holistic and people centered approach to development. It is influenced by the overall human development paradigm and the capability approach. All are based on the idea that development is an expansion of a person's real freedoms in order to achieve the things he or she values. This is in contrast with the till then dominant view of development which is mainly based on economic growth. The livelihood approach takes this wide conception of development and implements it in the daily lives of people. It thereby tries to understand and unpack the realities of peoples' lives as it uncovers the layers within the livelihoods of people. These layers involve different types of capitals, which have to be placed within a vulnerability context and structures and processes, livelihood strategies and livelihood outcomes. The uncovering of the layers results in a main question within livelihood research, which will also be at the center of this research. The question is posed by Scoones (1998) as follows:

"Given a particular context (of policy setting, politics, history, agroecology and socio-economic conditions), what combination of livelihood resources (different types of 'capital') result in the ability to follow what combination of livelihood strategies (agricultural intensification/extensification, livelihood diversification and migration) with what outcomes?" (Scoones, 1998 p.3).

Furthermore, what is important for this research is the holistic view on the livelihood resources, the focus on the dynamics and trade-offs of different kind of capitals. Consequently, research on land confiscation should not only focus on the change of access to land, seen as the change within natural capital, but also on the effects of this change on the other capitals within the livelihood. Furthermore, for the investigation of the livelihood strategies and outcomes, a flexible and holistic method is required. A multi-level and multi-locational approach will be needed. Additionally, it is

important to keep track of the power relations. Consequently, it will be needed to understand which structures and processes apply, how they work and what kind of effects they have on particular groups and livelihoods. Derived from the livelihood approach and critics, this research tries to combine different levels within development; the power structures and processes and the local agency. The higher level structures in this research is the land confiscation and the structures that caused that land confiscation could take place, and the local agency, the strategies of the farmers.

Concluding, in this research, the livelihood approach is used in order to be able to develop an overview of the situation of the livelihoods of farmers in the Ayeyarwady region that enables a follow-up investigation of factors that seems to pose particular problems or opportunities for the poor.

4.1 Research Aim and Questions

The aim of the research is to understand the effects that land confiscation has on the livelihoods of households through an exploration of past processes and the current livelihood. In this way an overall understanding about the actions of households in reaction to land confiscation within the specific context of processes and structures in place will be developed.

The aim of the research leads to the following central question that is addressed in the thesis research:

In which way have livelihood strategies of farmers changed in the Ayeyarwady region in Myanmar after land confiscation in an era of economic and political transition?

Based on the theory of the livelihood approach and land confiscation sub questions have been formulated. The sub questions provided support in order to be able to answering the main research question.

- *Within which contextual structures and processes have land confiscation, people's assets and livelihood strategies developed?*
- *How has land confiscation taken place within the case study areas?*
- *What are the different livelihood assets of the farmers and how have they developed over time?*
- *How have farmers changed their livelihood strategies in response to the changing assets, structures and processes since land confiscation had taken place?*

The first question focuses on the specific contextual processes and structures within Myanmar which made land confiscation possible and which are influencing the assets and strategies within the

livelihoods of the farmers. The second question gives attention to the land confiscation that has taken place within the two case study areas. Attention is given both to the overall context in which the process took place as well as the local implications. The third question uncovers the livelihood assets and how they have changed since the land confiscation. The last question focuses on the connection between land confiscation and the development of the livelihoods and how farmers have coped with the changing situations pointed out with the other three sub-questions.

5. Methodology

This chapter explains the research methodology used in this research. It clarifies what is done and why certain choices have been made. It is done by first discussing the research aim and questions, after which the methods will be clarified. This is followed by a reflection on the empirical and ethical considerations. In the end, there will be a critical reflection on the methodology including the challenges and limitations included in the research methodology.

5.1 Case Study

As the aim of the research is to explain a present social phenomenon and to gain in-depth knowledge a research within a case study is the most useful (Flyvbjerg, 2006). Conducting research within case studies is a method that enables a researcher to more closely examine issues within a specific area or event. It is an effective way to answer broader research questions, and to discover preliminary ideas about specific social phenomena (Swanborn, 2010). Moreover, a case study suits the exploratory research design of this research.

The kind of cases that are used are *representative or exemplifying cases*, which means that they are a type of cases that show the condition within a specific situation and can be seen as exemplifying an overall process. With these kinds of cases a researcher can study key social processes on a small scale (Bryman, 2012), which is the aim of the use of the case study method in this research. With the choice to conduct the research within a case study it has to be pointed out that it will not be able to use the results of to the research represent the whole social issue (Bryman, 2012). Consequently, it should be stressed that the outcome of the research will not be representing all the processes within livelihoods affected by land confiscation in Myanmar, but just as an indicator of the conditions.

For selecting the case study area for this research, the method of purposive sampling is used. Purposive sampling means that cases are selected by their specific characteristics (Boeije, 2009). It is a process of selecting information-rich cases in order to be able to conduct in-depth research (Patton, 2005). In this research, two townships, have been selected; Kangyidaung and Pantanaw. First, the area focus of the Ayeyarwady region has been made. This region is chosen due to its specific characteristics of a densely populated rural area where many cases of land confiscation have taken place. These specific characteristics make it a suitable area for this research as land confiscation is a striking issue which has affected thousands of livelihoods within the area. Another determining factor is the accessibility of the region. Foreigners do not face any restriction when going into the area and the travel distance from Yangon made it possible to visit the field frequently. The

cases of Kangyidaung and Pantanaw have been selected as both townships have been affected by similar types of land confiscation. In both cases land was confiscated by the army between 1997 and 1999 after which the land has been passed on to companies. Besides the purposive sampling, the network of key-informants available was also important for choosing the cases. It was of high importance that contact with the research population would be possible. The network of the internship organization existing within Kangyidaung and Pantanaw was the determining factor.

5.2 Share Mercy

The research has been conducted with the cooperation of Share Mercy. Share Mercy, founded in 2010, is a humanitarian and development organisation located in Myanmar. It is a non-governmental and non-profit organisation registered under the Ministry of Home Affairs in Myanmar. Currently, the organisation focuses on two main sectors: Governance, with the focus on land and natural resources governance and education with the focus on the promoting of community's self-esteem, self-reliant and social inclusiveness.

Share Mercy has published several reports on land confiscation and linked injustice the past years. This is done in order to support the grassroots voices and to stimulate evidence-based advocacy and policy in order to reform land and use policy and laws. While the research was conducted, a Ayeyarwaddy Paralegal and Land Conflict Resolution Project was executed. This is a project in cooperation with different stakeholders; Land Core Group, Namati and GPI. The project aim is to *"improve local capacities and community-based legal support systems to resolve land conflicts and promote smallholder land tenure security in Myanmar"*. Within the project 16 paralegals were trained and supported within Kangyidaung and Pantanaw. Share Mercy is responsible for the paralegals in Kangyidaung.

5.3 Qualitative Research Method

As an in-depth understanding of the subject is necessary to answer the research questions, qualitative research methods are most suitable within this research (Boeijs, 2009). Qualitative research uses an approach that seeks to understand phenomena in context-specific settings (Patton, 2001, p. 39). Qualitative research, broadly defined, means

"any kind of research that produces findings not arrived at by means of statistical procedures or other means of quantification" (Strauss & Corbin, 1990, p. 17)

Unlike quantitative researchers it does not search for predictions and generalization of findings. Qualitative researchers instead seek clarification and understanding of situations (Golafshani, 2003).

The basis of this research, the livelihood approach, has an overarching character and includes different kind of components. The main components of this research are the contextual structures and processes, land confiscation, assets and livelihood strategy. The existence of these different components makes it important to have methodological diversity. Carney (1999) emphasizes the need of methodological diversity in her statement that livelihood research should not only encompasses research on the local level:

Much of this information will need to be collected at local level [...]. However, it will clearly be necessary to go beyond this level to gather appropriate information on relevant policies, institutions and organisations and to link this back to people's livelihoods (Carney, 1999).

In line with both the livelihood approach and the research goals three different empirical methods have been chosen; secondary document research, group discussions and individual interviews. The secondary document research is used to gain an understanding of the contextual structures and processes influencing land confiscation and livelihoods. After this, the method of group discussion is used to gain a general understanding of the land confiscation, assets and livelihood strategies within the community. After this, in-depth interviews within the communities were conducted in order to gain more comprehensive knowledge about the choices and strategies used. In addition, expert interviews and key-informant interviews were used in order to gain more knowledge on the overall structures and processes and in order to reflect on the gained knowledge. In total there have been five group discussions and eight in-depth interviews including 32 farmers and nine expert or key-informant interviews (appendix 1 & 2). The choice and the use of the different qualitative methods will be elaborated in the coming paragraphs.

5.3.1 Secondary Document Research

The research includes a secondary document research that is done in order to gain knowledge about the contexts in which the process of land confiscation, the assets and livelihood strategies have to be placed. As shown before this research emphasizes the importance of the context and the linked processes and structures (see paragraph 3.2.1 and figure 1). As stated by the DfID (2001), the livelihoods analysis context, secondary data can be most useful and enables the research to include a higher research level (DfID, 2001). Secondary document research is the analyses of data which the research itself did not collect (Bryman, 2012). The academic literature is most likely not enough to be able to gain on overall understanding of the context, which makes it necessary to include non-academic sources, like reports from NGOs and international organisations. Besides that, the processes and structures are highly depending on government policies and implementations, which

are best reflected within government documents themselves. While conducting secondary document research it is however very important to keep in mind that documents can also have a reality on their own and attention should be given to both the aim of the document and the implied audience of the texts themselves (Bryman, 2012). The outcome of secondary document research provides a clear insight in the legal and policies framework in which land confiscation has taken place and in which the livelihoods have developed.

5.3.2 Group Interview

The second method that is used within this research is the method of group interview. The group interview method is an interview with several people on a specific topic or issue. Group interviews enable a researcher to gain knowledge on the experience of a group of people. The advantage of a group interview is that it enables a researcher to collect concentrated amounts of data on precisely the topic of interest (Morgan, 1996). Besides that, group interviews enable a researcher to identify group dynamics and to indicate different reactions from different group members. To be able to gain all potential of a group interview, a fairly unstructured setting is most fruitful as it is seen as the best way to extract the views and perspectives of the participants themselves (Bryman, 2012).

In this research, the method of group interviews is used in order to gain knowledge on the land confiscation that has taken place, evolving pattern of activities that have developed since that time and interpretations of the reasons for change. One of the reasons for choosing group interviews within this research is that a bigger group of participants can be involved in smaller amount of time. The relatively short time span of the research combined with the limited availability of translators made it necessary to compress the collection of data within a limited number of fieldtrips. The choice for group interviews also have a more practical reason because it seemed to be hard to organize one interview with only one farmer. When community members got notice of the fact that a researcher was coming into town, more community members were eager to join the meeting in order to make sure that they will have the possibility to share their story. On the other hand, the advantage of a group setting will be highly useful to understand the group dynamics, which was also very beneficial for this research.

In general, there is a substantial role for the researcher within a group interview. The researcher needs to keep the group to discuss specific topics in order to be able to extract useful information that is in line with the research objectives. However, attention has to be given to the fact that the researcher creates and directs the groups and by doing that influences the group discussion. It could cause the outcomes not being completely objective or reflecting the reality. Another important fact

which a researcher needs to pay attention to while conducting group interviews is the effects of the group setting on the individual contribution. Some participants maybe withhold themselves in saying some things because of the other group members present and other may feel more comfortable within the group and express themselves more (Morgan, 1996). The group setting in this research was of high importance for this research as the topic of discussion is highly sensitive due to the political context of land confiscation in Myanmar. Consequently, a lot of attention, in consultation with the translator and key-informant, has been given to this issue while conducting the group interviews. The presence of a translator made it however more difficult for the researcher herself to influence the group interviews and to observe the group dynamics. Consequently, there was a bigger role for the translator in the process, which makes good prior information sharing with the translator essential.

The nature of the group interview created the need to only include people who were part of a similar event, in this case the same event of land confiscation. For recruiting participants, a method that Bryman (2012) calls the *key informant recruitment* method has been used. The method entails a way of recruitment with a key role for one key informant. This key informant used his network to recruit the people needed for the interview. In this research, the paralegals of Share Mercy were the key holders. They used their network of farmers within either Kangyidaung or Pananaw in order to recruit participants for the group interviews.

Table 1, group interviews participants

Date	Township	total	male	female
2-06-2016	Kangyidaung	6	6	0
18-08-2016	Kangyidaung	5	3	2
19-08-2016	Pantanaw	3	2	1
27-08-2016	Kangyidaung	5	4	1
19-08-2016	Pantanaw	5	4	1

In total, there have been five group interviews with in total 24 participants. The group size varied between three and six participants (appendix 1). Before the interviews, a list of questions was made and discussed with the translator. The topics discussed within the group interviews are the land confiscation that has taken place, the overall change within assets and strategies of the farmers. However, the interview had a flexible setting and the questions were not static. This made it possible to go deeper into the answers given and to check the intentions of the answers given. The involvement of a translator made it however more difficult to have a fully flexible setting. The

translator wanted to be able to have all the questions translated before the interviews started and it was harder to ask following up questions in response to the answers given.

5.3.3 Individual Interviews

A third method used in this research is conducting individual interviews. These individual interviews are in-depth interviews and key-informant or expert interviews. The in-depth interviews were conducted in order to gain more inside knowledge about the individual responses and experiences. The individual interview format also allowed more room to ask examining questions and follow up questions without disturbing the group dynamics. The interviews were semi-structured interviews and have been conducted after the group interviews. Semi-structured interviews have some degree of predetermination and standardization but are also flexible and open to the way the informant wants to address the topics (Longhurst, 2010). In a semi-structured interview the interviewer has a series of questions or topics, which most of the times are somewhat general. The interview will be open to adding in-depth questions in response the specific reply of the informant. Furthermore, the space for the expression of the views of the interviewee itself is seen as a way to obtain trust between the researcher and interviewee (Bryman, 2012). In this research, it was essential to create a setting in which the interviewee feels comfortable to express their own narratives and views on the land confiscation and their choices made afterwards. The questionnaire used contained both open questions and tables in order to gain on overview of the situation of the households. Additionally, the tables made it easier to start-up the conversation about structures of household composition, resources and income activities.

Table 2, individual interviews participants

Date	Township	total	male	female
18-9-2016	Kangyidaung	3	2	1
19-9-2016	Pantanaw	3	3	0
19-9-2016	Pantanaw	1	0	1
19-9-2016	Pantanaw	1	1	0

The participants for the interview have been chosen, like the participants of the group interview, by the experience they have had. Furthermore, the sampling was also done with the help of a key-informant. In total eight individual in-depth interviews have been conducted with people whose land has been confiscated.

Additionally, key-informant or expert interviews have been conducted. Key-informant or expert interviews are interviews involving a selected individual who is likely to provide the needed

information or insight about a certain subject (Kumar, 1989). In this research, key-informants and experts were mainly used to check and add to the information gained with the other two methods. An example is the interview with the legal expert, U Myint Thwin. His knowledge on the legal system of Myanmar was used to add and guide the information gained on the laws on land confiscation. Another example is the interview with the member of the village administration of Let Pan Chaung in order to grasp the overall challenges within the village.

