

Government of the Republic of the Union of Myanmar
Land Use Allocation and Scrutinizing Committee

National Land Use Policy
(Draft)

2014, October

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Government of the Republic of the Union of Myanmar

National Land Use Policy (Draft)

Preliminary

1. Myanmar is a country where various nationalities are residing collectively and they are residing in 7 regions, 7 states and a Union territory spreadly. The State is situated between China and India which are developing with high velocity in Southeast Asia. The State is economically and politically strategic country as it has maritime entrance and exit route to them and it is enable to communicate with them also by road.
2. Myanmar has natural resources including precious forests, fertile planes, natural gas and mineral troves, long coastline, snow-capped mountain ranges and big rivers such as Ayawaddy, Chindwin, Thanlwin, Sittoung which are the life vein of the country, as such, it is a country which has good fundamentals and environments to invest by the various countries of the world.
3. The government has, since the day it took over the State's power, endeavoured for the reform measures of the State with great effort respecting the principles contained in the State Constitution. U Thein Sein, the President of the Union, at the time of acceptance of the office of the president, promised the good governance and clean government after scrutinizing the existing situations of the State. In the first year of the term, as of the first phase of the State's reform process, the peace and national reconciliation matters were carried out in priority. Then, State's reform processes were carried out with momentum in accord with 8 programs adopted by the National Level Workshop for Rural Development and Reducing Poverty, and the framework for economic and social reform drawn from May to October, 2012.

4. In delivering speech, in respect of the programs to be reformed, changed and implemented for the development of the State, to the Union level persons, chief ministers of the regions and states, chairmen of the self-administered division and regions, deputy ministers and heads of the departments on 19th June, 2012, the President of the Union guided on the following land reform matters to draw and implement the national development long term and short term plans:

- (a) To manage, calculate, use and carry out systematically the Sustainable Development of natural resources such as land, water, forest, mines to enable to use them future generations;
- (b) To manage and carry out systematically the land use policy and land use management not to cause land problems such as land use, land fluctuation and land trespass;
- (c) To disburse, coordinate and carry out with the Union Government, the Land Use Allocation and Scrutinizing Committee, the Myanmar Investment Commission, the Privatization Commission, the Vacant, Fallow and Virgin Land Management Committee and relevant departments for urban and rural development plans and investment plans;
- (d) To carry out to renegotiate, draw and enact the laws and matters relating to tax and custom duty administered by the various departments relating to land in accord with international standards or existing situations.

5. The Union Government has formed the Land Use Allocation and Scrutinizing Committee to draw and adopt the national land use policy which is in conformity with the situation of Myanmar and contains international best practices; and to carry out land system reforms.

6. This National Land Use Policy has objectives to benefit and harmonize the land use, development and environmental conservation of the land resources of the State, to protect the land use right of the citizens and to improve land administration system. By implementing these objectives successfully, this policy shall concern with all uses of land resources and land use rights of the whole country including rural and urban areas.

7. This policy is the guide for the emergence of a new land law including harmonization of existing laws relating to land and their implementation. Moreover, it shall be guided for the matters which shall be decided by all relevant departments and organizations relating to land use and the right to use land.

Part I
Land Use Management

Chapter I
Basic Principles of the National Land Use Policy

8. In terms of the National Land Use Policy:

- (a) It shall use the land resources of the State sustainably and systematically by conserving and protecting them for the interest of all peoples of the State;
- (b) It shall enact the National Land Law which harmonize the existing laws relating to use of land resources and land tenures in the whole country including rural and urban areas and which may be implemented systematically;
- (c) It shall cause to decide the matters relating to land disputes arisen between the land users and the stakeholders transparently and truly in accord with the National Land Law;

9. In implementing the continued entry of the foreign direct investments, sustainable economic development, effectiveness of the environmental conservation and protection, social harmonization, firmness of land tenures, immovable property right and settlement of land dispute:

- (a) It shall increase responsible undertaking and respect the rule of law;
- (b) It shall strengthen the clean governance system by carrying out land use management, land tenure management in accord with law systematically and truly;

- (c) It shall establish modernized systems to enable to have access to correct information relating to land use management and land tenure management;
- (d) It shall establish the land dispute settlement mechanism which is easily implementable and impartial;
- (e) It shall arrange and carry out coordination process with the stakeholders transparently.

