National Land Use Policy (2016)

Exerpts on National Land Law Formulation

6 March 2016
Land Core Group
Part (I)
Objectives and Principles
Chapter (I)

Objectives

1. The objectives of the National Land Use Policy are as follows:
   (a) To promote sustainable land use management and protection of cultural heritage areas, environment, and natural resources for the interest of all people in the country;
   (b) To strengthen land tenure security for the livelihoods improvement and food security of all people in both urban and rural areas of the country;
   (c) To recognize and protect customary land tenure rights and procedures of the ethnic nationalities;
   (d) To develop transparent, fair, affordable and independent dispute resolution mechanisms in accordance with rule of law;
   (e) To promote people centered development, participatory decision making, responsible investment in land resources and accountable land use administration in order to support the equitable economic development of the country;
   (f) To develop a National Land Law in order to implement the above objectives of National Land Use Policy.
Part (IV)

Grants and Leases of Land at the Disposal of Government

33. In order to address the problem of land monopolization and speculation, the following shall be included in the National Land Law and land administration system:

(a) Defining the maximum size limit for grants or leases of land that is at the disposal of government;
(b) Defining the limits based on the capacity of individual companies;
(c) Suspending the land use rights on lands that are in dispute;
(d) Defining prohibitions relating to land monopolization and speculation, so that the case can be taken to court;
(e) Allowing local communities and experts to participate in dispute resolution and prevention;
(f) Conducting free, prior, informed, consent and ESIA's.
(၃) အချက်အလက်များကို စိတ်လှုပ်ရာသီးသားများစွာ ကြည့်ရှုရန် သည်
ကျင်းပွဲများကို ပြုပေးရန် အသုံးပြုနိုင်သည်။

(၄) ပျဉ်းသြားရာတွင် စိတ်ဝင်စားသူများကို သိမ်းထားရာ ဗုဒ္ဓ
ပြုစုများကို အချိန်အားဖြင့် ပြည်သူများကို အပေါ်သော အာရုံမှ အကြောင်းအရာများကို ပြုစုရန် အသုံးပြုနိုင်သည်။

(၅) အချက်အလက်များကို စိတ်ဝင်စားသူများကို သိမ်းထားရာ ဗုဒ္ဓ
ပြုစုများကို အချိန်အားဖြင့် ပြည်သူများကို အပေါ်သော အာရုံမှ အကြောင်းအရာများကို ပြုစုရန် အသုံးပြုနိုင်သည်။

(၆) အချက်အလက်များကို စိတ်ဝင်စားသူများကို သိမ်းထားရာ ဗုဒ္ဓ
ပြုစုများကို အချိန်အားဖြင့် ပြည်သူများကို အပေါ်သော အာရုံမှ အကြောင်းအရာများကို ပြုစုရန် အသုံးပြုနိုင်သည်။

(၇) အချက်အလက်များကို စိတ်ဝင်စားသူများကို သိမ်းထားရာ ဗုဒ္ဓ
ပြုစုများကို အချိန်အားဖြင့် ပြည်သူများကို အပေါ်သော အာရုံမှ အကြောင်းအရာများကို ပြုစုရန် အသုံးပြုနိုင်သည်။

(၈) အချက်အလက်များကို စိတ်ဝင်စားသူများကို သိမ်းထားရာ ဗုဒ္ဓ
ပြုစုများကို အချိန်အားဖြင့် ပြည်သူများကို အပေါ်သော အာရုံမှ အကြောင်းအရာများကို ပြုစုရန် အသုံးပြုနိုင်သည်။

Part (V)
Procedures related to Land Acquisition, Relocation, Compensation, Rehabilitation and Restitution

40. When amending or newly enacting relevant laws, rules and procedures, they shall be in conformity with National Land Law and based on the following:

(a) Public participation management processes and fair, equitable and systematic procedures shall be defined;