5.3 Empirical Considerations

Within qualitative research, it is common among researchers to acknowledge that neutrality and total objectivity are not possible due to the need of direct interaction with the subject researched. In contrast to the quantitative researchers, who attempt to disassociate themselves as much as possible from the research process, qualitative researchers have embraced their involvement and role within the research (Winter, 2000). In reaction to this adoption, there was a search for a way to deal with this subjectivity and positionality within qualitative research. The outcome is the idea that what is needed is to take subjectivity or positionality into account, rather than to try to totally eliminate it. Consequently, for qualitative research there seems to be an importance of remaining constantly reflexive during the collection and analysis of data. In other words, there is a need for an ongoing mode of self-analysis. The researcher must be constantly aware of the influence of their presence and their emotional connection to or disconnect from the subject matter. It has both influence on the data collected and on the way the data is perceived (Callaway, 1992). The fact that this research is done by a Western woman in Myanmar, makes the presence of the researcher within the research even more evident. Consequently, self-analysis of the researcher is even more important. An example is that it was clear that the interviewees saw the research as a chance to tell their story. It made them try to gain support in their search of justice and especially it their aim to regain plots of land. The participants wanted to emphasize their loss and the need of support which has both influenced the data that has been collected as well as the interpretation of the data. During the research, reflection on the interviews together with the translator and the present informant have taken place in order to grasp the underlying agenda and the influence of the presence of a Western researcher. Furthermore, experts have been consulted to check the findings of the field research.

Moreover, by taking the local view on land confiscation as basis of the thesis, it can be said that the thesis started with a normative view. This normative view is influenced and embedded in the contemporary right based approach within development studies. By taking the local view the

injustice that is caused to the communities within Myanmar became the basis of the thesis. The thesis is taking the side of those whose right has been abused and the research is written with an underlying purpose of promoting social justice and pro-poor development in Myanmar (Choudry, 2014; Hale, 2001). Moreover, the research is conducted in cooperation with a NGO occupied with advocacy about right abuse of farmers. This cooperation caused that the research was based on the issues the NGO and the linked local communities see as important.

5.4 Ethical Considerations

While conducting research in Myanmar, it was essential to take into account that Myanmar is not an easy country for researchers. Attention had to be given to the fact that Myanmar is a country that has been strictly controlled by a military regime for decades. Currently it is in a transition to a more open and democratic regime, but the legacy of the military regime is still very present in everyday life. This legacy had effects on how research could be conducted and on the data that was collected. One determinant is the fact that there are political and legal constrains for foreigners in general and researchers in specific. They are mainly concerning access to certain areas of ethnic minority groups, border regions and areas of conflict and the involvement of NGOs and CSOs. Alongside the legal legacy and constrains there is a legacy of the military regime within the minds of the citizens of Myanmar. As Skidmore (2004) states, people in Myanmar have adopted a strategy to survive in a repressive authoritarian regime. This means that they have adopted a strategy to manage their fears which has influence on the individual and the society as a whole. It created a complex veneer that is determined by resistance, collaboration and involvement within the situation of oppression. It includes the fear for informants, as people used to have the general idea that one out of three of the people they come across was an informant of the regime. Consequently, people have adopted a high self-censorship. This veneer can cause that it is difficult to obtain trust from the people within the group a researcher wants to conduct research and to be able to get to know the truth (Skidmore, 2004). For this reason, it was difficult but even more essential to have proper and long term access to the field in order to be able to gain trust from the people involved in the research. Furthermore, the interviews were always conducted with the presence of the key-informant who operated as a link between the researcher and the interviewees. The key-informant always knew the interviewees, which made it easier for the researcher to obtain trust from the interviewee.

5.5 Methodological Reflection

Throughout the research the methodology had to be changed. Plans had to be changed on the spot, even after consulting different researchers and field experts prior the fieldtrips. In the original

methodology community mapping and transect walks were included. However, with the first field visit it was made clear that this methodology was not realizable. Due to floods or far off located farms, the walks could not take place and the mapping methodology seemed too difficult to explain properly to the translator and participants in order to gain useful information. On spot the methodology changed towards group interviews. The group interviews seemed to be successful and the research continued with this methodology. However, the methodology has evolved over time and the last group interview was way more fruitful than the first. Also, the scope of the aimed participants changed. The original idea was to both include farmers who stayed within Pantanaw or Kangyidaung and farmers who permanently migrated to Yangon or Bogale. However, the recruitment of respondents who migrated was hard, as there was no network of informants within Yangon or Bogale. In the end, it was clear that it was impossible to recruit an adequate number of migrants within the timespan of the research. Moreover, as stated before, the group dynamics within group interviews is of a high importance. Consequently it could have been meaningful to have group discussions that include different group compositions. For example, some group discussion with merely male participants, others with female or differed in age. This selection did not take place as the recruitment of interviewees was difficult. As shown in table 1, all group interviews were however, dominated by men, which could have influenced the outcome of the group interviews.

Another key limitation of the methodology is the need of a translator within the data collection. The use of a translator always causes some kind of misinterpretation. Furthermore, the translator sometimes caused that the interviews were less flexible and smooth. As discussed before, semi-structured interviews were conducted. The methodology included the possibility to ask follow-up questions in order to gain the needed in-depth information. However, the translators were not used to this method and preferred to have all the questions written down beforehand. It took some time to find a translator who was able to work with this flexible setting. Furthermore, the researcher was not used to communicate with the help of a translator and her way of interviewing needed to be developed. Due to these struggles, not all the potential information was obtained from the first (group) interviews.

6. Contextual structures and processes

As stated in chapter 3, all livelihood assets and strategies should be studied within the context of structures and processes. The most important structures and processes for the livelihoods of the farmers in the Ayeyarwady region are explained in this chapter.

6.1 Myanmar, a Country in Transition

After independence of the British Commonwealth in 1948, Myanmar came under rule of a junta for decades (Jones, 2014). The country faced decades of internal conflicts, human right violations, repression, stagnation and isolation (Hulst, 2006; Kubo, 2013). The regime had an economic strategy called *the Burmese Way to Socialism*. This economic plan involved a central plan economy, with self-obliged economic isolation (Kubo, 2013).

Because of the strong military regime, the EU and US imposed several sanctions on the country (Tun, 2012). The economic isolation, the oppressive political regime and sanctions combined caused that Myanmar had not a lot of international relations (Banki, 2009). Consequently, the country faced major political and economic challenges. Beside this, the ethnic situation in the country created additional tensions. These tensions originate from the very diverse ethnic landscape, with 135 ethnic groups spread over the country (James, 2003). See figure 2 for the main ethnic groups. The ethnic diversity and the dominance of the Burmese ethnic group, caused that many ethnic minorities felt marginalized and discriminated. As a result, ethnic groups have been striving to keep their own traditions, languages, myths and culture in order to protect their own identity (BNI,

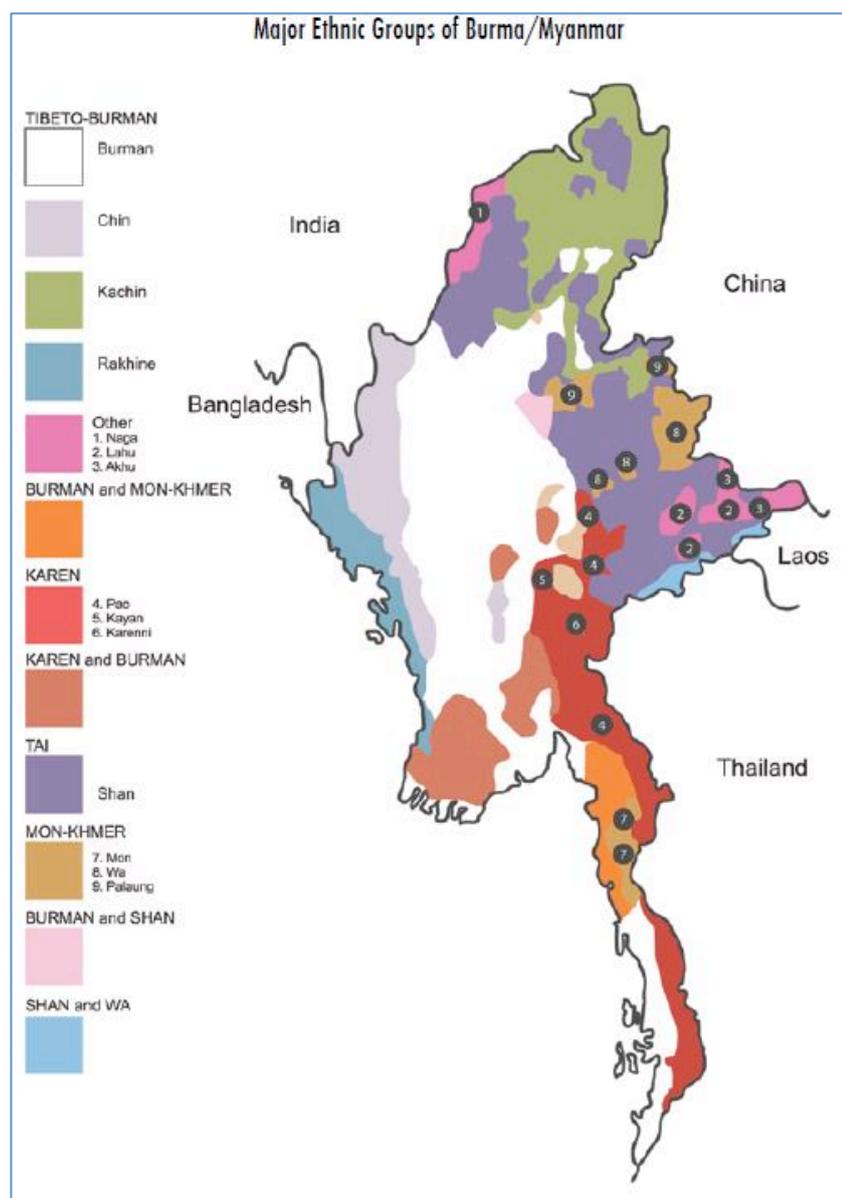


Figure 2, Major Ethnic Groups of Burma/Myanmar. Source: ReliefWeb, 2016

2015; Steinberg, 2010; TNI, 2013). The fighting for self-determination and ethnic rights has caused that a civil war has been going on in Myanmar since the independence of Britain in 1948 (BNI, 2015). Approximately 500.000 people have been displaced out of Myanmar and that around 370.000 people were internally displaced (UNHCR, 2014).

The situation in Myanmar changed after the *Roadmap to Democracy* was presented by the regime in 2003. In 2008 a new constitution was implemented, establishing a parliamentary government. This parliamentary government was elected in 2010, which were the first elections in the country since 1990 and a new president took office in 2011 (Kubo, 2013). In November 2015 the first free and open election took place in which the opposition party of Aung San Suu Kyi, the NLD, was able to participate and eventually win the big majority of the votes. This event marked a major shift in the political arena of the country (The Guardian, 2015). The political change in Myanmar pushed the economy to opening up for the rest of the world. The EU and the US suspended most of the sanctions for Myanmar (Hudson, 2006; Ware, 2012). Since 2015, new international investors are entering the Myanmar market and are willing to invest in the country with a lot of potential. The country has a lot of valuable natural resources, which international companies are eager to extract. Besides this, international companies are ready to enter the consumer market. Consequently, companies like Heineken, Coca-Cola and Unilever and mining and energy companies have recently set up departments in Myanmar (Ferguson, 2014). Furthermore, significant progress has been made on the peace process and negotiations for 'Nationwide Ceasefire Agreement' are ongoing (BNI, 2015).

Concluding, it is clear that Myanmar is going through a major transition. Both the political and the economic situation are changing and a more democratic and open society is being established. However, the transition is not self-evident and involves a lot of challenges. Up to today, the legacy of the military regime is present in the lives of people in Myanmar. Furthermore, a transition will not be completed overnight and the time consuming process of change should be handled with care in order to be sustainable. Some of the disputes that have to be dealt with are challenges linked to land tenure and land confiscation (Green Lotus, 2015). As the government recognizes these challenges, land issues have been given considerable attention in the national political agenda (Franco et.al., 2015). The following paragraph discusses the challenges on land tenure in Myanmar in more detail.

6.2 Development and Agricultural policy

Myanmar, with a HDI value of 0.536 in 2014, is seen as a country with a low human development. It is positioned at number 148 out of 188 countries and territories in the list of the Human

Development Index. Compared to other countries in the region, Myanmar is clearly lagging behind with its human development. Especially compared to the neighbouring Thailand, Myanmar is performing far worse (see table 1). However, human development in Myanmar is increasing as between 1980 and 2014, Myanmar’s HDI value increased from 0.334 to 0.536.

Table 3, Human Development, Source: UNDP, 2015

	HDI value	HDI rank	Life expectancy at birth	Expected years of schooling	Employment ratio (%)
Myanmar	0.536	148	65.9	8.6	75.9
Thailand	0.726	93	74.4	13.5	71.7
Cambodia	0.555	143	68.4	10.9	82.3
Lao People's Democratic Republic	0.575	141	66.2	10.6	76.6
East Asia and the Pacific average	0.710	—	74.0	12.7	67.9

Before independence, Myanmar was seen as the rice bowl of the world as it was one of the main producers of rice. After the military junta gained power, the position of Myanmar changed drastically. In contrast to the other countries in south-east Asia, where far-reaching transformation and investment within agricultural sector has taken place, the development in Myanmar went the other way. Lack of credit, insufficient infrastructure, poor governance and destructive market policies caused that the agricultural sector didn’t grow. One of the causes that can be pointed out, is the military policy on agriculture. The military government enforced a harvest procurement policy which forced farmers to sell twelve baskets of harvest per acre to the government at a below market price from 1974 until 2003. This policy was implemented in the name of food security and it is believed that part of this harvest was indeed used to feed civil servants and soldiers, but also that in some cases the harvest gained through this policy was used for export. Those who could not meet the criteria set by the government could risk land confiscation. The government would allocate the land to people who were seen as ‘more proactive farmers’ (Mark, 2016).

Although services account for 42% of the GDP of Myanmar, agriculture remains a major economic sector that contributes to 40% of the GDP and employs 66% of the population. The government has identified the agricultural sector as one of the most important areas within Myanmar’s growth strategy, and aims to increase the cultivation of key export products. Moreover, development of the agricultural sector is highly needed for the farmers themselves as nowadays the per capita earnings

in agriculture is approximately \$200 a year. This per capita earning for the farmers is only one-half to one third of the levels achieved by the other countries in the region (Henley, 2014)

What is clear, is that Myanmar is in need of improvement of the agricultural sector, as the productivity is low and the earnings are not sufficient. As stated by the FAO:

“Myanmar’s agricultural sector has for long suffered due to multiplicity of laws and regulations, deficient and degraded infrastructure, poor policies and planning, a chronic lack of credit, and an absence of tenure security for cultivators. These woes negate Myanmar’s bountiful natural endowments and immense agricultural potential, pushing its rural populace towards dire poverty” (FAO, 2015 p. ix).

