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# ASSESSMENT OF LOCAL LAND GOVERNANCE IN LAND TENURE PROJECT PILOT SITES

TENURE AND GLOBAL CLIMATE CHANGE (TGCC) PROGRAM



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Cover Photo: The assessment team interviews community members in Kyauk Hnget Village.

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MARCH 2017

## **DISCLAIMER**

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# ACRONYMS AND ABBREVIATIONS

CFI	Community Forestry Instructions
DoALMS	Department of Agricultural Land Management and Statistics
FD	Forest Department
GAD	General Administration Department
LTP	Land Tenure Project
MONREC	Ministry of Natural Resources and Environmental Conservation
NLUP	National Land Use Policy
UTM	Universal Transverse Mercator
VFV	Vacant, Fallow and Virgin
VTA	Village Tract Administrator

# EXECUTIVE SUMMARY

TGCC, or the Land Tenure Project (LTP), as it is known in Burma, has been providing targeted legal assistance to the development of a National Land Use Policy (NLUP) and associated laws while also piloting recognition of community rights to land and resources in two pilot sites (Yway Gone Village Tract in Minhla Township in Bago Division and Let Maung Kway Village Tract in Nyaung Shwe Township in southern Shan State).

Local authorities engaged in land governance are key to connecting NLUP principles to local-level work. Local land governance at the regional, district, township, and village tract levels is complex and the capacity of local authorities to implement the NLUP is not well understood or documented. To fill these gaps in understanding, TGCC commissioned a legal and technical capacity assessment to inform key actions needed to strengthen local land governance at the village tract, township and, where relevant, regional levels. The assessment focuses on two main themes:

- Understanding of the NLUP (How does the NLUP translate to the local level? How do local authorities understand the legal and operational context of the NLUP? What are key capacity gaps to be filled for local authorities to successfully implement the NLUP?) and,
- Roles and responsibilities for implementation of the NLUP (How do local authorities understand their roles in the participatory engagement processes undertaken at TGCC pilot sites? How can outputs of participatory mapping activities inform local authorities' work? This may include applications for land use planning, land use management, disaster risk reduction, responsible investment, land administration, recognition of customary tenure claims).

This assessment is meant to increase understanding of local authorities' knowledge of, attitudes towards, and capacities to implement different components of the NLUP, while also identifying key points of engagement between local authorities, civil society organizations (CSOs), and communities on land themes. These findings will inform the design of a capacity building plan to support local authorities in implementing the components of the NLUP; the plan will serve as the basis for LTP's continued engagement in these pilot areas going forward.

Generally, beyond the township heads of departments, there is a low level of awareness of the NLUP through the lower levels of government administration. Those who know about it think highly of it, as evidenced by the authorities' praise for the policy's stronger recognition of elements such as customary tenure and gender equality. A common view is that the NLUP currently has no "teeth," so a consistent message is that the policy needs to be translated into law and awareness needs to be raised throughout all levels of government.

The link between different aspects of land tenure governance and the NLUP is, not surprisingly, strongest in the Ministry of Natural Resources and Environmental Conservation (MONREC). The three forest officials interviewed cited it when speaking about participatory land use planning as a way to strengthen land tenure security for communities, which they view as a weak priority relative to land for investments. They pointed to a need to do long-term national planning in the allocation of land for different purposes: livelihoods, investments, and conservation. Through this approach, they believe customary tenure can be protected while promoting other equally important national objectives. In the meantime, they promote community forestry as a good example of participatory land-use planning, and a way to protect community land tenure. Communities, in turn, see the LTP maps, which delineate land

use categories, as a way to help them plan for engagement with community forestry, as well as a tool to strengthen their claims to land that they have customarily used.

Despite the lack of active application of the NLUP, the assessment found several themes in local land governance which relate to different themes in the NLUP linked to land use planning and administration. Representatives of different departments called for more detailed and accurate land uses on the ground, including correcting land use boundaries between land administered by Department of Agricultural Land Management and Statistics (DoALMS) and the Forest Department (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 scales and procedures throughout the government to reduce administrative inefficiencies and errors. Many of these administrative gaps have been improving in recent years, as a result of more inter-ministerial committees coordinating on land issues, as well as the increased use of technology. Despite this, most departments still fall short in human resources, skills, and equipment. All township authorities interviewed expressed an interest in receiving support from LTP for addressing each of these gaps, and a willingness to increase outreach to communities.

On the communities' side, while community members from the project's first two pilot sites appreciate the maps and have gained a degree of empowerment from them, most people still feel there is a large gap between what the project has achieved and their wish to have concrete tools for reclaiming (Yway Gone Village Tract) or securing (Let Maung Kway Village Tract) their land. There are several structural issues which continue to disadvantage communities. The legal framework prioritizes investments, while providing few legal channels to secure community land tenure, except for Community Forestry Instructions (CFI) and the Vacant, Fallow and Virgin (VfV) Land Law. Furthermore, most communities have 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. With the village tract administrator (VTA) being the main point of contact for all villages, on the whole there is still very little information sharing and extension by local government. Despite this, there is a greater openness with regards to transparency of information. Very tellingly, the assessment team was able to directly ask the State DoALMS Officer about the status of the land concessions and the legal options for villagers to access these lands should they be returned to the state pool. This kind of conversation would have been unheard of a few years ago.

In the implementation of local land governance, it has been recognized that VTAs are central brokers between villagers and local government. Ever since the elections of VTAs under the Thein Sein government, they have generally exhibited more accountability to the rural communities they represent. For example, the VTA in Yway Gone Village Tract has actively been championing the needs of his villages to the township authorities. The fact that they now meet with the township General Administration Department (GAD) on a monthly or bi-weekly basis signals the beginning of stronger community-government relations. While this is a positive development, they themselves require more awareness raising to carry out their jobs. Evident of this is that the VTA in Let Maung Kway Village Tract asked whether he could apply for land use certificates (LUCs, or Form 7s) to secure their taungya land which is located in reserve forest. This demonstrates how far local land governance structures have to go before we can see the appearance of strong administration.

Despite the continuing challenges, there are a number of political factors that have changed the project's operating environment. These factors include: a) the central government's wish to reclaim unused land leased to investors; b) the awareness among reform-minded authorities of the value of a bottom-up approach to land use planning and the need to prioritize it for community wellbeing; c) the explicit need among local government for human resources and technological upgrading; and, d) the explicit need among communities for concrete tools to reclaim or secure their community lands. Together, these

factors create an opportunity for LTP to build on its achievements of the last two years, and to leave its pilot sites with more concrete outcomes for strengthening community land tenure.



# I.0 ASSESSMENT METHODOLOGY

The land use and tenure assessment methodology involved:

- Discussion with LTP team members about the project background, dynamics, and ideas for future programming;
- A review of LTP’s project documents including assessment tools used, land tenure assessment reports, and recent review documents; and,
- Interviews conducted between 20-24 February 2017 in the first pilot site and 27 February to 3 March in the second pilot site. The table below summarizes meetings at both sites:

Table 1: Assessment Meeting Schedule

Pilot Site 1		Pilot Site 2	
21 Feb	San Gyi and Yway Gone villages	27 Feb	GAD, DoALMS Officer, Forest Officer
	Bant Bway Gone and Heingyu villages		GAD Officer
	GAD, DoALMS Officer, Forest Officer		Forest Officer
22 Feb	GAD & DoALMS Officer (former)	28 Feb	DoALMS Officer
	DoALMS officer (current)	1 Mar	Amphat group of three villages, Pan Tin group of two villages
	Forest Officer	2 Mar	Kyauk Hnget group of 3
23 Feb	Bago State MONREC Minister		
	Bago State Forest Director		

Each village meeting took two hours and was attended by approximately 15 to 30 villagers. The VTA attended the two village meetings and sat in one of the meetings at the township GAD’s office in the first pilot site. The VTA for the second pilot site was present at the village meeting held in Kyauk Hnget.

