

# The Relationship Between Inter-Legality and Organized Social Processes in Land Formalization Practices in The Sovereignty-Contested Area of Tanintharyi Region, Myanmar

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## ABSTRACT

The study considers the Dawei Special Economic Zone (DSEZ) project, which was a land formalization case in a sovereignty-contested area conducted by de jure Myanmar state, de facto Karen Nation Union (KNU), and an international developer. The DSEZ project planning comprised deep-sea Ports, 250 sq. kms of industrial estate zone, and the two-lane 148 km road linking Dawei in Myanmar and Kanchanaburi Province of Thailand as its main features. Recent studies of Myanmar land institutions in sovereignty-contested areas have mainly discussed the factor of "inter-legality," the integration of non-state land laws, as the solution for land disputes between the central state and armed ethnic political groups. However, the real-world case in this study indicated a second factor, "organized social processes," working in correspondence with the first factor. This research paper explores how the two factors were used together the integration of customary land practice into statutory property institutions, influencing changes in the structure and process of land formalization practices, and illustrates the unclear property institutions of sovereignty-contested frontiers. This research paper is a single case study that benefited from the researcher's five years of work experience in the DSEZ project's design, planning, and land acquisition. The obtained information comprises the project's land formalization documentation, published land laws which were checked with the project manager using the triangulation method, and local newspaper clippings. The study concludes that inter-legality and organized social processes should be used together in practice planning to form more context-oriented land formalization practices, employing collective community memory to reduce institutional inertia. Furthermore, the mutually-agreed standards can help avoid direct power contestation between the de jure and de facto.

**Keywords:** sovereignty-contested, Myanmar frontier, inter-legality conditions, dual-legality, land formalization

## INTRODUCTION

Typical land formalization practice refers to providing official recognition and legitimacy to existing land claims without altering or adjudicating them. The practice is particularly effective when individuals possess land as private property but lack formal recognition of their rights. The main objective of land formalization projects is to grant official legitimacy to the existing claims of landholders without delving into the historical circumstances of land acquisition (Hall, 2013).

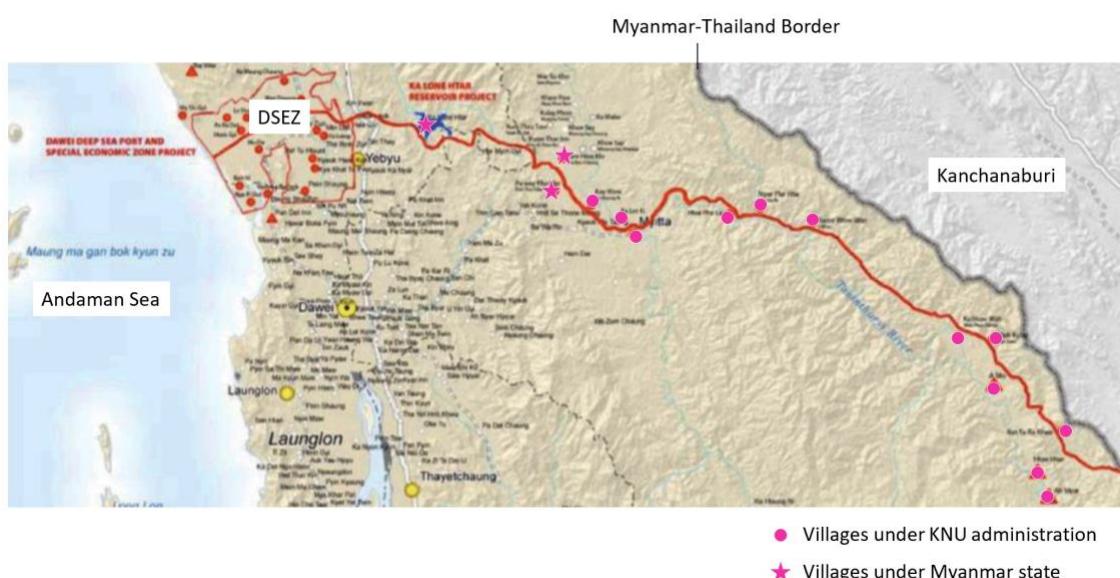
However, most unformalized land is located in undeveloped frontier areas, especially in Africa and Southeast Asia. Most studies have focused on a macro-scale, overlooking the specific dynamics and complexities of land formalization at a micro-level. For this reason, there is a significant research gap regarding these regions' project-scale and field research on land formalization. This highlights the urgent need for in-depth research and analysis on land formalization practices in areas with sovereignty-contested conditions. Understanding the unique challenges and implications in such contexts is crucial for developing effective strategies and policies in land formalization.

This study examines the land formalization processes in the sovereignty-contested area along the 148-km two-lane road of Tanintharyi region, a key part of the infrastructure of the Dawei Special Economic Zone (DSEZ) project connecting Dawei town in Myanmar and Kanchanaburi Province in Thailand. The case study focuses on and examines the process of land formalization of 340 acres in 15 affected villages, partially encompassing 117 households. The area has been subject to a sovereignty-contested conditions between the Myanmar state and the KNU since Myanmar's independence in 1948.

Under the Special Economic Zone (SEZ) Law, a project developer is responsible for compensation and relocation, as Chapter 7, Article 34 states, "The developer or investor shall bear the expenses of transferring and paying compensation of houses, buildings, farms, and gardens, orchards/fields, plantation on land within the DSEZ permitted by the Central Body if these are required to be transferred. Moreover, he will carry out to fulfill the fundamental needs of persons who transfer so as not to lower their original standard. The relevant Management Committee shall coordinate as may be necessary for the convenience of such works."

**Figure 1**

*Map of Dawei SEZ and the Road Link to Thailand With the Affected Villages*



*Note.* From *Dawei SEZ and the Road Link to Thailand map*, by Italian Thai Development PLC., 2010, ITD project archive. Copyright 2010 by Italian Thai Development PLC.

However, individuals who have ethnic land use rights in the frontier have faced eviction threats without compensation due to non-recognition by state land laws. As a result, the initial compensation entitlement required state-recognized Land Use Certificates (LUCs), or land tax receipts, acknowledged by the Myanmar State Land Department, excluding many from the project's land acquisition and compensation process.

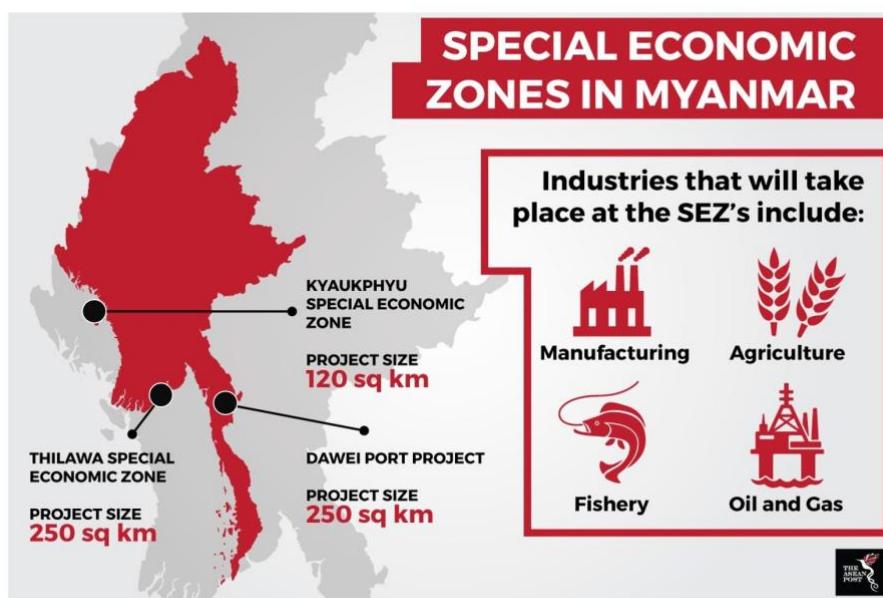
Nevertheless, the DSEZ project developer, an established international company, acknowledged the importance of a just compensation process to anticipate the development loans, and then chose to adopt internationally recognized guidelines and standards, including the World Bank Involuntary Resettlement Guidelines (WBIRG) (Bangkok Post, 2011). The WBIRG emphasize fair compensation, the timing of project development, and providing alternative land or non-land-based options, such as employment opportunities, for affected households. In particular, the guideline's measures specify compensation issues before relocation, advanced preparation of relocation sites, offering alternative land or non-land-based options, and setting cash compensation at the local market's full replacement cost. However, the civil war caused destruction in villages and the loss of many land-related documents, further

complicating the identification and compensation of rightful landowners.

Unclear land laws and the independent structure of each SEZ project allowed developers to exploit existing laws. For instance, the Kyaukphyu SEZ, under the control of a Chinese international developer, was mentioned as an example of exploiting an outdated land acquisition act to avoid compensating ethnic land use rights (International Commission of Jurists [ICJ], 2017). In contrast, the DSEZ project, which was under pressure from local social processes, aimed to integrate the factor of inter-legal -- that is, the integration of non-state land laws into formal land practice -- resulting in a less negative land impact during the land formalization process through collaboration between the de jure Myanmar state, the de facto KNU, and the project developer. Both SEZ projects encountered challenges related to inter-legal and multiple land claims, leading to conflicts over compensation. Therefore, this research paper explores the factors affecting the integration of customary land practice into statutory property institutions and influencing changes in the structure and processes of the DSEZ land formalization practices. The research paper is a single case study that benefited from the researcher's five years of work experience in the DSEZ project's design, planning, and land acquisition.

