



မြေယာမဏ္ဍိုင်အဖွဲ့  
Land Core Group

# Study of Upland Customary Communal Tenure in Chin and Shan States

Outline of a Pilot Approach towards Cadastral Registration of Customary Communal Land Tenure in Myanmar

2014 December unpublished / updated and published Sep 2015

Kirsten Ewers Andersen



**L**ivelihoods and **F**ood Security **T**rust **F**und





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## **ABBREVIATIONS**

FD	Forest Department
CCVfV	Central Committee for the Management of Vacant, Fallow and Virgin Land
CF	Community Forestry
CFUG	Community Forestry User Group
CPR	Common Property Resources
CSR	Corporate Social Responsibility
FAB	Farmland Administration Board
FDI	Foreign Direct Investment
FIG	Fédération Internationale des Géomètres (International Federation of Surveyors)
FPIC	Free Prior and Informed Consent
FSWG	Food Security Working Group
GAD	General Administration Department
IDP	Internally Displaced Persons
IP	Indigenous Peoples
KNU	Karen National Union
LULASC	Land Use and Land Allocation Scrutiny Committee
LCG	Land Core Group
MOAI	Ministry of Agriculture and Irrigation
MOECF	Ministry of Environmental Conservation and Forestry
NLMA	National Land Management Authority (Lao PDR)
NPT	Nay Pyi Taw
PLUP	Participatory Land Use Planning
SALT	Sloping Agricultural Land Technology
SEZ	Special Economic Zones
SLORC	State Law and Order Restoration Council
SLRD	Settlement and Land Records Department
SPDC	State Peace and Development Council
TNI	Transnational Institute
VFV	Vacant, Fallow and Virginia (Land Act)
WFP	World Food Programme

## **Executive Summary**

The research on customary communal tenure in Chin and Shan States was carried out through two short site visits during 2013-14 by one international and three national researchers in the two states. The Land Core Group with LIFT funding was the sponsor of the study with support from its partners GRET in Chin State and CARE in Shan State. The study concentrated on two pilot villages in Northern Chin State, Haka township and two pilot villages in Northern Shan State, Lashio township. These villages agreed to take part in the study. None of these villages hold registered title to their agricultural land.

The objectives of the study were to identify legal ways using the Farmland Law 2012 and Association Law 2014 to protect through land registration the untitled agricultural uplands, including the fallows of upland shifting cultivation that are possessed by ethnic nationalities that manage their lands under customary communal tenure. The risk of possible alienation of the fallows through agribusiness concessions posed by the Vacant, Fallow and Virgin Lands Management Law, 2012 (VFV) spurred the study. Customary communal rights in Myanmar are enforceable by customary law in areas, where no outside interference takes place. In the future it may be given a legal backing in statutory law, if the intentions of the draft Land Use Policy of mid 2015 are operationalised ensuring equity in access to land and protection of upland cultures and livelihood.

Customary land management of rotating fallow agriculture or shifting cultivation constitutes land management at the landscape level. It secures preservation of cultural identity and in most places it establishes access rights of all resident villagers to shares of the land and leaves no one landless. Rotational fallow management is an institutionalized resource management technology at a species, ecosystem, and landscape level, ensuring ecological security and food security and providing a social safety net. Fallows are important for wildlife and biodiversity, for production of non timber forest products, for watershed hydrology, and for carbon sequestration. Communal tenure can provide security of tenure as well as the institutional mechanisms for future sustainable land use planning and climate change mitigation initiatives.

The study has focused on cultivated and fallow land in the uplands. It did not include a study of customary communal tenure of forests and grazing lands. A customary land registration of these ecosystems so far would need to be pursued under different laws. The study has covered only the customary communal tenure of rotating fallow agriculture in Chin State and the more permanent land combined with shifting cultivation use in Northern Shan State. A major limitation of the study has been the fieldwork's short duration.

The theoretical basis for the study of customary common property is the approach defined by the late Elinor Ostrom in the 1980s and carried forward by a global academic and practical debate since then. Communal tenure represents a bundle of rights that are enforceable by customary law and, if registered with cadastral mapping, by statutory law. The steps required for a pilot registration of customary communal tenure in Myanmar are in the present study based on the experience in other countries in the region, e.g. Cambodia and the Philippines. These countries have legislation that respects customary communal land tenure and support cadastral registration of the community's communal land parcels in the name of the community.

The LCG and the researchers identified in 2013 the Farmland Law of 2012 as a possible instrument for communal tenure land registration under statutory law, if the community could be seen as an ‘organization’ or ‘association’ with reference to Article 6 (b) of the Farmland Law. In this article an organization/association is seen as a right-holder of land title. A step towards communal land registration would be, if the community based on own Statutes incorporated legally under the Association Law 2014 (and its future Rules). It could then approach the Settlement and Land Records Department (SLRD) with a request for land titling of its common property parcels with reference to the Article 6 (b). There is, though, still a hitch in the Farmland Law 2012. The Rules under the Farmland Law, Article 116 advocate abolition of shifting cultivation or rotational fallow farming, but recently the 2015 draft National Land Use Policy (NLUP) article 27 and 51 recognize shifting cultivation land as subsistence agriculture.

The steps towards customary communal land registration include a call for clearly defined boundaries of common property land parcels, for the effective exclusion of external parties through clear definition of the right-holding body and it calls for internal mechanisms of sharing the resources (appropriation rules or Internal Rules). The clear definition of the right-holding body in the form of an association or organization with membership rules represents the ‘collective choice arrangements’ in the theory of common property indicating that the body makes collective choices according to rules it has established. Statutes deal with modes of decision making, the role of an elected land caretaker committee, and the relationship to the outside world.

The present study has termed the mechanisms for such arrangement as Statutes. Village Statutes have been developed with the communities in the study as the legal basis for the potential submission of a request to the General Administration Department (GAD) asking for recognition of the village’s families as constituting a legal entity, an ‘organization’ or ‘association’, with reference to the Association Law 2014 and Rules (2016?). Statutes developed with the communities would allow the community to incorporate legally as one body or association. This body would become *the* right-holder identified in the cadastral land registration of the parcels making up the common property. The cadastral survey of all the land parcels, including the fallow land, inside a declared adjudication area will put surveyed parcels in the Registry Book in the name of the incorporated community – like in Cambodia.

The Statutes do not as such deal with the customary details of how to share the common property in day to day life. Therefore, alongside the Statutes, the specific customary Internal Rules of the village’s common property management were recorded by the researchers. These are the rules for, for instance, the annual sharing and allocation of the land plots in a rotational fallow upland agricultural system as we find in Chin State. These Internal Rules signify community-based property rights, which derive their authority from the community as a whole and its leaders. The Internal Rules are very specific to each village depending on its resource endowment, history and kinship system.

The recording of existing Internal Rules represents a clear articulation of the specifics of the village’s customary communal tenure. They are the basis for equity and access to land for all resident villagers. Most often the rules ensure equity for all households living in the village but,



in some places, e.g. Southern Chin, we find particular clans claiming priority and asking for resource rent from fellow villagers against lending out land. While these rules are also customary, the study did not include these villages among the pilots as the 'land-owners' did not want to join and put their land claims to communal management.

In the Northern Chin villages the research recorded two villages' Internal Rules for how the land of a specific mountain side or *lopil* in a given year would be divided into plots that were allocated internally among families by lottery for their land clearance. A village may have 15-20 different *lopils* in its territory that are used in a ten year rotation. The configuration of rights to specific plots inside in different *lopils* has historical roots providing ancestral claims to some families, but the system in Northern Chin ensures that no one gains at the expense of others and every family resident in the village was guaranteed land. No one can sell or give land outsiders, but if an outside family comes to live permanently in the village it is guaranteed land.

The Shan pilot villages, in contrast to the Chin villages, have far less land and many of its land parcels are under permanent cultivation, including irrigated paddy land claimed by different families. Despite holding permanent internal claims, a claimant cannot sell land to outsiders. If a claimant leaves the village then his or her land, according to the village's recorded Internal Rules, returns to the common pool for redistribution, including irrigated paddy land. Like in Chin state, occupancy in the village is the prime criterion for access to land. Thus, in Chin as well as in Shan, if an outsider moves into the village the family would be provided with land - one way or another.

While the Internal Rules have existed as customary norms since long, the Statutes did not exist and the researchers brought along draft Statutes to the villages in order to start a discussion and amend the articles of the draft Statutes based on villagers' comments. The Statutes and the recorded Internal Rules are found in the Annexes.

All four pilot villages wanted to register the village's agricultural land, which includes fallow land as well as irrigated paddy land, under communal tenure being a single ownership of all the registered parcels of the common property to safeguard their lands. This includes also those families in the Shan villages who theoretically could obtain individual tenure with the SLRD. All villages have had copies of the developed Statutes and the recorded Internal Rules for scrutiny and possible amendments, clarifications or deletion.

While land registration requires clear identification of rightholders the cadastral surveys require agreement on clear boundaries of the parcels that make up the common property, e.g. all village land under shifting and permanent cultivation including the fallow land. Clear boundaries are the basis for registration of property. The LCG facilitated the company Gmap to carry out GPS surveys of the agricultural land, including fallows, of the four communities by end 2013-start 2014.

In the preliminary survey by Gmap in Chin State a number of yet unsolved land mapping constraints were noted characteristic of shifting cultivation land, namely the variation of how much land is put to actual cultivation in any given year. The constraints were found in the at-

tempt to align the larger width of the named *lopil* blocks in the landscape with the actual total width of the total size of land plots within the *lopil* that in fact are put to swidden in any given year reflecting, among others, labor availability that year. Preliminary mapping should serve as a means to negotiate with the villages as to how much land in each *lopil* it is possible to include in a cadastral legal registration of an *agricultural* communal tenure as not all *lopil* land should be feature in a cadastral index map if not ever cultivated.

There is as yet no legislation in Myanmar for a cadastral registration of communal tenure of agricultural land, but the draft National Land Use Policy of mid 2015 includes an endoresement of customary tenure. The only other group tenure arrangements found in Myanmar's legislation are the Community Forestry (CF) Instructions 1995. However, provision of a CF certificate would not be equivalent to a full titling of all the incorporated village association's agricultural land parcels under customary communal tenure.

In terms of policy context for the study the researchers did not have access to the 5<sup>th</sup> draft Land Use Policy until November 2014 and the 6<sup>th</sup> draft until June 2015. Waiting for these drafts and waiting for corrections to figures from Chin has postponed the publication of the report. The study has reached the stage by second half of 2015, where a preliminary mapping and participatory land use planning can be initiated to identify claims of all stakeholders, including private claims (on terraces or orchards) within the swidden *lopil* blocks in, for instance, Chin State linking the preliminary mapping to the customary management system and customary communal rightholders. This seems a different exercise from the Government initiative of One-Map project starting 2015 that focus on collection of land data overall but not on registered (customary) ownership of collected data. Land data collection and mapping have no legal validity if there is no adjudication, cadastral survey and land parcel registration.

By September 2015 the details of the suggested pilot approach have not yet been subject to professional technical comments or discussion with land administration specialists. A brief presentation was undertaken at the *National Dialogue on Customary Communal Tenure* in Naypyitaw, February 2015. SLRD and ongoing land mapping and land administration projects should be consulted for comments soonest. By 2016 a new Land Resource Law and its associated Rules may be prepared so the actual cadastral registration of customary communal tenure can be carried out if technicalities in the Rules are in place.

In addition to land administration specialists, the GAD should be consulted on the development of the Rules of the Association Law to identify ways and means for a community to go about legal incorporation as a *special local association that owns parcels of agricultural property in common*. The Association Law does not cater specifically to this. Approaching GAD would give the study opportunity to provide inputs to the Rules to be formulated under the Association Law so that the next steps can be taken with the four pilot communities.

# 1. Customary and Statutory Frameworks of Land Tenure in Myanmar

## *Background of Research*

Most land in Myanmar, in particular in the uplands, is not titled. Only 15 percent of farmers have land use certificates and around 30% - 50% of rural families - dependent on region - are landless and work as casual labour in agriculture.<sup>1</sup> If we look at Chin and Shan states, where the present research has taken place, few titles and maps are found in the cadastre. Communities practicing rotating fallow farming systems or shifting cultivation have no titles although most of this untitled agricultural land has been used by farmers since long.

This is a concern, because secure control of land is the basis of livelihood as well as power and influence today. Present day governments in S. E. Asia wish to retain as much land as possible under their control based on the eminent domain of the state. In comparison, if we go back centuries, it was not land, but labor that the Southeast Asian kingdoms needed to maintain the upkeep of the courts. Back then prisoners of war were transported back and forth between kingdoms, settled and forced to produce for the court.<sup>2</sup> Focus shifted with time, though, and for more than a century now the so-called *wastelands* have been of persistent interest to the governments. The British in Burma passed “Rules for Grant of Wasteland” dating back to 1861, but these wastelands were in the lowlands and not in the upland Frontier Regions. Under the Viceroyalty of Lord Canning, the government asserted its ownership by enacting laws such as the *Waste Land (Claims) Act* of 1863. In this way the British made use of the concept of Waste Lands as an economic classification, with the ultimate goal to bring more of the country’s natural resources and agricultural products into the fold of capitalism, and therefore be controlled and taxed by the British colonial apparatus.<sup>3</sup>

More than 100 years later in 1991 the State Law and Order Restoration Council (SLORC) established a *Central Committee for the Management of Cultivable Land, Fallow Land and Wasteland*. Two years later in 1993 this committee issued the *Wasteland Instructions* in order to promote agribusiness for export production turning land into capital. Twenty years later, by 2012, when the reform period had started under President Thein Sein, the *Vacant, Fallow and Virgin Land Management Law* (VFV Law) was passed, as well as the *Farmland Law*. The VFV Law allows the government to classify, for instance, untitled fallow land as vacant wasteland and put it to whichever purpose it wants. The Central Committee for Vacant, Fallow and Virgin Land (CCVFV) determines whether land is unused and vacant. Because it is untitled, it can be considered vacant and granted as concessions to business interests for the establishment of commercial plantations of rubber, oil palm or cassava. This clearly poses a risk to the fallows of the ethnic upland communities practicing rotating fallow *taungya* farming systems (shifting cultivation).

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<sup>1</sup> *Bridging the Housing, Land and Property Gap* by Displacement Solutions 2013

<sup>2</sup> See James C. Scott *The Art of Not Being Governed. An Anarchist History of Upland Southeast Asia*, Yale University Press 2009 p.147

<sup>3</sup> Ferguson, Jane M. *The scramble for the Waste Lands: Tracking colonial legacies, counterinsurgency and international investment through the lens of land laws in Burma/Myanmar* Singapore Journal of Tropical Geography 35 (2014) 295–311

Myanmar is not different from other developing countries in terms low capacity in land administration and land registration. The UN organisation HABITAT has noted that outside the developed world only 30 per cent of all land has been subject to cadastral registration leaving 70 per cent without legally recognized ownership or security. This is a huge political and technical challenge with ominous implications for the poor. Researchers at HABITAT suggest that rather than focusing exclusively on statutory tenure, more and more institutions today would benefit from recognizing a ‘continuum of land rights’. These may range from traditional or customary rights including communal ownership of rotational fallow land, forests and grazing lands, as well as other intermediary forms of land tenure to actual cadastral mapping of private ownership. Ideally, a land administration system should include information that covers the whole spectrum of formal, informal and customary rights. However, Myanmar is not ready yet to develop such a clear continuum of rights and the present research therefore seeks to emulate statutory tenure suggesting the use of the Farmland and Association Law respectively for registration of a community’s customary communal land parcels.

Land rights are important. They also feature in the development of indicators for the new Sustainable Development Goals (SDG), i.e. the post 2015 MDG. The Policy Brief by the Global Donor Working Group on Land has suggested a Land Rights Indicator for the SDG that reads: “Percentage of women, men, indigenous peoples, and local communities (IPLCs) with secure rights to land, property, and natural resources, measured by a. percentage with legally documented or recognized evidence of tenure, and b. percentage who perceive their rights are recognized and protected.”

For the upland communities in Myanmar practicing rotating fallow *taungya* the urgency of finding a way to protect their land against land concessions and alienation is evident. It would protect the land against concessions and help the community feel a security of tenure and possibly over time invest in enhanced productivity.

On the background outlined above the Land Core Group (LCG) in Myanmar decided in 2013 to undertake a study of the customary communal tenure in Chin and Shan States with support from its partners GRET and Ar Yone Oo in Chin State and CARE in Shan State. The objectives were to develop evidence-based recommendations for the recognition of customary communal tenure and to define procedures for codifying this tenure system under statutory law.

### ***Traditional Customary Tenure in Myanmar***

In Myanmar’s uplands many ethnic nationalities practice customary and often communal tenure in their rotational farming and permanent cropping systems. Their customary communal tenure is grounded on ‘community-based property rights’, which derive their authority from the community as a whole and its leaders. Lands used by farmers both in the lowlands and uplands have been under local rules for land management recognised by the local communities for generations. In colonial times the British Frontier Administration, while interested, as said, in wastelands in the lowlands, recognised the agricultural systems of the uplands, including the traditional land tenure systems of ethnic nationalities. The 1935 *Government of Burma Act* confirmed application of different laws to different ethnic groups/geographic areas in the Frontier Regions.

Customary tenure systems consider village territories to be the village's common property having clear boundaries with the neighboring villages. The village territory includes the agricultural land, forest, grazing lands, the streams and the lakes that the village possesses. Resources are shared among the village's households according to the village's own Internal Rules. The fallow land of shifting cultivation makes up an indispensable part of the agricultural system of rotating fallow *taungya*. Customary communal tenure of all products and resource niches in a village territory is linked to bundles of rights and complex rules for sharing resources, which despite minor changes date back to when the village was first established maybe a hundred years or more ago. As a consequence, some internal special rights may accrue to clans belonging to the "first founder of the domain", the one who wielded the machete to clear the land (the *dama ucha*).<sup>4</sup> Traditional customary systems in Chin State include rights of certain aristocratic clans.<sup>5</sup>

In customary communal tenure systems the community and its lands are spiritually linked. In most traditional societies the spirits of the land have been seen to grant its fertility.<sup>6</sup> Therefore, to use the land of the village (and keep good relation with the spirits) a person must be present and live in the village. Everyone living in the village would have rights to land the villagers in Chin and Shan states say. Persons who leave the community would hand over - without remuneration - their rights in the common property to their relations or to the chief of the village for re-allotment. The same household would be eligible for new land or the same old land if it returned to live in the village again later.

It is noteworthy that these observations that were also made decades ago by Stevenson<sup>7</sup> and others still characterize the practice we can observe today in the Chin and Shan States.