The assessment team included SiuSue Mark (Land Governance Specialist) and Khin Htet Htet Pyone (LTP National Resource Law Specialist). Myat Thu Aung (LTP Monitoring and Evaluation Specialist) participated in the first day of meetings in pilot site 1. The CSO partner at each pilot site was present at the village meetings.

# 2.0 ASSESSMENT FINDINGS

## 2.1 YWAY GONE VILLAGE TRACT<sup>1</sup>

### 2.1.1 Overview

Bago Region is one of Burma’s two primary rice production areas. Despite this, Bago Region has the highest rate of landlessness in Burma, standing at 41% compared to the national average of 24%<sup>2</sup> (UNDP, 2011). Given such low rates of farmland ownership, most landless households survived by accessing resources in unclassified and reserve forests, which make up to two-thirds of landless households’ incomes. As most in the area did shifting cultivation in taungya land, they largely could not register these large areas under the Farmland Law.

All four villages in the village tract have long settlement histories ranging from 100 to 200 years. Three of the four villages are completely Bamar while the Kayin village has had a recent influx of landless Bamar families interested in better access to reserve forests. Bant Bway Gone is the most “well-off” village, followed by Yway Gone, San Gyi, and Heingyu.

Heingyu is the northernmost village and is located entirely within “reserve forest”<sup>3</sup> lands under MONREC’s jurisdiction. This “reserve forest” cuts across both Minhla Township and Letpadan Township immediately to the east. The village land and farmland plots for about half the households have been de-gazetted as of early 2017. While Bant Bway Gone borders this reserve forest, it is located within “unclassified forest,” as are San Gyi and Yway Gone. Lands that are part of “unclassified forest” fall under the purview of the Vacant, Fallow and Virgin Land Management Law of 2012 and the jurisdiction of DoALMS.

The total population of these four villages is 2,004 residents, as broken down below.

Table 2: Households and Population in the Four Villages of Yway Gone Village Tract

Village name	Number of houses	Number of households	Above 18 years old			Below 18 years old			Total Population		
			M	F	Total	M	F	Total	M	F	Total
Yway Gone	118	125	150	148	298	80	78	158	230	226	456
San Gyi	115	118	140	151	291	90	85	175	230	236	466
Bant Bway Gone	138	140	200	182	382	120	118	238	260	318	578
Heingyu	117	119	151	162	313	90	101	191	241	263	504
<b>TOTAL</b>	<b>488</b>	<b>502</b>	<b>641</b>	<b>643</b>	<b>1,284</b>	<b>380</b>	<b>382</b>	<b>762</b>	<b>961</b>	<b>1,043</b>	<b>2,004</b>

Source: Yway Gone Village Tract Administrator

<sup>1</sup> Summary of key points from recent assessment findings and from: Jhaveri, N. and Thomas, N. (2016). *Land Use and Tenure Assessment of Yway Gone Village Tract, Minhla Township*. Washington, DC: USAID Tenure and Global Climate Change Program.

<sup>2</sup> The next highest landlessness rates are found in Yangon (39%) and Ayeyarwaddy (33%).

<sup>3</sup> This reserve forest in Minhla has 23 blocks (inside the boundary of Moke Kha creek).

The VTA, elected in April 2016, is the main point of contact for villagers on land administration and management issues. The last VTA helped households obtain LUCs by collectively submitting applications for all families with farmland in the village tract. Only the male head of household's name is entered on the LUC unless it is a woman-headed household. Garden lands fall under the Farmland Law but are only informally recognized. Villagers in Bant Bway Gone estimated that about 30% of all households in the village had LUCs. In Heingyu, which was recently de-gazetted from reserve forest, the VTA estimates that half the households have LUCs.

The common problem facing all four villages is the allocation of public forests to contractors through permits issued under the 1991 "Wasteland Law" in the last 10 to 20 years, and more recently under the VFV Land Law.

In addition to the allocation of VFV land, the FD started to issue permits for plots of 300 to 600 acres to the private sector to improve forests and sustainability in 1993. In order for any private contractor to obtain a permit to start a private teak plantation on reserve forests, they have to apply with MONREC in Nay Pyi Taw. Typically, a local forest officer would do a site visit, check the forest and social conditions, and then approve the application. The process involves ascertaining whether there are any existing farming activities in the designated area. According to stipulations, if settlements are found on-site, the application should not be approved. However, many of these now leased plots were previously used by villagers for taungya as well as firewood/fodder etc. Villagers were not compensated for this loss because the land is officially classified as "reserve forest."

To make matters worse, in Bant Bway Gone, about 100 acres of land was provided by the FD for the village to use as they saw fit in 2009. The FD announced the handover in a public village meeting and a sign was put up at the site. The village used it for household firewood use. Later, the Settlement and Land Records Department (SLRD) declared this area VFV land and re-allocated it to a company. The recent assessment found that this occurred because unclear boundaries led the FD to believe that VFV land was reserve forest (see section 2.1.3.4 for more information).

In all cases, the leasing of VFV land and of reserve forest was carried out with no consultation or compensation for villagers. The impacts on household subsistence practices, while diverse in nature depending on the level of secure rights to paddy land, were experienced by all households. In Yway Gone, as indicated in LTP's 2016 land tenure assessment, it was estimated that household income dropped by one-third among landed households and by two-thirds in landless households. Women, in particular, have been negatively impacted because they utilize forest land to grow cash crops that support household expenditures.

Besides permit approval, the MONREC office is also involved in de-gazetting reserve forests so that they can then be formally designated as village land or farmland. DoALMS supports this process, by creating the final maps of these new village and farmland areas. Heingyu's village land has been de-gazetted into village and farmlands. MONREC also started a small community forest in Heingyu.

DoALMS staff are trained at the DoALMS Training School that was established twenty years ago. They have been working to update the kwin maps (cadastral maps) of this area that were first developed in 1907-1908 (and thereafter in 1917, 1947-4, with the latest being from 2002-2003). Presently, the school has the equipment to digitize their maps and the staff are currently receiving their training (they already have 100 digitized maps). They will be working over a four year period in Bago with UN-Habitat.

### **2.1.2 Villagers Views on LTP**

In general, villagers appreciate having a map that clearly delineates their village boundaries. Some people reported feeling more empowered thanks to the project, to the point that villagers from Heigyu told outsiders to stop cutting their bamboo. They reported saying, “This is our village communal land, and we are connected to a project; we can raise this to the authorities.”

“We have our boundaries but we still don’t have the benefits and rights to our land.”

- San Gyi Villager

While many are more aware that they have rights, they also said they have no concrete tools in order to claim land back.

Villagers from San Gyi and Yway Gone said they doubt the project can continue any further, as they have been involved for over a year, but they haven’t seen any tangible outcomes. They reported seeing ongoing land problems, such as villagers selling more of the VFV land on which they had cultivated to outsiders, but don’t feel brave enough to get involved with these problems as they don’t know if their voices will be considered legitimate, especially after the project ends.

They also suggested that the maps would be more useful if they include information such as different types of land uses and contested plantation boundaries. They believe this information would help them reclaim their land.

### 2.1.3 Land Governance Themes

#### 2.1.3.1 NLUP

Generally, the township and state officers in the FD and DoALMS have read and promote the NLUP. Most lower-level officers asked have heard about it, but have not read it. The State Forest Director said, “We have the NLUP, but nobody knows about it.”

“If the zones were clear, even cronies cannot encroach on community land.”

- Bago Region Forest Director

Those who know about it think highly of it. The township Forest Officer said, “After the NLUP becomes law, so many problems will disappear” (referring to the numerous conflicts between investors and communities over VFV

land). The DoALMS Officer thinks the NLUP is a good policy, because it states specifics about gender and customary land.

