

An elderly woman is the central figure, sitting on a wooden bench in a rustic, wood-paneled room. She wears a pink headscarf, a light-colored traditional jacket with frog buttons, a white shirt with a blue collar, and a dark purple sarong. She is barefoot and holds a green cigarette in her left hand. The background shows a wooden wall with a red garment hanging on it and a white cloth draped over the bench behind her.

**VISIBILITY VERSUS
VULNERABILITY:**
understanding instability and
opportunity in Myanmar

Table of Content

Executive Summary	2
Background	4
Methodology	5
Main Findings	5
I. Visibility Versus Vulnerability: The Shape of Conflict	5
A. Community Capacity to Negotiate Change	6
B. Land Usage and Tenure	6
C. Competing Economic and Environmental Priorities	8
D. New People, New Problems and Opportunities	9
E. Government Decentralization and Disengagement	9
F. Civil Society's Evolving Roles	10
G. Youth Power and Potential	11
II. Looking Forward and Building Momentum	11
A. Build Community Cohesion	11
B. Strengthen the Social Contract Between the Government and People	12
C. Promote Internal Government Coordination	13
D. Invest in the Economic Stability of Individuals and Communities	14
Next Steps	15
Annex 1:	16
The Administrative Structure for Shan State	16
Background Information	16
Annex 2:	18
Land Registration Policies and Procedures	18

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Executive Summary

Myanmar is changing. Since the election of a civilian government in 2010, the country has undergone a series of rapid and dramatic reforms to decentralize the government, open its economy and consolidate peace in many parts of the country. To many watching, Myanmar seems to be the next big opportunity: abundant natural resources, underdeveloped markets and a government eager to elevate its status regionally and internationally.

But for all the visible signs of promising change, Myanmar's transition remains fragile. Five decades of military rule, an isolated economy and war in the ethnic minority areas have left the country weak, divided and largely unprepared for the responsibilities that come with an open society. Politically, the government continues to prize central, Union-level control over decentralized decision-making.¹ Accustomed to an iron-fisted rule, officials at all levels see little need – or are ill-equipped – to reach out to the Myanmar people to craft a political contract. On their part, decades of abuse and neglect have left a legacy of fear and suspicion with a population who is largely confused by the structural and tonal changes of government and unwilling to trust that the new political reality will hold. Economically, wealth and power remain in the hands of a few, with little opportunity for upward mobility outside of those with political connections. And ongoing violence along religious and ethnic lines continues to destabilize specific regions and weigh on the national psyche.² Myanmar is navigating a tricky terrain of transition where peace and progress are largely dependent upon political and economic reforms that are only slowly emerging.

The dynamics among these three dimensions of change are visible everywhere. Land ownership and usage are points of tension that will only intensify as industrial and economic growth increases. External companies are entering Myanmar, fueling land speculation and making government ownership of land more incompatible with traditional community usage patterns and new private sector interests. As well, an emergent civil society, long advocating for openness, is evolving its role to bring community perspective and engagement in all aspects of change process.

In October 2013, Mercy Corps undertook a combined economic, governance and conflict assessment in one of Myanmar's ethnic minority areas to look at the impact of the changing political and economic landscapes on stability. The purpose was to identify major trouble spots that, if left unattended, could derail Myanmar's progress trajectory. The guiding hypothesis was that the main sources of Myanmar's vulnerability lie not in the obvious, attention-getting conflict flashpoints; rather, the danger for Myanmar lies deeper, where the pathologies of transition politics and economics intersect to create an environment in which conflict can thrive.

The assessment focused on Southern Shan State as a microcosm of issues present in Myanmar today. Field work by Mercy Corps' technical experts in economic development, governance and conflict management, in partnership with national staff and partners, included interviews and focus group discussions with public, private and civil society actors, and an extensive desk review.

The overarching finding of Mercy Corps' assessment is that the opening of Myanmar has brought with it new complexities that require an integrated analysis of how economic and political vulnerabilities are tied to instability. Current dangers lie not with the more visible signs of discord but with the expected and unexpected problems that will arise as a result of the transition process. With this in mind, several policy and program recommendations are listed below for increasing opportunities amidst change:

- **Build networks for resilience:** A resilient society has a rich tapestry of networks among government, civil society and citizens. In Myanmar, these connections are weak. Creating and growing horizontal linkages – across context, issues and actors – requires effort. External organizations can help catalyze this process by providing opportunities for interaction between actors or creating situations in which these different groups can work together. Efforts should focus on supporting the capacity of civil society to be productive and responsible accountability partners for government. It should also allow for creating forums that provide the

¹ For more information on Myanmar's government structure, refer to Annex 1.

² Notably inter-communal violence between Buddhists and Muslims in Rakhine State, as well as in other areas of Myanmar.

public, private and civil society sectors the space to explore models and incentives for greater interdependency as the basis for a functional open system of governance.

- **Develop conflict management skills:** With an eye to managing emergent conflict, priority should be on developing the negotiation skills of key groups within communities, civil society and government. Economic development and social/political change is a process that inherently generates conflict: while it brings much-needed financial and social opportunity, it also creates winners and losers. Tensions, differences and discord will be part and parcel of the country's near future, creating political instability if those tensions are poorly managed. All sectors in Myanmar lack the ability to manage these differences in a constructive and fair manner. In many parts of the country, local/traditional mechanisms to resolve differences at the village level have worked well to manage inter- and intra-community disputes. Leveraging these mechanisms and integrating other options is critical for coping with increasing tensions, as well as the new tensions that will arise from the entrance of more formal and powerful public and private actors. Local businesses and government administrators will be required to engage in new ways. As civil society and media matures, both will be held more accountable for representing the interests and priorities of their constituents.
- **Support responsible civil society leadership:** Civil society organizations (CSOs) across Myanmar are finding their footing. Many such CSOs do not understand the potential scope of their role in the emerging governance system and economy, nor how change will realistically occur. This is most evident in organizations that operate in the democracy and human rights space. The gap between theory and practice within these groups is large; many understand the conceptual bases of the principles but are uncertain about how to promote them in practice. Because of this, CSOs have pursued a more confrontational posture, making them disengaged and unproductive in the change process. The habit of democracy in a country that has had little experience with this will be slow to emerge. CSO leaders – vanguards in defining the roles of citizens groups and building initial bridges between them and the government – need training and mentoring to better understand both the demand and supply side of democracy and support the emergence of effective democratic practice and the creation of robust representational systems. CSOs with similar missions would also benefit from greater coordination to streamline messaging and present a cohesive voice to government and private sector partners.
- **Secure land rights:** Implementing a transparent and fair system of land registration and management is a priority for Myanmar in the immediate future as it directly impacts the social, economic and political challenges and opportunities of the opening society. Larger economic development goals and social coherence cannot be achieved without secure land tenure. While national land laws have been recently passed that provide a framework, the majority of the population remain oblivious to the current system. People do not know what rights and protections they are entitled to, what actions they need to take to safeguard their property, or what recourse is available to them should their holdings be threatened. Government action is warranted, along with support from CSOs and others, to ensure this crucial process is completed quickly and equitably and encompasses the needs and rights of local communities.
- **Invest in smallholder farmers:** The agriculture sector employs 54% of the country's workforce, and smallholder farmers are the backbone of Shan State.³ They could be an engine of growth for the region. However, currently, they lack the technical and market knowledge to effectively adapt to the new economic realities, making them vulnerable to exploitation, increased poverty, and potential loss of their land. Programs should be developed that capitalize on new government regulations, harness private sector incentives, and utilize modern farming techniques to create sustainable support mechanisms for smallholder farmers.

