

COUNTRY EVALUATION SERIES

Case Study:

**Voluntary Guidelines on the
Responsible Governance of Tenure of
Land, Fisheries and Forests in the
Context of National Food Security
(VGGT) in Myanmar**

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Acronyms and abbreviations

FAO	Food and Agriculture Organization of the United Nations
IEC	Information, Education and Communication (activity)
LCG	Land Core Group
LIFT	Livelihood and Food Security Trust Fund (managed by UNOPS on behalf of a group of donors to Myanmar)
LUC	Land Use Certificate (issued in accordance with the Farmland Law, 2012)
LUP	Land Use Policy
NAPA	National Action Plan for Poverty Alleviation and Rural Development through Agriculture (LIFT funded)
NGO	Non-governmental Organization
NLD	National League for Democracy (political party which formed government in Myanmar in early 2016)
MRLG	Mekong River Land Governance Project (SDC funded)
NLUP	National Land Use Policy
ODA	Overseas Development Assistance
VFV	Vacant, Fallow and Virgin Lands Management Law (2012)
VGGT	Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (FAO, 2012)

1. Introduction

1. The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT) promotes secure tenure rights and equitable access to land, fisheries and forests as a means of eradicating hunger and poverty, supporting sustainable development and enhancing the environment. The guidelines were officially endorsed by the Committee on World Food Security (CFS) on 11 May 2012.
2. The Guidelines serve as a reference and set of principles and internationally accepted norms or practices for the responsible governance of tenure. In this context tenure means:¹ “how people, communities and others gain access to natural resources, whether through formal law or informal arrangements. The rules of tenure determine who can use which resources for how long and under what conditions. The rules may be based on written policy and law, as well as on unwritten customs and practices”.

Box 1: VGGT Purpose

The primary goal of the VGGT is to assist to achieve food security for all. Other goals are to support sustainable livelihoods, social stability, housing security, rural development, environmental protection and socio-economic development.

The reach is to all people including vulnerable, poor and marginalized groups.

The scope is land, fisheries and forests and with respect to their tenure: private tenure, public tenure, communal, customary and indigenous tenures, and informal tenure.

3. **The Food and Agriculture Organization of the United Nations’ (FAO’s) Global Programme** for “Supporting Implementation of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests” (PGM/MUL/2012-2016/VG), also referred as the VGGT Programme started in November 2012, and although it had no defined end date, the primary base funding ended between December 2015 and December 2016 (depending on each single project). This brings to an end what is in effect Phase 1 of FAO’s work on supporting the implementation of the VGGT.
4. The VGGT programme is a multi-donor programme overseen by a Steering Committee and managed by the VG-Tenure Secretariat, which was hosted by the Climate, Energy and Tenure Division (NRC) until December 2015, and was then transferred to the Partnership, Advocacy and Capacity Development Division (OPC). The resources and activities are coordinated by the house-wide Task Force set-up by the Director-General for this purpose.
5. The VGGT Programme (Phase 1) covers 13 projects² with an overall budget of over USD 29 million, including funding from Adam Smith International (ASI), Belgium, Denmark, European Union, France, Germany, Italy, Lesotho, Sweden, Switzerland and the United Kingdom. One of the 13 projects is a multi-donor trust fund project (GCP /GLO/347/MUL, about

¹ VGGT at a glance, FAO Rome, 2012.

² Three of these projects have financial support for Associate Professional Officers.

USD 9 million) with individual contributions from Belgium, France, Italy, Sweden and Switzerland. Within this MUL, donors have required all funds to be fully allocated to specific activities.

6. In addition to the VGGT Programme, FAO's support to the implementation of the VGGTs by FAO includes Belgian funding through the FAO Multipartner Programme Support Mechanism (FMM) and other funding from the European Union through Outputs 3.5 and 4.1 of the "Global Governance for Hunger Reduction Programme (GCP/INT/130/EC)". Various FAO regular programmes funded activities which also support the implementation of the VGGTs, both at global and country levels. In addition, as governments may request, FAO's Technical Cooperation Programme (TCP) is being used to furnish technical assistance for specific issues. In Eastern Europe and Central Asia, the World Bank complements the support provided by the TCPs.
7. **The VGGT Programme Objective** is to: "Improve governance of tenure of land, fisheries and forests contributing to the eradication of hunger and poverty, to sustainable development and to the sustainable use of the environment".
8. The VGGT Global Programme Phase 1 (PGM/MUL/2012-2015/VG) has five components:

Box 2: Outputs of the VGGT Global Programme

Outcome:

Improved frameworks of tenure of land, fisheries and forests contributing to the eradication of hunger and poverty, to sustainable development and to the sustainable use of the environment.

Outputs:

1. Awareness of the Voluntary Guidelines Increased;
2. Capacity Development tools created, disseminated and applied;
3. Capacity to Improve Governance of Tenure in countries enhanced;
4. Partnerships to increase collaborative actions at global, regional and national level developed and strengthened;
5. Monitoring frameworks established.

9. Since the beginning of programme implementation, activities have been carried out both at global and country level. At global level, FAO aimed at raising global awareness by developing a suite of technical, capacity development and communication materials, participating in the global dialogue and developing partnerships on VGGT implementation. These developments at the global level have fed into country level activities.
10. At country level, activities were carried out in a number of countries including: Columbia, Guatemala, Liberia, Madagascar, Malawi, Mongolia, Myanmar, Nepal, Niger, Senegal, Sierra Leone, South Africa and Uganda.³ This support has taken various forms according to the country context and specific needs, however it usually starts with an awareness raising workshop with the various stakeholders from the land, fisheries and forestry sectors. In select

³ These countries are referred to as "VGGT countries" in this document.

countries (where funding was available and/or where the context was conducive), a deeper level of engagement took place, through the implementation of additional projects.

1.1. Purpose of the Evaluation of the Global Programme

11. The evaluation was planned at programme design and described in the programme document as follows: "A full independent evaluation will be considered at the end of this 1st implementation phase covering the multi donor fund and its sister project(s). The evaluation should address process, results and impacts. The evaluation may also cover the activities of the implementation facility which would be conducted under another multi donor trust fund under this overall VG-Tenure Implementation Programme".

1.2. Purpose of the Myanmar Country Case Study

12. There are two purposes for this case study:

- i. contributing to the evaluation of the "Global Programme to Support the Implementation of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests";
- ii. contributing to the Myanmar Country Programme Evaluation.

13. Both evaluations are led by the FAO Office of Evaluation (OED).

1.3. Intended users of the Case Study

14. The primary intended users of this evaluation are the VGGT Programme Steering Committee and Secretariat members, as well as all FAO staff involved in the implementation of the VGGTs, both in headquarters and offices, as well as management at headquarters and country office. Secondary users are the donor community, represented by the Global Donor Working Group on Land (GDWGL), FAO Members, civil society organizations and other national level actors involved in the dissemination and implementation of the VGGTs.

1.4. Scope

15. The scope of this evaluation is all VGGT activities in Myanmar under the VGGT Umbrella Programme (PGM/MUL/2012-2016/VG), including its five components and the corresponding activities at global and country level, as described above.