**Recommendation:** Carry out information sessions about the NLUP with township-level authorities and disseminate more information, education, and communication (IEC) materials on the NLUP. In the longer term, continue to support the development of the NLUP into law.

#### 2.1.3.2 Land Disputes

Yway Gone Village Tract has two types of land disputes, one in which villagers hold tax receipts and other documents to show they had previously farmed on the contested plots, and another in which villagers do not hold documents.

The first type of land dispute is illustrated by a 150-acre plantation meant for agarwood, which started over four years ago under the last VTA. Within this, there are about 15 households that claim ownership of the land, and have raised the case to the current VTA. The VTA said they have tax receipts as well as green booklets that show the plots. The VTA told the company headed by U Myat Lin to leave, but they refused, so the case was referred to the township authorities. The current VTA studies the VFV Land Law and tries to apply it in his advocacy to the GAD. He submitted the land documents of the 15 households, including tax receipts, and cites the VFV Land Law to argue the rights of the original cultivators.

The second type of land conflict is much more pervasive and involves the confiscation of customarily used village commons. Villagers in San Gyi said they think 90% of their village commons have been taken over by plantations. Most former taungya cultivators have lost access to their land.

In terms of addressing the growing confiscation of village communal customary land, the VTA made a case that many of the projects have not actually used their land for cultivation; villagers estimate use is at 50%. The VTA also sought advice from the Member of Parliament (MP) representing Minhla Township and the National League for Democracy office on how to deal with the problem. The MP for Minhla seems overwhelmed and encouraged villagers to document the issue. He said he will address it all in one when it is “big enough.” The VTA is aware that the Letpadan MP proposed stronger protection for village grazing land, but has not worked closely with the MPs.

The villagers want to survey the plantation boundaries so that they can try to get it back. They also want to register these areas. They have a fundamentally different view of the land from the government. What they see as customary land is seen by the government as either village land owned by the GAD, VFV land owned by DoALMS, or forests owned by the FD.

Responding to the claims of confiscation, the GAD said “Why didn’t they object when the companies first came?” He said that when companies apply for leases, permission is given only if there were no existing settlements or complaints. The former SLRD Officer explained that when villagers extend their farming into VFV land, they usually pay crop taxes, sometimes even for shifting cultivation. This is called “non-permitted holding land.” In theory, they should be able to apply for an LUC if they have these tax receipts, but it seems that it is impossible to do so on the large swath of land used in shifting agriculture. When asked what could be done about the negative impact on their livelihoods, the GAD Officer unsympathetically said that they have to go find other livelihoods options. He also said villagers no longer need pasture land as most cows and buffalo have been sent to China.

According to the government, each department has different legal procedures for recognizing village commons. The GAD Officer said village boundaries and pasture lands were fixed since 1907 per the Lower Burma Towns and Village Act. Any infringement into these boundaries is illegal, although it is possible to convert pasture land into village land within these boundaries. The DoALMS Officer said villages must apply through the VFV Land Law. After an executive order passed by President Thein Sein in 2013 requiring the FD to de-gazette villages with 50 or more households and to convert that land into settlement and agricultural land, the FD has removed 345,889 acres from Burma’s forest reserves.<sup>4</sup> The Bago State Forest Director confirmed that they have de-gazetted the village, paddy, religious, and horticulture land for villages with 50+ households, but haven’t for those under 50 households and those who farmed on forest land, but lived outside of the forest. These other areas are two times the size of the areas that have been de-gazetted, and there are no plans to de-gazette them. The plan is to make the remaining areas into community forests (similar to Let Maung Kway Village Tract). Thus, there are very few legal protections for village commons. The Township Forest Officer said, “When NLUP is finally law, we will get rid of all this mess,” showing the need to formalize the NLUP.

The State DoALMS Director said that the Land Reinvestigation Committee (LRC) received over 1,000 complaints at the state level. All townships have submitted the list of plantation uses to union level. Leases are based on TOPO maps, but the maps are not detailed. The projects are usually determined from Nay Pyi Taw, but the plantation permits are kept in the township level office. The State DoALMS Director said that if land is returned, communities can either use the VFV Land Law or CFI (confirmed by the State Forest Officer) to apply for this land. The VFV Land Law allows for individual or group

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<sup>4</sup> *Myanmar Times*, “Legal Living Permission on Forest Reserves,” 17 June 2013. Available at: <http://www.mmtimes.com/index.php/national-news/7152-legal-living-permission-in-forest-reserves.html> (accessed 30 June 2013)

applications, for a minimum of ten acres each time, up to 50 acres. Villagers must show a use plan and investment amount. These arrangements are for 30 years with possible renewal.

The township DoALMS office plans to do monthly surveys of all the plantations. They want to continue to keep a better system of land use going forward. They explained that if a company got 1,000 acres, but cleared 600, they would be told to return the other 400 acres. LTP was asked to help with mapping the plantation boundaries, and SLRD will look into the actual use within these boundaries

**Recommendation:** LTP should take up the opportunity to help the township DoALMS office survey the plantations. This would achieve two things: build local government capacity and b) fulfill the request of villagers to map plantation boundaries on their maps.

### 2.1.3.3 Kwin Maps

The Bago State Forest Director estimates that existing mapping is only 60 to 80% accurate. The former SLRD Officer said that every year for the last few years, the township applied for permission and resources to resurvey about 20 kwin maps, with a focus on those with high rates of error; there are 200 kwin maps for this township.

The current maps are incomplete. For example, there are areas around this village tract which have paddy land which is not documented on kwin maps. Township DoALMS have started to expand or add additional kwin maps based on the ground information of actual cultivation use. The DoALMS Officer said that they want to consolidate information and maps for agriculture land, for which they have data split up into different places. For example, in order to figure out a tax rate, they have to consult three sources of data: parcels in one map, size per parcel in another book, and total owned per household in a third. It is very time-consuming for them to do their work. They also want to do more detailed mapping of actual land use, echoing what communities asked for.

Nay Pyi Taw makes the final decision on the addition of these maps. Using a few GPS units, basic versions of GIS software, and a few poorly-operating computers, township DoALMS staff update the kwin maps. They used to send the GPS coordinates with the hard maps to Nay Pyi Taw or to the survey training school in Bago, which sent back the updated kwin maps. Until now, they only keep paper maps in the township office. The Nyaung Shwe DoALMS office said that rather than having to send their requests to Nay Pyi Taw survey units or to the Bago Survey Training School, all state and region governments recently received the technology to make the maps.

Each department has their own maps, but land use changes that affect other departments' land use management should be reflected across all the maps. For example, when the FD de-gazettes reserve forests on their maps, DoALMS needs to reflect that in their maps.

Township DoALMS said they were instructed to do a survey in March 2017, to check the kwin maps against the ground reality, as well as category boundaries to clarify management lines. They said LTP can join up when they do the March survey.

**Recommendation:** While LTP has missed the opportunity to engage with the government on the survey exercise in March, LTP should continue to cultivate a supportive relationship with township government and offer to support them in similar future activities.

Poor maps have impacted LUCs. Villagers applied for the wrong sized plots. This required field checks, after which DoALMS determined actual ownership based on use of the land and verification with neighbors. It has been rare for them to update the plots in the LUCs (only ten a year in the last few years). As updated kwin maps can lead to changes in the boundaries and plot sizes marked on existing LUCs, local land administration can lead to more conflict on the ground.

**Recommendation:** Given that the updating of kwin maps has a high potential for leading to social conflict, LTP should keep watch on how new kwin maps will impact existing LUCs.

#### 2.1.3.4 Land Boundaries

The GAD Officer thinks that with better maps they would have fewer problems between investors and cultivators, and between ministries. This would be better for development, and would reduce conflict. He did note that there have been improvements in this regard. While the government used to only use manpower and tapes, they now use technology, e.g. handheld GPS devices and GIS software.