**Figure 2**

*Map of the Three Pioneer SEZs in Myanmar*



Source: The Asian Post

**Figure 3**

*Typical Households in the Karen Villages Along the Road Link Alignment*



**Figure 4**

*The Road Link Connecting Dawei and Kanchanaburi Through the Sovereignty-Contested Zone of the Tanintharyi Frontier*



## Research Question

How do inter-legality and organized social processes work together and change the structure of land formalization practices?

## Research Objectives

- To examine and analyze the integration of customary land laws into state property institutions by exploring the role and mechanisms of inter-legality and organized social processes
- To investigate the realistic property institutions in the sovereignty-contested frontiers of Myanmar and their practical implications reflected through the structural pattern of land formalization practices

## LITERATURE REVIEW

### Land Reformation as Sovereignty Re-Asserting Tactic

This section builds upon the works of Woods (2011), Oh (2013), and Mark (2016), identifying the role of land reformation laws in Myanmar as a means of asserting sovereignty in frontier regions governed by autonomous ethnic groups. One approach employed by the Myanmar state has involved the conversion of swiddening and customary land use types into industrial land to be grabbed via foreign direct investment (FDI). In this case, the state indirectly controlled the ethnic-administered frontier through property rights and land concessions, replacing conventional warfare tactics with ceasefire capitalism.

In 2012, the Thein Sein government introduced a new economic development model to attract FDIs and reduce poverty as part of its economic reform agenda. Key components of this model comprised the new land and investment laws, facilitating the transition from rural subsistence farming to an industrial cash-crop economy. Three land laws were enacted; the first one was the **Farmland Law**, establishing the legal

framework for land to be bought, sold, and transferred on a land market through LUCs. The second one was the **Vacant, Fallow, and Virgin Land Law (VFV Law)**, authorizing the government to reallocate villagers' farms and forestlands, including upland shifting lands, fallows, and lowlands without official land titles, to both domestic and foreign investors. The third law, the **Special Economic Zone (SEZ) Law**, provides a legal mechanism for establishing SEZs in the country. This law offers incentives to foreign investors, including long-term land-use rights of up to 75 years for large-scale industries, low-income tax rates, and various exemptions. Note that some of the laws released in 2012 represent updated versions of laws that were originally enacted in 2010.

Introducing new land laws in Myanmar represented a significant shift in the legal framework governing land ownership and use. These laws marked the most substantial changes in land legislation since the early 1960s, and they brought about notable impacts, including the widespread issuance of LUCs to farmers and reintroduction of the concept of private property, enabling land use rights to be bought, sold, mortgaged, rented, pawned, and inherited.

However, it is important to examine these legal changes critically. While the new framework provides farmers greater freedom and visibility in dealing with their land use rights, it is essential to recognize that the state remains the ultimate landowner. Researchers Bouthry et al. (2017) cautioned that the changes may be more formal than substantive as practices among farmers and local authorities had, over the years, already effectively circumvented some of the imposed restrictions.

Scurrah et al. (2015) offered a comprehensive analysis of the interconnected processes introduced by these laws, highlighting their potential implications. They argue that the mechanism tends to reclassify and legalize land grabbing in ethnic areas rather than enhancing land security, focusing specifically on the three key aspects of this reclassification process. The first aspect is that farmland can be formalized and LUCs granted if the land is considered suitable for productive cash crops. However, if the land is identified as being vacant or used for swidden agriculture, the VFV Law allows for its reclassification as "vacant land," which can later

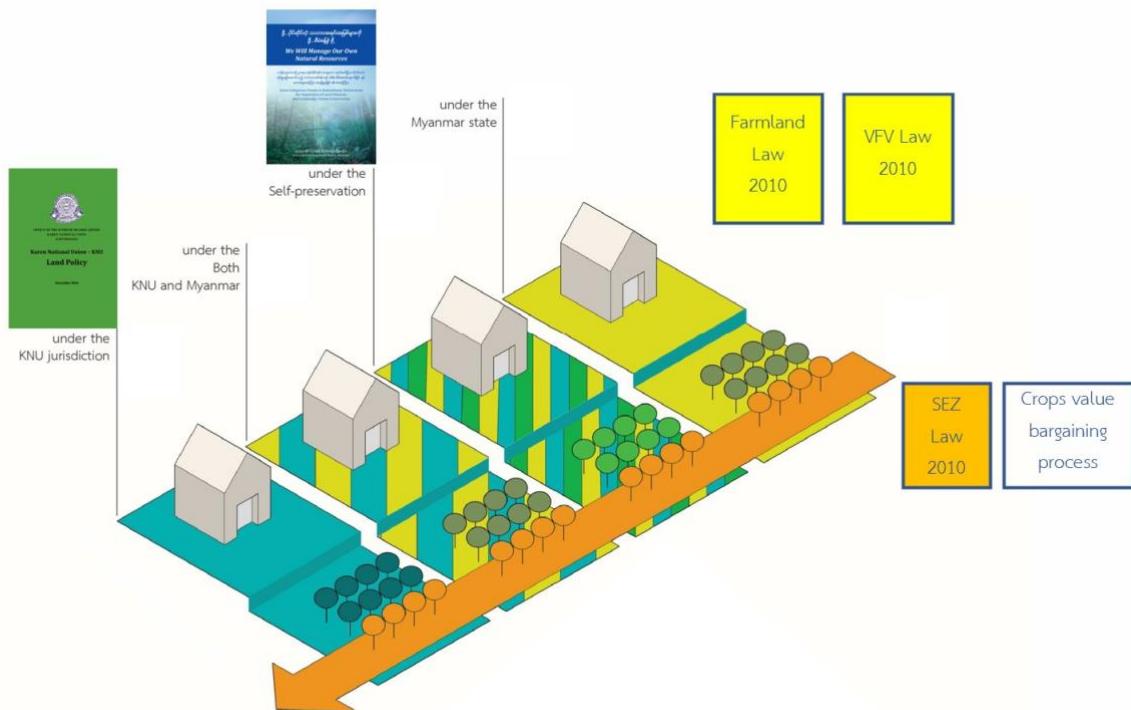
be granted to FDIs through land concessions. According to a Mekong Region Land Governance (MRLG) study, the 2012 VFV Law was influenced by a British colonial policy that designated supposedly "unoccupied land or non-cash crop farming" as "wasteland," making it available for agribusiness concessions and plantation ventures (Scurrah et al., 2015). The second aspect is that the existing forest land is not eligible for reclassification as farmland, as the law does not recognize current farming rights within forested areas. The third aspect points out that the land reclassification and concession granting process lacks proper checks and balances, which raises concerns about transparency and accountability. These aspects align with Elizabeth Loewen's definition of "contemporary land grabbing," in which the land, with assistance from the host state, is either granted with LUCs or reclassified as vacant land and subsequently awarded to investors through project concessions (Loewen, 2012). Overall, introducing

these laws in Myanmar has brought significant changes to the land ownership and use landscape; however, their impact on land security and equitable land distribution remains subject to ongoing scrutiny and debate.

Additionally, the enactment of the SEZ law in Myanmar has facilitated the granting of resource-extraction concessions, including the establishment of border SEZs, as part of a strategy to re-assert sovereignty. Oh (2013) characterized these conflicts between the Myanmar state and ethnic groups as "competing forms of sovereignty" wherein state and non-state actors compete for control over land and resources. The Myanmar government has sought to expand its authority within territories controlled by non-state ethnic groups through the allocation of resource extraction concessions to FDIs and neighboring countries, particularly during periods of ceasefire negotiations.