16. The time frame of activities under evaluation was from November 2012 to end of 2016.

1.5. Objective of the Evaluation

17. The objective of the evaluation is to generate knowledge on the implementation of the VGGT and inform the future strategic direction of FAO's work in relation to the VGGTs in Myanmar. The evaluation also aims to provide accountability to the various donors who provided funding to FAO for the implementation of the VGGT in Myanmar. The evaluation was structured around four main lines of inquiry: Approach/Design; Results; Equity/Gender; and Sustainability.

1.6. Methodology

18. The evaluation adopted a consultative and transparent approach with internal and external stakeholders throughout the process. Triangulation of evidence underpinned its validation and analysis and supported the conclusions and recommendations.
19. The evaluation benefited from a desk review of existing documents and other secondary data. It made use of primary data sources including semi-structured key informant interviews with FAO staff (at headquarters and country level), government officials, development partners, civil society, academia and the private sector at global, regional and national levels. To the extent possible, interviews were conducted with beneficiaries at community level.
20. Particular attention was devoted to ensuring that women and other under-privileged groups were consulted in an adequate manner. The evaluation adhered to the United Nations Evaluation group (UNEG) Norms and Standards.⁴
21. The evaluation drew specific conclusions and formulated recommendations for any necessary further action by FAO and/or other parties to refine the focus and strengthen the coordination of the programme and to ensure long-term sustainability of the programme outcomes.
22. A schema for analysis was designed by FAO OED based on the outcomes and outputs of the VGGT Global Program. It contains the following topics:

Box 3: Framework for analysis

1. Design:
 - 1.1. Relevance
 - 1.2. Efficiency
- Outcome:
 - 1.3. Improved Framework
2. Outcome/Impacts:
 - 2.1. Awareness
 - 2.2. Capacity Development
 - 2.3. Country Level Support
 - 2.4. Partnerships
3. Equity and Gender
4. Sustainability

23. The interview schedule is given in Appendix 1. List of meetings in-country.

1.7. Structure of the report

24. Following this introduction, Chapter 2 presents the background of Myanmar and of the project; Chapter 3 presents the findings, with lessons for the future; Chapter 4 presents the assessment of the Framework, while Chapter 5 presents conclusions and recommendations.

⁴ United Nations Evaluation Group, <http://www.uneval.org/normsandstandards>

2. Background

25. The current Constitution of Myanmar was only passed in 2008 and heralded a move towards democracy. During the period since the elections of 2011 in Myanmar when the National League for Democracy (NLD) came to prominence with the leader entering the Parliament, there has been an expectation of change. The general elections of December 2015 saw the NLD win power from the Military dominated party. The political change has brought with it an opening of the economy, greater private sector investment and much greater Overseas Development Assistance (ODA) support. Government has responded with national development planning to improve the lives of all people, especially the poor farmers who comprise some 70 percent of the 50 million population. Unfortunately, support to private sector investment has brought within it an increase in conflict on land and a huge amount of land grabbing - the rapid increases in land values in the newly emerging market economy attracted both well intentioned persons to develop commercial farms as well as speculators and opportunists. In almost all cases due process and due compensation were not followed.
26. Part of the problem was the low capacity of Government to deal with a large and complex market-led economy, which is still a problem today. Also, the legacy of outdated colonial laws and practices, many being over 100 years old such as the Land Acquisition Act represented an obstacle. Another problem was weak linkage and communication between Government and civil society, as well as lack of trust between civil society and some Ministries.
27. In an attempt to deal with land issues during the move to a market-led economy the Government drafted two land laws, the Farmland Law and the Vacant, Fallow and Virgin Law. These laws were not exposed to the general community before being passed by the Parliament in 2012. This set a chain of reactions from civil society.
28. The President on 19 June 2012 directed that a policy for land resources be developed.
29. In this context the newly completed VGGT was formally introduced by FAO to Myanmar in March 2013. In many ways it was very timely and was well received: i) civil society found in the VGGT an internationally recognized set of land-related rights and processes that aligned well with their own thinking on the gaps in the existing policy in Myanmar at the time; ii) the Government's own committee on land allocation which was assigned the role of drafting a new land policy was able to use the VGGT as a guide on well recognized principles on land policy.
30. In Myanmar land rights, rights on access to resources, resolution of disputes, the Justice system, education and access to land information are complex. Farmers have never had formal land rights under the Kings, the Colonialists, the Socialist Government and the Military Government with consequent little scope for developing awareness of the meaning of land rights and the administration system behind it. Political stress from calls for a federal system is part of the reason for ongoing conflict and internally displaced persons. In this context, donors assisted Government to prepare the land use policy with nationwide participation by civil society. Donors' resources included the use of both international and national expertise of high calibre and motivation as well as funding for capacitating local non-governmental organizations (NGOs) and for nationwide consultations with representatives of civil society.

31. The National Land Use Policy (NLUP) was passed by the Cabinet of the previous Government in January 2016 and has been endorsed by the current Government. It is not yet clear though whether the Government will immediately proceed to pass a new land law to enact the NLUP.
32. Overseas Development Assistance support in the land and resource sector was limited since the new Constitution of 2008 at a time when the country was going through major change to a market-led economy. Specific support to the NLUP was significant but still limited in terms of the large change on knowledge required by Government staff, civil society, private sector and the ordinary people.

2.1. VGGT Global Programme activities in Myanmar

33. The FAO Global Programme activities in Myanmar are outlined below:⁵

2.1.1. National level VGGT activities with FAO lead or major contribution

34. These activities were concerned with building capacity in land, fisheries and forest tenure and assisting the country to develop a new land use policy. There are two sources of funds.
35. The first is the VGGT Awareness Project led by the Office of Partnerships, Advocacy and Capacity Development in close collaboration with/involvement of FAO Regional Office for Asia and the Pacific (RAP), OPCC and the Country Office. It is also coordinated with the Fisheries and Forestry Departments and colleagues of the United Nations Programme on Reducing Emissions from Deforestation and Forest Degradation (REDD+) team.

Box 4: Global VGGT Programme

Project Name:	VGGT Global Awareness Raising Programme (Phase 1)
Donor:	Department for International Development
Implementer:	FAO
Period:	
Scope:	The workshops in Myanmar are part of a programme to raise awareness of the Guidelines in countries. These national level workshops follow an initial series of 11 regional workshops that were held around the globe. The series of workshops will provide the participants with opportunities to learn more about the Guidelines and to discuss how to use them to improve the governance of tenure of land, fisheries and forests.

⁵ This scope excludes broader land or resource studies under FAO but not under the VGGT Programme, such as the land study by an FAO consultant as working paper Number 10 of the NAPA.

The technical lead in this activity is with the Land Tenure Team of the Climate, Energy and Tenure Division (NRC).