The main sources of vulnerability in Southern Shan today come from how the complex and rapid political, economic and social transitions are being managed to maximize local benefit and stability. Because of this, the challenges facing Southern Shan cannot be effectively addressed by one-dimensional programs that aim to fix specific weaknesses in a single sector. Instead, a cohesive, integrated strategy that addresses the cross-sectoral nature of stability and the intertwining economic, political and social dynamics is imperative for Southern Shan, and Myanmar as a whole.

³ United Nations Strategic Framework 2012 – 2015 – Myanmar, United Nations Development Program 2011.

Background

In 2010, Myanmar held its first election in twenty years. The event signaled the start of radical change in a country that has been relatively isolated from the world. Within weeks of voting, Aung San Suu Kyi, the renowned democracy and human rights activist, was released from house arrest and began engaging with the formal political system. Within months, the international community began re-establishing contact with the government and reducing some of the international sanctions that had isolated Myanmar's economy.

The newly-formed government, led by President Thein Sein, began the heavy lifting of transition. Myanmar is now poised to become a serious player in the South East Asian region. It assumed the Chairmanship of Association of South East Asian Nations (ASEAN) in 2014 and has attracted significant foreign investment interest. Myanmar's leaders appear to have realized that the country's success is contingent on delivering immediate reforms—steps to demonstrate to outsiders its commitment to political, economic and social change. Their actions, for the most part, have matched change rhetoric. Visitors and investors are impressed with how quickly policies and structures are being created: the banking sectors is gradually linking into international networks and ATM machines are now available in most major cities; the foreign exchange rate has stabilized; travel restrictions for foreigners within the country have eased and the prospect of wide mobile phone coverage is imminent. Other hallmarks include the proliferation of independent media entities, the upsurge and formalization of civil society groups and the move to structurally decentralize the government.

Shan State is a microcosm of Myanmar's possibility, and the prospects for development are encouraging. A historical tourist destination for its natural and cultural beauty, Southern Shan has attracted the attention of developers eager to capitalize on the potential upsurge of national and foreign visitors. Its fertile, higher elevation land also makes it attractive to agro-businesses looking to industrialize the farming sector. Natural resources, such as minerals, iron ore and timber, offer significant opportunities for businesses that can capture those concessions. Additionally, Southern Shan is now relatively peaceful. The Shan State Army-North signed a ceasefire with the government in 2012 and fighting had not resumed at the time this assessment was conducted. The Pa-O, a significant ethnic minority in the area, ended hostilities with the government in the 1990s and were granted partial administrative autonomy in the form of the Pa-O Self-Administered Zone, which they now govern. The relative security of the area, in addition to its obvious attributes, makes it a natural entry point for national and international investors, as well as a good test case for government reforms.

This is not to suggest that change will be quick or easy. But problems in Southern Shan are not likely to come from the re-emergence of past tensions or unresolved grievances. While issues such as government land grabbing, for example, continue to receive an inordinate amount of attention, in reality they are not the most pressing danger facing the region. The main risks will come from a weak transition process that is unable to manage the demands of rapid change. As new money, ideas and people flow into Southern Shan, public and private actors will be confronted with challenges and opportunities they are currently unprepared to address. Without proper management, preparation and protection, these changes can exacerbate already existing societal vulnerabilities and create new sources of tension that may derail prospects for building a more prosperous, equitable and forward-looking state.

All sectors in Southern Shan must prepare for change. This requires a future-oriented outlook rather than a past-focused perspective. The momentum to invest in Southern Shan is growing; state-level officials talk excitedly about the many opportunities now open to their region and the numerous conversations they have begun with foreign companies interested in commercializing the agriculture sector and establishing processing industries. However, rapid economic development without investment in governance frameworks and human capital will bring problems. Government entities, civil society, and communities will need to understand the potential prospects and pitfalls, their capacity to protect local interests and the networks for collaborative action if they are to ensure that Southern Shan's imminent transition is inclusive and sustainable.

The first steps to laying the groundwork for change are already beginning to happen with the structural decentralization of authority which, in theory, locates government decision-making closer to the people. The ability of state and local

government to manage transition in places like Southern Shan, however, is a work in progress. In some respects, officials will find it difficult to control what happens in their region. The central, Union-level government still retains ownership over all land and natural resources and direct control of high-impact industries, such as timber and mining. State officials also have to contend with a dual administrative structure⁴ which allows for the Pa-O Self-Administered Zone, and other ethnically-led, self-administered zones, to operate within the state and report to Naypyidaw. Finally, the country's military retains a heavy presence in Shan and does not answer to state-level authorities. Working within this complex and changing governing structure, with different actors of varying power and interest, will test the ability of Shan officials to direct change.

Opportunity in Southern Shan walks hand-in-hand with complexity. The democratic transition signaled the start of an intensive struggle to modernize a country from the inside out. From farming communities, to civil society organizations to village-, township- and state-level officials, everyone will be required to learn new skills, build new relationships and consider new ways of doing business.

Methodology

In October 2013, Mercy Corps invested in a combined economic, governance and conflict assessment to look at the impact of the changing political and economic landscapes on stability. The purpose was to identify major trouble spots that, if left unattended, could derail Myanmar's progress trajectory. The guiding hypothesis was that the main sources of Myanmar's vulnerability lie not in the obvious, attention-getting conflict flashpoints. Rather, the danger for Myanmar lies deeper, where the pathologies of transition politics and economics intersect to create an environment in which conflict can thrive.

The assessment focused on the southern region of Shan State (Southern Shan and the Pa O self-administered zone), particularly communities within the Taunggyi, Kalaw, Hopong, and Pindaya townships. An intensive desk review of published and unpublished material was conducted, followed by a two-week field visit to Southern Shan by three members of Mercy Corps' global technical staff (experts in economic and market development, governance and conflict management.) The team conducted 31 interviews and focus group discussions with members of state and local government; civil society organizations (CSOs) and informal civil society actors; the United Nations Development Program (UNDP); the business community; as well as activists, ethnic and religious leaders, village elders and community members. While many of the insights presented in this report are likely to apply to other parts of the country, the conclusions are specific to Southern Shan.

