

Myanmar's Next Great Transformation:

Enclosing the oceans and our aquatic resources



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Myanmar's Next Great Transformation: Enclosing the oceans and our aquatic resources

Karl Polanyi used the term 'The Great Transformation' to analyse and explain the social and political upheavals experienced in Britain during the country's transition towards a 'market-society'. In Britain this transition restructured people's daily lives and relations to nature in order to facilitate economic growth through a market-system. Key in this transformation is the enclosure of natural resources. According to Polanyi, this enclosure could be described as "a revolution of the rich against the poor". Where land, water and related resources had historically fed into the lives and livelihoods of rural populations and had been managed according to culture, traditions and values of reciprocity and redistribution this was all to change. Instead, key questions about who got to access and benefit from these resources and how, were now to be decided through a market-system. This market-system, it was claimed, unburdened by any values of reciprocity and redistribution would ensure so-called 'rational' distribution and economic growth. Polanyi called this a 'great transformation', because subordinating decision-making in our society to the logic of a market-system completely changed our ways of thinking and ways of relating to each other and to nature: from many different context-specific systems built on the fulfillment of lives and livelihoods to a singular system based on the pursuit of individual economic profit – irrespective of any other concerns. And it was a "revolution of the rich against the poor" because it greatly enriched a select few already wealthy and powerful individuals, while the majority lost out¹.

Myanmar is on the frontlines of a new cycle of great transformation. In Myanmar today a whole series of important changes in access and control of the country's vast coastal and inland aquatic resources are on the verge of unfolding. Aquatic resources cover everything from fish, mangroves, coral reefs and other plants, to the sand and the coast, to oil and gas and the water itself. A huge variety of aquatic resources currently feed into fisher peoples' lives and livelihoods in Myanmar. At their core these new dynamics threaten to take these resources out of reach of villagers and the country as a whole, and placing them firmly in the logic of a market-system that is becoming so prevalent today.

The varied processes of enclosure currently unfolding the length of the Myanmar coastline and inland raise important questions about who has access and control over the country's aquatic resources and who benefits from using them. Equally important is that the situation today is raising crucial questions about who *will* have access and control of these resources and who *will* be able to benefit from them and for what purposes in the future.

The huge – and hugely profound – conflict over land and right to land spotlights the fact that such issues have never been simple or uncontroversial in Myanmar². Yet in the case of aquatic resources, the danger is particularly high that poor communities, ethnic minorities, and other vulnerable and marginalized people are on the verge of losing out. The threat is real and the danger is high. Alarm bells are ringing, but who is listening?

The next enclosure: Our aquatic resources

Across the globe today many fishing communities are falling victim to what some people are calling “ocean grabbing” – meaning “the capturing of control by powerful economic actors of crucial decision-making ... including the power to decide how and for what purposes marine resources are used, conserved and managed”³.

In Myanmar today such processes are not necessarily new. But they do seem to be entering a new phase – one where the struggle for control over the physical resources in question is also about a struggle for control of their very meaning. Should the river-systems across Myanmar’s geography continue to feed into the surrounding communities’ diverse social and cultural identities and livelihoods? Or should these rivers instead be dammed and harnessed for hydroelectric power-generation? Or should they be turned into spaces for large-scale export-driven aquaculture?

Should the long coastlines continue to be populated by and support fishing communities? Or should they instead be turned into locations for tourists’ leisurely enjoyment? Or should they be completely remade as sprawling Special Economic Zones? With ever-dwindling biodiversity and increasing destruction of aquatic resources, should marine areas with coral reefs be closed off from fishing activities and turned into things that are purely marveled at when snorkeling?

Can mangroves continue to play a role in local livelihoods or is their role first and foremost to store and absorb carbon in tune with global plans for climate change mitigation?

How does Myanmar’s fisheries sector in all its diversity from the large-scale accumulation-driven fleets in Myeik to the small-scale livelihood-driven fishers in the Ayeyarwaddy fit into all of this? Will certain types of fisheries have to completely disappear? If so, which types of fishery and what should the people that currently rely on this fishery do instead?

