



Position Paper on the Rights to Customary Land and Practice Systems in Myanmar

(Essentials to consider for a Federal Democratic country)

May 2022





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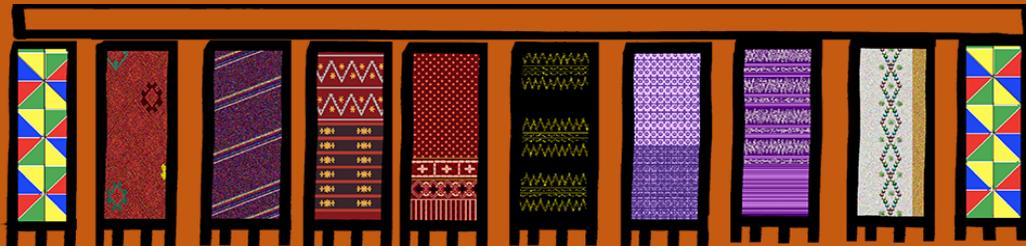


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“From Customary land practice systems towards Federal Land Governance”

Federal Land Governance



Customary Land & Practice Systems



Introduction

This position paper is the result of the collaborative effort of a group of grassroots associations and local civil society organizations who have been working together on customary land rights in Myanmar for some time.¹ We come from numerous ethnic groups, hail from all states and regions of the country, and work directly with customary communities and/or we ourselves are villagers in customary land systems. Some of us have been displaced from our customary lands by various kinds of conflict. For several years, we have been getting together to discuss how to support each other and work together for the genuine recognition, protection, and promotion of customary land practices systems.

In our view and experience, social justice, socioeconomic equality and humanity are comprised in the rights to customary land and practice systems. Moreover, customary systems also comprise practices and mechanisms for biodiversity conservation, ecosystem protection, and applicable and sustainable management of land and related natural resources. Customary land systems are dynamic and continuously

¹ The organizations that participate in making and supporting this position paper will remain anonymous for the moment for security reasons.



developed in accordance with the era, and they are also the community's social system which can be together implemented for the collaborative actions, collective decision-making, and reforms. Land is a natural resource that cannot be increased in the future. In customary practice systems, future generations are being considered, and different types of land use and access are recognized and enabled to co-exist harmoniously, such as individual use and/or ownership, collective use and/or ownership, village owned lands, etc. Within customary land systems, the people, land, soil, water, rivers and forests are understood as deeply intertwined, and this integrated view underpins these systems' understandings of access and ownership rights and responsibilities.

Together, we have discussed and studied to deepen even further our understanding of what types of customary practice systems are existing, how they are functioning, and why these systems are important. Together, we have discovered the issues that have threatened customary land practice systems, and also discussed and described how we can help to confront and preserve our customary systems. Meanwhile, the main relevant stakeholders including the representatives from Ethnic Armed Organizations (EAOs) which are developing land policies or have implemented land policies have also supported and been involved in this process. Moreover, representatives of several political parties and civil society organizations that have actively been involved in and carrying out advocacy for the rights to land and customary practice systems, local communities' members, and internal displaced persons (IDPs), have also participated in these discussions.

We reviewed and analyzed published reports and research papers related to customary land rights in the country and about the customary practices that are in use on the ground, and we held discussions and heard proposals and recommendations from different ethnic communities, farmers, women, youth, elderly and ethnic leaders. Then this position paper was developed after combining and summarizing the key findings and recommendations.



With this position paper, we hope to contribute in three ways. First, we hope to help push forward and strengthen the movement for full and meaningful recognition of indigenous ethnic peoples and their customary land rights and land management systems. Second, we hope to help all those who are seeking to help build a truly just society in Myanmar, to understand and respect the existence and importance of villagers' customary land systems and assist in our efforts to get them fully and meaningfully recognized and respected, restituted and protected, as a step toward achieving a more general land reform process that puts people, nature and the planet before profits. Third, we hope to help prepare the way for the establishment of a federal union that is built on real peace within and between communities and on pro-people land governance based on customary land practices.