10. In carrying out of this policy, its review and amendment, and drawing and enacting of the National Land Law of the State:

- (a) It shall base on the rights relating to land use management and land tenure management;
- (b) It shall provide equal right in all sectors for the women for land use and secure land tenure;
- (c) It shall carry out sustainable management, conservation and protection of land resources;
- (d) It shall have the rights, regardless of man or woman, to choose the right to use farmland and the manners for growing crops;
- (e) It shall comply with the basic principles relating to the rule of law and justice;
- (f) It shall abolish the arrangements and measurements relating to the lease of State's own land which is not in conformity with law;
- (g) It shall apply, as necessary, in the relevant various sectors of the State by studying international best practices;
- (h) It shall manage transparently the matters relating to the use of land resources, land use and allowing land tenure right;

- (i) It shall inform the correct land information to the public and allow them to cooperate and participate;
- (j) The government departments and the government organizations relating to land use management and land tenure management shall communicate, coordinate and carry out each other in various processes relating to public service and land resource management;
- (k) It shall reduce the central control and the relevant various departments and organizations shall have the power to decide and carry out;
- (l) It shall review on the non-implementable laws in accord with the international practice and changing situation of the State and carry out to coordinate, draft and enact it;
- (m) In carrying out the land acquisition, compensation, resettlement and rehabilitation matters, it shall be consistent and have precise and correct manners and stipulations.

Chapter II

The Situation of the Existing Land Management Mechanism

11. After obtaining the independence of Myanmar, the State had enacted the Land Nationalization Act, 1953; the Farmer's Right Protection Law, 1963; the Farmland Tenancy Law, 1963; and the Law Amending the Farmland Tenancy Law to protect from the disadvantage of feudalism. The various land management organizations were formed to enable to implement those laws in accord with the relevant regulations and bye-laws.

12. The State has arranged and carried out to expand agricultural land use by the State-owned organizations, cooperative societies, associations, joint ventures, other organizations which acquire agricultural land for businesses

and individual agriculturalists after forming the Vacant, Fallow and Virgin Lands Management Central Committee under the Notification 44/91 dated 13th November, 1991.

13. The Forest Rules and directives were also issued in 1992 to manage the forest land, forest plantations and community forest plantations.

14. The Pyidaungsu Hluttaw has enacted the Vacant, Fallow and Virgin Land Management Law (No.10/2010) and the Farmland Law (No. 11/2012) newly and managed the land use matters of the investors by enacting the Foreign Investment Law (No. 21/2012) and the Myanmar Citizens Investment Law (No.18/2013).

Chapter III

Forming the National Land Use Council

15. The Union Government:

(a) shall form the National Land Use Council and determine its functions and duties for the implementation of the national land use policy;

(b) in forming the National Land Use Council, it shall contain a Vice President as the Chairman, the relevant Union Ministers, the Region or State Chief Ministers as members, and a member assigned duty by the Chairman as the Secretary;

(c) may form the necessary work committees to assist the functions and duties of the National Land Use Council.

16. The National Land Use Council:

(a), in implementing the National Land Use Policy in the whole country equally, shall form and determine functions and duties of

(b) the region or state land use committees, self-administered division or self-administered zone land use committees and district land use committees;

(c), in forming the region or state land use committee, it shall contain the chief minister as the chairman, ministers of the ministries of the region or state government and responsible persons of the region or state level relevant government departments and organizations relating to land use as members, and a member assigned duty by the chairman as secretary;

17. The relevant region or state government:

(a) shall form and assign duty to the self-administered division or self-administered zone land use committees and the district land use committees;

(b) in forming such committees, shall contain the chairman of the self-administered division or self-administered zone leading body and district administrator as chairman, members of the self-administered division or self-administered zone leading body and the responsible persons from the district level government departments and organizations relating to land use as members, and a member assigned duty by the chairman as the secretary.

18. The Union Government, the National Land Use Council and the Region or State Government shall base the following facts in determining the functions and duties of each relevant Council and local committee:

(a) coordination, management and information sharing for harmonizing the existing land records, maps and registration systems of each ministry and department;

- (b) in appropriating and deciding the volume of land which shall be used relating to land use for land use plan and investment for the development and environmental conservation works of the State, causing the stakeholders to have access transparently with the precise and correct information and to use them by themselves;
- (c) drawing maps with precise boundary to enable to carry out causing to obtain legal right, settling the land dispute easily, reducing the dispute relating to use, allow tenure, other uses of land in the State, and keeping and application of land classification official system.

Chapter IV

Land Classifications and Administering Government Departments and Organizations

19. Types of the land is classified in 10 types as follows for easy classification:

- (a) Forest land
(Protected forests, protected public forests, forest plantations, community forests)
- (b) Agricultural land, livestock land and fishery land
(Farmland, livestock breeding land, aquaculture land, fishery land and waters)
- (c) Vacant, fallow and virgin land
(Vacant and fallow land discarded after having carried out agriculture and livestock breeding; vacant and fallow land where agriculture has not been carried out.)