All of these questions relate to the broader vision of development and which role the aquatic resources and the people that rely on them play in this vision. The increasingly dominant vision would have the naturally resourced milieu in which humans live continuously subdivided into a series of neatly defined, ever-narrower one-dimensional categories (land, water, specific fish species). From this perspective natural resources would be valued (and priced) solely in economic terms for the ‘service’ to human society that they ‘provide’.

Such a perspective stands in stark contrast to visions of the future that do not see aquatic or other natural resources simply as ‘inputs’ for conversion into commodities or factors of production. Instead, these alternative views of the future see aquatic resources as part of the basis for peoples’ livelihoods and as deeply embedded in their social and cultural identities, now and into the future.

The question is: which of these visions should Myanmar pursue in the coming years?

Resource grabbing

Access to aquatic resources often depends on access to land and land-based resources (e.g. coasts, lake- and riversides, mangrove forests etc.). The resource grabbing that affects fisher peoples is therefore not only about aquatic resources. It is also at the same time connected to the broader trend of 'grabbing' of natural resources that has been accelerating in the past years including: land⁴, water⁵, ocean⁶ and what is being called green grabbing.⁷

A common denominator in this 'resource and power-grab' is the exclusion of small-scale fisher peoples from decision-making processes. As a result, small-scale fisher peoples' access to aquatic resources is being undermined in different ways all across the world – in the Global North and South.

Changes in the allocation of aquatic resources have occurred throughout human history. However, what has been called the 'global ocean grab' has intensified in the past years with a change in how and why the reallocation of aquatic resources is taking place.

As a leader in one of the global fisher peoples' movements recently noted⁸,

When the global fisher movements were founded, the political fight was very much about the small-scale fisheries sector versus the large-scale industry. Today, the ground for contestation has expanded as small-scale fishers are losing access to fishing ground because of corporate grabbing of land and water ... The leaders of the world want to address climate change by putting in place mechanisms that ultimately takes away our access to fishing grounds and gives the rights to land and water to the corporate world.

This mirrors how a 'convergence' of crises (finance, food, climate, energy) has led to increased interest in control of land and land-based resources. Since 2007/8 a 'global land rush' has been taking place justified with reference to everything from feeding the world, to solving climate change and ensuring development. Simultaneously, current users of the land, small-scale peasants, are cast as ineffective and/or detrimental to these purported goals⁹.

In the same vein, what has been called the global ocean grab is codified in terms of saving the remaining aquatic species (reform of national fisheries policy and top-down conservation measures), mitigating climate change (so-called blue-carbon initiatives) and feeding the world (through aquaculture and/or 'sustainable' large-scale fisheries).

Reflecting the narrative justifications for land grabs, narratives accompanying or preceding different forms of ocean grabbing have indiscriminately cast small-scale fisher people's 'traditional' way of fishing as inefficient and/or destructive. In this context, states, multinational corporations, environmental NGOs (ENGOs), speculative investors and many others are doubling up their 'power grab' over aquatic resources.

Different forms of aquatic resource grabs

In each of the following different forms of grabbing, coalitions of powerful political-economic actors are re-working access and control mechanisms over aquatic and related resources.

Reform of national fisheries policy:

At global level there has been a concerted effort pushing for an expansion of property rights over marine aquatic resources through the reform of national fisheries policy all across the world. While these reforms refer vaguely to 'rights-based fisheries' the emphasis is on the need to create property rights – preferably individual private property rights – over the fisheries resource.

Before turning to the logic behind these rights-based reforms, it is however important to remember the historical dynamics surrounding property rights in the sea. With the development of early capitalism from the seventeenth century onward, states and a wide-range of interests have been engaged in defining and delimiting ocean-use rights, territory and ownership as part of broader competitive struggles surrounding emerging production practices, trade patterns, shipping lanes and geopolitics¹⁰. This gradual enclosure of ocean resources took a big historical leap with the United Nations' Convention on the Law of the Sea (UNCLOS) in 1982. UNCLOS declared that all resources within 200 nautical sea-miles of the coasts became state property – what became known as the Exclusive Economic Zone (EEZ) of states. Since then, different interests in society have competed in their appeals to the state to gain access to and control over resources within the EEZ's – herein fisheries.