Main Findings

I. VISIBILITY VERSUS VULNERABILITY: THE SHAPE OF CONFLICT

Fighting in Southern Shan only formally ended in 2012 with the signing of a peace agreement between the Shan State Army-South/Restoration Council of Shan State and the Thein Sein government. Given the recent end to armed conflict, the assessment team was surprised by the absence of visible signs of conflict. In a region where active fighting and civilian attacks are near memories, the shift from war to peace seems remarkable. Conversations with government, civil society and community members were overwhelmingly dominated by practical concerns tied to the current environment, rather than lingering grievances stemming from the discord. The physical remnants of combat were also strangely lacking. Heightened lawlessness, a usual post-conflict legacy, does not appear to be a problem, at least in the more accessible parts of Southern Shan. In part, this can be attributed to the visible presence of the military, which continues to exert substantial physical and psychological control over the people. It may also be due to a rule-oriented cultural mindset that values obedience to authority structures. While Myanmar is notable for its long-standing strife, rebellion against the government always followed an organized logic. This armed conflict was defined by tight command and control by ethnic leaders, an influence that has extended into the post-conflict era.

⁴ Refer to Annex 1.

A consequence of the minimal spillover is that obvious conflict flashpoints are not present. Unlike other parts of the country ⁵, there seems little danger that open violence between the government and ethnic armed groups will resurface in Southern Shan. Instability in the area will likely emerge from less visible sources of stress: friction that arises from systems and people lacking the capacity to adjust to the rapid changes taking place around them, and the power to control the impact of those changes.

In Myanmar, the governance frameworks and legal safeguards required to manage complex and extensive economic and political changes are only just emerging. While the Union-level government is working on new regulations, the process of rolling these out to local government and communities will be a long and laborious process. The danger is that economic transformation will outpace political reforms, leaving critical gaps between regulation of demand and supply. It is in these gaps that conflict is most likely to emerge, if precedent becomes established, regulations are enforced too late or inconsistently, or differences become reified into real disputes. Intentionality in governance and economic transformation can, conversely, further stabilize the region and incentivize protecting the peace.

Seven areas stand out as particular points of vulnerability/opportunity in Southern Shan. Notable is how interconnected they are.

A. Community Capacity to Negotiate Change

Economic development and social/political change is a double-edged sword: while it can provide much-needed financial and social opportunity for the people of Southern Shan, if managed poorly, it can also generate instability. Currently, there are few robust systems in place for communities to effectively deal with the multitude of unfamiliar issues that arise during times of rapid change. The danger is that changes accompanying the transition – affecting land tenure, competing economic and environmental priorities, civil society-government relationships, youth development, and others – could overwhelm the capacity of society to manage them peacefully.

At the village level, mechanisms for managing change and resolving disputes are fairly robust and effective. Traditionally, villages have relied on village elders and monks to resolve conflicts and those actors are still the most trusted intermediaries. Within and between villages, traditional leaders exert a respected authority and ably manage disagreements at this level. Elders help resolve disputes over land boundaries, fair pricing, domestic issues, etc. They are also instrumental in organizing communities to act in support of a common cause. For example in Pin Pat, Hopong Township, the village elder coordinated farmers to construct a pipeline to access fresh water, after their water source was diverted to serve a nearby factory. It took over two years to raise the funds and lay the piping, but the families now have access to safe drinking water.

The challenge will come, however, when problems arise that overwhelm the capabilities of village elders. Currently, they do not have the requisite knowledge to be able to represent their communities in broader discussions about economic development, environmental impact and resource allocation. Furthermore, they lack the confidence to engage with government officials and members of the business community on an equal level. Similarly, while their voice is respected at the community level, they have no official role and no authority to represent their communities with government and external actors. For them to remain a positive organizing force in the society, elders will need to be able to take their current roles as community representatives, advocates and negotiators to a wider stage, working across a larger set of issues and cooperating with new actors. This will neither be comfortable nor easy, and some will be unable to make the jump. Communities whose leadership shies away from doing so will be more vulnerable than those who have representatives willing to step up and engage with the changes taking place.

B. Land Usage and Tenure

A good example of an ongoing challenge with new, complex dimensions is that of land use and tenure, a lightning rod in some areas. Southern Shan has a history of government, military, and politically-connected individuals appropriating land for military bases, economic development or personal use, usually with minimal forewarning and compensation.

⁵ Like the recent clashes reported from Kachin state http://www.elevenmyanmar.com/index.php?option=com_content&view=article&id=5792:why-conflict-continues-in-kachin-state&catid=44:national&Itemid=384

This has displaced communities, compromised household incomes, and left lingering hard feelings and mistrust amongst those affected. As the political environment has opened and people have become more vocal about their grievances, land grabbing has emerged as a symbol of regime perfidy.

However, the current practice of land grabbing is less straightforward than communities and CSO activists portray. Without a doubt, under the military regime, there were significant, arbitrary land seizures. Historical land rights and individual land usage were disrespected and entire communities were thrown off holdings by more powerful players. Given the centrality of land to rural populations' livelihoods and identities, this was devastating. Many historical land seizures still need to be addressed, and anecdotal reports indicate land seizures are still taking place by a range of powerful actors.⁶ Whether an endemic problem or a historical legacy, the issue of land expropriation is a potent symbol of the larger problem of land tenure and usage that will need to be addressed during the country's reform process.

Legally, the Union of Myanmar owns all land in the country and has authority to determine how it is used, based on an elaborate land classification system designed to maximize appropriate usage of all land.⁷ Various government departments control different land classifications, sometimes with contradictory intentions, and there are countless numbers of regulations governing land use. While some regulations do recognize the rights of existing land occupiers, they do not reconcile with customary land rights or traditional agricultural practices. In 2012, new land laws were passed, including the Farmland Law and the Vacant, Fallow and Virgin Land Management Law, offering more secure long-term land leasing arrangements, new land registration procedures and detailed processes for addressing land disputes.⁸ The laws seek to formalize land tenure by recognizing individual rights to occupy, buy, sell and mortgage land and by clarifying the different land-use classifications. Although they go a long way toward clarifying an opaque situation, very few individuals – inside the government or within the general populace – understand their full range or what steps to take within this new system.

One documented example of land grabbing is the Pinpat/Pangpet iron mine, steel factory, and adjacent cement factory in Hopong Township. Over almost a decade, beginning in the early 2000s, land was appropriated in several instalments to build the factories' facilities and necessary infrastructure. Compensation was minimal and delayed for years. When the situation gained increased visibility, due to activists' efforts in 2012, the Union-level government increased compensation. While the affected communities ultimately received some recompense for the loss of their land, the original loss and displacement created household vulnerability that continues today as a heightened sense of insecurity.

While the new land laws give more formal protections to local communities, they also endanger traditional farming practices that utilize vacant and fallow land to rotate or expand cultivation, irrespective of its government classification and depend on community management of land resources to maintain productivity. As this "unused" land is formally assigned to individuals, it will no longer be available for traditional uses. Whatever the merits of individual versus communal land rights, given that land laws and a registration process are now in place, it is imperative for farmers, households and communities to participate in the process to protect their rights to the land they have traditionally used and occupied. Local governments have a massive task in educating communities and completing the registration process. Registration targets have already been missed as local governments struggle with the human resource requirements needed to achieve this goal.

