BURMA LAND TENURE PROJECT
FINAL REPORT
MARCH 2018
**USAID Contract No:** AID-OAA-TO-13-00016

**Cover Photo:** A photo montage of Land Tenure Project activities in Burma. All Photos: TGCC

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**Suggested Citation:** Guthe, E. (2018). *Burma Land Tenure Project final report*. Washington, DC: USAID Tenure and Global Climate Change Program.

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**DISCLAIMER** This report is made possible by the generous support of the American people through the United States Agency for International Development (USAID). The contents of this report are the sole responsibility of its authors and do not necessarily reflect the views of USAID or the United States government.
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# ACRONYMS AND ABBREVIATIONS

- **ADS**: Agriculture Development Strategy
- **APU**: Agriculture Policy Unit
- **CFI**: Community Forestry Instructions
- **CIFOR**: Center for International Forestry Research
- **CSO**: Civil Society Organization
- **DALMS**: Department of Agricultural Land Management and Statistics
- **DICA**: Directorate of Investment and Company Administration
- **ECODEV**: Economically Progressive Ecosystem Development
- **ESIA**: Environmental and Social Impact Assessment
- **EU**: European Union
- **FAO**: Food and Agriculture Organization of the United Nations
- **FD**: Forest Department
- **FIRST**: Food and Nutrition Security Impact, Resilience, Sustainability and Transformation
- **GIS**: Geographic Information Systems
- **GPS**: Global Positioning Systems
- **IFC**: International Finance Corporation
- **INGO**: International Non-Governmental Organization
- **LCG**: Land Core Group
- **LIFT**: Livelihoods and Food Security Trust Fund
- **LTP**: Land Tenure Project
- **MIC**: Myanmar Investment Commission
- **MIID**: Myanmar Institute for Integrated Development
- **MOALI**: Ministry of Agriculture, Livestock and Irrigation
- **MONREC**: Ministry of Natural Resources and Environmental Conservation
- **MOU**: Memorandum of Understanding
- **MRLG**: Mekong Region Land Governance
- **NGO**: Non-Governmental Organization
- **NLD**: National League for Democracy
- **NLUP**: National Land Use Policy
- **QGIS**: formerly Quantum Geographic Information System
LTP team members conduct land use and tenure assessments in Minhla Township, Bago Region. PHOTO CREDIT: TGCC
1.0 INTRODUCTION

Since 2012, Burma’s dynamic transition toward more democratic governance processes and opportunities for foreign direct investment has meant that the country is now open for business. This rapid change has raised concerns relating both to the incentives to promote responsible investment and to the protection of land tenure and property rights of smallholder farmers and communities located throughout the country. While 70 percent of the population of Burma presently derives their livelihood from small-scale agriculture, there is increasingly a push from the government to create economic growth through extractive industries, industrialized agriculture, and cash crops.

Land use management issues in Burma are complex and politically sensitive, and represent a very real threat to the social and political stability of the country. The country’s complicated and often antiquated land legal framework translates to confusion on the ground, with a lack of clarity on delegated roles and responsibilities of those holding land-related decision-making authority. While Burma is in the early stages of land governance reform, land tenure security and property rights is key for sustainable and inclusive economic growth and should remain a priority for the United States Agency for International Development (USAID) and other donors moving forward.

Under the USAID-funded Tenure and Global Climate Change (TGCC) program, locally known as the Land Tenure Project (LTP), USAID tested a key shift from centralized, top-down land governance by modeling participatory, inclusive public participation in policy and legislation development and bottom-up, participatory land use planning approaches. This approach marks the start of a change towards government as service providers.

With coordinated support from LTP and other donors, the Government of Burma (GOB) developed and endorsed a forward-looking National Land Use Policy (NLUP). During the development of the NLUP, the GOB utilized an unprecedented, inclusive public consultation process to refine and improve the draft policy. The resulting policy, endorsed by the GOB in January 2016, is based on international good practice and promotes sustainable land use management, strengthens land tenure security for all, and recognizes and protects legitimate customary land tenure rights and procedures of ethnic nationalities. The NLUP also promotes people-centered development, participatory decision making, and accountable land administration to support equitable economic development.

Following the endorsement of the NLUP, momentum for further changes to the land legal framework largely stalled as a result of a changing political landscape. During the LTP timeframe, different priorities, such as Land Confiscation Reinvestigation Committees to address historic land disputes, came into play. As ministries restructured following the historic transfer of power to the National League for Democracy (NLD)-led government in 2016, LTP built awareness and tested elements of the NLUP among a wide range of stakeholders from civil society, government, and communities. Following the close of LTP activities in December 2017, the GOB announced the creation of
a National Land Use Council, marking an important next step in moving implementation of the NLUP forward.

In this political context and following short-term assessments in 2013 and 2014, USAID/Burma developed a scope of work (SOW) in early 2015 to address land tenure and property rights with a focus on rural land use management issues and customary and community tenure. LTP operated under a memorandum of understanding (MOU) with the Ministry of Natural Resources and Environmental Conservation (MONREC) and built strong relationships with the Ministry of Agriculture, Livestock and Irrigation (MOALI), Land Core Group (LCG), OneMap Myanmar, European Union (EU)-funded land use planning activities, the World Bank, and many other civil society and donor organizations. LTP implemented a series of activities around: 1) strengthened public consultation and awareness through multi-stakeholder dialogue and capacity building; 2) law and policy development; and 3) piloting elements of the NLUP.

Strengthening public consultation and multi-stakeholder dialogue were the foundation of the project, with LTP helping to bring together civil society, donors, government, and communities. Under this activity, the project hosted 220 events reaching 7,480 participants; developed 44 publications describing laws and policies as well as participatory mapping approaches; and built the capacity of local partners through multiple training and awareness-raising events.

**STRENGTHENING PUBLIC CONSULTATION**

| 220 events | 7,480 participants | 44 publications |

On law and policy development, LTP provided technical support for development of the NLUP, including strategic support for the unprecedented public consultation process and provided technical advice to the core drafting team. As the political landscape shifted, LTP adapted to integrate elements of the NLUP into other laws and policies that govern land tenure and property rights in Burma. By the close of project activities, LTP had provided technical assistance on 15 laws, policies, and regulations. As an internationally recognized resource for organizations and individuals working on land reform in Burma, LTP’s Resource Law Specialist (RLS) consulted with a wide range of stakeholders, providing inputs and advice to 37 external partners.

LTP also tested the NLUP in practice through pilots of inclusive, bottom-up participatory planning that mapped community resources of 59 villages across 11 village tracts in four states/regions of Burma. Pilot activities also involved land legal awareness training for local authorities. These community resource documentation activities helped to map and identify legitimate land tenure claims of rural communities. Maps, which had no formal path to recognition under the current land legal framework, served as a starting point for discussions between communities and local authorities. Pilot activities
demonstrated community-led, participatory land use planning in Burma; helped model the value of including community perspectives in mapping initiatives for local authorities; and exposed rural community members to land governance systems, which was a first-time experience for many communities.

This report describes LTP activities and their relative significance, providing context for activities through description of quantitative and qualitative accomplishments and shortcomings. LTP produced many detailed publications, which provide more in-depth recommendations and paths forward than this report. As such, this report references relevant publications where appropriate; links to these resources can be found in Annex A. The report concludes with a brief discussion on sustainability as well as lessons learned and recommendations for moving forward.
2.0 STRENGTHENING PUBLIC PARTICIPATION AND AWARENESS THROUGH MULTI-STAKEHOLDER DIALOGUE AND CAPACITY BUILDING

LTP activities promoted multi-stakeholder dialogue and consultative processes, demonstrating inclusive, participatory approaches in a top-down governance system that does not traditionally include community perspectives. While participatory approaches underpinned most the project’s activities, the initial Burma SOW identified two main activities in this regard: 1) support informed public participation in the policy and pilot processes through the development of educational materials and convening of multi-stakeholder dialogues; and 2) support action research and monitoring to inform legal and policy reforms. During development of the NLUP, activities focused on technical assistance and support for the public consultation process. After endorsement of the NLUP in January 2016, activities shifted to information dissemination and awareness raising about concepts included in the NLUP through a variety of activities at both the community and national levels.