**Figure 5**

*Concept Diagram Showing Each Type of Village Subjected to Different Land Laws*



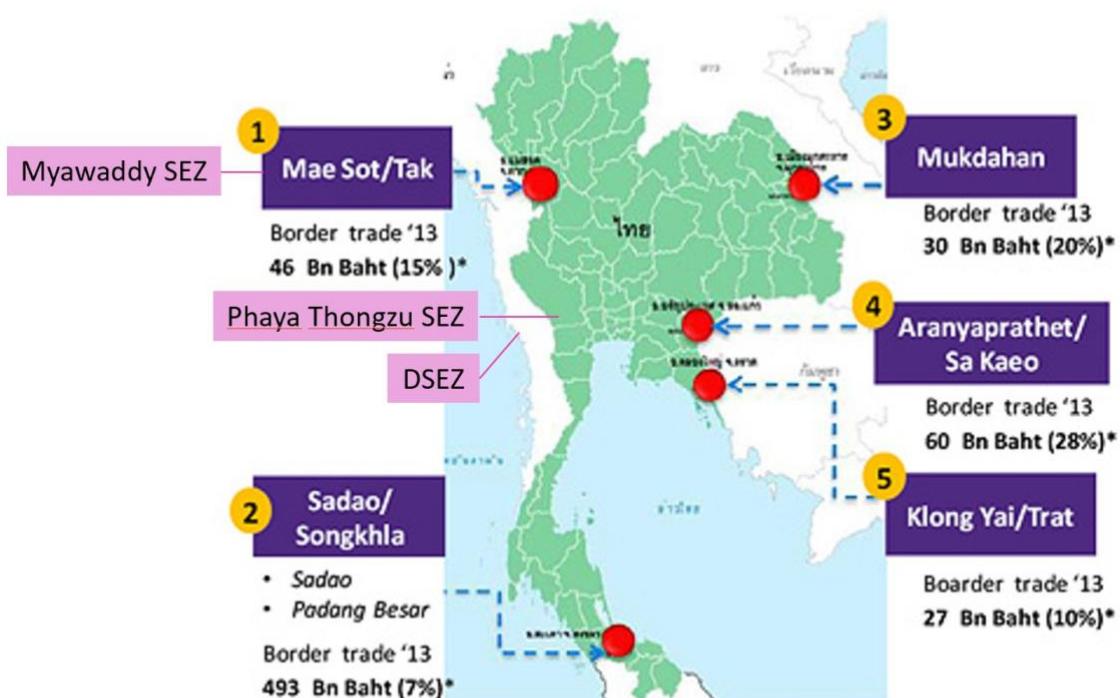
In their work titled "Military Brotherhood between Thailand and Myanmar," Thabchumpon et al. (2014) examined the collaborative efforts and border developments between the military governments of Myanmar and Thailand. The authors highlighted that the establishment of seven border SEZs and resolution of border-related issues such as illicit drugs and migrant labor were pursued in order to generate legitimacy for both governments, contributing to mutual economic prosperity and national security. These initiatives played roles in the respective elections of Myanmar in 2015 and Thailand in 2016. Both military governments sought to strengthen their leadership through inter-governmental cooperation at the border, utilizing SEZ projects to achieve this objective.

Thailand operated under a military government framework from May 22, 2014, when the National Council for Peace and Order (NCPO) seized power from the elected government, to

July 16, 2019. Under the "political reform" banner, the NCPO pursued various constitutional mechanisms to establish political legitimacy (Mass Communication Organization of Thailand [MCOT], 2014). Moreover, the Thai military government expanded the concept of "security" to encompass economic activities involving the Myanmar state. This cooperation included infrastructure investment plans, facilitation of the return of ethnic war-displaced individuals from Thailand, regulating economic migration, curbing illicit drug flows, and establishing five SEZs in the border regions. In the project application, the Thai military government proposed five border areas within Thailand, including Mae Sot in Tak and Sangklaburi in Kanchanaburi provinces, adjacent to Myanmar. The Myanmar government also established SEZs at Myawaddy in Karen state (opposite Mae Sot town) and Phaya Thongzu in Mon state (opposite the Three Pagoda checkpoint in Kanchanaburi Province).

**Figure 6**

Map Showing Border SEZs of Myanmar and Thailand



Source: NESDB, Department of Foreign Trade (2015)

Note. Adapted from *Thailand's special economic zone- national roadmap and new opportunities to watch out*, by C. Chummee and S. Poudpongpaiboon, 2015, SCB Economic Intelligence Center (<https://www.scbeic.com/en/detail/product/1167>). Copyright 2015 by Chotika Chummee and Srinarin Poudpongpaiboon.

From the perspective of the Myanmar government, establishing SEZs in ethnic states played a crucial role in the peace process by transforming the revenue sources of the ethnic armed groups into legitimate businesses. These ethnic states include the Wa Region, Shan State, Kayah State, Kayin State, Mon State, and Tanintharyi Region. President Thein Sein of Myanmar (2011-2016) emphasized the significance of industrialization and national economic growth in advancing the peace process toward a lasting ceasefire. He recognized that industrialization was necessary for the country to move beyond its existing agrarian economy, and argued that the lack of development in borderland areas was one of the factors prolonging armed conflicts in Myanmar. However, the armed groups had consistently maintained that their struggles were rooted in the pursuit of self-determination and equal rights for all ethnic nationalities. Simultaneously, the Myanmar government sought cooperation with Thailand on various fronts, including preventing ethnic armed groups from seeking refuge in Thailand during times of conflict, and addressing cross-border arms trade from Thailand to these ethnic armed groups.

The land-based nature of SEZs and other resource-extraction projects necessitated a land acquisition process; however, the process varied depending on the specific areas governed by de facto rules and regulations. In cases where social structure was weak and land use was not recognized by the Myanmar state, the rights of land users could be unjustly disregarded. Conversely, areas with strong de facto autonomy and well-established customary land practices countered central state projects by demanding formalization of their land use rights prior to any new development. This case study exemplifies the practice of land formalization, which involves integrating customary land use concepts into formal land practices through negotiations with the methods of organized social processes by the de facto.

## Problems in Unclear Land Laws Led to Negative Land Effects

Earlier findings from Durand-Lasserve and Selod (2009) suggest that the economic impacts of land formalization are contingent upon the local administrator already recognizing land use rights and requiring formal assurance from the state. However, in cases where there are sovereignty disputes and land conflicts on the frontiers, a rigid approach to land formalization may potentially exacerbate conflicts or fail to resolve them. Despite the World Bank formalization program aimed at addressing conflict and eliminating overlapping claims and land uses, these issues persist and continue to be catalysts for serious land disputes even after formalization. Advocates of land formalization often struggle to explain the persistence of conflicts over registered land parcels. They do not claim that full titling is always the optimal approach, and recognize that collective or communal land ownership may be more appropriate under certain circumstances. Many proponents, including the World Bank, share this perspective.

Titling projects are considered most effective when implemented in cases in which individuals possess the land as private property, but lack formal recognition of their rights. These projects generally do not delve deeply into the historical circumstances through which current landholders acquired their land, but, rather, aim to provide official legitimacy to their existing claims. The fundamental premise of land titling initiatives is to formalize existing property rights without seeking to adjudicate or alter them (Hall, 2013). By identifying and empowering a single user or owner, land titling introduces a new layer of formalized land rights on top of pre-existing ones (Peluso et al., 2012).

According to Land Tenure and Development Technical Committee (2015), insecure tenure may arise due to structural factors in highly conflict-ridden contexts characterized by violence and adversarial power relations, or due to specific circumstances. Common triggers for conflicts or abuses of power include land sales (which frequently lead to disputes), unclear or contested territorial boundaries, or tensions between migrants and indigenous residents in

areas experiencing significant migration flows. When land relations are renegotiated as successive generations of migrants settle in an area, conflicts can arise. It is crucial to recognize that formalization can only succeed when there is a certain level of consensus regarding the rights in question; otherwise, it may result in dispossession, resentment, and renewed conflict.

The case study of Kyaukphyu SEZ in the Rakhine region illustrates how different interpretations of land laws can result in the loss of land use rights for the locals in the area. Project planning commenced in 2009, and its land acquisition activities were initiated to facilitate the construction of two water reservoirs as a means of showcasing progress before the contract signing. This rapid development phase benefited the Union Solidarity and Development Party (USDP) election campaign just before Myanmar's 2015 elections. Note that after the landslide victory of the NLD, the outgoing USDP awarded the concession to the Chinese CITIC consortium in December 2015.

According to a study conducted by the International Commission of Jurists (ICJ) with respect to land acquisition issues in Kyaukphyu SEZ in 2017, both the Myanmar state and international project developers (Chinese) exploited gaps within land laws, namely the Land Acquisition Act, Farmland, and VFV Land Laws, by excluding the existing customary land use rights from the compensation process.

The Land Acquisition Act of 1894 established procedural safeguards that may offer certain procedural rights if adhered to by the state in practice and in compliance with other protective laws. However, the act is inconsistent with international standards, particularly concerning

its definition of land acquisition for public purposes, which can be interpreted based on the Myanmar state's understanding of public purpose. Furthermore, unlike international standards, the act does not provide for the provision of replacement land with secure tenure for those displaced.

The Farmland Law (2012) and the Vacant Follow and Virgin Laws (2012) also have significant implications in the context of Kyaukphyu SEZ. Under the Farmland Law, approximately half of the rural population in Kyaukphyu was determined to lack the land tenure rights granted by the law. Many families had been using the land for generations under customary tenure arrangements; however, during the land survey process, 26 families were displaced from their farmland through the process of land acquisition.

As described in the ICJ report, during the survey, disputes arose between the developer's survey team and villagers. The surveyors classified certain lands as unutilized, based on the VFV Land Law criteria. However, this classification was contested by villagers who argued that the lands in question were being used for various purposes such as pastureland for grazing animals or seasonal vegetable farming. Although these lands were not in use at the time of the survey, it was argued that they were still governed by customary tenure rights. Despite the villagers' objections, the surveyors refused to change the classification and directed complaints to be addressed to the Parliament. Another dispute mentioned in the report involved a 30-acre area that was excluded from the survey because a powerful military official attempted to claim the plot with the intention of reselling the land use rights to a local company (ICJ, 2017).

