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## USAID LAND TENURE PROJECT

# LAND GOVERNANCE ISSUES BRIEF

### DONOR COORDINATION BRIEF

This land governance issues brief is designed to inform donors of the importance of, and potential options for, establishing a well-networked set of formal and informal coordination mechanisms to facilitate land governance reform efforts in Burma.

#### **INTRODUCTION**

Land governance reform in any developing country context is a multi-faceted and complex undertaking. The complicated set of issues that need to be addressed and carefully coordinated become even more difficult to manage in a country the size of Burma with its wide variety of landscapes, diversity of different ethnic groups, and ongoing conflicts in many areas of the country. A recent unpacking of the National Land Use Policy (NLUP) indicates that there are no less than twenty separate and distinct land use management and administration issues that need to be prioritized and sequenced (see graphic on the next page). The graphic does not present these issues in any particular order, and these issues have yet to be prioritized and sequenced. Some issues, such as land dispute resolution and restitution efforts, require well-coordinated support from multiple donors in order to make meaningful progress in near to mid-term time horizons.

It is important to keep in mind that the Government of Burma, donors, and other stakeholders must embrace a holistic approach when addressing the multiple issues relating to land governance reform that need to be addressed. For example, land governance issues are not just limited to agriculture or rural areas, but include urban and peri-urban issues as well. In addition, seemingly competing elements, such as the need to sustainably manage natural resources while simultaneously recognizing, protecting, and registering the land tenure and property rights of individual households and communities, must be carefully considered and balanced. At the same time, important cross-cutting themes, such as gender equity and the need for inclusive economic development, must also be carefully considered when

tackling land governance reform issues. The ongoing peace process, which adds its own set of unique land governance issues and complications, must also be brought into consideration. All of this highlights the need to develop an interlinked network of formal and informal coordination mechanisms to facilitate land governance reform efforts in Burma going forward.

**LESSONS FROM THE NATIONAL LAND USE POLICY DEVELOPMENT PROCESS**

**NATIONAL LAND USE POLICY ISSUES TO PRIORITIZE AND SEQUENCE**



Throughout the NLUP development process there was close coordination and support provided by the United States Agency for International Development, the Swiss Agency for Development and Cooperation, and the European Union. The three donors established an informal donor coordination mechanism in 2013 that ensured there were no critical gaps in the process. All three shared responsibility for providing technical and additional forms of assistance to the government and other stakeholders to constructively engage in the process with one another. In addition, the close cooperation and coordination between the three donors ensured consistent messaging to Government of Burma counterparts, which helped to ensure that any obstacles encountered were quickly overcome and the NLUP development process stayed on track.

As land governance reform efforts become more complicated in the future with addition of many more actors and “moving parts,” the lessons learned from effective donor coordination during the NLUP development process should be fully absorbed and embraced. While the NLUP relied on an informal coordination mechanism between the various involved donors and the government addressing a specific issue, lessons from this experience inform and bolster the argument for the development of an interlinked network of formal and informal land governance coordination mechanisms going forward.

**POTENTIAL FORMAL COORDINATION MECHANISMS**

On the 26 July 2017, the Development Assistance Coordination (DACU) and Foreign Economic Relations Department of the Ministry of Planning and Finance issued operating guidelines for the new Burma Sector Coordination Groups. These new sector coordination group structures and rules offer a framework for establishing an interlinked network of formal land governance coordination mechanisms in the form of sub-sector groups. While there are arguably two priority land governance coordination sub-sector groups that should be established under the new coordination groups in accordance with the DACU guidelines, there are also opportunities to establish other land governance related sub-sector groups depending on need and interest of concerned stakeholders.

The first, and arguably most obvious, land governance oriented sub-sector group that could be established would be under the Agriculture and Rural Development Sector Coordination Group. This working sub-sector group, in accordance with DACU guidelines, could be chaired by the Director General of the Department of Agricultural Lands Management and Statistics. Considering the limited focus of the Sector Coordination Group that this sub-sector group would sit under, the group would primarily focus on the multitude of issues relating to rural land administration and management of lands at the disposal of the Union Government, otherwise known as Vacant, Fallow, and Virgin Lands.

The second land governance oriented sub-sector group that could be established would be under the Yangon Urban Development Non-Sector Coordination Group. This sub-sector group would focus on issues pertaining to land administration and management issues in urban and peri-urban areas of the country.