Customary land management systems are interlinked and interdependent with ethnic identity, livelihoods, protection of natural resources, social equality and cohesion.



The Background of Customary Land Practices

Customary land management in Myanmar historically existed even before the British colony was established. Ethnic people had been practicing and managing land and territory under their local kings, Saw Bwas and local leaders. Customary land management systems have been freely practiced in ethnic communities, and they have had self-administration within their own territories and their own land governance mechanisms. Although many different forms of customary land practices have existed according to geographical landscapes and historical backgrounds, we have seen that they nonetheless have common principles and core values.



For example, there are well documented land management systems according to customary practices such as Karen peoples' "Kaw", Kayah peoples' "Kay", Mon peoples' traditions of land inheritance system called "Toi Aie", etc. and they are still being practiced today.

Customary land systems have been practiced for many decades. But a succession of governments including the military regime until now have undermined these systems. Over the past decades, people have had to leave their customary lands and territories because of long-term civil war and have suffered pain and faced many troubles as refugees and IDPs. Recognition and restitution of the people's customary lands and territories is very important to be able to resolve Myanmar's political conflicts and build a federal union and achieve sustainable peace. Customary land management systems should be treated as part of the basic foundation of any future federal land system.

It is a common saying in many villages that "customary practices are the beginning of law". Yet despite this wisdom, and until now, when national land and natural resource related policies and laws have been adopted, it is only the most powerful people who are involved in making the most important decisions and imposing them from above. Historically, the land related policies and laws enacted from above do not reflect the peoples' customary land practices, but instead they often contravene and undermine these "peoples' customary land laws" beginning from below. In the meantime, the existence of indigenous peoples and their rights haven't been meaningfully recognized and the customary land management systems they practice have become squeezed and are fading in the face of strong national and international political-economic pressures. People's struggles against all kinds of injustices, such as gender and ethnic discrimination and economic exploitation and oppression, and for recognition of the most basic and essential human rights, such as equal rights and self-determination, are losing ground under the deepening pro-capitalist and racialized economic system in the country.

We have customary land governance called "Kaw" ...



We have traditional land inheritance system called "Toi-aie" ...



We have customary land governance called "Kay" ...



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Customary land management in Myanmar historically existed even before the British colony was established. Ethnic people had been practicing and managing land and territory under their local kings, Saw Bwas and local leaders.





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Common things in Customary Land Management Systems

Customary land management doesn't mean only for land but includes everything related to people and land in a given territory and place. Social identity and history in a given territory is deeply connected to the customary systems in place, which are the backbone of a peoples' inheritance. As a human society, each ethnic group has their own background, history, practices and traditions based on the geography, territory and places where they live. Their customary practices are the lifeblood for their survival from one generation to the next. The system is interconnected with the ethnic's identity and identification with a specific place or territory, with the livelihoods they construct, with protection of natural resources in a region, with social justice and social cohesion.

Customary land management systems are not a fixed set of rules. They are **'living laws'**. This means that while the system as a whole can be practiced and passed down from one generation to the next, there is still flexibility and room for innovation. The rules and ways of doing things can change and evolve, in response to changes within the community (like demographic changes such as the village population increasing or decreasing) or changes in the physical environment/climate (like a river drying up or an extended drought).

- a) In customary management systems, it is important that people who are living in the village practice it together and make decisions together, which means improvements can be made based on the desire and requirement of relevant community over time. For example, while there is still progress to be made in



some places, there are also real efforts in many customary communities to reform and accord women equal recognition.