The poorly-understood regulatory situation has caused confusion, contributing to tensions among rural communities and mistrust in government.⁹ For example, it is unclear whether current anecdotes about land seizures are actually illegal seizures; it is possible they were appropriations poorly-communicated to the affected populations and lacking the international standards of prior, informed consent. Some seizures, such as the designation of land

6 Military, Government, Crony businessmen etc.

7 For a good explanation of the land regulations, see Guidance Note on Land Issues in Myanmar, UNHCR, UN HABITAT, Norwegian Ministry of Foreign Affairs, http://www.burmalibrary.org/docs12/Guidance_Note_on_Land_Issues-Myanmar.pdf

8 See Securing Livelihoods and Land Tenure in Rural Myanmar: with a Case Study on Southern Shan, Baver J., Jonveaux B., Ju R., Kitamura K., Sharma P., Wade L., Yasui S., UN-Habitat and Columbia University, School of International and Public Affairs, 2013.

9 Additional laws and regulations are currently being developed, including a national land-use policy that may supersede current land laws.

near Lake Inle as a “Hotel Zone” for the construction of new hotels, may technically be legal, but may have been arbitrarily implemented without sufficient communication to all interested parties and without proper analysis of the environmental, economic and social impact of such activities. A well-established regulatory environment can help avoid misperceptions over land-use decisions and provide people with a clear mechanism through which to voice their concern for such projects and safeguard their land. Clear land-use regulations also help local government departments to fairly mediate disputes, respecting the rights of communities and ensuring that people have the necessary information to effectively engage. Without such frameworks, the potential for land speculation by well-connected and wealthy interests becomes more probable. Additionally, the most vulnerable households are the least likely to gain the necessary land-usage protections through registration and arbitration procedures, perpetuating their state of economic insecurity.

While government land grabbing continues to be elevated as a visible challenge to overcome, Mercy Corps’ assessment did not find this to be the most significant issue for Southern Shan going forward, either in terms of potential conflict or economic impact. The amount of attention placed on this issue threatens to divert attention away from more significant sources of vulnerability and tension.

C. Competing Economic and Environmental Priorities

Another dimension of Myanmar’s land use and tenure issues is the frequent tension between economic and environmental interests. Currently, the agricultural sector in Southern Shan is dependent on smallholder farmers using outdated techniques. Recent shifts in weather patterns and continuing degradation of soil quality have led to lower crop yields, at a time when input costs and sales uncertainty is rising. Pressure to maximize land in cultivation and focus on monoculture cash crops has exacerbated the situation. As in other parts of the country and the region, farmers tend to sell their crops at harvest time when prices are low, because they need the cash to pay off debts and meet household needs. Currently most farm production is sold directly into national and international trading networks. There is little processing or other value-addition done in the Southern Shan.

What differentiates Southern Shan from much of the country is its topography and climate. Southern Shan is ideally suited to grow high-value crops such as fruit (citrus and grapes), vegetables (tomatoes, cauliflower, cabbage) and tea, because most farming is conducted at higher elevations. Its proximity to major markets in Yangon, and in Thailand and China could allow it to develop a strong agro-business sector that benefits everyone, from smallholder farmers to international processors. There is significant interest in developing this sector and outside investors are exploring opportunities.

Business investors entering Southern Shan will have different economic priorities and time horizons than local populations and a much more nuanced understanding of regional and global markets. Currently, these actors seem focused on exploiting the mineral and timber resources, developing agro-processing to capitalize on strong local vegetable and fruit production and expanding tourist facilities. They may push for rapid construction and development, as well as intensive natural resource exploitation, and have less concern for the environmental impacts and long-term social costs. Time and cost considerations may also drive investors to import labor rather than train the local workforce, which has a low skill base due to limited past educational and economic opportunities. Similarly, the Union-level government has different economic and policy priorities than local government, with a focus on revenue generation for national priorities. Its interest in attracting foreign investment and willingness to create a business-friendly environment may not necessarily reflect local community concerns.

In contrast, local communities and officials have greater incentives to pursue sustainable economic development, including environmentally-sensitive agriculture and lower-intensity mining, and environmental preservation, such as sustainable forest management and watershed protection. They also want to see decent off-farm employment opportunities for local youth and will monitor closely the in-migration of lower skilled workers.

The current misalignment in priorities is already creating tensions around the trade-offs between short- and long-term economic gains, approaches to development and resource allocation. Disagreements could become more confrontational in the near future if the Union-level government and external actors are not sensitive to local concerns and long-term impact. Local communities report seeing forests clear cut, streams polluted with mining run-off and fertile farm land shifted to industrial use. Particular concerns focus on preservation of the Lake Inle watershed and maintenance of hardwood forests in the area. Given that the power to assign land-use designations and regulate it lies at the State- and Union-level government, local actors are fearful that these natural resources will not be adequately protected. Currently, communication and influence between levels of government flows downward and local government does not appear able to affect higher-level decisions made about their jurisdictions.

D. New People, New Problems and Opportunities

Such environmental and economic tensions, as well as social pressures, will be exacerbated as more diverse populations come into closer contact with each other. With its oppressive military presence and active conflict, the Southern Shan area was not an attractive area for in-migration. Population flows were mainly into neighboring countries, either for economic or human rights reasons. With the political reforms and economic linkages that are taking place, Southern Shan is becoming a more attractive and accessible destination for both internal and foreign migrants, including visitors and investors. Southern Shan is particularly appealing due to its agricultural and tourist potential, accessible land, proximity to major transportation routes and natural resources.

This influx brings tremendous creative potential for the region in terms of economic and social cohesion. However, the stream of outsiders will also bump up against long-time residents and tensions will inevitably arise as a fairly isolated population is forced to deal with radically different ideas, ways of doing business and expectations for the future of the region. Already there is considerable hostility toward Chinese miners, who are seen to pursue business interests at a cost to local communities. While outright confrontation is rare, incidences of villagers attacking Chinese workers in Shan State have been documented.

E. Government Decentralization and Disengagement

Each of the issues highlighted above is impacted by the government's ongoing decentralization process. A hallmark of the political transition over the past two years has been the delegation of responsibilities from the Union-level government down to the state, district and township levels. The proliferation of new government offices and committees established to manage local affairs is notable for their orientation towards the capital, Naypyidaw; state and local officials continue to see their main job as serving Union-level interests. For the time being, the federalization of power is largely rhetorical and local officials report being confused as to what is expected of them. With their positions, responsibilities and budgets still determined by central authorities, they have little incentive to reorient their attention. Job security and advancement is still seen to be determined by fostering political contacts or protection and avoiding controversial action. Incentive structures that tie professional promotion to service delivery and accountability to constituents have yet to be put into place. Short tenure in a position and frequent geographic shifts¹⁰ only serve to reinforce an attitude of disengagement.

Even when tasked with duties that can directly benefit the local population, such as completing land registration, officials are not given the resources to effectively do their jobs. A visit to the Settlement and Land Registration Department office in Hopong Township showed stacks of registration certificates ready to be completed, but a lack of personnel to register people. Similarly, the Agriculture and Irrigation Department claimed to have the mandate to help farmers improve their technical skills, but had limited community outreach capability. Furthermore, public officials are somewhat reluctant to vigorously act on their mandates because, at least at the township level, government structures are still changing; new Committees are being added, others will possibly be eliminated, and responsibilities amongst existing Committees have overlapping remits, such as the Settlements and Land Records Committee and the Land Use Committee. Additionally, within Southern Shan the structural duality of the Township and the Self-Administered zone has added more confusion to the government decentralization efforts.