LTP was highly collaborative in its approach and worked with many different partners and stakeholders including donors, donor-funded programs, civil society, the private sector, academic institutions, government officials, and community members. To help meet high demand for accurate and up-to-date information about the land legal framework and land governance system, LTP developed and disseminated 44 publications that range from policy briefs to films. These publications supported public participation and awareness-raising activities including formal and informal consultations; inputs on relevant briefs, reports, and articles; presentations and participation in workshops; formal training; and project-hosted multi-stakeholder dialogues.

2.1 LTP PARTNERS AND STAKEHOLDERS

LTP engaged with a broad range of stakeholders and supported multiple partners. The project became an important resource for organizations working, or planning to work, on land-related issues in Burma and provided formal and informal support and advice to a myriad of stakeholders, promoting close coordination and information-sharing. LTP directly supported eight local organizations to implement community-based activities testing the NLUP in practice, and partnered with two additional local organizations and one international subcontractor (See Box A).

As envisioned in the project’s initial design, LTP had close relationships with several donors and donor-funded programs. LTP supported formal and informal donor coordination around land issues through close collaboration with the informal land coordination group, which involves a range of donors and organizations working on land in Burma. LTP also provided significant support to the World Bank’s two workshops on land administration and related outputs. This support included workshop design, participation in assessment team meetings with GOB representatives, and development of land sector needs assessment thematic policy notes. In support of Food and Agriculture Organization (FAO) Voluntary Guidelines on the Responsible Governance of

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**BOX A. LTP PARTNERS**
- BadeidhaMoe
- Farmers and Landworkers Union (FLU)
- Green Peasant Institute (GPI)
- Landesa
- Mote Oo Education
- Myanmar Institute for Integrated Development
- Peace and Justice
- Pyoe Khin Thit Foundation
- Sagaing Region Farmers’ Union
- Upper Chindwin Youth Network
- Yangon Film Services
Tenure of Land Fisheries and Forests in the Context of National Food Security (VGGT) work in-country, LTP contributed to the integration of VGGT concepts into the NLUP and developed a high-quality translation in Burmese.

LTP's activities integrated with and were complemented by programs such as OneMap Myanmar, the Mekong Region Land Governance (MRLG) project, and EU-funded land-use planning work. LTP hosted several events in collaboration with OneMap Myanmar to raise awareness of participatory mapping in Burma. LTP's pilot site data and map and village folio outputs are hosted on the OneMap Myanmar Participatory Land Use Planning website (http://landtenure-unibern.opendata.arcgis.com/). LTP's Community Resource Documentation Toolkit complements MRLG's Documenting Customary Tenure in Myanmar: A Guidebook (First Edition) as both resources describe participatory community resource documentation. LTP also worked with the EU-funded land use planning project to demonstrate how top-down and bottom-up approaches to land use planning could be combined. However, due to the intermittent presence of the EU project in country, this collaboration was more limited.

LTP worked extensively with civil society (CSOs) and local non-governmental organizations (NGOs). In particular, the project had a strong relationship with LCG, working on both policy-related and field-based activities. At the policy level, the LTP RLS provided substantial technical support on strategic direction for legislative initiatives to the LCG as land-related laws and policies were considered by Parliament. LCG and LTP also collaborated to host several events and workshops, which were supported by simultaneous translation equipment funded by LTP.

LTP supported eight local organizations to implement community resource documentation and land legal awareness training. In addition, LTP had three additional partners. International NGO Landesa conducted gender assessments of initial pilot sites, provided gender training for local partners and developed several law-related educational materials. Yangon Film Services developed films describing participatory mapping activities and Mote Oo Education trained the LTP team on adult education techniques.

The LTP RLS was a key actor in advancing sustainable land use and land management in Burma, providing technical assistance to the government and many other stakeholders. As a “go to” resource person in Yangon, he advised and provided technical assistance on land tenure and property rights to many stakeholders. This formal and informal support took the form of consultations and meetings on land governance; review and feedback on written reports, briefs, and articles; and presentations and attendance at a wide array of workshops and events. The graphic on page 9 summarizes formal and informal support by the RLS for external partners.
2.2 EDUCATIONAL MATERIAL DEVELOPMENT AND DISSEMINATION

One of the key goals in the LTP SOW was to address the “limited overall awareness of the existing legal framework and the lack of publicly available information on land rights.” LTP recognized the importance of providing accurate, up-to-date information about land governance in Burma. The project developed 44 publications to address gaps in knowledge and disseminated project-developed publications to a wide range of stakeholders. Annex A includes a list of resources developed by LTP, which fall into five categories: 1) policy briefs and reports; 2) the NLUP development timeline and process; 3) reports related to pilot site process and findings; 4) training and educational resource materials; and 5) other resources. Though LTP produced numerous materials, project findings are best summarized by two main toolkits: the Land Legal Awareness Toolkit, which compiles a number of different documents on the land legal framework, and the Community Resource Documentation Toolkit, which describes field-based participatory mapping activities.

- Including policy briefs, assessments, written and non-written educational materials
- Materials explain field-based approaches as well as relevant policies, laws, regulations and procedures
- Audiences include local communities, civil society, GOB, donors, private sector
- Support informed public participation in land-related decision making
2.2.1 POLICY BRIEFS AND REPORTS

Materials developed by LTP to explain key policies, laws, and regulations provide a comprehensive overview of land-related concerns for decision makers in Burma. This suite of 10 briefs and reports range from in-depth reports such as the *Community Land and Resource Tenure Recognition: Review of Country Experiences* to short, action-oriented briefs on topics such as customary tenure, shifting cultivation, land classification, and tenure opportunities under the Forest Law. LTP packaged these materials together as a comprehensive land legal awareness toolkit for local audiences. In addition, LTP supported the printing and dissemination of copies of the NLUP in Burmese and English.

2.2.2 NLUP DEVELOPMENT

Building on activities launched by USAID in 2012, LTP continued support for the development of the NLUP through a public consultation process. Short success stories and a comprehensive paper on *Developing the National Land Use Policy in Myanmar: The Importance of Inclusive Public Consultations and Close Donor Coordination* document this work. The comprehensive paper was presented at the World Bank’s Land and Poverty Conference in 2017.

2.2.3 PILOT SITE PROCESS AND FINDINGS

LTP produced several materials that document the pilot site process and findings. Land use and tenure assessments at the first two pilot sites helped to inform development of the community resource documentation process. Gender assessments at the same pilot sites, led by TGCC partner Landesa, helped to refine the assessment process. These materials also include a local land governance assessment conducted at the first two pilot sites, which sought to identify local authorities’ capacity gaps and needs. Findings from these assessments informed development of the pilot process and aspects are included in the comprehensive *Community Resource Documentation Toolkit*. 
LTP materials on the pilot process also include critical reflections and lessons learned. The project produced two evaluations of work at the first pilot site, which reflect on community knowledge of the NLUP and evaluate the mapping process. Two LTP team members presented findings from these evaluations at the World Bank Land and Poverty Conference in 2017. Broader reflections on the pilot process are included in two reports: *Lessons from Local Partner Land Use, Tenure and Gender Assessments* and *Lessons Learned from Burma Community-Based Activities*.

### 2.2.4 TRAINING AND EDUCATIONAL RESOURCE MATERIALS

In addition to resource briefs and reports, LTP developed several materials specifically for training and educational purposes. Many of these materials were developed for use with local communities and thus focused on simple, visual products. The LTP team found that large, vinyl posters and A3 size laminated facilitation cards worked well for community outreach. A local artist developed cartoon posters and facilitation cards and Yangon Film Services developed a series of four films that describe LTP's participatory mapping activities.

While LTP conducted many different training workshops, the format moved away from lectures using PowerPoint slides to more participatory, interactive training events that consisted of games and often utilized flipcharts and other visual materials. As such, not all LTP training workshops are reflected through digital resource materials, but rather based on deep engagement of participants.