- b) A customary land management system can function as a ‘community self-help management’ mechanism, where the whole community collaborates and manages the relationship with region or village outsiders.
- c) In the customary land management system, human beings and the natural environment are understood as intertwined and depending on each other, and people strive to live in harmony with the natural environment.
- d) It is a social system with less centralization and practices based on the needs of the community.
- e) There are different types of land under customary land management. For example- ancestral land, hill farm (Taungya), shifting cultivation, farm land, grazing land, housing land, forest, protective forest, communal land, cemetery, watershed area, lakes and rivers, wetlands, sacred land, playground, orchard, natural forest, reserve land, conservation land, etc. Regarding the ownership, they have the rights to individual ownership and collective ownership along with the practices of accountability and collective actions customs.
- f) Decision making in the customary land management system can be quite structured, with different individuals within the community involved in the functioning of the system in different ways. Different kinds of land use activities within the village are collectively designed and managed and these different activities are interdependent. Good coordination is needed. Often coordination is in the hands of an authoritative group of village leaders that brings together different segments and different groups in the community structure. For example, the village Shaman, community elders, women and youth representatives, among others, are involved in the “Kaw” Land management system in Karen State.
- g) Customary land management systems are not only serving to conserve and protect the sustainability of land, forest, water and other related natural resources, but also to provide food security, maintain the ecosystem, and enable the villages to mitigate and respond to climate change.



The importance of customary land management systems

In indigenous customary land management systems, land and people are inseparable and the territory is the lifeblood of the villagers and their collective identity as a people. Yet within indigenous communities, there is also social differentiation, and different kinds of people and subgroups may coexist and live together. Customary land management systems can create spaces for villagers to involve in decision making and provide mechanisms for decision making power to be divided and shared amongst villagers. Customary systems can thus enable different groups within a community to come together in a united way to respond to external threats, and thereby reduce land conflicts, for example. The role of customary systems goes beyond the village level too. In this sense, too, customary land systems are a crucial building block towards ending the more-than 60 years of civil war in Myanmar and moving towards establishment of a genuine federal union.



In customary land management systems, the village authorities normally conduct negotiation with neighboring villages as well, in order to make agreements about village boundaries or to solve disputes. Customary systems play a role not only in allocating space for housing and agricultural land, but also for many other practices within the whole community. This includes not only those related to livelihoods such as gathering wood, bamboo and herbs, or hunting and fishing, but also those related to cultural identity, spiritual beliefs, and historical places.

The community also identify and develop the standards, rules and regulations together for managing and utilizing the resources belong to the village. Decisions are carried out based on the understanding of local context and dependence on land and natural resources. Therefore, it supports to food security and social cohesion in the region.

When it is needed for the village to compromise for livelihoods (eg, cultivation, rotation, irrigation, grazing, etc.) which are based on natural resources, customary practices can help them to have dialogues in the village and make improvement. As land and natural resources can be used in different ways, it can make the environment and ecosystem better. Moreover, as it is based upon the current practices on the ground, it can reduce conflicts and disputes related to land and natural resources.

Land and human beings are inseparable and land is the lifeblood of indigenous people.



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Threats toward customary land management systems

In Myanmar where civil war has been happening and higher rate of inequalities are existing, land is also one of the reasons which causes conflict.

Militarization has become more extensive in the ethnic areas and armed conflicts have increased. The number of Internal Displaced Persons (IDPs) and refugees are increasing, moreover, land confiscations and oppression on farmers are still occurring. These kinds of situations are creating obstacles for indigenous people to continue practicing their customary land management systems. There are many land grabbing cases where the civilian was forced to leave and leave behind their village lands either because of militarization or because land access and control became concentrated in the hands of a few with the expansion of capitalist economy. Therefore, even if IDPs are able to return to their original places, they encounter many difficulties for them to practice their customary land management systems.

In Myanmar, land related policies and laws (especially the Farmland law, the Vacant, Fallow and Virgin Land Management Law, the Forest Law, the Land Acquisition, Resettlement and Rehabilitation Law, the Biodiversity Conservation Law, the Agriculture Development Strategy, the Investment Law, the Mining Law,



among others) ignore and do not meaningfully recognize the customary land management systems and collective ownership that ethnic communities have been indeed practicing for many years. Instead, these laws and policies – often supported by land policies of many international donors, agencies and NGOs, unfortunately -- are constructing a dominant pathway to transform all customary land and territory across the country into privately owned and individualized plots of land to be used by business actors for economically profitable purposes. Often with support from many international actors, land throughout Myanmar is being made into a commodity and in different ways being confiscated and turned over to the highest bidder.