### ***The Farmland Law 2012***

The Farmland Law 2012 revokes the 1953 Land Nationalization Law, the 1963 Disposal of Tenancies Law and the 1963 Peasants' Rights Protection Law. The Ministry of Agriculture and Irrigation (MOAI) is responsible for implementation of this law as well as the VFV Law. The Farmland Law contains 13 chapters and 43 articles<sup>8</sup> and is operationalised in the Farmland Rules 2012. The Farmland Law of 2012 is an innovation in the sense that individual farmers - or organizations - now can get their land registered by SLRD and receive land use certificates

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<sup>4</sup> See *Founders' Cults in Southeast Asia. Ancestors, Polity, and Identity* edited by Nicola Tannenbaum and Cornelia Ann Kammerer. New Haven, Conn.: Yale University Southeast Asia Studies, 2003, pp. xi + 373. Monograph 52: Yale Southeast Asia Studies, in particular Chit Hlaing (F.K. Lehman) *The Relevance of the Founders' Cult for Understanding the Political Systems of the Peoples of Northern South East Asia and its Chinese Borderlands*, pp. 15-39

<sup>5</sup> Stevenson, H.N.C. *The Economics of the Central Chin Tribes*, The Times of India Press, 1943

<sup>6</sup> An anthropological explanation of this rule could be found in the age-old close "territorialized" relationship to the spirits of the land held by the community living on that very land. These spirits would receive offerings prior to start of cultivation and they would receive 'first fruits of labor' after harvest to thank them for guaranteeing the fertility of the land that was cultivated.

<sup>7</sup> Stevenson, H.N.C. 1937 'Land Tenure in the Central Chin Hills of Burma' in *Man*, the Journal of the Royal Anthropological Institute of Great Britain and Ireland, Society Man Vol.37, 1937

<sup>8</sup> We are using the official translation of the Laws as well as the unofficial translation of the Rules under the Laws by UN-Habitat.

and will also have rights to sell the land.<sup>9</sup> In the Farmland Law “farmland” is defined as paddy land, *ya* land, *kiang* land, perennial plants land, *taungya* land, *dhani* land, garden land for vegetables and flowers and alluvial land. The paddy may be irrigated or rainfed, thus paddy land means “rice fields”. In the Farmland Law the word *taungya* indicates permanent upland fields and **not** rotating fallow farming fields or shifting cultivation, which would be named *shwe pyaung taungya*. The rotating fallow farmland is mentioned only in the Rules under the Farmland Law, Article 116, which stipulates the intention to do away with shifting cultivation. In contrast, the later draft Land Use Policy of mid 2015 recognizes shifting cultivation as a mode of subsistence agriculture and promises its protection.

The Farmland Law defines in Article 3 the meaning of the ‘agriculturalist’ that can be awarded a land use certificate. Article 3 (j) includes a ‘farmers’ organization’ as a right-holder. The latter is defined as a body “that is formed in accord with any law issued to support the development of the rural economy”. Article 6 specifies the entities that “have right to farming” and this includes in Article 6 (b) an ‘organization’, a government department, a government organization, an NGO or a company. In Article 7 (b) it stipulates that the organization/association must be “desirous to carry out agriculture in the farmland”.

The present Research intends to use in its pilot approach Article 6 (b) to recommend that the village community that holds customary communal tenure, if legally incorporated as an association, should be considered a right-holder to all its joint agricultural parcels, including the fallows under customary tenure, and that the ownership shall be communal. There is still some hitch, though. Besides Article 116 of the Farmland Rules, Article 12 (j) specifies that “farmland shall not be fallow without a sound reason” and it continues to state that only when land “is considered as stable cultivated farmland under this law” can the VFV Law not be applied.” The law may support the view that fallows are not under stable cultivation although they make up an indispensable part of the farming system at the landscape level.

### ***The Vacant, Fallow and Virgin Lands Management Law (VFV Law) 2012***

The VFV Law contains 34 articles.<sup>10</sup> Like the Farmland Law the VFV Law also has Rules that guide implementation of the law. The Law defines the role of the Central Committee for the Management of Vacant, Fallow and Virgin Lands (CCVFV) under the MOAI and it informs on the modalities of concessions of VFV lands for business development. The VFV law defines the meaning of vacant, fallow and virgin land in Article 2 and 3. The first two types of land are land areas that were used or tenanted in the past, but without any tenant cultivating it now. Virgin land is land that is wild including nullified forest reserves, and land that was never cultivated. The concessions can vary in size dependent on the purpose, crops grown, and number of years worked. The committee features the Union Minister of MOAI as chairman as well as the Director General (DG) of SLRD and representatives of other government departments as

<sup>9</sup>Individual villagers who wish to register land title under the new system may initially face many expenses, institutional corruption and a complicated system through Farmland Administration Boards at different levels. The Central Farmland Management Body to operate under MOAI is independent of the judicial system so grievances cannot be heard independently anywhere (see Sophie Chao *National Updates on Agribusiness Large Scale Land Acquisitions in Southeast Asia, Brief no 8: the Union of Burma*, 2013)

<sup>10</sup>We are using the regular translation of the Law and the UN-Habitat’s informal translation of the Rules.

members. The committee can provide rights to the use of VFV land for 30 years covering an area from 5000 acres up to 50,000 acres for the growing of perennial plants/industrial crops.<sup>11</sup>

Due to the way that ‘vacant and fallow’ land is defined, many areas of land that are under active cultivation by farmers and community groups utilizing these lands in a traditional or customary manner would be classified as ‘vacant and fallow’.

The MOAI Master Plan for the Agricultural Sector 2000-2030 promises to convert 10 million acres of “wastelands” for agricultural production. By May 2013, based on ‘official statistics’ a total of 377 domestic companies have been allocated 2.3 million acres of “vacant, fallow, and virgin” land and 822 companies or individuals have been allocated a total of 0.8 million acres of forest land (outside of Mon State).<sup>12</sup> MOAI data indicate that the area of VFV land under concessions increased by at least 0.3 million acres from 2010 to 2013. By far the largest areas have been allocated to rubber, oil palm, rice, and jatropha, followed by rice, sugarcane, and cassava.

Decisions to grant such land are made by the Central Committee for the Management of Vacant, Fallow and Virgin Land chaired by the Minister for Agriculture following recommendations from various government bodies (see *Articles* 6-7). Powers conferred to the Central Committee include the right to grant more than 5,000 acres of land for projects in line with State interests (see *Article* 10). The 5,000 acres can later be expanded, with a maximum of 50,000 acres per project. Nearly all agricultural concessions in the country to date are formally run by Myanmar companies, but foreign investors back many of these companies. For example, China’s opium crop substitution project with the Myanmar government has made room for Chinese concessions in northern Myanmar, particularly for rubber.<sup>13</sup> In the Transnational Institute’s (TNI) study this is called “financing dispossession”. Also agricultural land contracts given to regional and local military authorities have led to land confiscation and displacement of local farmers.<sup>14</sup>

The focus of the VFV Law is on time bound projects, deposits, taxes and revenues. It is focused on industrial crops, not crops for subsistence. Although farmers are technically eligible to apply for and receive vacant, fallow and virgin land, in practice the government allocates such land primarily to private entrepreneurs, companies and state enterprises (Woods 2011; Oberndorf 2012). Therefore, the VFV Law is not considered useful for the purpose of the present research as there is nothing in the VFV Law that lends itself to the objective of the study. If the village was set up as a company to become a legal entity it would not be able to follow its own customary Internal Rules for land management. It would not be able to pay deposits and revenues, and the villagers would not want a 30 year lease growing cash crops for the market.

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<sup>11</sup>The duration of a concession fixed by the VFV Law is in contrast to the Foreign Investment Law 2012, which regulates foreign investment and land use concessions and allows grants for up to 70 years.

<sup>12</sup>*Agribusiness Models for Inclusive Growth in Myanmar: Diagnosis and Ways Forward* by Derek Byerlee, Dolly Kyaw, U San Thein, and L Seng Kham, MSU International Development Working Paper, May 2014. This paper also advocates “Given ongoing granting of concessions, a major priority is to protect the land rights of traditional land users operating under customary tenure in extensive long fallow farming systems.”

<sup>13</sup>Transnational Institute (TNI) *Financing Dispossession China’s Opium Substitution Program in Northern Burma*, 2012

<sup>14</sup>Kevin Woods, *The Political Ecology of Rubber Production in Myanmar: an Overview* 2012 and Transnational Institute (TNI) *Financing Dispossession China’s Opium Substitution Program in Northern Burma*, 2012

## ***The 2012 Foreign Investment Law***

This law caters to foreign investment and relies on the Investment Commission to monitor and guide Foreign Direct Investment (FDI). The Law, like other laws, does not contain any requirements that the Commission must consult with project-affected communities before a project is approved, so it is difficult to put any safeguard into action for VFV classified land.<sup>15</sup>

## ***Land Classifications and Trustee Authorities***

The main trustees of land in Myanmar are the MOECF and the MOAI. The Forest Department (FD) under MOECF controls Reserved Forest Land and Protected Public Forest Land which both are protected under the Forest Law. A 3<sup>rd</sup> category Public Forest Land is controlled by several bodies such as FD, MOAI, CCVFV, SLRD and GAD. The farmers, however, do not know what land is administrated by MOAI and what by MOECF, as all the land they know is community/village ancestral land. Of the total forest area (50.2% of the country in 2005-6) the total area of the permanent forest estate has reached 27.16%. Of this 23.23% is Reserved Forest and Protected Public Forest, and 3.93% is under the Protected Areas System.<sup>16</sup> Not only is the agricultural land not titled in Myanmar but a large part, up to 50%, of the forest land in Myanmar is not officially demarcated and gazetted with a clear boundary demarcation of land, and could therefore by definition be vacant or virgin. A large area of natural forest is not gazetted. The FD never had enough budget or manpower to gazette all of the large natural forest areas of Myanmar.

Part of the earlier demarcated forest estate has been under agricultural cultivation for decades and therefore a call has been made to reclassify the land. A process of nullifying a gazette of these forest areas has started. Farmers would have tax receipts, which they can use to prove their claims to land. In case of nullification, the land would be registered by farmers under the Farmland Act with the SLRD. It is expected that this ongoing reclassification primarily applies to the lowlands.

Regarding gazetted forest land in the uplands, where the Forest Department (FD) is in control, the FD can maintain control or ‘protect’ the land by invoking the Community Forestry (CF) Instructions of 1995. If village forests are demarcated as CF the demarcation may help safeguard community rights against the potential impact of the VFV Law.<sup>17</sup>

A paper on shifting cultivation and community forestry written by Springate-Baginsky for Pyoe Pin in 2013 addresses ways to legitimize swidden cultivation practices and establishing tenure security (for forests) through reinforcing customary authorities, revising land legislation, hand-

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<sup>15</sup>It does, though, list classes of “restricted or prohibited business”, which require specific approval of the Myanmar Investment Commission. These include projects, which may negatively affect public health, the environment, or the cultural rights of national races (ethnic groups/minorities) but the proper procedures for applying Environmental Impact Assessment (EIA) and Social Impact Assessment (SIA) are lacking.

<sup>16</sup>Kyaw Tint, Oliver Springate-Baginski and Mehm Ko Ko Gyi 2011 *Community Forestry in Myanmar: Progress & Potentials* ECCDI, Un of East Anglia

<sup>17</sup>Kevin Wood 2010 *Community Forestry in Cease-Fire Zones in Kachin State, Northern Burma: Formalizing Collective Property in Contested Ethnic Areas*, CAPRI Workshop on Collective Action, Property Rights, and Conflict in Natural Resources Management



ing over community forests and protecting against land grabbing.<sup>18</sup> While some authorities would see the customary upland rotational fallow agriculture converted to CF, the instructions, we find, would not match the requirements of managing *agricultural* rotating fallow *taungya* as a common property. Clearly, CF is also a communal group-tenure arrangement, but it is a form of delegated management for a time-bound period only, not a permanent cadastral right and it does not allow the fallows to be included in the system. CF certificates are not the same as full titling of the incorporated village association's common property parcels. In customary communal tenure all resident villagers are rightholders. In contrast the present CF instructions of 1995 have allowed for elite capture, as the Instructions allow a group in the village, not the whole village, to be the right-holder. Thus, CF instructions are not supportive of the equity of access and benefit sharing that regular customary systems entail.<sup>19</sup>

Non-gazetted good natural forests, village watershed forests, and firewood forests as well as long term fallows with good forests are found inside village territories. It is a question which forest areas can become CF areas if a land use planning recommended this. The CF instructions seemingly rely on a prior demarcation and classification of the forest as reserved forest or protected public forest land, if it is to be converted to CF. If not demarcated as part of the permanent forest estate the FD would not hold the authority to issue CF Certificates, but the MOAI might be in control with reference to the VFV Law.

The Forest Master Plan envisages that CFs will cover 918,000 ha by 2030, but as of 2014 the CFs only cover 44,065 ha, so there is a long way to the 918,000 ha. It is noted that there is a plan to revise the CF Instructions but no new draft has been seen by the researchers.

It is noted that while the draft NLUP of 2014 contained 10 categories of land (use), the revised draft of mid 2015 operates with only three categories of land: agricultural, forest and other land. And, as said, a couple of the articles of the 2015 draft NLUP now recognize customary land use of shifting cultivation as agriculture (subsistence).

## **2. Land Grabbing and Drivers of Land Grabbing**

### ***Land Grabbing***

Land grabbing in the 21<sup>st</sup> century of any untitled land by the State and commercial interests is a risk that communities today can counter primarily through protests as they have few legal means. But simultaneously they can try urgently to seek cadastral registration of their land rights under statutory law either registering agricultural land parcels in the name of individual farmers, or in the name of the community as communal tenure by a village making up an association.

In addition to the concessions of 2 million acres by MOAI during the time of the SLORC and the Than Shwe military junta numerous instances of land grabbing by the army has taken place in a large number of villages, as revealed by the media. Over the course of 2013 the Asian Hu-

<sup>18</sup>Springate-Baginski, Oliver *Rethinking Swidden Cultivation in Myanmar: Policies for sustainable upland livelihoods and food security* Pyoe Pin 2013

<sup>19</sup>The instruction of 1995 reads at CF can be established on "Reserved and non reserved forests authorized by the government and the lands which could be managed by the government"

man Rights Commission and media reported a large number of conflicts over land grabs, where farmers' old grievances have not yet been attended to by the Land Use and Land Allocation Scrutiny Committee (LULASC) established as a reform measure by President Thein Sein. The army only reluctantly releases grabbed land and if released it may be sold by corrupt officials to private businesses rather than given back to the original possessors. The army holds that it retains authority to designate and use land for its own purposes.<sup>20</sup> In December 2014 some political parties demanded resolution of land disputes before next election. Thura Shwe Mann, speaker of the Union Parliament, said then that if the current government and parliament fail to address the much-criticised farmland issues during the remaining presidential and parliamentary tenure, they will certainly face widespread condemnations.

There are numerous documents that provide evidence of land grabbing in Myanmar over the last two decades. The Food Security Working Group (FSWG) has prepared three documents: *Briefing Paper on Land Tenure: A foundation for food security in Myanmar's uplands*, FSWG 2011; *Upland Land Tenure Security in Myanmar: an Overview*, FSWG Feb 2011 and *13 Case Studies of Land Confiscations in Three Townships of Central Myanmar*. These were prepared by the Land Core Group of the Food Security Working Group in September 2012. In addition there are several academic papers analyzing the land situation in Myanmar such as *The Impact of the confiscation of Land, Labor, Capital Assets and forced relocation in Burma by the military regime*, by Dr Nancy Hudson-Rodd and Dr Myo Nyunt, Saw Thama Tun, and Sein Htay; *Arbitrary Confiscation of Farmers' Land by the State Peace and Development Council (SPDC) Military Regime in Burma* Hudson-Rodd, N. and Sein Htay 2008, *Testimony of Marco Simons in Front of the Tom Lantos Human Rights Commission: Business and Human Rights in Burma (Myanmar)*, Tom Lantos Human Rights Commission, February 28, 2013; TNI's report on *Financing Dispossession in Kachin*, 2012, and *Losing Ground, Land Conflicts and Collective Action in eastern Myanmar*, Karen Human Rights Group, 2013. There are numerous other reports. Kachin and Northern Shan State have seen the highest growth rate of land grabbing, e.g. by the Chinese with the blessing of the Myanmar army and companies establishing rubber plantations for alleged opium eradication purposes.<sup>21</sup> In addition to rubber, two Burmese companies with rumored Chinese financial backing – Yuzana and Jadeland – received concessions of approximately 200,000 hectares in total to grow cassava and other crops in Hukawng Valley Tiger Reserve.<sup>22</sup> Land grabbing for gold mining is going on in the Shan State causing land loss and heavy pollution.<sup>23</sup>

The above reports all deal with farmers' land loss without any consultation; land confiscation; and disputed compensation combined with development-induced displacement and resettlement. Local communities have lost land and they have been subject to forced labor, environmental degradation, physical threats and arbitrary detention, and destruction of livelihoods. And their ability to deter these impacts is compromised by the paucity of information on projects, legal

<sup>20</sup>With reference to the Cantonment Municipalities Law, No. 32/2010, the armed forces can establish bodies for the management of land designated as being part of cantonment towns. Under the Facilities and Operations for National Defense Law the armed forces can issue designations concerning land under or adjacent to their facilities. See <http://www.humanrights.asia/news/ahrc-news/AHRC-STM-243-2013>

<sup>21</sup>See TNI *Financing Dispossession. China's Opium Substitution Programme in Northern Burma* Feb 2012 and *Losing Ground, Land Conflicts and Collective Action in eastern Myanmar*, Karen Human Rights Group, 2013 and Shan Herald Wednesday 22 May 2013

<sup>22</sup>*Testimony of Marco Simons in Front of the Tom Lantos Human Rights Commission: Business and Human Rights in Burma (Myanmar)*, Tom Lantos Human Rights Commission, February 28, 2013

<sup>23</sup><http://www.irrawaddy.org/burma/shan-farmers-say-gold-mining-wrecking-land.html>

barriers to redress, threats of violence, and the lingering effects of past trauma (see *Losing Ground* mentioned above).

Villagers in eastern Myanmar are, in particular concerned for the property rights of the internally displaced persons (IDP), whose lands are at risk of land grabbing, because owners are absent. Absence has resulted in confiscation of land belonging to refugees and IDP. A large number of ethnic activist groups have been calling on the government, ethnic militias and the international community to address a surge in land-grabbing in cease-fire areas. Companies move into Burma's ethnic regions following recent ceasefire agreements.<sup>24</sup>

This has led the *Pyidaungsu Hluttaw* (Lower House of Parliament) to establish, as mentioned above, a Land Use and Land Allocation Scrutiny Committee (LULASC) chaired by Win Tun Min of MOECAP to investigate land disputes in cases of confiscated land. The committee is to listen to grievances and provide information to Parliament on the social and environmental impacts. It is also tasked to draft the national land-use policy and make recommendations to the central government. It seems unable to meet the large number of grievances that are coming up and it is unable to tackle the fact that the army refuses to hand the land back.