Currently the maps are imperfect, and they lead to a host of problems between DoALMS and the FD. For example the 100 acres given to Bant Bway Gone for a firewood plantation was approved by the FD, but because it was VFV land, it was later taken back and re-allocated to an investor. Villagers were left wondering what happened.

In the case of Heingyu, its de-gazettement was not reflected in DoALMS maps. When conflicts arose, DoALMS said it was the FD's responsibility.

Though boundaries are clear in the maps, they are not so on the ground. This led people to farm on VFV Land, for which DoALMS collected taxes. Forest lands have also mistakenly been allocated to companies.

The Township Forest Officer said that since 2013, the de-gazettement process has forced the FD and DoALMS to work together. The DoALMS Officer said that if there are differences in boundaries, they discuss and agree. Boundaries have become clearer and there are fewer cases in which forest land was mistaken for VFV land. While they don't have a culture of sharing maps openly, ministries can request them from other ministries through higher levels if needed.

The MONREC Minister said that inter-ministerial coordination on land exists in the Farmland Administration Body, the Land Reinvestigation Committee, town planning, and investment projects such as the Bago Hanthawaddy Special Economic Zone (9,690 acres). In a project funded by Helvetas, the International Union for Conservation of Nature, and the Network Activities Group in wetlands, the state-level departments for agriculture, fisheries, and forestry work together. This project is related to disaster risk reduction as it is focused on prevention of landslides.

**Recommendation:** LTP training of township government staff on mapping and provision of more up-to-date GPS units, GIS technology, and computers would help to reduce the incidence of mapping errors. There is also a need to configure these interventions to One Map's national plans.

#### 2.1.3.5 Participatory Planning

There is a great deal of appreciation in MONREC for the idea of participatory planning. The Township Forest Officer said that since the government is now focusing on a bottom-up approach and people's participation, it would be better to use this information to create maps of actual land use, recognize customary land, and do land use planning. He said that while the FD projects 30% of the country's land should be forest, people should be allowed to determine where they should have their grazing land, reserve forest, etc. Though the de-gazettement process is only a one-off, it is important in the long run that policymakers determine how much land to set aside for each household, and based on that, make quotas for livelihoods needs, investments, conservation, etc. He also said that customary land should be recognized because it is hard to stop traditional livelihoods: "The ethnic people will never leave their land." He believes that there should be other ways to balance community needs with the environment, i.e. agroforestry, upgrading farming practices, etc. He emphasized that, "Livelihoods is the most important priority."



The State Forest Director agreed with the idea that there should be land use planning which spreads the balance between livelihoods, conservation, and investments. He said, “If the zones were clear, even cronies cannot encroach on community land.”

While the idea of peoples’ participation is becoming popular across ministries, most local government officials know how to apply the idea.

**Recommendation:** Continue to support operationalization of the idea of participatory land use planning, which is supported by reformist-minded officials.

### 2.1.3.6 Capacity Gaps

Capacity gaps are evident among villagers and government staff. Since the main issue in Yway Gone Village Tract is the lack of legal protection for village commons, LTP could make valuable contributions by educating villagers about the different channels for securing these lands. Without this knowledge, they run the risk of having it given away again even if companies return part of the land to the state.

There is minimal interaction between villages and government, as all dealings are channeled through the VTA. Villagers said the government should provide information and give IEC materials. On the other hand, the line departments complain that when they invite villagers for debriefings, nobody wants to come. The former DoALMS Officer said that they had a hard time getting the villagers interested in laws as they don’t prioritize learning. He also said that the VTAs didn’t educate villagers as they tend to only react to problems. He suggested that the best way to is to get someone senior from DoALMS to lead education sessions with VTAs to reach out to villagers. Villagers also suggested that the local CSO continue to play a facilitation role between communities and local authorities.

The State Forest Director recommended that LTP create community centers where IEC materials and extension workshops can be held. He suggested the development of radio broadcasts, short service announcements during prime-time TV, and cartoon books of the new CFI instructions.

**Recommendation:** LTP should consider making IEC materials on the VFV Land Law, CFI, and the LRC and carry out trainings about each of these topics in partnership with government staff. Once made, give the government soft copies of the IEC materials so they can reproduce them later.

The Township DoALMS and FD offices also have capacity gaps. About this, the State Forest Director said, “There are so many: it is like a broken car. If you fix the engine, the brakes won’t work. So we need to replace the entire thing.” He said they need more human resources, vehicles, and technology such as GPS devices with drones to cover areas in detail. These challenges are making it hard for them to do the Bago Yoma Greening project, a government initiative to reforest the depleted Bago Yoma mountain range

The Township DoALMS office has 30 staff, but only four can do GIS mapping. With only two slow computers and out-of-date software, surveying takes a long time to complete. They requested training on GIS-Real Time Kinematic (RTK) mapping, and updated software and computers.

Similarly, the FD has a total of 20 staff. Only one can do GIS mapping. They requested two GPS units, more updated computers, and better GIS software.

**Recommendation:** LTP should provide GIS mapping training, updated software, and computers.



## 2.2 LET MAUNG KWAY VILLAGE TRACT<sup>5</sup>

### 2.2.1 Overview

Let Maung Kway Village Tract is in Nyaung Shwe Township, located in the western part of Taunggyi District. It lies in the northern and western watershed areas of Inle Lake. According to the GAD Officer, the Township is 564.42 square miles; 359,000 acres; 66,925 acres of arable land (16.64%); 20,000 acres fallow (<5%); 26,016 acres virgin land (5.73%); 182,256 acres forest (50%).

Although this village tract has only ethnically Taungyo residents, there are other ethnic groups within the district such as the Shan, Pa-O, Intha, Danu, and Tanaw. The Taungyo are a sub-ethnic group of the Bamar people, speak a dialect of Burmese, and are Buddhists.

All eight villages have long settlement histories from at least 100 years ago. The total population of these four villages is 2,625 residents. The villages are grouped with Kyauk Hngnet, War Gyi Myaung, and Yae Chan Kone in group A; Kyaung Taung, Kyaung Nar, and Amphat in group B; and, Pan Tin and Tha Yet Pin in group C.

Figure 1: Schematic Map of Villages in the Let Maung Kway Village Tract



<sup>5</sup> Summary of key points from recent assessment findings and from: Jhaveri, N. and Thomas, N. (2016). *Land Use and Tenure Assessment of Let Maung Kway, Nyaung Shwe Township*. Washington, DC: USAID Tenure and Global Climate Change Program

Table 3: Households and Population in the Let Maung Kway Village Tract

No	Village Name	No of houses	No of Households	Under 18 years old			Above 18 years old			Total		
				Male	Female	Total	Male	Female	Total	Male	Female	Total
1	Pan Tin	36	36	34	37	71	41	45	86	75	82	157
2	Kyaung Nar	35	35	23	20	43	41	49	90	64	69	133
3	Kyaung Taung	80	80	57	88	145	103	103	206	160	191	351
4	Ampat	55	55	39	48	87	74	63	137	113	111	224
5	Tha Yet Pin	39	39	28	48	76	45	44	89	73	89	162
6	War Gyi Myaung	65	65	75	61	136	83	82	165	158	143	301
7	Yae Chan Kone	119	119	141	44	185	145	143	288	286	187	473
8	Kyauk Hngat	185	185	171	217	388	225	211	436	396	428	824
Total		614	614	568	563	1131	757	740	1497	1325	1300	2625

Source: Let Maung Kway Village Tract Administrator

The villages closer to Inle Lake are in a better economic situation and have greater opportunities for income generation as a result of better road access to market towns. Over time, nearly 50% of the more remote, northernmost villages have migrated down to the plains area near Inle Lake in search of water for better agricultural production.

