

## **Stewards, Not Squatters: Transitional Justice and the Formalization of Mon Customary Land Rights**

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### **Abstract**

This paper critically examines the formalization of Mon customary land rights and its relationship to mitigating land grabbing in the Mon region. This study builds from agrarian studies scholarship on accumulation by dispossession through analyzing the formalization of customary land rights through ethnic land titling within a transitional justice framework. Transitional justice scholarship is often dominated by a liberal-legalist paradigm that emphasizes a dominant script of top-down, state-led, and template-driven mechanisms. The paper instead argues that formalization of ethnic customary land rights should be implemented through bottom-up, systematic codification and collective titling, in this case by autonomous ethnic governing bodies, to best achieve a more durable and peaceful future federal democratic union of Myanmar. This approach challenges the normative model of transitional justice that assumes a universalized liberal script of individual accountability and private property. Collective land titling necessitates grappling with how contemporary Mon land use has become deeply integrated with capitalist relations as well as subsequent pressing land inequities and injustices. Inter-ethnic conflict, such as historical territorial disputes between the Mon and Karen, demonstrates the need for better alignment in the implementation of their respective ethnic armed organizations' land policies. This paper integrates policy analysis with empirical studies on land grabbing in the Mon State, supplemented with a focus group discussion with Mon farmers and semi-structured interviews on Mon land issues. The study offers broader implications for peacebuilding and transitional justice in Myanmar by considering how collective land titling and coordination of ethnic land governance systems are potential pathways towards successfully implementing decentralized political federalism.