¹⁰ One interviewee stated that a government official's posting was at the whim of central government authorities.

In this light, the elections of 2015 are held up as a marker by many in lower-level government to be a potential turning point. People see the need to move away from political window dressing and launch more far-reaching reforms. At the state level, control of budgets and greater freedom to direct development are touted as key priorities. Non-government actors talk about holding government authorities accountable through voting. As seen from experiences of other countries, elections rarely bring the widespread change for which people hope, especially in countries where the political process is nascent. Elections can, however, serve as an opportunity for galvanizing action that would otherwise be slow to occur. In one instance, an elected Pa-O Member of Parliament helped facilitate compensation for the villages affected by the Pin Pat mine,¹¹ which in turn generated increased confidence in her ability to represent the community. Officials up for reelection may see the benefit of similar types of relationship-building with their constituents. This could set the foundation for new relations between the government and people and, if sustained, help determine how local voices can feed into the larger reform process. Without a doubt, how the local Shan government responds to the current concerns of the people and addresses the injustices and inequalities of the past will go a long way in determining what type of political contract is formed.

Certain ethnic groups have been brought into the mainstream administrative structure through the creation of the ethnically led self-administered zones. This, coupled with the formation of various committees where community representatives sit with township level government officials, gives ethnic representatives the platform to be a part of their own governance. As evident from our discussions with representatives of the Pa-O Self-Administered zone, they feel very much a part of the governance structure and are confident that the structure represents them well, fulfilling their area's governance and development needs. However, even though the self-administered zones provide much needed autonomy and representation, it adds an additional layer to the already complex decentralization process of the governance structure. There is significant overlap in functions and roles between this and the township-level governance structure. Delineation of clear roles and responsibility is the first step in helping decipher the complexity. From a traditional governance stand-point, these administrative structures could be seen more as an incentive mechanism to facilitate the peace process rather than a logical choice to make government more efficient. But the self-administered zones, due to their genesis and political nature, are influential locally. To a great extent, this can be used to bridge the gap that presently exists between the administrative and the political structure.

F. Civil Society's Evolving Roles

The decentralization process is generally good news for Myanmar's civil society, bringing public decision-making counterparts and resource allocation closer to communities. That said, presently there exists a major disconnect between the government, its citizenry and civil society. Myanmar's civil society sector will need to evolve as they develop ways to work constructively with the government at all levels and with local citizens.

Similar to communities themselves, Mercy Corps' assessment found CSOs in Shan State harbor a deep mistrust of the government and are reluctant to work with them. Many of the new democracy- and rights-oriented groups have their roots in the refugee camps across the border in Thailand and were primarily set up to mobilize support to overthrow the military government. Hence most continue to work with the same frame of mind and relish the opportunity to openly 'take on' the government. Their focus is largely on rectifying past wrongs. While organizations working on such issues can be vital to healing wounds and helping people move on from the trauma, such approaches can also impede these groups' ability to help the people they purport to represent. Impressions from the community focus group discussions in Southern Shan were that they are not overly focused on reconciliation. Instead, their concerns center on pressing livelihood needs and fears of an uncertain future. Rights organizations that push villages to redress historic land grabbing issues – including, in some cases, advocating that people re-occupy their land - may be doing these communities a disservice. Their actions risk reinforcing divides in society, potentially block opportunities for government collaboration on people's priority economic and social concerns and, at worst, putting communities' welfare in jeopardy.

Other organizations around the country and in Southern Shan with seasoned leadership have a more practical

¹¹ Mercy Corps' focus group discussion with community member Pin Pat village and interview with activist groups in multiple locations, Oct 2013.

orientation and are working with communities to solve their problems. Many currently focus on the environment, farming and livelihood support, issues that are of paramount interest to communities, but some have also concentrated on conflict resolution and management. They provide training, money and education to populations that are often overlooked. While some may find working with the government unattractive, they are willing to overcome their personal biases for the sake of progress. These include the monks and their monasteries that, along with fulfilling their religious duties, have been providing social services to the community for many years. From offering basic education to being a part of the pro-democracy movement, monasteries have been the epicenters of community activity. Some of them have managed to build great influence not just among community members, but also with key government officials at the local, regional and even national level.¹²

As Myanmar moves to an electoral-based political system, the religious-based CSOs, which are predominantly Buddhist, with their level of influence, will play an important role in shaping the future of Myanmar. With the rapid rate of change, especially with the rise of new economic opportunities, CSOs as a whole have a large role to play in facilitating a common understanding between the community, business and the government. CSO will have to fulfill their role of being accountability partners to the public and the private sector and maintaining the balance between profits, power and citizens' rights.

G. Youth Power and Potential

Another demographic vital to Myanmar's future is its youth. Beyond the standard challenges of a large youth population and limited employment opportunities, Southern Shan faces additional educational burdens arising from the conflict and recent history of higher education in the country. In the focus group discussions, community members reported that declining farm incomes mean fewer youth can count on farm employment. At the same time, even youth with advanced degrees have insufficient skills to gain off-farm employment; it was reported that young people are returning to their villages after university because they cannot find urban jobs. Some smaller minority groups, such as the Taung Yoe, complain that this is partly due to the practice of hiring people based on personal, political or ethnic connections.

An additional concern is the rising levels of drug addiction among local youth and the lure of the opium trade. Myanmar is the second largest opium producer in the world, after Afghanistan, and Shan State accounts for 91% of poppy production.¹³ The opium trade offers significantly higher incomes than other rural alternatives and can be an attractive occupation for out-of-work youth, who can be lured into working for local drug syndicates.

If local youth are going to benefit from future economic growth, they must be given the skills and opportunities to find gainful employment in the new economy. Without those opportunities, and sense of optimism, youth may resort to increasing anti-social behavior or even open hostility if they feel shut out of the country's economic future.

II. LOOKING FORWARD AND BUILDING MOMENTUM

The above detailed challenges in Southern Shan suggest a number of overarching strategies for Myanmar as a whole in approaching its transition over the next several years:

A. Build Community Cohesion

Stability in Myanmar will be determined not only by what reform or policy is enacted but on how change is managed. In this case, the process truly matters as much as the outcome. The frameworks and systems currently being crafted will give people a clearer, more predictable roadmap to navigate the chaos of transition. They cannot, however, spontaneously produce the social and political cohesion that serves as the basis for a truly resilient society. This only comes from engaging in processes which build trust, create linkages, accept differences and deepen people's sense of accountability and responsibility to each other and the country.

¹² The assessment team met with one monk who had the patronage of the president himself, as his wife was the follower of the head monk and his teachings. This relationship had facilitated his ability to acquire land and establish a compound. With generous funding from followers and material/time contributions from the community, the monastery constructed and ran a technical summer school for young people.