Other potential sub-sector groups that could be established based on need or interest of stakeholders include the following:

- A sub-sector group established under the Environmental Conservation Sector Coordination Group, which could focus on land resource tenure and management issues in Reserve or Protected Public Forest Areas, and areas designated as Protected Areas. This sub-sector group could be chaired by the Director General of the Forest Department.
- A sub-sector group established under the Gender Equality and Women's Development Non-Sector Coordination Group, which could focus specifically on issues of concern relating to women's land tenure and property rights in the country.
- A sub-sector group established under the Joint Coordination Body for Peace Process Funding, which could focus on helping to address land governance issues already articulated by the Land and Natural Resources Working Committee formed under the Government of Burma's Union Peace Talks Joint Committee.

Any sub-sector groups established in accordance with DACU guidelines will undoubtedly address issues that overlap with one another. In order to address this reality, and ensure that these formal land coordination mechanisms are properly linked with one another, liaison officers should be appointed in order to maximize coordination and encourage the effective building of synergies wherever possible. These liaison officers could also ensure effective linkages with various informal coordination mechanisms and the higher-level Union Government land policy decision-making body discussed below.

## **INFORMAL COORDINATION MECHANISMS**

In addition to the potential for an interlinked network of formal land governance coordination mechanisms, donors should seriously consider continued support and further development of already existing informal land governance coordination mechanisms, and ensuring that there are effective linkages and sharing of information with their formal counterparts.

- *Land Coordination Meetings*: Originally initiated by the Swiss Agency for Development Cooperation, these meetings bring together donor agencies with programs or projects focused on land governance issues, their implementing partners, and other key actors in the sector. Meetings are held approximately three times a year, with presentations provided on timely topics and all participants providing updates on their current activities in the country. These meetings provide an opportunity for those working in the sector to interact with others they may not know, increase knowledge of issues being addressed, and build synergies across projects and programs that are being implemented.
- *Livelihoods and Food Security Trust Fund (LIFT)/United Nations Office for Project Services Natural Resources Management (NRM) Community of Practice*: Established in early 2017, the NRM Community of Practice brings together organizations, projects, and programs working on issues related to sustainable natural resources management in the country. Meetings, which are held approximately every four months, focus on one specific theme at a time and are geared at raising awareness and building capacity of those in attendance.
- *Myanmar Business Forum's Land Working Group*: Established in 2015 with support from the World Bank Group, it became inoperative after the National League for Democracy came into power

in 2016. Prior to it becoming inactive, it produced urban and rural land issue papers with support from international advisors and the private sector. The group has recently become active again, though it seems to lack assistance from donor organizations to help with logistics and engage effectively with non-Burmese stakeholders working on land governance issues in the country.

## **COORDINATION MECHANISMS LINKED TO AN APEX LAND GOVERNANCE POLICY BODY**

While not formally established yet by the Government of Burma, there is much discussion regarding the establishment of a National Land Policy Council. It is proposed that this council would not be responsible for carrying out administrative functions, but would instead provide clear guidance and coordination of national efforts relating to land governance reform in the country. It has been proposed that the council would include a “technical advisory body” made up of representatives from various stakeholder groups, including civil society organizations (CSOs) and private sector representatives. Other land governance coordination bodies, both formal and informal, would need to establish links with this apex body in order to effectively provide information on lessons learned from various pilot project and research initiatives, along with other ongoing efforts relating to land governance reform in the country.

## **IMPORTANCE OF CONNECTING WITH AND HEARING VARIOUS STAKEHOLDERS**

It is important that the Government of Burma and the donor community continue to provide meaningful opportunities for different stakeholder groups, including international non-governmental organizations (INGOs) and CSOs, to be actively engaged in land governance reform efforts and have their voices be heard. Luckily, the new DACU guidelines for the Sector Coordination Groups explicitly state that “private sector, civil society, INGO and philanthropic organizations can nominate respective representatives to participate in the Sector Coordination Groups as members” (SCG Guidelines, Article 4.6). It is also promising that proposals for the establishment of an apex National Land Policy Council includes development of a technical advisory body that would likewise include such stakeholders. Those actually involved in the design and implementation of the various interlinked formal and informal land coordination bodies will have to ensure that there is effective communication between the various concerned entities.

## **CONCLUSION AND WAYS FORWARD**

Due to the complex nature of land governance reform in a country context such as Burma, it is essential that an interlinked network of formal and informal coordination mechanisms aimed at informing and facilitating land governance reform efforts are developed. Formal coordination mechanisms can now be established within the new Sector Coordination Group structures, and within the technical advisory body of the proposed apex National Land Policy Council once established. At the same time, existing informal coordination bodies can continue to be supported and strengthened. The Government of Burma, donor community, and other stakeholders will have to work to ensure effective communication and coordination between these respective entities in order to maximize their effectiveness.

## **CONTACT**

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