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# **Draft National Land Use Policy Development and USAID's Land Tenure Project**

**Robert Burton Oberndorf, JD**

LCLUC Regional Science Team Meeting  
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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.

# Public Consultation on draft NLUP

- 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 MOECAAF 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 MOECAAF 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**