36. Improving transparent, equitable, secure access to and control over land, fisheries and forests and protecting the legitimate tenure rights, whether formal or informal, of millions of poor and insecure people, is a critical part of improving food security.
37. The second funding source comes from Belgium Aid and **contributes directly to FAO's Strategic Objective 1 on "eradication of hunger, food insecurity and malnutrition"**:

Box 5: Belgium Project of VGGT

Project Name:	Increase the Use of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests among CSOs and Grassroots Organizations Project
Donor:	Belgium Aid
Implementer:	FAO
Period:	
Scope:	The project operates in eight countries, including Myanmar, and is intended to reinforce capacity of civil society organizations (CSOs) and others with improved awareness and capacity to participate meaningfully in multi-stakeholder dialogues, working groups and forums relevant to the implementation of the VGGT at the country level.
	This activity is under the lead of the Civil Society Team (OPCP) in the Office for Partnerships, Advocacy and Capacity Development (OPC) with the technical support from the Land Tenure Team of the Climate, Energy and Tenure Division (NRC).

38. The main activities were in-country workshops in coordination with the Government and civil society.

2.1.2. Regional VGGT related activities under the MRLG Project

39. This activity is led and funded by the Mekong Regional Land Governance (MRLG). FAO is involved in the MRLG Regional Learning and Advocacy activity on **"Recognition of customary tenure"**. In the first year of this activity, most time was spent on documenting the 'on-the-ground' reality on the practice of customary tenure and related issues for further discussion and identification of gaps and needs in the four countries. FAO has provided support by reviewing the four country reports and by attending various MRLG workshops/meetings. Support is provided from the FAO Regional Office for Asia and the Pacific (RAP) and Land Tenure Division (OPCL).
40. The VGGT is used as a key reference in the work under the MRLG project including on customary tenure.

41. The plan is to build a knowledge base and then to engage in a dialogue with governments of the Region on challenges and opportunities related to the recognition of customary tenure.

Box 6: MRLG Project

Project Name:	MRLG
Donor:	SDC, BMZ/GIZ and the Duchy of Luxembourg,
Implementer:	LEI / GRET
Period:	2014 - 2017
Scope:	Assist the emergence of more favourable policies and practices for securing the rights and access of family farmers to land and natural resources; and strengthen the effectiveness of concerned stakeholders through learning, alliance building and regional cooperation. Mekong Region - Cambodia, Laos, Myanmar and Vietnam.

2.1.3. VGGT related activities not led by FAO

42. While the VGGT was an important document of professional and international standing and extensively used in the last three years, it is important to acknowledge the huge amount of work performed by others assisting the Government of Myanmar on land use policy and assisting civil society on the NLUP engagement process as well as on land issues during this period.

43. Stakeholders engaged in activities listed above generally used the VGGT as training material as well as a prime professional resource or reference document. Many of the government and civil society organizations (CSO) personnel were participants in the VGGT awareness workshop and other training events under the VGGT Global Programme.

44. The VGGT was translated into Myanmar language initially by FAO and later revised by civil society. Pilot studies on customary land tenure, township wide land use planning (forest and agricultural lands), village level spatial planning, land administration at township level and other pilots were run at this time to practically inform on the land use policy. In addition, nationwide consultations with farmers' groups and other civil society actors were organized as well as national workshops and public sharing of the draft Land Use Policy (LUP). Land specialists developed the NLUP with the Government for the three-year period from January 2013 to January 2016 when it was adopted by the Cabinet. These activities were largely funded by the United States Agency for International Development (USAID), European Union, Swiss Agency for Development and Cooperation (SDC) and Livelihoods and Food Security Trust Fund (LIFT).

45. Notable inputs and activities included:

- full time international and national experts in land law and practice allocated to assist the Government of Myanmar;

- national consultations (72) organized by civil society (Land Core Group (LCG) and Land in our Hands (LIOH) networks were prominent);
- national workshops following the initial March 2013 workshop (3);
- pilot projects to provide on the ground experience;
- electronic communications on progress and drafts through the LCG and other networks;
- publications, translation of documents and distribution by civil society.

2.1.4. Activities under the FAO/European Union Food and Nutrition Security Impact, Resilience, Sustainability and Transformation (FIRST) Policy Assistance Mechanism

46. The FAO/European Union FIRST policy assistance mechanism was launched in July 2015. Its objective is to enhance the capacities of governments and regional administrations to improve food security, nutrition and sustainable agriculture policies and better implement them. This will be done by providing policy assistance and capacity development support.
47. **FIRST contributes directly to FAO's Strategic Objective 1 and Strategic Objective 2.** The focus in Myanmar is on the linkages of land tenure with food and nutrition security.
48. FIRST funded a dedicated senior land tenure consultant. The three months assignment in Myanmar started in March 2016. The consultancy had the aim to assess to what extent national agricultural land policies provide the right framework in support to food and nutrition security in Myanmar.
49. The presence of the FAO consultant contributed to the agricultural strategy and development planning in the Ministry of Agriculture, Livestock and Irrigation.

Box 7: FIRST Global Programme

Project Name:	FIRST [Food and Nutrition Security Impact, Resilience, Sustainability and Transformation Facility] ⁶
Donor:	European Union, FAO
Implementer:	FAO
Period:	2015-2019
Scope:	35 countries To enhance the capacities of governments and regional administrations to improve food security, nutrition and sustainable agriculture policies and better implement them. This will be done by providing policy assistance and capacity development support.

⁶ Preliminary 27 countries for FIRST: Benin, Burkina Faso, Cambodia, Chad, Cote d'Ivoire, Cuba, Djibouti, Fiji, Guatemala, Haiti, Kenya, Malawi, Mali, Mauritania, Mozambique, Myanmar, the Niger, Pakistan, Rwanda, Solomon Islands, Sri Lanka, Swaziland, Uganda, the United Republic of Tanzania, Vanuatu, Zambia and Zimbabwe.

2.1.5. Process of developing the National Land Use Policy

50. It is considered useful to document the overall key steps in the process of developing the NLUP as a lesson possibly for others, even though FAO had only a small direct input to the process.
51. This process was a first in Myanmar for having extensive consultations with civil society. It was extensively assisted by donor support to the Government. As discussed in this report, only a small input was provided by FAO although the VGGT document and its launch by FAO was of great use to stakeholders. The time frame of the development of the NLUP was mid-2012 to early 2016 (three and a half years) when the Cabinet of the Government adopted the LUP.
52. The key lessons are: i) the great amount of consultations required with stakeholders throughout the country to reach a similar document; and ii) the timeline is long and the amount of both processing of responses and analysis required is demanding.

Table 1: The steps in developing the LUP

No	Activity	Time frame	Remarks
1	Government establishes the Land Use Steering Committee (LUASC) with a prime function to develop the LUP	Mid-2012	Forestry Department is given responsibility for the drafting of the NLUP together with other agencies and with donor assistance.
2	VGGT Launch	March 2013	Workshop of stakeholders at NPT; presentations by FAO experts; translation of the VGGT to Burmese language.
3	LUASC establishes formal working groups on land policy subjects	Late 2013	Workshop is used to canvass views from stakeholders on the proposed structure and process (USAID).
4	Donor assistance starts early with emphasis on developing an agreed process of NLUP which is inclusive with civil society. Early drafts of the NLUP started	2012-13	USAID provides full-time international expert from 2012; European Union starts land use planning pilot in Forestry Department from 2013; LIFT and civil society and with coordination by LCG start in earnest building understanding on land policy matters from 2012; LIFT funds a pilot project (LAMP) on land administration through United Nations and the Department of Agricultural Land Management and Statistics (Ministry of Agriculture and Irrigation), from 2013.