- (d) Urban and rural residential land and the public lands
(urban and rural residences, development areas, zones; places and buildings used for public)
- (e) Water area
(river, stream, riverine area, bank area, strand area, conserved and protected ocean water and coastlines, canal, embankment, lake, dam and reservoir, ocean park and coastal area)
- (f) Swamp land
(swamp in the forest land, swamp in the vacant, fallow land; other swamp lands)
- (g) Pasture land
(grass land, land where the shrub grows)
- (h) Protected areas
(protected wildlife area, protected and conserved cultural heritage areas)
- (i) Mines land, oilfield, mineral lands
(mines, gemstone area, oilfield, salt land) and
- (j) National defence and security areas
(Defence and security areas of the State, cantonment areas)

20. In drafting the National Land Law, it shall provide in detail about such 10 classes of land, their sub-groups, definitions and the government departments and organizations which administer such classes of land.

Chapter V

Information Management

21. The land tenure security shall be the basic foundation for the systematic management of land use and rural and urban economic development by investment.

22. In carrying out information management:

- (a) enabling to keep up-to-date, complete, precise and correct information relating to official land use right shall be the basis to ensure the land tenure right;
- (b) shall allocate the resources sufficiently for drawing maps and registration after mutually coordinating with relevant government departments and organizations to ensure land tenure rights in line with the time and systematically based on the actual land use in the whole country to obtain and use easily the firmness of the land tenure right and precise and correct land information;
- (c) allowing to access and use of the up-to-date, complete, precise and correct land information shall be determined as basis for land acquisition, land allocation, transfer of land use right, change of land use form and settlement of land use legally;
- (d) all individuals, legally formed organizations and organizations possessing or managing land use right shall have the equal right to know and obtain the complete and correct land information and to carry out land transfer and tenure right in accord with law;
- (e) it shall develop the update, completeness, precision and correctness of the existing land tenure records of Myanmar and firmness of the land tenure right of all men and women taking special consideration

of the recognition and protection of the long-term land user rights whether or not they have been registered, recorded or mapped;

23. In allocating land use right and in managing information, it shall carry out the followings to succeed the reforming process abreast with the time:

- (a) establishing the clear process to enable to claim and obtain the regularly recognized land use rights by all men, women and communities who have the rights though their rights have not been recognized and registered;
- (b) recognizing and registering all official and existing land use rights based on this land use policy;
- (c) changing the land use maps and records into a suitable format to enable to collect and distribute land information among government land administration organizations and to develop public access to and use of land information;
- (d) in comparing the actual land use and the existing land use maps and land records, obtaining and use of the satellite maps which are clear in vision;
- (e) in amending the land use maps abreast with the time, comparing with and carrying out the correct land use right records;
- (f) negotiating at the local level to enable to approve land use right and using participatory land use map drawing methods;
- (g) doing researches and testing in one or more pilot projects to enable to prepare land use records and maps abreast with the time and the exact manners by which the public may have obtain and use, based on the above guidelines.

Part II
Planning and Changing Land Use

Chapter I
Planning and Drawing Land Use Map

24. (a) Before changing land use, it shall carry out the process for drawing land use plan based on updated, complete and correct information;
- (b) The existing land use plans and maps shall be amended abreast with the time to enable to know correctly whether or not the proposals for land use change are suitable for the existing occupation, land use, land tenure, land existence, protected area, trespass and to know the possible impacts;
- (c) In carrying out the process above, it shall be carried out based on the manner for drawing land use map and the manner of coordinating with the men and women at the locality.
25. To make the district level planning and decision-making processes better and more facilitated, the manners for advanced land use mapping, zoning, planning, coordination with people and individual application shall be integrated and carried out.
26. In drawing the proposed district level land use plans, the following facts shall be contained:
- (a) allowing to obtain and use the records of land use plans by the public transparently;
- (b) implementing the national level, region or state level and local level land use plans in integrated manner;

- (c) using " bottom-up" submission manner in carrying out urban planning and upgrading them;
- (d) deciding transparently for recognizing the existing land tenure rights and changing the existing land use;
- (e) carrying out to improve the procedures relating to informing the public of township, town, ward, village-tract or village in advance and obtaining comments in drawing participatory land use plan;
- (f) recognizing and applying the satellite image technology and technology for detailed study on locality which based on documents in drawing land use plans;
- (g) determining clearly the places where it is desirable to change the land classification based on the existing situation and existing land user rights;
- (h) causing free from any ties in determining the agricultural, ecological zones in order to encourage the conservation of land and environmental resource;
- (i) amending the land use plans periodically in accord with the changes arising according to time;
- (j) establishing the beneficial and effective mechanisms to enable to discuss by the citizens relating to land use decisions;

27. It shall not affect the official, existing land user rights and all land uses in the places where the plans to change land use shall be carried out using the manner of zoning or individual application.