Recent news mid 2014 indicates that the Myanmar army plans to return only a quarter of seized land nationwide.<sup>25</sup> This means the Myanmar army will return less than 120,000 acres of farmland to its original owners, making up less than a quarter of land seized across the country during decades of military rule. On February 20, 2014 the LULASC submitted a report to the parliament about 745 legal cases of land seizure, which involved a total of more than 500,000 acres of grabbed land.<sup>26</sup> These 500,000 acres can be vetted against the almost 2 million acres in concessions handed out by the Ministry of Agriculture and Irrigation (MOAI) out of which perhaps only one-third have been put under cultivation.

Parliamentarians are now questioning the army whether the 120,000 acres of land the army plans to return will be returned to the original owners, given that they have, in the past, rented it out to private companies or charged original landowners a "tax" to use the land? Parliament also questioned how to make sure that land was not handed over to false owners who have connections with officials? As recent as June 2014 it was confirmed that "Battalions and Military Units under the Ministry of Defense did transfer the land to the General Administrative Department and the Settlement and Land Records Department. However, the Battalions, the Military Units, and the Settlement and Land Records Department in the Ayeyarwaddy Region have conspired to sell the land to businessmen, rather than ensure its return to the rightful owners."<sup>27</sup> Land grab tensions could trigger uprisings MPs now warn.<sup>28</sup>

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<sup>24</sup><http://www.irrawaddy.org/archives/34167>

<sup>25</sup><http://www.dvb.no/news/burmese-army-plans-to-return-only-a-quarter-of-seized-land-nationwide-burma-myanmar/42028>

<sup>26</sup>[http://elevenmyanmar.com/index.php?option=com\\_content&view=article&id=5140:gov-t-to-arrange-housing-and-employment-for-landless-farmers&catid=44:national&Itemid=384](http://elevenmyanmar.com/index.php?option=com_content&view=article&id=5140:gov-t-to-arrange-housing-and-employment-for-landless-farmers&catid=44:national&Itemid=384)

<sup>27</sup><http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-090-2014>

<sup>28</sup><http://mizzima.com/mizzima-news/myanmar/item/11207-land-grab-tensions-could-trigger-uprising-warns-ruling-party-mp>

The reform process in Myanmar oscillates, in particular in relation to land rights. Therefore, in the last two years farmers in many places have dared to rise-up in protest. Protests and demonstrations occur daily. And in Kayin state the Karen National Union (KNU) has taken land survey and mapping and titling into its own hands.<sup>29</sup>

### ***Drivers of Land Grabbing***

The main drivers of land grabbing are businesses and profit-oriented activities ranging from cultivation of commercial crops, such as rubber and oil palm, over extractive industries such as gold and jade mining, and oil- and gas pipeline construction and the establishment of special economic zones (SEZ). Most of Myanmar's ethnic nationalities live in areas rich in natural resources, including timber and minerals, and next to rivers for hydropower development. They are therefore subject to an influx of state-sanctioned companies seeking to establish agro-industrial plantations, mines or hydropower.<sup>30</sup> Until this day the revenue from such exploitations and extractive industries in Myanmar has been hidden in a flow of corruption. They have not been used for the development purposes, for instance in health and education. As Myanmar now has applied to join the Extractive Industries Transparency Initiative (EITI) by May 2014, the volume of revenue may now eventually be revealed. Myanmar was approved as an official "Candidate" country with EITI at its board meeting in Mexico on July 2, 2014 and an action plan is under preparation. The implementation will be monitored by, e.g. Revenue Watch and Global Witness. However, it is not only the revenue but also the ownership that has been hidden. While the ownership by multinationals is largely known, many of their partners in the ventures - including both local and international players - have only lately revealed who their ultimate owners are as shown in a survey carried out by Global Witness.<sup>31</sup> Subsequent to this survey several European/Western companies have come forward, while the East Asiatic companies have not revealed themselves.

SEZ make up a separate problem. In Thilawa SEZ there are daily protests by communities whose land was taken. The Japan International Cooperation Agency (JICA) that has been supporting the setting up of business in Thilawa has rejected allegations that it betrayed its own guidelines on 'environmental and social considerations' in the Thilawa SEZ, in which it has a 10 percent equity stake.<sup>32</sup> Thus, it is not only grievances of earlier land grabbing that are surfacing. Protests are also emerging against donor countries' development initiatives planned seemingly with little public consultation, e.g. the KNU's protest against the JICA's 'Preparatory Survey for the Integrated Regional Development for Ethnic Minorities in South-east Myanmar'. The KNU has demanded more consultation on such development plans.

Japanese NGOs have taken the case raised by the KNU to parliament in Japan. Business and development projects have increased substantially in the wake of ceasefires as mentioned above, e.g. in Karen state due to ceasefire signed between the government and the KNU.<sup>33</sup>

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<sup>29</sup>Personal communication with KNU and Burma Peace Initiative

<sup>30</sup>Salween watch, see <http://www.salweenwatch.org/>

<sup>31</sup><http://www.upstreamonline.com/live/article1367075.ece>

<sup>32</sup><http://www.dvb.no/news/jica-dismisses-accusations-of-negligence-burma-myanmar/41406>

<sup>33</sup><http://www.irrawaddy.org/archives/34167>

A report, “*Bridging the Housing, Land and Property Gap*”, by Displacement Solutions,<sup>34</sup> informs of an estimated 458,000 internally displaced persons (IDPs) within Myanmar and 215,000 refugees from Myanmar living in camps along the Thai border who cannot return home, despite general recognition of the importance of housing, land and property (HLP) rights and ongoing political reforms.

### **3. Customary Land Tenure and Land Use the Region and in Myanmar**

#### ***Regional Overview***

Customary communal tenure is characteristic of many local upland communities in S.E. Asia. These communities have strong ancestral relationships to their land, which has never been held under individual rights, but considered common property of the village. Communal tenure has been the norm and land has never been a commodity. The accepted view among Western jurists in the nineteenth century prior to the publication in 1861 of *Ancient Law* by the English jurist Henry Sumner Maine had been that the origin of the concept of property was the occupation of land by a single proprietor and his family. However, Maine insisted that, “it is more than likely that joint ownership, and not separate ownership, is the really archaic institution, and that the forms of property that will afford us instruction will be those that are associated with the rights of families and of groups of kindred.”<sup>35</sup> The international recognition of this has emerged in many countries such as Australia, New Zealand and Canada and it became manifest in the UN Declaration on the Rights of Indigenous Peoples in 2007. The Declaration specifies individual and collective rights of indigenous peoples, as well as their rights to culture, identity, language, land and natural resources, employment, health, education and other issues. It was voted for in the UN by 144 countries, including Myanmar.

Most Asian countries have rights-based policies in writing which feature indigenous peoples/ethnic groups/ethnic minorities’ or ethnic nationalities’ rights. There is also legislation that respects customary law under national legislation in a couple of countries. In the Philippines and in Cambodia the registration of a communal land title to indigenous communities is supported by law. The Philippines have a separate legal act catering to the land rights of indigenous peoples (IP) while in Cambodia these rights are embedded in the 2001 Land Law’s Chapter 3 and not a special separate act. In Cambodia the ethnic indigenous communities make up only 1% of the population while they make up more than 10 % in the Philippines.<sup>36</sup> The Land Law of Cambodia 2001 was developed with support from several international NGOs and the Asian Development Bank (ADB) that all were instrumental in the inclusion of a Chapter on ‘communal immovable property’ of monasteries and indigenous communities, respectively, in the Land Law.

The Philippines recognize customary ownership in their 1997 Republic Act No.8371: *An Act to Recognize, Protect and Promote the Rights of Indigenous Cultural Communities/Indigenous Peoples, Creating a National Commission on Indigenous Peoples, Establishing Implementing Mechanisms, Appropriating Funds therefore, and for other purposes*. Its general provisions

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<sup>34</sup>[http://issuu.com/displacement-solutions/docs/bridging\\_the\\_hlp\\_gap](http://issuu.com/displacement-solutions/docs/bridging_the_hlp_gap)

<sup>35</sup>Maine, Sir Henry Sumner 1876 *Ancient Law. Its connection with the early history of society, and its relation to modern ideas*, London

<sup>36</sup> <http://www.iwgia.org/regions/asia/philippines>

section 2 b) state “The State shall protect the rights of ICC/IPs to their ancestral domains to ensure their economic, social and cultural well being and shall recognize the applicability of customary laws governing property rights or relations in determining the ownership and extent of ancestral domain”.

Ancestral domains in the Philippines are defined as “areas generally belonging to indigenous cultural communities, including ancestral lands, forests, pasture, residential and agricultural lands, hunting grounds, worship areas, and lands no longer occupied exclusively by indigenous cultural communities but to which they had traditional access, particularly the home ranges of indigenous cultural communities who are still nomadic or shifting cultivators.” Ancestral domains also include inland waters and coastal areas and natural resources therein. Again, these are required to have been “held under a claim of ownership, occupied or possessed by ICCs/IPs, by themselves or through their ancestors, communally or individually since time immemorial, continuously to the present.”

In Cambodia the law requires the community to become *a* legal entity, e.g. an association consisting of all listed community members as the title will be issued in the name of that entity and rightholders must be clearly defined. The community incorporates as *a* legal entity by developing constitutional Statutes that are to be endorsed by the Ministry of Interior. Thereafter, the community must record and write down its own Internal Rules for the land management and sharing of the land. Once both sets of rules are in place, a preliminary land use planning and zoning takes place to agree on boundaries with neighbouring villages and entities and the demarcation of any state trustee’s land. Once this is completed the Ministry of Land Management can declare the area an adjudication area and undertake cadastral survey of all the parcels of the common property. After the survey and the production of the cadastral index map it is up for public display for 30 days and if no complaints the government can issue a collective title to all surveyed parcels in the common property in the name of the community.

The Internal Rules of the Cambodian Indigenous community need not be endorsed by any ministry, - only the Statutes turning the community into a legal entity. In the Philippines there is no requirement for legal incorporation. The requirement of a legal status may have been resolved in the Philippines by often awarding collective title to locally elected government institutions in areas where the local populations are mainly indigenous. In general, the right-holding bodies in the Philippines and the land areas in which rights accrue are far larger than in Cambodia where the village is the unit commanding between 800 to 1600 hectares. In contrast, the Higa-onon in the Philippines is a large ancestral domain, covering 10,055 hectares located within the areas of the two local government authorities of Impasug-ong and Malitbog in Mindanao, hosting seven to eight communities, forests and sacred places.

In Cambodia and the Philippines an initial participatory land mapping of village communities’ territories has provided tools for the communities to build intra- and inter-community consensus, as well as agreements with the government on boundaries of state land. In Cambodia participatory land use planning (PLUP) has taken place since 2003 with NGO assistance to define the boundaries of the community’s rotating fallow farmland and sacred forest areas. The government will use the preliminary map as the basis for actual survey and in the end it may result in modified boundaries. Preparing maps that depict a communal territory also

helps identify the community as a single body and maps, even preliminary ones, have helped show the community rights to potential claimants of external vested interests searching not yet titled land, e.g. Vietnamese companies in Cambodia's provinces of Monduliri and Ratanakiri. Here the communities produced their preliminary maps to counter the companies' claims on land.

In Cambodia as well as Myanmar the *village* is the unit for traditional land rights.<sup>37</sup> A village has clear boundaries, its territory is known and the management follows its own Internal Rules. Agricultural shifting cultivation land and forest land has been used jointly by the upland communities in a landscape management approach. Households only claimed private ownership to the crops they grew in any particular year or perennial garden crops. The British officer J.S. Furnivall, who coined the concept of 'plural society', wrote in 1920 in his paper "Land as a free Gift of Nature"<sup>38</sup> that: "the characteristics, therefore, of the tenure in Pegu were a *temporary appropriation of the land during the period of occupation only*";<sup>39</sup> when done with it was restored to the community, like the atmosphere we breathe, changed, but after renovation in the usual course of nature, open to further use. The occupation was for the most part restricted to the people who lived near it". He emphasized that uncleared land "belonged to the community as a whole." After one year of cultivation the land would return to the common pool and the land would rest as fallow land and only to be cultivated again after a number of years, and this time perhaps by another household.

In Asia the countries of Indonesia and India, alongside Cambodia and the Philippines, also recognize 'ancestral roots' as a basis for codification of customary rights. In India, an estimated 80 million indigenous and tribal peoples face difficulties in their struggle for recognition and survival and for land and forest use rights. It is recognized that 40 to 50 percent of those who have been displaced by development projects in India are indigenous/tribal. In 2006, India's Ministry of Tribal Affairs, and the Government of India tried to make up for sins of the past by adopting a *Scheduled Tribes (Recognition of Forest Rights) Law*. In contrast to Cambodia and the Philippines, in India joint land use titles would be based on the tribal individuals forming a social group first, where subsequently each household is allocated land plot(s). The allocation of rights to individuals in this group is not based on links to a specific area of land, or to specific land parcels making up an old customary common property, but based on ethnicity. For a particular village maybe only a part of the households belong to the tribal category that has been awarded the rights by law individually as a group member. The communal aspect of the tenure is that the tribals must form groups in order to gain rights as an individual.

In Vietnam, ethnic minorities represent proportionally the largest share of the poor, comprising 44.7% of the poor while making up only 10-12% of the population. Historically, communal land tenure was the norm among Vietnam's indigenous communities both in Northern Vietnam and in the Central Highlands. Because of the existing customary tenure arrangements, some Tai

<sup>37</sup>During colonial rule, French researchers noted in the 1890s that, "there is no land in the Moi country [Central Highlands] without an owner but that most of it was collectively owned" and they continue to explain that, "For the duration of its use the ray [swidden field] is the private property of the one who has cleared it; once abandoned, it reverts to the community, and the person who had cultivated it retains no rights to use it". See Cupet, P. 1998 *Among the Tribes of Southern Vietnam and Laos*, White Lotus 1998 by Walter E.J. Tips, originally published as 'Chez les Populations Sauvages du Sud de l'Annam' in *Le Tour de Monde*, vol. 65, 1893 Paris

<sup>38</sup>Furnivall, J.S. (1920:10-11)

<sup>39</sup>Italics inserted by author



upland communities in Northern Vietnam protested against the new 1993 Land Law geared at land reform and individual tenure. The communities purported that land allocation in this way in a given year would be incorrect. They stated that one cannot just apply the ‘as is’ situation, as the following year family land-holdings might look different as all land was held in common and allocated by consensus each year, and any titling would also need to include the fallow land. The later Vietnamese Land Law of 2003 provides in Article 71 for a kind of communal land tenure (for ethnic minorities) stating that, “land allocated by the State to a community of citizens shall be used to preserve the national identity through the habits and customs of ethnic minority people”. Identification of communal land registration has, however, not been observed in Vietnam except for community forestry leaseholds.

In Lao PDR ethnic groups make up more than 40% of the population. These groups often still have customary communal tenure of their agricultural rotating fallow farmland where the village each year decides which area to open up for cultivation. Customary communal tenure was recognized by the Lao government in the National Land Management Authority’s Ministerial Instruction 564 on *Adjudications Pertaining to Land Use and Occupation for Land Registration and Titling* (2007), which was pursuant to the Land Law (2003) and Property Law (1990). The Instruction defined collective land and establishes the rights and limitations associated with it. However, only a couple of examples of communal land registration according to this instruction have been implemented. The NLMA is now transferred to the new Ministry of Natural Resources and Environment that is responsible for the preparation of the National Land Policy in 2015 and a new Land Law. Both documents will refer to customary communal tenure, learning from pilots with donor and NGO support and also in Lao PDR the procedures for cadastral registration are still in a flux.

In developed countries like Australia, land right conflicts with the aboriginals holding customary tenure have been taken to court where cases have been fought over the argued concept of *Terra Nullius* or No Man’s Land. Under this doctrine, empty, unsettled or unpopulated land could be claimed by anyone, who would settle and develop it. South Africa and Australia have both been the earlier champions of this doctrine, but in 1992 it was abandoned by the Australian Supreme Court in the Mabo Decision (*Mabo and Others v. Queensland* (No. 2) (1992) 175 CLR 1 F.C. 92/014) holding that the doctrine is culturally arrogant in that it presupposes that land which is not developed or used as a European would use it is undeveloped or unpopulated. The development of the legal recognition of native title in Australia commenced with this decision of the High Court, when, by a majority of 6 to 1, the Court held that: “the common law of this country recognizes a form of native title which, in the cases where it has not been extinguished, reflects the entitlements of the indigenous inhabitants, in accordance with their laws or customs, to their traditional lands.”

Also Malaysia has recognized aboriginal titles of various kinds. In Sarawak, under the 1957 *Sarawak Land Code*, the Dayak’s rights to land were recognized and protected by law. The *adat* or customary law in Sarawak does not recognize the concept of private ownership of land. The system of usufruct rights allows the individuals to use the land but it is the community as a group that exercises the legal rights. A native elder is quoted: “*The land belongs to the countless numbers of people who are dead, the few who are living, and the multitude of those yet to be born*”.



## ***The ‘Ethnic Nationalities’ and Land in Myanmar***

Myanmar has a population of around 50 million people, where over 20 million belong to non-Bamar speaking ethnic minority groups. The Colonial Rule of the British stressed the distinction between the Burman-occupied areas and the territory of other ethnic nationalities. Under a dual system of governance, the British administered the predominantly Burman area of “Ministerial Burma” separately from the other ethnic areas called the “Frontier Areas.” For the most part, the frontier areas were left under the local authority of traditional headmen and chiefs. The British system may have contributed indirectly to the splits that carry on until this day.<sup>40</sup>

The particular rights of the ethnic areas were at the time of independence recognized in the Panglong Agreement signed by independence and ethnic leaders on 12 February 1947. But not all ethnic groups participated and its effect has been limited except for an annual national celebration of the date. Under the Than Shwe military junta the ethnic groups were subject to oppressive policies and actions of the military regime and faced difficulties to preserve their political and cultural identities, not to mention their land. Numerous ethnic opposition armies of ‘non-state actors’ have formed since independence to resist the government’s army. While some armed resistance groups have recently submitted to ceasefire pacts with the government, others continue to fight and continue to be subject to government harassment. A National Ceasefire Agreement has been drafted but not fully endorsed by mid 2015.

The Chin and Shan have their own state, where the majority of the population belongs to the Chin or Shan nationality respectively, although Shan State is much more mixed with other ethnic population groups being present since long.

Today the land issues and the lack of tenure security constitute the most important problems for upland ethnic communities. The Chin and the Shan are two of the many ethnic minority groups, where for the Shan land grabbing has been a large problem near the China border. In its latest report 2015 *Guns Cronies and Crops*, the result of an 18-month investigation, Global Witness details allegations that Myanmar’s military had systematically grabbed large swathes of land from farming communities since the mid-2000s e.g. Global witness interviewed 124 people from 11 villages in Lashio district that lost their land to confiscations. They told the group that the military, working together with government officials, took the land without conducting any consultations and offered almost no compensation. In Chin state less land grabbing has taken place, no doubt due also to the high elevation terrain and unsuitability for rubber plantations etc.

