



April 2016

GENDERED ASPECTS OF LAND RIGHTS IN MYANMAR: EVIDENCE FROM PARALEGAL CASEWORK

Namati offers this brief in the hope that Myanmar's national reforms and the implementation of the country's new National Land Use Policy can grow from the lived experience of ordinary Myanmar citizens. Namati and our partners assist farmers in Myanmar to claim their land rights through a community paralegal approach. Community paralegals are trained in relevant laws, community education, negotiation, and mediation skills to work with farmers to resolve a variety of land rights issues. Dozens of data points are documented as part of each case resolution process that illustrate how the legal framework functions in practice. It is this casework data that underpins this policy brief. Focus groups and interviews with paralegals and clients further provide qualitative context and insights.

Namati recommends actions the Myanmar government can take as part of implementing its new National Land Use Policy to help increase women's engagement in land use management and access to tenure rights. This briefing also provides recommendations for civil society organizations interested in the community paralegal model, and, in particular, in increasing the number of women paralegals in the country as a means of women's empowerment.

I. The law is equitable, but the officials who apply it are almost all men

According to the law...

The letter of the law in Myanmar is quite gender-neutral on issues related to land and property ownership.

The 2012 Farmland Law, Chapter II section 6 states that *the Township Farmland Management Body shall issue the Land Use Certificate to the following persons, after the prescribed registration fees have been paid: an agricultural household (or) member of the household; head of household (or) a member of the household.* Priority is not given to head of household over a member of the household, nor does it prioritize one gender. While cultural practice often dictates that the male head of household register the land, such need not be the case in accordance with the law. There is also an often-heard belief that the forms completed as part of this process (Form 1-7) specify that the head of the household need complete them. This is not true; under the forms' signature line, it simply says "name of applicant."

The English version of the National Land Use Policy, which passed in January 2016, outlines Equal Rights of Men and Women in Part (IX). Specifically it states in section 75 that *the new National Land Law shall provide that men and women have the following land tenure and management rights equally: a) the right to hold individual or joint landholder rights and the right to own property;... c) the right to inherit land tenure and management rights; d) the right to land tenure and management rights when a spouse dies, when property is divided, when couples divorce; [and] e) the right to participate and represent the community when making decisions in land disputes relating to land use, land transfer and land succession rights, including customary practices and systems of ethnic nationalities.* Further, it states in section 76 that *Elders, civil society and other organizations shall be encouraged to support the realization of the rights mentioned above in the paragraph 75.*

The National Land Use Policy explicitly states that the National Land Use Council shall establish Land Use Committees in each region and state, which will include women as members. While inclusion is not sufficient to ensure participation, it is a necessary condition, and a good step forward.

The National Land Use Policy also explicitly states in section 62 that *[i]n order to review and revise stamp duties, and the collection of stamp duties, the following shall be done: ... (d) Consult and negotiate with relevant ministries to amend rules and procedures in order to exempt transfers of land use rights for purposes of adding an existing land user's spouse to registration records...*

In addition to these national laws and policy, Myanmar is a signatory to the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW). As such the Myanmar government is responsible for taking active steps to eliminate discrimination against women in all its regions and divisions. Article 16 of CEDAW expressly details that this *includes the government's obligation to eliminate discrimination against women in family and home life*, which would include inheritance rights and the right to own property.

The patriarchy remains strong in Myanmar...

When trying to claim land rights, women run into a heavily male-dominated system of decision-making at each of the intra-household, community, and government institution levels. A quick snapshot of government demographics (as of March 5, 2016) reveals just how low the representation of women in decision-making bodies is in Myanmar.

LEVEL OF GOVERNMENT	POSITION	WOMEN AS % OF TOTAL
National Level Ministers	Ministers ¹	5.00%
	MPs	9.70%
State And Region	Ministers	2.37%
	MPs	12.80%
Township	Administrators	0.00%
Ward/Village Tract (Vt/Was)	Administrators ²	0.25%
General Administration Department	gazetted staff	11.00%
	non-gazetted staff	35.00%

At the local level the lack of women in government positions is striking; out of all 330 townships in Myanmar, there is not one female Township Administrator. Of Village Tract/Ward Administrators (VT/WAs)³, only 42 out of a total of 16,785 are women.

The lack of women in positions of formal decision-making authority is problematic for many reasons. A recent UNDP study on women and local government in Myanmar found that male and female local leaders emphasize different parts of their jobs. While female VT/WAs emphasize their role as problem solvers and their responsibility for development, male VT/WAs are most

¹ Daw Khin San Yi is the Minister of Education and the Minister of Science and Technology; Minister of Social Welfare, Relief, and Resettlement

² This is the number elected in 2012-2013. The second ever election for Village Tract and Ward Administrators was slated for January 2016; however, terms have since been extended until the end of March 2016.