### 2.2.5 DISSEMINATION

Materials developed by LTP were broadly disseminated and are accessible to many stakeholders. Law and policy documents were distributed through the LCG listerv and the Agriculture Policy Working Group and through government partners in the Agriculture Policy Unit (APU) within MOALI and the Forest Department (FD) of MONREC. LTP-produced documents are posted and available on myLAFF (http://www.mylaff.org/), a forum for sharing information about land, agribusiness, and forestry issues in Burma. Members include staff of donor agencies and NGOs, civil society, project experts, academics and private sector representatives. Several LTP materials, including data, maps, and village folios, are available on OneMap Myanmar platforms. For example, OneMap is transforming the LTP-produced land terms glossary into an interactive wiki.

Materials also reached a broad range of stakeholders through events and meetings. All communities received copies of LTP's visual outreach materials and community-based activities often included screening of the *Mapping Our Land* film. The World Bank disseminated LTP's donor coordination brief at the Sustainable Land Administration Workshop in October 2017. At LTP lessons learned workshops, several materials, including the land legal awareness and community resource documentation toolkits, were distributed to participants. Participants included local, district, and regional GOB authorities as well as local civil society representatives.
2.3 MULTI-STAKEHOLDER DIALOGUES, AWARENESS RAISING, AND TRAINING

To address information gaps and strengthen informed public participation, LTP convened several activities to promote awareness raising and capacity building. From multi-stakeholder dialogues to formal training workshops, these activities involved a broad range of participants and raised awareness of land governance issues in Burma. When considered together, these activities demonstrate the high demand for accurate information on land governance as well as the broad range of need for different types and venues for information sharing and capacity building.

2.3.1 MULTI-STAKEHOLDER EVENTS AND WORKSHOPS

LTP was an active participant, presenter, and convener of multi-stakeholder dialogues and workshops to further sustainable land management in Burma. LTP participated in and presented at 38 external events for other donors and partners. During development of the NLUP in early stages of the project, LTP provided strategic advice and assistance for the public consultation process.

LTP also convened several large workshops to broaden understanding of land governance in Burma, which are summarized in Box B. Of note were three annual participatory mapping symposiums, which raised awareness of the importance of including community perspectives in mapping processes. These symposiums reflected year over year increases in participation—both in terms of number of participants as well as breadth of contributing participants—indicating a shift in knowledge regarding the importance and use of this approach.

At the close of project activities, LTP hosted three regional, two national, and two thematic lessons learned workshops, which gathered government, community, and civil society stakeholders and participants to reflect on their experiences using participatory mapping approaches to document community tenure. Regional lessons learned workshops were held in Kalay, Sagaing Region; Pathein, Ayeyarwaddy Region; and Taungyi, Shan State. These events were notable for the degree of interaction between government and civil society participants, reflecting a potential shift as government authorities begin to recognize the role of participatory activities in land administration. National events drew on learning from regional events to reflect on project learning.

Box B. Major LTP Workshops

- Responsible Land Based Investments in the Agriculture Sector: Due Diligence in the Myanmar Context
- Smallholder Agriculture: The Foundation of Economic Development Conference
- Enhancing Open Access to Knowledge, Information and Data in the Mekong
- Workshop on the Draft Land Governance Stakeholder Analysis
- 3 Annual Participatory Mapping Symposiums
- LIFT Natural Resources Management Community of Practice

Attended by 237 participants to raise awareness of the importance of community perspectives in mapping processes. Increased year over year participation indicated a shift in knowledge regarding the importance and use of this approach.
The two thematic workshops focused on integrated land use planning and issues related to land and gender. In Bago, three donor-funded projects introduced findings from pilot activities examining land use planning at regional, township, and village tract levels. With land use planning activities implemented by the EU at the regional level, OneMap Myanmar at the township level, and LTP at the village tract level, the three projects shared their findings to government officials from nine departments to discover linkages between different approaches.

The land and gender workshop convened CSOs from across Burma who were actively working on this topic. The workshop highlighted the complex nature of women’s relationship to land and the ways in which women’s participation in decision making and representation in decision-making bodies is a key aspect of women’s property rights. Of note, the workshop marked the first time that organizations working on this subject met together, a promising step towards forming an active community of practice.

2.3.2 AWARENESS RAISING AND TRAINING

LTP’s capacity-building events ranged from one-off events for government officials, university students and staff, and civil society representatives to sequenced formal training for local partners.

1,442 hours of training for a wide range of stakeholders, including civil society

Standalone training events included Land Tenure Assessment for CSOs, Mobile Mapping and GIS for CSOs, Innovative Technologies for Participatory Mapping in Myanmar for CSOs, Participatory Mapping and Mobile Data Collection Tools for CSOs in Taungyi, Exploring Gender Responsive Approaches to Secure Land Tenure, Community Forestry Concepts for Pilot Site 2 communities, Land Governance Lectures for Universities, Land Legal Awareness Training for pilot site communities
The land governance lecture series for university students and staff addressed topics such as land governance structures in Burma, policy and law, and political aspects of legal change. Lectures reached 564 participants, which included undergraduate and graduate students and Law Department lecturers from the University of Yangon, Mandalay University, and Yezin Agricultural University. Participants noted that bringing first-hand field experience and expert legal knowledge helped to foster interest, raise awareness, and provided a venue to discuss solutions for land issues. Participants reported a high level for interest in follow-up support for strengthening understanding of land tenure and property rights for Burma’s future leaders.

The local land governance assessment conducted by LTP identified a need to provide legal awareness training to local authorities who were unclear on their roles and responsibilities under the current land legal framework. Working through local partners, LTP provided two-day land legal awareness training to village and village tract leaders. Training often included participants from Land Confiscation Reinvestigation Committees and Farmland Management Bodies and covered roles and responsibilities as stipulated by the 2012 Farmland Law; Vacant, Fallow and Virgin (VFV) Land Management Law; Forest Law; Community Forestry Instructions (CFI); and Land Acquisition Act. Land legal awareness training reached 663 participants across 13 village tracts. Participants reported greater understanding of the roles and responsibilities under the current land legal framework.

In addition to standalone events that reached broad numbers of participants, LTP provided in depth technical capacity building for six LTP partner teams conducting community resource documentation at pilot sites. Training occurred after each major step in the community resource documentation process. LTP partners convened at the project office in Yangon to reflect on lessons learned from the previous step and to prepare for next activities. In total, LTP provided 45 training days to the six teams conducting mapping activities. While a bulk of training time focused on spatial data and map creation and management, training introduced other skills and knowledge, as described in Box C. Training was highly participatory and oriented to peer-to-peer learning as participants shared successes and lessons learned with one another. Many of the findings from these events are documented in the Community Resource Documentation Toolkit.
BOX C. TRAINING TOPICS FOR LTP LOCAL PARTNERS

- Objectives and purpose of community resource documentation,
- The NLUP and its relevance to field-based activities,
- Land use classifications,
- Land use, tenure, and gender assessments,
- LTP media tools and materials,
- Requirements for Monitoring and Evaluation,
- Mobile data collection form design and use,
- GPS fundamentals,
- Spatial data for participatory mapping activities using QGIS,
- Firm-fixed price subcontracts,
- Public speaking skills
3.0 LAW AND POLICY DEVELOPMENT

In recognition of the profusion of confusing, conflicting laws affecting land and forest resource rights and a widespread lack of legal documentation and awareness of those rights, strengthening the policy and legal frameworks was a major component of LTP. As described in the SOW, LTP provided, “technical assistance to the further development of the National Land Use Policy and related legislative and regulatory reforms as anticipated by the policy, in particular related to land, forests, and other natural resource rights and management.” Major activities included support for development of the NLUP and subsequent education and awareness-raising activities, support for MOALI’s APU, and support for other laws and policies key to the governance of land and natural resources in Burma. Annex B summarizes LTP’s support and describes next steps and recommendations for individual laws, policies, and regulations of the land legal framework.