¹³ UNDOC Myanmar. "Working to end Shan State dependence on opium poppy." Accessed at <http://www.unodc.org/southeastasiaandpacific/en/myanmar/2012/05/food-distribution/story.html>

The process of bolstering social and political capital must include the local level. The enormity of change on the horizon for the people of Southern Shan is such that without strong ties within and between communities, people will be at a disadvantage with regards to collective action on the range of emerging issues discussed above. Farmers and families in Southern Shan will remain vulnerable to the exigencies of economic development if they are unable to represent their interests as a common unit. Equally important, as single entities they will be unable to collectively redefine their relationship with governing authorities or strong external actors.

In these early days of transition, Mercy Corps' assessment found that people had a very limited sense of what is meant by "the common good." This was echoed by several local organizations who expressed frustration at the difficulty of persuading even neighboring villages to act on joint interests. The concept of a social contract binding people together in a shared sense of responsibility is not well developed. This gap was highlighted in discussions with village members in Palaung. It was obvious that several members there were under tremendous economic stress. Despite this, more secure families did not think to provide short-term help to those who were weathering difficulties. Instead, they simply accepted that those struggling would have to sell of their land, creating a vicious cycle of vulnerability and poverty. Despite this apathy the community member the assessment team interacted with acknowledged that there needed to be a cultural shift in how the community members saw themselves as a group, but the lack of a common goal and vision left them wanting. They did believe the local, religious CSO could help catalyze the process by encouraging more community-based collective action. There needs to be further investigation in some of the underlying causes with the aim of finding a more nuanced solution.

B. Strengthen the Social Contract Between the Government and People

In Southern Shan, people regard the government as a stand-alone entity with tremendous coercive power but little positive influence on their lives. For the country to move forward and avoid future conflict, this divide needs to be bridged. A well-functioning society is based on a strong social contract between a government and its people. It allows for an active give-and-take between citizens and those who govern, assuring that the political body evolves so that individual and communal interests can be met. Two levels of support are required to strengthen this social contract:

Build connections between local government and communities

While there are many years of mistrust to overcome, there are clear openings where political capital can be created and the social contract strengthened. An immediate entry point is to build upon existing, government-mandated platforms that facilitate interaction, such as the various committees which include citizens' representation.¹⁴ Increasing the capacity of these committees and streamlining their functions would help fulfill the aim of direct citizens' representation in government decision making.

One of the most powerful catalysts in building trust between government and its citizenry is access to information. The government must make a concerted effort to reach out to its constituents. A simple but critical first step is educating people on the process and changes related to decentralization. Because most interaction between government officials and the general populace occurs at the local level, it is critical to improve those formal and informal interactions. Building the capacity of local government officials in community engagement, including mobilization, facilitation, consultation, participatory planning and budgeting will start this process

Above all, the best way forward is for the government to meet citizens' needs and there are many opportunities to do that. Land registration is an obvious area to start this process. Local government needs to implement an aggressive awareness and registration campaign to ensure that all communities take steps to protect their land within the crucial timeframe. This will provide a tangible opportunity for local government to demonstrate its value to communities, test methods of community outreach, and build partnerships with CSOs to ensure full community outreach. It will also lay a foundation for government-community collaboration on other issues.

The shift of authority from Napiydaw to the state, district and township levels offers hope that situating decision-

¹⁴ For example, the Township Development Support Committee is responsible for facilitating participatory development planning. See Annex 1 for a snapshot of the government structure.

making closer to constituents will allow for more effective engagement. The cooperative relationships necessary to successfully cope with the impending changes in people's economic and social lives cannot be made if power remains at the Union level or if the public perceives it as such. Creating incentives and mechanisms for the people of Southern Shan to interact with their local government could be a start to shifting this understanding of local power, building personal relationships and seeing the tangible benefits of participation.

Expand Civil Society's Role to Bridge Community-Government Connections

Myanmar's CSOs have a vital role to play in forging the political contract between the government and its citizens. Through their democracy efforts over many years,¹⁵ the sector has demonstrated its ability to constructively work with communities and other partners on a range of issues. Expanding this role to include engaging with the government – which emerging political and economic issues requires – demands a maturity that most in Southern Shan have yet to develop. CSOs will require external support on organizational development and technical skills building to complete the following key steps:

- Develop structural and programmatic capacities relevant to their mission and goals, as well as capacity to adapt to the quickly evolving context of Myanmar today.
- Identify capacity and collaboration gaps, and frame a path for moving forward.
- Build advocacy and communication capacity for better engagement with communities and the private and public sectors.
- Develop relations and partnerships with other CSOs both to enable specialization with civil society and to build the collective strength of networks that offer multi-faceted understanding of complex issues and collaboration partners for public and private sector groups.

As an important partner for civil society and the public and private sectors, Myanmar's media has the potential to play a similar bridging role. Mercy Corps' assessment found significant capacity needs among media entities, including human resource development to keep pace with sweeping changes in the censorship laws that are resulting in an exponential growth of the sector and has left the industry starved of quality media professionals. It will be very pertinent to manage the growth and maintain the integrity of sector for it to be an independent and constructive player in the county's transition.

As a whole, civil society will be challenged to learn new skills and acquire new knowledge in order to be part of the accountability mechanism of an emerging political system. CSOs must develop an understanding of their role and be flexible enough to respond to changing circumstances. The more the CSOs can be encouraged to act as a cohesive factor for change, the better chance Southern Shan has to work through its challenges in a peaceful and constructive manner.

C. Promote Internal Government Coordination

As much as State government officials across Myanmar need to build vertical linkages with their constituents, they also must work more cohesively within the horizontal structure of government. This is particularly evident in Southern Shan where, in addition to the state, there is the dual administrative system of the self-administered zones. To date, coordination between the township level administration and the self-administered authority, and between the various departments, is weak. Strengthening this coordination requires clearly delineating duties and roles among the various committees and administrative structures so they can work effectively toward common goals. These committees and departments will also need to pursue a concerted effort to institutionalize this collaboration.¹⁶ For example, the Land Management Committee, the Land Use Committee and the Settlement and Land Records Department must agree on a common plan and coordinated strategy to streamline the land registration process.¹⁷

¹⁵ CSO traditions predate military rule in Myanmar, but the roots of present day CSO work can be traced back to 1988 student movement. <http://www.ibiblio.org/obl/docs3/CivilSociety.pdf>

¹⁶ Refer to the diagram on Annex 1

¹⁷ The assessment team recorded references to a number of committees, at different levels of government, responsible for implementing the Farmland and Vacant, Fallow, and Virgin Lands Laws. Names varied and it was impossible to gain a complete picture of the total number of committees and their remits, but it was clear that responsibilities overlap. This confusion alone highlights the challenge of improving internal government coordination.

This will require shifting from the current top-down modality to a more participatory and inclusive work process. CSOs could play a proactive role in supporting this process by holding committee members accountable for effectively representing their constituents' needs and thus pushing them to work more effectively to deliver services.