³ Each VT/W Administrator is indirectly elected by household heads (usually men). Though technically independent from the GAD, they receive a stipend from the GAD and may be dismissed by the Township Administrator. Moreover, each is supported by a full GAD employee.

focused on their responsibility for ensuring peace and security.⁴ Given that the vast majority of these positions are held by men, this suggests a stronger overall focus on peace and security than development and problem solving. This imbalance is particularly troubling as these institutions comprise the main interface between the State and community, including on land rights. It is the Village Tract/Ward Administrator who must provide recommendations to the Township authority for land registration and all other land-related matters. The General Administration Department, which staffs the civil service from national to local level and has land administration as one of its eight remits, is also heavily balanced in favor of male leadership.

In every society, gender equality in decision-making is crucial to achieve policies that are sensitive to the different experiences and needs of men and women. While the mere physical presence of women in governance bodies does not ensure representation of women's interests per se, it vastly improves the likelihood. For example, research in India shows that the gender of government officials in specific positions affects the types of public goods they provide; namely, leaders invest more in issues directly relevant to the needs of their own genders.⁵

“At first, members of my own village didn't want to rely on me... But after a couple years, my village wanted to build a kindergarten inside of a forest area. The SLRD [Settlement Land Record Department] said that they could apply for use rights for 1.8 lakh. I told the village “I can do it for free. This is not the real fee.” This is when my village changed their minds about me.”

-Maw Ohn May, 28 year old female Paralegal in Southern Shan state

In a country where 70% of the population depends on agriculture for their livelihoods, women must be included equally as owners of land and as decision-makers of land management.

II. The current land registration process is resulting in an imbalanced distribution of legally-held land rights

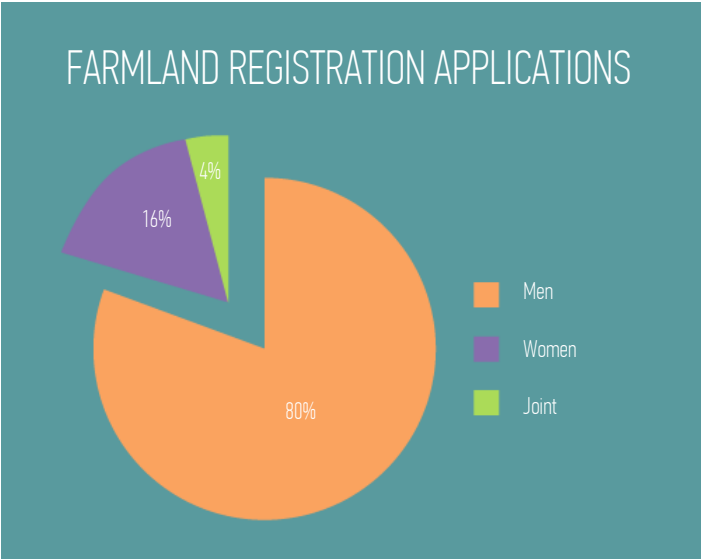
There are a number of similarities in the experience of male and female clients trying to claim their land rights.

- Men and women both report paying unofficial fees in 7% of cases.
- Men and women clients pursue the same types of cases in almost equal measure: Farmland Registration (82% of men, 79% of women); Vacant, Fallow, Virgin Land Registration (9% for both); Land Grab redress (4% men, 7% women).

⁴ Emilie Röelle, UNDP Myanmar 2015, *Women and Local Leadership*.

⁵ Raghavendra Chattopadhyay and Esther Dufló, *Econometrica* 2004, *Women as Policy Makers: Evidence from a Randomized Policy Experiment in India*.

- Male and female clients have the same drop-out rate (5.7%), i.e. in 5.7% of cases the client will stop returning a paralegal's calls before their case is complete, regardless of gender.
- Men and women each average 3 follow-up visits to government offices.



However, there are also significant differences. Most immediately striking is the different rates at which women and men seek assistance to register land - 80% of all clients approaching a paralegal for assistance with land registration issues were male. Qualitative evidence suggests that this is because it is men alone who hold most land rights in Myanmar. Eighty-seven percent of male clients are married, further suggesting that in married households, it is almost exclusively men who hold legal right to the couple's property. On average, men also claim more acres of land (on average one more acre) than women across all case types and across almost all regions⁶. As such, it is a strong possibility that the move for land registration in current practice is creating a formalized gender imbalance in land rights. This could have serious and long-term consequences for women as legal rights and claims are increasingly enforced in democratic Myanmar.