There is a discussion going on among academics, activists and politicians about the way the improvement of the development within the agricultural sector has to take place. This discussion can be linked to the global discussion about agricultural development described in paragraph 1.2. On the one hand there is the view that capital-intensive, resource-depleting agriculture and industry projects are the cure and would boost the agricultural productivity (Franco et.al., 2015). The government seems to adopt this view since the 1990s. They try to stimulate large-scale land development with a focus on a government-driven crop production (Srinivas, S. & U Saw Hlaing, 2015; U Tin Htut Oo, 2016). The government focus seems to work, as since the 1990s land has increasingly got into private hands of a few and Myanmar seems to make way for a resource-extractive economy (FAO, 2015). However, there is also the opposing argument that large investments will lead to a drastic transformation of the landscapes that will have serious negative consequences for the local population and ecosystems. Consequently, there are people who argue that the way forward is the recognition, protection and promotion of small-scale, labor-intensive agriculture (Franco et.al., 2015; U Tin Htut Oo, 2016). Linked to that is the view that a development is needed in which the agricultural system in Myanmar enables small-scale farmers to link up to the consumer markets. In time of rising urbanization and increasing income of the urban population it can give the rural population the opportunity to produce products that meet the needs within the market. It can give the farmers the opportunities to choose the most profitable way and products, empowering the small holders, use the potential of their farming and give them a chance to gain a better income (U Tin Htut Oo, 2016). What policy makers in Myanmar and other actors within agricultural change should not forget, is the importance of land tenure and personal choice for agricultural development. People will need to have the feeling their land, which is their main asset, is secured. Like stated by De Soto (2000), when people are able to secure their land, farmers will get the chance to think more ahead and make investments which are supporting a sustainable development (De Soto, 2000).

6.3 Land in Myanmar

Myanmar has a surface of 677.000m² (Topick & Leitich 2013) and a population of around 53.26 million people (UN data, 2013), which makes it the biggest and least dense populated country of Southeast-Asia (South, 2008). Most of the country has a tropical climate with a lot of rain in the raining season and dry weather the rest of the year (Topick & Leitich 2013). The landscapes are diverse and stretches from fertile deltas in the south, dry areas in the central and mountain areas in the north (Hulst, 2006). Half of the country is covered with forests, but this is declining because of extensive deforestation. Additionally, 19 % of the land is used for agriculture (Henley, 2014). Besides the attractive fertility of the land, there are many natural resources to be found (Topick & Leitich 2013). These includes oil, teak and gems, such as the very valuable gem jade. All of this causes that the land of Myanmar has a great potential for economic development and can be seen as attractive for investments (Hulst, 2006).

6.3.1 Land Use in Myanmar

The average size of land holdings is moderate, with 7 acres, and small-scale farming is until now the dominant way of agriculture (FAO, 2015; Henley, 2014; Srinivas, S. & U Saw Hlaing, 2015). The size of the land holdings varies across the country and household income. The land holding size is the largest in the Ayeyarwady Region, 11 acres average, and the smallest in Chin and Shan State with an average of 1.7 acres. Moreover, in general poor households have smaller plots of land with an average of 4,3 acres, compared to 7,3 acres for non-poor households (Henley, 2014). The size of land holdings is changing in the past years. Data has shown that land holdings are becoming increasingly concentrated over the past few years. While the amount of holding bigger than 50 acres increases, a rise of landlessness and near-landlessness can be noticed (FAO, 2015; Srinivas, S. & U Saw Hlaing, 2015). Landlessness is most common in rural areas and among the poorer population (Henley, 2014). Landlessness seems to be the highest in the Ayeyarwady delta, with estimations of between 50% to 80% of rural households being landless (Haggblade, 2013; Srinivas, S. & U Saw Hlaing, 2015).

The increase of large land holdings is one of the indicators of a process in which the small-scale, labour-intensive agriculture seems to be taken over by large-scale, capital intensive industrial monoculture agriculture, see paragraph 1.2 (Franco et.al., 2013; Srinivas, S. & U Saw Hlaing, 2015). This shift takes place in two different ways. The first is the takeover of land from smallholders, in a way that incorporates the rural working people into the new system. In such a situation, the farmers no longer have the rights over the land, but are still employed on the lands. An example of this would be a company purchasing land, after which it leases the land back to the farmers. The second way of

shifting land ownership, is the takeover of the land without the incorporation of the working people, forcing the people off their land entirely (Franco et.al., 2015).

Box 3: Landlessness.
Field research conducted by Landesa and Namati (2015) has led to the conclusion that the majority of the landless rural population in Myanmar falls into two categories: completely landless involved into agricultural labourers and tenant farmers. Families working as landless agricultural labourers or tenant farmers may have previously held secure land rights, but were victims of land confiscations. Others may have given up their land as family members migrated to urban areas in search of work. Another reason may be displacement as farmers were forced to leave their land because of conflicts or environmental conditions such as Cyclone Nargis. Besides that, there are many cases of farmers cultivating land officially entitled as vacant land or forest land. Some were encouraged or even forced to clear and cultivate the land in first instance after which they have been cultivating the land as farmland for years. They can be seen as landless farmers as these types of land uses cannot be registered as farmland. One of the biggest challenges caused by landlessness is that tenant farmers or farmers without secured land are less likely to be willing to make medium and long term investments on the land they use. They will only focus on short term and direct gains of investments (Namati & Landesa, 2015).

6.4 Land laws and Policies

What is important to emphasize before explaining land laws in Myanmar is that since the 1953 Nationalization Act, all land in Myanmar is ultimately owned by the state. The 2008 constitution continued this policy. Individuals can merely obtain land use right, not ownership (The Karen Human Right Group, 2015).

There is a highly complex legal framework for land tenure in Myanmar. Up until recently, there were over 73 active laws, modifications, orders and regulations on land in Myanmar. They have been passed under different governments in the period from 1876 up till now (see box 4 for the most important laws). Many of these laws are overlapping or conflicting as newly implemented laws did not follow or refer to previous laws (Global Witness, 2015; Henley, 2014; Mark, 2016).

Box 4: Most important Land Laws in Myanmar
1876 - Lower Myanmar Land and Tax Law
1907 - Upper Myanmar land and tax law
1894 - Land Acquisition Act
1993 - Forestry Law
2012 - Vacant, Fallow, and Virgin Land Law
2012 - Farmland Law
(Personal communication, U Myint Thwin, 14-06-2016)

The most recent implemented land laws are the 2012 laws, including the *Vacant, Fallow, and Virgin Land Law* and the *Farmland Law*. The new laws are often seen as an improvement of the old situation. However, they lack clarity and provide weak protection of the rights of smallholder farmers (Nwe Ni Soe, personal communication, 25-08-2016; Oberndorf, 2012). Academics and activists are worried that the market system of land trading that is embedded in the new laws and other government policies are merely in support of companies and new economic development projects (Ferguson, 2014). For example, the *Vacant, Fallow, and Virgin Land Law* is highly questioned as it allows land without official land use title or land that is appointed as being not used in the correct ways, to be labelled as 'wasted asset'. The central government can reallocate land that is labelled as 'wasted assets' to government development and investment projects, but also to domestic and foreign investors. Community managed resources, like village forests, water sources or communal grazing land can also be assigned as 'wasted assets' as they are not entitled to someone or are not in regular use (Franco et.al., 2015). A linked problem is that the cadastre of Myanmar has not been updated since the 1960s. Consequently, land that has been transformed into farmland is still assigned as grazing land, vacant land or forest land. Consequently, these farmers are risking land confiscation (see box 5).

The *Farmland Law* enables farmers to sell, buy, lease and inherit land as well as it gives the possibility to farmers to obtain loans on their land. Although farmers had bought and sold land before 2012, this was not legally embedded and permitted (Mark, 2016; Nwe Ni Soe, personal communication, 25-08-2016). The use of Land Use Certificates has been introduced by this law. These certificates are the so called Form 7, for which farmers can apply. Before 2012, most often, tax receipts were the only prove of land use that farmers had, but the introduction of Form 7 has changed that (Human Wright Watch, 2016; Oberndorf, 2012). This is also the case for most of the interviewees in this research. However, some state that they lost their receipts in the cyclone Nargis that hit the area in 2008 and do not have any proof of previous land use. The process of increasing land titling, is in line with the contemporary dominant thinking of Hernando De Soto which has been adopted by many government and development agencies. The paradigm sees strong, legally-enforceable property rights as the way of empowering and activating the potential of countries towards economic growth (De Soto, 2000; Mark, 2016). However, in Myanmar, land is not merely an economic asset. Many communities attach social, cultural, spiritual, and historical value to their land, which makes a merely economic and individual instrument on land use often not suitable. Additionally, the law is in contrast with the way common land is managed which is based on the on communal tenure (Mark, 2016).

The main discussions about the new land laws can be seen as highly political and in need of a thorough understanding of the context. At the center of the discussion are questions about who is in power to decide how land can be used, who owns it and who can extract its resources? To be able to understand the answer of these question, the power relations within Myanmar are very important. The new land laws fail to recognize customary and communal land ownership arrangements. It creates a situation in which arrangements which have been recognized by others for decades, suddenly become invalid (LIOH, 2015). Additionally many communities are stating that in their opinion vacant land does not exist because plots of land that are not under constant cultivation, are often used in other ways. They see access to these lands as crucial for the livelihoods of the communities (Franco et.al., 2015). It can be said, that most of the laws are giving less power to the small-holder farmer, and more often power to the economic investors.

6.2.1 Stacked Laws and Power Relations

The concept of stacked laws is helpful in explaining Myanmar's legal framework. The term 'stacked laws', refers to a situation in which a country has multiple layers of laws that exist simultaneously, leading to conflicts and contradictions in the legal system. The legal framework in Myanmar has evolved over four regimes, from 1876 until the present. These regimes all have created new laws but they did not replace, revise or combine older laws. Instead, new laws have been stacked upon the older ones. A highly complex and confusing legal framework is the result (Mark, 2016).

The terminology of stacked laws has been introduced by Esther Roquas during her research on land conflicts in Honduras in 2002. Her concept of stacked laws was developed from the idea of legal pluralism. Legal pluralism describes a situation where there is a difference between state law and other norms. However, legal pluralism does not explain how these different norms are being created. With the concept of stacked laws, she tries to clarify the way these different norms arise (Roquas, 2012).

"Stacking' [...] is not just a notion to explore an empirical situation of disorder. Its main value as an analytical concept is that it clarifies how 'plurality' of norms come into being, as well as the structure of this plurality and the elements it consists of". (Roquas, 2002)

Roquas states that a situation of stacked laws, causes a variation in laws implementation and enforcement. Moreover, she states that individuals and communities will base their claims to land not only on the most recent law, but also use their understanding of older laws and policies, even though they may no longer be legally active laws. This causes a conflict between the legal status of

actions and the reality (Roquas, 2002). In Myanmar exactly this phenomenon can be observed, as the farmers understanding and legal actions are highly influenced by the stacked laws. Many farmers will defend their land against confiscation or prove their rights with the use of not only the current laws, but also laws that may no longer be active. A good example is given by Sue Mark:

“Most commonly, farmers reference the 1964 Executive Order 1/64 that decreed that anyone farming a piece of land for more than five years, regardless of documentation, owned the use rights to that land. This decree exists in a grey zone of legality, since it was promulgated in direct reference to the 1963 Tenancy Law, which was revoked by the 2012 Farmland Law.[...] In bringing up revoked laws and policies, farmers may argue that they were legitimate at the time the confiscation happened and should be considered in renewed conflicts over rightful ownership of land” (Mark, 2016).

One of the consequences of the stacked laws, is that the legal framework often does not work in favour of the poor as the powerful will have the ability to exploit the legal framework more effectively. It can create a rule-by-law, instead of a rule-of-law system which does not address, but reinforce the power relations in place. It builds on a social system that values people’s power by the status and network the person has. The military regime and its legacy has caused that people in Myanmar are even more struggling to fight against this power framework. In order to address this, awareness about the legal system has to be created after which all layers of society should be stimulated to engage with the law. Only after that has been successful a rule-of-law system can take off slowly (Mark, 2016).

6.2.2 Legal Enforcement

As stated above, there is a highly complex legal framework on land in Myanmar. Consequently, law enforcement is difficult. There is a big knowledge gap within both the implementing parties as well as the people affected. Besides that, the legal framework itself is sometimes simply seen as ineffective or even unjust to smallholder farmers. It causes that activities were and still are undertaken outside of the legal framework, and these activities often even became the norm. An example of this is the selling and buying of farmland before the 2012 law. Even though it was not permitted due to the 1953 Land Nationalization Act, people needed to buy and sell land. Consequently, a semi-legal system of land acquisition arose. Sometimes farmers were even forced, by companies, the army or the government, to act outside of the legal framework. This could be because they had to use land for farming, which was assigned for something else (see box 5).

The period from 1988 up to 2008, is a special period for law enforcement in Myanmar. In 1988, after the military lost the elections, the 1947 constitution was suspended. This suspension took until 2008, when the ratification of a new constitution was agreed on. In the period of the suspension of

the constitution there was a situation in which the military did not have to be accountable and act in line with any law. Additionally, a state mediated capitalism was introduced. One of the instruments to increase private investment, introduced in 1991, was the *Wasteland Instructions*. The *Wasteland Instructions* stimulated both domestic and foreign to investment in large-scale commercial agriculture projects of 'wasted land'. The military transferred assigned wastelands to private individuals and companies. The assigning of wasteland was often done by the same person who transferred the land to individuals and companies. It was often done without recognition of the contemporary use by smallholder farmers and customary laws. Both the suspension of the constitution and the *Wasteland Instructions* caused that widespread and unchecked land confiscation could take place within Myanmar (Mark, 2016; Mark, personal communication, 01-08-2016).

Box 5: Forced to Clear Grazing Land; The story of Daw Dong Yin

Daw Dong Yin, a 62 year old woman, and her husband, who passed away some years ago, used to use 25 acres of land. Nowadays she is not allowed to use these 25 acres of land anymore, because on paper it is assigned as grazing land. If land is assigned as grazing land, it is not allowed to use the land for another purpose, like farming. However, the family started to use the grazing land, because the Aye War Shwe Daw company forced them to. At the time Aye War Shwe Daw company came into Kangyidaung in 1999, the company forced the family to clear the grazing land. After they cleared the land, the company let the family use the plot of land they cleared. However, they had to pay the company rent and a part of their harvest in return. When the Aye War Shwe Daw company stopped doing businesses in Kangyidaung, the family started to get in trouble because they were using the grazing land illegally for farming. In the end they were forced to leave the 25 acres of land. If they wouldn't have left the land, they could have risked to be arrested, as they were acting not in line with the law. After recent protests, the Aye War Shwe Daw gave 5 acres of land as compensation to the family. However, this plot of land is located somewhere else and Daw Dong Yin emphasizes that she sees it as less useful. The 25 acres of land is still assigned as grazing land and not used for any purpose. Thinking of this, Daw Dong Yin gets sad, because she can so clearly remember how much effort her husband and children putted into clearing the land.

6.3 Land Confiscation in Myanmar

The multi-layered law and regulation system and the complicated situation of land ownership causing land conflict to be a striking issue in Myanmar (Henley, 2014). According to the Parliamentary Land Investigation Committee, over 50.000 acres of land has been confiscated between 1980s and 2000s. These confiscations were mainly conducted by the then ruling government, military, its agents, or other well-connected individuals. Land was often taken without appropriate prior

information or explanation and without a suitable compensation (Namati, 2015). Land confiscation is not something from the past alone, as the democratic and economic transition has caused an increasing interest and competition over land today. This makes land confiscation also a current threat to the livelihoods of people in Myanmar (Human Right Watch, 2016).

Land confiscation in Myanmar took place by different actors and with different purposes. Firstly, land confiscation by the government for development projects such as the construction of dams, roads and other infrastructural projects. A second form is land confiscation for economic development projects, such as special economic zones or agricultural development. A third form is confiscation by the army for security and other army related activities. The fourth is land confiscation by companies for their activities and investments, and the last is land confiscation from farmer or individual to farmer. This concerns confiscation of land by for example a neighbouring farmer who wishes to obtain more farmland. However, the precise type of land confiscation is not always easy to distinguish, as many combinations of different actors can occur. What often seems to be the case for land confiscation in the 1980s and 1990s is that land confiscated by the government or army have been passed on or sold to companies for their activities or investment. Furthermore, it is important to stress that land confiscation can take place in legal or an illegal manner, although this distinction too can be blurry. An example of this is land that was taken illegally but later transferred through questionable semi-legal ways to the current holder (Namati, 2015).