The logic behind rights-based reforms is based on a distinct world-view and understanding of peoples' relation to nature. This view says that natural resources held in common will inevitably be destroyed through the competing individual interests of the users to exploit the resources as much as possible. And in this view, people themselves cannot and will not manage their own resources sustainably, unless they are in some way controlled or coerced to do so by the state or the market system. This world-view has been called the 'tragedy of the commons' and underlies many policy-interventions towards preservation and conservation of natural resources generally.

In the reforms of national fisheries policy that are based on this 'tragedy of the commons'-worldview the key problem is that "too many fishers are chasing too few fish" leading to a situation of 'overfishing'. This is often blamed on the state being inefficient and/or incapable of managing the fisheries resource. In order to address this, some form of property rights must be given to a limited amount of fishers. In this way fishers are given a property right over a certain amount of the fish stock, which they then have the right to fish. When they have attained this property right (and only then), it is argued, it will be in their self-interest to use the resource in a way that is sustainable. For this to happen though, the property rights enforced through the policy reforms must live up to a number of characteristics: the property rights over the fisheries resources have to be 'transferable', distributed through a market system, where the property right has an economic value can be traded. They have to be long-term property rights. They have to be limited to a certain amount of users. And finally, the property right must be protected and secured by the state. While proponents of this world-view mention different forms of property

rights, according to the logic of this thinking, the most 'perfect' property right is *private*. As a group of 'rights-based' proponents explained in a book back in 1989, these types of reforms are about: "the enclosure and privatization of the common resources of the ocean". The point is to bring the fisheries resource into the market-system as a commodity like any other. Once this has been done, the workings of the market will automatically ensure that the fisheries system becomes sustainable. So, it is crucial to understand that with 'rights', these reforms are speaking about *property* rights and not *human* rights¹¹.

The actors that have been part of different global initiatives pushing for rights-based fisheries include¹²: Multilateral governance institutions, donors and UN-organisations (e.g. the World Bank, USAID, the United Nations Environmental Program); Transnational Environmental NGOs (e.g.: WWF, WCS, Environmental Defense Fund, Conservation International, RARE, The Nature Conservancy); Private sector actors (e.g. Aquaculture Stewardship Council, COSTCO, Darden Restaurants) and foundations (e.g. Clinton Climate Initiative, GRID-Arendal, Walton Family Foundation).

These actors claim that rights-based fisheries will ensure development as well as sustainable fisheries. However, experiences on the ground with rights-based fisheries has often meant massive social disruption in fishing communities through increases in social class distinction with severe impacts on the struggle for equity and social justice. Fisher peoples' movements have therefore criticized and resisted attempts at spreading 'rights-based fisheries' from Chile to South Africa to Indonesia¹³:

Rights-Based Fisheries leads to de facto exclusion of small-scale fishers and the concentration of fishing rights with an elite minority ... Rights-Based Fisheries is incompatible with small-scale fishing, and is likely to result in the loss of traditional fishing management practices.

For fisher people in Myanmar these dynamics should be familiar. There have been many struggles and conflicts surrounding access to and control over fisheries resources in Myanmar historically – dating all the way back to the precolonial era¹⁴ -- up to today with the contemporary surge of interest from foreign donors, to investors and Environmental NGOs. Rather than threats from the introduction of Rights-Based Fisheries policy, today the main issue facing marine small-scale fishers is the complete lack of enforcement of existing laws by the central state and the Navy. As a result, small-scale fishers are increasingly being impacted negatively by the intrusion of the large-scale accumulation-oriented fleet into coastal waters leading to conflicts between the small- and large-scale fleet. According to some small-scale fishers, this lack of enforcement of rules and regulations towards the large-scale fleet is as a result of the owners of the large-scale fleet being closely connected to the navy and their ability to pay off the navy.

People who have money can break the law in the sea without consequences.

– Small-scale fisher, Dawei District, December 2016

In this context, a range of actors – from Environmental NGOs to foreign donor agencies¹⁵ – have become engaged in discussions about reform of national and regional level fisheries policy. On the all-important distinction between human rights and property rights, which perspective will come out on top?