(b) Shall define measures to prevent and control corruption, and misuse of power, by assigning qualified persons capable of carrying out matters relating to land use in a fair and correct manner in accordance with law;

(c) Shall describe effective, consistent and fair valuation system when providing compensation and relocation for people affected by land acquisitions;

(d) Shall conduct necessary rehabilitation in order to ensure maintenance of livelihoods for people affected by land acquisitions, even though compensation and relocation has already been carried under sub-paragraph (c);

(e) Shall define the time period for conducting matters defined in sub-paragraph (c) and (d);

(f) If affected persons want to invest in the project, it shall be allowed.
Part (VIII)
Land Use Rights of the Ethnic Nationalities

64. Customary land use tenure systems shall be recognized in the National Land Law in order to ensure awareness, compliance and application of traditional land use practices of ethnic nationalities, formal recognition of customary land use rights, protection of these rights and application of readily available impartial dispute resolution mechanisms.

69. Provision in the new National Land Law relating to reclassification of customary land and land tenure rights of ethnic groups shall be the protection against grants or leasing of land at the disposal of government allowed under any existing law.

70. Reclassification, formal recognition and registration of customary land use rights relating to rotating and shifting cultivation that exists in
In order to resolve disputes related to land use of ethnic groups, ethnic customary land dispute resolution procedures currently used shall be defined in the new National Land Law, and the respected influential representatives from the ethnic groups shall participate in dispute resolution decision making processes.
Part ( IX )

Equal Rights of Men and Women

75. In accordance with the Convention on the Elimination of all Forms of Discrimination Against Women, and the Constitution of the Republic of the Union of Myanmar, 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;
(b) The right to land allocation and land management in accordance with law;
(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 and when couples divorce;
(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;

(f) The right to participate and represent the community in relation to land acquisition, compensation, relocation, rehabilitation and restitution;

(g) The right to participate in land information collection, land monitoring, land evaluation and land assessment;

(h) The right of ethnic nationality organization members to formally recognize, register and protect their customary land use rights, regardless of marital status.
Part (X)
Harmonization of Laws and Enacting New Law

77. (a) A new National Land Law shall be drafted and enacted, using this National Land Use Policy as a guide for the harmonization of all existing laws relating to land in the country.

(b) When drafting the National Land Law, the public participation and consultation process contained in this Land Use Policy shall be used.

(c) When drafting the National Land Law, the consultation process and key procedural steps shall be implemented as follows:

(i) In order to inform the public, government departments, civil society, farmers and other stakeholders, down to the grassroots level across the country, about the purpose and process of drafting and implementing the National Land Law, public consultation events and other appropriate methods shall be used;
(ii) When drafting the National Land Law, take into consideration experiences of countries in the region and around the world, the unique characteristics of the country, issues being faced, and the interest of those using land and natural resources in the country, then inform the stakeholders and public, including media, through consultation events and other means, so that they may provide feedback;

(iii) Allow participation of all stakeholders when conducting the national level workshops on the draft National Land Law;

(iv) Finalize the draft National Land Law and submit to the Pyi Htuang Su Hluttaw (Upper House).

Part (XI)
Monitoring and Evaluation

78. (d) (xiii) Assess and analyze whether existing laws relating to land are harmonized based on the National Land Law and this National Land Use Policy;
Part (XII)

Research and Development

83. Research findings and results shall be incorporated when reviewing, revising and approving new or existing National Land Use Policy, National Land Law, and other related polices, laws, regulations and procedures.
(၁) အခြားကာကွယ်ရေး အပေါ်တွင် အသိပေးချက်များ အားလုံးအား အသိပေးချက်များ အားလုံးအား အသိပေးချက်များ အားလုံးအား အသိပေးချက်များ အားလုံးအား အသိပေးချက်များ အားလုံးအား အသိပေးချက်များ အားလုံးအား အသိပေးချက်များ အားလုံးအား အသိပေးချက်များ အားလုံးအား အသိပေးချက်များ