The land confiscation of the past can be seen as different that global land grabs described in chapter 2. However, with the opening up of the economy, Myanmar will be more vulnerable for land grabbing linked to the global process of land market reforms and liberalization. Moreover, the global discussion on land confiscation caused to increase attention the rights of the farmers involved, which is highly needed in Myanmar as there are many confiscations reported that do not meet the international human rights standards (LIOH, 2015). The main issue reported is the lack of correct or even complete lack of information and consultation prior to implementation of projects that include land confiscation. In case consultation did take place prior to the implementation, communities often indicate that they had the feeling that their voices were ignored and not included in the final planning. Another occurring problem is related to the lack of suitable compensation and when compensation was offered, it was often seen as insufficient (Earthright, 2015; The Karen Human Rights Group, 2015; LIOH, 2015).

6.4 Land Disputes Resolving

Since the change of governments in 2012, official priorities for land reforms have been announced in order to create inclusive development. The current government wants to resolve disputes derived from the past regime and tries to prevent new conflicts to occur. The attention given to land disputes is highly needed, but also highly challenging. Resolving past land disputes will be particularly challenging. There are many cases of land confiscation with a high diversity in types of land confiscations. In 2013, the General Administration Department (GAD) made guidelines for companies, ministries, and military to “release” land that they had acquired under the 1894 Land Acquisition Act and to give it to the state. However, it can be said that the release of the land is not the problem, but what follows, the return of land, is the challenge. Moreover, land dispute resolution must require a process that considers the complex history and contributes to current government efforts to reform its land governance and harmonize its land laws (Namati, 2015).

6.4.1 The Complexity of Land Return

The release and return of confiscated land is one of the focus points of the current government. So far, the Parliamentary Land Investigation Committee states that it has returned over 400.000 acres of land to the original owners. However, it is a highly complex process in which many difficulties have to be taken into account.

Box 6: The Claim of Land due the Misuse of Names

The case of U Htey Htey, can show the complexity of the multiple claims over land. The plot of land is part of the same grazing land the Aye War Shwe Daw company confiscated in 1999 as the case described in box 4. However, the background of the claim over land of U Htey Htey is totally different. He wants to claim 15 acres of land and he is trying to gain a form 7 over it. In contrast to Daw Dong Yin (box 4), he never used the 15 acres of land before and he just started to clear it. However, he states he has the right to claim and use the land, because on paper the land was assigned to him for years. This is a result of the misuse of names by the Aye War Shwe War company. There is a limit on how many acres of grazing land a company can assign for. This legal amount was less than the Aye War Shwe War company wanted to claim so they used other people’s names to claim the remaining acres. Consequently, on paper it seems that U Htey Htey was using the plot of land for a long time already and he has official papers to prove it. Only when the land was shown by U Htey Htey, it was made clear he never used it before. And the question that follows is; what is his right in claiming this land?

The first challenge is that different people can be legally claiming the users rights over the same land (see box 6). There can for example be a farmer of which the land has been confiscated many years

ago, a current user and a user on paper. The General Administration Department states that the land has to be returned to the original farmer, but there is no specification on how to identify the original farmer. In contrast, there are also guidelines that state that if a farmer has not used the land in the past five years, the farmer is not the rightful user anymore.

The second challenge is the stacked law framework in Myanmar. It is unclear which law should be used to legalize the land confiscation or land claim. Attention has to be given to power relations involved in making these kinds of decisions. Besides that, as stated before, it was also often needed to work outside of the existing law as it was the reality of how the complex legal framework was used in practice. Without taking this into account, people might be unjustified punished for actions they took outside the legal framework, like showed in box 5.

The last challenge is related to unfair compensation. Some farmers gained some form of compensation, but find it unfair. This is often related to compensation of smaller plots of land or land that is less valuable. The plot of land given as compensation is either located at a less favourable location or has a lower soil quality. One example is the land returned to a farmer in Pantanaw township, which is flooded all raining season. She used to have land she could harvest from three times a year, while the land she got as compensation can only be harvested two times a year. Sometimes farmers knew the compensation was unfair at the time they accepted it, but they didn't think they had another choice. Others were not aware of their rights and signed an agreement about the confiscation and compensation and they realized later that they did not get a fair compensation.

6.4.2 Methods for Land Dispute Resolving

The Farmland Investigation Commission assigned by the government, has the task to investigate and resolve land confiscation cases. Their goal, is to promote justice for Myanmar citizens whose land was confiscated in the past. As farmers who lost their lands are not allowed to protest for land conflicts in court. The only way to gain justice for their land claims in a legal and administrative way, is to go to the commission (see box 7). However, the high complexity involved in solving land disputes, makes it hard to solve the problem through a legal and administrative process. The legal and administrative process can take up to 400 days and it lacks sensitivity to the local dynamics and complexity of the land disputes. Moreover, there are critics about the way the legal process of land resolving is implemented. Many things within the legal framework do not have a clear definition. For example it is not clearly described what kind of land disputes fall under the responsibility of which committee and process. If the land dispute is about grazing land, it may be the responsibility of other committees, but it is not defined which. Also, processes like fair compensation are not clearly

defined. Consequently there are many questions still unanswered and open for own interpretation. Besides that, the procedure and action within the legal framework are lacking transparency. It is for example unclear how the members of the committees are chosen or which cases are solved and how. Even legal and land tenure experts are often not sure about how to use the legal framework of land returns, let alone how hard it is for the farmers themselves.

Box 7: How Can Farmers Officially Appeal to Farmland Disputes?

If farmers want to appeal for their loss of farmland, they cannot go to court. They have to go through the following process:

First they have to go to the Village Land Administration Body. The farmer can provide the evidence of his/her case to this committee and they will investigate and check the evidence. The committee has 15 days to make a decision. If the case is not approved by this committee, the farmer has 30 days to appeal in the next level. The second level is the Township Land Administration Body. They will also make a decision to which the farmer can appeal and go to the District Land Use Management Committee. If the farmer still doesn't gain justice, he/she can go to the State/Regional Level and it the end to the National level of the Land Use Management Committee.

All bodies exist of the one of that level active administrator (so for example for the township Land Administration Body, the township administrator), some officers and community representatives.

The whole process is under the control of the Parliament's Farmland Investigation Commission. (Namati, 2015; U Myint Thwin, personal communication, 14-06-2016)

Besides the legal and administration way of land dispute resolving, communities attempt other actions in order to solve land disputes. One other common way of solving land disputes is negotiation. A negotiation process can be much faster, more direct and be more sensitive to the local dynamics than the legal way. However, challenges with negotiation processes are that the process is very sensitive for power relations related to wealth or powerful connections (Namati, 2015). There are also indirect actions in response of land disputes. The first one is protests of the communities. One common way of protest of farmers is to collectively clear or cultivate the confiscated land. Through this kind of protests, farmers are publicly asserting their ownership of the disputed land. However, the farmers are risking arrests. A less risky way of exposing injustice is the publishing of action research. This is done by different kinds of civil society organisations, like Human Right Watch. A last way, and a way that is increasingly used, is advocacy. Different local, national and international civil society organisations are nowadays involved in advocacy for land rights in Myanmar. A good example is the active influencing of civil society organisation in the policy-making processes and

content of Myanmar's National Land Use Policy. Various organisations organised workshops throughout the country to inform farmers and community leaders of the drafts content and to stimulate discussion about what a democratic and land policy is that meets the needs of farmers. Also, several organizations, such as Namati and Share Mercy, are working on justification for farmers and help them with legal processes. Besides that, they will try to increase the knowledge on land laws and the rights of communities in order to stimulate justice for farmers (Franco et.al., 2015).

6.5 Civil Society

The involvement of civil society can be seen as a key agent for change in a transitional society, like Myanmar. Myanmar has an active community participation embedded in the society. It can be seen as an integral part of the Burmese culture, which is highly linked to Buddhism. Giving and making sacrifices for the common good is seen as a high social value (Henley, 2014). Together with the Burmese tradition of always supporting your family, this forms the basis of the community participation tradition in Myanmar. In one of the few Burmese social studies of Yangon conducted during the military regime, Naing Oo noted that despite their severe poverty and repression residents of Thaketa, a townships within Yangon, had strong social and family ties. Semi-organised social action programs responded to community needs. They contributed, for example to important events, such as weddings and funerals and the reparation of local roads (Naing Oo, 1987). However, the past military junta did its best to prevent community participation and especially stop activism and protest. People are stating that the junta destroyed the traditional civil society in order to politicise it. They repressed all social movements and prohibiting all political organisations apart from their own Burma Socialist Program Party. The government created its own social organizations to counter the independent formation of social movements for groups like workers, peasants and youths (Alagappa 2004; McCarthy, 2015; Steinberg, 1997). Even though the current government has reduced the constraints on civil society's freedom to associate and allowed national and international NGOs to expand their activities, the legacy of the junta will be present for a while. The statement of Min Ko Naing clearly shows the influence that the military junta had on civil society involvement.

"Today, we understand that we need to take part in the transition, but we do not know what role to play. [...] Please understand how life was for us. Since birth, all we ever heard from authorities were commands—do's and don'ts. They even told us when we could cook and when we could not. If we did not cook exactly at the time we were told, they would threaten to act according to the "existing laws." Since there were no laws, the authorities could do what they pleased. The authorities threatened citizens every single day. But there was no one to tell us what our rights were. There were no opportunities, only punishments. As a result, people rarely asked questions. People

followed directions from authorities, with as little effort as was needed to complete the task. The point was to “get it done.” People did not have the time, money, or other resources to challenge the authorities.[...] People themselves were not educated enough, not strong enough, and not free enough to ask questions. [...]For our country to develop, we need an informed and engaged citizenry. Citizens also need to have the skill, knowledge, and freedom to question those in power—and to do so publicly, without fear.” (Naing, 2012 p. 136-137).

This quote shows that there is an eagerness within society to contribute to the transition, but knowledge, skills and the feeling of freedom is lagging behind. Besides that, there is a problem of combining people for collective action. Most of the people in Myanmar are not used to work together and are often just focussing on their direct surrounding. Many people stay all their lives in the same village or township. Moreover, Myanmar originally is a fragmented country with many different ethnic groups. It has been stated more than once that the past regime had a divide and rule mentality by increasing the separation in order to show the need of a powerful ruler (Mark, personal communication, 01-08-2016). Due to the local focus and lack of unity, there is often a problem of the presence of many different leaders which are mainly focussed on their own agenda instead of the communal agenda. They will not accept the leadership of other leaders even though it will be better for the community.

Box 8: Cyclone Nargis

The Cyclone Nargis struck the Ayeyarwady Region and other parts of southern Myanmar on the 2nd May 2008. It was the biggest natural disaster in Myanmar’s recorded history and the most destructive cyclone in the eastern Indian Ocean region since 1991. Estimations say that 2.4 million people were affected by the cyclone, with 84 537 persons who died, 53 836 missing and around 800 000 were displaced from their homes. It also caused damage to agricultural land, destruction of the livestock and fishery sectors and ruining the food markets. Once information about Cyclone Nargis’ devastation reached the outside world, the international community got ready for an international response. However, the Myanmar government tried to limit and control the provision of (international) relief, and was not eager to welcome large numbers of foreign experts entering the country. They tried to prevent that international people would monitor the distribution of relief goods or start with long-term post-disaster development projects (FAO, 2009; Seekins, 2009). While other assistance was lacking, ordinary people were the key actors in early recovery work. Buddhist monks were also important relieve providers as, in general, the government would allow them to enter the affected area to provide supplies. Besides that, several Buddhist monasteries within Ayeyarwady itself would support the victims with shelter and food. The government wasn’t enthusiastic about the strong civil society response, as they viewed it as a threat to their own power. However, some of the civil society networks originated form the relief work after Nargis are still active and are the basis of some the official NGOs active in Myanmar, and especially Ayeyarwady, now a days.

Especially in Ayeyarwady, a region that has more people active in political issues than any other region in Myanmar, it is a big problem. There are many different civil society groups, all existing of only a small number of people and consequently all too small to have any substantial influence on the national level. However, all are trying to obtain some kind of power and thereby influence (Nwe Ni Soe, personal communication, 25-08-2016). However, to be able to have influence on the current transition, it will be needed for civil society to act beyond their own world. It is needed to unite people and get them work for the communal agenda. A strong leader has to oppose this process of separation and emphasize the unity and promote a communal program. Within land confiscation it can cause a major issue when the community leader or farmers representative is actually mainly supporting its own agenda instead of the communal. It also causes problems for choosing the community representative within the land administration bodies, with the consequences that the action taken by the committee is not in favour of the farmers. It makes it also hard to know who is the right person to be in the committee. It is one of the reasons that the formation of the Land Investigation Committee has been slowed down in the Ayeyarwady region (Mark, personal communication, 01-08-2016; Nwe Ni Soe, personal communication, 25-08-2016).

6.5.1 International Involvement

It’s often stated that political transitions and new regimes changes the relationships between donors and receivers in aid giving. Linked to it are changes in practices of aid strategies and programs of donors (Frot et.al., 2014). Moreover, the economic opening up of a country to the rest of the world can influence the way aid is provided. The highly increasing amount of inflow of international aid in Myanmar shows that this is the case (see figure 3).

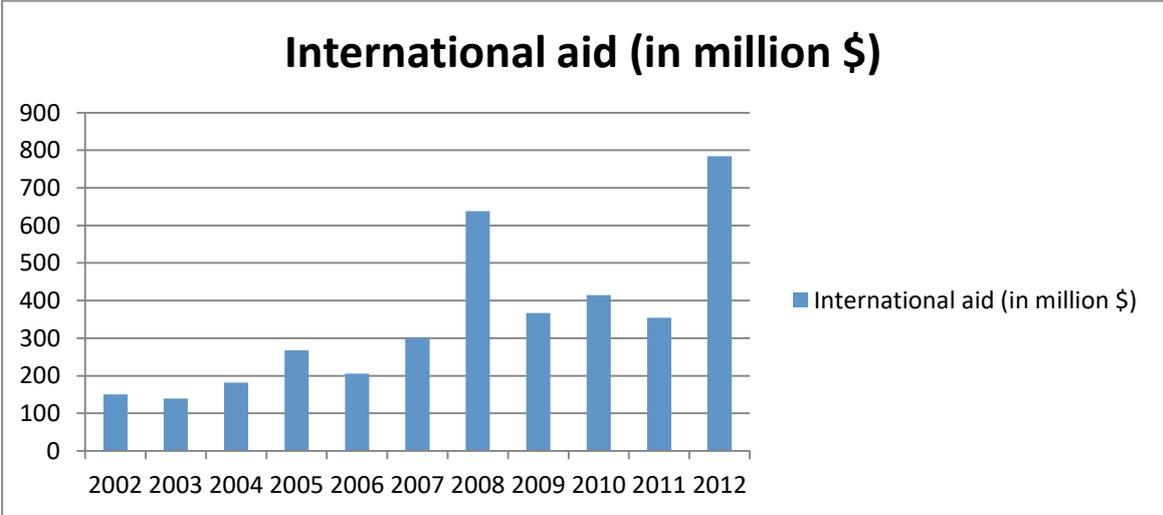


Figure 3, International Aid, Source: Aid Data (2016)

Myanmar's opening up created opportunities for donors to start influencing land governance in Myanmar. The government showed an interest in receiving assistance from international experts in key areas of for example executive, legislative and judicial features of their national land governance. A UN HABITAT mission to Myanmar in December 2011 marked the first time that the government had invited the UN to provide assistance on land issues, and subsequent visits by the FAO and international groups working on land rights indicate the government's willingness to engage with the international views and expertise on land. Although Myanmar did not participate in the negotiation of, and has not formally adopted, the Voluntary Guidelines on Governance of Tenure, the government has received technical briefings on them and signalled an interest in receiving future assistance for awareness raising (Henley, 2014).

