



ROADMAP

Creation and Operation of Issue Specific Working Groups for Effective Development of a National Land Use Management Policy

29 July 2013

BACKGROUND

The Land Use & Land Allocation Scrutinizing Committee (Land Scrutinizing Committee) has been tasked with the development of a National Land Use Management Policy. There have been many meetings on this issue, and the Secretariat to the Land Scrutinizing Committee has worked hard to support the efforts of the Committee, the Core Unit of the Committee, and the Technical Advisory Group to the Committee. Many of the issues relating to the development of a National Land Use Management Policy are very technical in nature, and the Secretariat does not possess the technical skills necessary to fully support the process of developing this Policy.

PROPOSAL

In order to assemble and focus the technical skills necessary for addressing specific issues to be addressed in developing a National Land Use Management Policy, it is proposed that the Core Unit of the Land Scrutinizing Committee establish issue specific working groups. These working groups would be made up of five to eight individuals with specialized technical skills to address the issues they are tasked with addressing.

Individuals chosen to be members of these working groups could come from Government, academia, the private sector, NGOs and civil society organizations. Appointed leaders for the working groups should be chosen from existing members of the Core Unit. Other appointed members of the working groups would not necessarily be members of the Core Unit, so it would not be necessary to expand the current membership of the Core Unit. The Core Unit would delegate responsibility to the working groups charged with carrying out specific tasks within well-defined time frames.

Each working group should have a clearly defined scope of work, and clear time frames established for completing specific tasks assigned by the Land Scrutinizing Committee. Donors may provide technical assistance to the working groups to help with completing their respective tasks.

It is recommended that five issue specific working groups be created. It should be noted that findings from four of the working groups would feed into the work of the National Land Use Management Policy working group. The five proposed working groups are as follows:

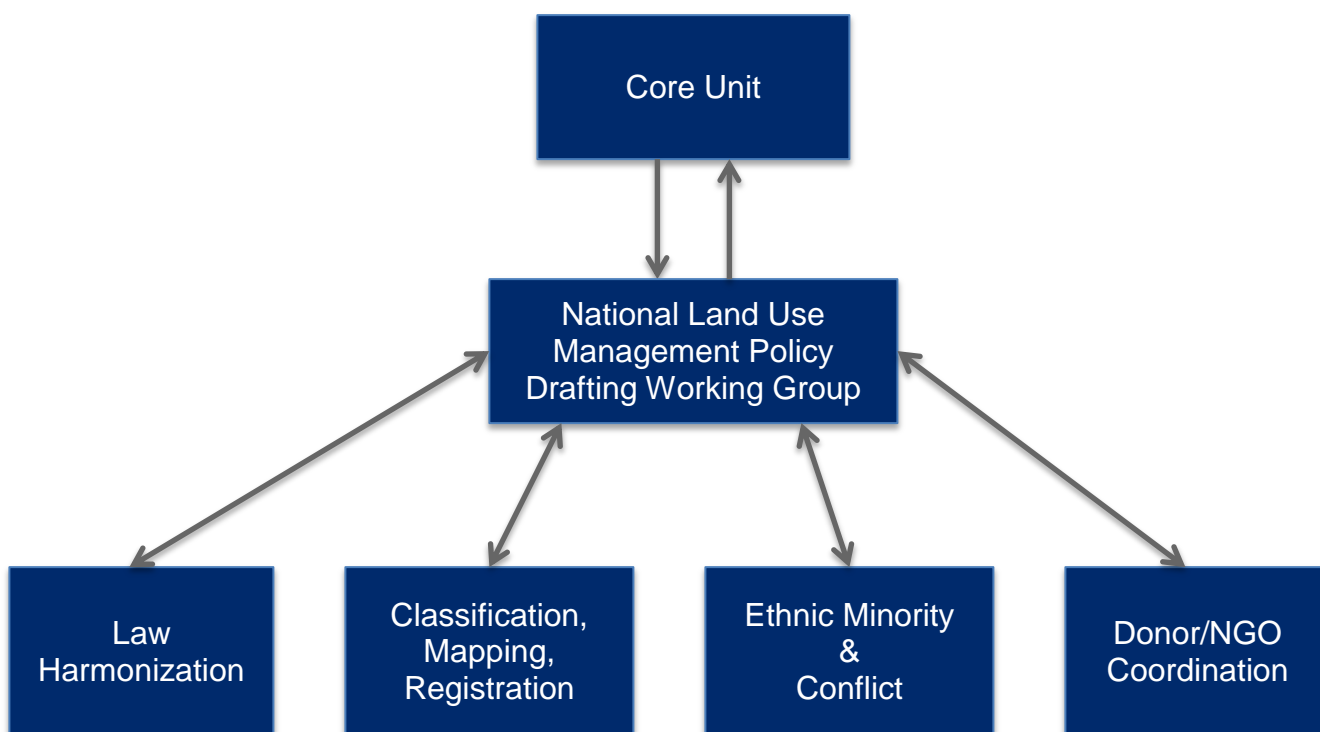
1. National Land Use Management Policy Drafting Working Group
2. Law Harmonization Working Group
3. Land Classification, Registration and Mapping Working Group
4. Ethnic Minority Issues and Conflict Resolution Working Group