5	Further donor assistance comes in and much more inputs form international NGOs	2014-15	SDC starts MRLG and OneMap Projects. USAID starts pilot village tract spatial planning project.
6	Drafting of the Land Use Certificate by the Forestry Department teams with donor experts	2014	
7	Nationwide consultations with civil society networks taking the lead followed by redrafting of LUP	2014	Nationwide (52 consultations).
8	Workshop to expose early draft of the NLUP for comment	October 2014	Yangon (Inya Lake Hotel on 18 Oct).
9	Major exposure of the Draft No 5 and call for comments	Feb 2015	Extensive use of electronic feedback.
10	Expert workshop	March 2015	Review of comments.
11	Redrafting of the LUP	2015	
12	Major workshop on the draft (Draft 6)	June 2015	Two-day workshop in NPT (29-30 June 2015).
13	Final Draft (Draft No 7) transmitted to Office of the President	October 2015	
14	Cabinet adopts the LUP	January 2016	

3. Findings

3.1. Summary of findings

- The VGGT has been used as an extremely valuable reference document by all land practitioners in Myanmar and it was well launched by FAO in 2013. It generated a great deal of enthusiasm and confidence because there was a framework for policy development and with international credentials and United Nations endorsement. Indeed, the land policy developers used the VGGT extensively.
- Looking forward the VGGT will be useful for the drafting of the laws which will soon follow the endorsement by the new Government of the land policy.
- Civil society is active in Myanmar on land matters. The scope of interest is both rights to land and rights to the land-related resources (forests, water, minerals, etc.). There was strong interest from civil society in FAO learning programmes.
- There were no immediate and concrete follow-up activities to the initial launch of VGGT in Myanmar in March 2013. This did not meet the expectations of the Stakeholders who needed support for the technical work and consultative workshops. FAO made two requests to LIFT for projects to be funded in 2014 but the proposals were rejected. Other ODA organizations supported the Government on developing the national land use plan and pilot projects. Together this amounted to large resources.
- The ODA organizations and government used workshops to break barriers and build trust and to empower civil society to engage positively on the land use policy development.
- There was a weakening of the relationship between FAO Country Office and civil society on land matters starting in 2013 and it took quite some time to get back onto an "even keel". The government was quick to recognize the important role that civil society would play in the NLUP development, but FAO was not as quick. FAO restored it gradually reaching a strong civil society-oriented focus towards 2016.
- FAO VGGT Programme work in Myanmar were discrete events only. Stakeholders could not see that FAO had a "game-plan". This may have been influenced by limited resources and lack of a dedicated staff in the country office with a mandate and significant time to devote to the task.
- The local office of FAO had little professional activity involvement in VGGT activities. The expert round table was successful in progressing the NLUP as it brought together a well-informed set of actors from civil society and Government. Each could respect the knowledge and positive attitude of the other. This could not be done by FAO as it was not sufficiently engaged with civil society.
- Work of FAO Regional Office for Asia and the Pacific (RAP) and Rome was appreciated and seen as professional. The Regional Forum in Hanoi, Viet Nam, was excellent (June 2016). It

brought together Government and civil society and focused a lot on customary land tenure. FAO Regional Office organized it well.

- The work plan of FAO on land in Myanmar should not be dictated in detail outside the country context - every country will have its own peculiar situation and will demand a unique and adaptive work plan and kind of inputs. The land sector in Myanmar is very complex. Work planning and maintaining working relationships appear to be best served by in-country professional and dedicated personnel.

3.2. Lessons for the next intervention

53. There are a number of risks in land management reforms that can be seen at this early stage, but a more rigorous analysis must accompany the CPE once the desired shape of the new programme is prepared.

54. Given the complexity of the land, fisheries and forest resource sectors in Myanmar some lessons from the above findings can be highlighted as being relevant to the planners of the next interventions in these sectors: These are:

- *Donor burnout* - the timelines of change in these sectors is long. Staying the full reform period of say ten years is a hard sell but this is the period it will take.
- *Donor congestion* - there are already many bilaterals involved in these sectors and with strong interest in the land sector. Coordination is demanded to avoid problems and to maximize the use of scarce funds is a very important task. FAO is well placed to lead in coordination due to its technical strengths and reputation.
- *Building trust with civil society* - FAO will need to achieve a high level of trust with Government and civil society alike in order to provide the partnership that is needed.
- *Capacitating Stakeholders* - there is a great amount of work to do in capacitating stakeholders in Government and civil society so that the reforms will be progressed. FAO will need to attract these funds in unison with Government and integrated with the wider rural development strategy and plans.
- *Leadership* - change will be resisted and major change or reform will be resisted strongly. The judgment on the pace of change is critical to success and will depend to some significant extent on the degree of leadership support from the Government of Myanmar. Capacitating the leaders and making the leadership well aware of the benefits of good governance in tenure should be a priority.

3.3. Workshop activities

55. The primary activities related to the VGGT implementation by FAO were in the form of workshops; as noted before many civil society discussions/consultations were conducted on the draft land use policy and used the VGGT as a reference. In summary the workshops were:

Table 2: List of VGGT related Workshops

Date	Description	Participants	Key Roles	Programme/Donor⁷	Evident Document
March 2013, NPT, MYA	Launch and exposure of the VGGT in Myanmar	Government, donors, civil society	FAO Rome provided key speakers; Ministry of Environmental Conservation and Forestry (now Ministry of Natural Resources and Environmental Conservation)	VGGT Global Phase 1/Department for International Development (DfID)	N
September 2013, Bangkok, THA	Regional Conference on Land Tenure VGGT	Government, civil society	FAO Regional Office	VGGT Global Phase 1/DfID	N
9-11 October 2015, NPT, MYA	Capacity assessment in VGGT (focused primarily on organizational and institutional capacities to implement the NLUP) [first of three workshops]	Government, civil society Approx. 60 male/40 female	FAO, Ministry of Agriculture Livestock and Irrigation LCG Dr Louisa Jansen and Ms Marianna Bicchieri, FAO, U Shwe Thein, LCG	DfID LCG	Y
December 2015, Bangkok, THA	Regional Multi-Stakeholder Consultation on Land Governance in the Asia-Pacific Region	Government, CSO	FAO ROP	Belgium Project	N

⁷ LCG funds for these activities are from LIFT.

