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Land



Background

Land tenure continues to be a highly contested issue in Myanmar. The land administration system is fragmented, with a multiplicity of tenure arrangements managed by local authorities. Both deed registration and ownership registration lack resources and upkeep in the smaller township offices, meaning there are many errors, inconsistencies and omissions that require attention. In addition, there are few accurate and up to date maps to specify boundaries.

In October 2014, the Government released its draft *National Land Use Policy (NLUP)*, which aimed to (i) harmonise the many existing land-related laws in Myanmar, and (ii) guide the development of a new land use law during 2015. The policy is currently under review through public consultations around the country. The latest public consultation took place in June, when local land activists, CSOs, NGOs, UN agencies, international organisations and donor representatives joined the discussions. Importantly, the draft policy is pro-poor, assuring equitable land access for small holder and landless people and with strong considerations to customary land tenure and issues of gender equality.

LIFT's Approach

Update on the draft National Land Use Policy

Since October 2014, the government has worked hard to engage stakeholders in the draft National Land Use Policy (NLUP), extending its initial deadlines to allow fuller participation and obtain meaningful feedback from experts and the public. The 6th and final draft of the NLUP was presented in the last round table meeting of three and was endorsed by the cabinet in January 2016.

The Land Core Group (LCG), a LIFT partner, has played a pivotal role facilitating coordination with civil society groups, and in supporting the policy drafting committee to take feedback from civil society into account. This included working with national parliamentary members in February 2015. The Land Core Group used LIFT funding to mobilise its network and help members participate in these consultations.

According to the Landesa Rural Development Institute, “Very significant improvements have been made in the 6th Draft of the National Land Use Policy (...) This improved version now clearly articulates principles that provide the basis for a pro-poor land policy and legal framework across several central areas. These include most importantly, two inextricably linked fundamental policies: (i) the explicit primacy of an approach to land rights that protects and promotes smallholder agriculture, and (ii) the critical need to address landlessness (...). In addition, the 6th Draft better integrates customary land rights, has an improved treatment of women’s land rights, and better addresses the issue of restitution in cases of land confiscation and of displacement due to civil conflict. It also looks to a public, consultative process for the drafting of the National Land Law.”

Several important shortcomings remain, but overall the process, and the way many recommendations were considered, represents a remarkable achievement. The National Land Use Policy is expected to become the basis of a new land law that would replace, amend or supersede the multiple existing laws that do not align with the policy. With its partners, the LCG, GRET and UN-Habitat, LIFT is supporting these policy processes, carrying out studies that will inform policy makers on actual practice around land tenure in various environments and regions.

GRET has completed the exploratory phase of a study in Htantha Bin Township, in Yangon Region, after completing surveys in the Delta and the Dry Zone. This is a peri-urban area with a dynamic land market, active land speculation and changing rural livelihoods. The project has developed a methodology for documenting peri-urban land dynamics and is now moving to study areas around Hakha town in Chin State and in other Uplands areas. GRET’s study revealed that there are many land issues in these fast-changing environments, as well as major gaps in terms of knowledge, intervention and donor attention. As a result, the project has formed a working group with independent researchers, the Yangon City Development Committee and UN-Habitat to bring more attention to these issues.

The Land Administration and Management Project (LAMP)

Strong investment interest and the poor regulatory environment in Myanmar is leading to uneven growth and rapid increases in land prices. For many people, especially farmers, their land title will be the most valuable asset they will ever own and that needs to be protected.

The government’s land office, the Department of Agricultural Land Management and Statistics (DALMS) maintains land records, but the systems and records have not been well maintained for the last 60 years. Buildings are dilapidated and equipment is outdated. However, the department’s offices are well staffed and the staff are busy in areas of agricultural reporting and land tax assessments.

Under the 2012 *Farmland Law*, the issuance of the Land Use Certificate to families on farm lands aims to make the land more secure and reduce the risk of land grabbing.

In early 2013, it was estimated that there were about 16 million land parcels in rural areas, very few of which were titled. Under an accelerated programme, the department issued around 9.3 million farmland certificates during 2013-14. The remaining seven million are not titled (including residential rural properties and remaining farmlands).

Both the deed registration system and the maintenance of ownership registers are in disarray. The Land Administration and Management Project (LAMP) project, which is implemented by UN-Habitat, is building new systems to update land registration. The new systems and processes will be rolled out in a future national programme designed to build the capacity of DALMS.

In 2015, LAMP worked in two pilot townships in Thayarwaddy and Myingyan, installing mapping technology in the township offices and training department staff to use it. Using the new technology, DALMS staff updated 10 traditional *kwin* maps in each of the two townships, based on the new procedures and tools set up by LAMP, including: 1) document scanning and encoding of case files and farmland title registrations; 2) *kwin* map scanning and image enhancements; 3) digitising of the *kwins* to form the land parcels in the geographic information system (GIS); 4) updated ground-based surveys; and 5) an information and education programme for both men and women in the mapped areas. In addition, the first-ever *kwin* map survey was completed in a previously unsurveyed area, and was used as a basis for issuing land titles.

The identification of mistakes and correcting the land records is a large part of the LAMP challenge. A special purpose programme has been designed and prototyped for identifying errors and allowing corrections. The project is also preparing DALMS for urban cadastral surveys, which have not been done in 50 years. Recently, the General Administrative Department issued an order to start a pilot programme to title residential rural villages. There are millions of plots to be titled.

The National Land Use Policy increases the chance of successfully reforming land administration. Once the umbrella law is passed there will be specific legislation and rules to be developed in accordance with DALMS' functions, such as on land registration, revision of the farmland law, cadastral survey and mapping, land tax assessment, and on land information management of cadastral data. This will require DALMS to further modernise and strengthen land administration services across the country.

LIFT's Key Projects

[Land Administration And Management Programme \(LAMP\)](#)

[Project For Coastal Livelihood And Environmental Assets Restoration In Rakhine \(CLEAR\)](#)

[Understanding Rural Land Issues To Engage Comprehensive Policy Dialogue In Myanmar.](#)

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