3.1 THE NATIONAL LAND USE POLICY

The NLUP is a forward-looking document that promotes sustainable land use management and protection of cultural heritage areas, environment, and natural resources for the interest of all people in Burma. The policy emphasizes the recognition and protection of legitimate customary tenure rights of ethnic nationalities, development of transparent dispute mechanisms, and promotion of people-centered development through participatory decision making. The NLUP also supports responsible investment in land resources and accountable land use administration in order to enhance equitable economic development of the country.

With LTP assistance, the GOB developed the NLUP using an unprecedented, inclusive public consultation process with consultations held in every state and region of the country followed by a series of expert roundtables and a national workshop. Feedback was carefully documented, reviewed, and used to revise and improve the content of the draft policy. Box E summarizes LTP’s technical assistance to key stakeholders.

BOX E. LTP SUPPORT FOR NLUP DEVELOPMENT

- Engaged government and civil society stakeholders on NLUP coordination
- Drafted roadmap for the development of the NLUP and consultation process
- Advised on how to organize and conduct public consultations, how to deal with media
- Assisted development of press releases
- Developed briefing notes and presentations to inform stakeholders about the policy document, to support informed participation in public consultation meetings
- Provided guidance through issue specific working groups
- Provided comments on draft policy
- Advised on how to analyze comments received during the public consultation process
- Worked with core drafting team to make necessary changes to draft NLUP

Technical assistance for 15 laws, policies, regulations
during the policy development process with more detailed explanation of the process in the paper that was presented at the World Bank Land and Poverty Conference in 2017 on Developing the National Land Use Policy in Myanmar: The Importance of Inclusive Public Consultations and Close Donor Coordination.

Following endorsement of the NLUP in January 2016 and historic transfer of power to the NLD-led government later in the year, there was considerable discussion of how the NLUP would be used moving forward. As the political landscape shifted, momentum for development of an umbrella land law slowed. As this shift occurred, LTP adapted to focus on raising awareness and understanding of important elements in the NLUP among government, civil society, and other stakeholders. By the close of LTP activities, key government actors recognized the NLUP as current government policy for land governance. The NLUP is directly referenced in the Agricultural Sector Policies and Thrusts for the Second Five Year Short Term Plan, draft Agriculture Development Strategy, draft Livestock Policy, draft Environmental Strategic Plan, various regulatory instruments necessary for implementation of the new Investment Law, and the VFV Lands Management Strategy, and is regularly cited by government officials at public workshops. There is still a need to build greater understanding and acceptance of the policy and its content in some circles, including within elements of the civil society community and among local government stakeholders in Burma.

### 3.2 AGRICULTURE POLICY UNIT

In 2016, the LTP RLS was nominated as one of two land advisors to the new APU within MOALI. Through this appointment and participation in the Agriculture Policy Working Group, LTP supported the development of an Agriculture Policy White Paper that led to the tag line “from rice bowl to food basket” to explain strategic changes in the agriculture sector. As an advisor to the APU, the RLS advised on priority action items; provided technical inputs relating to land tenure and land governance on the Agriculture Policy and draft Agriculture Development Strategy; delivered two policy lectures to MOALI staff; and worked closely with other advisors from the Michigan State University/USAID Agriculture Policy Project and the EU-FAO Food and Nutrition Security Impact, Resilience, Sustainability and Transformation (FIRST) Project.

At the close of LTP activities, remaining priorities in this area included additional support to the VFV Lands Management Strategy and building stronger relationships with Department of Agricultural Land Management and Statistics (DALMS) staff within MOALI.

### 3.3 OTHER POLICIES AND LEGISLATION

In addition to supporting development of the NLUP, LTP actively explored options to support the development of other policies, laws, rules, guidelines, and forms relating to responsible land governance and increased tenure security for all stakeholders in the country in line with provisions found in the NLUP. LTP supported development of a National Land Law through participation in multiple meetings and presentations and development an initial outline of core concepts. This process came to a standstill prior to the elections in 2015, though the Union Attorney General’s Office did develop a draft Land Law. After review of this draft in early 2016, LTP determined that the draft was not ready to be shared publicly for consultation. By August of 2016 it became apparent that the time was not ripe for development of a comprehensive umbrella National Land Law, and the strategy shifted to approaching
the problem “under the radar” with a number of less obvious but still important pieces of legislation (real estate services law, registration law, etc.).

As summarized in Annex B, LTP engaged when and where possible on legislative and policy developments relating to land governance.
4.0 PILOTING THE NATIONAL LAND USE POLICY

The NLUP highlighted a need for pilot activities related to key land sector issues, and the LTP SOW called for LTP to fill “a critical gap in support for land rights recognition and land use planning at the village and village tract (lowest administrative unit) level.” As such, the SOW noted, “the Program will design and implement an integrated pilot model that implements key policy elements, in particular related to community rights recognition; participatory, gender-sensitive, and sustainable land use planning that improves livelihoods and reduces deforestation; and alternative land dispute resolution, at the village/village tract level.”

Over an approximately two-year period, LTP piloted community resource documentation activities, or participatory mapping of village and village tract land resource boundaries and community perceptions of land use, across 59 villages in eleven village tracts in four states/regions of Burma (see Figure 1).

<table>
<thead>
<tr>
<th>ID</th>
<th>STATE/REGION</th>
<th>TOWNSHIP</th>
<th>VILLAGE/TRACT(S)</th>
<th>PARTNER</th>
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<tr>
<td>A</td>
<td>Bago</td>
<td>Minhla</td>
<td>Yway Gone</td>
<td>Implemented by LTP with support from Public Network</td>
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<tr>
<td>B</td>
<td>Shan</td>
<td>Nyang Shwe</td>
<td>Let Maung Kway</td>
<td>Implemented by LTP with support from Farmer Landworkers Union (FLU)</td>
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<td>C</td>
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<td>Thabaung</td>
<td>Mayan Cho</td>
<td>BadeidhaMoe</td>
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<td>Pathein</td>
<td>Shaw Pyar</td>
<td>Pyoe Khin Thit Foundation</td>
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<tr>
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<td>Nyaung Shwe</td>
<td>Yebu</td>
<td>Myanmar Institute for Integrated Development</td>
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<tr>
<td>F</td>
<td>Sagaing</td>
<td>Kalay</td>
<td>Nga Hpar and Khon Doe Myo Thar</td>
<td>Upper Chindwin Youth Network</td>
</tr>
<tr>
<td>G</td>
<td>Sagaing</td>
<td>Mingin</td>
<td>Kyaw Ywar and Kone Maw</td>
<td>Upper Chindwin Youth Network</td>
</tr>
<tr>
<td>H</td>
<td>Sagaing</td>
<td>Taze</td>
<td>Zee Bauk and Pakar</td>
<td>Sagaing Region Farmers’ Union</td>
</tr>
</tbody>
</table>

Figure 1: LTP Pilot Site Locations and Partners
In a traditionally top-down and opaque land administration system that historically does not take into account community perspectives, pilot activities demonstrated how to engage community members in participatory land use planning, or bottom-up, activities. Activities, which were led by small local organizations, demonstrated the potential for using CSOs as service providers. Pilots found significant gaps between land classifications on government maps and actual use of land resources on the ground. Findings and lessons learned from pilot activities are detailed in two LTP publications: *Community Resource Documentation Toolkit* and *Lessons Learned from Burma Land Tenure Project Community-Based Activities*.