**Figure 7**

*Project Development Timeline of Kyaukphyu and Dawei SEZs*



## Inter-Legality

In the context of land formalization practices, studies conducted by Peluso et al. (2012) and Land Tenure and Development Technical Committee (2015) highlight the significance of considering "previous configuration" and the "social value of land" during the practice planning stage. These two considerations are crucial in determining the outcome of land formalization practices. Failure to incorporate these aspects in land formalization practices may lead to the exclusion of certain land use categories.

The previous land configurations, influenced by colonialism, nation-state formation, and non-capitalist political systems, have had a significant impact on land formalization. During the colonial era, foreign powers imposed their own land tenure systems, disregarding existing indigenous practices. This resulted in complex and conflicting land tenure systems that persisted after independence. Nation-state formation processes can also influence land formalization, as unequal land distribution during this phase can lead to persistent inequalities. In regions with non-capitalist political systems, conflicts can arise between communal practices and individualized property rights frameworks. Understanding of these historical legacies is crucial for designing effective and inclusive land formalization processes that address historical injustices and power dynamics.

The social value of land pertains to the constitutional philosophy of each area within its specific context. Different territories are governed by distinct and evolving bundles of rights and underlying philosophical foundations. Academic studies have indicated that many post-colonial governments have adopted land formalization approaches that resemble the "racialized territories" established by the colonizers. These approaches often fail to recognize various ethnic land ownership types, such as pastoral and swiddening land use rights.

The region of Southeast Asia has a geographical history that can be understood through the binary conceptualization of agricultural cores and frontiers, as Hall (2013) explained. The agricultural cores are located in river deltas, valleys, and plains, and characterized by dense smallholder populations, typically members of the

ethnic majority of the respective nations. These core areas primarily focus on cultivating food crops, particularly rice, under various tenure conditions. On the other hand, the frontiers of Southeast Asia have traditionally had lower population densities and have been more oriented towards swidden agriculture and the production of non-food crops.

Understanding of this division between agricultural cores and frontiers in Southeast Asia is a concept that has developed over the past two centuries. The expansion of agriculture began significantly in the mid-19th century due to improvements in shipping and changes in trade policies that helped integrate Southeast Asian economies into global markets. This led to the opening up of vast amounts of land in the core areas, while the frontier regions remained relatively untouched.

Santasombat (2016) highlights that the European colonizers' land survey and formalization processes were mainly focused on the plain areas and did not extend to the entire national territory. There were two primary reasons for this. Firstly, the colonizers conducted surveys in the plain areas to collect agricultural activity taxes. Secondly, the survey technology available at the time could not cover large areas cost-effectively.

After World War II, the newly formed nation-states (which were previously cooperative tribes supporting European colonizers during the war) adopted the concept of one sovereignty over the entire territory demarcated by political borders. This concept was seen as the prevailing reality on the ground, and these political boundaries became the basis for exercising state sovereignty. However, the fragmented realities within these territories, shaped by historical, ethnic, and cultural factors, resulted in land disputes and civil wars in some countries.

In the case of the Tanintharyi frontier, its fragmented and separation of land administration between the plain and frontier areas within the Myanmar border have been profoundly influenced by the long-term civil war between the Burman ethnic-dominated Myanmar state and the KNU. This conflict and the presence of overlapping governing bodies have gave rise to the concept of "inter-legality." Hong (2017) introduced this concept, which surpasses the conventional framework of state versus non-state

actors. Inter-legality acknowledges the aspirations for ethnic autonomy or self-determination, and recognizes the intricate patterns of shared or mixed sovereignty between ethnic armed groups, militias, and the central government in Myanmar. The inter-legality concept transcends a simplistic analysis of "top-down" laws and "bottom-up" resistance by emphasizing the incorporation of international human rights law and customary law within an intermediary legal jurisdiction. Hong's legal argument of "inter-legality" acknowledges the existence of semi-autonomous land policies. It has manifested itself as a discourse on land planning and administration, advocating for the autonomy of resource management and the restoration of past losses during the civil war through ethnic land laws. The KNU was the first armed group to develop its land policy in 1974, and this initiative has served as a significant reference point for other major ethnic armed groups. Subsequently, the Kachin Independence Organization and the Karen National Progressive Party have also begun developing their land policies.

According to the Karen land law (Kawthoolei), one of its primary objectives is to redefine the concept of "socially legitimate" and recognize the historical significance of the land (Kawthoolei, 2015). The law emphasizes the establishment of socially legitimate customary occupation and use rights. As articulated in the Kawthoolei document of 2015, the Karen land law encompasses various objectives, including the redefinition of the term "socially legitimate" to encompass both formal and informal systems of tenure that recognize the historical injustices inflicted upon the Karen people due to the impacts of past and ongoing civil wars and acknowledge that many Karen individuals have been forcibly displaced from their ancestral lands and deprived of their customary occupation and use rights. The law emphasizes the need to recognize and restore these rights while providing just compensation for land acquisition associated with development projects, particularly for those individuals who became refugees or internally displaced persons due to the 1988 civil war.

Article 1.1.6 of Kawthoolei stipulates that when specific lands are required for public purposes in implementing government-led development projects, the land acquisition process must

involve consultation with affected residents. This consultation process should recognize the individual ownership rights, the collective rights of indigenous communities who own and utilize the land, and the customary ownership of land. Furthermore, it emphasizes the importance of providing fair compensation, equivalent to market value, to those affected by land confiscation. Additionally, suitable replacement land should be provided, and efforts should be made to facilitate the re-establishment of their livelihoods.

The Karen land law encompasses provisions prioritizing the recognition and protection of land rights, particularly with respect to addressing past injustices. These provisions ensure that the impacts of "timeless injustice" are not permanently solidified or formalized, and that residents are guaranteed their land rights. The following articles exemplify the policy's commitment to these principles:

Article 1.1.8 of Kawthoolei states that internally displaced persons have the right to reclaim and reoccupy the land they previously owned, and to receive compensation for any losses incurred.

Article 2.1.4 highlights the importance of grounding the land policy in an understanding of the often unnoticed or overlooked social injustices of the past. The policy seeks to effectively address and remedy these past injustices by recognizing and acknowledging them. This recognition is crucial for the long-term success of the land policy as unresolved conflicts from the past may impede or undermine its overall effectiveness in the future.

Furthermore, Article 3.4.5 addresses situations where providing formal legal recognition to informal tenure arrangements may be challenging. In such cases, the KNU Authorities and customary authorities are tasked with preventing forced evictions. This provision emphasizes the need to protect individuals and communities from arbitrary displacement and to ensure that their tenure rights are respected, even in situations where formal recognition may not be immediately attainable.

## Organized Social Processes

The recent 2017 study by Boutil et al., "Tenure in rural lowland Myanmar: From historical perspectives to contemporary realities in the Dry Zone and the Delta," highlights that the adverse effects of land formalization in Myanmar are not inherent in the formalization process itself, but, rather, stem from the accumulated social processes and dynamics surrounding land. These processes include social structures, unequal distribution of land rights, and practices like money lending. The case study examines the Dry Zone and the Ayeyarwady Delta in Myanmar, both of which had undergone previous rounds of formalization during British colonization and Land Nationalization Acts before the 2012 Farmland Law.

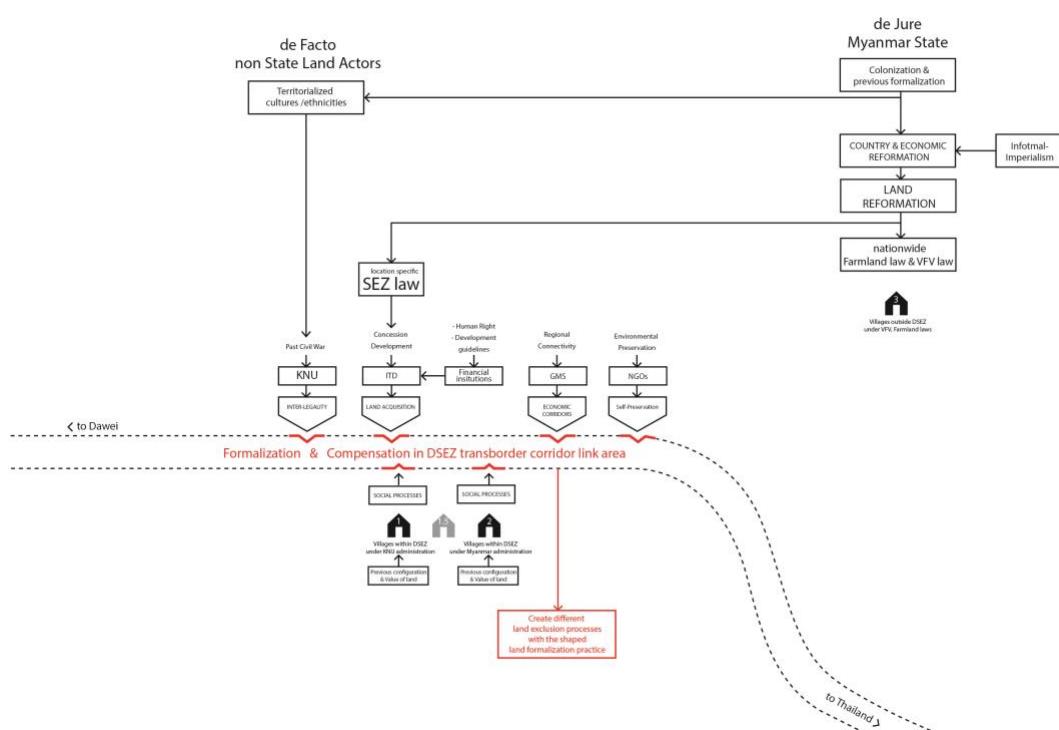
The study reveals that negative land effects did not immediately follow the formalization process. In the Dry Zone, where land distribution was already characterized by inequalities resulting from informal land deals, no adverse effects were observed. However, in the Delta area, people lost their land by borrowing money to acquire equipment to meet the production requirements