Top-down conservation projects – ‘blue-grabbing’

Together with reforms of national fisheries policy, the past decades has seen a massive push for the enforcement and expansion of so-called ‘Marine Protected Areas’ (MPAs) or different forms of ‘Locally Managed Marine Areas’ (LMMAs). Like protected areas in ‘key biodiversity areas’ on land, so too protected areas concerning aquatic resources restrict and sometimes completely ban human interaction with aquatic natural resources. Scholars working on the consequences of protected areas have coined the term ‘green grabbing’ defined as: the grabbing of land-based resources for environmental ends¹⁶. Similarly, some researchers have recently characterized conservation of aquatic resources as ‘blue grabbing’¹⁷.

The spread of MPAs is based on similar reasoning to the above-described ‘tragedy of the commons’. Instead of bringing in a market system though MPAs are usually an enforcement of state property over the seascape with specific rules about what types of activities are and are not allowed. This sometimes happens in cooperation with Environmental NGOs (ENGOs). Through this the state creates vast areas in the seascape that are deemed partly or completely off-limits to human activities – especially fisheries. As this often impacts on small-scale fishers that are dispossessed many MPAs have been controversial and characterized as a “protectionist, authoritarian and violently repressive practice of conservation”¹⁸. Often, these interventions are legitimized through labeling of subsistence level-use of resources or indeed human activity generally as ‘unnatural’ and leading to ‘overfishing’ and environmental change.

For example, research into mangrove conservation initiatives and MPAs in Tanzania have shown how ENGOs and state agencies did exactly this. The continuing criticism of small-scale fishers’ use of the resources paved way for “national and global actors to intervene in the landscape and livelihoods of the [locals]”¹⁹. While there are clearly cases of overfishing caused by large-scale accumulation-driven fishing fleets across the world, “the depiction of artisanal and small-scale fisheries in a place like Mafia Island [Tanzania] as being responsible for overfishing lacks empirical evidence and misrepresents the problem”²⁰. Nonetheless such depictions of small-scale fishers are not confined to Tanzania. In the chapter on ‘overfishing’ in WWF’s ‘Living Blue Planet Report’ it is stated that in some cases “small-scale fleets themselves have been a root cause of depletion and environmental degradation”²¹. As a solution, the report goes on to call for an expansion of MPAs globally.

For small-scale fisher peoples the spread of these types of MPAs is misguided. Instead of targeting the core drivers of destruction of aquatic resources and their environments – e.g. the large-scale accumulation-driven fishing industry, aquaculture, deep-sea mining initiatives etc. – small-scale fisher peoples’ are the ones who must forego their lives and livelihoods, while these destructive practices can continue. For this reason, as the general-secretary of WFFP remarked at IUCN’s ‘World Parks Congress’ in Sydney 2014,

*The term ‘conservation’ carries a negative connotation for millions of local fisher folks across the world, as it means that we have to give up on most of our livelihoods and income from fishing while we draw no benefit from conservation efforts*²².

While several terrestrial protected areas have a long and controversial history in Myanmar as a result of precisely their authoritarian and repressive approach to conservation²³, the marine

variant is as of yet not widespread. So far, only one Marine Protected Area has been created in Myanmar: the Lampi Marine Park. While this has its own controversial history (see next section), it is nonetheless seen as providing “a model for protected areas in Myanmar”²⁴. Following in the slipstream of this a number of ‘Locally Managed Marine Areas’ are being developed along Myanmar’s coast today.

(Eco-)Tourism:

Expansion of the tourism industry globally along coasts and around water bodies inland has been accelerating in the past years – especially in the Global South. While tourism when controlled and managed by communities could potentially contribute to socio-economic development, fisher peoples movements are criticizing how in many cases it is actually just about lining the pockets of the elite. Recent research shows how especially in conflict and post-conflict countries the development of eco-tourism is often tied up with state attempts at asserting control over resources²⁵. Additionally, while eco-tourism projects are often carried out in the name of local communities’ development such projects may end up impacting negatively on their livelihood opportunities. This is especially the case for fishing communities whose livelihood activities are often not considered ‘eco’ or attractive to tourists from the Global North²⁶.