Date	Description	Participants	Key Roles	Programme/Donor ⁷	Evident Document
Hanoi, Viet Nam, June 2016	Regional Land Forum with special emphasis on Customary Land Tenure	Government, civil society	FAO Regional Office for Asia and the Pacific (RAP), FAO Rome, MRLG	Belgium Project and MRLG	N
June 2016, Yangon, MYA	Responsible land-based investments in agriculture with specific emphasis on due diligence, in Yangon in June 2016	Private sector 33 participants (51% W / 49% M)	FAO, USAID	Belgium Project and USAID	Y
November 2016	Land and food security and nutrition workshop	CSOs	FAO Rome Plan in progress	FIRST (FAO / EU)	Planning stage
Dec 2016 (planned), Yangon, MYA	Governance and responsible land-based investments in agriculture with specific emphasis on due diligence for CSOs,	CSOs	Plan in progress		Planning stage
Dec 2016 (planned), NPT, MYA	National workshop with all constituencies on follow-up of the results of the capacity needs assessment of the 2015 national workshop, followed by action	Government of Myanmar (Ministry of Agriculture, Livestock and Irrigation, Ministry of Natural Resources and Environmental Conservation), civil society, private sector	Plan in progress		Planning stage

Date	Description	Participants	Key Roles	Programme/Donor ⁷	Evident Document
	planning for a roadmap and the sharing of the results of the activity under FIRST				

3.4. Alignment of the VGGT to the adopted NLUP

56. A comparison of the VGGT and the adopted national Land Use Policy reveals the extent to which the principles of the VGGT are more or less reflected in the LUP. This comparison is instructive in assessing the extent to which the VGGT has influenced the new NLUP and will potentially influence the new land related laws. It is also instructive considering that prior to 2011 the land policy and land laws were quite restrictive on rights of farmers in particular.

Table 3: Analysis of how well the NLUP aligns with the VGGT

No	Major Policy Directions of the National Land Use Policy	Alignment with VGGT (2012)	Remarks
1	Guiding principles on sustainable management, transparency, accountability, people participation, protection of private and communal property rights and vulnerable groups, and best practices.	Well aligned. Mentions the VGGT and human rights	
2	Basic principles: public access to information; decision making in consultation with the public; formal recognition of rights; fair procedures; independent, fair, transparent and accountable dispute resolution; priorities public interests; equal opportunity for men and women; freedom of crop selection; decentralization; climate change.	Very well aligned (many new policies which are not mentioned in existing laws)	
3	Equal access to land information which is accurate, complete and up to date (para 16).	Well aligned	
4	Participatory approach to urban and rural land use planning (para 21) and zoning (para 7)	Well aligned	
5	Land acquisition (part 5).	Well aligned (refers to international practice, due compensation,	State appropriation is not limited to public purpose - this is not good practice. A new law

		human rights, participation)	is needed on land acquisition by the State.
6	Land dispute resolution with independent bodies (part 6).	Well aligned	How to minimize or prevent disputes is not dealt with in the LUP.
7	Open and transparent land transactions at fair and reasonable cost (para 58) and single window services (para 60).	Well aligned	
8	Land-related taxes based on market value (para 54).	Well aligned	
9	Customary rights, participation in decision-making, recording of rights and protection of rights are strongly supported in the NLUP (part 8).	Well aligned	Automatic rights from long-term possession and use of the land is not fully clear in the NLUP (para 16 e).
10	Equal rights of men and women in tenure is assured (part 9).	Well aligned	
11	Process of forming national land use policy is inclusive.	Well aligned	
12	Education on tenure rights and responsibilities of all the people and especially rural people is addressed.	Well aligned	
13	Institutional capacity and resources to implement the policy.	The NLUP is too vague but does address in general institutional responsibility	Policy should be realistic on the real situation and the gap to fill in meeting the goal.

57. In general the VGGT contains more details than the NLUP and this indicates that the VGGT will be useful to the legal drafting team for the Land Code and subsequent laws.

3.5. Topics in the VGGT for which the content could be expanded

58. The VGGT could be more fully expanded or FAO could develop a supplement on various important topics where the content of the VGGT is lacking in depth or missing altogether. The reason is that when governments use the VGGT they would like to use it to totally frame their land policy.

4. Assessment using the Framework

59. A range of persons were interviewed in country from Government, donors, private sector, civil society (NGOs, international NGOs) and FAO personnel as well as information gained from documentation.

4.1. Design

4.1.1. Relevance to the needs of different stakeholders at global and country levels:

60. The VGGT is **highly relevant** to Myanmar as it would be to any country moving along a path from a centrally planned and highly controlled economy to a market-led economy.

61. The VGGT Global Programme was launched in Myanmar in March 2013 with a well-attended workshop programme. Since that time the VGGT has been used as a primary reference document for assessing the existing legal framework, developing new land policy, discussing better approaches to more complex land problems, and as a basis for creating education material for networks of civil society throughout the country. It has been used by Government staff, NGOs and international NGOs, and donor project staff. It was translated into Burmese language and was used to form simplified education material for delivery in the states and regions. Most importantly it was used as the prime reference document during the three-year period of the development of the National Land Use Policy assisted by several ODA.

62. The content of the VGGT document is highly regarded and is seen as progressive. It is more informative than the new NLUP for many topics and will be used as a guide for the drafting of the various laws.

63. Many stakeholders would like much more guidance on particularly difficult topics by an expanded VGGT or supplements on these topics. For example, on customary land tenure there is a lot of CSO effort going into studies and research on the actual situation so that a framework for customary land tenure can be proposed to the Government. In the section above a list of possible topics is given.

64. Funding is always an issue. However, our assessment is that relevance would have been greatly enhanced by following up with support to stakeholders on particularly high priority land and resource-related issues which have been causing major problems in Myanmar in the rural sector, such as forced evictions of farmers (land grabbing), conversion of farmland to developed land, management of Vacant, Fallow and Virgin Lands Management Law, land acquisition due process, land tenure rights in forests as well as customary land tenure. On the latter, FAO has worked with other actors on customary land tenure under the MRLG Project. On forest tenure, the Forest Department requested assistance from FAO on drafting the forest law but FAO was not able to respond in time. On land grabs, the new government has not been able to stop the land grabs which is a national crisis as many farmers have been put into jail for protesting land grabs.

4.2. Future

65. An Information, Education and Communication (IEC) programme on land and resource tenure across the country to Government staff, NGOs, private sector and business has yet to be accomplished. Civil society has done well in supporting IEC on the NLUP and customary tenure to their network and to farmer groups, but it is little compared to the need. FAO would do well to obtain funds to partner with civil society and Government on this undertaking. The key approach should be to capacitate a cadre of civil society trainers and administrators to reach out to every Township and VT to deliver the IEC.
66. The change of Government in early 2016 has slowed the development of the Land Code, an umbrella law on land. There is a lot of work to be done in supporting this law and subsequent laws. The expertise and experience of FAO specialists could be of great use to the Government.
67. The draft plan on agriculture and rural development recognizes the importance of land tenure and land management, which is a good start but still not enough. FAO has excellent relationship with the Ministry of Agriculture, Livestock and Irrigation and could be the catalyst for coherent change and development of the land sector coordinating the many donors interested in land in the rural sector. To act as catalyst FAO should build closer relationships with civil society and key donors. FAO has started this relationship building and strategic planning through FIRST. The vital activity though is the overall planning and implementation pipeline and the subsequent monitoring.
68. FAO should also recognize the significant resources needed to perform this task due to the complexity of the land sector and attract funds for a full-time team of international and local experts.