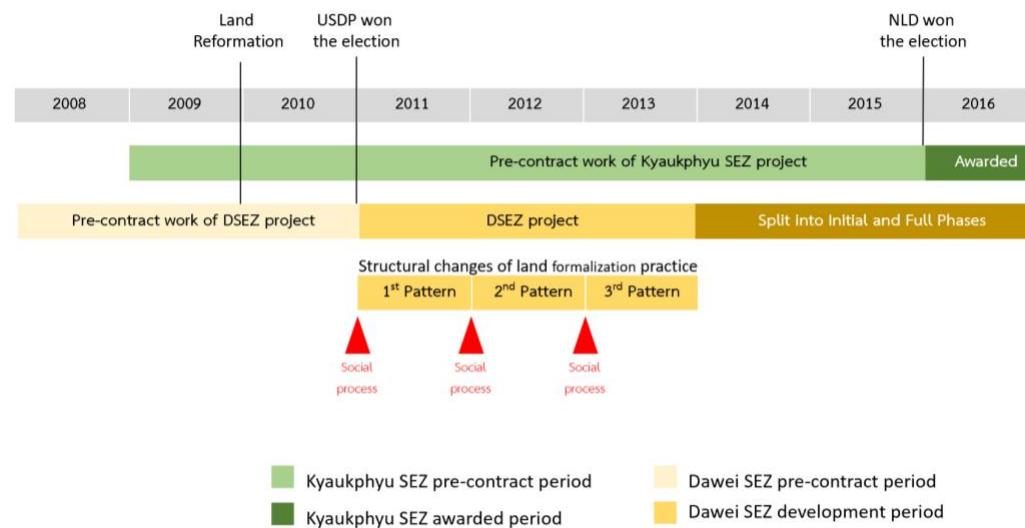
mandated by the government's LUCs. In summary, the process of land formalization by the 2012 Farmland Law did not change or improve, but only certified the existing issues of land use insecurity or unequal distribution, which resulted from social processes rooted in the area's context.

This concept aligns with James C. Scott's argument in his book "Seeing Like a State" (Scott, 1998), where he posits that high-modernist authoritarian schemes can be destructive because they overlook the diverse practical skills and knowledge acquired through local interactions with the environment. The mechanical application of generic rules without consideration of the local context can lead to practical failures and social disillusionment. In other words, local knowledge and nuanced applications are necessary for successful implementation, especially when generic rules require translation for local success. Furthermore, non-prostrate civic society can act as a means to challenge the state's high-modernist schemes that neglect local knowledge and mechanically apply generic rules.

**Figure 8**

*Conceptual Diagram of the Context Related to the DSEZ Land Formalization Practices*



**Figure 9***Research Framework*

To summarize, the previous land configuration and the value of land in Tanintharyi's sovereignty-contested frontiers are identified and addressed by inter-legality and social processes. The goal of inter-legality is to integrate customary land use rights into state property institutions, while the social processes resist exclusion-oriented or resource-extraction land schemes imposed by the state. It is essential to understand these dynamics in order to delve into the roles and mechanisms of inter-legality and social processes, and to comprehend their practical implications in the context of the sovereignty-contested frontier of Myanmar.

## RESEARCH METHODOLOGY

Based on the literature review, inter-legality and social processes emerge as the primary factors driving changes in land formalization practices. This case study utilizes a content analysis method, with the framework centered around the dynamism between factors, and examines how these factors have influenced each change in land formalization practices. The time scope of the study is set between 2010 and 2013, covering the three pattern changes of the DSEZ land formalization practices. In terms of legal framework analysis, the study reviews various

land-related laws in Myanmar to understand how these laws and policies have been strategically employed to assert sovereignty and counter the aforementioned tactics.

The triangulation method, which involves cross-referencing information from multiple sources, is employed to ensure the reliability and validity of the findings. This approach helps overcome potential biases inherent in the land laws, as these laws are often created to advance specific claims or counterarguments, or to contest opposing groups. To further enhance the accuracy of the information presented in this article, verification was conducted with Mr. Aubrey Grace Winbaw, the DSEZ project manager of land formalization. It is important to note that the researcher had firsthand experience as a planner in the DSEZ project from 2008 to 2013, and was thus able to provide valuable insights to this case study.

The data gathered for this study primarily relies on secondary sources. These sources include the project's land formalization documentation, published as part of the DSEZ 2015 Environmental Impact Assessment (EIA) report. This document offers records of formalized land use rights plots and negotiations related to trees and crops. Furthermore, official documents pertaining to the land formalization events, such as regional government letters, meeting records, and attendees' lists and affiliations, were

translated from the public versions by the DSEZ Supporting Working Body (SWB) office.

The referenced Myanmar land laws and ethnic land regulations are based on their official English versions. Notable laws mentioned in this article include the Land Nationalization Act (1962), Associate Citizen Law (1982), Special Economic Zone Law (2008, 2015), Farmland Law (2012), Vacant Fallow Virgin Land Law (2012), and Environmental Impact Assessment Procedure (2015). Ethnic land laws considered in this study include the Kawthoolei [KNU land law] (1974, 2009, 2015) and the Kamoethway Indigenous People and Nature land use policy (2012).

## RESULTS AND DISCUSSION

This section delves into the dynamic interplay between two key factors: inter-legality and organized social processes. The organized formal and informal social processes are presented chronologically to highlight their roles as influential factors in each change of pattern in the land formalization practice.

The organized social processes, led by the KNU leadership, social elites, and community leaders, emphasized the importance of recognizing inter-legality and conducting the land formalization practice fairly and equitably. These efforts contributed to the evolving changes observed in the practice structure over time. Two distinct types of organized social processes were identified: formal processes, such as negotiations, submitting public letters, and organizing protests, and informal processes, including acts of resistance against Myanmar troops along the road, the construction of a traditional "cursing pagoda," and road-blocking activities.

Each change in the structural pattern of the land formalization process, involving more participation from land administrators on both sides and the establishment of mutually agreed-upon standards, reflected the unwritten, yet

actual, administration pattern within the sovereignty-contested frontier of Tanintharyi. These patterns demonstrate an attempt to strike a delicate balance between the legitimacy and administrative power of the *de jure* Myanmar state and the *de facto* authority of the KNU, alongside local community leaders. Notably, neither sides' written land laws at that time explicitly acknowledged the existence or legitimacy of their respective rivals, underscoring the complexity of the inter-legality dynamics at play.

### The Period Before the Initiation of Land Formalization

In 2010, a lack of clarity in the SEZ land law and process resulted in the project developer taking direct responsibility for negotiating with the affected villagers regarding the issue of land acquisition. This issue emerged when the local communities, whose land use and property were impacted, began to protest due to the customary land use rights that were not recognized under the Myanmar land law.

To assert their ethnic land laws and local regulations, the KNU and Kamoethway community leaders organized social processes aimed at pressuring both the Myanmar state and the developer. During this period, two organized social processes took place. On July 16, 2011, the developer negotiated with the KNU to address concerns related to compensation, relocation, the project's environmental impact, and security (The Straits Times Singapore, 2011). In April 2011, approximately 50 representatives from the Kamoethway community, comprised of 11 Karen villages around the Kamoethway River, self-administered with their regulations, met with project representatives, and demanded fair compensation for the affected land. Although the developer agreed to provide compensation, the villagers reported a lack of action being taken (Karen News, 2011).

## The Period of the First Pattern of Land Formalization Structure (2010-2011)

The DSEZ land formalization pattern was initiated in 2009, and consisted of survey engineers from the developer and local staff who directly engaged with the owners of the affected land use rights in the area. The team carried out demarcation of each plot based on the information provided and confirmed by the plot owners. Subsequently, they negotiated with the plot owners to determine prices for the affected properties on a plot-by-plot basis. However, this approach faced significant criticism for its unequal and non-systematic evaluation and negotiation of compensation prices.

Following multiple complaints, the developer was summoned to the Dawei Township Peace and Development Council Office to clarify the process. Subsequently, the project-affected groups, including the villagers, representatives from plantation yards, village community elders, village administration personnel, and the DSEZ SWB, jointly planned and calculated draft compensation values for selected trees and paddy fields.