For example, in Sri Lanka an alliance of the State, the Navy and the Air Force have been creating what is deemed the necessary prerequisite for the tourism industry: people and especially fisher-free coast-lines. All around the coast of Sri Lanka, from Passikudah to Kalpitiya to Paanama, State-sanctioned violence towards coastal communities is therefore spear-heading a process of clearing out the coasts – through the grabbing of coastal land. Areas that used to be a key part of local’s livelihoods and lives are turned into spaces for predominantly foreign enjoyment and leisure with the building of hotels and resorts. Although the growth of the tourist industry is heralded as a means to ensure development, it is actually resulting in widespread human rights abuses for coastal communities. And the profit flowing from the industry is ending up in the hands of a select few ‘cronies’ that are closely connected to the State apparatus²⁷.

The above mentioned Lampi park and an associated eco-tourist resort is closely tied up with the long-running conflicts over control of natural resources between the central state and different ethnic armed groups. As a result, the Lampi Marine Park has been mired in controversy due to accusations of human-rights abuses in relation to the associated State-driven tourism development on the island. According to a report released just months after the Lampi Park was created in 1997, “A total of 30,000 people from over 80 villages situated on various islands and on the mainland coast are estimated to have been driven from their homes or forced to relocate as a result of the massive tourism developments associated with the marine park and nature reserve. Many others have either been killed or detained to make way for the projects.”²⁸ In the past five years, the tourism sector has expanded significantly as a result of the changing political climate²⁹. Questions of who will benefit and how from this nascent sector abound – especially in coastal communities:

Ecotourism will flourish here [Kaw Thauung], but what are the real impacts on communities and how will we benefit? Which job opportunities will there be? This needs to be considered. – Villager, Kaw Thauung district, December 2017

Large-scale Aquaculture:

Aquaculture is one of the fastest expanding sectors in agriculture and animal food production globally³⁰. The World Bank estimates that total aquaculture (inland and marine) will continue to expand especially in the Global South and by 2030 it will provide around two-thirds of global fish-consumption³¹. Small-scale aquaculture has been practiced for several thousands of years³² and continues to provide important sources of protein as well as livelihoods for communities around the world. However, the current focus on aquaculture by the World Bank and others involves large-scale, energy- and capital-intensive production of high-value fish commodities (shrimp, salmon, trout, tilapia, sea-bass etc.). These commodities are generally export-oriented towards consumption in the Global North.

The expansion of large-scale aquaculture is justified with reference to 'feeding a hungry world'; a solution to the widespread decline of fisheries resources in the oceans ('growing' fish instead of having to catch them) as well as a means for countries with coasts or inland water bodies across the Global South to link up to the global market through export-driven production. The expansion of this kind of aquaculture, however, relies on re-workings of existing property regimes to accommodate such production systems. As was explained by the British financial newspaper *The Economist* back in 1998³³:

To enhance its uses, the water must become ever more like the land, with owners, laws and limits. Fishermen must behave more like ranchers than hunters. ... [M]ankind may have to treat the coastal waters like prime agricultural land.

In this process, where water bodies become more like 'prime agricultural land', the existing users' resource access is often curtailed if not blocked completely. Additionally, the expansion of aquaculture globally has meant massive destruction of coastal mangroves as these areas are especially beneficial areas for aquaculture development.

For example, Ecuador is the fifth largest producer of shrimp worldwide. This production generates over one billion dollars in export earnings a year. However, earnings in the sector are largely captured by a handful of global fisheries companies that control the industry³⁴. Furthermore, entire communities have been evicted and desperate fishermen are now fighting the shrimp farmers in order to reclaim their lands and protect the mangrove forests. These intense struggles have even led to the killing of fisher peoples. A local leader, Lider Gongora from the group C-CONDEM has explained: "The estuary has become a war zone, and farmers even use packs of dogs and armed militias to protect their farms"³⁵. Through the grabbing of resources the expansion of aquaculture is therefore exacerbating existing conflicts between fishers and farmers. Finally, shrimp farming has devastated Ecuador's fragile wetlands. According to official statistics, the national area of mangroves went from 362,000 hectares to 108,000 hectares.

In Myanmar, aquaculture has been growing rapidly over the past ten years or so and the current outlook has been characterized as a "'perfect storm' of demand for aquaculture products that will only intensify as Myanmar's economic transition continues"³⁶. The question of who will benefit from this demand and how is still open. Conflicts along the lines of those found in Ecuador might

be brewing already in Myanmar's Ayeyarwady delta that currently has 90% of the country's inland ponds. This area is also historically known as Myanmar's 'rice-bowl' due to the vast paddy-fields also found there. The overlapping of these two agricultural sectors has already vastly transformed the delta resulting in massive loss of mangrove forests³⁷ with those livelihoods directly relying on the coastal habitat losing out. As the 'perfect storm' unravels such tendencies might end up getting exacerbated.