III. Joint registration is legally possible but thus far nearly non-existent in practice

Though Myanmar law does not prohibit joint registration for farmland, many farmers previously believed only the head of household (usually male) could register land. It is only the January 2016 National Land Use Policy which states explicitly that joint registration is allowed. As such, joint registration cases have comprised only a small number (4%) of our overall farmland registration cases to date. In the last year, joint registration cases have been open for approximately 330 days since date of

⁶ Mon State was an anomaly and showed women submitting higher acres per case than men; however, this has been excluded due to a very small sample size.

intake by paralegal versus 235 days for those with a single registrant, also suggesting that perhaps government institutions are similarly confused by joint applications. Moreover, the clients in only two joint registration cases have successfully received Form 7 (the Land Use Certificate) – the rest of the cases are still in process – as opposed to hundreds of successful applications with a single name.

Interestingly, the average joint registration case is for 14.6 acres versus 7.3 for single registrants.⁷ One explanation for this could be that, on average, it is only in relatively better off households (with land possession as a measure of wealth) that women are able to seek equal legal rights as their husbands.⁸

An equal partnership

Daw Tin Kyi and U Paw have a unique marriage. They decided to get married when both were single parents, raising children alone outside of Nyaung Shwe, near Inle Lake. They never obtained a marriage certificate; they had already been married and didn't think at their age it was appropriate. Together they worked hard to buy 3 acres of land, the total of their land possessions. When they heard that they could register their land, they began the complicated discussion about how to register it in a way that was fair to each of them and their respective children.

Their children had fought with each other after the marriage to the point where Daw Tin Kyi and U Paw decided to live separately but remain married and farming together. They wanted to make sure that when one of them died, both sets of children would benefit from their land. So, they asked the government if they could put both of their names on the certificate, and obtained the first joint-registration certificate in 2013 that Namati had a hand in. When asked whose house the land certificate is kept in, they laughed, "We change it to the other house every other time. That's the most fair."

IV. Land grabs harm women in unique ways, and restitution of grabbed land may privilege men

Over 15% of female clients do not have land possession documents. Among male clients, it is only 5%.⁹ This may make women disproportionately vulnerable to land grabs or land disputes (with neighbors, family members, etc.), as these documents help prove right to ownership which is necessary for both registering land and for redress in disputes.

⁷ These numbers could be skewed due to a low sample size; information on acres registered is usually only submitted to Namati once a case is closed. As the majority of joint registration cases are open, this limits the data we have to analyze. However, we find that in single and joint registration cases alike, in 10% of open cases this information is included.

⁸ This difference is striking as anecdotal evidence suggests that one of the reasons why married women register land in only their name is for the household to be able to access a greater number of loans i.e. a person can only take out a loan from the government agricultural banks for up to ten acres of land (see: <http://www.mytimahamedia.info/myanmar-agricultural-development-bank-will-loan-ayeyawaddy-farmers-for-2015/>). By registering parcels of the household land under separate individual names, this limitation is avoided.

⁹ Often these are tax receipts from previous years. They demonstrate that government recognized a farmer's right to make decisions pertaining to a specific plot of land, which can be helpful in resolving disputes.

One of the most pervasive legacies of the military's half-century rule in Myanmar is the dispossession of thousands of farming families (see: *The Return of Grabbed Land in Myanmar: Progress After 2 Years*, Namati, December 2015). While having land taken away without due process or compensation is economically and psychologically devastating to any farmer, women farmers are affected in unique ways, regardless of whether or not they are the ones who held the legal title to their family's land.

Interviews in Shan State and Ayeyarwaddy Region revealed that the day wage for a woman farm laborer is 3,000 kyats, but for men it is 4,000 kyats. Thus, when families lose their land and are forced to become day laborers, the women's contribution to the family's productivity and income suddenly decreases in real terms. This may alter the decision-making power dynamics in ways that were previously less overt. As one woman who had her family's land taken by a cement factory revealed, to feed a family of four 2 meals of low-quality rice a day costs 3,000 kyats in Ayeyarwaddy. Without a man's wage, sustaining nutrition, not to mention affording to send children to school, becomes impossible. Since being evicted from their land, the family has had to move much farther away from town, making the possibility of paying the extra transportation costs to send her sons to school past the elementary level an insurmountable hurdle..

Safety for women farm laborers also becomes a new challenge when a family or individual woman loses her land. In Ywarthar and Nan The village tracts next to Inle Lake in Shan State, 158 households collectively had 2,000 acres of land taken from them by the government in 1998 and given to a company. The company still holds 300 acres, which have been vacant and unused since 2003. Though the culpable company has finally worked with the government to provide a portion of substitute farmland, it is of such low quality that the women go to neighboring villages to work as day laborers instead of working that land. Rather than simply walking across the small dirt road that separates their village from their grabbed farmland, they now travel in a group of twelve for safety to a neighboring village.

Finally, many of the land grab cases Namati sees are collective cases involving many farmers. Once the government returns land or provides financial compensation for a case, it is then up to the community to decide how that remuneration is divided between claimants. Without formal land rights, women may be particularly vulnerable to losing out in this process.