Overall, it is clear that due to the democratic transition the setting for the civil society within Myanmar is changing. People are becoming less afraid to speak up about land. Both the increasing involvement, knowledge and feeling of freedom together with the changing laws, caused this increase of hope in justice for their land claims, even after many years. Some never dared to speak up before and are now for the first time fighting for their land. It is also shown during the data collection of this research. Farmers were eager to participate in the research and showed hope and trust in the involvement of work of civil society organizations and NGOs.

6.6 Infrastructure

Infrastructural context is highly important for the livelihoods of people around the world. The overall infrastructure of Myanmar is in many areas lagging behind causing that Myanmar is one of the least-connected countries in the world in terms of telecommunication, transportation and logistics. One of the indicators it that in 2012 less than 1% of the household had access to land line phones and 7% had access to mobile phones (Driel & Nauta, 2015). Moreover, in 2015 internet, mobile, and telephone usage rates in Myanmar were Southeast Asia's lowest (Nam et.al., 2015). Also transportation is not highly developed with only 6 km of road per 100 km² and the lowest motor vehicle penetration of Southeast Asia. Consequently the transportation costs for agricultural products are 3 to 5 times higher than in other Southeast Asian countries (Raitzer et.al., 2015). Another infrastructure that is lagging behind is the market infrastructure. There are problems with market access, the cost of transport to markets and a lack of storage facilities. Besides this, it seems that there is a major issue with the bargaining power relation between the farmers and the brokers. Brokers are often also functioning as money lenders who make the farmers more depending on the already existing relationships. It makes farmers less flexible and not able to react on the changes

within the market. Besides that, smallholders are often forced to sell their harvest quick as they are in desperate need of money or due to the lack of proper storage facilities (Driel & Nauta, 2015; The World Bank, 2013). Improvement in these infrastructures will be needed as it is often stated that a good infrastructure is a key factor for creating better opportunities and development within communities. The improvement of infrastructure can reduce costs, support trade and attract investment (Driel & Nauta, 2015). Myanmar is already working on improvement of its infrastructure. For example the liberalization of the telecommunications market in 2014 has driven down the price of mobile phone ownership and made them more accessible for many people in rural communities. Moreover, the access to markets is increasing and the improved availability of credit is enabling investment in machinery or other agricultural inputs (The World Bank, 2016).

7. Livelihoods and Land Confiscation within the Ayeyarwady Region

In this chapter, the important features determining the livelihoods and land confiscation within the case study area are discussed. It is important to emphasize that population data is difficult to obtain in Myanmar. Most of the numbers used in this chapter are originating from the 2014 Myanmar Census. The 2014 census is the first census in over 30 years. The census is seen as an ambitious program to collect the highly needed information about the population of Myanmar and is seen as vital for a proper future planning by Myanmar's government, development partners and investors. However, it turned out to be a more controversial and deeply troublesome project than expected. The main criticism on the implementation of the census is that the census was not sensitive enough to the political and conflict risks involved. It is even said that it has nourished the already unsteady ethnic and religious relationships in this diverse country (Crisis Group, 2014). Furthermore, up till now, not all information gathered with the census has been made publicly accessible. Important data about topics as ethnicity and religion are not made public. Consequently, the accessible data of the census has to be handled with great caution. However, it is the most recent and encompassing data accessible which is the reason it is used in this chapter.

7.1 Ayeyarwady Region

The Ayeyarwady Region is a delta region in the south west of Myanmar. The region encompasses 26 townships, 1 912 village tracks and 11 651 villages. Ayeyarwady Region is the delta region where the Ayeyarwady river splits into many streams until it ends in the Andaman sea. The Ayeyarwady region has a flat landscape with exception of the in the west located hills (see figure 4). The landscape and its location in a delta causes that the region is highly vulnerable to natural disasters. The main risk is floods (Department of Population, 2015a). Every year in the monsoon season, floods affect the farmlands and thereby the harvest and the livelihoods of the people in Ayeyarwady. Moreover, it affects the willingness of farmers to invest in their lands. Every year, the farmers risk that all of their lands and investments made on it, will be destroyed by the floods. Consequently, the farmers are not eager to invest in long term goals (New Ni Soe, personal communication, 25-08-2016). The event of cyclone Nargis (see box 8) still influences the recent development trajectory of Ayeyarwady Region. The cyclone underlined the extreme vulnerability of the region to natural disasters. Consequently the Region's government and other development actors like NGOs developed programs focussing on this vulnerability. Besides that, the resilience and support groups formed in the response of the cyclone generated organisational experience and capacity gathered by actors in government, civil society and interest groups, which is still noticeable. Moreover, many actors from outside the region started to focus on the delta region after the cyclone. Some say that this experience has caused that in the



Map ID: MIMU940v02
 Creation Date: 3 July 2015.A1
 Projection/Datum: Geographic/WGS84
 Email - info.mimu@undp.org
 www.themimu.info

Capital	Airports	Township Boundary	50 - 100	1,000 - 1,250	2,000 - 2,250	3,250 - 3,500
State Capital	Major Road	District Boundary	100 - 250	1,250 - 1,500	2,250 - 2,500	3,500 - 3,750
Main Town	Other Road	State/Region Boundary	250 - 500	1,500 - 1,750	2,500 - 2,750	3,750 - 4,000
Sub-Township	Railway	International Boundary	500 - 750	1,750 - 2,000	2,750 - 3,000	4,000 - 7,007
	River and Stream	Water Body	< 50	750 - 1,000	2,000 - 2,250	3,250 - 3,500

Data Sources :
 Base Map - MIMU
 Boundaries - WFP/MIMU
 River and Stream - DCW
 Elevation : SRTM 90m
 Place names - Ministry of Home Affairs (GAD) translated by MIMU

Myanmar Information Management Unit (MIMU) is a common resource of the Humanitarian Country Team (HCT) providing information management services, including GIS mapping and analysis, to the humanitarian and development actors both inside and outside of Myanmar.

Figure 4, map Ayeyarwady, source: the MIMU (2015)



Figure 5, Flooded farmland in Kangyidaung

Ayeyarwady Region it is easier to implement the recent reforms focussed on capacity building and civil involvement in governance. This in combination with the above pointed out legal and political involvement in the regions causes that the region is different than other regions in Myanmar. Many well-known Myanmar politicians originated from this region (UNDP, 2014; Sue Mark, Personal communication, 01-08-2016). One example is the U Thant, who was the first non-European UN secretary general from the period from 1961 to 1971 and was born in Pantanaw.

The region has a population of 6.2 million. It is the third most densely populated state or region in the country. Only the urban areas of Yangon Region and Mandalay Region are more densely populated. The population density has increased rapidly from 118 persons per square kilometre in 1973 to 176.5 in 2014. Even though it is densely populated, 86% of the population lives in rural areas, which is higher than the 70% national average (Department of Population, 2015b). It is also the region with the highest rate of landlessness among its population (estimations of between 50% to 80% of the households) and according to the Parliamentary Commission's report the region with the most military land grabs (Namati, 2015).

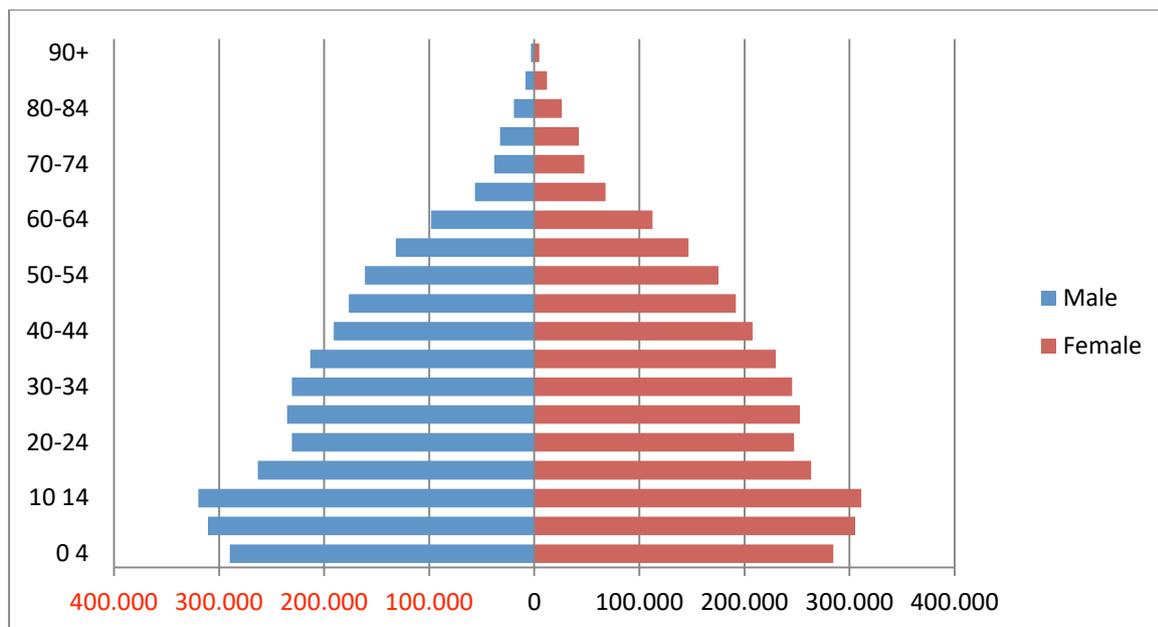


Figure 6, Population Pyramid Ayeyarwady, Source: Department of Population, 2015a)

The population pyramid for Ayeyarwady Region in 2014 is pot-shaped (see figure 6), and apart from the slightly broader base, it is highly similar to the population pyramid of the country. It shows minor declining birth rates and an overrepresentation of the population aged 5 – 14 years. The pyramid also shows a large proportion of the economically active population (ages 15 – 64) and a potential for a large elderly population in the future. However, the population pyramid also shows an under representation in the proportion of persons aged 15 – 24 in both sexes. It shows that a substantial group of aged 15-24 may have left the area. This may indicate an out-migration of the population in the affected ages (Department of Population. 2015a).

Ayeyarwady Region has been the centre of rice production in Myanmar for over a century. The rice production was given a boost in development in the colonial times. The delta was the first base of the British rulers in Myanmar and they turned it into a key asset for agricultural production. However, due to underdeveloped transport and storage infrastructure the agriculture production in the area suffered from a relative decline of its market position in recent decades (UNDP, 2014). Nowadays, rice is still the main economic asset produced in the region. Apart from rice, the agricultural production includes beans, sesame, ground nut, jute, maize, tobacco, and fruits such as bananas, mangoes and coconuts. Furthermore, river and sea products are also popular economic assets. Besides that, there are some agriculture related industries such as rice mills, jute mills, as well as shipping and trading industries in the region. Overall, agriculture contributes to 47% of the region’s GDP in 2013. (Mark, 2016). In general, there are two growing seasons for paddy: monsoon

season and summer season. The high agricultural economic and labour ratio in this region together with the high population density and high amount of landlessness causes that land confiscation is a pressing issue in this region.

Most of the population in the region is self-employed or a household worker. The employment in the private sector is nearly 20%, and the employment within the government is low with only 2%, see figure 7 (Department of Population, 2015a).

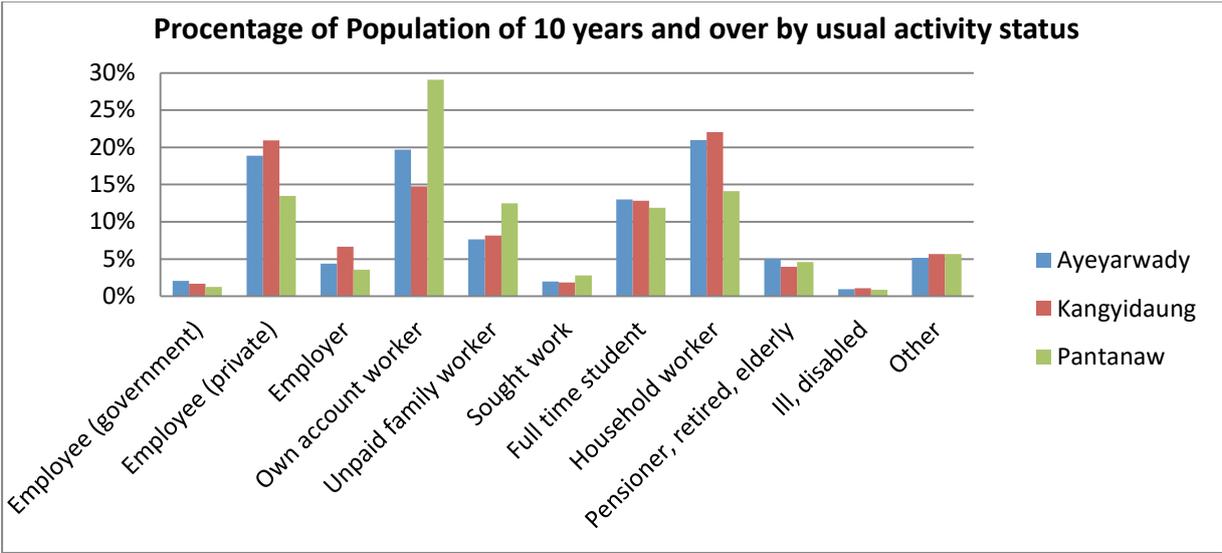


Figure 7, Economic activities within Ayeyarwady, source: Department of Population, 2015b

The census states that nearly 60,000 people of the Ayeyarwady region have migrated abroad. Of the household members migrated abroad included in the census, 72% is male and 28% female (Department of Population, 2015a).

The population within the Ayeyarwady Region is mainly from the Burman ethnic group and some are from the Karen Ethnic group. There is a small population in the western coast area close to Rakhine state that have a Rakhine ethnicity (Reliefweb, 2016). The major religions in the region are Buddhism and some Christianity.

The main health indicator included in the census is the number of new-borns that die before reaching the age of one (Infant Mortality Rate). This rate in the Ayeyawady Region is 87 per 1000 births, which is among the highest of the country and is much higher than the national level of 62 infant deaths per 1000 births. Also the under-5 Mortality Rate of the Ayeyawady Region is one of the highest in the country with 105 deaths per 1,000 live births, compared to the national level of 72. Moreover, the life expectancy is 61 in comparison to the national average of 66.8. All of these health

indicators point out that Ayeyarwady is, together with Magway Region, performing the worst in the country (Department of Population, 2015b).

Like in the rest of the country, the literacy rate is high in Ayeyarwady region. 93.8 % of the population is able to read. However, the level of people who do not finish education is high. Among the population older than 25, more than 50% only finished primary education and not more than 14% continued after middle school (grade 9) (Department of Population, 2015a).

Table 5, Communication Amenities Ayeyarwady, source: Department of Population (2015a)

Communication Amenities	Households has Availability
Radio	41,4 %
Television	39,5 %
Landline Phone	4,6 %
Mobile Phone	19,2 %
Computer	1,1 %
Internet at home	2,1 %

The infrastructure is lagging, and for example the communication infrastructure availability is increasing but still very low. With only less than 20% of the households have availability to mobile phones (see table2) .