The cultivated land is all taungya land and rain-fed with no supplementary water supply. Although the villagers used to practice shifting cultivation, in recent years they have changed to a short rotational fallow system. They don't grow paddy, but produce cash crops like ginger.

All land in these villages is on public protected forests under MONREC's jurisdiction. In 2000, there was an agreement between MONREC and villagers about their customary use of the taungya land. In 2015, MONREC started the de-gazettement process. They shared their maps with DoALMS and GAD, but as of March 2017, DoALMS has not completed their mapping process. Villages have not received any documents to show that their village land has been de-gazetted. Taungya land on which they practice farming of non-rice cash crops will not be de-gazetted. Some villages are aware that this puts their land tenure security at risk. Although the land market is not very active, villagers in Pan Tin village report that they saw a Chinese gold mining company operating in the area.

Villagers are clear, based on mutual understanding, about the boundary demarcations of their villages and household plots. Although there has been population growth, and villagers had to increasingly subdivide their plots into smaller sizes in order to accommodate the additional people, they have no conflict. They are not willing to cultivate taungya further afield as this would mean great difficulty accessing water.

Villages surrounding the lake have contributed to significant siltation of the lake due to timber extraction and swidden cultivation. This, together with the floating agricultural practices on the lake itself, led in the summer of 2010 to the lowest water levels in nearly 50 years. As a result, Let Maung Kway is part of the targeted areas where MONREC is aiming to improve forest cover and reduce degradation. The aim is to conserve 10,000 acres within the Inle Lake watershed in northern and western areas. As a result, the United Nations Development Programme (UNDP) formed some community forests in this area in 2001/2002, including one in Let Maung Kway. According to the VTA, the UNDP was asked to stop this project because of a growing conflict arising from the fact that the forest user groups from one village were using the village land from a neighboring village.

The main difficulty communities reported facing is the lack of water and poor soil fertility. At present, there is a project by the Myanmar Institute of Integrated Development (MIID), in conjunction with the International Center for Integrated Mountain Development, focusing on improving soil fertility and watershed management in the face of climate change. In addition, rainwater storage tanks have been constructed in most villages through support from the UNDP, monasteries, the government, and the villages' own funds. In this assessment, the Township GAD Officer reported that they are aware of this problem and are building more water storage units in this village tract, with a focus on the northern set of villages which have more acute water shortages.

### 2.2.2 Villagers Views on LTP

The three villages around Amphat think the boundary mapping was helpful, as it gives them some defense against outsiders. The village leader said, "If any outsiders come in, we can explain and argue." Since the maps define what is taungya, village, and forest land, they think this can help them identify land areas for future agro-forestry projects. The two villages around Pan Tin also feel a greater sense of security now that they have these maps, especially as they reported seeing a Chinese gold mining company in the area last year. Like the others, the three villages around Kyauk Hnget feel a greater sense of security after mapping their village boundaries and the different types of land uses. They think the maps would be officially recognized if their land ownership were challenged.

"If any outsiders come in, we can explain and argue."

- Village leader for Amphat village

There were different degrees of awareness about land tenure security among the three groups of villages. The Kyauk Hnget group was clear about the fact that their taungya land was not officially recognized or protected, but said that if they have the right set of legal documents, they can use the law to protect themselves. The Amphat group said there are some limits on their access to the forest since the area became a reserve forest in 1981. The FD told them to stop cutting nearby forests for firewood and established a firewood plantation for them. The Pan Tin group was minimally aware of land tenure issues. They were not clear that the maps are not officially recognized or even that their village was being de-gazetted. They said their VTA never explained any of this to them. None of the villagers were aware that the process of de-gazettement was not finalized as yet, since DoALMS has not finalized their maps.

They have been facing low soil fertility and an increasing shortage of water. The VTA understands that one of the contributing factors is the increased cutting of trees in the area, which has reduced the soil's ability to retain water. The village leader in Amphat explained that population growth has also contributed to this drop in productivity as they have to share their small plots of land with more people, shortening their fallow periods. As a result, their crop harvests are smaller than before. While they can clear new areas for taungya, they don't want to go too far from the village because they can't get water for farming. Given the decline in harvests, within five months of harvesting, they need to seek work as farm laborers or carpenters, or sell bamboo handicrafts, in order to purchase food. They don't take loans.

Projects like MIID's have provided water tanks and agricultural training, organic fertilizers, and seedlings, which has been helpful, to the villages around Amphat and Pan Tin. Another CSO provided environmental and agricultural trainings to villages around Kyauk Hnget. The VTA requested the township GAD office to prioritize drinking and household use water for the villages around Amphat and Pan Tin since Kyauk Hnget already has a water source. Two tanks will be constructed. Around the township, GAD has plans to create three storage areas of rainwater gathered between mountains.

The VTA was a Union Solidarity and Development Party (USDP) representative for the villages for many years, but became VTA in April 2016. He said that under the military government, they didn't dare make any requests to the township authorities. Now, the coordination is much smoother. He attends a

meeting at the township GAD office every two weeks, to which all the departmental officers and all the VTAs are invited; that is when village tract needs are reported. He gets this information from the village leaders, who he thinks knows the villages much better than he does. Likewise, the villagers seem to trust in him. When problems arise, he makes visits to the village. Recently, in addition to the two water tanks, he was able to request a new bridge to join two villages and improvements to major roads. He has also directly contacted the regional MP for this area about the roads.

## 2.2.3 Land Governance Themes

### 2.2.3.1 NLUP

Similar to Yway Gone Village Tract, the Township Forest Officer expressed appreciation for the NLUP. He said Burma never had such a policy before, and it needs to become law. For example, the policy talks about stronger land tenure for people, and describes land use categories. He also commented that because the new government is spending more time than before solving land issues, it is not able to devote more time to other development issues.

“We have been reporting the land grants for the last ten years, but the government never did anything about it until now.”  
- DALMS Township Staff Officer

**Recommendation:** Carry out information sessions about the NLUP with township-level authorities and disseminate more IEC materials on the NLUP. In the longer term, continue to support the development of the NLUP into law.

### 2.2.3.2 De-gazettement

All communities, even those with less than 50 households, have been submitted by the township FD to the national level for de-gazettement. The Forest Officer thinks that even the smaller communities will be granted permission. He explained that the next step is for DoALMS to complete their survey and revise their maps. In their ground-check, DoALMS is supposed to verify if any land under their administration is included. They also report any deviations from the FD maps, e.g. villagers continued expansion beyond the boundaries marked off by the FD. If there are deviations, DoALMS reports to the FD, which can take action under the Forest Law. Both departments use maps with the same scale to minimize errors: 1 inch to 1 mile scales standardized for this process. Under One Map, they plan to use Universal Transverse Mercator (UTM) sketch maps to standardize across the country.

The main issue is that DoALMS has been slow to survey and complete the process. DoALMS said they had the original village boundaries mapped in 1966, but it needs to update their maps according to the 2015 boundaries set by FD.

**Recommendation:** LTP should continue advocating and, if possible, support DoALMS on completing the de-gazettement process for villages already removed from FD maps.

### 2.2.3.3 Land Use Planning & Community Forestry

The GAD Officer thinks there is no confusion between DoALMS and the FD. GAD thinks that the Farmland Administration Body and Land Reinvestigation Committees have strengthened coordination on land issues between the departments.

In this township, land planning is centered on Inle Lake as a conservation zone. A Lake Authority was created to manage a five-year grant from Norway. Because of increased coordination from this, the FD and DoALMS don't seem to have many boundary issues. They meet at least once a month in Taunggyi under the Minister of MONREC to plan for the watershed, which is zoned as conservation land. The state parliament is also drafting a Lake Authority Law to strengthen conservation, including restrictions on community expansion of settlements and farmland into the lake area, which has shrunk by nearly half

since 2007 (from 104 to 63 square miles since 2007). They consult with the community to manage these through the Intha Ethnic Affairs Minister. The Forest Officer does not think the tourism boom will negatively impact the conservation goal, because hotel capacity is already twice demand.