4.2.1. Efficiency in implementation and coordination arrangements

69. FAO inputs to the process of developing the NLUP were small and greatly overshadowed by other donors that came to support the Government on the development of the NLUP (USAID, European Union, SDC, LIFT). Many stakeholders reported expecting far greater input by FAO following the launching of the VGGT in Myanmar in March 2013 but there was a gap until 2015 when a couple of workshops were held. Government expected more which indicates an issue in **sharing the development and the final design/programme plan** with Government or at least with enough key sections of Government. FAO's positioning with the Ministry of Agriculture, Livestock and Irrigation is very good but there could have been stronger coordination with the Ministry responsible for drafting the NLUP (Ministry of Environmental Conservation and Forestry now Ministry of Natural Resources and Environmental Conservation).
70. Much of the criticism levelled at FAO in Myanmar is concerned with the small size of inputs from FAO. However, FAO funding depended largely on donors providing the requested funds and is outside FAO direct control.

71. As mentioned above, the particular timing of the VGGT programme in Myanmar was when the country needed to make large steps in policy and law development as well as designing new directions to address both old problems (land grabs; internally displaced persons) and emerging problems (speculation on land; new modes of tenure for customary and forest rights and underutilized land as well as landless farmers).
72. In other situations less input by FAO may be appropriate; in the case of Myanmar in 2013 there was a direct need to address many land-related policy issues but FAO was not visible. This did not sit well with many stakeholders who thought that FAO should have led in these endeavours. **The lesson is that country analysis is necessary to align global programmes properly** because each country, while having common issues, will have extensive unique characteristics and needs.
73. FAO performed an excellent analysis of the land situation in 2015 under the LIFT-funded National Action Plan for Poverty Alleviation and Rural Development through Agriculture (NAPA) project (see NAPA working paper number 10) but it was not exposed formally to Government. No action plan was ever formed. Also, it was already late in the VGGT Phase 1 programme. It appears that this matter has been addressed at Phase 2 and in the first half of 2016 there has been a consultant performing an assessment for FAO under the FIRST Programme although the consultant report has not been sighted.⁸
74. Coordination of FAO with civil society was criticized by many interviewees. The criticism relates to the attitudes and actions of the country office and was heartfelt by civil society. FAO is now reaching out to civil society differently than in the past.
75. Land sector activities by FAO in Myanmar have been led by FAO Regional Office for Asia and the Pacific (RAP) or FAO Rome or both. The Country Office has little professional level involvement beyond administrative tasks and has been allocated little or no resources. Consequently, the country office has learned little from the activities, built no high-level capacity in land management and most importantly has not had the resources to follow-up nor to engage with the other donor-funded activities. With other actors having full-time staff engaged in land management FAO has been left behind in a core area of their expertise.

4.3. Results – Outcome

4.3.1. Improved frameworks for regulating the tenure of land, fisheries and forests based on wide participation, non-discrimination, transparency and mutual accountability

76. The draft national land policy is a key framework for reform of the land sector. It was facilitated by a number of ODA organizations and was facilitated by the timely launching of the VGGT by FAO. The VGGT was used to guide the engagement of stakeholders and the topics for

⁸ In spite of requests to FAO Rome and the FIRST team for a copy of the consultant's report on Myanmar based on his work in the first half of 2016, no document was issued to the writer as of November 2016.

consideration. The NLUP was adopted by the Government in January 2016 and endorsed by the new Government in August 2016. Together Government and civil society led the process of drafting the LUP.

77. Civil society managed the exposures to inform the land networks across the country on both the VGGT and the draft NLUP for the purpose of soliciting comments and changes to the draft LUP. Beyond the NLUP itself, a network of well-informed civil society practitioners in land governance was created across the country, albeit limited in number at this stage. Also, a process of engaging stakeholders in the NLUP ensures that the process of drafting new major land laws will also involve stakeholder engagement.
78. The NLUP will be implemented through the adoption of a new land law, yet to be written. In this context it's worth noting that most training or workshops on VGGT aim at the middle managers of Government and civil society. This is necessary but not sufficient. Briefings/short workshop/handouts are vital to reach, inform and influence high level officials of Government and Parliamentarians who are responsible for processing the passage of legislation.
79. A framework for participatory planning at VT level and a framework for customary land tenure are in development with donor assistance under the USAID lands project and the MRLG (and other activities) respectively. Both use the VGGT for guiding principles.
80. The Farmland Law (2012) was criticized by reference to the VGGT on a number of key principles: i) gender; ii) independent dispute resolution and local dispute resolution; iii) IEC to farmers; iv) farmer selection of crops; v) simple process for updating ownership of the title. This key law is due to be revised very soon to address these matters.
81. The Forest Department was the secretariat of the NLUP and its staff were well exposed to the VGGT. Lately the Forest Department has drafted a new Forest Law and sent it to the Office of the President. As yet we have not seen it but it can be expected that Community Tenure features prominently and that the principles of the VGGT have helped shape the law.

4.4. Results - Impacts

4.4.1. Awareness

82. Awareness raising on VGGT started with its launch which was very successful in reaching key Government staff (but not all) and reaching some of the key civil society actors. In both cases of Government staff and civil society the expectation was of much more follow-up on IEC activities which did not happen.
83. Through civil society the awareness of the VGGT has risen considerably. For example, the LIOH network has created its own local language materials to support local consultations with civil society partners.

84. The original translation was seen as difficult to fully understand due to the complexities of some of the concepts. The donors funded the LCG to coordinate a new translation into Burmese language.
85. In the context of exposing the draft LUP, civil society networks also distributed and discussed the VGGT. While farmer groups were targeted for discussions there is still few farmers who know of the NLUP and VGGT.
86. The private sector was active through the Chamber of Commerce in developing discussion papers on key topics related to land management and transmitting to the Government at end of 2015. In 2016 FAO held a workshop on due diligence for the private sector. It was seen as needing follow-up.

4.4.2. Capacity development

87. Table 2, which presents the workshops where FAO managed, is given above. This is quite limited. It can be compared to the work of civil society where 52 local consultations and 17 expert consultations were engaged to expose the NLUP and VGGT.
88. In general, the FAO workshops, were more effective when the civil society partners were facilitating. This was not only due to language; it had more to do with context and allowing more time for feedback and capturing responses for discussion.
89. Today there is still a gap of knowledge on VGGT with senior government land staff. This is a target group that needs a great amount of capacity building on basic principles of good governance on land and resources generally.
90. Civil society leaders and land professionals need further capacity building on VGGT and with Training of Trainers skills training. As outlined above there also needs to be greater knowledge imparted on particularly complex topics.
91. Country level FAO staff have very low levels of understanding of the content of the VGGT. However, there is little use in capacitating these staff as they are busy with their own work. The issue must start with an allocation of resources to the country office for engaging local staff full-time on land sector work.

4.4.3. Country level support

92. Support in country was provided from FAO Rome and FAO Regional Office for Asia and the Pacific (RAP). Regional workshops were also used. In addition to VGGT the work and presentations of FAO in house expertise on customary land tenure were commended by participants.
93. In addition, consultants used by FAO on the NAPA Lands Study (2015) and the FIRST land analysis (2016) were commended. Workshops in country were believed to be better left to be run by civil society with FAO providing the expertise on technical matters.