The result is that under this trend in law and policy, people who are practicing the customary system are now considered to be ‘trespassers’ and are being criminalized as such. No consideration is given to the importance of customary systems in ensuring sustainable management of natural resources in order to leave a living heritage that can be passed down to future generations. Customary land practices are being threatened and oppressed by the current law framework that allows land confiscations, development projects mega investment projects without peoples’ consent, centralization of land management systems -- all of which are part of what causes the loss of village lands and natural resources.

Moreover, the current land registration system is also followed by growing market economy pressures on villagers (who are often already economically distressed) to sell or lease their land. For example, many people who have been displaced from their land by war and militarization and thus suffering the trauma of armed conflict, displacement and severe economic hardship, are being contacted by land brokers and companies wanting to buy or renting their land. This situation is creating uncertainty and conflict in personal interests and common core values among the villagers and internally displaced people. Village land and resources are being lost as well.



Even if IDPs are able to return to their original places, they encounter many difficulties to practice their customary land management systems as their land were confiscated under security reasons or economic reasons.

Customary land management systems are now under the threats and pressures of existing land related legal frameworks those are inducing & legitimizing different forms of land grabbings; development projects & mega investment projects those exclude the peoples from the processes; and heavily centralized land governance mechanisms.





Customary Land Governance Systems

Recognize



Recognition of customary land rights and management systems in International and National Land Policies

Customary land tenure is a major system with crucial importance for millions of families worldwide. It is a system for organizing access and control over land and resources, including those held in common by groups of people at different levels (family, groups, communities) and involving a diversity of and varying degrees of rights (co-owners, secondary users, landless users, etc).

But the threats to these lands has been growing in what is known as the 'global land rush', as state and business actors scour the globe for land for big investment and profit-making opportunities – from large-scale industrial agriculture plantations and industrial tree farming, to large-scale logging and mining concessions, to large-scale physical infrastructure and energy projects, and many more. Although international human rights law holds that 'free, prior, and informed consent' of people to decisions that affect their lives is a basic human right for all, this principle is being either ignored or diluted (so communities may be consulted, but not given veto power). Further, in many instances of government-led processes, what is targeted for formal 'recognition and protection' are only specific smaller parts of a given customary territory – such as a community forest, rather than the whole territory claimed by a customary village or customary cluster of villages. Not only does this 'pieces' approach divide the customary village and territory now into formally recognized and unrecognized parts, and thus placing the recognized part under government control, it leaves officially unrecognized the rest of the villagers' customary territory. This is creating new



opportunities for large business actors to be able to take over the remaining extensive areas of land and related resources. In this way, we are seeing all over the world, the extension and expansion of capitalist market logic into customary territories.

Despite the importance of customary land systems, and despite the growing threats to these, many countries have failed until now to include and adopt customary systems in the laws. Yet in the recent decades, under growing pressure from indigenous peoples and peasant movements all over the world, the importance of customary land systems has been getting increased official recognition and governments are starting to recognize the rights of the people who keep practicing their customary systems as human rights to be respected. This recognition is growing at both national and international levels.

At the national level, in some countries, the rights to customary system have been recognized and adopted in their constitution which is the supreme law of a country. For example, the 2009 constitution of Bolivia, article 2 says: “Given the pre-colonial existence of nations and rural native indigenous peoples and their ancestral control of their territories, their free determination, consisting of the right to autonomy, self-government, their culture, recognition of their institutions, and the consolidation of their territorial entities, is guaranteed within the framework of the unity of the State, in accordance with this Constitution and the law.” Also, Chapter IV on “Rights of the Nations and Rural Native Indigenous Peoples” specifies in details. Moreover, the 1987 Constitution of the Philippines- Section 5 of Article XII says: “The State, subject to the provisions of this Constitution and national development policies and programs, shall protect the rights of indigenous cultural communities to their ancestral lands to ensure their economic, social, and cultural well-being. The Congress may provide for the applicability of customary laws governing property rights or relations in determining the ownership and extent of ancestral domain.” This provision became the basis for Congress to draft a new law. The new law – Republic Act 8371 or otherwise known as the Indigenous Peoples Rights Act (IPRA) – was enacted ten years later in 1997.