5. Donor/NGO Coordination Working Group.

COMMUNICATION STRUCTURE

The following is an organizational chart that illustrates how the working groups would relate the findings of their work assignments. Again, the National Land Use Management Policy Drafting Working Group would be the lead working group. The other four working groups would report findings from their specific tasks to the National Land Use Management Policy Drafting Working Group and the Core Unit.

The National Land Use Management Policy Drafting Working Group would use the work products of the other working groups to develop and further refine the National Land Use Policy.



PROPOSED WORKING GROUP TASKS AND WORK IMPLEMENTATION PLANS (ROADMAP)

The following are the proposed tasks for the working groups and work implementation plans (ROADMAP). The Land Scrutinizing Committee may discuss and further refine these tasks and implementation plans.

National Land Use Management Policy Drafting Working Group

- Implementation of public and Government awareness information campaign (Begin immediately; continue public and Government awareness information campaign until policy development process is complete and five-year policy document adopted (2013-2016)).
- Review and understand policy development processes and documents from throughout the region, and compile/review information on international best practices (Complete late 2013).
- Initial policy development report identifying key issues that need to be addressed and immediate action items that should be taken (Complete early 2014).
- Taking into account the findings and information from other working groups, create an initial draft policy document that is ready for a multi-stakeholder dialogue public consultation process (2014-2015).
- Conduct a multi-stakeholder dialogue process on the draft policy to refine and finalize the policy document prior to formal endorsement by the Union Government (8 months; 2015-2016).

Law Harmonization Working Group

- Law Harmonization Review: Compile and assess relevant law and regulatory provisions relating to land classification, delegations of administrative authority over various types of land classification, mechanisms for granting land use rights (permanent use right, short term lease, long term lease, etc.), different forms of land use, roles of national vs. state and regional authorities over land use management, etc. (6 months; 2013-2014).
- Propose a refined system for land classification in the country. As part of this process, create clear definitions for the different classifications of land, and also map out what Government agencies have delegated administrative authority over various types of land in the country. Finally propose clear procedures for changing the classification of any State land from one classification to another (6 months; 2014).
- Propose clear principles and procedures for forced land acquisition, relocation and restitution issues that meet international best practices. Submit for incorporation into the National Land Use Management Policy (6 months, 2014).
- Review issues relating to land taxation and the charging of various fees for use and registration of land. Come up with a set of clear principles and recommendations that can be incorporated into the National Land Use Management Policy (6 months; 2014-2015).
- Provide legal advice as requested to the Land Use Scrutinizing Committee or any of the other Issue Specific Working Groups (2013-2016).

State Land Classification, Mapping and Registration Working Group

- Identify areas in the country where the classification of land on the ground is not clear, where classifications on existing maps do not match actual use, or where there are other issues relating to a lack of clarity on the ground relating to how land is classified or who has management authority of use rights over these areas of land. Utilizing new and existing

research, compile a report on what the issues are, and how they might be addressed (6 months; 2013-2014).

- Propose a mechanism for consolidating oversight management authority (mapping, classification, registration of all State lands) into a single Government authority that is above the various line ministries with delegated land management authority, which can then be incorporated into the National Land Use Management Policy (6 months; 2014).
- Review and collect information on all pilot land use-planning activities in the country that are being conducted by various donor and NGO projects throughout the country. Submit a report on these activities and lessons learned to the Land Use Scrutinizing Committee and the National Land Use Management Policy Drafting Working Group (6 months; 2014-2015).