28. It may carry out voluntarily and freely at the negotiated market price relating to the transfer or sale of land use rights by the land users in the areas managed to change land use.

Chapter II

Changing Land Use by Zoning

29. The District Management Body:

- (a) shall propose to change land use in suitable areas for the locality development, environmental conservation and to fulfill other requirements based on the approved and up-to-date information in the process of land use planning;
- (b) in doing so, shall protect the continuous land use, land management and land tenure rights whether or not they are registered.

30. The national level, region or state level and self-administered division, self-administered zones shall amend the long-term land use plans by applying the amendments contained in the proposed land use plans and maps of the District Management Body.

31. In the proposed maps of the District Management Body to change land use, it shall contain the following land use zone:

- (a) housing zone;
- (b) infrastructure zone;
- (c) protected area zone or national defence area zone;
- (d) commercial zone, industrial zone or mining land zone;
- (e) agricultural zone;
- (f) pasture land zone;
- (g) forest zone.

32. (a) After having made proposing and mapping for the land use zones, it shall inform to the public and coordinate with the stakeholders;
- (b) The first information work in each village or ward shall be carried out for two months to obtain sufficient time to enable to register the support or objection on all or any part of land use change by all men, women from the affected areas;
- (c) The ward or village-tract administration body shall, based on the support and objection obtained from the consultation process, to enable to approve or amend all or any part of the proposed land use zone in the affected ward or village, submit to the township administration body together with its remark;
- (d) The Township Administration Body shall, after compiling the submissions of the relevant wards or village-tracts in the township, submit to the District Management Body together with its remark, to enable to approve or amend all or part of the proposed land use zone;
- (e) The District Management Body:
- (i) shall carry out to amend as appropriate, based on the submission of ward or village-tract and township, after reviewing the proposed zones to enable to change land use in the whole district;
 - (ii) the second information work on the amended land use zones and maps shall be carried out in the affected relevant ward and village for one month and consultation process shall be carried out;
 - (iii) when the submissions of relevant ward or village-tract and township relating to the second information work are received, it shall be carried out finally to review and amend the proposed zones to amend the land use of the whole district based on those submissions;

- (iv) when having amended and carried out completely, the new land use zone shall be approved;
- (v) the new land use zones shall be mentioned clearly on the ground for the public awareness and they shall be recorded according to ward or village;
- (vi) the approved land use zone records shall be sent as information to enable to amend the long-term land use plan in the areas allowed to be managed in the national level, region or state level and the self-administered division or self-administered zone level.

Chapter III

The Change of Land Use by Individual Application

33. In considering whether or not it should allow on the individual application to the relevant ministries, government departments, government organizations for land use change by such government departments, government organizations, it shall determine the processes for information to the public on such application, giving the notice in advance, and appeal to enable to protect the land use rights of the existing land users in the relevant area and its environment.

34. It shall be determined to carry out the followings to enable to protect the impacts which may affect on the land users in the vicinity because of the land use change for individuals:

- (a) causing the relevant land management body to scrutinize and approve whether or not the information on the land use plan relating to existing occupancy, land use, land tenure, land existence, protected areas, aggressions and other socio-economic matters are correct;

- (b) causing to finalize the independent environmental and social impact assessments before scrutinizing on granting land tenures or land leases;
- (c) determining the costs relating to the scrutinizing on the correctness of information and the costs for conducting the environmental and social impact assessment in the affected area to be paid by the applicant, and determining the period in which the costs shall be paid;
- (d) protecting relating to rotating taungyas and lands cultivated by traditional methods;
- (e) protecting the environmental resources which are being shared and enjoyed by the community in vicinity;
- (f) causing to carry out the land use programmes uniformly and justly by taking the remark of the people to lessen the land disputes.

Part III

Granting Concession on or the Lease of State-owned Lands

35. The impartial environmental and social impact assessment mechanism shall be initially established to enable to carry out based on findings and recommendations of the impartial environmental and social impact assessments in leasing and granting concession on the State-owned lands for the investments.

36. The granting land concession for the State-owned lands shall be temporarily suspended while it is being carried out doing research, review, amendment and approval on the precise stipulations and procedures to enable to carry out systematically the matters to be carried out by the impartial environmental and social impact assessment mechanism.

