Draft National Land Use Policy Development and USAID’s Land Tenure Project

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Overview of Land Use Management Issues

• New land related legislation (Farmland Law & VFV Law) establish mechanisms for the granting of permanent and transferrable land tenure rights, though controversial.
• Even with new legislation, land resource tenure security is generally weak for a number of complex and interrelated reasons; i.e. lack of recognition/protection of customary tenure.
• Overall legal framework relating to land is largely antiquated and poorly harmonized.
• Compensation mechanisms/safeguards built into the system to protect individuals and communities from abuse are inadequate.
• Lack of appropriate mechanisms for public participation/consultation in decision making processes relating to land.
• Lack of effective conflict resolution/grievance mechanisms.
• No comprehensive Government policy on land use management (policy vacuum).
• No central Government land administration authority (silos)
Government Recognition and Response

- Government recognized issues relating to land use management and tenure security in the country had to be addressed.
- Committed to developing a National Land Use Policy (NLUP) in 2012.
- Established multi-ministerial committee to work on land issues, now known as the National Land Resources Management Central Committee.
- 2013, with assistance from USAID, developed a road-map for development of the NLUP.
Initial drafting of the NLUP

• 2014, drafting of the policy began with technical and financial support provided by the donor community (USAID, SDC, EU), taking into account outcomes from various multi-stakeholder dialogues, media reports and research on land issues in the country.

• Draft policy was largely based on international good practice, such as the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests.
The Government used an unprecedented inclusive public consultation process to refine and improve the draft NLUP.

Consultations held in every State and Region of the country, with MOECAF taking the lead on organizing all public consultations and carefully documenting all feedback.

In response to public feedback, the Government extended the public consultations process.

Series of expert roundtables and National Workshop were held on the draft NLUP.

All feedback was used to revise and improve the content of the draft NLUP.
Objectives of the draft NLUP

• To promote sustainable land use management and protection of cultural heritage areas, environment, and natural resources for the interest of all people in the country;

• To strengthen land tenure security for the livelihoods improvement and food security of all people in both urban and rural areas of the country;

• To recognize and protect customary land tenure rights and procedures of the ethnic nationalities;
Objectives of the draft NLUP (contd.)

• To develop transparent, fair, affordable and independent dispute resolution mechanisms in accordance with the rule of law;

• To promote people centered development, participatory decision making, responsible investment in land resources and accountable land use administration in order to support the equitable economic development of the country;

• To develop a National Land Law in order to implement the above objectives of National Land Use Policy.
Next Steps

• Finalization and formal endorsement of the National Land Use Policy.

• Development of a comprehensive umbrella National Land Law, and harmonization of related laws and regulations.

• Effective implementation of policy and law.

• Donors, including USAID, are supporting this process through various pilot projects and other initiatives.
USAID’s Land Tenure Project

- Initial phase carries through to early 2018.

- Implemented in close collaboration with MOECAF and Civil Society partners.

- Links to other donor supported projects relating to land administration and management (SDC, EU, UN Habitat)

- Focused on supporting the National Land Use Policy development process and customary land tenure rights recognition.
Project Objectives

Includes, but not limited to:

• Policy and law support
• Strengthening land tenure security of rural households, individuals and communities, particularly smallholder farmers, women, ethnic minorities and other vulnerable groups.
• Support democratic governance of land through increased public participation in decision making processes.
• Increasing use of multi-stakeholder dialogue mechanisms on issues relating to land tenure and land use.
Field Pilot Activities

• Intended to support implementation of the National Land Use Policy;
  – Recognition, protection and registration of customary tenure of individuals, households and communities.
  – Participatory mapping of land-resources.
  – Bottom-up participatory land use planning.
  – Develop alternative land dispute resolution mechanisms.
  – Improving local livelihoods.

• Implemented at the Village Tract Level, initially 3 Village Tracts.

• Modular and Scalable.
Current Status

• First pilot site is operational in Bago Region;
  – Initial land tenure assessment completed
  – Participatory mapping of land resources currently ongoing.

• Second pilot site being identified in Southern Shan State.

• Beginning process of capturing lessons learned in order to develop processes and procedures that can feed into the policy and law development process.
Opportunities for Collaboration

• Sharing of lessons learned;

• Facilitating linkages with local civil society organizations and networks (Land Core Group);

• Integrating with ongoing policy and legal reform initiatives in the country.
THANK YOU