V. Land practices vary by ethnicity; some practices may be in violation of Myanmar's new National Land Use Policy

Namati's casework suggests that widows and single women enjoy a higher average acreage of land ownership than their married counterparts. However, this also differs across ethnicity.¹⁰ Our casework and focus groups highlight a sample of differences.

Bamar: In Bamar culture, property is divided equally between all children, regardless of gender. When a spouse dies, the other inherits their property, regardless of gender. Perhaps due to this culture of sharing property, Bamar women we interviewed generally expressed less interest in joint registration or a desire to hold legal title to land than their ethnic counterparts. Those married women who did articulate a strong interest in registering their land were primarily concerned with their children's future — if they were to die and their husbands remarried, these women wanted to ensure that their children would still inherit their land.

Chin: Chin culture follows patrilineal inheritance, and women in Chin culture do not own property. This is in violation of the new National Land Use Policy and Myanmar's commitments under CEDAW. All villages in each State and Region where Namati conducted focus groups had women's committees, as required by government, but the only one where the women believed their group made a difference was in Chin. Specifically, one of their activities was providing support to widowed women who no longer had access to land due to the tradition of inheritance of property going only to male relatives. Regardless of marital status, the women interviewed expressed a strong desire to change this custom; in many instances they are the primary farmers in the household, as their husbands travel across the border to India to work as migrant laborers.¹¹

Kayah: In Kayah culture, land is given to male and female children alike, generally when they are married. Joint registration appears an attractive option. In Ho-Pa village, for example, there are 8 joint registration cases. These are all cases where the woman inherited land from her parents and is actively working to register both her and her husband's name on the land certificate. There is not a sense that holding joint registration will change the decision-making dynamics in a family, but rather it is a matter of identity and pride. "At first I wanted to register the land with just my name, because it's my family's land. But it

¹⁰ For further discussions, see: Transnational Institute, *Linking Women and Land in Myanmar*, 2016; USAID Country Profile, *Burma: Property Rights and Resource Governance*; UNICEF, *Child Focused Local Social Plan, Chin State 2014*; Gender Equality Network, *Towards Gender Equality in the National Land Use Policy*, 2014.

¹¹ The Chin are not alone; there are other ethnic communities that practice patrilineal inheritance, including in some self-administered zones. See for example Hilary Faxon, *The Praxis of Axis: Gender in Myanmar's National Land Use Policy 2015*; "Many upland ethnic minorities practice strict patrilineal inheritance," p11 or USAID "In some rural areas of Shan State, the traditions of the largely Buddhist Palaung population dictate that in the case of divorce a wife loses all jointly held property. In addition, men inherit all of their parents' property and make all decisions about the disposal of property, including the disposal of property through inheritance. Property goes to sons in the case of a husband's death or, if he has only daughters, to his brothers (WLB 2008)," p17.

made my husband feel bad, so I agreed to add his name. I don't want it in only his name, because men are very controlling. Even if I do most of the work, he will make most of the decisions." Jue Ma, Ho-pa village.

VI. When women do act to secure land rights, they are effective advocates

When it comes to accessing rights to land, the role of women in their communities is complicated. Based on Namati's community education data, between 2014 and 2015, 10,333 people attended community education sessions led by our paralegals. In 2015, one third of attendees at community education sessions were women. Female attendance does not appear to correlate with paralegal gender, and community education groups are held at different times of the day.

"She speaks better than I do"

U Myint Swe had been farming 6 acres of land in Ayeyatharya, Shan State when it was grabbed in 1999 by a company. In 2008 it was released, but instead of giving it back to U Myint Swe, the new Village Administrator took the land and sold it to another farmer.

U Myint Swe's daughter, Ma Yie Yie Moe, became motivated to try to use the law to get her family's farm back when she read in a journal that the government is giving land back [Farmland Investigation Committee]. Over the past two years, Ma Yie Yie Moe has gone to work on this case with various government offices over twelve times, all the way up to sending a letter to Nay Pyi Daw. She estimates that in the past two years, she has devoted at least one or two days per month to working on her father's case. Her five brothers and sisters must work full time as tenant farmers to make a living for their families so they cannot help on the case. It is up to Ma Yie Yie Moe.

The Village Administrator wants her to forget about the case and has negotiated and offered 50 lakh to do so (one acre of land in the area sells for 50 lakh). The current farmer wants her to forget about the case as well; "There is no point in continuing the case," he told her. "I have already paid the SPDC [State Peace and Development Council] in Nay Pyi Taw 36 lakh to side with me."