37. In the impartial environmental and social impact assessments:

- (a) a stakeholder who is not desirous to transfer shall not be transferred against his will;
- (b) if it is impossible to transfer a stakeholder according to his will, it shall find out the manner to change, amend, draw and apply the project design;
- (c) it shall carry out to cooperate by means of negotiation if it is necessary to transfer actually for the interest of the State;
- (d) it shall carry out sustainable development by causing to know the benefits of the project by the stakeholder men and women transferred, carrying out arrangements to support necessary sufficient resources for being transferred;

- (e) in drawing and implementing the project for land allocation and resettlement, replaced stakeholder men and women shall be consulted systematically and caused them to participate in person;
- (f) the suitable processes shall be adopted not to damage the existing land users in the proposed lease or concession areas or in their vicinity;
- (g) the existing environment and natural resources beneficial to the land users in the vicinity shall be maintained;
- (h) an impartial dispute settlement mechanism shall be established for all interested land users;
- (i) resettlement shall be arranged and carried out only after the housing equivalent or better to the land, infrastructure in which the interested persons resided before the replacement has been established;

38. To enable to prevent the problem of land grabbing, the following facts shall contain in the land law and land administration:

- (a) determining the maximum size in granting concession or allowing the lease of State-owned lands;
- (b) determining the limits according to each company based on its capacity;
- (c) suspending the granting of land concession in the disputed zones;
- (d) determining the matters relating to the land grabbing as actionable prohibitions in court.

39. To settle the complaints relating to the pilot operation of contract farming system which is beneficial for some farmers, but, affect the interest of some

farmers, and to exist the investment in the village level for the long term, the following guidelines shall be adopted, applied and equalized:

- (a) scrutinizing and approving the work performance records of the companies which applied for the permission to operate agricultural businesses;
- (b) conducting the environmental and social impact assessments periodically before the commencement of the projects;
- (c) studying and assessing the pilot projects which have been implemented and pilot projects which are being implemented by the company, to enable to know whether or not the agricultural and contract system implemented by the company is in conformity with the relevant local situation;
- (d) determining the pensions to be provided by the company to the farmers as a part of contract farming;
- (e) determining to lease the land temporarily until the compliance of the terms and conditions of the land lease is ensured and to lease the land for the long term only if the terms and conditions are complied;
- (f) determining clearly the mutually beneficial programmes including land use, division of crop profit, and crop price.

40. In granting to lease and operate the State-owned land for the businesses, it shall determine the terms and conditions to be complied.

41. To enable implementing the environmental and social safeguards, the exact manner shall be researched and tested in one or more pilot projects.

Part (IV)

Procedures Relating to the Land Acquisition, Compensation, Resettlement and Rehabilitation

42. In managing the matters relating to resettlement, compensation and rehabilitation which are the process to be proceeded on because of land acquisition and land allocation, it shall be applied and carried out by the procedures which contain clear and the best manners contained in international practice.

43. If it is necessary to be in conformity with the basic principles, manners and guidelines contained in this policy, the relevant laws, rules and procedures shall be amended, repealed and enacted anew.

44. In amending or enacting anew of the relevant laws, rules and procedures, it shall be in conformity with the National Land Law and based on the following facts:

- (a) determining the participatory management process and fair, just and systematic procedures;
- (b) determining the controlling manners not to cause corruption and abuse of power by assigning duty to the qualified persons who can carry out in accord with law fairly and justly;
- (c) In compensating the persons affected for land acquisition, in terms of cash or substituted land, the valuation systems which may cause rehabilitation, effective and consistent shall be mentioned.

Part V

Settlement of Land Disputes and Appeal

Chapter I

Settlement of Land Disputes

45. To enable to apply the dispute settlement mechanism to hear and decide the disputes relating to land in the whole country comprehensively, it shall establish to carry out the following facts:

- (a) vesting powers to the farmer associations to settle the land disputes arisen between their members;
- (b) allowing the matters to carry out the defence and appeal of the land user rights in person or by representative;
- (c) allowing civil society to help provide information to the public;
- (d) causing no disturbance to the public in adjudicating the cases, and adjudicating at time and place and in language convenient to the public;
- (e) causing the courts and other review bodies to adjudicate the matters transparently.

46. In settling disputes impartially, it shall be carried out as follows:

- (a) maintaining a special division in the existing court system to enable to carry out land and natural resources;
- (b) establishing local land dispute settlement bodies at the ward or village-tract and community level;
- (c) appointing monitors to monitor the settlement of disputes relating to land use;

- (d) establishing a mechanism to enable to settle the disputes of the business relating to land, farmer's family and environment in terms of arbitration;
- (e) establishing the clear process and impartial mechanism to settle the disputes relating to land acquisition in case of necessity;
- (f) establishing the process to settle the land dispute comprising the State, farmers and private individuals by means of independent tripartite arbitration;
- (g) establishing a mechanism for enabling registration of official complaints to enable to access and use the arbitration and court mechanisms by the small farmers and other land users in accord with law.