The Chin State is located in the North-western hills of Myanmar with a population of about 500,000. The hilly terrain of Chin State has given rise to numerous sub-groups of Chin speaking different dialects, and to a variety of systems of customary communal tenure arrangements for rotating fallow farming in the hills. Approximately 90 percent of the Chin people are Christian due to early missionary influence. Chin society is strongly patrilineal with many named patrilineal clans and a patrilineal inheritance system. The elevation for community settlements is 2000 meters above sea level and the crops grown on the steep mountains are millet and pulses grown in fields above and below the villages.

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<sup>40</sup>Cf Martin Smith, *Burma (Myanmar): The Time for Change*, Minority Rights Group International, May 2002

Shan State in Eastern Myanmar, bordering China and Thailand, is the largest ethnic minority state in Myanmar. The Shan are primarily Buddhists. While the Chin state is the home of mostly Chin people of numerous dialect subgroups, the Shan state holds, as said, a variety of groups such as the Shan, the Pa-O, the Intha, the Lahu, the Lisu, the Taungyo, the Danu, the Ta'ang, the Akha, and the Jinghpaw. The terrain is less hilly, the elevation much lower than Chin, and many villages practice permanent agriculture with limited rotating fallow cropping. The valleys and plateaus are inhabited by the Shan. Most of the Shan are Buddhist and the rights and role of women in Shan are far stronger than in Chin.

### ***Swidden Land Use by Ethnic Nationalities***

Most upland communities in S.E. Asia have practiced a land use of shifting cultivation or rotational fallow *taungya* agriculture for centuries under customary tenure. Today this shifting cultivation may be combined with permanent agriculture of selected cash crops in separate fields. Villagers' identity is clearly linked to a dense network of particular places, each having different cultural and material value containing a mosaic of resources. In upland communities there is an inner connection between history, identity and land and, in former times at least, there has been, as said, a strong connection to the fertility-granting spirits of the land that would receive ritual offerings. Customary communal tenure of land in a village territory would contain bundles of rights to different resource niches and resource units, and complex rules for sharing the resources, some that date back to when the village was first founded. This old link between land "ownership" and residence in the village is often articulated in the *dama ucha* principle. The *dama ucha* principle means that any village would ideally hold residents that comprise the descendants of the first founder who wielded the machete (*dama ucha*) to clear the land and establish benevolent relations with the spirits of the land.<sup>41</sup>

Historians, anthropologists, and ecologists have suggested that these communities may once have lived in the lowlands, but withdrew in former centuries to the uplands "as an Art of Not Being Governed" by the state.<sup>42</sup> Nowadays, most governments in S.E. Asia are present in the more remote areas too and purport strong policies against shifting cultivation, arguing that it is a system that is primitive and of low productivity compared to commercial agriculture, and that it causes deforestation and degradation.<sup>43</sup> The same governments close their eyes to illegal timber logging, extractive industries, dam- and road construction and in particular the expansion of commercial farming, which are activities that cause forest degradation and deforestation. Attempts by governments to promote privatization and commoditization of land - or turning land into capital as the Lao PDR government puts it - have had impacts on upland

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<sup>41</sup>See *Founders' Cults in Southeast Asia. Ancestors, Polity, and Identity* edited by Nicola Tannenbaum and Cornelia Ann Kammerer. New Haven, Conn.: Yale University Southeast Asia Studies, 2003, pp. xi + 373. Monograph 52: Yale Southeast Asia Studies, in particular Chit Hlaing (F.K. Lehman) *The Relevance of the Founders' Cult for Understanding the Political Systems of the Peoples of Northern South East Asia and its Chinese Borderlands*, pp. 15-39

<sup>42</sup> James C. Scott 2009 *The Art of Not Being Governed An Anarchist History of Upland Southeast Asia*, Yale University Press

<sup>43</sup>The shifting cultivation in Myanmar is not a 'pioneering' shifting cultivation which is characterized by moving into totally new areas opening up new natural forest areas. While this was common decades ago also due to tribal wars, there is no longer room for pioneering shifting cultivation except in very remote areas of S.E. Asia. In the governments' frequent statements against shifting cultivation the two modes of shifting cultivation are not distinguished.

communities' land access. This has been reinforced with the expansion of markets, roads and other infrastructure. In the Central Highlands of Vietnam the indigenous communities' sustainable land management under rotating fallow farming was completely destroyed by the influx of large numbers of Kinh people from the lowlands and a conversion of the communities' land into coffee plantations run by parastatals.<sup>44</sup>

Scholars have debated this agricultural system for decades. Most famous is Harold Conklin<sup>45</sup> in 1957 and J.E. Spencer<sup>46</sup> in 1966, who described 18 distinct types of shifting agriculture within Southeast Asia alone. Brookfield and Padoch in 1994 argued that shifting agriculture is not one system, but many hundreds of systems.<sup>47</sup> Most authors agree that the rotating fallow farming systems can be seen as a comprehensive landscape management system, where different crops and trees occupy a single tract of land rotating over time<sup>48</sup>

The International Centre for Integrated Mountain Development (ICIMOD) in Nepal has produced a number of articles on shifting cultivation together with IFAD<sup>49</sup> in 2006. Their argument is that farmers practicing shifting cultivation actually spend many more years growing trees and crops than burning them – protecting the soil, restoring nutrients, fallowing, and resting the land. Their intimate knowledge of their environment is rarely valued by governments, unless it can be exploited for profit. Failure to understand the role of the secondary successional vegetation has also meant that resource managers have often failed to recognize the implications of rotating fallow agriculture on biodiversity, watershed hydrology, and carbon sequestration. In contrast to commercial agriculture, field surveys have shown that secondary vegetation following swidden cultivation with longer fallows often has a diversity of species that is comparable with more mature forests and its disappearance may be detrimental for the gathering of foods, medicines, firewood and other forest products that poor people depend on.<sup>50</sup>

Academic studies on the fallows of rotating fallow *taungya* systems in Northern Thailand have shown that stumps will always be left in the ground as a source of re-growth from coppice shoots and root suckers, and that trees preserved on the swiddens may act as a source of seeds. Secondary forests in rotational swiddening systems often have larger species diversity than mature stands, naturally also due to the large number of trees in a relatively small area. The most species-rich swidden fallow secondary forest stands contain more than 30 species per 500 m<sup>2</sup> in the tree layer alone.<sup>51</sup>

<sup>44</sup>World Bank 2009 *Country Social Analysis, Ethnicity and Development in Vietnam*

<sup>45</sup>*Hanunóo Agriculture: A Report on an Integral System of Shifting Cultivation in the Philippines* 1957

<sup>46</sup>*Shifting cultivation in Southeastern Asia*, 1966

<sup>47</sup><http://bioscience.oxfordjournals.org/content/50/6/521.full> )

<sup>48</sup>Jefferson Fox et al 2009 *Shifting Cultivation: A New Old Paradigm for Managing Tropical Forests* by Jefferson Fox, Dao Minh Truong, A. Terry Rambo, Nghiem Phuong Tuyen, Le Trong Cuc and Stephen Leisz

<sup>49</sup>2006 “*Debating Shifting Cultivation in the Eastern Himalayas. Farmers’ Innovations as Lessons for Policy*” compiled by Elisabeth Kerkhoff and Eklaabya Sharma.

<sup>50</sup>*The Demise of Swidden in Southeast Asia? Local Realities and Regional Ambiguities* by Christine Padoch, Kevin Coffey, Ole Mertz, Stephen J. Leisz, Jefferson Fox & Reed L. Wadley, *Danish Journal of Geography* 107(1): 29-41, 2007

<sup>51</sup>D. Schmidt-Vogt 2001 *Secondary Forests in Swidden Agriculture in the Highlands of Thailand*, *Journal of Tropical Forest Science* 13 (4): 748-767

Conclusions on the above studies are that community-based land management can be conducive to sustainable land management, also under new technologies, as it underpins the livelihoods of all community members. It is a land management based on the social capital in each village, which - in most ethnic villages - ensures no one is without access to land, e.g. newcomers, if they become residents, are allotted land and newly married couples are given land out of the common property. Customary communal tenure secures livelihoods, preserves cultural identity, protects against landlessness for village residents, offers high levels of protection against land grabbing by outsiders, and puts in place institutional mechanisms for future sustainable land use planning and climate change mitigation. Customary traditional governance structures are important for ensuring sustainable land management and are supportive of issues that are of concern to the government.

### ***Rotating Fallow Taungya or Shifting Cultivation Farming in Myanmar***

The rural population of Myanmar makes up almost 70% of the total. Around 42% lives in upland areas. Presentations by Myanmar scholars have stated that around 155,607 Km<sup>2</sup> or 38.5 million acres is under shifting cultivation<sup>52</sup> with forest-dependent communities making up 80% of this population. MOECAP writes on its webpage that shifting cultivation is a cause of forest degradation. However, it recognizes that “it is a cultural practice and way of life”. In the new draft Land Use Policy by mid 2015 shifting cultivation is recognized as subsistence agriculture.

The MOECAP indicates that it would like to assist upland farmers putting their rotating fallow farming fields and their village forests under a registered community forestry title, and to use the land for ‘agroforestry’ which is one of the allowed modes of managing a community forest according to the 1995 Instructions. This suggestion by MOECAP of using the Community Forestry Instructions, 1995, does not, as mentioned earlier, fit the customary institutional arrangement for village communal tenure as the latter always, per definition, encompasses the *whole* village.

With the expansion of the state control and with the natural population increase evidently many areas under traditional rotating fallow farming with customary long fallows are put under increasing stress and may require a new management system to manage the fallows productively and ensure the maintenance of ecological balance. It is evident also in Myanmar that rotating fallow farming fields in areas where land pressure is increasing have been subject to terracing or contour bunding, a change in land management which will eventually be reflected and accommodated in the Internal Rules of the customary land management systems of communities. In the recent publication by the FAO, IWGIA and AIPP: *Shifting Cultivation, Livelihood and Food Security. New and Old Challenges for Indigenous Peoples in Asia* in 2015<sup>53</sup> all case studies highlight the need to assist indigenous shifting cultivators by improving their agriculture-based livelihood systems for better food security. It says that the “productivity increases through soil fertility improvements, crop diversification – both for own food and cash crops,

<sup>52</sup> ‘East and Southeast Asia Sub-regional Workshop for GEF Focal Points’ - *National GEF Priority Setting*. PPT by U San Win n.d.

<sup>53</sup> Chris Erni (ed) *Shifting Cultivation, Livelihood and Food Security. New and Old Challenges for Indigenous Peoples in Asia*. Published by the Food and Agriculture Organization of the United Nations and International Work Group For Indigenous Affairs and Asia Indigenous Peoples Pact, Bangkok, 2015

better fallow management and combination with agroforestry are mentioned as priority areas of future support.”

The latest 6<sup>th</sup> version of the NLUP has recognized shifting cultivation as a subsistence agriculture emphasizing as well it will protect customary land use. Therefore, in spelling out Rules under the new Land Resource Law in the future the government shall hopefully recognize the positive side of rotating fallow *taungya* <sup>54</sup>namely that:

\* Rotating fallow *taungya* or shifting cultivation is carried out under a broad range of community-based tenure regimes that mediate the sharing of the land and natural Social and food security is one of the main functions of local institutions of upland farmers of rotating fallow *taungya* resources.

\* Farmers practicing rotating fallow *taungya* or shifting cultivation conserve more forests on their land than any other farmers, and make it productive at the same time. Techniques used in these systems are generally appropriate for their agro-ecological contexts (although not “modern”), and cultivators often have complex and comprehensive knowledge about resources, land use, and the surrounding environment

\* In comparison to sedentary cultivation, swiddens have lower impacts: the agricultural ecology is far greater, especially during the fallow period when forest regrowth provides diverse habitats. Virtually no toxic external inputs are used, such as pesticides, herbicides, and synthetic fertilizers damaging to the soil and water systems<sup>55</sup>

\* The institutional mechanisms ingrained in traditional rotating fallow *taungya* systems can ensure access to productive resources for every member of the community. There are seldom any landless.

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<sup>54</sup> See the “Shillong Declaration” that was prepared by participants of the Regional Shifting Cultivation Policy Dialogue Workshop for the Eastern Himalayas, 2004 <http://www.mtnforum.org/content/debating-shifting-cultivation-eastern-himalayas-farmers%E2%80%99innovations-lessons-policy-1>

<sup>55</sup> Springate-Baginski, Oliver Rethinking Swidden Cultivation in Myanmar: Policies for sustainable upland livelihoods and food security Pyoe Pin 2013

## 4. Outline of the Study

### *Background of LCG Engagement*

The LCG decided in 2013 to carry out a research on customary communal tenure as there were almost no studies found in Myanmar, other than those undertaken by British officers in the 1930s in Chin State and a recent study written by U San Thein (2012) for the NGO GRET.<sup>56</sup> This has become supplemented by the recent 2015 thesis by Jim David Ennion with the title *From Conflicting to Complementing: the Formalisation of Customary Land Management Systems governing Swiddan Cultivation in Myanmar*, 2015.

The Land Core Group, which has undertaken several studies of land alienation and land grabbing, wanted in 2013 to identify the ways protection of the customary rights of upland communities could be institutionalized through communal land registration. In present day circumstances in Myanmar these customary systems would need support and endorsement from state law to survive as the market economy grows and quest for land increases. If land is turned into capital without recognition of community rights, the basis for day to day sustenance of farmers, who make up the majority of the rural population, will be lost. This is a topic that has come into focus with the publication of the *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security* adopted by the Committee of World Food Security in Rome in 2012. These Guidelines have given rise to explicit adoption by selected companies of corporate social responsibility (CSR), a topic that detailed in the August 2015 publication by the Interlaken Group/RRI *Respecting Land and Forest Rights - A Guide for Companies*. The context for implementation of these CSR Guidelines in Myanmar is a topic not dealt with here directly except for arguing for a need for an a priori understanding of the characteristics of customary tenure.

The LCG and the researchers identified the Farmland Law 2012 as a possible statutory instrument for registration of the community's customary communal agricultural lands, including the fallows, if the Article 116 of the Farmland Rules was amended. This could be done if the community was seen as an 'organization' or 'association', which Article 6 (b) of the Law puts among the right-holders. In order to become an association the village community would apply to GAD to incorporate legally on basis of the village Statutes that were developed with the help of the researchers. If legally incorporated, the community could apply to SLRD for registration of its common property parcels with reference to Farmland Law, Article 6 (b). The land parcels making up the common property would be registered under one community ownership.

The research has therefore used a framework that required the preparation and recording of two set of rules: the Statutes and the customary Internal Rules of land management and tenure sharing. The first is a set of Statutes that set up the governance of the village 'organization' with an elected Land Caretaker Committee to deal with ongoing issues in relation to the outside world. It features a General Assembly of all villagers being the final decision making body and the body that can change the Statutes and the Internal Rules for sharing of the land.

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<sup>56</sup>San Thein *Study on the Evolution of the Farming Systems and Livelihoods Dynamics in Northern Chin State*, GRET 2012

The Statutes do not deal with customary land management in any detail, only the customary Internal Rules do. The Statutes only inform of the objectives and the governance structure that establishes the village as a legal entity that in the future can apply under the Association Law and Rules to GAD for status as an association owning land in common.

In contrast to the Statutes, which may be similar for most villages, the customary Internal Rules of the village for how it manages and shares the land are specific to each village. The Internal Rules are the day to day working rules and these are common knowledge sustained by the community itself. The Internal Rules differ from village to village, dependent on many factors, including, but not limited to, ethnic group identity, clan identity, population density, size of total land areas of the village and the resource endowment, women's status, private land claims within the common property, inheritance, bride prices, and transactions to borrow/lend land between village members. No external authority plays a role in day to day application of Internal Rules. One internal rule that is common, though, to both Chin and Shan is that occupancy in the village is a criterion for access to land. Besides this similar rule the internal rules in Chin are clearly reflective of their large landscapes and annual allocation of plots to households by lottery, while the rules in Shan reflect their more permanent land use.

The researchers have recorded the customary Internal Rules of the four pilot villages. Writing them down makes it possible for the village to discuss, amend and agree upon and subsequently keep a copy as a reference if and when one day it holds a cadastral registration of a communal land title. This storage is done to protect against potential future conflict, if market forces come to lure individual villagers.<sup>57</sup> A written record of customary Internal Rules can safeguard a villager's rights if something unexpected happens in the future. The recording of the Internal Rights and Rules also helps everyone in the village to avoid the infiltration of outsiders, e.g. commercial corporations and businesspersons that may approach an individual villager to "borrow" land.

Recording of the Internal Rules and seeing these as the basis for internal land management under a future land registration will avoid an alleged tendency to "cultivate new forms of authority and power" shaping them into "NGO-state subjects that contrast with their customary practices" as Kevin Woods writes.<sup>58</sup> While it hopes to use the State's statutory mechanisms of land registration, it uses these instruments of the state as the "weapons of the weak",<sup>59</sup> i.e. seeking official land registration of communal titles for village 'associations' with reference to the Farmland Law as this law is the only means as long as no new land law is in place. The name of such association would therefore be, say, for Chuncung the "Chuncung Community Organization for Managing the Communal Rotating Fallow Taungya Land".<sup>60</sup>

<sup>57</sup>In Cambodia cases of conflicts have occurred in villages where a family "sold" its land to a businessman who had persuaded and lured the family how attractive it would be to buy a motorcycle.

<sup>58</sup>Kevin Wood *Community Forestry in Cease-Fire Zones in Kachin State, Northern Burma: Formalizing Collective Property in Contested Ethnic Areas*, CAPRI Workshop on Collective Action, Property Rights, and Conflict in Natural Resources Management, 2010

<sup>59</sup>James Scott *Weapons of the Weak: Everyday Forms of Peasant Resistance* Yale University Press (1985)

<sup>60</sup>The translation into Bamar will avoid using the term Shwe Pyang Taungya which is the common name for shifting cultivation

## ***The Theoretical Framework***

In most countries the land on which customary communal tenure is practiced would nowadays formally make up state land due to the state's eminent domain. In former times the state in S.E. would have interest only in taxation of forest projects wanted by various parties, be it the Burmese, Siamese or Laotian kings. In 2014 the situation is different, as the upland areas inhabited by indigenous communities are also the areas where, as mentioned earlier, the most valuable natural extractive resources are found or land upon which to establish rubber plantations, and the upland communities are therefore, as seen earlier, vulnerable to land grabbing and expulsion. Such land grabbing has been observed with highly detrimental consequences for local communities in Cambodia and the Lao PDR. In both countries studies have been undertaken by the present author to define ways to register customary communal tenure.