4.4.4. Partnerships

94. In the first year of the launch of the VGGT FAO did not establish a close relationship with the key CSO organizations that were already very involved and motivated to address the land issues. Civil society partnered with donor projects under USAID and the European Union to assist the Government of Myanmar on the NLUP. These partnerships were very productive in assisting the process of NLUP development and were instrumental in the quality of the final LUP.
95. In the later workshops FAO partnered with civil society and participants report satisfactory results.
96. It is very recently through the FIRST Programme that there is strong re-engagement by FAO on land issues in-country with other donors such as the World Bank and Asian Development Bank as well as European Union and LIFT. A central planning cell inside the Ministry of Agriculture, Livestock and Irrigation was created with FAO participation as well as Asian Development Bank, World Bank and LIFT. These partnerships are important for well-coordinated and consistent advice to the Government of Myanmar.

4.4.5. Monitoring of VGGT

97. At the country level it appears that there has been no independent monitoring reporting and no feedback to stakeholders.
98. Due to the complex nature of the land sector in Myanmar, the very many land-related activities being run under many different projects at the same time and the many donors involved in aspects of the same core policy and planning activities, leads to the conclusion that the nature of the monitoring must reflect these realities and be inclusive with these actors while at the same time assessing the value and impact of FAO inputs and suggesting on any modifications. While at first glance this looks to be cumbersome, the result would have direct and indirect benefits in strengthening coordination between donors and between donors and Government of Myanmar, as well as between activities. By giving each stakeholder a chance to air their views it would also relieve pressures that over time inevitably build up in such a complex sector.
99. In short, much more effort should be put in to monitoring the land-related activities under Phase 2 of VGGT Global Programme.

4.4.6. Equity and Gender

100. The in-country workshops include women from both Government service and civil society. The data provided show figures of 40 percent and 51 percent female attendance for two workshops. The VGGT promotes gender sensitive land and resource tenure systems and the NLUP has a chapter devoted to gender.
101. The farmers are amongst the most vulnerable people and of these the farmers in uplands are particularly vulnerable. This is because of their limited education opportunities, poverty

(low incomes and varying weather from year to year in the dry zone) and access to infrastructure such as electricity, clean water and all weather roads. Representatives of civil society for farmer groups were included in the consultancies of the NLUP exposures and VGGT principles (provided by NGOs through their networks across the country).

102. It is a long-held practice at the local level to process all official documents in the name of the "head of household". This is not appropriate in the case of land documents and is not consistent with the VGGT. Nevertheless, the law contains such provision. The NLUP addresses it well but so far the law has not been amended.
103. Prospects for greater inclusion in future land-related consultations would be achieved with: a national IEC programme on the law and policy and VGGT; a greater number of civil society members with greater knowledge on these subjects, greater resources to outreach IEC to farmers and better Training of Trainer skills so that the IEC programme could be delivered on a continual basis and with a more extensive geographic spread. The IEC material would be tailored to the language and education levels and farming issues of the local area. This would be particularly useful in the lead up to the exposure of draft land laws which are anticipated over the next five years as all the Colonial era laws are repealed.

4.4.7. Sustainability

104. Development of land policy and land laws is not a direct line with a start and an end. The process of adjusting policy and law never stops because society's needs keep changing, the natural environment is changing, economic competitiveness changes, demographics changes, and agriculture faces new challenges with disease, climate change etc.
105. In the case of Myanmar considering the policy and legal framework, land services still to be developed in most rural areas as well as the general low education levels the VGGT is seen as a very sophisticated document and is not easy to understand for most people.
106. With these considerations, after just a couple of workshops the question of sustainability is moot. Proof of this is in the huge amount of resources the donor community put into the assistance to the Government on the LUP.
107. As the author sees it, the main solution to sustainability lies in extensive capacity building of both Government lands staff and lands cadres of civil society networks and then the ongoing resourcing of these NGOs for the journey of reform of the land sector, expected to take ten years. In parallel it is expected that Government will devote its own extensive resources to the reform.
108. Myanmar may be compared to other countries of South-East Asia which have all gone through reform of outdated and non-performing land systems - it should learn the lessons from these experiences. The lessons suggest it must not underestimate the effort and management required, the political commitment and leadership needed in the long-term of the programme and the activating of the ordinary people as the beneficiaries. In Myanmar the

VGGT activity of FAO was the start of a major reform of the land sector, not an isolated project. Sustainability of the reform is a much deeper question than that of a project or activity.

109. With this understanding FAO should position itself to assist the Government in the long haul (ten years) to manage reform of the land sector. FAO already has close relationship with the Ministry of Agriculture, Livestock and Irrigation and this Ministry has included within it many of the key functions related to land management, including:⁹ i) land registration; ii) land survey and mapping in agricultural and village and urban lands (except three main cities); iii) title issuance in agricultural land; iv) land taxation assessment; v) agricultural statistics; and vi) land information dissemination to projects and people.
110. Furthermore, the Ministry of Agriculture, Livestock and Irrigation has core rural functions such as agriculture, irrigation, rural development, fisheries, agricultural bank, seed bank and research. The Ministry of Agriculture, Livestock and Irrigation has a mandate to improve the livelihoods of 70 percent of the country's population. With poverty concentrated in rural areas the ODA community is focused firmly on the rural areas.
111. The Ministry of Agriculture, Livestock and Irrigation has recently established a planning cell at headquarters which is a natural starting point for planning the reforms. There is already a draft rural strategy and agricultural development plan. FAO has stationed a part-time adviser. FAO is well positioned now to influence the reform and assist the Government of Myanmar to achieve its development objectives.
112. Because the governance of tenure is complex and highly political on the one hand but also so critical to the lives of the people and the health of the environment and the economy on the other hand, **civil society has key roles** to play in the governance of tenure and ensure sustainability; for example: i) to inform and influence policy and lawmakers; ii) to engage with government and business on policy, plans and programmes; iii) to mobilise other CSOs; iv) to educate and inform other CSOs, local officials/community leaders and the public v) to organize itself at national and local levels; vi) to create and disseminate relevant knowledge and training resource material; vii) to network with international CSOs; and viii) to work with development assistance organisations and United Nations agencies.

⁹ DALMS is the agency responsible for land management in the Ministry of Agriculture, Livestock and Irrigation.

5. Conclusions and recommendations

5.1. Conclusions

Conclusion 1. Every country is different and at a different stage of policy development and of dealing with particular land issues although there are a number of common problems that are seen globally. Land is cross cutting many sectors and effects not only economic but also social and environmental programmes. Land rights touches people from all walks of life in either positive or negative ways and its management must be well performed with a deep understanding of the land to people relationship across the country.

Conclusion 2. Myanmar has many challenges in the land sector due to very weak land administration operations and outdated laws from the Colonial era. The NLUP is an important instrument for reform because it addresses the unique characteristics of Myanmar. Together with institutional reform the limitations existing today can be addressed. But the key to success will ultimately be partnerships and trust between government, civil society and ODA working together in the long-term.