47. Based on the guidelines contained in article 46, it shall carry out prescribing, forming and implementing for impartial land dispute settlement and doing research in one or more pilot projects for a precise method to monitor them.

Chapter II

Appeal

48. The independent bodies which have the right to hear and decide the review, revision and appeal on the performances of the relevant government departments and organizations contained in this policy shall be included in the National Land Law.

49. The matters to be decided by the courts relating to land use shall be carried out in front of the public in the transparent manner.

50. The cooperation of the civil society which can carry out for enabling protection of land users' rights and individuals shall be allowed.

Part VI

**Matters Relating to Assessment of Land Revenue, Fee for Land Transfer and
Due Stamp Duty**

51. It shall implement and carry out fair and just assessment of land revenue and transparent assessment of fee for land transfer which are the basic financial processes to maintain for the long term of land use planning, land tenure security, development of land market and protection of environmental resources.

52. The land revenue assessment shall be carried out as follows:

- (a) prescribing the rates of land revenue;
- (b) assessing land revenue;
- (c) collection of land revenue.

53. The following departments shall be caused to carry out the assessment of land revenue:

- (a) General Administration Department;
- (b) Settlement and Land Record Department;
- (c) Forest Department;
- (d) Nay Pyi Taw Development Committee;
- (e) Yangon City Development Committee;
- (f) Mandalay City Development Committee.

54. For the sustainable development of Myanmar in accord with the objectives and basic principles of land use policy, it shall cause to include all men, women and businesses which use land in contributing fund proportionately.

55. The land revenue shall be fair, equitable and suitable and the collection and contribution of land revenue procedure shall be carried out to be clear, effective and transparent.

56. To protect from the land grabbing and owning a lot of land by a minority, the land revenue to be paid for the land use shall be carried out on the basis of the policy to collect at the increasing land revenue rate on the persons who own a lot of land.

57. It is necessary to consider the taungya farming as the same with the essential farming for livelihood and the revenue rate collected on taungya shall not be more than the maximum rate collected on ordinary cultivator or farmer's family.

58. In the facts generally considered to determine the land revenue rates, it shall include the land use, value which reflects the current market price and production, useable land area, value of man-made improvements, exclusion of protected areas, finance of the local people's improvements, infrastructure and services.

59. To cause fair and equitable revenue rates, the socio-economic census shall be collected containing the valuation based on production cost, crop yield, access to market, market price and net production from the land.

60. In determining the revenue rates, it shall determine in two categories as the ordinary land revenue based on essential livelihood and the special revenue based on commercial farming.

61. The research shall be carried out based on the following facts to amend the existing land revenues and revenue administration:

- (a) determining the best manners to collect at the fair and equitable revenue rate;

- (b) providing suitable exemption or right to the small farmers and farmers by traditional method for the security of livelihood;
- (c) assessing and collecting by transparent administrative process in assessing and collecting land revenues from all land users;
- (d) establishing an accessible, impartial mechanism to enable to response by the land users if it is not fair and equitable in the decisions of revenue rate.

62. In carrying out purchase or sale of land, providing security for the loan, and transfer of land use right in other means, it shall carry out smooth operation and systematic development of land markets which supports the economic development, at the suitable and fair cost and by transparent manner.

63. The due land transfer fee and stamp duty shall be fair, equitable and suitable, and revenue collection and contribution procedures shall be clear, effective and transparent.

64. It shall do researches and establish one-stop services mechanism to enable to have access to the true land information by the public and to carry out the new land transfers effectively, for the facilitation of land market development.

65. The fees shall be collected, from all participants in land market, on acquiring land information and land transfer to enable to carry out in time and precisely of a lot of land transfers in the land market. Those fees shall be expended on the development of capacity building, modernization of land record infrastructures and public services in the whole country.

66. For enabling amendment and collection of due stamp duties after doing research:

- (a) due stamp duty shall be paid for enabling registration and official recognition of land transfer;
- (b) due stamp duties shall be fair, equitable and suitable;
- (c) it shall carry out selling revenue stamps in advance and making entry in records, and declaring saliently the prescribed rates at all land administration departments which collect land revenue;
- (d) it shall carry out for making entry in register of the wife or husband of land user and allowing exemption from due stamp duty, in consultation with relevant ministry, in transferring land use right to a member of land user's family in terms of succession or gift;
- (e) it shall carry out, in consultation with the relevant ministry, for allowing exemption from due stamp duty, in transferring land use right by the State to a land user, his wife, her husband and family; and a civil society which has not registered its land use rights;
- (f) in leasing or allowing concession of the State-owned lands to the business, the fee or due stamp duty shall be determined based on the actual price of the land, improvements, crops, above and underground other natural resources. Moreover, suitable finance shall be supported for the use and interest of the public.