The procedures developed as part of in the present study are based on the experience in other countries in the region, e.g. Cambodia and the Philippines and they are based on the theoretical principles for institutionalization of collective action characteristic of common property institutions. These technical and theoretical principles are derived from the theory of common property developed by the Workshop in Political Theory and Policy Analysis, Indiana University, under the leadership of the late Elinor Ostrom since the 1980s.<sup>61</sup> She set the framework for analyzing the evolution of institutions for collective action and has contributed greatly to knowledge about common property, both codifying existing communal tenure as well as crafting new common property institutions as 'induced' institutions, where none existed before. The Statutes that are mentioned above would feed into what Elinor Ostrom calls "collective choice arrangements" i.e. a governance system for the village community including rules for how its elected committee and general assembly take decisions.<sup>62</sup>

Communal tenure refers to a situation where a group holds secure and exclusive collective rights to own, manage and/or use land and natural resources, referred to as common pool resources. This may comprise either agricultural lands, grazing lands, forests, trees, fisheries, wetlands or irrigation waters. In common property or common pool resource theory, communal tenure can be defined as self-governing forms of collective action on land, forest or fisheries by a group of people, most often a village.

In the researchers' interviews in the villages in Chin and Shan state the researchers mapped the characteristics of the pilot villages' specific communal tenure arrangements in their Internal Rules using a questionnaire prepared by the international consultant based on Ostrom's 8 principles below:

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<sup>61</sup> *Proceedings of the Conference on Common Property Resource Management*, prepared by the Panel on Common Property Resource Management, Board on Science and Technology, National Research Council, National Academy Press, 1986 and Elinor Ostrom *Governing the Commons: The Evolution of Institutions for Collective Action*, Cambridge University Press 1990

<sup>62</sup> The present author has contributed to the analysis of communal tenure institutions in Asia in her FAO working paper on governance and communal tenure in Asia <http://www.fao.org/docrep/014/am658e/am658e00.pdf>



- Clearly defined boundaries (effective exclusion of external un-entitled parties);
- Rules regarding the appropriation and provision of common resources that are adapted to local conditions (who can take what, where, why and how);
- Collective-choice arrangements that allow most resource appropriators to participate in the decision-making process;
- Effective monitoring by monitors who are part of the appropriators;
- A scale of graduated sanctions for resource appropriators who violate community rules;
- Mechanisms of conflict resolution that are cheap and of easy access;
- Self-determination of the community recognized by higher-level authorities; and
- In the case of larger common-pool resources, organization in the form of multiple layers of nested enterprises, with small local CPRs at the base level.

The research understands ‘property’ as social and economic relations among people with respect to rights in something. Tenure in land is a bundle of rights that are enforceable by statutory law and/or customary law. A right is an enforceable claim recognized by a social system. Tenure can be understood as a *system* of many different bundles of rights that are enforceable at different levels. These can operate simultaneously and overlap on the same piece of land, thereby constituting a nested hierarchy or configuration of rights. In communal tenure the right-holder is defined as an exclusive group, where everyone is aware of the criteria for membership. Internally, group members – usually organized in households – can hold individual permanent or temporary rights to particular *resource niches* within the common property, whether a standing crop or a seasonal non-timber forest product, a piece of land based on an ancestral claim, part of a lake or fish harvested by a specific technology, or trees in the forest that produce resin, but these rights cannot be bestowed to an outsider.

By analyzing the kinds of rights that appear in the bundle it is seen that some rights are more important than others, but basically there are five kinds of important rights, namely access, withdrawal or appropriation, management, exclusion and alienation. Access pertains to the right to enter a defined physical area and enjoy non-subtractive benefits (e.g. walk through a field or rest in an area). Withdrawal or appropriation is the right to harvest resource units or products of a resource system (for example, crops grown in a swidden, cut trees, collect resin, catch fish, or divert irrigation water). Management is the right to regulate internal use patterns and also to transform the resource by making improvements, e.g. terracing the land, planting an orchard or releasing fingerlings in a body of water. Exclusion refers to the right to determine who has access and withdrawal rights, and how those rights may be transferred. Finally, alienation concerns the right to sell or lease management and exclusion rights if warranted.

The model described above is the ‘incorporation approach’. In 2005 Daniel Fitzpatrick’s published a paper with an outline of four main approaches regarding formalising customary communal tenure, namely the minimalist approach, the agency approach, incorporation of customary groups and the establishment of land boards.<sup>63</sup> The incorporation approach is chosen here

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<sup>63</sup>Daniel Fitzpatrick ‘Best Practice’ Options for the Legal Recognition of Customary’ in Development and Change 36(3): 449–475 (2005).

as it was in Cambodia. The present author has also used Fitzpatrick models in the analysis of procedures for institutionalizing communal tenure in Cambodia in a study for the WB in 2006. This model is the one coming closest to characteristics of the existing customary tenure in Myanmar as it resembles best the customary system of communal tenure in Cambodia as well as in Myanmar. Ennion (2015) discusses the formalization requirements for swidden land in his thesis on Myanmar with an objective close to that of the present study. He also refers in his final chapter to Daniel Fitzpatrick's outline of four main approaches. Ennion emphasizes that minimalist approach would allow localised diversity to be incorporated more naturally into a centralised structure. However, the present author does not recommend the minimalist approach as the present model for the incorporated approach includes Internal Rules that are recorded at the local level and adopted as the recognized principle for land sharing in the village.

### ***Fieldwork of the Researchers***

The research started in May 2013 as a short fieldwork to learn in detail how village agricultural swidden (Chin) and permanent land (Shan), including fallow land, was managed under a customary system. The first visit to the villages aimed to record the Internal Rules, i.e. the existing customary collective management regimes of rotating fallow agricultural systems in Chin State as well as the more permanently cultivated lands of the villages in Shan State. It meant understanding the Internal Rules with regard to mechanisms for sharing the land, inheriting land, borrowing and lending land and articulation of different prerogatives and equity/fairness of land access for all members of the community including women/widows.

The main activities of the study have comprised fieldwork in Chin and Shan states in two rounds, in May 2013 and in August-September 2013 for the international researcher. The national researchers have worked independently during additional visits. The international researcher has been accompanied by a national Chin researcher, Ca Lian, in Chin State and with two different Burmese speaking national researchers in Shan state, Kay Thi Myint Thein and Moe Moe. In Chin State the researchers were supported by GRET in Hakha and Ar Yone Oo in Mindat and in Northern Shan State (Lashio) by CARE. The study process has included close contact with the LCG for preparation of field trips, securing travel authorization for the international researcher, hiring national researchers, and booking air tickets and preparing the itinerary. In the field GRET, CARE and Ar Yone Oo arranged for transport. After the completion of each fieldwork period a debriefing was held in Yangon with LCG and a report prepared by the international researcher to highlight lessons learnt and specifications for the next phase.

In terms of interactions with villagers, the researchers have relied on GRET, Ar Yone Oo and CARE to facilitate meetings. Villagers - including headmen and tract administrators - were informed prior to arrival of the team and they arranged village meetings with 20-35 persons present. In Northern Chin these groups comprised mostly men, in Southern Chin and in Shan State many women participated, but did not voice an opinion except for occasionally in Shan State. Separate focus group discussions with women were held, primarily in Shan State, where the national researchers were women and the CARE provided assistants in the field, who were also women. In Northern Chin the national researcher went back alone in June-July 2013 to interview women's groups and he wrote up information from these interviews. In all villages the researchers used flipchart paper and crayons to draw up the locations of named swidden tracts around the village.



**Fig . 1**

**Mr Bosco of Ar Yone Oo facilitates drawing up the villagers' information on the flip chart. In all village meetings drawings of the village territory and location of the rotating fallow farmland areas was recorded.**



**Fig . 2**

**Description of land holdings by a Shan village during researcher's consultation.**

The aim of the first visit to villages in May 2013 was to cover as many villages as possible and to record the Internal Rules for how customary land management was carried out, how decisions were made each year about land use and to discuss with villagers what communal tenure meant. Communities were also informed by anecdotes how communal tenure was legally registered in other countries with community ownership. The first fieldwork inquiry in May 2013 was based on a guiding questionnaire prepared by the international researcher appropriate to the Northern Chin situation, based on, among others, information from U San Thein's study for GRET, but using the Ostrom principles for common property institutions. The questionnaire was later adapted to fit Southern Chin and Shan. Responses in villages were also recorded by the national researchers and put in writing and all responses naturally gave birth of many further questions to understand the situation better.

In Northern Chin around 3-4 villages were initially visited by the international researcher and later a few more villages by the national researcher. Later, in July 2013, an LCG team visited Chin State for the purpose of carrying out a 'Free Informed Prior Consent' (FIPC) among villages to identify which villages opted to be part of the piloting. The LCG team also brought along information material and posters prepared by LCG on the Farmland and VFV laws. It continued the discussions with the same villages visited earlier, and two pilot villages in Northern Chin were selected (Chuncung and Tinam).

In Southern Chin also 4-5 villages were visited initially and 2 tentatively selected in July, but due to the existing complicated tenure situation in Southern Chin with private big landowner claims that are articulated each year against payment by other villagers to use the land, the two villages opted out later during the September 2013 visit, so no Southern Chin villages are among the pilots. A codification of Internal Rules there would have cemented the rights of a particular few clan claimants/owners of the villages' rotating fallow *taungya*. The Internal Rules in Southern Chin did not cater to equity the way they do in Northern Chin.

In Shan State also around 4-5 villages were visited initially in May 2013 and two villages (Tone Kyine and Kyaw Tee) that wanted to become pilots were selected in July during the visit of the LCG team based on a FIPC process, where also information material and posters prepared by LCG on the Farmland and VFV laws were provided. The September 2013 visit to the two states allowed the international researcher to interact with state government officers in the SLRD and Forstry Department. This had become possible as Naypyitaw had been informed of the purpose of the study by the LCG in July 2013, and had voiced no objections. The visit to government offices allowed the researchers to understand the land classifications, and the capacity and tools of the government officers to engage in land registration. In Chin none of the government officers accompanied the reserachers to the field, while in Shan one SLRD officer attended.

Draft Statutes were prepared by the international researcher for discussion in the pilot villages in Sep 2013 to help the villagers understand what Statutes meant and their relation to legal incorporation. The discussions of the draft Statutes in the villages allowed for inclusion in the Statutes of the names of all the landscapes within which agriculture took place, e.g. the *lopils* in Northern Chin. In discussing the Statues the villagers participated in long debates, working article by article, and the draft statutes were left behind in the village for further discussion and amendments. The Internal Rules had been recorded by the researches and written down during the May 2013 meetings. Once the Statutes and Internal Rules were put in writing and the Statutes vetted by Burmese lawyers in December 2013 for legal language appropriate for the GAD<sup>64</sup> the next step was a preliminary land survey and mapping.<sup>65</sup> Thus, in late 2013 and the start of 2014 the company Gmap came to the field to undertake GPS survey of the land areas, that is the *lopil* in Chin State that included the village customary agricultural swidden land, e.g. the cultivated land and all the fallow land, the latter making up the largest area of the two in Chin State, but not in Shan. The mapping was carried out with the objective for villagers to have preliminary maps of their land areas for further engagement with other stakeholders and with SLRD.

During 2014 the study process included a debate on the results of the mapping that had taken place in January 2014 and a revisit of the national researcher to Shan to edit the mapping. In May 2014 the LCG, the international researcher and national researchers had a chance to meet in Yangon and discuss further the next steps. At that time the international researcher had a chance to meet also with Gmap to learn in detail how the land in Chin was mapped, the source of various pieces of information and what information could be made available if maps were overlaid. This analysis has not yet been carried out (Sep 2015).

As villagers in Chin also have terraces and orchards in the *lopil* a further discussion is needed whether these areas are to be included in a communal tenure land registration and the associated Internal Rules specifying private rights in the common property - or orchards and terraces will be submitted for individual tenure rights/land use certificates by villagers. This discussion has not yet taken place with villagers, but the *size of* land areas with orchards and terraces have since the Gmap mapping January 2014 been calculated by villagers and informed to the researchers by December 2014 through GRET. These special excised areas now appear in the tables that are inserted in the Statutes of Chuncung and Tinam in Annex 1 and Annex 4.

<sup>64</sup> The Statutes are later translated into Chin and Shan

<sup>65</sup> By end of 2013 Yangon-based lawyers had vetted the Burmese language of the Statutes and made minor corrections. By then the versions of the Statutes already included the names of the persons elected in the villages as the land (caretaker) committee.

### ***Limitations and Challenges in the Study***

The limitations have been the very short duration of fieldwork (under 20 days) and the problems for national researchers of translating and understanding the methodology of inquiry based on the theory of common property, e.g. clear boundaries of the parcels making up the common property, clear entry and exit rules for membership of the right-holding body, precise definitions of the collective choice arrangements and a definition of the relationship to outsiders - not to mention all the different internal modes of allocating land and resource rights found in the Internal Rules of a village. The challenge to the international researcher has been to explain properly the features of common property institutions and to urge the national researchers to continue to dig further into understanding clearly the reasons behind villagers' replies to each of the research questions. Understanding the English report writing and field notes of national researchers was at times difficult, as the description of the characteristics of a customary system of communal tenure needs precision in the exposition of the actual configuration of rights.

A further limitation during the first visit in May 2013 was the intentional low profile kept by the international researcher in relation to contact with government agencies. This made it difficult to ask many questions and probe into answers in village meetings in order not to stand out. Later in September 2013, after the LCG had visited NPT to brief on the study, the international researcher met with government officers and had a chance to ask more questions in the villages at village meetings. All through the process the international and national researchers were in regular contact by email and many Q&A were exchanged.

## **5. Observations in Chin State**

### ***Customary Communal Land Management in Northern Chin***

Clearly defined boundaries make up Ostrom's first principle in defining common property. Boundaries are very important in defining in particular the outer boundaries, but also the internal boundaries of resource niches *inside the common property* that carry special withdrawal rights including the partitioning of, e.g. of *lopils* into plots (ancestral or not) within the *lopil*. The boundaries of the village and of the named Chin 'cold' and 'warm' *lopil* landscapes in the village territory are known to all villagers and identified by natural features. Also the neighbors know this, but the outsiders and the government do not know. In the study the names of *lopil* were ascertained and used as basis for discussion of land use and land sharing.

The common property of a particular Northern Chin village consists of many parcels that are found inside the warm and cold *lopils*. The common property is not just *one* contiguous area. It is therefore important as part of the methodology to measure the rotating fallow farming areas, parcel by parcel, for each village, so that all of them, also the 10 year old fallows, are included. The location of these agricultural parcels inside the *lopil* is known. The names of the *lopil* land blocks or landscapes are put in the Statutes, so it is clear to the government, which land areas are addressed. As mentioned above, in Northern Chin the agricultural parcels that would make up a future registered common property would constitute far less land area than the total area of all the *lopils*. In Chin State the blocks of named *lopil* land areas are very large. For one village they may amount to more than 20,000 acres in total, while the plot used by a household in a given year may be 3-4 acres.

Villagers in the two Chin villages were asked by the researchers to describe the tenure arrangements for their agricultural shifting cultivation land, how claims were originally made by ancestors clearing the land and how new claims, if any, could be made today, the contemporary role of clan rank in annual land allocation, the impact of ancestral claims, the rights of women and widows, and of newly married couples, and the status of new claims associated with clearing of new land or building new terraces. These are the rules of appropriation and provision of common resources in Ostrom's terminology making up the day to day working rules or Internal Rules. The mechanisms for the annual allocation to families of plots (*lo*) inside the mountain tract of *lopil* were analysed. The *lopils* vary in size. The tracts cannot be extended due to physical reasons. In a given year agricultural land in one or two *lopil* may be under cultivation.

Agricultural land in a *lopil* is divided on the ground into plots (*lo*) for each family. The *lo* or plot is marked by stones. Based on Internal Rules, a household is allocated through lottery one or two *lo*. Lottery may be combined with other criteria such as the household's labor availability and consumption needs to determine the land allocation in a given year. Land plots



**Fig . 3 A lopil which is divided into plots of around 3 acres**

are foremost allocated by lottery, but like in Tinam, only 80% is put up for lottery and if it turns out that a large family wins only a small *lo* in the lottery, they will be given additional land from the remaining 20%. The researchers observed that Chin is a strong patrilineal society, where men make decisions and any ancestral claims in land are passed down in the male line. This means that rules of appropriation and provision follow local cultural as well as ecological

conditions. Each year in September the village by consensus determines which *lopil* to start cultivating the following year. Based on the village's socio-economic organization the main leaders of decision making would be men, elders, and the village chief.

GPS surveys took place in Chin by the end of 2013, and subsequently in Shan - with a further follow up in 2014 in Shan by the national researcher. In Shan State little fallow land is found as most land is used each year. A Shan village's claims on agricultural land may, as seen in next section, run into only 1,000 acres. Also in Shan state the village divides its territory into named landscapes as seen e.g. in Annex 10.

When discussing the land that potentially can be registered under a codified communal tenure in Northern Chin the focus will need to be on the agricultural lands inside the *lopils*, which are clearly part of a rotating fallow farming system. Sometimes a number of *lopils* are covered in good forest if left fallow for a long time. Still, by name, the tracts are called *lopil*, i.e. the block that forms the basis for annual land management decisions.

An issue that emerged from the maps of the *lopils* (yellow dotted lines) and the overlay by satellite imagery showed that the *lopil* were not fully used. Only one-fourth to one-third of a *lopil* was used in a given year. This means that boundaries of any cadastral land registration cannot use the *lopil* boundaries, but must negotiate with villagers as to exactly how much land should be set aside for swidden agriculture.





**Fig . 4** One Lopil in Chun Cung village where dotted yellow line indicates the boundary. The overlay by satellite imagery showed that the lopil was not fully used.

In line with the cultures of shifting cultivators of upland S. E Asia the customary land management systems in Northern Chin are embedded in the social relationships of the village and follow kinship, *dama ucha* and residence criteria. We find earlier written information in English on customary tenure in Chin in, among others, two documents, which have proved useful to the researchers: the recent study by U San Thein for GRET in 2012 *Study on the Evolution of the Farming Systems and Livelihoods Dynamics in Northern Chin State* and the study by the British Officer H.N.C Stevenson stationed in Falam in the 1930s *The Economics of the Central Chin Tribes*, The Times of India Press.<sup>66</sup> The latter is a very comprehensive monograph written by a person who understood Chin language and could render land tenure concepts in Chin.

The information obtained in the researchers' interviews in 2013 is provided below. This is followed by information derived from the two studies mentioned.

In the Northern Chin State near Hakha township the villages of Chuncung, Sakta, and Tinam were visited in May 2013 by the international and national consultant and one-day meetings were held, often in two groups including separate groups consisting with only women. Later in June the additional villages of Farrawn, Ramthlo were visited by the national consultant to carry out separate women's focus group discussions. Later in July, when the LCG team visited the area for FIPC purposes and for creating awareness on the Farmland Law and the VFV Law, the villages of Chuncung and Tinam agreed to form part of the pilots. Chuncung and Tinam are both Village Tract villages with a resideing Tract Administrator. In Chuncung there were no other villages in the Tract.