7.2 Land Confiscation in Kangyidaung & Pantanaw

The cases of land confiscation researched are located within the townships of Kangyidaung and Pantanaw. Kangyidaung has a population of 177 990 and Pantanaw is bigger with a population of 264 596. In both townships there is only 6% to 7% of the population living in urban areas (Department of Population, 2015). In Kangyidaung almost all of the land in both town is covered with farmland, and some small plots of wetland, grazing land or forest land. In Pantanaw township, especially in the north, there is some more forest and wetland (see appendix 3).

In Kangyidaung land has been confiscated by the Aye Yar Shwe Wah company in 1998 order to establish deep water paddy field, fishery ponds and lake water business projects. The whole area that is confiscated by Aye Yar Shwe Wah company (including confiscation in Kyaungon, Yaykyi and Thabaung townships) was 41200 acres. In 1998 the land has been confiscated without any provision of replacement of land or compensation to those who used to work on the land for at least around 18 to 20 years. The land was confiscated as it was appointed as vacant, fallow or virgin land. The case

also includes vacant land, that Aye Yar Shwe Wah company cleared and made people farm on the land. Aye Yas Shwe Wah company has left the area in 2012/2013. Some of the land has been returned to the original users while others have been transformed to fishing pound and could not be returned. It is also stated by some interviewees that parts of the land have been sold or rented to farmers from other villages and could not be returned for that reason.

Box 9: The Act of Land Confiscation in Moe Goke Village Track

One night in 1997, the army came into their village track by night. While most of the villagers were sleeping, the army planted flags around plots of land. They made pictures of the land and the flags. When the villagers woke up the next day, they noticed that their land had been confiscated. While complaining and protesting towards the army, the only reply the farmers got from the army was: 'The land was not used, so in the name of vacant land, we can claim the land'. Soon after the army came in, the land was passed on to companies to invest on the lands.

In Pantanaw different companies confiscated plots of land from original users, mainly small scale farmers. The companies that confiscated land in Pantanaw researched for this thesis are the Moon company, First Top company and Shwe Than Lwin company. The confiscation took place between 1997 and 1999. At the moment some plots are not used by the companies anymore, the farmers are claiming back their lands and are trying to obtain form 7. Some of the farmers already have a form 7, but most of the time they only could obtain a form 7 from a really small part of the land they used to farm. For example, a farmer showed his form 7 of 1.33 acres of land, but he used to farm 12.42 acres before confiscation. The interviewees are stating that the companies are also trying to obtain form 7 over their lands, but that the companies are not using the land at the moment and only want to obtain form 7 in order to be able to use the land for investment reasons. Besides the farmland confiscation, there is also a dispute with fishing land within the community. The fishermen, the companies and minister of fishing of the township want to assign some land as fishing land. When land will be assigned as fishing land it will not be able to be used for farming anymore.

8. Livelihood Change after Land Confiscation

The change within the assets of farmers due to land confiscation and the changing context of livelihoods made a change in livelihood strategies necessary. Before land confiscation, nearly all farmers used to fully depend on their farmland. They would produce things like rice or beans for both own consumption and to sell. The other activities of the households were often related to the agricultural production. After land confiscation this has changed. Farmers had different kind of strategies to deal with the loss of land and the change in other assets that took place over the year. When looking at the livelihood of farmers after land confiscation and the way they have changed, it can be stated that there are three different kinds of groups. The first group exists of farmers that lost all of their land and still do not have any land. The second group of farmers are those who did not lose all their land. The last group exists of farmers that were able to get some land as compensation later on or were able to buy another plot of land. This chapter will discuss the livelihoods with special attention given to the important assets, the change of them and the responses and strategies of each group. Additionally, within the coming paragraphs the outcomes of the livelihoods and differences between the groups will be made clear.

8.1 Landless Farmers

This group exists of farmers that lost all their land in the time of land confiscation and are still landless today. The main change within the livelihoods of the still landless farmers is of course the change in the natural asset of land. As they used to build their livelihood on the land they used, they had to face a big challenge in order to survive, and still have to. They could not continue most of their old strategies and had to adopt new ones. The farmers who are still landless nowadays are often farmers that used to have relatively small plots of land before land confiscation. The farmers weren't able to regain land as compensation or to buy land themselves. However, most of the farmers stated that they want to continue working within agriculture. This seems to be difficult within a situation when a farmer does not have access to land he or she can use. This is made even more difficult because the land that has been confiscated is often not used for farming anymore. The companies that got the land after compensation are currently not employing the old farmers to work on the land as they are using the land for something else, leave it abandoned or hire people from other townships to work on the land. For the landless farmers it often means they cannot find any employment within agriculture inside their own township. Some will be able to get seasonal work on other farms, for example by helping with harvesting. However, this employment will always be unstable and only for a short time span.

Even though it seems to be very difficult to maintain agricultural work as main income, nearly all farmers keep small scale agricultural activities in order to support their livelihoods. One of the key assets for that is the livestock of the farmers. Most of the farmers have some livestock like chicken or pigs. They used to have livestock before their land was confiscated, however, most of time they needed to sell some of their previous livestock, especially the more expensive livestock like cows. The reason that farmers had to sell their animals is often that they were in need of money in order to pay off loans or other expenses like the education of their children. Some farmers also pointed out that they had problems with their livestock because the grazing land they used became inaccessible. The smaller livestock were easier to sustain and to keep. The small stock the farmers still possess today will provide the farmers with things like eggs and they will gain some income from selling the new-borns. The income generated with small stock is often only seen as substitution to their livelihoods and not as main source of income.

Another source of income they use as substitution to their livelihoods is the income they can generate by fishing. Plots for fishing are mostly still available for the farmers, but some parts have also been confiscated by companies. In communal ponds, the farmers are free to fish, but in ponds that are confiscated by companies, farmers have to pay the company some part of their catch to be allowed to fish within the ponds. Sometimes, farmers had to give up to 75% of their catch to the company. However, since 2016 the minister of social affairs is trying to solve this problem and restricts high payments for use of fishing ponds.

As stated, the incomes that can be generated within agriculture by landless farmers are often just seen as small substitutes for their livelihoods. The agricultural activities are not enough to provide them with a stable income. Consequently, farmers have been forced to get involved in activities outside agriculture. One possibility for that is the start of small shops. However, the farmers who have shops nowadays, often already used to have shops before the land confiscation. So it seems not to be a new embedded strategy to compensate the loss of the land. The same is to be seen with activities like making and selling mats. However, the income generated through these kind of activities have become more important. Another way to generate income is by employment outside agriculture. For example, some younger boys were employed within a concrete producing company within Kangyidaung, and some older woman were employed as household workers for richer households in the region. Nevertheless, it seems to be hard for especially elderly people to gain employment within their own township. Consequently, people started searching for employment outside their own township. For older people this often means that they get temporary employment in Yangon or the in Ayeyarwady located seaside town of Bogale. In Yangon employment is mainly

found within factory work in contrast to Bogale where there is employment within open-water fishing or other employment related to fishing industry. In general, the work in Bogale seems to be more profitable, as housing and food is arranged for the temporary employees by the employer. Therefore, the employees do not have a lot of expenses when staying in Bogale and are able to save some of their income for when they return to their own villages. In Yangon housing and food has to be paid by the employer itself. The salary is often around the same as the expenses for housing and food. Sometimes the income earned is just enough, sometimes it is not even enough to sustain their lives in Yangon. This makes it difficult for temporary labour migrants to save money to take back to their own village and to sustain their lives when they return to their own township.

The decision for temporarily employment of older people is most often made when the change for employment appears. It is not planned and calculated for beforehand. A recruiter from a business in for example Bogale will come to the village to get employees to come and work with him, which will make people decide on temporary migration. To obtain work in Yangon, the network of people from their village is more important. Knowledge about employment opportunities in this area are more transferred within the social networks, instead of by recruiters.

Younger people have migrated more temporary, to for example Yangon or abroad. Only less than 40% of the children above the age of 18 from all the interviewees are still living in the same township like their parents. Within the group of landless farmers, the percentage of children migrated is even higher. The work done by the younger people migrated within Myanmar is very diverse, ranging from taxi drivers, factory workers or vendors to company managers. Around a third of the migrated children, migrated abroad. The main country of destiny from children of still landless farmers is Thailand. The work done in Thailand is mainly related to industry. The children, in comparison to the children of not-landless farmers, have migrated a relatively long time ago. A consequence is that many parents did not have the chance to stay in contact with their children after their children migrated abroad. This was mainly due to the lack of communication infrastructure in the area up till recently. Both the parents and children did not have any phone and sending post is difficult as there is a lack of postal address system in the area. Most of them also did not return home for a visit after they migrated. Some parents do not know where their children are now or what for kind of work they are doing.

Even though migration is a common strategy, there is also resistance to migration. Especially older people do not want to leave or do not want their children to leave.

We never consider moving away from Kangyidaung. No one wants to move to other another places. We live here for a long time and [...] we want to do our work here. We never think to move outside of Kangyidaung (personal communication, 27-08-2016).

Another example of a reason not to migrate is that of Daw Dong Yin (box 10). She states that she doesn't want to migrate because her husband and daughter passed away in this village.

Besides employment and own income generation, landless farmers are often depending their livelihood on income of others, mainly direct relatives like children. As stated above, younger people have more chance while searching for employment and generating income for the rest of the family. However, one of the main drawbacks of the migration of children abroad and the above mentioned difficulties with communication, is that farmers who do not have any contact with their children, can of course also not receive money from their children. It means that they both lost a social and an economic important assets for their households livelihoods within Kangyidaung or Pantanaw. This kind of migration seems not to be a deliberate investment for the overall households livelihood. It seems to be more a forced choice when other options are lacking.

Box 10: Strategies of Daw Dong Yin

Today Daw Dong Yin is living with her two grandchildren in a small house in Kangyidaung. She has given the 5 acres of land to one of her daughters and her children. At the moment she does not have any land that she can use herself. She has 9 chicken and 2 pigs. She sells the small chicken and their eggs as well as she sells the small pigs. Two grandchildren are living at her house because their mother passed away. She says that the children are not going to school anymore because they were too small to carry their schoolbags. Because she doesn't have any land she and her grandchildren can farm on, the only way to gain some income is for the grandchildren to try to gain some work. Up till now they only managed to gain some working on other people's farms, but this was up till now the employment has always been temporary. The two girls have the age of 14 and 15.

With the lack of income and saving opportunities, farmers within this group are at some point of the year depending on loans. They use the loans to buy assets like chicken, but more often they use it to directly pay for their food. Loans are also obtained in order to cover bigger financial expenses like education of the children or the costs for migration abroad. However, as farmers do not have any land as collateral, farmers often have to pay high interest rates which can sometimes be more than 25%. When farmers have land and a form 7 farmers can obtain official loans with much lower interests. Without land or form 7, many farmers are forced to get loans outside the legal framework. The high interest rates involved are often causing that farmers are getting into a circle of loans and debts. Loans are needed to survive at one point, but the money made later on has to be paid to the

money lender because of the high interest rates. It takes away the possibility of investment and reinforces the need of loans later on again. It seems to be very difficult to get out of the circle of loans and debts.

Most of the landless farmers are still eager to regain land. They still see themselves as farmers and seems to stay focussed on agriculture as much as possible. However, they did not yet succeed in regaining land, which most likely will mean they will not succeed in it in the near future. Part of the land confiscated has already been relocated to farmers or have been transformed to land with a purpose of other activities. The densely populated area and the overall transition within agriculture in Myanmar will most likely cause that regaining land will be even more unlikely in the future as the demand for the land will be high.

What is clear is that most of the landless farmers do not have one stable and secured major source of income. This is made clear by the often heard reply to the question about their income, which was: *“I do not have any income”*. This points at the struggle households have with finding secured income that is satisfying their needs after land confiscation. It is hard for them to find one main source of income. When continuing asking about how they support their livelihood it is made clear that the landless farmers are combining different kind of small activities and income sources in order to be able to survive. This is different than before land confiscation, when they had their farming activities on their land as main source of income. New activities, like temporary migration, dependency and loans have occurred since then. As a result of the land confiscation, it can be stated that diversification of activities has taken place within this group of farmers. The diversification of their income makes the farmers slightly less vulnerable as the loss or failure of one kind of activity or income will have less influence on their overall income. Before land confiscation, farmers were nearly completely depending on the income from their own farmland. When the harvest was destroyed because of a disaster like a flood, they would not have any backup to support their livelihood. On the other hand however, they become more depending on small income sources which are not secured. They don't know when they will be able to gain income from fishing or temporary employment, which makes their livelihoods more insecure.

8.2 Farmers that kept Land or regained Land as Compensation

The second group consists of farmers from which not all land has been confiscated. Farmers within this group consists mainly of farmers who used to have bigger plots of land. As they were able to keep some land, they could continue with most of the strategies they used to have, mainly farming the land. It made them able to continuously gain some income. The number of farmers within this

group is small, as the possibility to keep some land, causes that people had a bigger change to buy new plots of land afterwards as well. This group of people, have more similarities with people who lost all their land and were able to regain back land afterward, and consequently will be included within the group discussed in the next paragraph.

Overall, the possibility to keep some land, caused that farmers could continue their agricultural activities on their land. However the quality of the land they used has often changed, mainly caused by a change of the water supply. Companies that came into the area made irrigation systems for their land and fishing ponds. These actions of companies are interrupting the natural water flow and influences the waters supply to surrounding farmlands. Consequently, some plots became deep water farming land, other plots of land had less water supply. Moreover, the vulnerability to natural disasters didn't change in the past 20 years. The area is often hit by floods and nearly all the farmers interviewed stated that it kept them away from investing on the land for long term.

Box 11: The Land of Daw San San Htwe

Before land confiscation her household used 30 acres of land for farming. At the moment there is only 4 acres of land they can use, for which they have to pay the First Top Company rent. The plot land they use now, is so called deep water farming land. This kind of land can only be used outside of raining season, which means it can only be harvested once a year. For the land they use now, they also have to pay to the company. The land did not used to be deep water farmland before land confiscation, which meant that they could plant two times a year. The other land they use to farm, but is now claimed by the First Top company, is not used at the moment. But the company made a border around the plot of land by making deep water ways, to make it inaccessible. However, Daw San San Htwe hopes to be able to claim back the old land, as it is not used at the moment.



Nearly all farmers, also from other two groups, interviewed put a lot of effort into trying to regain land. The underlying aim of it is to try to gain back the old situation where farming was the major source of income. Up till now only a few of the interviewees succeeded. However, it seems that recently this strategy has got renewed attention by most of the farmers as new hope for justice has increased since the new government got power. People hope that the new government will make it possible to regain their land:

“We want to change our livelihood. We want to get back our lands. Now we wait for the government to give back our lands” (Farmers, personal communication, 27-08-2016)

Besides regaining the old livelihood, the process is also about obtaining a form 7. Gaining a form 7 is seen as a strategy to secure the livelihoods of farmers as they will have proof of their land use. Form 7 is also a key asset for obtaining cheaper loans which many farmers see as an opportunity to get out of the negative circle of high loans and debts.

One of the ways farmers regained land was by fighting the injustice that has taken place and with that claiming back the old land. However, as stated above, this is a very complicated process which often does not end in total satisfaction of the farmer. Consequently, some farmers have regained some land or got other land as compensation, while others did not succeed yet.