The Forest Officer considers community forestry an example of bottom-up planning. He sees it as a positive reversal from the past when the government did top-down planning. Communities will be encouraged to do agroforestry, which involves planting 150 trees per acre, inter-dispersed with crops. The FD will provide free seedlings for fruit trees like mango and avocado. The Forest Officer said that the new CFI include a few changes, which he considers to be positive: only people living within five miles of a specific forest can take part, and there are restrictions on conversion to commercial plantation. While the FD gives information to villages about CFI and other forest issues, they do not provide full trainings.

All villages have a faint recollection that the UNDP tried to establish a community forest in Kyaung Tha in 2001/2. They believe it was a failure. The VTA said that the problems was that the user groups were from Kyauk Hngat, but the community forest was in War Kyi Myaung. He pleaded with the government to stop the project as it would eventually cause more conflicts between the two villages. Despite a negative past experience, they are still interested in starting a new community forest, but are concerned that the 30-year limit means that it cannot be passed on to their children.

They believe that community forestry projects should give equal weight to conservation and income generation. They are interested in fruit plantations such as mango and avocado, but warn that eucalyptus (which was given to them by non-governmental organizations [NGOs] in the past) is not good for the soil. They think they will need techniques and investments in kind to start. They recently visited a neighboring agroforest project which was supported by another NGO. Training is best done as a hands-on demonstration plot. The VTA is willing to make closer relationships with the Forest Department if they carry out community forest or agroforest projects.

The Center for People and Forests (RECOFTC) could potentially be a partner for LTP. It has been doing community forestry (CF) in 30 Pao and Taung Nyo villages in Nyaung Shwe Township, with 19 villages now having CF certificates. They have been carrying out trainings, on the CF concept, management plans, and application process, with FD staff, in project villages. Community forestry IEC materials and posters have been developed and local languages are used at community level trainings. The project is staffed with two people based in the township FD office. The only drawback is that the project's current phase runs until end of 2017. It might be worth exploring the Ecosystem Conservation and Community Development Initiative's (ECCDI) CF plans for the township.

Despite the improvements in coordination between the VTA and township authorities, it is evident that the villages have insufficient information about how to engage with the laws to secure their land. At the end of the meeting, the VTA asked whether they can apply for Form 7s to secure their taungya land. We explained that this is not possible as this land is in reserve forest. Ko Win Shein Myat of the Farmers and Labors Union said that villagers do not know which land belongs under what category, and therefore, it is very difficult for them to know how to navigate the laws to apply for formal recognition. For the most part, they have never even seen any of the forms used for these application processes. The GAD also said that village tract leaders can benefit from more training on roles and responsibilities. If they don't have the knowledge, the villagers have to come directly to township authorities and that is not a good use of their time.

**Recommendation:** In partnership with the FD and partners such as RECOFTC or ECCDI (depending on which has a longer presence in the area), LTP should immediately start training the villagers on how to set up community forests and agroforests. It should also support villages to access in-kind inputs from the FD.

#### 2.2.3.4 Kwin Maps

Using handheld GPS units and GIS software, township DoALMS updated their kwin maps in 2015/16 and recently finished the ground survey. In 1966, they had 195 kwin maps (each covering 400-800 acres) but they now have 335, as they were finally able to access the southern part of the township which used to be off limits due to active armed conflict. They are waiting for approval from the union level before they make the new maps at the state level.

In this township (as opposed to Minhla) they don't collect crop taxes for VFV land. On their kwin maps, they aggregate the total area of VFV land farmed and record the types of crops grown. They usually note the extension of farming into adjacent VFV land as "temporary farmland" and mark that on the kwin maps. After some time, this is noted as "permanent farmland" on the kwin maps (which expands the area of the kwin units). They don't collect taxes on this land until it is officially converted in farmland through the submission of a VFV land application. No farmers have done this in this township so far. This is partly because farmers have little understanding of how to engage with the VFV Land Law and partly because DoALMS has not given them any pressure.

**Recommendation:** While there is no VFV land in Let Maung Kway Village Tract, LTP should consider provide IEC materials and conducting a training on the VFV Land Law for all township VTAs. This would also help villagers to officially convert their VFV land into farmland, and reapply for VFV land that is returned to the state.

The new kwin maps haven't been made yet, but the DoALMS office thinks that changes reflected in the new kwin maps will likely have an impact on the LUCs already issued. The LUC records are stored only in hard copy at the township SLRD office (white booklet for office, green booklet for farmer). If the new maps differ from the old ones used to issue LUCs, they will need to first submit changes to the township level. The changes then have to be approved at the national level. This process is likely to be the same across the country and may cause complaints later.

**Recommendation:** LTP should watch out for how the updating of kwin maps can cause complications for existing LUCs in the next stage of its programming.

#### 2.2.3.5 Land Concessions

The Township GAD Officer chairs the LRC, which meets once a month. He said there are no significant issues around land confiscations in this area, as compared to Magwe where he was posted before. In terms of land leases, the largest was one for 622 acres for a hotel zone from the forest land. Land lease permits are stored in the township DoALMS office. The DoALMS Staff Officer said they have been reporting every six months on the use of these concessions (written reports, photos, and sketch maps) since they were given out, but the government never did anything about it until now.

The township LRC received 25 complaints and prioritized three. Many were overlapping. Any claims involving forest did not get compensation. The DoALMS office said that one case involved a company, Nilar Yoma, which released 300 acres. Fifteen households from one village tract came forward to apply for these 300 acres under the VFV Land Law. In another case, the Irrigation Department had filtered siltation from Inle Lake and dumped it on agriculture land. The committee negotiated with the Irrigation Department to pay communities for the damage.

**Recommendation:** While this issue does not seem to affect Let Maung Kway Village Tract, LTP could offer to support DoALMS in surveying the actual use of VFV concessions.

#### 2.2.3.6 Capacity Gaps

As opposed to Minhla, government capacity gaps at the second pilot site seem to be less pressing. This is probably due to the fact that this township is a conservation zone.

Despite this, the capacity of the FD is limited. The Forest Officer said they only have 21 staff positions filled, but ideally should have 46. Out of these, only two can do GIS mapping, having been trained by the District Forest Officer.

The DoALMS office has three computers, one RTK GPS unit, and Geo Media software purchased by Nay Pyi Taw. They have 24 staff, covering 36 village tracts in pairs (one pair for each three village tracts). One staff member gets training every three months in Nay Pyi Taw or in Taunggyi. Their workload is heavy. For example, to map one kwin area of 400 acres, they need two to three days as they need 1000 data points. Nevertheless, the DoALMS office feel the staff capacity is quite good; 20 out of the 24 staff members can do surveying.

**Recommendation:** LTP should consider carrying out a GIS training for staff in the FD. Both the FD and DoALMS could be supported with more GPS units and software.