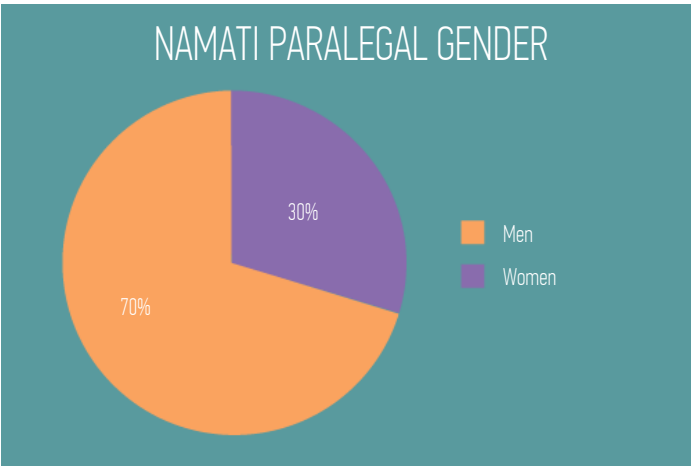
Most recently, the government offices have barred her from joining meetings between them and her father. "It's because Ma Yie Yie Moe speaks better than I do. She is always correcting things I say in front of them or telling me what not to say. They don't want me to have her help," said her father. Ma Yie Yie Moe, U Myint Swe, and the paralegal working with them agree. Ma Yie Yie Moe still goes to each meeting with her father, but now she must wait in the hall while this 66 year old farmer tries to regain his rights on his own.

Nevertheless, paralegals, women clients, and male clients who have the assistance of a female family member on their case all report that women are better than men at working with government, communicating the issues of the case, and following-up. Interviewees suggest that this is because women are better at communicating (often times in Burmese, which is not their

first language) and because government officials feel paternalistic towards women and want to help them, whereas they do not feel the same sense of duty to male members of the community. This may be supported by our paralegal data, which shows that cases with women clients get resolved in an average of 110 days, versus 145 days for male clients. Women also average fewer follow-up visits with paralegals than men.

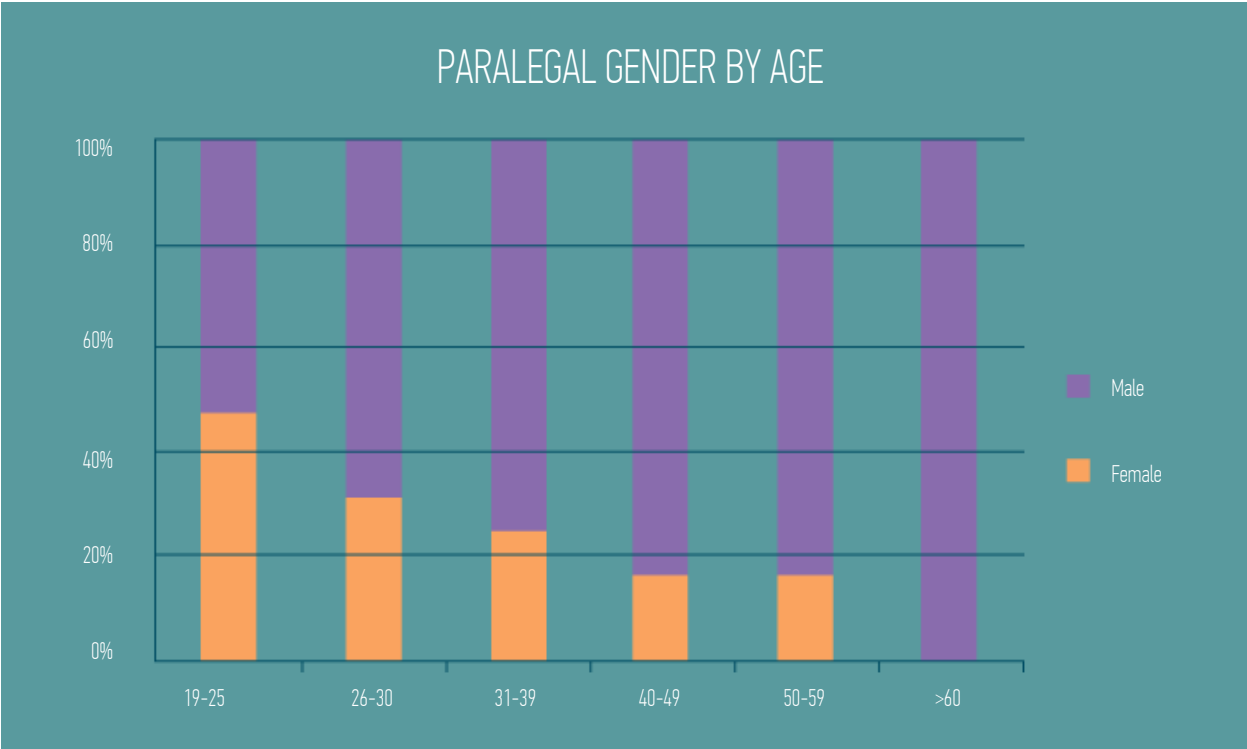
VII. Women paralegals can be a powerful catalyst, but organizations need to address the distinct challenges they face

Namati employs a community-based paralegal model. Each paralegal must be from the area in which he or she works, and each is assigned a target area, generally covering a 2-3 hour radius from their home. The paralegals are expected to visit each village in their target area 2 or 3 times per month (depending on availability) to conduct community education sessions, interview clients on cases and land issues, and provide assistance such as advice or accompaniment to government offices to follow up on cases.