For its part, the Union-level government should prioritize transparent flow of information upwards from the lower administrative structures – particularly around issues of planning – so that the process and the subsequent decisions are co-owned and better coordinated by every administrative unit. Overall, Shan State and the country at-large would benefit by moving from a politically motivated administrative structure to one that is more efficient at serving the constituents needs.

D. Invest in the Economic Stability of Individuals and Communities

In order to ensure pro-poor economic growth and encourage long-term social stability, Myanmar has the opportunity in the current transition to address several issues systematically.

Invest in Smallholder Farmers

Mercy Corps' assessment found that smallholder farmers in Southern Shan need access to a range of services, much like their peers throughout the country. These services include technical information on topics such as appropriate use of inputs, optimal crop selection, water management and other standard issues. Smallholder farmers also require better linkages to higher-value markets. An important aspect in this step is assisting farmers to organize and increase their negotiating power. Southern Shan does not have a tradition of farmers' associations or other mechanisms for joint selling, purchasing and information exchange. Recent, small-scale efforts to organize farmers have met with strong resistance from powerful agriculture brokers. Thus any successful work to increase farmers' power within the value chain will require enough scale to be meaningful and direct linkages to willing brokers.

Promote agro-processing, with a diversified investment base to ensure transparency

There is significant local interest, particularly among township government, to promote agriculture value addition in Southern Shan. Ideas mentioned in Taunggyi Township include ketchup, juice and cosmetics production. This type of agro-processing is needed to produce off-farm employment and generate local income. In order to ensure that local communities benefit from the development, it will be important to encourage a range of economic actors to invest, including multinational entrants who promote transparency and pro-poor business practices. At the same time, there is a need to focus on supply side efforts to ensure that farmers can provide appropriate raw materials and that local residents have the skills needed to work in factories. As mentioned earlier, it will also be important to assess the potential environmental impact of this economic development and mitigate the negative impact on other economic activities and on social cohesion.

Fast Track Land Registration

As discussed above, land security is crucial to rural stability and the situation is confusing at the moment. In order to have stronger bargaining positions, collateral for loans, and the security to make investments in land, farmers must obtain Land Use Certificates (LUC) that recognize their right to occupy and sell that land. Without the document, they can be arbitrarily kicked off their land by anyone who can obtain a LUC for that land. The government has set tight deadlines to complete this process. While local government departments are eager to complete the process, it is beyond their existing resources to inform and assist every farmer, and many remote communities will not be reached in the near future. Currently, the Settlement and Land Records Department is in charge of both community outreach on the land registration system and record keeping for those who have registered their property. Given the enormity of this task, the Department should be given extra staff and funding to ensure that it is able to reach all people. In addition the local Land Management and Land Use Committees should be empowered to help facilitate the process and work in partnership with civil society organizations to reach more remote communities.

Other actors, particularly those trusted by local communities and able to work in partnership with the government, will also need to get involved to ensure that local farmers understand the importance of the process and to help

them complete registration. CSOs can also educate communities on how to operate within the system and support the government's ability to peacefully manage tensions and disputes that will inevitably arise with new and existing land interests.

Invest in Youth

In order to ensure continued local economic growth and long-term stability, attention must be paid to the challenge of youth unemployment. Even if the smallholder farm sector grows, significant off-farm employment is needed to absorb the local labor force. As mentioned above, the legacy of Southern Shan's recent history is a youth population ill prepared to fill skilled and semi-skilled positions in the growing sectors of agro-processing, trade and tourism. Localized conflict could be sparked if the skill gap is unaddressed and companies bring in workers from outside the region to meet their employment needs. Working in partnership with the private sector, civil society and the government will need to promote targeted skill-building and linkages to place local youth in appropriate, long-term jobs.

Next Steps

By its own admission, Myanmar is playing catch-up. The country is working hard to execute a triple transition: from war to peace; from closed to open government; and from a controlled to a market economy. Myanmar is also simultaneously managing a wave of outside attention. The pressure to position itself as credible emerging democracy is strong. Myanmar's ruling elite are looking to integrate more fully into the Southeast Asian region, attract international investment while protecting its assets and remake its reputation as an open, modern, forward-oriented nation.

Mercy Corps' analysis of the current situation in Southern Shan highlights the direct attention required from many different actors to build the local systems necessary to govern the complex environment of transition. In practical terms, this means putting in place mechanisms that can deal with tensions as they arise, resolve differences fairly, address key vulnerabilities within the larger population and foster an environment of trust.

In many ways the Union-level government is making bold moves along these lines, and the rhetoric is positive. However, the challenges lie in implementing these changes down to the community level; Mercy Corps' assessment found less movement in this direction at the state and lower levels. While the assessment also found that local authorities in the region are engaged and interested in collaborating with community-based groups and others on the political transition and the potential impact on social and economic wellbeing, the practical roadmap to achieve this is lacking. Southern Shan is vulnerable at this crucial stage in the change process. Local government and civil society need to work together to provide oversight during the period in which external businesses and individuals enter the region and development programs gain momentum. This requires concerted efforts to establish policies and mechanisms for civic engagement that keep community voice at the forefront in public decision-making.

The challenge for government, civil society, and communities is to avoid getting trapped by the most visible elements of past grievances that divide them. Instead, they should unite around the much larger, looming external threats. If managed well, the inevitable economic and social changes could benefit the people of Southern Shan and catapult them into an improved economic situation and greater political autonomy. Alternatively, the changes could divide local actors into narrow interest groups at odds with each other and potentially lead to political instability.

Southern Shan is a microcosm of Myanmar and thus the paper's conclusion can be extended that the main sources of vulnerability in the country today are how the complex and rapid political, economic and social transitions are being managed to maximize local benefit and stability. The analysis brings to light several of the major trouble spots that, if left unattended, could threaten to derail the country's progress trajectory more than the flashpoints of conflict that have garnered the majority of international attention so far. Addressing these threats is work that must be led by Myanmar's civil society, public and private sectors. The international community, including nongovernmental organizations, donors and private sector partners, can help by making the true sources of instability more visible and by bolstering the opportunities afforded to a country eager to make a peaceful, prosperous and enduring transition.

Annex 1:

The Administrative Structure for Shan State

The diagram on the [following page](#) is an attempt to graphically represent the administrative structure and the relationships among the self-administered zone, the district, the township authority, the departments, the various committees and the constituents they serve.