Expansion of industrial infrastructure:

Coastal states all around the world are constantly in competition to become regional and global trade, energy and logistical hubs. A key means to do so involves the expansion of large-scale infrastructure including deep-sea ports, power plants, motorways etc. Especially in the South and South-East Asian region, a network of massive ports are being developed to facilitate transport and trade along China's 'maritime silk road'. These port-projects are being financed by Chinese private- and state-capital that is flowing into a number of different port projects in the region from Pakistan to Sri Lanka³⁸.

Myanmar is no stranger to these dynamics. Just recently, a Chinese company won a contract to develop a Deep-sea Port in Rakhine State that is explicitly part of the maritime silk road³⁹. Additionally, a deep-sea port and sprawling Special Economic Zone has been underway just North of Dawei since 2008. As documented by local groups, if this project progresses as envisioned it will completely overlook the interests of the communities currently living there and stands to displace and dispossess many fisher and farmer communities currently living in the project area⁴⁰.

Political responses to the 'great transformation'?

In May 2012 and in June 2014 a set of international guidelines were adopted by the member states of the United Nations' Food and Agricultural Organisation (FAO). These are the Tenure Guidelines⁴¹ and the Small-Scale Fisheries Guidelines⁴². Both of these guidelines are a result of social movements engaging with the FAO-system – and, in fact, the process was driven by them. However, many other actors were also engaged in this negotiation process (States, ENGOs, the private sector). Both documents are therefore a result of a compromise. Nonetheless, the guidelines potentially provide very different responses to the above mentioned core questions of: who ought to have what rights to which resources, for what purposes, and who ought to decide? Only 'potentially', because the guidelines are open to interpretation. The degree to which the guidelines are interpreted in a way that supports social justice and human-rights will depend on whether and how social movements engage with them.

In other parts of the world, fisher peoples' movements have turned to these guidelines with the interpretation that they can be used to 'resist and roll-back' instances of land, water and ocean grabbing⁴³. At the same time, they have been used in campaigns for alternatives based on social justice and human-rights.

Concretely, they have been used:

- As a tool to build knowledge and awareness in movements:
 - By discussing and engaging with the guidelines fisher peoples can become more politically aware in questions addressing every-day challenges.
- To provide legitimacy to existing claims from small-scale fisher communities:
 - The guidelines are rooted in a Human-Rights Based Approach that emphasizes that the rights and interests of vulnerable and marginalized groups (herein women and indigenous peoples) must be prioritized.
 - When faced with the loss of or being denied their rights to fish or harvest aquatic resources, movements can use the guidelines to legitimize their call on states' obligation to *recognize, respect* and *protect* customary legitimate tenure rights to fisheries and land.
 - Support for 'roll-back' claims, whereby small-scale fisher communities regain access to and control over resources
- As an analytical tool to assess whether existing policies live up to the human-rights based approach to fisheries

In the end of February 2017, the Myanmar government in cooperation with Wildlife Conservation Society launched a report titled: "Marine Spatial Planning in Myanmar: Strategic Advice for Securing a Sustainable Ocean Economy"⁴⁴. Acknowledging the new phase that Myanmar is currently moving into by "rapidly opening up to increased coastal and marine investments"⁴⁵, the report sets out steps for a 'five-year roadmap' that aims to "achieve ... ecological, social and economic objectives"⁴⁶. As should be clear from the dynamics discussed in this brief, the balancing act between different objectives is a difficult one. More often than not, despite the good intentions behind "integrated, strategic and participatory" spatial planning processes, they do not always succeed. Indeed, far from balancing the different objectives, it has been argued that such processes due to inherent biases towards economic objectives actually "reorganize coastal spaces and political systems for the purpose of enabling investment penetration by state and international capital"⁴⁷. As the roadmap rolls out then, it is important to recall a core principle in the SSF-guidelines: the prioritization of vulnerable and marginalized groups in all decision-making processes. This approach stands in contrast to the 'multistakeholder approach' envisioned in Marine Spatial Planning, where all actors are reduced to 'stakeholders'. In this view, fisher communities lives and livelihoods are put on par with the economic interests of private sector actors – following the assumption that both parts are equal stakeholders. Furthermore, it glosses over fundamentally differing interests and positions under the assumption that they can be resolved through compromise⁴⁸. However, as pointed out in the introduction, fundamentally differing visions of development are currently at play in Myanmar. The differences between these are important and should not be glossed over and de-politicized in the hope that this will lead to some 'win-win-win' compromise. As recently noted by the Land in Our Hands network: "not everyone can agree on which visions of the country's future are desirable or acceptable ... the real problem is a political one – who ought to decide how land and its associated natural resources can be used, by who and for what purposes?"⁴⁹