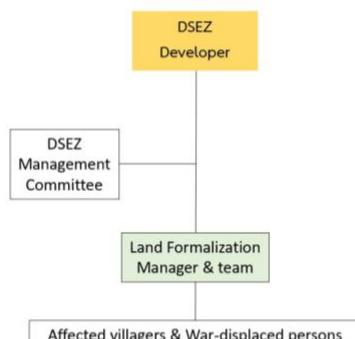
During this period, formal social processes took place, including recalling villagers who resided in Thailand and submitting an open letter recommending fair compensation for the affected plantations. The village headmen of the affected

villages informed the developer that their deputies had been sent to recall war-displaced persons (WDPs) from Thailand to return and witness the land formalization processes. On July 3, 2011, the Kamoethway community submitted an open letter to the Tanintharyi Chief Minister, recommending prices and categorizing plants based on their fruiting condition. It is worth noting that the recommended prices by the Kamoethway community were significantly higher than those proposed for the villages under the Myanmar state administration.

According to the land formalization team leader, the famous proverb "Karen One Kyat, Bamar One Kyat" symbolized the notion of absolute equality, emphasizing the concept of fair dealing between the two competing sovereignties. The higher compensation rates provided to the villagers under the KNU administration dissatisfied the villagers under the Myanmar state administration and vice versa. The competition for authority between the Myanmar state and the KNU in the land formalization practice escalated into a direct power contest, subsequently influencing the next land formalization pattern. Note that, in this specific case study, the value of crops and trees was not influenced by market factors as the road alignment passed through areas with limited or no previous market activities for such products. The agreed-upon rates were the direct outcome of each village's bargaining power. A call for a fairer process that considers the price requirements of all beneficiaries, regardless of their ethnicity and location, was made.

**Figure 10**

*The First Pattern of Land Formalization Practice (2010-2011)*



Actors involved in land formalization process

## **The Period of the Second Pattern of Land Formalization Structure (2011-2012)**

The reason for the second pattern of land formalization practice was discussed in the DSEZ Community Development Sub-Committee summary report, which highlighted incidents related to the collaboration between local organizations and social elites in restructuring the pattern and implementing the standard price system. The following articles conclude the information on the compensation process, the formation of sub-committees, and the organized social processes during the period of the second pattern of land formalization structure.

Article 5.1 of the report states that the developer directly compensated native farmers for their crops and gardening activities when the DSEZ project began on February 2, 2011. However, this compensation process by the developer was terminated on October 25, 2012, due to concerns about the inequality of the compensation rates.

Article 5.2 of the report states that in response to the termination of compensation, the President's Office instructed the Myanmar Summit Committee to establish several sub-committees, divided by village administrative areas. These sub-committees were responsible for implementing land acquisition, compensation, and relocation in each zone of the DSEZ. The chairperson of each of these sub-committees was appointed as the Union Deputy Minister for Social Welfare, Relief, and Resettlement.

In the second pattern of the land formalization structure in 2011-2012, the Tanintharyi Regional Government took the leading role. One of the key tasks was the establishment of "The Subcommittee of the project for clearing farms, gardens, plants & trees, and plantation on the highway." This Subcommittee was responsible

for determining standard prices for each crop and tree within one year.

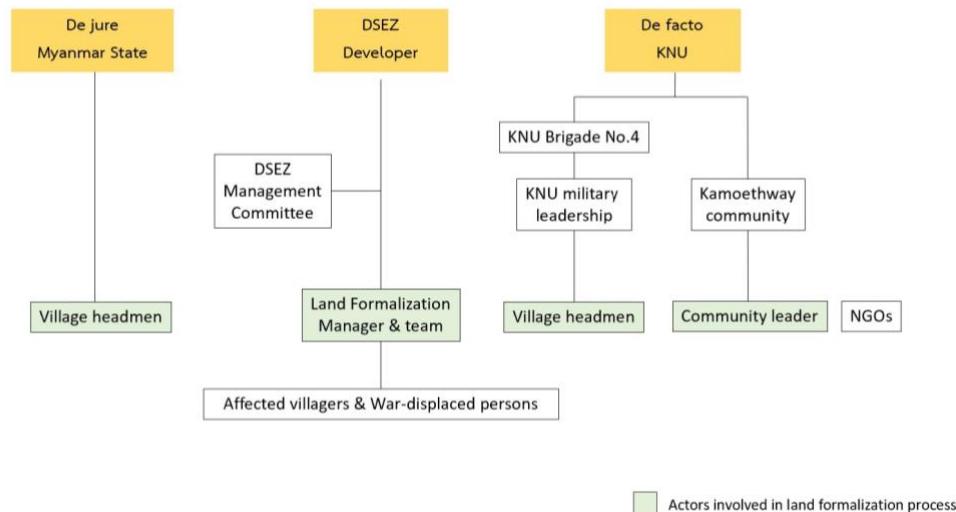
The finalized lists of affected properties and compensation amounts were submitted to the Secretary of the Tanintharyi Regional Government, and, later, to the Tanintharyi Peace and Development Council for further approval. The standard price model was initially implemented in areas where Myanmar state enterprises owned the affected land-use rights. On November 15, 2011, the sub-committee submitted a letter to the developer requesting compensation for the affected properties of the Myanmar Pharmaceutical and Foodstuffs office, that were, for the first time, based on the standard rates.

The office of the Myanmar Township General Administration Department chaired the negotiation and compensation processes. Each negotiation involved the project-affected villagers, the developer, and the Township Administrator, and agreements were reached through mutual consent. The Regional Government Office of Perennial Crop Development assisted in the negotiation process by offering knowledge about species, ages, and reasonable prices.

The restructuring of land formalization practices involved high-ranking authorities from the state of Myanmar and heads of related departments: the Ministry of Social Affairs, Tanintharyi Regional government as the Chairman, the Secretary of the Tanintharyi Regional government, and the Director of the General Administration Department. The demarcation and counting of crops and trees became more systematic and acceptable, with the involvement of village elders and adjacent plot owners as witnesses. However, despite these efforts, further organized informal social processes occurred, including fighting against the Myanmar army troops along the access road and other activities to express dissatisfaction and influence the bargaining process. Below is a narrative summary of these events.

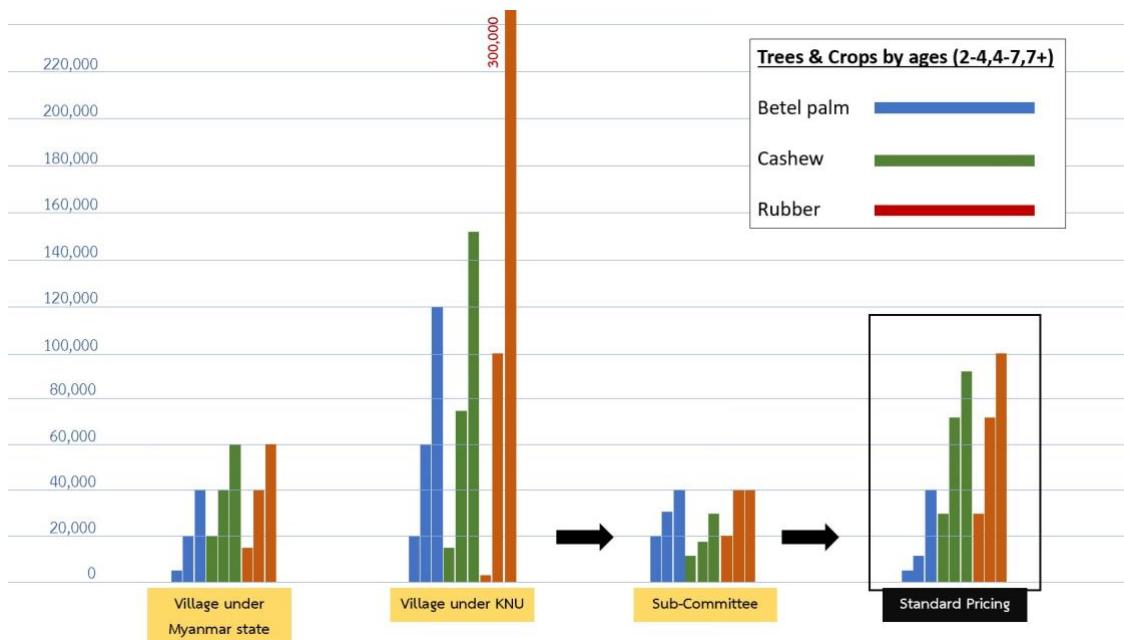
**Figure 11**

*The Second Pattern of Land Formalization Practice (2011-2012)*



**Figure 12**

*A Comparison of the Prices Negotiated Between Parties and the Finalized Standard Pricing.*



In the area where the DSEZ project was being implemented, tensions rose due to the involvement of the Myanmar Tatmadaw and the developer, particularly concerning the KNU. Myanmar troops were deployed in the region, and hired as security guards for the developer's construction camps. While the land acquisition or formalization practice itself did not directly cause the fighting between the KNU and Tatmadaw, the

clashes served as a reminder of the high levels of autonomy in some villages.

According to a report by BurmaNet (2011), on July 28, 2011, soldiers from the KNU Brigade No. 4 engaged in a battle with Burmese Army troops near the construction camp. The confrontation resulted in a temporary Burmese Army outpost being burned down along the Dawei-Kanchanaburi road. KNU chief from Mergui-

Tavoy District warned that the area was becoming a zone of the Burmese Army's operations, and he declared their readiness to fight if necessary.