Internationally, recognition of customary land and territories can be found in four major international human rights documents.

- 1) The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)², which was adopted in 2007, recognition of customary tenure systems is implied. Especially, Article 5 ‘Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State’; Article 8 (2.b), which recognizes the right of indigenous peoples and individuals not to be subjected to forced assimilation or destruction of their culture and which obliges states to provide effective mechanisms for the prevention of ‘Any action which has the aim or effect of dispossessing them of their lands, territories or resources’. Article 10 says, ‘Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return’.
- 2) The 2012 Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security³ (CFS-TGs) devotes a whole chapter (Chapter 9) to recognizing and safeguarding the tenure rights of “Indigenous Peoples and other communities with customary tenure systems”.

² United Nations Declaration on the Rights of Indigenous People
https://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf

³ Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the context of National Food Security (VGGT) <https://www.fao.org/3/i2801e/i2801e.pdf>

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- 3) The 2014 the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication⁴ (SSF) stated clearly to recognition the customary systems and practices of small-scale fishing communities including indigenous peoples and ethnic minorities. Regarding customary rights; the guidelines clearly stated Recognition in para-5.4, Regeneration in para-5.5, Restitution, Redistribution, and Representation in para 5.8, 5.9, 5.10, 5.12.
 - 4) The UN Declaration on the Rights of Peasants and Other People Working in Rural Areas⁵ (UNDROP), adopted in October 2018, also recognizes the customary tenure systems. Especially, Articles 28 and 17.1 establishes the rights of farmers and other people working in the rural areas, either individual or group, to manage their natural resources for sustainable development. Article 17.3 protects these same persons from the arbitrary land confiscation, and recognizes different styles and systems of customary tenure management and land rights, even those that are not protected by national law. Moreover, Article 17.4 states that “States shall prohibit arbitrary and unlawful forced eviction, the destruction of agricultural areas and the confiscation or expropriation of land and other national resources, including as a punitive measure or as a means or method of war”.

⁴ Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the context of Food Security and Poverty Eradication <https://www.fao.org/3/i4356en/I4356EN.pdf>

⁵ United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas https://digitallibrary.un.org/record/1650694/files/A_HRC_RES_39_12-EN.pdf

How customary lands are recognized in the 2009 Constitution of Bolivia

Bolivia is an ethnically diverse country in South America where indigenous groups make up about 41% of the population. In 2006 an indigenous coca farmer, Evo Morales, was elected president. This was the first time in the country's history to have an indigenous person elected to the presidency. He initiated a process to draft a new Constitution. The new Constitution (approved by referendum in 2009) established Bolivia as a secular and "pluri-national" state, and for the first time, recognized indigenous language, culture and land.

Article 2 says: "Given the pre-colonial existence of nations and rural native indigenous peoples and their ancestral control of their territories, their free determination, consisting of the right to autonomy, self-government, their culture, recognition of their institutions, and the consolidation of their territorial entities, is guaranteed within the framework of the unity of the State, in accordance with this Constitution and the law."

Chapter IV on "Rights of the Nations and Rural Native Indigenous Peoples" specifies what rights "In the framework of the unity of the State, and in accordance with this Constitution the nations and rural native indigenous peoples [and also the Afro-Bolivian people]" have. There are 18 rights – **but also an important limitation on these rights (see bold text below)** – quoted here:

1. To be free.
2. To their cultural identity, religious belief, spiritualities, practices and customs, and their own world view.
3. That the cultural identity of each member, if he or she so desires, be inscribed together with Bolivian citizenship in his identity card, passport and other identification documents that have legal validity.