5.2. Recommendations

Recommendation 1. FAO should take a lead in assisting the Ministry of Agriculture, Livestock and Irrigation to address the governance issues in land management; this should be done by working closely with the Ministry and with civil society to guide the better development of the land sector through policy and planning that taps the expertise and learning programmes that FAO has in-house and through experienced consultants.

113. Myanmar faces a huge task to reform its land governance. The advantage is that there is a lot of good will from many donors and a lot of relationship building was done already as well as producing a draft land policy and pilot tested land office at the local level. The role of FAO as a member of the leading ODA organizations in the land, fisheries and forestry sectors should be using its good reputation in the Government of Myanmar and the Ministry of Agriculture, Livestock and Irrigation in particular, and its recent work on performing training and workshops on governance of tenure as well as planning support under the FIRST programme. In particular, a key observation is that in the current context of Myanmar, land management will continue to cause social and economic problems until the core issues are addressed, adversely affecting 70 percent of the people living in the rural areas.

Recommendation 2. Capacitating the leaders and making the leadership well aware of the necessary features of a reform programme in land management and its benefits should be a priority of FAO and allow a sound discussion on the pace of change.

114. The judgment on the pace of change is critical to success and will depend to some significant extent on the degree of leadership support from the Government of Myanmar.

Recommendation 3. The cadre of civil society organizations in Myanmar have shown great capacity in the last few years through the NLUP and other land interventions. With its interventions FAO should give priority to capacitating both Government and civil society on the land sector.

115. With the many possible actions FAO should coordinate closely with other donors on their interests and priorities and be selective and complementary to other ODA activities. Any intervention should be in partnerships with civil society and possibly other donors and other United Nations agencies.

116. In the context of Myanmar where there is still a general lack of trust and little experience of Government working in partnership with civil society the United Nations agencies can play a role in strengthening the bonding between government and CSOs for the delivery of better services to the rural people through United Nations and donor projects.

Recommendation 4. The local Myanmar Country Office should assign dedicated staff to the global programme of governance of tenure and they must be capacitated.

117. The reforms in the land sector will take a long time, at least ten years. Cooperation, trust and coordination with all stakeholders in the long-term must be given top priority and the country office must be the constant factor in achieving this.

118. Access to land is highly political in every developing country and it can be expected that unless a cabinet member is engaged in the development process the progress on major change would be slow and surprises might occur, such as delays in promulgating new land policy. Accordingly, VGGT programmes should be championed by a cabinet level minister.

Recommendation 5. Replication of the excellent FAO learning programmes and with the specific learning objectives of creating leaders in Government and CSOs with better knowledge and confidence should be high priority.

119. VGGT sensitization at the local level should be further developed across the country and implemented by CSOs.

120. The cabinet approved land policy was officially adopted by the Cabinet in early 2016. The urgency is for promulgation which is stalled for political reasons. There is no clear timeline for the promulgation. Awareness raising on the need and content of the land policy with law makers by CSOs is indicated.

Recommendation 6. More focus on fisheries and forestry and local level VGGT activities is needed in future support, as well as coordinating with the many CSOs working with customary tenures.

121. FAO should discuss with Government and CSOs to consider establishing a VGGT stakeholder platform in Myanmar. This would have a different purpose to the existing structures created for national land and resource governance and for development of the NLUP but would be linked to these structures. The purpose would include facilitating VGGT knowledge and discussions across the country to create a much larger number of people with knowledge of the VGGT. This would facilitate discussions on land administration and management reforms and would involve many Ministries. It would input to long-term planning and strategic directions. It should be driven by civil society and with adequate funding.

Recommendation 7. Land grabbing is very extensive. Past land grabs should be reviewed under new guidelines. As much as possible reconstitution of land rights should be sought under FAO support/coordination. A range of other arrangements should be made such as a combination of: partial return of the land; annual payments for use; return fully in a number of years after the investor has received a return on its investment, etc.

122. Any full compensation must be carefully considered since poor farmers usually have no alternate work and little ability to manage a lump sum payment. Any land acquisition by the private sector should be on a “willing buyer – willing seller” basis. Also, the private sector should consider other modes of access to farm land of the poor such as contract farming or leasing land before land purchase. Accordingly there should be a moratorium on compulsory acquisition of land except in urgent public interest, while the past cases are resolved and the lessons converted into law.

Recommendation 8. FAO should support a programme of institutional reform of land services.

123. A long-term sectoral plan for reform of land administration in Myanmar is needed, covering about 10-12 years. FAO should be promoting this initiative with Government and civil society and in the context of governance of tenure.

124. Studies on impacts and relationships should be conducted with professional level reporting and data analysis to emphasize the various sectors of society and business and donors on the impact of security of tenure on social, economic and environment condition in the country.

125. FAO should support amendment to the land related laws that refer to the name in land documents being in the name of the head of household such that the law would allow the names of both spouses to be recorded.

Appendix 1. List of meetings in-country

1. The in-country interviews performed by the writer are shown below:

DATE AND TIME	PERSON AND OFFICE
11 Oct 4:00 pm	U Shwe Thein, Land Core Group Office
12 October 2016, 11:00	Rob Oberndorf Legal Adviser and Nick Thomas Team Leader, Tetra Tech (USAID funded Land Project)
12 October 2016, 13:45	Vicky Bowman, Director MCRB (Myanmar Centre for Responsible Business)
13 October 2016, 10:00	U Thaug Naing, DDG Co-Operatives Dept., MOLI
13 October 2016, 13:00	Dr Win Htut, Director (DALMS), MOLI
13 October 2016	Email from MBF (Myanmar Business Forum)
14 October 2016, 13:3	Dr Wah Wah Maung, DG Central Statistical Organization, Ministry of Planning and Finance (MOPF) and Daw Khin Swe Latt Director
15 October 2016, 15:30	Paul de Wit, FAO/EU Lands Consultant
17 October 2016, 10:30	Pasquale Capizzi, TL Climate Change Project (UN Habitat)
17 October 2016, 16:00	Jenny Franco, Transnational Institute (TNI) (INGO)
18 October 2016, 16:00	Yadana Sein, Braveheart (NGO)
18 October 2016, 19:00	Celine Allaverdian, GRET (NGO)
19 October 2016, 09:00	Forest Dept, MoNREC Nyi Nyi Kyaw, DG U Ngwe Thee Asst Director of Planning and Statistics Division, {DG joined the meeting for last 20 minutes}
19 October 2016, 11:30	DENC, Department of Environment and Nature Conservation, Director General U Hlang Maung Thein and team (Luisa has hard copy list of participants)
19 October 2016, 13:40	Permanent Secretary U Tin Htut, MOALI
19 October 2016, 15:00	DALMS - Acting DDG Kyaw Naing Ong and Director Win Htut, and three other staff.
20 October 2016, 11:15–12:40	Land In Our Hands (LIOH, NGO); Ko Si Thu (principal) and Khu Khu Ju (translation)
21 October 2016, 15:00	LIFT, Harald Kreuzscher, Programme Officer, Livelihoods and Food Security Trust Fund
25 October 2016, 10:00	LIFT, U Zaw Naing Oo, Staff Officer
25 October 2016, 14:30	UN Habitat, Bijay Karmacharya, CPM



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