With the process of regaining land or obtaining a form 7 the farmers often actively seek help from actors such as NGOs or farmers representatives active within their township. The NGOs help with increasing the knowledge on the processes and rights. However, what is noticeable, the help is mainly focussed on the past injustice and not on addressing the current injustice that is taking place. The help seems to work for some and causes that plots of land has been returned.

Community relations can be a determining asset for the farmers within the process to regain land. For example the network of a farmer within the community determines the information gained about parties that can help with the process of regaining land. As stated before, in the Ayeyarwady region there are many people and organisations active in the region. This is also true for Pantanaw and Kangyidaung. In order to be able to regain land, it will be important that the right person is supporting the same goal as you. The land confiscation has in a kind of way made the community network even more important. To have the right connections within the community and links with organisations and activists seems to be a determining fact. It is important for the farmers in order to gain the knowledge needed, but also to increase the possibility of a positive outcome of land claims. An example is the land claim of the previously mentioned U Htey Htey (box 5) who had a good network within the village. The neighbouring farmers supported him in his land claims and because of that they testified that his land claim is justified. This made it more likely for him to obtain a form 7 over the land than farmers who do not have a good position within the village. Furthermore, it will be very important that the community representative within the Farmland Management committee is defending the same agenda when you want to reclaim land.

When farmers still have or regained a reduced amount of land, in comparison to before land confiscation, it often meant that the land is not big enough to provide enough income, and income possibilities, for the whole household. The possible income that can be gained became smaller overall and covers a smaller part of the overall income generated. For example, the income generated from agriculture used to be enough to provide income and work for all the family members, but nowadays only for one or maybe two family members. Moreover, it used to be the tradition that employment in Myanmar is based on family tradition. In other words, children will continue the work their parents were doing. As the head of the village registration from Let Pan Chaung states when talking about youngsters choosing employment:

"[They will do] mainly family job. So if the family is farmer, they will become farmer".
(Village registrar Let Pan Chaung, personal communication, 18-08-2016)

However, the reduced amount of land created a challenge for this tradition and only a small number of the children of the farmers interviewed were like their parents working in agriculture.

Subsequently, the income source of this group of farmers became more divers, similar to the diversification of the first group. However, they still have the main income source gained from their land, which has to be seen as a major advantage. It seems that it causes that older farmers are not migrating temporary and younger people migrated later on. The younger people that migrated later on, migrated within Myanmar, or abroad to mainly Singapore. There is a big difference with the young people migrated earlier to Thailand that has to be pointed out here. The difference is related to the communication possibilities. People who migrated recently are more likely to have easy access to communication infrastructure, mainly mobile phones. They will have a change to stay in contact with their parents, update them about their activities but most important, they have the change to send home money. A good example is the situation of the sons of U Than Ohn. Both of the children have migrated relatively recent to Singapore (see box 12).

The example of box 12 also points at the fact that the more permanent migration of the young people, in comparison to the temporary migration are often well planned for in advance and chosen for deliberately. The main reason for that, is that more money is needed to be able to migrate abroad more permanently. The knowledge about possible job opportunities abroad is often not gained by a network of social contacts and other knowledge about employment opportunities is lacking. It makes it common for households to get the help of an agent, which has to be paid a sum of money. Altogether, the migration described here has to be seen as a deliberate investment in order to increase the overall livelihood of a household.

Box 12: The Sons of U Than Ohn

The main source of income for U Than Ohn is the money he gets from his sons. They are both working in Singapore. The oldest one is working in Singapore for 2 years, the other one just left one month ago. U Than Ohn has a lot of contact with his sons living abroad. They are often sending him pictures and they are talking with him on the phone regularly. He believes they have a good life there. The working conditions are good and they have a good place to live. The working conditions are good he believes because there are strict rules for labour and so. However, they want to come back to Myanmar when they have saved some money. They are both not married yet. If they come back with some money, U Than Ohn is thinking about starting something like a coffee shop. He is already thinking about and planning on how to invest the money the sons will bring back, in order everyone from his household can live from it.

Both the sons of U Than Ohn are working in Singapore. One is working as community planter. He takes care of the plants, trees and things like that in Singapore. The other one is working in a shipping factory. Both of the sons used to work outside of Pantanaw before they went abroad. One was working as taxi driver in Yangon and Dala, the other was working for a wood trading company. The job at the wood trading company was a good job, but when there were strikes a couple of years ago, the son got into trouble. There were monks protesting close to the wood factory. At one point, one of the monks was hiding at the office of the son. The son was protecting the monk. As the protest and support of the protest was not allowed, the son risked being arrested. As supporters got arrested, U Than Ohn got afraid his son would not be safe in Yangon anymore. He decided to force his son to come back to Pantanaw. However, it was difficult for the son to find a good job in Pantanaw and the best options seemed for him to go abroad After 2 years, the other son followed him.

Both of the sons went to Singapore with the help of an agency. The family had to pay a lot of money for it and now they have a loan they need to pay back. It was not possible for him to arrange something with the help of friends or relatives that are living in Singapore. Also for the second son, the son already living in Singapore didn't have a network that could provide him with a job. The last son that went to Singapore, was advised by the agency to go to Japan instead of Singapore, as there they would be able to get more training and so. But they would have to pay more to go to Japan and they were not able to pay that.

Linked to the migration of family members and the importance of possible communication are the social assets linked to it. Social assets are of great importance within the societies, and maybe even more important for farmers affected by land confiscation and farmer eager to regain land. The family is the most important social asset. Traditionally, families use to live and farm the family land all together. Children are traditionally supposed to take care of their parents when they are older and no longer able to support themselves. However, most of the researched households have split up of families. The loss of land or the reduction of amount of the land, caused that the children are not able to work on the family land. Together with the loss of income and food from their lands and the difficulty for the elderly to obtain other kind of jobs, the children are the main income generators. As most of the children are having trouble to find a job within their own village or township they do not

have any other choice than to migrate. This changes the social relations within families. On the one hand, the social relations are becoming less direct as the family members live apart from each other. On the other hand however, they are becoming more important as parents are more depending on the income of their children.

Within this group of farmers it seems that non-agricultural income has become more important. The income generated by for example small shops or making mats are examples of that, similar to the first group. Diversification has taken place in a way that dependency and non-agricultural employment of young people have increased as well as migration. However, it seems that choices within the livelihoods of farmers within this group has been made more deliberate and are more sustainable and secure. Also it occurs less that farmers end up in a circle of loans and debts as they do have some land and can often obtain better loans. Also the need to depend on loans is less. Altogether, it seems to cause that the household within this group are less vulnerable.

8.3 Farmer that Bought Land

This group of farmers are farmers that lost all of their land, or some of it, but were able to buy new plots of land.

There are also farmers who were able to regain land in another way than claiming back their old land. For example by buying other plots of land (see box 13). The land they are buying, are often plots of land from farmers who are forced to sell the land as they are unable to pay back their loans or have other expenses they cannot pay in another way. Most of the people who were able to buy new plots of land had the possibility to get into other kind of employment or income generation, or were the farmers who could continue some of their agricultural activities on their land. Sometimes the income is generated by activities they were already involved in before land confiscation or activities they got into only after land confiscation. Another example is from a farmer that owns a storehouse. He used to have this storage for a long time already. He is generating income with trading of rice, as farmers are coming to him with their harvest as they do not have any proper place to store it.

The income generated could be used to save money for investment in new plots of land. Overall, the farmers within this group are often farmers with a relatively good social-economic status both before and after land confiscation. They have the connections and knowledge that enables them to get into other kind of income activities as well as it enables them to obtain new plots of land. The farmers with the storage is a good example for that. He knows many people in the village and has the

possibility to gain a lot of information. At the moment he is owning way more land than before confiscation. He is not the only one, as it seems to be that farmers who were able to buy land, often have currently more land than before land confiscation. It shows that they have the possibility to increase their livelihoods even though (some of) their land has been confiscated. Most of the livelihoods of farmers within this group of farmers were already including different kind of activities and still often are. Similar to the second group, many young people have migrated. Altogether, this group of farmers is relatively well of and is able to make more deliberate choices.

Box 13: Regaining Land by doing other Work: the story of Kyaw Myo Lwin

Kyaw Myo Lwin, man of 26 years old living in Kangyidaung. He used to have 7.98 acres of land before all his land was confiscated. After confiscation he was able to rent a *trowlagyi* (a kind of local pickup truck). He used it to transport goods in it and it became his major income source. However, he always wanted to gain back his old way of living. When you earned enough money with the *trowlagyi*, two years ago, he bought a plot of land. Now Kyaw Myo Lwin has 11 acres of land he can be a farmer once again and he has the feeling he can make his own choices.



9. Decision Making and Determining Factors for the Livelihoods

The land confiscation in Kangyidaung and Pantanaw was able to take place because of the very complex context and structures in place. The military rule, the biased legal framework and oppressed civil society caused that land could be confiscated from farmers who were depending on these land. All the livelihoods of farmers affected by land confiscated had to be changed drastically after confiscation. The land was the most important asset for all the farmers and none of the farmers was prepared for a loss of all or parts of this important asset. The land confiscation had the effect that has to be seen as a destroying shock for the livelihoods of the people. It forces them into acting with coping mechanisms and took away the feeling of power over their own livelihoods. Many farmers ended up in a circle of debts and loans in which they felt they lost the possibility to make their own choices. This circle seems to include increasing insecurity, dependency and migration.

“We haven’t thought about other production [...] We lived under military government for all our lives. So that is why. We do not have our own life choices” (Farmer, personal communication, 27-08-2016).

The loss of the feeling that people can control their own lives can be seen within many cases of land confiscation around the world. The different underlying cause for the land confiscation seems not to change that. Moreover, the five different strategies often used by farmers in response to land grabs globally, box 1, seems to be comparative to the strategies by the farmers interviewed within this research. Migration is a very common response as well as the change toward non-agricultural activities and fighting for compensation. However, two main differences have to be noticed. None of the farmers seem to directly be employed by the company that confiscated the land, however, some have to pay rent to the company in order to use the land. The other strategy that didn’t appear within Kangyidaung or Pantanaw is depending on humanitarian aid. Instead a common response seems to be dependency on family members.

All the groups described above seem to adopt some of the strategies. Nearly all farmers have diversified their livelihoods. Also a common strategy is the migration of younger people. There was not one farmer interviewed of who the members of the household were living together and all working on their own land. The loss of not all the land or a better social and/or economic status before land confiscation seems however to make a major difference. It seems to be one of the keys that kept people out of falling into the circle of loans and debts described before. These people could continue some of their income generating activities after land confiscation and kept a bigger playing field for intentional choice making. Furthermore, regaining land and land rights is seen as the way

out of the circle and to regain power over the livelihoods. The main reason for that is that many farmers have never considered changing their livelihood into something outside of agriculture.

“We do not have any technology, knowledge and machines to expand our production. we do not have any idea of producing something else. Only farming, farming, farming. Before our parents and grandparents and so were also farming. We can only work for farming” (Farmer, personal communication 19-08-2016).

Moreover, it seems that farmers who still had some playing field to make their own choices are also better off nowadays. It shows that it is important that people are thinking about the future and that people have the possibility and intention to make investments. A feeling of increasing security and the possibility to make their own choices will be needed for. In other words, people will need to gain back some playing field in which they can chose their own strategies again instead of depending on coping mechanisms.

Concluding, the separation of the three groups on the access to land in the previous chapter seems to be somehow misleading. Combining all factors, it seems that not access to land, but the social and economic status of the household prior and after land confiscation is the crucial element for the livelihood of a household. The social and economic status are factors that are partly outside of the influence of the household itself. In combination with the loss of feeling of possible decision making by farmers themselves, the outcome is in contrast to the actor-oriented idea embedded in the livelihood approach.

“We do not feel satisfied. [...] We do not have our own life choices”. (Personal communication, 27-08-2016)

Also the words like “real freedoms”, seems not to fit the livelihoods of the farmers. People do not feel free and do not have the idea that they are able to make their own live choices. Some strategies adopted are made deliberately, but it also seems that a lot of strategies were forced onto the farmers due to the context they lived in.

However, not for everyone it seems to be the same. The poorer farmers have a smaller playing field than the richer once. It seems to fit the argument of Cleaver (2005), as she argues that poor people have a smaller room for manoeuvre within the existing social structure which causes a structural disadvantage for the poor. One of the reasons is that poor people will have less knowledge on how to use the social network in their favour (Cleaver, 2005). In the case of Myanmar, it can also be linked to the stacked laws issue. In the cases of this research it is mainly about the knowledge of land rights and land returns procedures. Richer farmers could use their social network and knowledge in a way it

could help them with the return of their land. It makes us reconsider the basis of the livelihood approach; agency.

It shows that the power of agency is not equal for all people and that contextual structures are influencing a persons' agency. Additionally it seems to fit with the critics about the importance of structures for the construction of the livelihoods. However, the livelihood approach is not totally discharged as the agency can be seen as determining factor, but the agency is determined by the structures a livelihood is positioned in.

10. The Future Scenarios for the Livelihoods

Even after many years, people are still struggling due to land confiscation. Consequently, the farmers are focussed on gaining back the situation before land confiscation. They become focussed on the life they once lived. They have the idea that with gaining back their land, they can gain back that life and live more freely and make their own choices again. However, due to the complicity of land return, it will be hard for farmers to regain their land. Furthermore, the Ayeyarwady region is a densely populated rural area, where nearly all land is already used for agriculture. This makes the chance for farmers to gain other plots of land small. At the same time there is an ongoing transition including uncertainty about the way the highly needed agricultural development in Myanmar is progressing. Large-scale agriculture seems to take over the small-scale agriculture causing that less labour is needed. Within the overall global trend of modernization and agricultural development it seems most likely that the agriculture in Myanmar will develop in a way that will create a labour surplus. This will most likely create an ever-growing challenge for the farmers who already lost their land and labour activity. The global trend shows that modernization causes that more people will lose their land and the labour surplus will increase.

The same applies to the increasing international investment made within Myanmar. Both the facts have taken place, most of the times years ago, in other countries in the world and triggered the global land grabbing. Consequently, it seems that with the rise of this liberalization and internationalization of the land market within Myanmar itself, land grabbing similar to the global noticed land grabbing described by academics like Zoomers will start to occur in the near future of Myanmar. Moreover, the trend within global land grabbing can also start to affect Myanmar now the land market starts to liberalize, with for example the introduction of Form 7. One of the fears from professionals working with farmers, is that once farmers obtain a Form 7, they will be triggered to sell their land. An example was given by Nwe Ni Soe:

“[When] the farmer can sell because of the land use certificate, their livelihood or social economist will change. [...]. And also I heard many farmers they tell me: ‘I got the certificate and I don’t want to work as farmer anymore, because farming is very complicated. Many assets are involved. We cannot work alone and the profit is not very much. I sell my land and will move to somewhere. So maybe they do not their farming anymore but do fishing pond. For fishing pond we do not much labour. Only digging the ground and put the water in. Only view labour needed’[...] So maybe if they can sell their land easily they will have other opportunities and they will move. They don’t want to be farming anymore”. (Nwe Ni Soe, personal communication, 25-08-2016)

Additionally, the final point that has to be made, is that non-farming income became increasingly important for all households, but people are not focussing their strategies on it. Organisation within the townships seem to influence that, as they are stimulating the farmers to keep hope for justice and regaining land. They are not on trying to transform the livelihoods towards other activities. However, all the trends described above should have made clear that it seems not to be possible for all the farmers to gain income from agriculture in the future. Consequently, livelihood strategies should transform toward activities less focussed on the past and more on the future. It will be needed to develop sustainable strategies that are including new kind of activities.