59 villages across 11 village tracts in 4 states/regions mapped

Conducted community resource documentation and participatory mapping activities producing village and village tract resource boundary and land use maps

52 community representative committees established

With average women’s representation of 34%, to impact a total population of almost 34,000

241 days of technical assistance

For pilot site communities to document community resources implemented by LTP and local partners

To test elements of the NLUP in practice, LTP designed and implemented a participatory process to document village and village tract boundaries and land resources. While LTP adapted and refined the pilot site approach over time, all pilot sites undertook a similar set of activities: stakeholder engagement to explain goals and objectives to local authorities and communities; land tenure assessments to understand local tenure and governance dynamics; participatory mapping activities to document community resource boundaries and land uses; and sharing of pilot findings with interested parties. Following recommendations from a local land governance assessment, pilot site communities also received land legal awareness training for local authorities, though most sites received this training after mapping activities had already commenced. Partner feedback indicated that legal training would be an ideal early-stage activity prior to launching mapping activities.
4.1 LOCAL PARTNER ENGAGEMENT & CAPACITY BUILDING

A major objective of pilot activities was to build the capacity of local organizations to more effectively implement technical programming and test local partners as service providers. Lessons Learned from Burma Land Tenure Project Community-Based Activities describes LTP’s approach to local partner engagement in detail. Findings from an initial scoping visit to inform pilot site design noted that most local CSOs had limited technical skills and had risen out of a culture of protest and advocacy. In addition, scoping noted that small CSOs had limited exposure to working with donor-funded projects. However, early activities indicated high demand from CSOs to learn participatory mapping techniques. As such, LTP subcontracted five local organizations to undertake participatory mapping activities to document community resources in each pilot site, while also participating in capacity-building workshops. While LTP’s approach shifted over time, findings from local partner engagement indicated a high level of interest and demand but also a strong need for extensive capacity building on a range of topics from technical mapping skills to report writing and field research. LTP activities also demonstrated that partners with longstanding relationships with the communities they were mapping were the most effective.

4.2 ENGAGEMENT WITH LOCAL AUTHORITIES

One theme of lessons learned from pilot site activities is around engagement with GOB officials at the state/regional, district, township, and village tract levels. Demonstrating bottom-up, participatory approaches in a traditionally top-down governance structure represented a key challenge to engaging relevant government stakeholders. A number of government agencies play a role in land administration at the sub-national level, sometimes with overlapping jurisdiction, which presented challenges for local partners who often had difficulty engaging beyond the township level.

LTP activities highlighted that most communities had little to no awareness of the legal instruments to secure their tenure—what they are and how to engage with them—nor the financial resources to do so. Additionally, the activity found there is very little information sharing and extension by local government, with the village tract administrator often serving the primary point of contact for all villages. Despite this, there is increasingly a greater openness with regards to transparency of information.

As the GOB adopts integrated land use planning at different levels of government, authorities will need to adopt a stronger orientation towards service provision. To support the transition of government to service provision, roles and responsibilities around land management will need to be clarified and streamlined, especially with regard to inter-ministerial cooperation. Similarly, pilot site activities demonstrated that the current 18 land use classifications are complex and confusing for communities. Land use classifications should be simplified and streamlined.
Despite clear communications about the pilot nature of LTP field-based activities, many LTP communities and partners requested longer intervention timeframes as land-related issues often take many years to address, especially in areas with longstanding conflict. LTP pilots showed that community expectations around resolving land conflicts and securing tenure were high, but it was often difficult to deliver results in short pilot timeframes.

4.3 PILOT SITE FOLLOW ON ACTIVITIES AND ACTION RESEARCH

While most pilot communities completed initial stages of mapping to produce resource boundary and land use maps, some LTP pilot sites had follow-on activities within the project timeframe. At LTP’s first two pilot sites, where the project developed and refined the community resource documentation approach, communities had additional assessments and some follow-on support.

A local land governance assessment, conducted at the first two pilot sites, identified local authorities’ capacity gaps and needs. This assessment led to land legal awareness training for local authorities. LTP team members also conducted evaluations of mapping activities and knowledge of the NLUP for presentation at the World Bank Land and Poverty Conference in 2017. Following adaptations to the pilot site methodology, LTP conducted revised land use inventory activities at the project’s first pilot site to deliver higher quality maps to local communities.

In Let Maung Kway village tract, Nyaung Shwe Township, southern Shan State (the second pilot site), LTP pilot activities identified community forestry as a potential means to secure community tenure under the existing legal framework. To support the village tract to secure tenure recognition, LTP awarded a short-term grant to the Myanmar Institute for Integrated Development (MIID). MIID worked with communities and the FD to obtain community forest certificates for community lands. In particular, this activity tested whether Let Maung Kway communities could obtain certification for lands where community members currently practice agriculture, as allowed under the 2016 CFI. Communities did receive certificates by the close of activities, but not for areas under productive agriculture; this outcome provided many insights and lessons learned into using the 2016 CFI to secure community tenure. For more detail on this activity see Advancing Community Forestry in Let Maung Kway Village Tract, Shan State, Burma (see box to the right and Annex A).

676 acres under CF certification

Established community forestry as a means of securing community tenure for five villages in Let Maung Kway Village Tract, Nyaung Shwe Township, Southern Shan State
5.0 LESSONS LEARNED AND RECOMMENDATIONS FOR SUSTAINABILITY

This section describes lessons learned from LTP activities and provides forward looking recommendations to inform future programming. This section also critically examines the sustainability of LTP interventions, especially with regard to the short timeframe of the project and timing considering stalled political will following the transition of power. The endorsement of the NLUP and subsequent informal acceptance by government officials is historic to note. However, while pilot activities successfully mapped community resources and demonstrated the potential for local organizations to act as service providers, mapping activities struggled to gain broad acceptance by local authorities due to the stalled political environment that did not provide local authorities with a mechanism to formally recognize maps produced by community resource documentation. Pilot activities actively demonstrated how the complicated and fragmented nature of the land legal framework translates to confusing nature of land administration in Burma. The following recommendations are intended for use by other donor-funded programs working in land in Burma and reflect the situation as of the close of LTP activities in December 2017, with the impending announcement of a National Land Use Council.

5.1 LAND LEGAL FRAMEWORK HARMONIZATION

The NLUP is a forward-looking document that lays out a framework for moving land administration forward in Burma. It is essential to streamline and harmonize the legal framework that governs land to produce more clarity on the ground and to enable pathways that formally recognize legitimate community tenure claims. A complicated and often antiquated land legal framework translates to confusing roles and responsibilities for government authorities at multiple levels, which is difficult for communities to navigate to address their land-related concerns. Roles and responsibilities of land-related decision makers are complex and not well understood, which makes it difficult for CSOs and local communities to engage. This confusion was highlighted during land legal awareness training in multiple village tracts, where community members consistently reported a lack of understanding of the roles and responsibilities of Farmland Management Bodies and Land Reinvestigation Committees. This confusion is also highlighted by findings from community forestry activities in Let Maung Kway village tract, where the FD had inadvertently established a previous community forest on land administered by MOALI. These findings point to the need to simplify legal classifications of land and associated administration of these land classifications.

Local land governance at the regional, district, township, and village tract levels is complex and local authorities have limited capacity. LTP’s local land governance assessment found that beyond the township heads of departments, there is generally a low level of awareness about the NLUP through lower levels of government. Those who know about it think highly of it, as evidenced by authorities’ praise for the policy’s stronger recognition of elements such as customary tenure and gender equality. A common view at that time was that the NLUP had no “teeth” and needed to be translated into law and awareness raised throughout all levels of government.
Local authorities from different departments called for more detailed and accurate land uses on the ground, including correcting land use boundaries between land resources administrated by DALMS and the FD; updating agricultural information in the kwin maps; assessing actual use of land in land concessions as a way to increase the efficient use of land through the country — a priority of the current government; and standardizing mapping procedures throughout the government to reduce administrative inefficiencies and errors.

To address many of these challenges, harmonization of the land legal framework should be prioritized, using the NLUP as a benchmark for future work. At the close of LTP, it was not politically expedient to focus on development of a National Land Law, but instead to focus on lower profile policy, legislative and regulatory reforms.

**RECOMMENDATION:**
Harmonize the land legal framework and, as politically appropriate, develop a National Land Law.

### 5.2 INTER-MINISTERIAL COORDINATION AND COLLABORATION

The NLUP was developed and endorsed through strong inter-ministerial cooperation and collaboration. However, day-to-day land administration is governed by three main ministries that historically do not collaborate or cooperate, which results in confusion and overlapping roles and responsibilities. LTP field activities encountered this limitation frequently, as the project MOU was solely with MONREC, leading to more limited engagement with other land-related decision makers. While FD officials were often supportive of and participated in LTP activities, other departments were less involved. The newly announced National Land Use Council is a promising step towards strengthened coordination at national and sub-national levels to address land use management and planning. Future coordination priorities should also consider strengthening links between government and civil society, facilitating donor coordination, and convey information from field-based activities into policy and legal reforms.