67. The precise manner, for the amendment and collection of due stamp duty based on the guidelines contained in article 65, shall be done research and tested in one or more pilot projects.

Part VII

Land Use Rights of the Ethnic Nationalities

68. The traditional land use system shall be provided in the land law for the awareness and compliance of the traditional land use practices of the ethnic nationalities, for acquiring complete traditional land use right, for enabling protection of such right, and for enabling use of impartial dispute settlement mechanism readily.

69. It shall assign duty to the ward or village administrators, under the supervision of the township administrator, to prepare land use maps and records for enabling to know correctly the information relating to land possession, use, land existence and carrying out in division, in the areas resided or used by ethnic nationalities; to make ready in implementing socio-economic land use plans, in making other decisions on aggression and land matters.

70. In carrying out preparation work of traditional land use maps and records of the ethnic nationalities, the relevant responsible persons:

- (a) shall consult with the ethnic persons who are skilled in traditional land use practices and ethnic nationality leaders and cause them to participate;
- (b) shall recognize and protect the traditional rights, land use and land tenure right of the ethnic nationalities who are using land whether or not the existing land use is mentioned in records and maps, and registered;
- (c) shall recognize the rights of men and women who are members of the ethnic nationality or organization and provide to register their land use according to existing laws.

71. The leaders of the ethnic nationalities and local leaders shall be included in the decision making relating to land tenure of individual men, women and communities that grows ancestral land by traditional methods, in monitoring and in the dispute settlement mechanisms.

72. Relating to the ancestral lands which fall under the category of forest land, farm land and the land determined as the vacant, virgin and fallow land, they shall be reclassified in accord with the new national land law, and it shall suspend temporarily from granting concession of such lands to any other land users before having been registered for the land use by the relevant ethnic nationalities.

73. The provisions relating to the secure land tenure rights of the ethnic nationalities contained in the new land law shall be the protection not to loose the lands and land tenure rights of ethnic nationalities because of the granting of long-term concession or lease to the investors under the Foreign Investment Law, the Citizens' Investment Law; the Vacant, Virgin and Fallow Land Management Law, or land management orders of the State Governments.

74. It shall provide in the new national land law for the registration of land use relating to the rural lands which are determined as agricultural land or forest land and which applied alternative farming method.

75. It shall carry out to enable to recognize and to have the right to register the traditional land tenure rights of the ethnic nationalities, to enable to protect and conserve the forest lands and environment, and to enable to reclassify the traditional alternative taungya system as the permanent taungya.

76. It shall cooperate with the non-governmental organizations effectively to increase the interest by obtaining land use right and knowledge relating to

agricultural technology; fertilizer, machinery, seed, and relevant technology; soft loans and other suitable agricultural supports.

77. It shall contain, in the new national land law, the traditional ethnic nationalities' dispute settlement practices to enable to settle the land disputes relating to ethnic nationalities' land use rights, and shall have the right to participate by men and women who are respected by many people and have influence in the ethnic nationality community.

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Part VIII

Equal Rights between Men and Women in Land Tenure and Land Use Management

78. According to the Convention on Elimination of Discrimination in Different Forms against Women and the State Constitution, 2008; the following rights shall be provided in the new land law relating to land tenure and land management:

- (a) the right to succeed the land tenure and land management when her husband dies or at time of partition or divorce;
- (b) the right to inherit the property of parents including land tenure and land management;
- (c) the right to be allocated land and land management according to law;
- (d) the right to participate and to represent the community in deciding disputes relating to land tenure, land transfer and succession rights;
- (e) the right to participate and to represent the community relating to land acquisition in case of necessity, payment of compensation, resettlement and rehabilitation.

Part IX

Harmonization of Laws and Enactment of New Law

79. (a) For the harmonization of all existing land laws in Myanmar, a new National Land Law shall be drafted and enacted based on this land use policy;
- (b) In drafting the national land law, the participatory consultation process contained in this land use policy as the procedural method;
- (c) In drafting the national land law, consultation process and major processes shall be carried out as follows:
- (i) informing the purpose and process of drafting the national land law to the public, relevant government departments and organizations and the stakeholders by suitable manners;
 - (ii) carrying out comprehensively to scrutinize and give advice by the relevant stakeholders including the media and the public after drafting the draft national land law on which comments would be sought by studying the experiences of international countries and other regional countries and based on the salient situations of Myanmar, problems encountered, interests of the users of land and other natural resources in the country;
 - (iii) holding the national level workshop relating to the draft land law;
 - (iv) submission to the Pyidaungsu Hluttaw after finalizing the draft national land law.