The Irrawaddy (2011) reported that the fighting escalated on July 29, 2011, as approximately 50 construction workers fled from Burma to the Thai border to escape the clashes between the Burmese Army and the KNU near their worksite. Although no workers were reported killed or wounded in the crossfire, artillery shells struck the construction camp. The workers experienced growing fear and anxiety due to the precarious situation. The area where they were working fell within the territory of the KNU movement, and the Burmese Government troops were expected to provide security for them. Witnessing the fighting between the KNU and the Burmese troops further heightened their anxiety.

Karen News (2011), on October 23, reported that on August 2, the KNU Brigade No.4 in Tenasserim Division had declared their intent to conduct military activities against government troops who were working as security guards for the developer in the construction camp near a Burmese Army base at Ah Leh Satone. During the ensuing clashes, at least six Burmese government soldiers were reported killed, as confirmed by Karen villagers who sought refuge at the border for their safety.

In response to the KNU's activities, additional Burmese army battalions were deployed to the area starting on October 11, 2011, according to KNU sources. This brought the total number of Burmese Army battalions in the region to eight. Subsequently, the KNU agreed to establish a magnet sticker system to identify vehicles used for the DSEZ project, aiming to differentiate them from those involved in the ongoing civil war.

Alongside these confrontations, other informal social processes -- road blockades and cursing pagodas -- were employed as warning tools to express dissatisfaction with the perceived unfairness of the DSEZ land formalization process, or when the bargained value of crops and trees was deemed unacceptable by the KNU and community leaders.

## The Cursing Pagoda

The KNU and the Kamoethway community leaders collaborated to construct a pagoda known as the "Cursing Pagoda." This unique stone structure was meticulously created, with each stone inscribed with the names of developers, engineers, and staff. The purpose of this inscription was to serve as a powerful reminder and warning, emphasizing the importance of conducting the land acquisition and compensation process in alignment with the principles of Kawthoolei. In addition, a printed statement was prominently displayed in Karen, Burmese, and English, reaffirming their unwavering commitment to safeguarding their land-use rights and invoking curses upon those who would unjustly take their land.

## Road Blocking Activities and Disputes

Instances of road blockages using logs frequently occurred due to the dissatisfaction of local villagers. The observed grievances were:

1. Variation in Measurement Methods: Villages under the administration of the KNU received compensation based on the number of affected trees and crops, whereas for villages under Myanmar state administration, compensation was determined based on the size of the plantations.

2. Unresolved Negotiations or Dissatisfaction with Owners: Some owners remained unsatisfied, or negotiations were left inconclusive, contributing to the tensions.

3. Unequal Pricing Offers: Disparities in the pricing offered between villages further exacerbated the discontent among the affected communities.

4. Delays in Calculation and Approval Processes: Lengthy delays in the calculation and approval processes added to the frustration and discontentment.

Regarding war-displaced persons, the Vice President of the development company engaged in consultations with the Chief Minister of Tanintharyi. The Chief Minister clarified that, with the successful ceasefire negotiated between the Myanmar Government and the KNU, war-displaced persons had returned to their original

locations, resulting in a natural increase in housing needs. The road-blocking activities were carried out to request the recognition of these individuals in the eligibility list. The Chief Minister recommended expediting the process as the most effective solution, since prolonging it could lead to increased compensation costs and further disputes.

The intensity of road blockages escalated following a meeting between the developer and KNU leadership on September 14, 2011.

According to an article published in The Irrawaddy on September 20, 2011, the KNU stated that their actions were in response to concerns raised by local villagers who perceived the project as a severe threat to both the people and the environment. Additionally, some workers expressed fear about working on the construction project without prior approval from the KNU.

Further reports from The Irrawaddy indicated that on September 15, 2011, the KNU officially notified the developer that all vehicles were banned from using the road and that all road work must cease. This announcement also marked the end of the period during which the KNU allowed road surveys. However, the KNU still permitted vehicles of the developer to use the road for humanitarian purposes. In early September 2011, the KNU claimed to have avoided a major incident by refraining from firing upon a developer's vehicle that ignored the travel ban. A source from the KNU mentioned that the developer did not want to publicize or acknowledge the conflicts surrounding the Dawei Project due to concerns about jeopardizing the trust of investors or shareholders.

### **The Period of the Third Pattern of Land Formalization Structure: Standardized Pricing System (2012-2013)**

Due to financial difficulties faced by the project developer, the original concession agreement between the Myanmar state and the developer was terminated in November 2012, leading to the restructuring of the DSEZ project into two distinct development phases: the Initial and Full Phases.

The Initial Phase was entrusted to the original developer, ITD, with a mandate to focus on developing essential infrastructure in an area of 27 sq. km sufficient to support medium and small-scale manufacturing. Conversely, the Full Phase encompassed the remaining 250 sq. km, and entailed implementing joint efforts between the Thai and Myanmar governments. This phase involved comprehensive development of the DSEZ, including the construction of a Deep Sea Port, petrochemical facilities, and heavy industries.

Due to the significance of the issues of land formalization and compensation, they were consequently elevated to state-level concerns. In an effort to address these concerns, the Rural Community Development Sub-committee collaborated with the Tanintharyi Region Government to organize a public workshop in Dawei town. This inclusive gathering involved representatives from affected villages, state regional government offices, political parties, and non-governmental organizations (NGOs). Through this collaborative process, the Rural Community Development Sub-committee completed the formulation of standard fixed prices for land compensation, building upon the proposals previously put forth at the district level. Since the implementation of the standardized pricing system, all compensation payments have been diligently made and have been subject to oversight by the DSEZ Management Committee.

Since November 2012, the planning of DSEZ's land formalization and compensation process has been subject to several stages and meetings. The meeting records and reports from the DSEZ Management Committee illustrate the collaborative efforts of the Myanmar state, the KNU, community leaders, and the developer in various aspects. These include data collection, crafting of standardized pricing and fair compensation methods, implementing standards for the future Full Phase of DSEZ, and extension of such practices beyond the special economic area.

Regarding the surveying and formalization process, the Subcommittee's meeting minutes 2012 record states, "The villagers have coordinated the compensation data collection of houses, buildings, farms, gardens, plants, trees, and plantations. The owners were coordinated to shift (remove) the farms, plants, trees, and

plantations on the highway road and wished to be compensated systematically for their investments."

To address the issue of standard pricing for compensation, the report of the meeting of the Supporting Working Body (SWB, the operation level of Dawei Management Committee) on April 28, 2012, announced the first set of fixed prices for crops and trees, with further plans for completion. The SWB aimed to apply the complete standard pricing list across the entire SEZ area, as discussed in their May 10, 2012 report. The Chairman of SWB also dismissed rumors of a land-grabbing scheme by the developer and emphasized legal consequences for land dealers and villagers attempting to profit from the process. The General Administration of SWB proposed equal application of the fixed rate regardless of location or production methods. Negotiations also took place to ensure fair compensation, as indicated in the meeting report from the District General Administration to the Regional Government Office on May 22, 2012. The report included a table showing negotiated prices for crops and trees, comparing the government price (lowest), the counter-proposed price (highest), and the result of the negotiations (a mid-point between the two).

On November 21, 2012, the methods for measuring and evaluating each tree and crop became more sophisticated. The meeting minutes provide detailed information about implementing the prices fixed by the established Rural Community Development Sub-Committee and related departments. Below are the key points discussed:

1. For oil palm and rubber plantations, the compensation price was categorized into two groups based on density to facilitate a faster survey process. The groups were defined as those with more than 100 trees per acre and those with less than 100 trees per acre. The compensation amount was further determined by considering the condition of the trees, categorized as good, fair, or poor.

2. For cashew plantations, the compensation price was categorized into three groups based on size: large, medium, or small.

3. Betel palm and coconut trees were evaluated based on the number and size of the trees rather than the acreage of the plantation.

4. The price of land-use rights was included in the compensation pricing for crops and trees. However, plots of land not under cultivation were not eligible for compensation.

Additionally, the minutes of the Compensation Investigation and Jury Team meeting on January 29, 2013, discussed the implementation of compensation rates for crops and trees in the unaffected area outside the DSEZ demarcation. This decision was made because, although these crops and trees were not directly affected by the DSEZ, they still belonged to affected villagers who would face difficulties due to the required relocation.

The overall process of land formalization along the road link to Thailand from 2008 to 2013 involved the demarcation and registration of 6,459,390 sq.m (1,596 acres), with compensation provided for 271.68 acres, amounting to 2,261 million Kyat (approximately 1 million dollars and 17 percent of the total area to be compensated). However, the DSEZ project was suspended in 2013 due to the developer's inability to secure financial support for the full-scale project. Subsequently, the project was rescaled from 250 sq. km to 27 sq. km and renamed "The DSEZ Initial Phase." Furthermore, the completion of land formalization and relocation issues became a pre-condition to continuing the Initial Phase, leading the Myanmar authorities and the developer to seek the assistance of an international expert firm to advocate the task. The work previously completed by the subcommittees, such as the fixed prices for crops and trees, was included as part of the project's Environmental Impact Assessment (EIA) report in 2015 and the planning for the Initial Phase.