**RECOMMENDATION:**
Support inter-ministerial coordination through the National Land Use Council.

### 5.3 PUBLIC PARTICIPATION AND GOVERNMENT SERVICE PROVISION

The NLUP public consultation process was successful, but more support is needed to ensure that public consultation for future laws and policies is inclusive and representative. LTP activities supported multi-stakeholder dialogues and public participation at the national and sub-national levels, but further support is needed to truly shift the government toward a mindset of service provision and to build communities’ confidence to engage with government agencies. Field-based activities demonstrated the challenges of engaging with authorities, particularly at the state/regional level where decision makers were more inaccessible to local partners. Support is needed for government, civil society, and communities.
5.4 INFORMATION GAPS AND EDUCATIONAL MATERIALS

LTP developed multiple educational materials and provided many awareness-raising and training events. All LTP stakeholders, including civil society, university students, local authorities, and community members, demonstrated high demand for accurate, up-to-date information about the land legal framework. While LTP developed print, film, and graphic educational materials, more work can be done on extensive public outreach. For example, training materials are needed on the land tenure-related elements in the Investment Law, Agriculture Development Strategy, and CFI.

**RECOMMENDATION:**
Build capacity of government across all levels to act as service providers.

Support and strengthen emerging communities of practice around participatory mapping and women’s land rights. Activities should include capacity building for both technical skills and processional management capabilities.

**MORE INFORMATION**
Lessons Learned from Burma Land Tenure Project Community-Based Activities
Developing a Community of Practice to Address Women’s Land’s Rights: Civil Society Discussion on Gender Equal Land Governance in Burma

5.5 PARTICIPATORY LAND USE PLANNING AND LOCAL ORGANIZATIONS AS SERVICE PROVIDERS

LTP pilots demonstrated how bottom-up participatory approaches can be used in a traditional top-down governance structure and also modeled how local partners can serve as service providers. Further investment is needed to build the capacity of local partners. LTP’s investment in capacity building of local partners was an important contribution towards their self-reliance and sustainability, though all partners asked for more implementation time and required more extensive capacity building than originally anticipated. Government authorities need more exposure to participatory land use planning approaches, as these approaches are new for many officials and change within government is particularly slow. Participatory mapping symposiums, hosted three times by LTP, were important initial steps in developing a vibrant community of practice around participatory mapping for land use planning. As awareness of participatory mapping and bottom-up approaches grows, participatory land use planning should be integrated into existing government priorities, such as VFV land inventory, land reinvestigation committee activities, and environmental and social impact assessments (ESIAs).
5.6 WOMEN’S PROPERTY RIGHTS

LTP’s activities to strengthen women’s property rights met with mixed success. The project developed training materials to introduce concepts of land and gender, which was a contribution to this topic in Burma. However, change takes considerable time and local partners noted that gender mainstreaming was not possible during compressed pilot timeframes that prioritized mapping. To gather local partner feedback from a broad range of stakeholders and ascertain steps forward, LTP convened a land and gender workshop which brought together civil society partners from across the country. Findings from this workshop as well as recommendations for future donor-funded programs working on gender and land are included in the brief referenced below.

**RECOMMENDATION:**
Include participatory approaches in national mapping initiatives such as VFV land inventory and Land Confiscation and Reinvestigation Committee activities.

Build capacity of local organizations to provide mapping services and consider small business incubation to address land-related challenges.

5.7 FOREST TENURE

In 2013, the FD began a process to recognize that there are well-established villages within areas technically classified as Reserve Forest or Public Protected Forest. This process identified village settlement areas and certain lowlands used for farming that should be de-gazetted, while also identifying areas of land surrounding the village settlement areas that are currently being used for farming that should remain within the Forest Estate but be brought under commercial agro-forestry community forestry arrangements.

**RECOMMENDATION:**
Support the FD on de-gazettement/encroachment using participatory mapping techniques as demonstrated by LTP.

More information:
Lessons Learned from Burma Land Tenure Project
Community-Based Activities
Developing a Community of Practice to Address Women’s Land’s Rights: Civil Society Discussion on Gender Equal Land Governance in Burma

More information:
Advancing Community Forestry in Let Maung Kway Village Tract, Shan State, Burma
ANNEX A: LTP MATERIALS

NOTE: The Land Legal Awareness Toolkit is comprised of multiple LTP-produced materials. Individual elements of the toolkit are noted with an * in the table below. The full toolkit is available on LandLinks.

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<th>Title/Description</th>
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<td><strong>Policy Briefs and Reports</strong></td>
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<td>* Community Land and Resource Tenure Recognition: Review of Country Experiences</td>
<td>February 2016</td>
<td>Also available in Burmese</td>
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<td>(Report and Brief)</td>
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<td>* Burma Land Governance Issues Brief</td>
<td>May 2016</td>
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<td>* Freedom to Farm: Agricultural Land Use, Crop Selection, Fallowing and</td>
<td>May 2017</td>
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<td>Recommended Changes to the Farmland Law to Strengthen Land Tenure Security</td>
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<td>* Forest Law Tenure Opportunities Analysis and Reference Guide</td>
<td>September 2017</td>
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<td>* Shifting Cultivation Policy Brief</td>
<td>September 2017</td>
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<td>* Donor Coordination Brief</td>
<td>September 2017</td>
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<td>* Customary Land Tenure in Burma</td>
<td>October 2017</td>
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<td>Land Classification Delegated Authorities Tenure Brief</td>
<td>January 2018</td>
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<td>* Land Stakeholder Analysis: Governance Structures and Actors in Myanmar</td>
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<td><strong>National Land Use Policy Development</strong></td>
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<td>January 2015</td>
<td>Success Story</td>
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<td>* Creating Opportunities for Constructive Dialogue Between the Government of</td>
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<td>Inclusive Public Consultations and Close Donor Coordination</td>
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<td><strong>Pilot Site Process and Findings</strong></td>
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<td>Community Knowledge of Rural Land Resources in Yway Gone Village Tract, Bago Region, Myanmar</td>
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<td>* Land Use Types and Responsible Institutions in Myanmar</td>
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<td>Other Resources</td>
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<td>The Parliament and Land Governance in Burma: Educational Materials Gap Analysis</td>
<td>May 2017</td>
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<td>Marriage, Divorce, and Inheritance: A Review of the Personal and Family Laws Affecting Women’s Land Rights in Burma</td>
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## ANNEX B: LTP POLICY & LEGAL ENGAGEMENT 2014 – 2017

### NATIONAL LAND USE POLICY

| TGCC Engagement | Strategic guidance to GOB and other stakeholders, development and implementation of roadmap, supported development of Record of Discussion between FD/MONREC and donors (USAID, Swiss Agency for Development and Cooperation [SDC], and EU), research, presentations/education, assistance with drafting of the policy, directly supported multi-stakeholder consultations, translation of drafts into English, comments analysis and integration into policy. Had direct participation in the core drafting team and directly supported the public consultation process. |
| Working Through/With | Various government, donor, NGO, and CSO stakeholders. Informal donor land governance working group was critical in the overall process. Record of Decision with the FD/MONREC and donors (USAID, EU and SDC) was critical for coordination and sharing responsibility purposes. |
| Level of Support (e.g. high/medium/limited) | High |
| Status of Law/Policy | Policy endorsed by President’s Office in January 2016. NLUP directly referenced in other relevant policy and strategic documents, research, project designs. |
| Suggested Future Engagement of USAID and Other Donors | Continue to use the NLUP as a benchmark for future work, legal and policy development and educational efforts. |