# ANNEX A: SUMMARY TABLE OF RECOMMENDATIONS

<b>Pilot Site 1: Yway Gone Village Tract</b>	
1. NLUP	Carry out information sessions about the NLUP with township-level authorities and disseminate more IEC materials on the NLUP. In the longer-term, continue to support the development of the NLUP into law.
2. Land disputes	LTP should take up the opportunity to help the township DoALMS office survey the plantations. This would achieve two things: a) build local government capacity and b) fulfill the request of villagers to map plantation boundaries on their maps.
3. Kwin maps	While LTP has missed the opportunity to engage with the government on the survey exercise in March, LTP should continue to cultivate a supportive relationship with township government and offer to support them in similar future activities. Given that the updating of kwin maps has a high potential for leading to social conflict, LTP should keep watch on how new kwin maps will impact existing LUCs.
4. Land boundaries	LTP's training of township government staff on mapping and provision of more up-to-date GPS units, GIS technology and computers would help to reduce the incidence of mapping errors. There is also a need to configure these interventions to One Map Myanmar's national plans.
5. Participatory planning	There is a need to continue to support operationalizing the idea of participatory land-use planning, which is supported by reformist-minded officials.
6. Capacity gaps	LTP should consider making IEC materials on the VFV Land Law, CFI, and the LRC and carry out trainings about each of these topics in partnership with government staff. Once made, give the government soft copies of the IEC materials so they can reproduce them later. LTP should provide GIS mapping training, updated software, and computers.

<b>Pilot Site 2: Let Maung Kyaw Village Tract</b>	
1. NLUP	Carry out information sessions about the NLUP with township-level authorities and disseminate more IEC materials on the NLUP. In the longer-term, continue to support the development of the NLUP into law.
2. De-gazettement	LTP should continue advocating, and if possible, support DoALMS on completing the de-gazettement process for villages already removed from FD maps.
3. Land use planning and community forestry	In partnership with the Forest Department and partners such as RECOFTC or ECCDI (depending on which has a longer presence in the area), the LTP should immediately start training the villagers on how to set up community forests and agro-forests. It should also support villages to access in-kind inputs from the Forest Department.



<p>4. Kwin maps</p>	<p>While there is no VFV land in Let Maung Kway village tract, LTP should consider provide IEC materials and conducting a training on the VFV Land Law for all township VTAs. This would also help villagers to officially convert their VFV land into farmland, and reapply to VFV land that is returned to the state. LTP should watch out for how the updating of kwin maps can cause complications for existing LUCs in the next stage of its programming.</p>
<p>5. Land concessions</p>	<p>While this issue does not seem to affect Let Maung Kway village tract, LTP could offer to support DoALMS in surveying the actual use of VFV concessions.</p>
<p>6. Capacity gaps</p>	<p>LTP should consider carrying out a GIS training for staff in the Forest Department. Both FD and DoALMS could be supported with more GPS units and software.</p>

# ANNEX B: ASSESSMENT QUESTIONS FOR YWAY GONE VILLAGE TRACT

FD staff – township level

DoALMS staff – township level

GAD staff and Village Tract Administrator – township and village tract level

Minister MONREC, State Forest Director – regional level

MAIN QUESTION	ADDITIONAL QUESTIONS
General understanding of the NLUP	<p>How has the NLUP been communicated to you and this department?</p> <p>What do you know about the NLUP?</p> <p>What do you think of the NLUP?</p> <p>Do you think it would be useful to increase understanding of the NLUP in your department?</p> <p>How should this be done?</p>
Effective land use planning (Articles 23 to 26)	<p>How do you currently capture data on land use, e.g. maps, tables, etc.?</p> <p>Do they help with effective land use management?</p> <ol style="list-style-type: none"> <li>To meet community livelihood needs e.g. paddy land, garden land, grazing land, water sources, etc.</li> <li>for conservation of resources e.g. poor understanding of forest conditions</li> <li>for streamlining administration between line departments e.g. taxes and oversight</li> <li>for planning investments, e.g. certain areas should be prioritized for land leases such as unclassified land, but not reserve land</li> <li>for disaster risk reduction e.g. especially after the flooding in 2015</li> </ol> <p>How do you plan for land use now? Can township authorities make these decisions?</p> <p>Which department holds the maps of land boundaries, land use?</p> <p>How can this current arrangement be strengthened?</p> <p>How can you strengthen your human capacity to do planning or mapping?</p> <p>How can you strengthen your technical capacity? (Computers, software, internet, etc.)</p> <p>Can communities be consulted on planning and mapping of the land, particularly to address soil fertility and water issues?</p>

	<p>How can coordination between DoALMS and MONREC be improved to strengthen land use planning and management? At township level or higher?</p> <p>Are there ways you can strengthen information sharing?</p>
<p>Recognizing customary land tenure (Articles 68 to 77)</p>	<p>What is the value of mapping boundaries?</p> <p>What is the value of mapping land uses?</p> <p>Do you think it is necessary to map traditional community land use?</p> <p>What kind of outreach have you made to help communities understand the process for registering their land, e.g. legal education?</p> <p>Where is the budget for your office coming from, union level or fees collected?</p> <p>What are the activities that the budget does not cover?</p> <p>Are all government staff clear on the procedures for applying for LUCs?</p> <p>How do you keep records of the LUCs? How can this system be strengthened? Computers, software?</p> <p>What are some issues that came up when issuing LUCs that you want to address? Could you address them at the township level?</p> <p>Heingyu village land was removed from forestry. 60 Households have applied for LUCs since 2014, but they have not received it. What explains the delays in the LUC applications by Heingyu villagers since 2014? How can this be resolved?</p> <p>How much do you know about the Land Reinvestigation Committee?</p> <p>What kind of outreach have you made to help communities understand the process for getting confiscated land back? How can this be strengthened?</p> <p>Have communities submitted cases of confiscated land to this committee or to the parliament?</p> <p>If so, how do you record these cases? How can it be improved i.e. computers, software, internet?</p> <p>Can community-based organizations (CBOs) help with this process?</p>
<p>Accountable land use decision-making</p>	<p>How are land use management decisions being made now when land is leased to a developer? Which department makes these decisions? How are the records kept? Who can see these records?</p> <p>What kind of land use decisions are made at the village tract level?</p> <p>Are you aware that the VFV law states that land acquisition should be negotiated between leaser and cultivator, even if the cultivator does not have formal rights to the land?</p> <p>What is the process if you find that land is allocated to a company but it has been used by the community for many years?</p> <p>How is information about such government decisions being communicated to villagers? How can this be strengthened?</p> <p>How important do you think it is to include community opinions when land is leased to a developer?</p> <p>What is the structure to include villagers into decision-making? Are there village-tract bodies that can do this?</p> <p>How can the process of land allocation to plantations be improved to minimize negative impacts on communities? Can these decisions be made at the township level?</p> <p>Can CBOs help with this consultation process?</p>

<p>Impartial dispute resolution (Article 46)</p>	<p>What kind of disputes arise over land use now?          How are disputes being resolved now?          Who should be involved in these disputes e.g. which authorities at what level?          What is the role of informal dispute resolution procedures? How does it work?          How can dispute mechanisms be strengthened?          How do you record these conflicts? How can it be improved i.e. computers, software, internet?          Can CBOs help with this process?          How useful are the maps for reducing land conflicts?</p>
<p>Livelihoods improvement</p>	<p>Do you understand the livelihoods situation of the landless households who now no longer have access to nearby forests? What can be done to strengthen their livelihoods?          How far are the plans to develop CF in this village tract? New CFI allows communities to use community forests for income generation. What are the possibilities of supporting this for villages? What are the challenges?          Since nearby forests were granted for plantations, do you still have any access to these forests? How much?          Can CBOs assist with this process?</p>

Village committees/CSOs working at the village tract level

MAIN QUESTION	ADDITIONAL QUESTIONS
<p>Recognizing customary land tenure (Articles 68 to 77)</p>	<p>How useful are the project maps in identifying and recognizing traditional community land use?          How could the maps have been improved so that it will help you make a stronger claim to traditional community land use? (e.g. land farmed by the villagers before, but are now plantations, grazing land, etc.)          What kind of relationship do you have with GAD, DoALMS, and MONREC?          How supportive have authorities been in helping you get land use certificates?          How can this process be improved?          Do you know of any complaint mechanisms for confiscation of traditional community land e.g. Land Reinvestigation Committee?          Have communities submitted cases of confiscated land to the government?          Do you think it is important for you to learn about this?          Since nearby forests were granted for plantations, do you still have any access to these forests? How much?          How far are the plans to develop CF in this village tract? New CFI allows communities to use community forests for income generation. What do you expect the government to do to assist you with this?          Can CBOs assist with this process?</p>
<p>Accountable land use decision-making</p>	<p>How are land use management decisions being made now when land is leased to a developer?          What kind of land use decisions are made at the village tract level?</p>