<sup>66</sup> "The Economics of the Central Chin Tribes" prepared by the British officer stationed in Falam, H.N.C. Stevenson, published by the Times of India Press, 1943

The interviews with villagers initially aimed to document the concept of spatial ‘boundaries’. Researchers asked about village and *lopil* boundaries and boundaries of plots inside the *lopil* to identify how these were defined both in the past and today. The interviews examined management or collective choice arrangements for the annual allocation of plots, the role of chiefs, elders, women, village tract administrators and possibly the new Farmland Administration Board (FAB), which however was not yet in operation. The researchers tried to clarify, if the village tract administration had any role in demarcating village boundaries or *lopil* boundaries and found it had no role, only elders and other important men. For delineation of the village territory, many villages had kept the boundaries for the village territory established at the time of British occupation of Chin. These boundaries had become the accepted village boundaries.

In the interviews, once boundaries of the village territory were clear the villagers were asked about their land use: ways of sharing and allocating rotating farming plots each year, area for rotation of fallows by year, amount of irrigated paddy land, terraces with permanent cultivation, orchards, grazing lands, cash crop areas, if any, and whether they knew the official land classification of the land that they used and the width and acreage of different categories of land. Most did not know the land classification, except for areas of protection forest. The lands had never been measured by the SLRD. And most were not sure of the acreage, but knew the volume of seeds used, which could be taken as a proxy for size of area. Most farmers paid a nominal tax to the SLRD each year as a token for using the land for agriculture.

The villagers cultivate their *lopils* in rotation with up to ten years of fallow. Some *lopils* are a little far from the village and some farmers cannot cultivate these far *lopils*, and many *lo* may not be cultivated in the given year and sometimes far away *lopil* are lent out to neighbouring village that is near the said *lopil*.

After the first visit in May 2013 the international and national researcher returned in August-Sep 2013 to the two Chin villages of Chuncung and Tinam that had agreed to become part of the pilots. The researchers introduced the idea of formulating Statutes and brought draft Statutes prepared by the international consultant along for discussion. Such draft copy was instrumental to *initiate* a discussion and have villagers suggest amendments and refinements. The ideal would be to have villagers develop Statutes from scratch, but this would not be within their capabilities. The visit in August-Sep 2013 also gave opportunity to edit and reconfirm the Internal Rules for further internal discussion in the villages.

The Statutes, being governance arrangements, are almost the same for all 4 pilot villages. In Chin State for Chuncung/Tinam villages the Draft Statutes of the “*Chun Cung Village Organization (or Tinam Village Organisation) for Managing the Communal Rotating fallow Taungya Land of Chun Cung Village (or Tinam Village)*” were developed. The Statutes state the name of the organization or association (“Chun Cung Community Organization for Managing the Communal Rotating fallow Taungya Land”) and the location of the Chuncung village territory by referring to natural features and bordering tracts using the demarcation done at the time of British Colonial Rule. The Statutes hold that the named entity/organisation/association is a civil body characterized as a community organization or association, where members assist each other in managing the “rotating fallow *Taungya* lands” according to customary practice in a sustainable manner. The Statutes name all the tracts of *lopil* found in the village’s territory within which the agricultural land is found. For Chuncung there are nine cold elevation *lopil* and nine warm location *lopil*.



The objective of forming the association is stated in the Statutes. The objective is to “hold a joint land use certificate for all the customary lands of Chun Cung/Tinam”. The Statutes make clear that membership of the “Chun Cung Community Association for Managing the Communal Rotating fallow Taungya Land” are all resident villagers, both men and women, who have access to cultivate the lands of the village community. The list of names of all resident villagers who have rights to access the community’s lands by lottery would be kept in the village with a copy in the village tract committee and/or FAB. This means that all the ‘appropriators’ that hold withdrawal rights in Ostrom’s terminology are named. Clear entry and exit rules (primarily occupancy/residence in the village) for the organization’s membership are in place.

The Statutes specify an election of a village Land Caretaker Committee to be its representative to the outside world besides being instrumental in taking the initiative for the annual land allocation. They also specify that the General Assembly of all resident villagers in the community association has the right to submit a suggestion through the ten household leaders to the Land Caretaker Committee to change the Statutes or change the Internal Rules. The changes must be adopted and carried out, if the majority of the community organization’s members support the changes. In Chuncung a Land Management Committee was elected prior to finalization of the final draft of the Statutes. The researchers were not present and have not had a chance to examine the fairness of the election. Women are represented as the draft Statutes stipulated women’s membership of committee.

The Statutes indicate that the General Assembly of all resident villagers can agree to lend for a fixed time-period a small part of the communal lands of the “Chun Cung Community Organization (Tinam Community Organization) for Managing the Communal Rotating fallow Taungya Lands” to a neighboring village, but that this village is not allowed to plant perennials. The Community Organization’s Land Caretaker Committee can also sign an agreement with the private sector on behalf of the community after all resident villagers have agreed by majority vote. Any land use project with the private sector must by agreement promote the equitable distribution of benefits within the community, between communities, companies, and government institutions. It must be signed by the Community Organization’s Land Caretaker Committee, by the Village Tract Administrator, the FAB, and the SLRD. Finally, the Statutes indicate that each household will pay tax to the government for annual crop cultivation by acre of land or by plot of land.

As context for the above, it is noted from GRET’s information that in N. Chin there are villages where privatization of land is increasing, partly through terracing and partly by cultivating cashcrops such as ginger and perennials in orchards inside the *lopil*. This does not mean, though, that the farmers have obtained titles to this land, but in theory and in praxis they can ask for land registration under the Farmland Law. The researchers did not have occasion to probe deeper into the triggers of this conversion of possible communal land to private land, and whether, in fact, it is a share of the communal land that is converted or it is other kinds of land, and what impact it has had in terms of other people’s rights. Clearly, a tendency towards a privatization process or dual economy process described in the *Shifting Cultivation, Livelihood and Food Security. New and Old Challenges for Indigenous Peoples in Asia* published by the FAO, IWGIA and AIPP in 2015 is found.

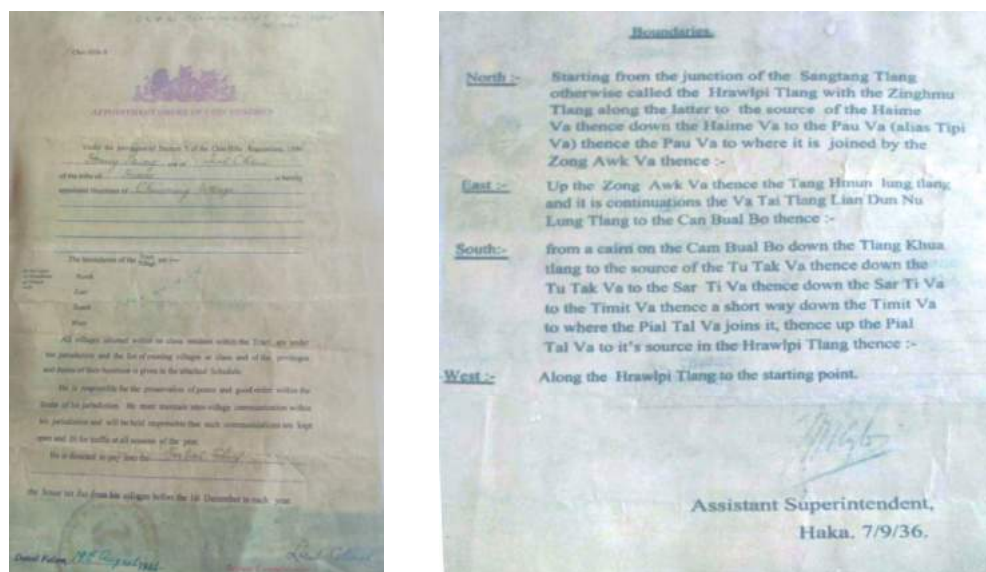
Below is a short description of the Chin pilot villages.

### *Chun Cung village*

For communities, in particular ethnic groups that have lived in the uplands for centuries such as Chun Cung village, the rotating fallow farming system is a *cultural life mode* that matches the overall landscape and its cultural and spiritual traits. It is a life mode with little distinction between work and leisure and it is a life mode where communities have a strong solidarity ethic and a shared praxis. An article from 1937 by H.N.C. Stevenson<sup>67</sup>, which - like earlier descriptions<sup>68</sup> of Chin society - focus on warfare corroborates the life mode and solidarity of a community stating that “One of the obligations which fell upon holders of cultivation titles on the best plots was that of assistance in kind, to a much greater degree than the ordinary villager, when defeat in war or other calamity rendered payment of communal indemnity necessary”.

Chun Cung village is a large village of 350 households. The village residential houses moved from a remote area to be near the road, but fields have not moved. The village has electricity generated from pico hydro that the village established itself. More than a hundred men from this village are working in India as temporary casual labor. The villages today grow millet, peas, sulphur beans, sesame and a number of other crops including garlic and ginger for export to Mizoram. Terraced paddy started in 2010 with support from GRET.

The delineation of the village territory of Chun Cung prepared by the British in 1936 is still valid in the eyes of the villagers, see below:



**Fig. 5** The delineation of the village territory of Chun Cung prepared by the British in 1936.

<sup>67</sup>Stevenson, H.N.C. “Tenure in the Central Chin Hills of Burma” in *Man*, the Journal of the Royal Anthropological Institute of Great Britain and Ireland, Vol.37, 1937.

<sup>68</sup>See Carey, B.S. and H.N. Tuck *The Chin Hills. History of the People, our dealings with them, their Customs, Manners and a Gazetteer of their Country*, Vol. II, Rangoon 1896

The decision on which *lopil* to open up the following year is taken the preceding year. A single specific *lopil* may contain up to a hundred plots some of which could be subject to ancestral claims. The family with ancestral claims will use (some of) such plots for cultivation and may also use them as a dowry at weddings, as compensation when resolving disputes, or as a gift at child naming ceremonies. Some families have ancestral claims in more than one *lopil*. In total, it is estimated that around one-third of the *lopil* land may feature ancestral claims, which all cut across the *lopils*. Therefore, families with rights in one *lopil* may be the ones with no ancestral claims in the land put to cultivation the following year in another *lopil*.

The Chuncung village's Internal Rules hold that ancestral claims give a prerogative to that particular family to choose to use the said plots in the year that the concerned *lopil* is under cultivation. But the family with ancestral claims only has rights to use as many plots as its labor allows. If the family has ancestral plots in a *lopil* over and above what it can use in a given year, these plots become part of the common pool resources and subject to allocation by lottery among the remaining households that have no ancestral claims in that particular *lopil*. Being residents of the village the others have rights to access land that year out of the common pool of land. The families using the ancestral plots of others do not to pay for the use of the land. The common pool is shared freely. This is an old custom still preserved in 2014. In the aforementioned 1937 article, Stevenson writes of an individual that "He may also inherit cultivation titles over an unlimited number of plots, but these are in effect priority titles, as he may not refuse permission to cultivate to any person wanting a plot which he himself is not using. Sale and renting are forbidden".<sup>69</sup>

All plots in a *lopil* are marked by a pattern of stones encircling the plots and the plots are numbered for the lottery that is conducted among the households each year. Newcomers to the village will get access to land through the lottery system under supervision of the village leaders/land management or caretaker committee except for land that is deemed sacred *Seithumh Hmun*. If a family leaves, it may pass its ancestral plots to relatives. Otherwise the land rights of that family are annulled, if it is no longer present. It cannot sell the land rights to anyone. If the family comes back or if new families move in to stay they will have land rights and be given land for cultivation in the annual lottery. There is no land shortage in the village.

The village wants to protect its own land and not share it with outsiders, who do not live in the village. However the village of Chuncung can 'rent out' land temporarily to another nearby village such as Hairawn, which pays 'rent' for the land in beer, pigs or money to Chuncung. The land that Hairawn uses lies in Chuncung territory, but located nearer Hairawn than Chuncung village itself. The rent, if in money, is kept by the village committee in a fund and used to pay for food when government officers or guests visit the village.

Certain areas of the common property of village *lopils* can become subject to individual development and private claims, a kind of *dama ucha* principle of wielding the machete within the common property that institutionalizes an individual claim within the common property. This happens if someone wants to invest labor in building a terrace on land inside a *lopil*.

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<sup>69</sup>Stevenson 1937 Land Tenure in the Central Chin Hills of Burma Man, Journal of the Royal Anthropological Institute of Great Britain and Ireland vol. 37

Development of terraces is supported by NGOs in Myanmar to increase productivity. Sometimes the terrace is near the house and therefore not on land that is considered common property. If the terrace is built in a *lopil*, the person who wants to build a terrace must ask the village for permission to use that particular plot of land in the *lopil*. He has the right to ask even for a plot that is part of someone else's ancestral claim. If that ancestral right-holder does not himself want to build a terrace in the particular plot, the person wanting to build will have the right to develop the chosen piece of land.

### ***Tinam village***

Tinam village has 100 households, paddy land of 38 acres, and orchards of 80 acres. The Statutes for Tinam are the same as for Chuncung excepts for the number and names of the *lopil* and the Internal Rules for land management are also almost the same as in Chuncung as both villages practice communal tenure. Like for Chuncung in some *lopils* there are many unused lands due to steepness and rockiness, but there are also terraces and orchards which are privately claimed. Tinam villagers cultivate all the *lopils* in rotation of ten years of fallow.

See Annex 3 and 4 with Statutes and Internal Rules of Tinam as recorded in 2013.

### ***Van Zang Village***

The village of Van Zang is located in Thantlang township. It was not visited by the team, but the researcher had opportunity to interview a woman from Van Zang, who was working in Hakha. Ms HNieng Ba was the informant and Bawi Tha the translator. The circumstances of the interview allowed for a structured flow of information and better details than from bigger village meetings. She is a widow with three children who are adolescents. She has left the village to work in Hakha town for Merlin. She tells about the village and that she has rights to land when and if she returns. Right now, not being there she does not have rights in land. There is land she calls her father's land, but at present that land has been 'sold' by the village to support the local teacher. This 'selling' means the act of transferring rights for one year to a particular person in the village against a remuneration that accrues to the village, not to her. After its use, the land is transferred back to the common property. If she goes back she will get land as part of the village's lottery system or the ancestral land. The lottery is based on an allocated plot number, organized according to *lopil*. The land endowment of the village is sufficient for subsistence, so they use only one *lopil* per year. The boundaries with neighboring village land are already decided upon and follow natural features.

Some plots can be 'sold' or 'rented out', she said. Here 'sold' actually means 'rented' to a neighboring village for short term, the payment for which going into the village fund for entertainment of guests to the village. The fallow period is 10 years. Some families prepare terraces with agreement from the rest of the village. The families were given paddy seeds by WFP to do this, but that was all. She says everyone can build terraces, but in Van Zang not on land in the *lopil*. Her relative has prepared a terrace just next to his house. She states that currently 10 families have prepared terraces, and that these terraces are privately owned.

She informed the researchers that if newcomers arrive to settle in the village they are also given rights to land and are often given the fertile land to make them more willing to stay. Any money

made from land 'renting' goes, as stated, into a village fund used for teachers and for entertaining guests to the village. She tells that the *lopils* are fertile, although some are less so, and that they are not of the same size. The yield from the fields is as follows (millet?): in a good year if she sows 1.5 baskets of seeds, she can reap 125 baskets, in bad years she may sow 2 baskets and only harvest 50 baskets. The *lo* is normally in need of weeding three times in a year prior to harvest.

In the past, the village chief was not paid by government, but held priority access to good fertile land, and may still get preferential treatment today. The lottery is fair, and if HNaing Ba returned to town she might win a large *lo* that is fertile and would be able to share some of her asset with other families that year against some labor being provided to her. If a big family draws lot of smaller *lo* they can request to get more land.<sup>70</sup> She emphasized that in the village there are no landless people, all have rights to land.

### ***Earlier documentary sources on land tenure in N. Chin***

The researchers have tried to collect all possible information from written sources to establish a context for the information received during fieldwork. On land use and tenure anno 2012 the researchers read the study by U San Thein carried out as a consultant to GRET.<sup>71</sup> U San Thein's important observations related to the agricultural system emphasize that it is characterized by a subsistence economy with a low degree of commercialization. Food crops grown are largely divided into four classes: grain, pulses, roots and vegetables. Grain comprises millet, Job's tears, maize, rice and jowari. Pulses include gram, peas, small bean, pigeon pea, sulphur bean, or jack bean. Root crops include sweet potato, yams, turmeric and ginger. Vegetables include pumpkins, cucumber, onions, chilies, egg plant and wild varieties of spinach. Northern Chin farming is done on steep, high altitude and cool monsoon forest areas. The staple crop was maize, although varieties of millet and hill rice were also grown (p.17).

U San Thein looked at the cropping system of rotating fallow farming, elevation and settlement patterns, main crops, complementary crops, vegetation types, tillage or land preparation systems, resources management practices, effects on vegetation pattern, effects on the soil fertility, market integration, indigenous knowledge, land tenure and equity issues. He estimated that crop productivity in swiddens expressed in maize yield per acre varied from 375 kg to 625 kg over the last 20 years and it decreased to a range between 234 kg to 500 kg at present.

U San Thein estimated land use patterns in the many villages he visited using a land use factor (R value) in *taungya* cultivation that varied from 7.7 % to 16.7 %. The larger the R value, the more stationary the farming system. If R exceeds 30, he says that we can hardly speak of it as shifting cultivation. In most places the fallow period is still relatively long in relation to cultivation period on the *lopils*. However, in his estimate the fallow years have become shorter now in comparison to the previous 20 years.<sup>72</sup>

<sup>70</sup>In Tinam researchers were told that the village put 80% for lottery but kept 20% out in order to reallocate if some large households won only small plots of land.

<sup>71</sup>San Thein Study on the Evolution of the Farming Systems and Livelihoods Dynamics in Northern Chin State, GRET 2012

<sup>72</sup>This piece of information goes against the information the present team received, namely that the villagers in Chuncung were not using all the land in their *lopils* and some *lopils* were covered by now in dense forest.

U San Thein observes traditional customary land tenure, but also notes the changes from fully common property to gradual privatization here and there. He does not examine whether the privatization takes place as privatized claims within the customary common property of the village, or whether the privatized claims are outside the common property, e.g. establishing perennials near the homestead. He observes that in the Chin Hills the land tenure system has evolved over decades and has ranged from the disposal right of the land by village chief to today's communal land ownership by the village community as a whole, where lottery is the basis for land allocation (p. 41). He writes, for instance, that Zathal in Haka township practices communal land tenure with no private ownership. The village chief, with the assistance of the village committee, allocates land to all households. Around three family members, the village chief and his committee members, and those who have no terraced fields have priority in selecting fields to their preference in the *lopil* and the remaining fields are then equally assigned to all remaining households (p.19).