### NATIONAL LAND LAW

| TGCC Engagement | Preparatory advice, strategic political advice, development of draft outline for law, various presentations to GOB officials and other stakeholders. |
| Working Through/With | Various government, donor, NGO, and CSO stakeholders. Informal donor land governance working group. Agriculture Policy Unit, FAO-VGGT team members, World Bank land governance needs assessment team. |
| Level of Support (e.g. high/medium/limited) | Initially high in 2014-2015, with RLS listed as the international advisor to the legal drafting team established by the GOB. Dropped off in 2016-2017 when focus shifted to strategic positioning and messaging and the need for developing a body of land governance-related legislation. |
| Status of Law/Policy | Union Attorney General Office developed a draft law in late 2015/early 2016. Quality of draft was not suitable for public consultation. It now seems likely that there will not be a National Land Law developed in the near-term due to a lack of political interest in the current NLD government, particularly with current priority focused on the peace process and a need for piloting of model land administration approaches in the country. |
| Suggested Future Engagement of USAID and Other Donors | TBD, not advised to develop National Land Law as of December 2017. Focus on lower profile policy, legislative and regulatory reform efforts (i.e., working on revising implementing rules and guidelines). |
## LAND ACQUISITION LAW

**TGCC Engagement**

Limited to technical review of drafts and translation, strategic advice on how best to proceed, including advice on shifting focus to reworking implementing rules and guidelines and supporting LCG in conducting independent analysis of draft Land Acquisition Law being considered by Parliament at the end of 2017.

**Working Through/With**


**Level of Support (e.g. high/medium/limited)**

Medium

**Status of Law/Policy**

Active, draft revised, submitted to and being discussed within Upper House of Parliament at the end of 2017.

**Suggested Future Engagement of USAID and Other Donors**

Continue to track, but no plan to be actively involved in the drafting process due to political sensitivities. USAID and other donors may have opportunities to influence content of draft Law in Parliament or have input to implementing rules and guidelines.

## VOLUNTARY GUIDELINES ON THE RESPONSIBLE GOVERNANCE OF TENURE OF LAND FISHERIES AND FORESTS IN THE CONTEXT OF NATIONAL FOOD SECURITY (VGGT)

**TGCC Engagement**

Actively supported VGGT dissemination and integration into the NLUP and other relevant policies. This effort including development of a high-quality translation of the VGGT into Burmese in partnership with LCG, which has been used during two VGGT workshops held by FAO in 2017. LTP participated in and presented at both workshops. Also provided a number of other presentations to stakeholders at various venues where elements of the VGGT were incorporated and used for furthering land governance reform agendas in the country.

**Working Through/With**

LCG, FAO, MONREC/FD, MOALI (DALMS, Department of Planning, APU), other NGO/CSO stakeholders.

**Level of Support**

High in 2014 – 2015; Medium 2016 – 2017

**Status of Law/Policy**

There has been a shift away from discussion of the VGGT, focus is now on the NLUP and other issue specific policy documents relating to land, as these are largely based on elements found within the VGGT.

**Suggested Future Engagement of USAID and Other Donors**

Continue to work closely and coordinate with the FAO-VGGT team based in Rome, working on VGGT tools integration as needed and appropriate in the Burma context.
### Farmland Law

| TGCC Engagement                                                                 | Provided strategic advice to USAID/Burma, Landesa, LCG, and other NGO/CSO stakeholders. Provided information and support to the Agriculture Policy Working Group and APU, tracking developments, providing translations of draft amendments as they have been released, analysis of draft amendments as they become available. Also provided information and strategic advice to the World Bank land administration needs assessment team, the FAO-VGGT team, and other donors via various coordination mechanisms. LTP also developed the Freedom to Farm/Freedom of Crop Choice report, which links directly to the Farmland Law amendment process. Farmland law strengths and weaknesses also highlighted in a number of presentations to stakeholders at various venues from 2014-2017, information from which would inform stakeholders and influence the amendment process. |
| Level of Support                                                                | Medium |
| Status of Law/Policy                                                            | Draft amendments active, second draft developed within MOALI/DALMS was shared with President’s Cabinet and Parliament. Upper House of Parliament made additional changes and submitted to Lower House of Parliament for further consideration. Various stakeholders developing comments on current draft of amendments. |
| Suggested Future Engagement of USAID and Other Donors                           | Continue to track and analyze as appropriate; may be an opportunity for donors to provide technical assistance via APU or DALMS to MOALI at some point in the future if asked to do so. Bilateral and multilateral donors may provide comments when and if appropriate via various stakeholder consultative processes. Work on improving Farmland Law implementing rules and guidelines in support of strengthening land tenure security and modernizing Burma’s agriculture sector. |

### Vacant, Fallow and Virgin Lands Management Law (VFV Law)

<p>| TGCC Engagement                                                                 | Provided strategic advice and information to USAID/Burma, US Embassy, Landesa, Agriculture Policy Working Group, APU, DALMS, World Bank land administration needs assessment team, FAO-VGGT team, EU-FAO FIRST, other donor coordination mechanisms, LCG, and other NGO/CSO stakeholders. Worked with MOALI’s Planning Department, via the APU, on development of related pilot project proposal development (submitted to Livelihoods and Food Security Trust Fund [LIFT]). Tracked developments, provided translations of draft amendments as they have been released, analysis of draft amendments as they become available. Existing VFV Law strengths and weaknesses also highlighted in a number of presentations to stakeholders at various venues from 2014-2017, information from which would inform stakeholders and ultimately influence the amendment process. |</p>
<table>
<thead>
<tr>
<th>Level of Support</th>
<th>Medium</th>
</tr>
</thead>
<tbody>
<tr>
<td>Suggested Future Engagement of USAID and Other Donors</td>
<td>Continue to track, translate, and analyze. Continue technical assistance to APU on development of VFV Lands Management Strategy or policy document. Provide comments when and if appropriate via various donor coordination mechanisms. Conducting VFV lands inventory and mapping exercises by utilizing participatory land use mapping tools developed by LTP.</td>
</tr>
</tbody>
</table>

### INVESTMENT LAW – IMPLEMENTING RULES AND GUIDELINES

**TGCC Engagement**

Direct participation in the two multi-stakeholder consultation events held for NGO/CSO and other non-business stakeholders held in Yangon, advice to LCG partners on messaging during consultation process, advice to IFC/Myanmar Investment Commission (MIC)/Directorate of Investment and Company Administration (DICA) representatives on design and conduct of consultation process, in addition with understanding issues and concerns of various stakeholder groups. Provided advice to MIC/DICA on forms utilized for assessing potential investments involving land as part of the implementing rules/guidelines development process. Assisted the NGO/CSO community with understanding the focus and purpose of the new Investment Law, and the strengths inherent in the new Law and implementing rules and guidelines. Provided information to APU on how the new Investment Law and subsidiary rules and guidelines could impact the agriculture sector.

**Working Through/With**

LCG, USAID/Burma, IFC, MIC/DICA, MCRB, World Bank land administration needs assessment team, Agriculture Policy Working Group, APU, LCG, and other NGO/CSO stakeholders.

**Level of Support**

Medium, 2015-2017

**Status of Law/Policy**


**Suggested Future Engagement of USAID and Other Donors**

Develop training materials on land tenure-related elements in the Investment Law and implementing rules and guidelines. Link law and implementing rules/guidelines to various climate-smart agriculture and responsible land-based investment initiatives.

### AGRICULTURE POLICY AND FIVE-YEAR PLAN

**TGCC Engagement**

Provided comments on land tenure related elements of this policy through USAID/Burma, Agriculture Policy Working Group, and LIFT. Raised awareness of land tenure related provisions in the policy with APU staff, LCG, and other stakeholders and ensured linkages and harmonization with other issue specific policies and strategy documents.