Key provisions from ssf-guidelines:

Prioritising vulnerable groups, the guidelines should be (1.2): “achieved through the promotion of a human rights-based approach, by empowering small-scale fishing communities, including both men and women, to participate in decision-making processes ... for the benefit of vulnerable and marginalized groups”

Governance and participation (3.6): “ensuring active, free effective, meaningful and informed participation of small-scale fishing communities, including indigenous peoples ... in the whole decision-making process related to fishery resources, and areas where small-scale fisheries operate as well as adjacent land areas, and taking existing power imbalances between different parties into consideration. This should include feedback and support from those who could be affected by decisions prior to these being taken, and responding to their contributions.”

Equitable distribution of benefits (5.1): “The guidelines support equitable distribution of the benefits yielded from responsible management of fisheries and ecosystems, rewarding small-scale fishers and fish workers, both men and women.”

Preferential access for small-scale fisheries (5.7): “States should where appropriate grant preferential access of small-scale fisheries to fish in water under national jurisdiction, with a view to achieving equitable outcomes for different groups of people, in particular vulnerable groups.”

Redistributive reform (5.8): “States should adopt measures to facilitate equitable access to fishery resources for small-scale fishing communities, including, as appropriate, redistributive reform”

Protection against eviction & infringement of rights and competition with other sectors (5.9): “States should ensure that small-scale fishing communities are not arbitrarily evicted and that their legitimate tenure rights are not otherwise extinguished or infringed. States should recognize that competition from other users is increasing within small-scale fisheries areas and that small-scale fishing communities, in particular vulnerable and marginalized groups, are often the weaker party in conflicts with other sectors and may require special support if their livelihoods are threatened by the development and activities of other sectors.”

Protection against large-scale development projects (5.10): “States and other parties should, prior to the implementation of large-scale development projects that might impact small-scale fishing communities, consider the social, economic and environmental impacts through impact studies, and hold effective and meaningful consultations with these communities, in accordance with national legislation.”

Restore access in cases of displacement from armed conflict (5.12): States should strive to restore access to traditional fishing grounds and coastal lands to small-scale fishing communities that have been displaced by natural disaster and/or armed conflict taking into consideration the sustainability of fisheries resources. States should establish mechanisms to support fishing communities affected by grave human rights violations to rebuild their lives and livelihoods. Such steps should include the elimination of any form of discrimination against women in tenure practices in case of natural disasters and/or armed conflict.”

Communities must be included in the design of conservation efforts and climate change policies so as not to undermine their livelihoods (5.15): “States should involve small-scale fishing communities – with special attention to equitable participation of women, vulnerable and marginalized groups – in the design, planning and, as appropriate, implementation of management measures, including protected areas, affecting their livelihoods options.” (9.3): “States and other relevant parties should take steps to address issues such as pollution, coastal erosion and destruction of coastal habitats due to human-induced non-fisheries-related factors. Such concerns seriously undermine the livelihoods of fishing communities as well as their ability to adapt to possible impacts of climate change.”

Protection in situations of armed conflicts (6.18): “all parties should protect the human rights and dignity of small-scale fisheries stakeholders in situations of armed conflict in accordance with international humanitarian law to allow them to pursue their traditional livelihoods, to have access to customary fishing grounds and to preserve their culture and way of life. Their effective participation in decision-making on matters that impact them should be facilitated.”

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