Background Information:

Myanmar is divided into seven regions (previously called divisions) and seven states (classified by ethnic composition). The seven regions are Ayeyarwady Region, Bago Division, Magway Division, Mandalay Division, Sagaing Division, Tanintharyi Division and Yangon Division; the seven states are Chin State, Kachin State, Kayin State, Kayah State, Mon State, Rakhine State and Shan State. There are also five Self-administrated zones and a Self-administrated Division:

Palaung (Namshan and Manton townships)

Kokang (Konkyan and Laukkai townships)

PaO (Hopong, Hshihseng and Pinlaung townships),

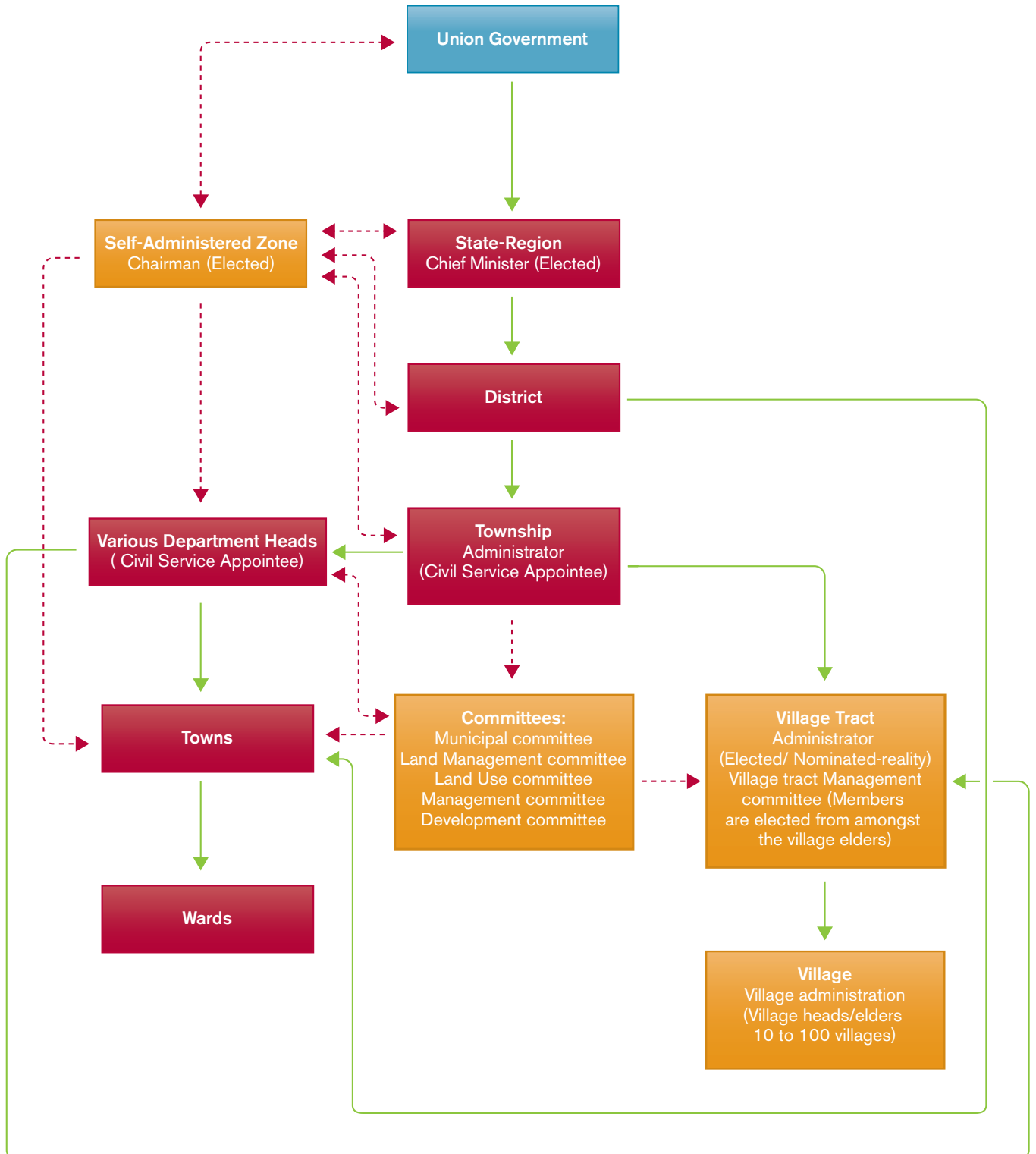
Danu (Ywangan and Pindaya townships),

Wa Self-administrated division (Hopang, Mongmao, Panwai, Pangsang, Naphan and Metman townships)

Self-Administered Zones and the Self-Administered Division are administered by a Leading Body. The Leading Body consists of at least 10 members and includes State or Regional Assembly members elected from the Zones or Division and other members nominated by the Armed Forces. The Leading Body has both executive and legislative powers. A Chairperson is head of each Leading Body.

There is significant duality of roles between the Self-Administered Zone and the district and township administration. The formation of multiple semi-formal committees was meant to streamline the process and help better-connect the administrative structure with its constituents. Instead, it has led to a confusion of roles due to the poor delineation of duties and the added political nature of the committees.

- - - - - ▶ Relationship and influence points that exist but are not defined.
- — — — — ▶ Well defined relationship that fall within a more traditional government structure.



Annex 2:

Land Registration Policies and Procedures

According to the 1974 State Constitution, the Union of Myanmar owns all land and natural resources in the country and has authority to determine its usage, based on an elaborate land classification system designed to maximize appropriate usage of all land.¹⁸ The 11 different classifications of land (i.e.: agriculture, forest, urban, etc.) are managed by different government departments, sometimes with contradictory intentions. A myriad of regulations govern land use. Land laws have not taken into account traditional land use practices, particularly patterns of crop rotation and community management of arable land.

In March 2012, two major new land regulations were passed, the Farmland Law and the Vacant, Fallow and Virgin Land Management Law. They were designed to offer more secure long-term land leasing arrangements, new land registration procedures and detailed processes for addressing land disputes.¹⁹ These laws seek to formalize land tenure by recognizing individual rights to occupy, buy, sell and mortgage land and by clarifying the different land-use classifications. Under the Farmland Law, farmers must now obtain Land Use Certificates (LUC) that recognizes their right to occupy, cultivate and sell their land. (As the name implies, this law applies only to land classified as “farmland.”) These LUCs can be used to protect farmers’ rights, as collateral for loans and as security to make investments in land. Without an LUC, they can be arbitrarily kicked off their land by anyone who can obtain an LUC for that land.

In response to the passage of the two laws, the government has launched a nationwide campaign to register land, with deadlines for completing the process. The laws assign authorities for registering and recording land use and also create structures to resolve land use disputes. They also clarify the formal process the government must use – as well as compensation to registered occupants – if the government exercises eminent domain. Currently, the township-level Settlement and Land Registration Committees, along with Land Management and Land Use Committees, are responsible for educating communities on the land registration system; helping people document the boundaries of their land; registering and recording property use; and settling any claims that are disputed.

As this land will be formally assigned to individuals, it will no longer be available for the traditional practise of utilizing “unused” land to rotate or expand cultivation, irrespective of government classification.

Despite these new laws, very few households understand the land registration process or the importance of moving quickly to secure land title.

¹⁸ For a good explanation of the land regulations, see Guidance Note on Land Issues in Myanmar, UNHCR, UN HABITAT, Norwegian Ministry of Foreign Affairs, 2013.

¹⁹ See Securing Livelihoods and Land Tenure in Rural Myanmar: with a Case Study on Southern Shan, Baver J., Jonveaux B., Ju R., Kitamura K., Sharma P., Wade L., Yasui S., UN-Habitat and Columbia University, School of International and Public Affairs, 2013.