Part X

Monitoring and Valuation

80. (a) The National Land Use Council shall carry out monitoring and valuation periodically on the implementation and compliance according to the national land use policy in the regions, states, special administrative divisions, special administrative zones, districts, townships and ward or village-tracts in the whole country.
- (b) The National Land Use Council shall issue procedures for reporting relating to land use management, improving the land allocation and land planning processes, implementation and compliance of land use policy.
- (c) The monitoring and valuation report shall be prepared based on the true and sufficient evidences from the government administrative organizations, technician organizations, farmers, civil societies and other relevant persons.
- (d) In carrying out monitoring and valuation:
- (i) it shall scrutinize whether or not it is complied and carried out in accord with the processes of land acquisition, compensation, reallocation and rehabilitation;
 - (ii) it shall scrutinize whether or not it is carried out impartial settlement on the land registration and land rights claim;
 - (iii) it shall scrutinize the cause and place of land right claim;
 - (iv) it shall scrutinize whether or not there is recognition and protection on the land use rights of ethnic nationalities;
 - (v) it shall scrutinize whether or not there is updating, making precise and true of the land allocation, maps and records and review;

- (vi) it shall scrutinize whether or not there is establishment of participatory land use processes and decentralization;
 - (vii) it shall scrutinize the situation of communication and cooperation among the relevant ministries;
 - (viii) it shall scrutinize whether or not the environmental and social safeguards are applied for the protection of illegal land acquisition;
 - (ix) it shall scrutinize whether or not granting land concession and lease are carried out in compliance with law;
 - (x) it shall scrutinize whether or not there is determination on uniform and fair land revenue rates, rates of land transfer fee and due stamp duties, and administration;
 - (xi) it shall scrutinize whether or not it is applied the participatory manner by all stakeholders on the necessary provisions land use policy, laws, rules, procedures according to the national land use policy;
 - (xii) it shall scrutinize whether or not the national land use policy is amended periodically;
 - (xiii) it shall scrutinize whether or not there is harmonization of land laws based on the national land law and this land use policy;
 - (xiv) it shall scrutinize whether or not the performances of the National Land Use Council is effective.
- (e) the finding, assessment and advices on the monitoring and valuation shall be reported to the Hluttaw, all government departments in authority and the public.

Part XI

Doing Research and Development

81. To strengthen the application of the National Land Use Policy, to be aware and well understand the land use rights by the public and to protect the public; it shall effectively cooperate with the international stakeholders, enact the national land law and test the measures adopted under this policy.

82. In the facts to be carried out in priority for doing research, capacity building, training and pilot projects contain the followings:

- (a) assessing on the actual land use by statistics and actual use of various categories of land, effectiveness for such use;
- (b) drafting of proposed participatory land use planning and how the zoning procedures are implemented the best;
- (c) essential causes to protect the land tenure rights for the women;
- (d) the best manners to approve and update the land use records and maps;
- (e) the causes to apply the dispute settlement mechanism for the land dispute and voluntary and non-voluntary dispute;
- (f) the market price data and market trend for various lands in the various areas based on actual land transfer research;
- (g) the best manners for management for the sustainable use of various lands in various areas;
- (h) the best manners for the construction of housings and infrastructures and supporting for livelihood, by private finance, in the urban areas or in the existing housings and for settlement in its vicinity for the transfer of existing land users and residents to the cities and towns;

- (i) the best manner for the approval of existing land use records and maps in the populous forests, agricultural lands, vacant, fallow and virgin lands, housing lands, and amending to complete up-to-date, be precise and correct;
- (j) suitable application of customary law to recognize the customary land use or non-registered land use claims;
- (k) selecting and application of suitable manner for land use based on the category of soil, land existence and other physical factors of the land;
- (l) drawing participatory land use map, scrutinizing and approving the existing land use rights, using information technology, as necessary, which may facilitate the obtaining and use of correct land information by the public in their vicinity;
- (m) carrying out by other suitable manners in addition to doing research and testing manners contained in the land use policy.

Part XII
Miscellaneous

83. The policy shall be reviewed, amended and updated, once in five years, to reflect the existing research based on evidences and submissions from transparent stakeholder consultation processes.

84. It shall do research and carry out tests, both in urban and rural areas, in one or more pilot projects on the precise manners relating to land use change, in the matters to draw plan based on the guidelines contained in this policy, to decide and appeal for drawing participatory land use plan, zoning and application for individual use.

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