11. Conclusion

This research has explored the effects of land confiscation on livelihoods within two cases in the Ayeyarwady region in Myanmar. The research adds up to the contemporary debate on land confiscation and the effects on the lives of people. It gives a human instead of an economic or political dimension to the discussion. By combining the livelihood approach with the land confiscation debate, an overarching, actor centred view is given. Additionally, the research can at to the global discussion as the land confiscation described in this research, has another underlying cause than the often described land market liberalization and modernization. The research aims to answer the following research question:

In which way have livelihood strategies of farmers changed in the Ayeyarwady region in Myanmar after land confiscation in an era of economic and political transition?

Land confiscation within Kangyidaung and Pantanaw could have taken place due to the specific context and assets in place. The military rule, the legal framework and oppressed civil society caused that land could be confiscated of farmers who were depending on this land. In both the cases, land had been confiscated by the army, as they appointed it as vacant, fallow or virgin land. The army passed the land on to companies, that started to use the land for activities like deep water paddy fields, fishery ponds or other business projects. Between 1997 and 1999 the land has been confiscated without any provision of replacement of land or compensation to those who used to work on the land for many years.

The land confiscation in Kangyidaung and Panatnaw had a big influence on the livelihoods of the farmers involved as previously the livelihoods were practically totally depending on the land asset. It caused that land confiscation can be seen as a shock to the livelihoods of the farmers. The livelihoods were abruptly destroyed and people became dependent on coping mechanisms. It took away the feeling of power and thought-out strategies. Assets needed to be able to adopt other strategies were absent, and mainly knowledge about these different kind strategies were lacking. Combined with the facts that the companies were not creating new agricultural employment opportunities in a densely populated area where nearly all land was already used for agriculture, made it nearly impossibility for the farmers to continue working within this sector.

With time passing by, the main strategies adopted when continuing with agricultural were diversification, migration and dependency. For most of the farmers it was hard to find one main source of income within their own township. Consequently farmers combined different kind of small

activities and income sources in order to be able to survive. Besides that, migration has been one of the main strategies. Younger people have migrated to other parts of the country or abroad in order to obtain work. Some of the older people have migrated to Yangon or Bogale for temporary jobs. When the farmers were not able to gain enough income themselves, dependency on the income of others, mainly family members, or loans became necessary. However, all farmers are still focussing on their past livelihood within agriculture, resulting in the fact that all are still searching for ways to regain their land.

It seems that there are three main groups that can be distinguished when looking at the livelihoods. The first group are the farmers that are still landless. They are struggling to regain any kind of income. They do not have one main source of income and are combining different kind of activities in order to sustain their livelihood. Besides that, most of them have lost contact with their children as they needed to migrate many years ago. Many farmers within this group seem to fall into a circle of loans and debts and lost the power over their livelihoods. The second group consists of farmers that were able to keep some land or regain some land as compensation. Often the plots of land are of less value than the once they used to have, but they could continue or regain within agriculture and income generation. They are still struggling to sustain their household as the plot of land is small or not very fertile. However, it seems that choices within the livelihoods of farmers within this group has been made more deliberate and are more sustainable and secure in comparison to the first group. Also it occurs less that farmers end up in a circle of loans and depths as they do have some land and can often obtain better loans. The last group consists of farmers who have lost all or some land but were able to buy another plot of land. Farmers who were able to buy new land, often have currently more land than before land confiscation. It shows that they had the possibility to increase their livelihoods even though (some of) their land was confiscated.

By making this separation on the basis to the access of land, it seems that the current accessibility to land is the main determinant whether the livelihoods of the farmers are successful. However, this seems misleading as the social and economic status of the household prior and after land confiscation seems to be a crucial element. The social and economic status determine whether or not a household is able to regain land. For example for regaining land as compensation, the support within the community and organization can be very helpful. The social and economic status are factors that are partly outside of the influence of the household itself.

The research makes clear that not only the land confiscation itself, but also the highly complex context is a determining factor for the livelihoods. Myanmar is a country with a very complex

development as well as a complex political and economic situation. The military regime that was in power in Myanmar for decades had a main role in this. An example is the lack of a system of rule-of-law, which highly influenced the land confiscation itself, the land return process and with that the feeling of (asset) security. The development of a rule-of-law can increase the security of the livelihoods and rights of the farmers in the Ayeyarwady region. The context, more specific the context that influences the social and economic status of a farmer, also determined the agency a farmer had in order to be able to regain power over their livelihoods, as it determined the changes to regain land. Within this context, the creation of a more open, responsible and sustainable society seems to be of great importance. However, it is also important to recognize that this kind of change will take time. It is like building a new bridge. A new bridge cannot be used from the moment it is planned. First the old bridge has to be used for some time, while next to it the new bridge is being constructed.

Moreover, it shows that the power of agency is not equal for all people and that contextual structures are influencing a persons' agency. The poorer farmers have a smaller playing field than the richer once. Poorer farmers will be more likely to have adopted strategies that they are in a way forced into and richer farmers will be more likely to have adopted strategies they have choices deliberately.

Altogether to improve the livelihood situation, it will be important that all the farmers will regain the power over their own lives. They will not have to rely on coping mechanisms but on the, in the livelihood approach often praised, actor-oriented actions of choosing the most suitable strategies. In order to reach such a situation, it is needed for farmers to gain back options and the possibility to make dissections in order to improve their future situation as well as to improve the equality in the power of the agency of farmers. Concluding, some farmers already reached a situation in which they control their own livelihood by for example regaining land, but others were stuck in the image of the life they have once lived. For the future of livelihoods of all the farmers it will be important to recognize that scarcity and pressure on the land will not improve. It will be likely that the ongoing transition, modernization and marketization of the country will cause that more people will lose their land and the labour surplus will increase. Ultimately it seems to be highly important that people will not be focussed on the life they used to have, but to think about new ways to improve their way of living.

12. Discussion and Recommendations

This research gives an overview of the situation of the livelihood of the farmers. Additional research could provide a more in-depth understanding of the processes taking place within the livelihoods and the determining factor within these processes. One of the key elements that should be researched, are the people who did not succeed in establishing a livelihood. These are the people who have been forced to migrate and lost contact with their family or even people who have passed away. Also households that have been maybe successful but have deliberately migrated should be included within future research. A more comprehensive view on the real effects of the land confiscation could be provided with such additional research.

Moreover, the context in which the livelihoods are constructed is highly complex. There has been an ongoing transition within the society in Myanmar. Overall livelihood data within the country is lacking which makes a comparison with the overall trends impossible. It makes it hard to see what the direct effects of land confiscation are and which effects are influenced by other processes and structures. Consequently, it can be the case that some of the livelihood strategy changes observed within this research are overall trends within Myanmar and are not attached merely to farmers whose land has been confiscated. Further research into the overall trend of livelihoods within Myanmar can be conducted in order to be able to make a distinction.

The use of the livelihood approach can also influence the outcome of this research. It has made clear that the livelihood approach gives a lot of attention to the possibility of decision making. However, most farmers emphasized that they did not have the feeling they could make their own choices. The theory seems to emphasize something that the interviewees themselves did not experience. Consequently, the question can be asked whether or not the livelihood approach helped with uncovering the most important aspects within the lives of the farmers research. The use of the livelihood approach could cause a too positive view on the agency of the farmers. Future research could add to this. However, the overarching aspect of the livelihood approach seemed to fit well with the topic and in the end the emphasis on choice making gave an interesting inside in the situation of the livelihoods.

The last point that deserves some attention is the influence of the work Share Mercy is doing. They are focused on helping farmers to regain their lands. This can have influenced on the choice of farmers who have been interviewed and the overall outcome of the research. As Share Mercy is focused on helping people to regain land, the connection they have within the communities are

always people who are involved within the process of regaining land. Additional research without a partner organization should be able to provide information about this.

Concluding, the research can be seen as a stimulant for future research on land confiscation and livelihoods in Myanmar. The complexity of the situation and unjust situation of farmers affected by land confiscation makes future research important for both increasing the academic knowledge on the situation and to be able to contribute to a more sustainable future development within Myanmar. Up until today it seems to be that policy is often implemented without real knowledge about the on the grounds effects it may have. More knowledge should be created on the effects of implemented policies and actions for the livelihoods of farmers all over the country. New policy should take into consideration that it can affect many livelihoods in a positive or negative way. Policy should strive to reduce the negative effects of the importance of the power relations that are now in place within the society. It should strive to create a more equal and free playing field for everyone. The same goes for other players within development activities in Myanmar. For example NGOs should be very careful to not reinforce the already unequal relationships within communities and try to support the people that really need it. For the people in Myanmar within Myanmar it seems to be very important to realize that these changes will not be made overnight and patience is needed. Change will be possible, but has to be taken step by step.

Resources

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Appendix

Appendix 1: Table of Farmers interviews

Date	Location	Number of farmers involved
2-6-2016	Kangyidaung	6
18-8-2016	Kangyidaung	5
19-8-2016	Pantanaw	3
27-8-2016	Kangyidaung	5
18-9-2016	Kangyidaung	3
19-9-2016	Pantanaw	3
19-9-2016	Pantanaw	1
19-9-2016	Pantanaw	5
19-9-2016	Pantanaw	1
Total	9	32

Appendix 2: Table of Keyperson and Expert interviews.

Keyperson / Expert	Organization & Position	Topic	Date	Location
-	Share Mercy- Para-legal	Land confiscation and Para-legal work	2-6-2016	Kangidaung
SiSi	CSO worker Kangyidaung	Farmers lives	2-6-2016	Kangidaung
-	Village administrator	Village development	18-8-2016	Kangidaung
U Myint Thwin	Legal Advisor Share Mecry	Laws on land confiscation	14-7-2016	Yangon
Sue Mark	PhD candidate	stacked laws and use of law	1-8-2016	Yangon
	Farmer representative	Challenges of farmers	19-8-2016	Pantanaw
Nwe Ni Soe	Namati - Project manager	Land confiscation resolvment and community involvement	25-8-2016	Yangon
Duncan Pruett	Oxfam - Country representative	Global Land confiscation and Myanmar	5-9-2016	Yangon
Marleen Brouwer	ICCO	Development aid in Myanmar	18-11-2016	Yangon
			Total	9

Pantanaw Township - Ayeyarwady Region



Map ID: MIMU154v04
Creation Date: 3 May 2016.A1
Projection/Datum: Geographic/WGS84

Data Source:
 BASE MAP - MIMU/Boundaries - WFP, modified by MIMU 2008;
 Landcover - LP DAAC - MCD12Q1 2011 V.5 IGP (Type1)
 Place name - Ministry of Home Affairs (GAD)
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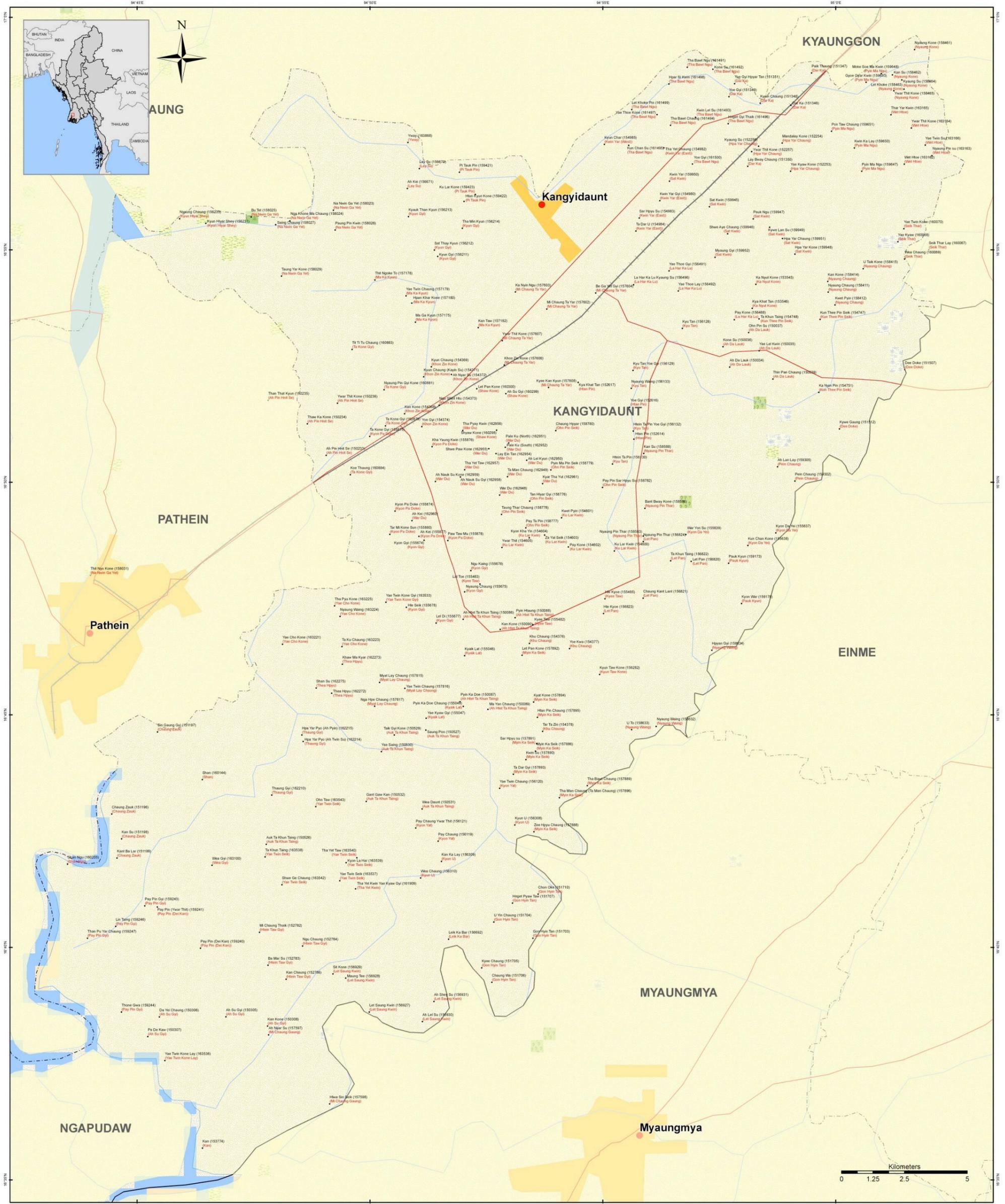
Legend		Landcover	
• Village	Shore	Crop and Vegetation	Snow Ice
Town	Township Boundary	Forest	Urban Build-up
Road	District Boundary	Mixed Forest	Bare Land
Railway	State Boundary	Grassland	Wetland
	International Boundary	Shrubland	Water
	Non-Perennial/Intermittent/Fluctuating		
	Perennial/Permanent		

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NOTE: Due to the limited space of label for Villages, some Village's name will not be appeared on this map.

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Kangyidaunt Township - Ayeyarwady Region



Map ID: MIMU154v04
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Data Source:
 BASE MAP - MIMU; Boundaries - WFP, modified by MIMU 2008;
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Legend

- Village
- Town
- Road
- Railway
- Shore
- Township Boundary
- District Boundary
- State Boundary
- International Boundary
- Non-Perennial/Intermittent/Fluctuating
- Perennial/Permanent

Landcover

- Crop and Vegetation
- Forest
- Mixed Forest
- Grassland
- Shrubland
- Snow Ice
- Urban Build-up
- Bare Land
- Wetland
- Water

Village Name
 Ting Kawk (166214)
 (Ting Kawk)

Pcode
 Village Tract Name

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