Ethnic Minority Land Use and Conflict Management Working Group

- Compile research on the various ways that different ethnic minority groups in the country use land in the country, including making assessments of customary law and communal use arrangements. The working group should partner with various civil society groups and NGOs with experience in this area to conduct this research. Findings from the research should feed into a section in the National Land Use Management Policy on ethnic minority land use rights (18 months; 2013-2015).
- Working closely with donors, NGOs and civil society organizations, make an honest assessment of the types and severity of ongoing land use conflicts in the country that need to be addressed (1 year; 2013-2014).
- Research various independent and impartial mechanisms for resolving different types of land use conflicts in the country that could be utilized at various levels of Government. Recommendations for adopting appropriate conflict resolution mechanisms can feed into the National Land Use Management Policy drafting process (6 months; 2014).

Donor/NGO Coordination Working Group

- Identify all donor and NGO projects and research initiatives that are focused on issues relating to land use management issues in the country, assess their activities, and prepare a report on the activities and the status of the programs (6 months; 2013-2014).
- Establish an effective mechanism where the Coordination Working Group and the various donors and NGOs working on land use management issues in the country can share information (3 months; by the end of 2013).
- Have meetings between the Coordination Working Group and donors/NGOs working on land use management issues every 6 months. Report on proceedings of meetings to the Land Scrutinizing Committee (Ongoing; 2013-2016).

ANNEX TO THIS DOCUMENT

In order to more fully define a roadmap for the development of a National Land Use Management Policy, a multi-stakeholder consultation process and information matrix concept is attached to this document as an annex. These materials should be considered in conjunction with the Issue Specific Working Group concept.



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ANNEX: ROADMAP FOR MULTI-STAKEHOLDER CONSULTATION PROCESS

Proposed National Land Use Management Policy Multi-Stakeholder Consultation Process; and Pilot Project and Research Initiative Identification, Implementation, Monitoring and Evaluation Plan

GENERAL THEME

A democratic process involving the active and informed participation of the people of Myanmar in the development of a national land use policy will lead to:

- Development of a higher quality National Land Use Management Policy;
- Improved public trust in the Government;
- A better informed Government and public;
- A land use policy that has ownership and legitimacy of the citizens of Myanmar;
- An increased likelihood of sustainable economic growth;
- Climate change resilience;
- Proper valuation of natural capital and protection of environmental services; and
- Greater political and social stability in the country.

While the use of an awareness raising information campaign and related multi-stakeholder consultation process takes more time and effort, the end results justify the effort. Members of the donor and NGO community may be willing to support various elements of such a process, if the Government is willing to adopt an awareness raising campaign and consultation process that clearly maps out how the process would be implemented.

The process that is used for development of a National Land Use Management Policy can serve as a model for other policy and legislative development processes in the country.

In addition, it should be recognized that government policies are living documents that need to change and adapt over time as the real situation in the country changes. As such, the awareness raising and multi-stakeholder consultation process never ends. Government agencies ultimately responsible for developing and implementing policies should understand that policies should be updated on a frequent basis as new information is discovered based on various pilot projects and research initiatives that can feed into an ongoing policy development process.

ROADMAP FOR PUBLIC/GOVERNMENT AWARENESS RAISING CAMPAIGN AND CONSULTATION PROCESS

Note: The Land Scrutinizing Committee should develop a budget to implement the roadmap for public/Government awareness campaign and multi-stakeholder consultation process. Donors and NGOs could offer financial and other forms of support to implement the roadmap for the awareness raising campaign and multi-stakeholder consultation process.

1. Initially informing the public and concerned Government agencies about efforts to develop a national land use management policy, and the purpose of having a national land use management policy (late 2013-early 2014).
2. Clearly inform the public and concerned Government agencies at all levels about the roadmap being used to develop the land use policy (including pilot projects and research initiatives) and also the process for soliciting comments on the draft land use policy that is developed. Donor organizations and NGOs can assist with public outreach information campaigns that can include the use of media and public meetings (late 2013-2016).
3. Developing a draft policy for comment, based on the unique situation in Myanmar and the problems faced and concerns of those that use land and other natural resources in the country, but also learning lessons from the international community and other countries in the region (2014-2015).
4. Make the 1st draft of the policy available for review among concerned stakeholders and the public, including the media (2014-2015).
5. Providing a mechanism where comments on the 1st draft of the policy can be submitted via e-mail or other mechanism (dedicated e-mail address should be created for submission of comments, hard copies of written comments should otherwise be sent directly to the Secretariat of the Land Scrutinizing Committee, which can compile and convey comments to the Policy Drafting Working Group) during a specific time period (three months for submission of written comments on first draft).
6. National level consultation meetings held in Nay Pyi Taw and Yangon, where presentations on the draft land use policy will be given (overview of provisions), and verbal comments recorded. Those giving verbal comments at these meetings will be given a limited time to speak, so that others may be heard (maximum 3 minutes). Participants should include national level Union Government representatives, members of Parliament, advisors, donor community, NGOs, civil society groups, various concerned associations or trade groups, business community representatives, local Government representatives, etc. (2014-2015).
7. Based on comments received, Policy Drafting Working Group amends the draft land use policy and creates a second draft for review and comment (2014-2015).
8. Make the second draft land use policy available for review among concerned stakeholders and citizens, including the media (2014-2015).
9. Use the second draft of the policy for public consultations held in every State and Division at the local level (precise locations to be determined) in order to get feedback from people