**Figure 13**

*The Compensated and Cleared Land Use Plots in Industrial Estate Zoning*



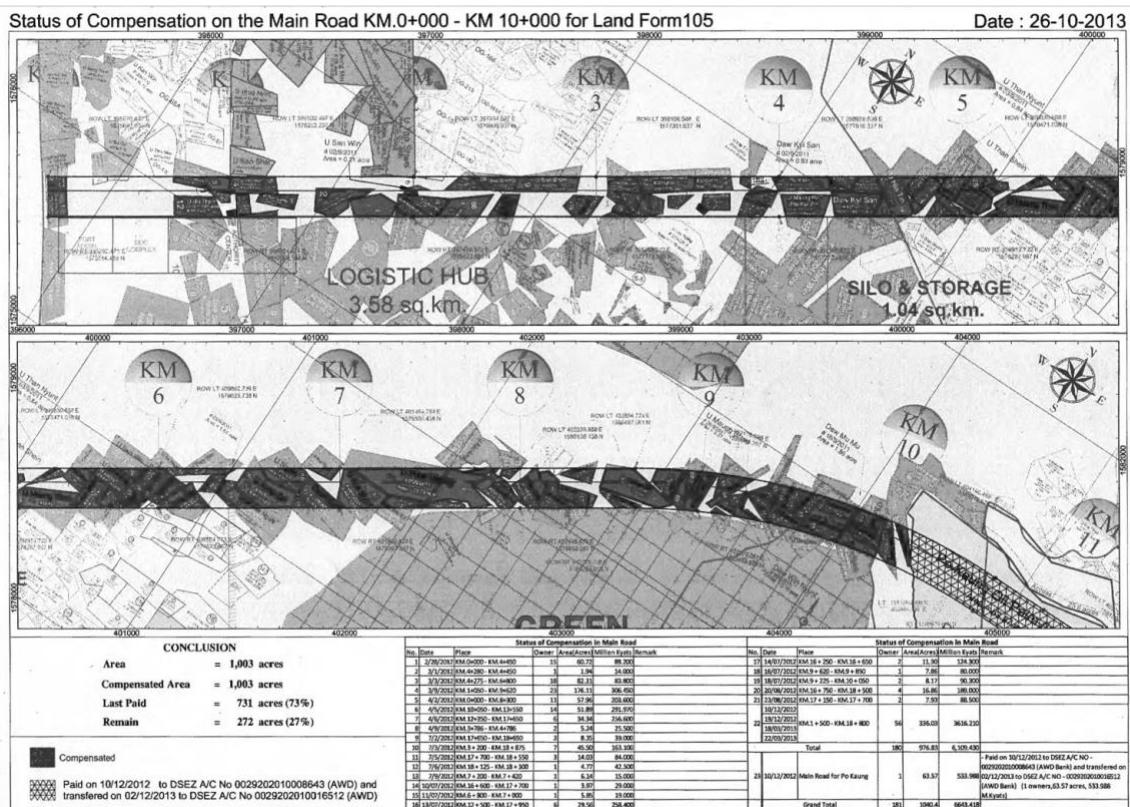
**Figure 14**

*The Compensated and Cleared Land Use long the alignment*



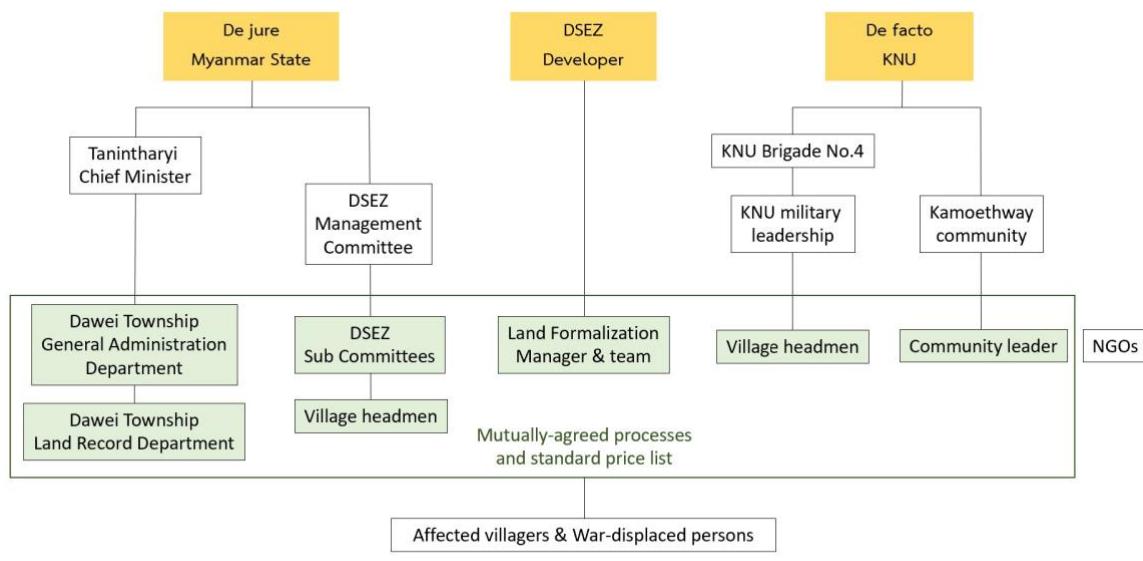
**Figure 15**

*The Map of Formalized Land use Plots and the Compensated Plots are Highlighted.*



**Figure 16**

### *The Third Pattern of Land Formalization Practice With Standard Price (2012-2013)*



The changes in the structural setup of the land formalization process indicate that it was directly influenced by inter-legality and social process factors in two ways. Firstly, the de facto KNU organized social processes to exert pressure on the de jure state and the developer to integrate their inter-legality conditions, Kawthoolei, into the process, thus protecting war-displaced persons and ethnic land-use holders. Secondly, this land practice reflects the increased involvement of state departments from the contested de jure and de facto authorities to gain legitimacy from the villagers as land administrators of the Tanintharyi frontier. Furthermore, the KNU employed formal and informal social processes to inform and warn about unfair bargaining or corruption.

The restructuring of the land formalization practice with fixed prices and the involvement of village elders as witnesses was accepted, and was expected to result in smoother implementation when the project was resumed, as stated in the 11/03/2013 letter from the Rural Community Development Sub-committee Jury Team. The positive comments regarding this acceptance were reiterated in the minutes of the meeting and comments of the Union Deputy Minister for Social Welfare, Resettlement, and Relief. During the July 1, 2013 meeting, the Minister invited the developer's Relocation and Compensation Manager to discuss and emphasized the importance of future compensation programs. The Minister acknowledged that the developer's relocation and compensation team had been well established and had become familiar to the locals in the DSEZ area. He also highlighted the team's meticulous management of data and information on land-use rights and properties owned by villagers within the DSEZ. Furthermore, the Minister stated that it might take at least a year to establish a dedicated relocation and compensation section under his leadership. The following is his comment.

"Concerning future compensation programs after the Memorandum of Agreement was signed between Myanmar and Thai Governments, the developer should carry out compensation programs as the developer's relocation and compensation team have been well established and become familiar with the locals in the DSEZ area. Data and information on land use rights and properties owned by villagers laid in DSEZ

have been well and systematically kept by the team. The Deputy Minister also said it might take at least a year to establish such kind of relocation and compensation section under him."

## CONCLUSIONS AND RECOMMENDATIONS

The DSEZ case study demonstrates an alternative land formalization practice that deviates from the traditional de jure state approach. It focuses on recognizing the diversity of existing rights and the plurality of norms for accessing land, thereby safeguarding the land-use rights of ethnic communities and protecting those communities from forced eviction. The success of integrating Inter-legality into land formalization practices in frontier areas relies on the strength of organized social processes. These social processes influenced the restructuring of the DSEZ land formalization process multiple times as part of the effort to include all relevant actors. To avoid direct power contests among the actors regarding the bargaining, the relevant parties established mutually agreed-upon mechanisms such as the "fixed price for crops & trees" Approach. This approach to land practice is intended to balance the interests of the central state and local administrators in project development, reflecting the realities of the sovereignty-contested frontier context. Below are recommendations derived from the findings of this study.

1. The integration of Inter-legality and community land regulations incorporates collective memory and knowledge, enabling the identification and preservation of customary land practices. These conditions also safeguard against forced eviction and unfair compensation strategies employed by the de jure authorities.
2. Once inter-legality is integrated into the land formalization practice, it is important to facilitate organized formal and informal social processes. These include encouraging participation in meetings, protests, and other activities that allow small actors to have their voices heard during the process. The local social processes should also exhibit flexibility in methodologies and interpretations, accommodating the needs and perspectives of

different stakeholders by establishing flexible mechanisms and standards.

3. The land formalization practices can prevent direct power contests between involved parties by creating mutually agreed-upon standards prioritizing localization and cooperation instead of top-down nationwide policy, ensuring 'fair and equitable treatment of all stakeholders.

The DSEZ land formalization practice utilized principles from legal literature and applied them to a particular planning context. This highlights the importance of integrating inter-legality into the process of land formalization in areas with the sovereignty-contested frontier. The case study emphasizes the role of organized social processes, acknowledging the land use rights of marginalized actors, and establishing mutually agreed-upon standards and practices among all involved groups. By embracing organized social processes, land formalization becomes more inclusive and equitable.

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