Two specific challenges arose for women paralegals in this model:

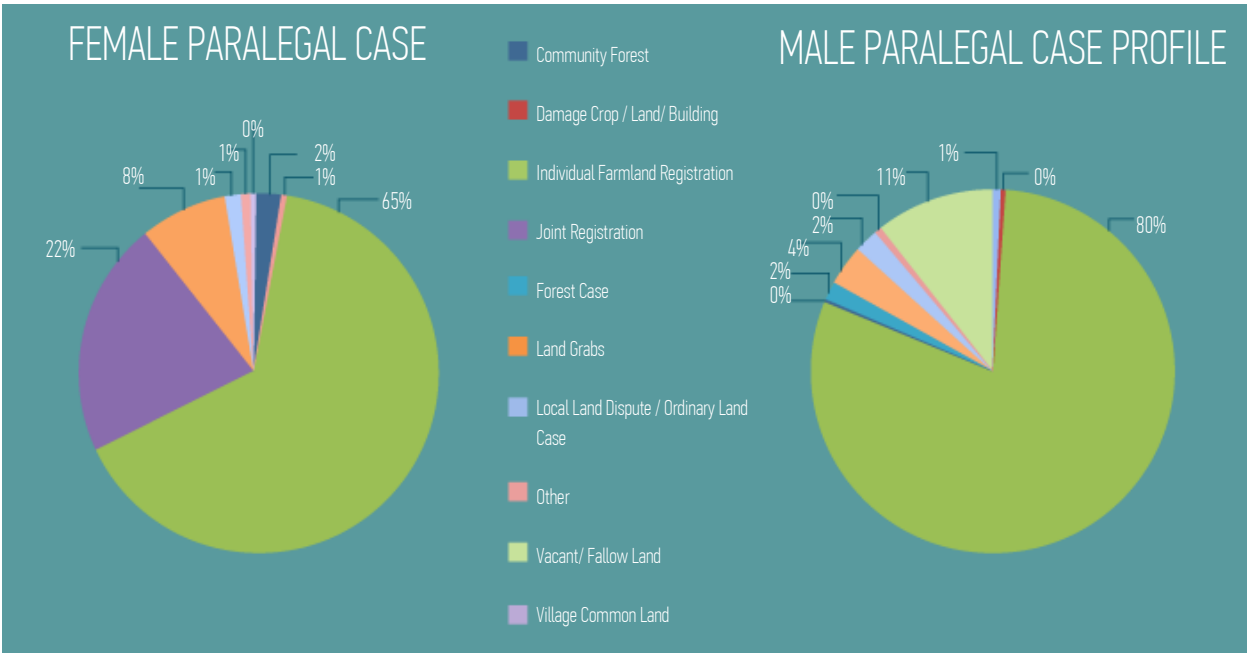
One concerns women's role in the Myanmar household. As a group of young (18-26 year old) women paralegals in Sagaing said, "No, being a paralegal once we are married would be impossible. There are too many duties at home." While we do have some women paralegals between their late 20s and early 40s, the majority of our female paralegals are younger, without husbands or children. Interestingly, however, over the lifetime of Namati's Myanmar work, the dropout rate for male paralegals has been 20%; for women it is only 4%.



The second challenge relates to security. Most female paralegals have difficulties with transportation due to security concerns and long distances while travelling to clients’ areas. They have to use different types of transportation based on their location such as by foot, motorbike, boat, car, etc. Most female paralegals travel alone if it is urgent and necessary for cases. However, they strongly prefer to travel together with junior female paralegals or male relatives. In our usual model, paralegals don’t have a supporter (paralegal assistant), and so often a brother or husband will accompany a female paralegal when he’s available. However, this is not a sustainable employment model, nor is the male relative being compensated for his time by Namati or by our partners. Traveling with a male non-relative is also problematic given cultural norms. As such, the majority of female paralegals, when given the choice between keeping their full salary or sharing it with a female supporter to accompany and work with them, strongly prefer the latter.