that are actually using or administering land and natural resources at the local level (farmers, various associations, community groups, landless citizens, forest dependent communities, local businesses, local government officials, lawyers, etc.). Government will utilize already established policy development coordination bodies at the township/district/state and regional level (bottom-up process). Donor organizations and NGOs may simultaneously utilize a parallel process of meetings and consultations, information from which can be conveyed directly to the Donor/NGO Coordination Working Group established by the Land Scrutinizing Committee, which will then convey the information compiled to the Policy Drafting Working Group for consideration (2015-2016).

10. Also compile any comments on the second draft submitted to the draft policy e-mail address or submitted in hard copy to the Secretariat (2015-2016).
11. Based on the local consultation process and written comments submitted to the e-mail address, Policy Drafting Working Group will revise the draft land use policy (2015-2016).
12. Make the third draft of the policy available for review among concerned stakeholders and citizens, including the media (late 2015-early 2016).
13. Hold a final national-level workshop on the draft land use policy (late 2015-early 2016).
14. Submit the draft National Land Use Management Policy to Parliament for approval in principle, as the policy will help guide development of a comprehensive Land Law (2016).
15. If there are still issues that need to be addressed, revise and update the draft policy as appropriate (2016).
16. Government formally adopts the National Land Use Management Policy for a period no greater than a five-year period of time (i.e., 2016-2021). It is understood and acknowledged in the policy that a process of continuous research, monitoring and evaluation will be used to feed into the ongoing land use policy development process. The National Land Use Management Policy is updated every five years.

PILOT PROJECT AND RESEARCH INITIATIVE IDENTIFICATION AND MONITORING MATRIX

The purpose of this matrix is to monitor ongoing activities and effectively capture lessons learned. The proposed Donor/NGO Coordination Working Group within the Land Scrutinizing Committee can use this mechanism in order to ensure better coordination and convey lessons learned on land and natural resources management to the Policy Drafting Working Group.

Existing (already planned and funded) and potential activities that require funding will be fed into the matrix. **NOTE: This proposed matrix is intended to be a living document that is continuously updated. A government body should be appointed that is responsible for maintaining the online database and producing annual or quarterly reports. There should be an understanding among government agencies, donors, NGOs and civil society organizations that this database exists, is publicly accessible, and should be used by all as a coordination and information-sharing tool. Funding should be made available to develop the online database that would support this information format.**

Information below is meant for illustrative purposes only. It is hoped that as this document is further refined, currently planned or existing activities and initiatives that are supported by donors or NGOs/civil society will be fully incorporated into this matrix. It would ultimately be the responsibility of the Donor/NGO Coordination Working Group to populate and update the matrix/database that is created.

Description of Activity or Research Activity, including information on how the activity/research will support the ongoing land use policy development process.	Implementing Partners	Locations	Duration	Estimated cost or funding commitment
EU Pilot Land Use Planning Project (Phase 1)	EU, MOECAF, ???, ???	???	???	???
FAO-GEF Sustainable Landscapes Project (Phase 1: Project Design)	FAO-GEF, MOECAF, MOAI, MONPED, ???	Naypyidaw, ????	2013-2014	\$120,000
Wildlife Conservation Society Pilot Protected Area Land Use Planning Activities	MOECAF, ???	Thanintharyi	???	???
ITTO REDD+ Project	ITTO, MOECAF, FD	Pago Yuma,	2013-2015	\$500,000
Korean REDD+ Project		Pago Yuma	2012-ongoing until cancelled	\$100,000 per year