**Working Through/With**

USAID/Burma, Agriculture Policy Working Group, LIFT, APU, World Bank land administration needs assessment team, LCG, and other NGO/CSO stakeholders.
### AGRICULTURE DEVELOPMENT STRATEGY

| TGCC Engagement | Provided comments on land governance elements via the FAO/EU Land Advisor, inputs to the Agriculture Policy White Paper, discussions with the Agriculture Policy Working Group and consultation discussions with LCG. Represented USAID during two multi-stakeholder consultations on the Agriculture Development Strategy in Nay Pyi Taw. Assisted with the design of the state/regional public consultations that took place in 2017. |
| Working Through/With | USAID/Burma, Agriculture Policy Working Group, MOALI/APU, LCG, other NGO/CSO stakeholders, EU/FAO FIRST, donor coordination mechanisms. |
| Level of Support | Medium, 2016 -2017 |
| Status of Law/Policy | Currently being finalized based on the comments received during the nationwide public consultation process, MOALI and assigned technical advisors incorporating comments from the state/regional public consultations, while ensuring harmonization with other policies. |
| Suggested Future Engagement of USAID and Other Donors | Ensure harmonization with other related policies. Incorporate relevant provisions into educational materials, presentations, and land and agriculture-focused project design. |

### LIVESTOCK POLICY

| TGCC Engagement | Wrote the draft land policy section of the draft Livestock Policy after discussions with members of the Agriculture Policy Working Group. |
| Working Through/With | Agriculture Policy Working Group, MOALI/APU/DALMS |
| Level of Support | Medium |
| Status of Law/Policy | Draft |
| Suggested Future Engagement of USAID and Other Donors | Harmonize with other land and agriculture policies, strategic documents, and legal frameworks. Incorporate into future land and agriculture-related projects. |
## VFV LANDS MANAGEMENT STRATEGY

<table>
<thead>
<tr>
<th>TGCC Engagement</th>
<th>Worked with APU/MOALI on developing a VFV Lands Management Strategy based on outcomes of various pilot activities and other research. Developed a draft proof of concept pilot proposal for MOALI, which was then submitted to LIFT.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Working Through/With</td>
<td>APU/MOALI, LIFT, EU/FAO FIRST, Global Agriculture and Food Security Program.</td>
</tr>
<tr>
<td>Level of Support</td>
<td>High</td>
</tr>
<tr>
<td>Status of Law/Policy</td>
<td>Initial</td>
</tr>
<tr>
<td>Suggested Future Engagement of USAID and Other Donors</td>
<td>Provide technical assistance in the full development of a VFV Lands Strategy document or issue specific policy that can be operationalized. Conduct VFV lands inventory and mapping using participatory mapping tools developed by LTP.</td>
</tr>
</tbody>
</table>

## COMMUNITY FORESTRY INSTRUCTIONS (CFI-2016)

<table>
<thead>
<tr>
<th>TGCC Engagement</th>
<th>Informal technical assistance to implementing partners in the FD/MONREC and CFI working group members on the need for commercialization of community forestry in order to promote inclusive economic growth at the grassroots level for forest dependent communities, facilitation support for FD staff during MRLG study tour to Chiang Mai in 2016 on CFI models that are already being piloted and could be formally adopted in Burma, legal analysis of Forest Law for FD/LCG Forest Tenure Project in support of the full implementation of the draft CFI and other related provisions found in the existing Forest Law (Forest Law Tenure Opportunities Report). Information from the Forest Law Tenure Opportunities report incorporated into World Bank land administration policy notes. Participation in and presentation at various forest sector workshops, including the Forest Policy Expert Roundtable (November 2017).</th>
</tr>
</thead>
<tbody>
<tr>
<td>Working Through/With</td>
<td>FD staff, including direct advice to Director General, advice to CFI working group members. Forest Law analysis support to new FD-LCG Forest Land Tenure Project supported by MRLG, which will help to justify legality of new CFI and creative use of other land tenure related provisions of the existing Forest Law. Other NGO/CSO stakeholders. World Bank World Bank land administration needs assessment team, World Bank forest sector review team, FAO-VGGT team, and team supporting the FAO Farmer Forest Facility, Myanmar Center for Responsible Business.</td>
</tr>
<tr>
<td>Level of Support</td>
<td>Medium</td>
</tr>
<tr>
<td>Status of Law/Policy</td>
<td>New CFI developed that allowed commercialization of Community Forests, approved by Director General of Forestry, subsequently held up by Minister of MONREC due to concerns the instructions were not in line with Forest Law. Legal analysis to FD-LCG Forest Land Tenure Project, along with a number of presentations at various forest sector workshops in 2017, helped to clear up this confusion. New CFI already being piloted in many areas of the country including at one of LTP’s pilot sites in Southern Shan State.</td>
</tr>
<tr>
<td>Suggested Future Engagement of</td>
<td>Provide ongoing support to FD-LCG through Forest Tenure Project. Develop educational materials on new CFI. Harmonize relevant policies and legal</td>
</tr>
</tbody>
</table>
**USAID and Other Donors**

Frameworks. Develop projects focused on community forestry commercialization opportunities and inclusive economic development at the grassroots level.

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### FOREST LAW AMENDMENTS BILL

**TGCC Engagement**

Tracked developments at this stage, provided translation of amendments as they were developed and became available and analysis of amendments provided to USAID in various weekly updates, presented at MONREC/LCG workshop on forest tenure, legal analysis provided to FD-LCG Forest Land Tenure Project (Forest Tenure Opportunities Report), various presentations at forest sector related workshops and meetings during duration of the project (2014-2017), i.e., the recently held Forest Policy Expert Roundtable event held in Nay Pyi Taw in November of 2017.

**Working Through/With**

USAID/Burma, FD/MONREC, LCG, EU-Forest Law Enforcement, Governance and Trade representatives, various conservation NGO/CSOs, FAO-VGGT team, FAO Farmer-Forest Facility, World Bank forest sector review team, World Bank land administration needs assessment team, Myanmar Center for Responsible Business.

**Level of Support**

Medium, 2016-2017

**Status of Law/Policy**

Draft Forest Law Amendments drafted, cleared by President’s and Union Attorney General’s offices, submitted to the Lower House of Parliament for consideration.

**Suggested Future Engagement of USAID and Other Donors**

Track further amendment process in Parliament, support multi-stakeholder public consultations on the Forest Law amendment process. Amendments may not be likely any time soon, priority moving forward should be to amend Forest Policy, or develop issue specific strategic Forest Policy documents, and revise Forest Law implementing rules and guidelines where appropriate.

### ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT RULES AND GUIDELINES

**TGCC Engagement**

Tracked, provided understanding of rules and guidelines for LCG, including links to related NLUP provisions. Provided presentations linking NLUP with ESIA rules and guideline development initiatives. Helped CSOs to understand why do not need ESIA language in every land related law, as already covered elsewhere.

**Working Through/With**

USAID/Burma, LCG, Partners Asia, Asian Development Bank, MONREC, APU/MOALI

**Level of Support**

Limited

**Status of Law/Policy**

Environmental impact analysis rules and guidelines complete, though S (social) in ESIA are now being developed on a sector-by-sector basis.

**Suggested Future Engagement of USAID and Other Donors**

Analyze ESIA in the agriculture sector, develop educational materials, harmonize with other issue specific policies and strategic documents, build capacity in MONREC, link to responsible land-based investment initiatives, legal education.
<table>
<thead>
<tr>
<th><strong>HYDROPOWER SECTOR STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA)</strong></th>
<th></th>
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</thead>
<tbody>
<tr>
<td><strong>TGCC Engagement</strong></td>
<td>Put LCG in direct contact with IFC point of contact, participated in hydropower working group consultative meetings. Provided strategic advice to IFC representatives on comment period for draft SEA.</td>
</tr>
<tr>
<td><strong>Working Through/With</strong></td>
<td>IFC, LCG, other NGO/CSO stakeholders.</td>
</tr>
<tr>
<td><strong>Level of Support</strong></td>
<td>Limited</td>
</tr>
<tr>
<td><strong>Status of Law/Policy</strong></td>
<td>Draft SEA prepared and released for public comment, now being finalized.</td>
</tr>
<tr>
<td><strong>Suggested Future Engagement of USAID and Other Donors</strong></td>
<td>Assess land-related elements in SEA, incorporate into educational materials if appropriate, harmonize with other policies and laws, utilize LTP participatory mapping tools to assess legitimate land tenure claims in areas of potential impact due to hydropower development in the future.</td>
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</tbody>
</table>