Despite these challenges, women paralegals can be powerful catalysts for women’s empowerment and furthering women’s access to formal land rights

Our two successful cases of joint land registration — one by two brothers, and one by an informally married man and woman - were overseen by a male paralegal who was also a part of the Township Land Management Body at the time. In the latter case, it was the couple themselves who came up with the idea to jointly register their land. Otherwise, the remaining 93 joint registration cases have all been under the supervision of several different female paralegals in Bago, Sagaing, and Shan State. Many female paralegals responded that they believe women’s rights are very weak in Myanmar but joint registration of land is a concrete way to empower women, and so they strongly encourage their clients to pursue this option.



Many female clients also spoke of the unique way that working with a female paralegal and seeing these women take on non-traditional gender roles has helped them stand up for their own rights.

“Before the case I was afraid to even go outside. Now I am a leader.”

Daw Mya Than is a 60 year old widow and lives with her mother and four children near Kalay, in Sagaing. In 1996 her land, along with the land of 29 other households, was grabbed by the military. In 2014 with the help of paralegal Myint Myint Sein, Daw Mya Than and the other clients learned about their land rights and started trying to get their land returned. When Shwe Mann visited Kalay, Daw Mya was the one who presented the case to him in front of the community town hall. Both U Shwe Mann and Member of Parliament U Tin Hlaing were there and promised the land would be returned.

But their case just isn't moving forward. Finally, in June 2015 the clients were invited to meet with the military. They told Daw Mya that the land would not be returned, nor would there be compensation for the land, which is close to Kalay town and has high value.

Though the case remains open, Daw Mya speaks with a lot of pride about the work she has done so far and the new leadership role that this case has earned her in her community. “Before the case, I was not a leader. I was afraid to even go outside. But with the land case I have become very involved...seeing a woman be a paralegal and teach us about land rights and talk to government officials showed me that I can do it too.”

VIII. Recommendations for Government

- 1. The government should provide training and build awareness of women’s rights within and among the offices that most directly interact with communities – specifically, Township and Village Tract/Ward – including on the right of women and men to jointly register their land.** The National Land Use Policy explicitly recognizes the right to joint landholder rights. The Farmland Registration Act remained neutral on the issue, and while some Township Land Management bodies have accepted ultimately successful applications, 98% of our joint registration applications (a small percentage of our total registration efforts) remain unresolved. Training should focus on making land administration officers at all levels more receptive to joint registration.
- 2. The government should fund legal literacy campaigns as one method of upholding commitments in the new National Land Use Policy and in CEDAW.** The Myanmar government recognizes 135 distinct ethnic groups, each with its own customs and traditions. The government firmly acknowledges in Part IX of the new National Land Use Policy that women and men hold equal land tenure and management rights. As a member of CEDAW, the Myanmar government is responsible for taking active steps to eliminate discrimination against women in all its regions and divisions, including in family and home life. Yet Namati’s experience shows that there is a large gap between policy and practice surrounding women’s land rights in Myanmar – namely, (75a) right to hold individual or joint landholder rights and the right to own property and (75c) right to inherit land tenure and management rights. Without an ability to read and gain further legal knowledge, customs prevail that might otherwise be discussed and challenged when vulnerable groups are armed with the support of the law. As Namati’s experience shows, once women are aware of the possibility for jointly registering land, many women are keen to do so. A higher rate of joint applications from women paralegals suggests that demand is likely responsive to these paralegals’ focused education efforts.
- 3. The new Technical Advisory Body of the National Land Use Council, and the Land Use Committees at all Regions and States, should have guaranteed seats for female members.** The 1995 Beijing Framework for Action, which was endorsed by Myanmar, sets a target of 30% women in decision-making positions. Currently only 42 out of 16,758 (less than 1%) of Village Tract/Ward Administrators are women. The Village Tract/Ward Land Management Committee is the first entity to receive Form 1 from a registration applicant, and then must provide a recommendation for the application and submit it to the Township SLRD. Including more women formally in land governance institutions may help increase access to land rights for women.
- 4. The government should specify that return of grabbed land should be done in a way that respects women’s land rights.** For example, when returning land to individuals, the government office should make the claimant aware that it is possible to add a spouse’s (or other) name to a new certificate.

5. **The government should recognize paralegals as a cost-effective way of empowering communities.** The 2016 National Land Use Policy (Part VI.41d) “allow[s] civil society to provide legal aid and acquire necessary information for use in land disputes.” Namati’s experience demonstrates the paralegal model to be an effective way to provide legal aid assistance in land cases, and, through employing female paralegals, to directly and indirectly improve women’s empowerment in Myanmar.

6. **The inclusive, participatory process for local land use planning envisioned by the new National Land Use Policy is an opportunity to integrate equitable gender principles into local rules..** District land use committees should be empowered to deliberate the best way of incorporating and implementing gender equity in light of local culture and context. Government should proactively ensure that local land use plans are compliant with the gender provisions of the NLUP before being formally adopted.