U San Thein also visited Tinam, one of the pilots of the present study, and noted its communal tenure, but in the village of Ramthlo there was no longer any communal tenure. About Congthia and Sihmuh villages, he states that after 1948 the chieftain system was brought to an end and *taungya* land became communal property. There is no sale of village land. Those who till the land have access and rights to land. Plots are yearly assigned to villagers by the village chairman and committee by letting the villagers draw lots. However, village chairman, committee elites and widows have the opportunity of selecting lands first, with the remaining lands subject to drawing lots.

Thus, U San Thein's observations indicate that customary communal tenure is widespread, but also that there is a gradual tendency to change from shifting cultivation to permanent farming in selected areas and possibly run a dual economy of subsistence crops in the swiddens and market crops in permanent fields. Unfortunately, the present researchers did not have time to assess changes towards more permanent land use, but believe that this is happening and that the GPS demarcation of the land to be put under communal land registration must ascertain whether the villagers concerned want to have possible privately developed plots such as terraces included as part of the communal tenure registration or not. If included, their private permanent claims inside the common property would be listed in the Internal Rules.

Alongside the information obtained from the study by U San Thein, an important older source of information on customary land tenure in N. Chin is H. N. C. Stevenson's monograph describing the situation in the 1930s in Falam, "*The Economics of the Central Chin Tribes*". It was written by British officer Stevenson and published by the Times of India Press, 1943. Stevenson described the complex ritual characteristics associated with the tenure arrangements, which are not repeated here as it would require a detailed ethnographic exposition. He emphasized that tenure is linked to Chin ceremonial status, kinship and clans, and politics, but that in all the villages public welfare takes precedence over private materialism and no one is left landless.

Stevenson lived in Falam in the 1930s and was familiar with Chin language as spoken in Falam north of Hakha. He therefore, along with English, frequently uses Chin words in his book to describe the particular tenure rights, which makes the description precise. He distinguishes

between *bil ram* and *klang ram*, which is privately claimed land versus communal land. Despite this distinction he observes, as we did in 2013, that the *klang ram* - although 'communal' - contains many internal ancestral claims of individuals to different plots in different *lopils* and that the *bil ram* - although 'private' - is subject to many rights of the community as a whole, so it is not exclusively private. In the 1930s the village headman had the mandate to distribute the land but within certain bounds. He could not sell it or rent it out or lend it to someone that was not resident in the village. "His first duty as headman is to see that every resident of the village has a sufficiency of land to cultivate, and thus his disposal right is in effect nothing more than a charter for his interference in the disposal of land according to individual rights" (p.81).

Another principle stated by Stevenson - that has equal validity today - is that everyone living in the village possesses a set of rights. Stevenson writes "First and foremost there is the right to sufficient land to cultivate to satisfy bodily needs. This is applicable even to those least considered members of the community, childless widows and orphan girls. The headman must provide land for all or his people will migrate elsewhere."

He mentions the right of sons to inherit ancestral claims. Land over which such hereditary cultivation titles exist is known as *saihrem nam* and *sumhmui in* among the Shimhrin and Hualngo Chin. The first term applies to plots where the cultivation titles are based on the rights of the original founders of the village, and the second term to land over which "first-clearing" rights were established by the cutting of virgin jungle by later immigrants to the village. The distinction emphasizes descent from the oldest families in the village but does not imply major differences in access to land for those living in the village. Stevenson warns already in the 1930s against privatization and holds that privatization at the expense of communal ownership is bad because it leads to 'the evil of absentee ownership' and 'landless rent payers', an observation that rings true 80 years later.

By 2014, the ordinary Chin villager in many Northern Chin villages still holds the same customary rights as those that were recorded 80 years ago. The rights still valid in Chuncung and Tinam are now written down as their Internal Rules as part of the present study. Obviously, the researchers have recorded the more straightforward Internal Rules, but they are aware that such rules are embedded in a much larger framework of ritual, marriage and kinship exchange within the villages and it was not possible to record such nuances during the short stay.

### ***Customary Land Management in Southern Chin***

In S. Chin the work of the researchers was facilitated by Ar Yone Oo and its program manager U Bosco, who was very helpful in organizing not only motorcycle transport to the villages, but helping out in the villages translating S. Chin language, which was not spoken by the national researcher, who is of N. Chin ethnicity. The villages in S. Chin are located away from the main road, and therefore motorcycles were needed to reach the villages. In S. Chin villages, many more women participated in meetings than in N. Chin, although they did not speak up. This may be because the concerned southern Chin villages had previously participated in a CARE program, where gender issues and women's rights had been a project feature.

The researchers visited Sawn Tawn village, Phui village, Hlay Kawn village, Bawn Hte village, and Muiui village which are all under the Ar Yone Oo program supported by Pyoe Pin. The international researcher participated in meetings in 2-3 villages, and the national researcher covered the rest independently together with Ar Yone Oo staff.

What in N. Chin is called a *lopil* or swidden tract is in S. Chin a *Kho K'h mang*, which - in the same way as the *lopil* - is divided into plots or *Kho Bung* (known as *lo* in N. Chin ). In one *Kho K'h mang* there may be 20-30 *Kho Bung* of 2-3 acres each. All *Kho K'h mang* in S. Chin are subject to a full range of private claims that are enforced, and those without land claims have to pay for access to a plot of land. S. Chin is therefore very different from the communal system in many N. Chin villages, which made it difficult for the researchers to identify any pilot villages to join the research towards communal land registration as the 'landowners' were against registration of the land as communal. Calling them 'landowners' does not mean they owned the land legally, but based on customary rights. The history of one of the initial potential pilot villages was that the village was settled fifty years ago by paying another village that moved out some money, silver earrings, mithans and beer. The descendants of those who paid are the land claimants or 'owners' today.

As a result of the disinterest of the 'landowners' there are no pilot villages in the research in S. Chin. Information from fieldwork in the named S. Chin villages is rendered in Annex 17. Only one example, the village of Bawn Hte, is included here.

### ***Bawn Hte village***

The village was visited several times. There are 35 households, 78 males and 72 females. It is a Catholic village. The last visit was in September 2013 by the international consultant to discuss the development and adoption of Statutes that were brought by the researchers. Earlier the village had indicated interest in communal tenure and being a pilot village, but in September 2013, after two meetings and scrutiny and lengthy discussion of the Statutes, the village opted out due to the influence of the 'landowners', some of whom were also in the meeting. As the Statutes give decision making power to the General Village Assembly of all families this was not acceptable to "landowners" in the end, including the catholic pastor of the village who resides in Yangon and who owns 2-3 *Kho K'h mang*. Initially in September 2013, there was a good discussion of each article of the Statutes and many people wanted to pursue communal land registration, but in the end after some days the message came that the village could not join the piloting of communal land registration.

The village has 8 *Kho K'h mang*. In the former times, the village land was owned by a person named Chi Chaung, but in 1945 two brothers of one clan bought the land, as previously mentioned, with money, earrings, and mithan, and people moved there from the village of Lai Long Tui. The boundaries of the village are clear. Land consists of rotating fallow farm land, burial sites, irrigated paddy fields and terraced paddy fields (7 acres), and grazing land of 350 acres. Near the village several gardens with valuable elephant yam were found. The Catholic Church also 'owns' large areas of land in the village with elephant yam.



The land is therefore encumbered by the hereditary claims of the clans that bought the land in 1945, plus the private ownership of the church and of some persons who later bought some of the *Kho K'hmag/Kho Bung* for private, but untitled ownership. All *Kho K'hmag* are demarcated by natural features. They cannot be expanded. The size of *Kho K'hmag*s differs and ranges from 10 to 22 *Kho Bung*. A person cultivating a *Kho Bung*, which he does not own must pay 30,000 kyat to the owner, or one tenth of crop in rent. Paying of 30,000 kyat is the general practice, rather than paying in produce. Descendants of the original owners own the land, and these are males, with the exception of two women who own land as their parents were 'modern' and gave them land. Thus, one woman owns 2 *Kho Khmag* of 22 *Kho Bung* and 15 *Kho Bung* respectively. A *Kho Bung* can be sold internally for 1-3 lakh dependent on fertility. They will not sell to outsiders. Terraces are made in garden land, rather than in *Kho K'hmag*, it was said.

Outsiders that come to the village can gain access to land *if they are settle in the village and pay*. They can then buy or rent land for one year only. Outsiders in Mindat can also buy a *Kho Bung* to make orchards of 2-3 acres. These 'outsiders' pendle or move back and forth - maybe owning a shop in Mindat. Some *Kho Bung* may cost 100,000 kyat and some 300,000 kyat (approximately 100 USD or 300 USD). No outside business interests have approached the village. There is currently no FAB. The village is said to have a community forest "by donation of land owners".

There is a village land chief elected by the *Kho K'hmag* owners. His term is one year. He is in charge of managing the timing of cultivation and firing. The village tract administrator, ten household leaders, etc. have no ex-officio say in land issues.

There are recent studies on Southern Chin, prepared by Chin scholars.<sup>73</sup> There is also a research cum development project supported by IIED linked to the FAO *Forest and Farm Facility Program* that focuses on the cultivation of elephant foot yam, which is a commodity that - when shredded and dried - can be sold to Japan for a high price. Elephant foot yam is a perennial herb. It usually takes 3 to 4 years before the tubes are harvested<sup>74</sup> although some can be harvested earlier.

The duration of three years before reaching maturity was mentioned to the present LCG researchers, as this limited poor people's ability to engage in projects for elephant foot yam cultivation. Their rights of access to a plot in a *Kho Khmag* against payment was only for one year and they would have to negotiate and pay extra if wanting to keep the plot for more years.

The IIED sees the cultivation of elephant yam as a good fit for the development of market-led community forestry, as expressed in their online paper *Myanmar: Could an unusual yam help the march of community forestry?*<sup>75</sup> The IIED states that the income per acre from Elephant Foot Yam can be anything between US\$ 2000-8500. The IIED working with the FAO *Forest*

<sup>73</sup>An example is Gei Khui Shing, 2007 Cultural factors related to household livelihood security in Mindat and Kanpetlet Townships, southern Chin State, Care Myanmar funded by the EU and Austrian Care

<sup>74</sup><http://world-crops.com/elephant-foot-yam/>

<sup>75</sup>[http://www.iied.org/myanmar-could-unusual-yam-help-march-of-community-forestry?utm\\_source=People+and+Forests+E-News&utm\\_campaign=f99ebf8cef-People\\_and\\_Forests\\_E\\_News\\_JUN\\_2013&utm\\_medium=email&utm\\_term=0\\_45977cdcf4-f99ebf8cef-266933333](http://www.iied.org/myanmar-could-unusual-yam-help-march-of-community-forestry?utm_source=People+and+Forests+E-News&utm_campaign=f99ebf8cef-People_and_Forests_E_News_JUN_2013&utm_medium=email&utm_term=0_45977cdcf4-f99ebf8cef-266933333)

*and Farm Facility Program* recognizes that the crop takes three years to mature. The IIED paper, though, does not examine the land tenure of the land, where the yam is grown, or who grows it, and the problems of growing something in a plot for three years in a *Kho K'h mang* that changes each year, whereby most villagers would have to negotiate rights of access with *Kho K'h mang* owners each year.

The IIED idea of setting up the cultivation of elephant yam as a community forestry initiative may solidify the so-called landowners' land claims, as the Community Forestry Instructions allow for the issuing of a CF certificate to a selected group of persons, not to a whole village, for 30 years; thereby protecting the landowners' land against potential concessions, a threat that may have made them comply with communal ownership. However, landowners may not want to turn the land into community forestry as they would lose income from the ordinary farmers' rent. But if the landowners felt at risk of losing the land to a VFV concession might they take an interest. The IIED and the *Forest and Farm Facility Program* should, in the future, examine the tenure situation in its target area in order to ascertain in which way elephant yam could be cultivated ensuring the benefit of the less affluent.

## **6. Observations in Shan State**

### ***Customary Land Management in N. Shan State***

For Shan State no documentation of customary communal tenure was found in English. Customary tenure in Shan is different from that in Chin because the landscape and the natural resource endowment is very different as is the kinship system. The main differences between the villages in Chin and Shan state are the steep slopes and high elevation characteristic of Chin villages plus the large areas of land available to Chin villages and the long duration of fallows in the Chin systems of farming. In Shan State, the observed landscape is undulating with a good deal of land under permanent cultivation of rice and corn in valleys and plateaus. A further difference is a high ethnic diversity in villages in Shan state including Shan, Palaung, Wa, Lahu, Lisu, Kachin, Burmese and some other minorities, with Shan representing the ethnic majority. Each ethnic group has its own culture, traditions, values, and perceptions. Furthermore, as said, the Shan State has been subject to higher degrees of land grabbing as shown by the report by Global Witness and it has been and still is subject to opium cultivation benefiting, among others, non-state actors.

The researchers worked in Shan State with the support of CARE. Out of the 24 target villages where CARE Myanmar is working in Lashio Township, data collection was conducted in the 6 villages of Tone Kyine, Man Pyein, Taunt Talaung, Kyaw Tee, Kaung Hone and Naung Khun (3 Shan villages, 2 Palaung villages and 1 Kachin village). The main crops cultivated in the 6 villages are corn and paddy rice. Corn is cultivated in the uplands and paddy is cultivated in the irrigated or rain fed paddy fields. The main income comes from corn, which is a hybrid. Cultivation is dependent on chemical inputs of fertilizers, herbicides, and pesticides as there is a strong influence from nearby China, where these chemical inputs are readily available.

Five of the six villages were founded a long time ago and their agricultural lands have been in use since the times of their ancestors. A newer village, Kaung Hone village, was formed in

1971 as a consolidated village of smaller communities that had to leave their old villages. All the villages have land management systems that build on joint village rules, that focus on keeping the land ownership in the village, but in some villages (Taunt Talaung and Kaung Hone) the system is said to become weaker. There is no official cadastral registration of village territory or of farmers' fields except in Kaung Hone village where the village is said to have secured registration of its community forest area.

Village Tract Farmland Administrative Bodies (FAB) have been set up in 2 village tracts and villagers from Tone Kyine and Man Pyein participated in the Village Tract FAB meeting in 2013, but the members of the FAB didn't know about the roles and responsibilities of the FAB.

The international and national researcher visited villages in Lashio township in May 2013 where the international researcher was present for 2-3 days and the national researcher continued independently. A second visit by international and a new second national researcher took place in September 2013, but due to rain and inundation of roads the researchers could not access the villages during the time the international researcher was in the Shan state. A good deal of work in Shan State has therefore been carried out by the national researcher, with help from CARE. This created an opportunity in Shan state for the national researcher to initiate interaction with government officers to a higher degree than was the case in Chin. In between the two visits by the international researcher, the LCG team came in July to carry out an FIPC among villages to identify which ones wanted to join as pilot villages for developing procedures for communal land registration. Kyaw Tee and Tone Kyine were selected based on their wish to join. A visit by the LCG team to the township SLRD at the same time to brief the agency about the research gave opportunity to provide the SLRD with various IEC materials on the Farmland and VFV Laws, which was appreciated.

Within the last 25 years land grabbing by the army has occurred in three of the villages visited. No remuneration was received for loss of the uplands. The grabbed uplands were sold either to businessmen or the army asked villagers to cultivate the land under a sharecropping system. In 2012, some of the lands which were grabbed, but had not yet been sold, were returned to the villagers. Exploitation of natural resources by the army and businessmen, such as gold, gas, and coal, has also caused land loss. In Kyaw Tee village, the watershed forest is said to hold gold resources, which villagers themselves exploited for one week, but it was then taken over by the SSA and a Chinese investor. Now the mining is polluting the village's drinking water with mercury. Chinese investors were asked to move the mining and are said to have agreed, but have not yet moved.

When the researchers visited the villages, general meetings were held with all that were available to attend and an equal number of women participated. In general, in Shan villages many women attended, in contrast to the N. Chin situation. Focus group discussions were held with women or elders, and key informant interviews conducted. The targets were village leaders, elders, women's groups, female elders, widows, landless people, and in some villages key informant interviews were held with the Village Tract Administrator. Upon first arrival in May 2013 the initial belief of researchers was that the Shan villages would not opt for communal tenure, as each family possesses own land of permanent cultivation. But in contrast to expectation, the villages wanted communal tenure land registration to protect their lands.

In Shan State the villages have far less agricultural land than villages in Chin state, but the land is more productive and less steep. Almost all land is held under private claims and this made the researchers think, as noted above, that the villagers in Shan would prefer private land registration under the Farmland Law. Surprisingly, they wanted communal tenure for the totality of all agricultural land, including fallows, where found, inside the village boundaries. The similarity that they share with Chin - and with the observations of last century - is the criterion that only persons living in the village have rights to access land in the village territory. The person must live in the village.<sup>76</sup> In the Shan pilot villages, also a person with an irrigated paddy field who leaves the village must surrender the land to the village common pool for elders, headman and others to redistribute.

The information rendered below derives from the first round of interviews, where the researchers were uncertain as to whether any village would opt for communal land registration. Information obtained later during further visits by the national researcher contributes to the picture.

In May-June 2013 a focus group of elders said they wanted to register the lands with a village joint ownership because they wanted to protect the lands and wanted to maintain it for their new generation. The women focus group also wanted to register the lands with village communal ownership because they also want to protect the lands from grabbing. They hold the opinion that the lands that are currently not in use (fallow), can be cleared later if there is a communal land tenure registration as these lands would then be part of the ownership and not be seen as vacant. One key informant woman said she could not tell as both private title and village title are good.

In the subsequent visit in September 2013 the Statutes were discussed, facilitated by the national researcher, and the Internal Rules recorded in May 2013 were discussed and edited further.

In December 2013 and January 2014 the Gmap surveyors visited the villages to prepare maps of the parcels that would make up the common property of the respective villages. These maps are found in Annexes 7 and 12. Before measuring with GPS, the areas earmarked for survey and measurement were identified and confirmed with village farmers, elders, and the village land management/caretaker committee members. Then village volunteers were selected and given the assignment for partaking in the participatory GIS mapping in both villages. Further editing of the maps took place two months later facilitated by the national researcher. During 2014 when the national researcher visited Lashio, a good relationship was established with the officials from the Township and District SLRD of Lashio who were informed of the research.

The customary rules of land management in the villages studied indicate that most farmland in the village is under private claims, and that fields are cultivated with limited fallow seasons. As in Chin, the landscapes where cultivation takes place have names. There are several joint

<sup>76</sup> As said earlier this is an articulation of the “territorialized” relationship to the fertility-granting spirits of the land held by the community living on and cultivating that very land., a relationship that dates back centuries but may be toned down in terms of rituals under the influence of Christianity. In Kachin state one may see the urban dumsa or spirit priests of Myitkyina today with their gardens packed to overflowing with large offering posts originating in an upland context (a reference made in the Habitat Project Proposal to LIFT, 2012)

claimants to particular landscapes e.g. annex 10. The privately claimed fields are not subject to any annual distribution by lottery as in Northern Chin State. Villagers possess their fields permanently as long as they live in the village, including the periodic fallows. If they move out of the village, they renounce their claim to land. They cannot sell the lands to outsiders. Outsiders can, though, in some villages rent land and the remuneration in this case seems to be private and not put into a common village fund like in N. Chin. Newcomers that come to stay for good in the village will be provided land from 'surplus' land allocated by the village leader. Or newcomers can request, villagers said, land from the village leaders, relatives and/or rich households. There is no gender discrimination in inheritance. Widows have rights to inherit the couple's properties.