	<p>How is information about such government decisions being communicated to villagers? How do you want to receive information about land-related decisions e.g. local newspaper announcements, radio, direct discussions—how often?</p> <p>How important do you think it is to include community opinions when land is leased to a developer?</p> <p>What kind of village tract mechanism should directly relate your concerns to government? Do you think your project committee can take this role?</p> <p>Are you aware that the VFV law states that land acquisition should be negotiated between leaser and cultivator, even if the cultivator does not have formal rights to the land?</p> <p>What do you want to know about the land laws? (e.g. how to get land returned, how to prevent future confiscations, San Gyi and Yway Gone communities proposed that grazing lands should be measured and registered)</p>
<p>Impartial dispute resolution (Article 46)</p>	<p>What kind of disputes arise over land use now?</p> <p>How are disputes being resolved now?</p> <p>What is the role of customary/informal dispute resolution procedures?</p> <p>How does it work?</p> <p>How can informal dispute mechanisms be strengthened?</p> <p>How useful are the maps for reducing land conflicts?</p>

# ANNEX C: ASSESSMENT QUESTIONS FOR LET MAUNG KWAY VILLAGE TRACT

FD staff – township level

DoALMS staff – township level

GAD staff and Village Tract Administrator – township and village tract level

MAIN QUESTION	ADDITIONAL QUESTIONS
General understanding of the NLUP	<p>How has the NLUP been communicated to you and this department?</p> <p>What do you know about the NLUP?</p> <p>What do you think of the NLUP?</p> <p>Do you think it would be useful to increase understanding of the NLUP in your department?</p> <p>How should this be done?</p>
Effective land use planning (Articles 23 to 26)	<p>How do you currently capture data on land use, e.g. maps, tables, etc.?</p> <p>Do they help with effective land use management?</p> <ol style="list-style-type: none"> <li>a. To meet community livelihood needs e.g. paddy land, garden land, grazing land, water sources, etc.</li> <li>b. for conservation of resources e.g. poor understanding of forest conditions</li> <li>c. for streamlining administration between line departments e.g. taxes and oversight</li> <li>d. for planning investments, e.g. certain areas should be prioritized for land leases such as unclassified land, but not reserve land</li> <li>e. for disaster risk reduction e.g. especially after the flooding in 2015</li> </ol> <p>How do you plan for land use now? Can township authorities make these decisions?</p> <p>Which department holds the maps of land boundaries, land use?</p> <p>How can this current arrangement be strengthened?</p> <p>How can you strengthen your human capacity to do planning or mapping?</p> <p>How can you strengthen your technical capacity? (Computers, software, internet, etc.)</p> <p>Can communities be consulted on planning and mapping of the land, particularly to address soil fertility and water issues?</p>

	<p>How can coordination between DoALMS and MONREC be improved to strengthen land use planning and management? At township level or higher?</p> <p>Are there ways you can strengthen information sharing?</p>
<p>Recognizing customary land tenure (Articles 68 to 77)</p>	<p>What is the value of mapping boundaries?</p> <p>What is the value of mapping land uses?</p> <p>Do you think it is necessary to map traditional community land use?</p> <p>What kind of outreach have you made to help communities understand the process for registering their land, e.g. legal education?</p> <p>Where is the budget for your office coming from, union level or fees collected? What are the activities that the budget does not cover?</p> <p>Are all government staff clear on the procedures for applying for LUCs?</p> <p>How do you keep records of the LUCs? How can this system be strengthened? Computers, software?</p> <p>What are some issues that came up when issuing LUCs that you want to address? Could these problems be addressed at the township level?</p> <p>Villages in this village tract are in public protected forest. We heard that the process of changing them into agriculture and village land was started in 2016. What is the situation now? What are the challenges?</p> <p>After the land is allocated to villages, how will you support these communities since they are so far from Nyaung Shwe?</p> <p>What kind of services do you think you will be able to provide? What kind of gaps do you think you will have in providing them?</p> <p>Since the land is under MONREC right now, how will responsibility be handed over to DoALMS? How will DoALMS and MONREC coordinate? Is this at township level or higher?</p>
<p>Accountable land use decision-making</p>	<p>How are land use management decisions being made now when land is leased to a developer? Which department makes these decisions? Who keeps the permits? How are the records kept?</p> <p>What kind of land use decisions are made at the village tract level?</p> <p>Are you aware that the VFV law states that land acquisition should be negotiated between leaser and cultivator, even if the cultivator does not have formal rights to the land?</p> <p>What is the process if you find that land is allocated to a company but it has been used by the community for many years?</p> <p>How is information on government decisions being communicated to villagers? How can this be strengthened?</p> <p>How important do you think it is to include community opinions in planning land use?</p> <p>What is the structure to include villagers into decision-making? Are there village tract bodies that can do this?</p> <p>Can community-based organizations (CBOs) help with this consultation process?</p>
<p>Impartial dispute resolution (Article 46)</p>	<p>What kind of disputes arise over land use now?</p> <p>How are disputes being resolved now?</p> <p>Who should be involved in these disputes, e.g. which authorities at what level?</p>

	<p>What is the role of formal/informal dispute resolution procedures?</p> <p>How can dispute mechanisms be strengthened?</p> <p>How do you record these conflicts? How can it be improved i.e. computers, software, internet?</p> <p>Can CBOs help with this process?</p> <p>How useful are the maps for reducing land conflicts?</p>
Strengthening of tenure for livelihoods improvement	<p>What are the challenges in your current community forests? How can these be resolved?</p> <p>Can CBOs assist with improving the communities' livelihoods?</p>

Village committees/CSOs working at the village tract level

MAIN QUESTION	ADDITIONAL QUESTIONS
Recognizing customary land tenure (Articles 68 to 77)	<p>How useful are the project maps in identifying and recognizing traditional community land use?</p> <p>How could the maps have been improved so that it will help you make a stronger claim to traditional community land use, e.g. grazing land?</p> <p>What kind of relationship do you have with GAD, DoALMS, and MONREC?</p> <p>How supportive have authorities been in helping you get LUCs? How can this process be improved?</p> <p>What do you expect from government in terms of services? Is there anything from MONREC or DoALMS that could improve their lives?</p> <p>Do you know of any complaint mechanisms for confiscation of traditional community land? Is it important for you to learn about these?</p>
Accountable land use decision-making	<p>What kind of land use decisions are made at the village tract level?</p> <p>How is information about such government decisions being communicated to villagers? How do you want to receive information about land-related decisions e.g. local newspaper announcements, radio, direct discussions—how often?</p> <p>How important do you think it is to include community opinions when government makes decisions on land use or land allocation?</p> <p>What is the structure to include villagers into decision-making? Are there village-tract bodies that can do this? Do you think your project committee can take this role?</p> <p>Are you aware that the VFV law states that land acquisition should be negotiated between leaser and cultivator, even if the cultivator does not have formal rights to the land?</p> <p>What do you want to know about the land laws? (e.g. how to get land returned, how to prevent future confiscations, protecting grazing land)</p>
Impartial dispute resolution (Article 46)	<p>What kind of disputes arise over land use now?</p> <p>How are disputes being resolved now?</p> <p>What is the role of formal/ informal dispute resolution procedures?</p> <p>How does it work?</p> <p>How can informal dispute mechanisms be strengthened?</p> <p>How useful are the maps for reducing land conflicts?</p>



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