4. To self-determination and territoriality.
5. That its institutions be part of the general structure of the State.
6. To the collective ownership of land and territories.
7. To the protection of their sacred places.
8. To create and administer their own systems, means and networks of communication.
9. That their traditional teachings and knowledge, their traditional medicine, languages, rituals, symbols and dress be valued, respected and promoted.
10. To live in a healthy environment, with appropriate management and exploitation of the ecosystems.
11. To collective ownership of the intellectual property in their knowledge, sciences and learning, as well as to its evaluation, use, promotion and development.
12. To an inter-cultural, intra-cultural and multi-language education in all educational systems.
13. To universal and free health care that respects their world view and traditional practices.
14. To the practice of their political, juridical and economic systems in accord with their world view.
15. To be consulted by appropriate procedures, in particular through their institutions, each time legislative or administrative measures may be foreseen to affect them. In this framework, the right to prior obligatory consultation by the State with respect to the exploitation of nonrenewable natural resources in the territory they inhabit shall be respected and guaranteed, in good faith and upon agreement.
16. To participate in the benefits of the exploitation of natural resources in their territory.
17. To autonomous indigenous territorial management, and to the exclusive use and exploitation of renewable natural resources existing in their territory **without prejudice to the legitimate rights acquired by third parties.**
18. To participate in the organs and institutions of the State.



In the context of Myanmar, where the land policy landscape is littered with national laws and policies, it is notable that most fall short of the above-mentioned international standard. The National Land Use Policy adopted in 2016 ambiguously mentioned about the recognition of ethnic land rights and customary systems. For example, there is “Part 8- Land Use Rights of the Ethnic Nationalities”, however the recognition provided therein still lacks political and technical supports. It includes the recognition and protection of customary tenure system in general, but then there is no clear path for autonomy. Under military regime and currently widespread human rights violations, the rights to land of indigenous people and communities which have been practicing the customary systems are facing the situation which they will lose their rights.

By contrast, there are some noticeable policies that have been developed in ethnic regions through highly consultative processes, that are based on ethnic land rights and customary tenure systems, and that are compatible with international standards discussed above. For example, the Karen National Union’s Land Policy that was published in 2015 December, the Karenni Land Policy that was published in 2018, and Mon Region Land Policy (Final draft) that was released in 2021 June. These policies are the policies which comprehensively based upon the customary land rights and practices. It has noticed that they are huge contrast with from Myanmar National Land related policies and laws.



The Principles of the Rights to Land and Natural Resources

(Essential to comprise and implement in building a Federal Democratic Country)

Myanmar society is a diverse and plurinational society, composed of many people and peoples, hailing from different walks of life, including diverse ethnic backgrounds and indigenous heritage, and shaped by many layers of history. Having endured too much bloodshed and strife and too many cycles of conflict, we as a diverse and plurinational society must cultivate the collective political will to finally forge a new, inclusive and democratic future, re-constituted under a federal framework:

One where all people and peoples can live and flourish, free from ethnic and gender discrimination and free from racial and class oppression, side by side and in real peace and harmony, with each other and with nature.

To build a solid and sound foundation for this new future, we believe the following principles with regard to the country's land and natural resource wealth, are essential:

1. All the people and peoples of Myanmar together – collectively referred to here as ‘the People’ -- are the ultimate owner of the country, including all its land and water and natural wealth, contained therein both above and below the ground.

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2. As such, the People are also the highest sovereign authority and final arbiter in all matters related to the health and disposition of this natural wealth that the People own and hold in common and must protect for future generations.
 3. This means that all people and all peoples, without discrimination, should have an equal say in the management of the country's natural wealth. Every person should have an equal right and opportunity to participate meaningfully in decision making about how the land and natural resources that they need to survive, are allocated and used. Ethnic people should have the right to self-determination in relation to those lands and territories that they hold collectively and in common and which are associated with their customary systems of land governance.
 4. Ethnic communities' customary land rights, practices and systems have deep social legitimacy according to local standards and social norms, even though they are not currently recognized under statutory law. The customary land policies and systems that the people have collectively developed and practiced in ethnic areas must be fully and meaningfully recognized, protected and promoted.
 5. In recognizing our customary land management system, the entire mechanism including the specific rights to use, manage, and own the land shall be recognized.
 6. Full and meaningful recognition, protection and promotion of the peoples' customary lands and territories and the associated customary systems of management of these, should be the basis upon which federalism is built. They are an essential expression of how people can manage the resources above and below the ground, above and beneath the water, for their well-being and the well-being of future generations.