IX. Recommendations for Civil Society

1. **For those organizations starting to implement mobile paralegal programs, women should be actively recruited and alternative work models allowed.** Namati’s experience, for example, shows that permitting women paralegals to partner together can overcome the serious security and cultural perception concerns that female community paralegals face. Part-time work may also be an option for recruiting a larger number of women with families.

2. **Publish and share innovative practices — both what has worked and what hasn’t.** The field of paralegals is still new in Myanmar, and the country is experiencing a surge in organizations supplying legal empowerment and access to justice services. We encourage practitioners to share their experiences of what works and doesn’t work well to engage women as leaders in local governance and access to justice.

3. **Emphasize the legal grounding for women’s land rights in Myanmar and strive to serve female clients.** Rural communities in Myanmar continue to lack legal knowledge, including as it relates to land rights. Without legal knowledge, customs prevail that might otherwise be discussed and challenged when vulnerable groups are armed with the support of the law. Once women know what is permissible and possible, they may make the effort to jointly register land with their husbands, thereby providing secure tenure for themselves and their children.

X. Methodology

The quantitative data set analyzed for this brief was compiled by Namati’s network of paralegals between August 2013 and January 2016 and based on land issues they handled in their role as community paralegals. These community paralegals are

present in a limited number of townships in each state and division in which Namati works and take on cases as requested by clients. As such, this dataset does not benefit from either full coverage or randomization. It should not be considered comprehensive or representative of all issues related to women and land rights in Myanmar. Rather, it provides a snapshot of people who are actively trying to make use of Myanmar's laws and contains qualitative and quantitative information for over 3,000 land cases. For the purposes of this brief, we primarily focused on 2,315 cases for which we have the most comprehensive data. For each case these paralegals documented over six-dozen data points. They are also intimately aware of the qualitative information surrounding each case, the community members involved, and the bureaucratic processes, as they work full time as community paralegals.

Female paralegals were also interviewed, and focus groups were held with female clients in Chin State, Shan State, and Sagaing Division. When possible, focus groups of women were conducted without the presence of any men; in half of focus groups, one male Namati staff member was present as a translator. In cases where at least one male community member was present, even after the purpose of the meeting was explained and the men asked not to speak, they consistently interrupted to contradict what women interviewees said or to suggest that the women's accents could not be well-understood and needed their guided translation.

XI. About Namati

Namati is an international NGO focused on legal empowerment. In a world where 4 billion people live outside the protection of the law, Namati is dedicated to putting the law in people's hands. Namati is building a movement of grassroots legal advocates, also known as "community paralegals", who work with communities to bridge the gap between the written law and its practical application in everyday life. Namati has worked with over 40,000 active clients in eight countries to protect community lands, enforce environmental law, and secure basic rights to healthcare and citizenship. Namati draws on that grassroots experience to seek large-scale structural reforms in the law itself and in the institutions through which law is applied.

Namati established a program and office in Myanmar in early 2013, with an exclusive focus on land rights (registration, re-classification, and land grabs). Between August 2013 and October 2015, in partnership with a Myanmar non-governmental organization, Civil and Political Rights Campaign Group (CPRCG), Namati trained and supported a network of 30 paralegals serving farmers in parts of seven states/divisions: Bago, Ayeyarwaddy, Kayah, Magwe, Mon, Sagaing, and Shan. Since then, the Myanmar Program has grown to a network of 91 paralegals with the addition of 5 new local partners: Upper Chindwin Youth Network, Than Lwin Thit Sar, Green Peasant Institute, Share Mercy, Human Rights Watch and Defense, in addition to an advocacy partnership with Land Core Group.

XII. Acknowledgements

Caitlin J. Pierce, Namati's Myanmar Program Officer, and Nant Thi Thi Oo, Namati's Myanmar Program Associate researched and authored this brief. The authors may be reached at caitlinpierce@namati.org and nantthithioo@namati.org. Vivek Meru was lead editor for this brief, and other Namati team members assisted with fact checking and editing, in particular Nyi Nyi Htwe, Tim Millar, and Laura Goodwin.

With many thanks to the following paralegals for providing information for this brief, alongside their tireless work to support Myanmar communities in claiming their land rights: Win Sandar Htwe, Mai Khin mar Yee, Maw Maw San, Ma Oo, Yie Yie Win, Mai Nilar Aye, May Thazin Phoo, Zin Tha Hnem, Khin Myint Aye, Chan Nyein Aye, May Shine Han, Myint Myint Sein, Maw Ohn May, Nang Marlar Thein, Aung Myat Soe, Tun Tun Myint. And finally, to Saama, of Khul Da Chin Village, for her gracious hosting and exemplary passion and leadership for the challenges her community faces.