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7. So many of the country's people and peoples have been displaced, either because of militarization, armed conflict and war, or because of natural disaster. But this should not mean that they lose their rights to land and their rights to live in accordance with their customary system of land governance. IDPs and refugees must still have the rights to practice and use their original land and its related resources in accordance with their customary land management systems. As much as possible, the rights of IDPs and refugees to the full and meaningful restitution of their customary lands, territories and reconstitution of their customary land management systems, should be acknowledged and pursued with their active participation and free, prior and informed consent. If restitution of their original customary lands in this sense and way is not possible, the displaced persons along with all relevant people as appropriate (formal owners and new residents on the land) should have the right to first try to discuss among themselves and make decisions collaboratively within the customary land governance system.

 8. So many farmers have been subjected to unjust and unfair laws that discriminate against them and undermine their right to own and use land – whether individually or collectively in customary systems. Many laws currently in force are used to criminalise them, their practices and livelihoods, and to confiscate their lands and related natural resources. So many farmers are thus facing land confiscation, plus criminal charges, detention in jails and court proceedings. All those farmers who are in this dire situation must be released immediately and without exceptions, and all the lands which were confiscated by different ways must be returned to them and remedies to restore their lives and livelihoods, their dignity and well-being, must be provided.

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9. All existing policies, laws and guideline frameworks which pressure and threaten to diminish the customary land use and management systems of ethnic people must be immediately stopped and abolished.
 10. In the place of these unjust and unfair policies, laws and guiding frameworks, new ones must be developed, at all levels, that support and contribute to the full and meaningful recognition, protection and promotion of ethnic customary land management systems. Full-blown recognition must be incorporated and adopted in the Federal Union Constitution as well as in the State Constitution as a non-centralized legal framework. Full and meaningful recognition, protection and promotion of ethnic Customary Land Rights and Practice Systems must be adopted clearly in the New National Land Law, Federal Constitution, New Federal State. Moreover, organizations which are taking lead for indigenous people and each ethnic group to access their rights, must also develop the land policy, law and implementation mechanism which are based on the customary land management systems and reflect the Federal Governance system while conducting land management in their respective areas.
 11. Customary land management systems should be recognized to be able to freely practice whether by an ethnic group or geographic areas, and must be protected and promoted by respective state constitution. All indigenous peoples' representatives, ethnic leaders, women organizations, youth representatives, community based organizations, and customary land management leaders must come together and be able to exercise their rights to participate actively and meaningfully when developing land related policies, laws, and bylaws. The implementation process should also be done collaboratively. All the relevant persons should cooperate together and give attentions to the definition and reference of land by each ethnic group in any changing circumstances. (For example,



ethnic group/tribe/indigenous, land/ farmland, New Federal State/ Future Federal Union, Federal Land Law, Union, etc.)

12. All policies and legal frameworks in the country shall provide protections in accordance with the land related international standards and regulations including the Voluntary Guidelines on the tenure of land, fisheries and forests by FAO (VGGT), The UN Declaration on the Rights of Indigenous Peoples, International Labour Organization's Indigenous and Tribal Peoples Convention (No. 169).
13. Finally, as long as there are no land policies and laws which are based on the customary land rights and practices, and protect people, and that prioritize social justice and human rights; *and* until such time that these have been developed and implemented; *and* until there are no problem-solving mechanisms for land disputes, then any and all investment projects that involve in any way any the country's land and natural resources must be suspended.



"From Customary (and practice systems towards Federal Land Governance."



And other organizations who would like to remain anonymous.

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