Below is selected information from the two villages, which in July 2013 opted to join the piloting of communal land tenure registration. All village farmers that claim land plots within the village common property indicated a wish to register their lands as part of a communal land registration. The villagers have developed Statutes based on the draft Statutes they were given in September 2013 and they have recorded their Internal Rules with the researchers, along with tables detailing the named Taungya parcels (Annex 9 and 14).<sup>77</sup> The Statutes and Internal Rules are translated into Shan language by 2014, to ensure that everyone understands and agrees.

It is noted that the Internal Rules in Tone Kyine allow a person, if in deep trouble, to 'sell' upland plots to outsiders. In the context of Tone Kyine this likely means renting it out for, say, four years.

### ***Kyaw Tee Village***

Total number of households 54, Males 90, Females 153, Ethnic group Shan

Crops: paddy, vegetables, tea

Kyaw Tee is a 100 year old village. No documentation for village boundaries was found, but they are known to all and respected by neighbors, with the exception of Kaung Mann village which appropriated 10 acres of uplands ten years ago without permission and will not return it. The village has 43 acres of irrigated paddy land.<sup>78</sup> Ownership of paddy land is uneven.

Kyaw Tee was initially visited by the international and national researcher in May 2013, where the first draft of Internal Rules of customary land management was recorded based on the adapted questionnaire using the Ostrom principles. Prior to a visit in September 2013, the International Researcher prepared a draft of Statutes that was discussed in the village and the Internal Rules were written down again for further internal discussion in the village. Further discussions again have taken place in 2014, facilitated by the national researcher and with documents translated into Shan.

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<sup>77</sup>The map for Kyaw Tee does not include the 43 acres of irrigated paddy fields although the Internal Rules of Kyaw Tee Article 2 indicates that these irrigated fields are part of the common property. When this is ascertained a revised map of Kyaw Tee will be prepared.

<sup>78</sup>1 Shan acre is 240ft x 240ft.

The Statutes in Kyaw Tee and Tone Kyine are similar to those of the Chin villages, dealing with the same governance issues and the conditions of collective choice arrangements. Chun Cung and Tinam in Chin State, though, included an article (article 27) that says that “Inside the territories of Chun Cung/Tinam village, State and Regional government shall not provide the land of Chun Cung to any private companies without the acknowledgement of Chun Cung/Tinam villagers.” This article would also fit the Shan villages, but they did not think of adding an article to this effect and the researchers had no time/chance to discuss this.

A Land Management or Land Caretaker Committee was elected prior to finalization of the final version of the Statutes. The researchers were not present and have not yet been able to examine the fairness of selection.

To certify boundaries, Ostrom principle one, the national researcher facilitated a meeting and villagers’ agreement on the boundaries between Kyaw Tee and Kyaw Tee’s neighboring villages by using the GPS map. The neighboring village leaders, respective village tract administrators, elders, and the Land Management Committee members attended and signed the agreement of boundary demarcation. The demarcation by GPS of individual *taungya* landscapes and plots or parcels making up the constituent parcels in the common property of the village was also carried out by Gmap in January 2014 and later amended after village scrutiny with the help of the national researcher.

Claims on land in the village territory are private claims, but the validity of the claims is embedded in the overall village communal tenure of land defined by the exclusion of outsiders. The land can be called customary communal tenure, because rights of access to land are based on the criterion of residence or occupancy in the village. Thus, clear entry and exit rules exist for access to land.

Fallows, where found, can be rented by ‘owners’ to others in the village, but there is no rent to pay if relatives want to cultivate the said land. The price of ‘selling’ internally is 150,000 kyat for paddy land and 30,000 kyat for upland. In Kyaw Tee Village, the lands under cultivation are not very fertile and crop productivity is low. Upland areas for cultivation are limited and cannot be expanded.

Inherited land is shared between sons and daughters equally, but with greatest benefit to the children with whom the parents live. Women’s rights are fairly equal. A woman who lives with her parents in law may, though, not get land from her own parents.

The Internal Rules of Kyaw Tee stipulate that although land in the village is managed based on joint membership of the community, private ownership of particular parcels is recognized. However, the rules stipulate, as mentioned above, that if someone leaves the village, he/she has to leave both the irrigated lands and uplands to their relatives or to the village leader. If he/she returns back the village, the village or relatives will give land back to her/him. In case of newcomers to the village, who decide to live in the village, these newcomers will be granted land according to internal village deliberations. Every household has to share its land for them to cultivate, villagers said. If there are relatives of newcomers already living in the village, they

will share their lands. If there are no relatives, the owners of large land areas will have to share their land with the newcomers. The uplands can be sold or rented internally to farmers from within the village - but it must happen with the approval of the village leader, leader of youth, and elders in this way thus indirectly confirming the communal feature of rights to land.. There is no specific rate for rental fee used among the villagers. It depends on mutual negotiation. When renting takes place internally, the parties have to pay an extra 5000 kyat to a village fund. Land can only be 'sold' to strangers, if they come to settle down in the village and are willing to contribute in the village's activities.

Land can be rented to outsiders, but for one year only. It is necessary to produce a written agreement and sign it in an internal process witnessed by the land caretaker committee. In this case the rental is fixed for one year and the price per acre is 50,000 kyats. At the same time, it is necessary in this case to pay 10,000 kyats to the village development fund.

There are all together around 848 acres for cultivation in the village and some land is lying fallow. CARE works for the village development and supports food security, water and sanitation, distribution of seeds, and agriculture, including terraced paddy fields. There has been no previous experience of using terraced paddy fields, but with support from CARE some were cultivated last year.

It is observed that Kyaw Tee has included its forest areas in the Internal Rules, signifying the villagers see all land as part of *one* landscape. If a communal land registration is to take place with reference to the Farmland Law the forest areas are not to be included in the communal land tenure registration as forestry belongs to a different ministry and law. The village has 3 unregistered Community Forests of 9 acres, 6 acres and 3 acres respectively, and a firewood forest of 6 acres for the village monastery. Half of the households own 1 acre plots of firewood forest each. Others can also access firewood from there. Timber in community forests is used for house construction, with permission from the village leader and elders. There is no need to pay, but a person may not sell the wood to others. Other villages nearby are not permitted to use the forests of the village.

In Kyaw Tee the Statutes, Internal Rules and the elected land caretaker committee were in place by July 2014, and the next steps would be for the LCG eventually to help the village bring this to the GAD for recognition once the Rules of the Association Law are in place. Already, the village land management committee mentioned in the Statutes is unofficially recognized by the village tract administrator.

### ***Tone Kyine Village***

Tone Kyine Village was formed more than 100 years ago and has 60 households. Its population is Palaung with a few Shan. Its main crops are corn (mainly in the upland), paddy (mainly in the terraced paddy fields and some in the upland), village community forest, private firewood forests, and private orchard garden land. Corn production is between 50 to a maximum of 100 piles per acre (1600 kg). There is limited fallow period and it has no irrigated land.

The current village boundary demarcations are established long ago, but there is no documentation for the land territory. Tone Kyine Village is bordered by Tone Kyine - Par Chee road in the east, a footpath in the south, a main road in the west and a stream in the north. The village was named Tone Kyine because there were many tamarind trees in the past. The village's names for the upland *taungya* parcels/landscapes are recorded in the Statutes. They follow the names of the nearby valleys and mountains. All the villagers know the boundaries of each upland area that is bordered by ditches and streams. There are no landless households in the village. There has been no change in village boundary within the last 50 years. In 1999, however, the government army grabbed 50 acres of privately claimed uplands. The army allowed the villagers to continue using the uplands, but villagers had to give crops to the army (7 piles per acre). This ended in 2012 and the uplands were returned to the former owners in 2013.

In discussion with the elders it was said that not many outsiders have moved into the village over the last 20 years because of the difficulty in communication and transport. These difficulties have also made it challenging to get a monk for the village monastery. However, some did move to the village, as the army told them not to stay in small villages, and 3-4 families migrated from outside. Their relatives, already living in the village, shared their own upland property for cultivation.

There were no land maps until the present study with the help of Gmap prepared the map. As part of the GPS mapping in Dec 2013 and Jan 2014 and later revisits by the national researcher, the boundaries to neighboring villages were ascertained through confirmation with villagers from all neighboring villages. The only hitch is a former land agreement between Tone Kyine and Khite Twa village. Khite Twa village is facing a land tenure issue with Shwe Khit Co. of Lashio. The company has encroached on land which the Khite Twa village rented from Tone Kyine, and which is now full of pits dug by the company for fencing *taungya* areas in Tone Kyine territory.

Another land issue in the village is where the military grabbed 45 acres of uplands from the village without paying compensation. Army officers sold the land to a Chinese investor who now cultivates corn. The investor has continued using the land for 14 years, and has registered a land title. He now seeks another 110 acres (the property of 17 households) of uplands that are located next to the 45 acres and marked already with concrete stakes. The villagers have submitted a letter about that issue to the Township GAD, and the Chinese investor has also submitted a letter stating that he has already purchased the land. It is a difficult land issue in this village. The issue is not solved yet and the researcher is uncertain whether the land features in the Gmap measurements. This needs to be ascertained in a future preliminary land use mapping that will need to involve all stakeholders.

All of the uplands and paddy fields are privately claimed, so the common property of the village is a partitioned common property where rights of access are based on criteria of residence. As in Kyaw Tee, there is no communal land for annual allocation, as in Chin, but the village would like to have all its farm land registered under communal title. Even though there is little fallow land which could be at risk under the VFV Law, the village leader, elders and community leaders, and the women who participated in the meeting wanted communal land registration because they wanted the village to be united. They want to register the uplands under a title in the name of the village. All the participants agreed.



There are all together about 1242 acres for cultivation in the village. Even though there are vacant lands, the vacant lands are unfertile and rocky lands. There has been no previous experience of cultivating terraced paddy fields, but some were created last year with support from CARE. Around 12-13 households prepared terraced paddy fields in 2012. CARE supported the poorer households by covering the costs of one acre per household. They mainly planted paddy in the terraced fields for family consumption.

The interviewees didn't know about land registration. However, they pay 1.5 kyat per acre as tax on their upland property. Last payment was 3500 kyat for the whole village. Earlier they also had to pay 15 baskets (26.25 kg x 15) to the village tract leader, but they are not paying these taxes anymore after the reform process started. Earlier the village tract leader was asked to collect paddy rice to sell to the government at half the retail price. The system was the same for the other villages. The villagers stated that they did not know why it has changed.

Both uplands and paddy land can be used by the claimants as long as they stay in the village. If a household is in need and has nothing left to sell, it can 'sell' the land, but only with permission of the village leader. And it is not a real sale, but a time-bound renting out of the land. One woman in a focus group discussion thus rents out land and the village leader and community leader know about it. In one of the Internal Rules, Tone Kyine stipulates that rent received for a piece of land goes into a community fund, but presumably there is negotiation on this.

The Internal Rules of Tone Kyine deal with a number of issues which are not solely related to the management of the farmland, but also concern proper village behavior in general. However, obeying the rules and proper behavior is also important in relation to land. The Internal Rules stipulate that if anybody breaks the Internal Rules, such as 'lending' his claimed land to others without informing the community, the village leader and elders and the members of the Land Management Committee can take the land back and put it into the communal pool of land. If the person wants to get his land back he must pay double the original value, e.g. if the original value of the land is 300,000 kyats, he must be pay a heavy fine of 600,000 kyats in cash if he wants his land back.

If someone moves out of the village, he/she can transfer land to children or relatives. If he/she moves to the villages within the same village tract, he/she can continue to use the lands in this village. If there is no relative within the village, the lands will be redistributed. The village leader will give the lands to the newcomers if there are any, or to the needy. If those, who left, return to the village, they can get their land back, or a proportion of this land dependent on whether she or he properly informed to the village about their absence. This is the rule, the villagers say, but there are no such cases of persons who moved out and later returned.

Internally, villagers will 'rent' to each other freely, but if there is someone from other villages that wants to use land inside the pilot village's territory, he/she may be allowed to cultivate in the lands only near the village boundary, but not in the internal areas of the uplands. With respect to outsiders, there are some, it was said by villagers that want to use the uplands without living in the village. The risk is that they may encroach and then sell for good the uplands, villagers say. The villagers do not want to rent the uplands to these persons due to the risk of losing the land.<sup>79</sup> However, in the interview in May 2013 some said that if outsiders come to buy,

<sup>79</sup>A woman in the village rents out her land against a payment of 250 piles of corn for 8 acres. It is rented out for

they will “sell” the lands if the village leader agrees and the price is 400,000 kyat (400 USD) per acre. Thus, one woman “sold” 3 acres of upland to an outsider when she needed money. But this ‘selling’ was not considered real selling, as the person who took possession can only cultivate for maximum four years.

The rules for exchange of land (borrowing, lending, selling, and renting internally and externally) would benefit from a deeper scrutiny, where also the connotations of words used in Shan and Burmese need to be ascertained.

Village leaders are elected with the agreement of all the villagers. The village leader is selected because he is an active, literate, knowledgeable and trustworthy person. The village leader is the leader of decision making on land, according to long standing tradition. The village leader does not decide on his own, but in concert with the elders, village clerk, and community leaders who all discuss and solve the problems. Undoubtedly, the same persons were elected to the Land Caretaker Committee, which by name is listed in the Tone Kyine Statutes.

It is noted that the Internal Rules of Tone Kyine start out with rules on the use of the forest in the village territory, as this is important to the villagers. The village forest is the only really jointly managed land for the Tone Kyine village. The village forest is about 4 acres and has been maintained for generations. The firewood from the forest is used, though, only for the teachers of the village primary school and for the monastery. Timber from the forest may be sold to get funds for the school and monastery, and for village development. The forest is maintained by all the villagers. None of the villagers are permitted to take products from the forest, except wild elephant yam tubers. They cannot take even the dry wood, because if someone is allowed to take dry wood, he/she might cut down trees in the forest to make them dry out. There is no registration of the forest, but the villagers state that registering this forest as community forest may be of benefit to the community.

In contrast to the above forest, the firewood forests are privately claimed. The three firewood forests are owned by three different owners. They allow other villagers to cut firewood at the price of half of the firewood harvested. Their claim to firewood forest areas is based on their ancestors planting firewood forest in their uplands and letting it grow for many years. The 3 private firewood forests cover 6½ acres.

There is no separate grazing land. The fallows are used for grazing.

The FAB was formed in Feb-March 2013. There are 6 members of the FAB, 3 from Nar Ma Khaw Village and 3 from Tone Kyine Village. The chairman of the FAB is from Tone Kyine. At the time of formation of FAB, the government staff from the Forestry Department, clerk from General Administrative Department, SLRD, and Education Department came and selected the members. They were told that they will be given the training for roles and responsibilities of the FAB, but nothing happened yet. The chairman of the FAB has read the Farmland Law and VFV Law and Rules, because he had to purchase these at the cost of 3000 Kyats at the GAD he said.

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four years

## 7. Summary of Systemic Features of Statutes and Internal Rules

Feature	Northern Chin	Shan	Remarks
Outer boundaries of the agricultural land-based common property well defined	<i>Lopil</i> are named and well defined physical entities of landscapes. <i>Within</i> these entities each year - over a cycle of 10 years - agricultural plots of around 3 acres/family are shared according to Internal Rules.	Agricultural landscapes are well defined and named physical entities making up the parcels in the common property. Plots within these parcels are permanently claimed by families living in the village. Reserved fallow land is included in the common property	Agricultural landscapes in Shan are almost all under permanent cultivation of the named areas. Agricultural landscapes in Chin may have no more than max 30% of the named landscapes under cultivation in a given year. This raises questions regarding boundaries and cadastral mapping for land registration of permanent common property of agricultural land including fallows.
Boundaries between neighboring villages well established	All villages know the boundaries but there is informal lending and borrowing of land going on.	All villages know the boundaries but there is informal lending and borrowing of land going on and conflicts where the borrower plants perennials.	Villages claim in their territory agricultural land which is located very near a neighboring village and quite far from their own village. This land may be lent out and may cause structural problems at the time of mapping and registration. Statutes and Internal Rules ought to deal with this issue.
Internal boundaries of the individual areas of appropriation by village households (the plots) are clearly marked	Plots are demarcated and numbered in N. Chin annually in a given <i>lopil</i> for lottery establishing an annual possession by individual families.  Plots demarcated in S. Chin and the traditional 'owners' known	Plots demarcated and often under permanent use and the 'owners' known.	All parcels making up the common property of the villages are partitioned into plots. Plots are demarcated by stones and natural features

Criteria of access to agricultural land within village territory	<p>1. Occupancy in the village</p> <p>2. Ancestral rights</p> <p>3. Bought/borrowed rights internally from other villagers with or without payment</p> <p>4. Inheritance, gift</p> <p>5. Newcomers have rights through occupancy</p> <p>6. Temporary rights of crops grown of neighboring village</p> <p>7. Men more rights than women</p>	<p>1. Occupancy in the village.</p> <p>2. Bought/borrowed rights internally from other villagers with or without payment.</p> <p>3. Inheritance, gift.</p> <p>4. Newcomers have rights through occupancy.</p> <p>5. Temporary rights in crops grown of neighboring village.</p> <p>6. Men and women equal in rights</p> <p>.</p>	<p>In all villages there are varying configurations of internal rights linked to kinship, residence, remuneration, and time span, but everyone resident in the villages will be given access to land one way or the other.</p>
Other withdrawal rights	<p>Internal Rules determine whether a person can sell stones and gravel from his temporarily allotted or ancestral fields to outside road companies.</p> <p>Rights of picking wild edibles or crossing land of others feature in Internal Rules when warranted .</p>	<p>Internal Rules determine whether a person can sell stones and gravel from his rights in fields in the landscapes to outside road companies.</p> <p>Rights of picking wild edibles or crossing land of others put in Internal Rules when warranted.</p>	<p>Selling rocks and stones may occur in Chin more than in Shan.</p>
Institutionalizing communal tenure for statutory registration of common property	<p>Record Internal Rules in group meetings in the village. Bring back recorded rules in written format in Burmese and native language. Ensure through 10 household leaders that everyone is informed of the process and allow rules to be amended.</p> <p>Bring draft Statutes that make up the collective choice arrangements for a new village association for discussion and subsequent agreement on edited format.</p>	<p>Record Internal Rules in group meetings in the village. Bring back recorded rules in written format in Burmese and native language. Ensure through 10 household leaders that everyone is informed of the process and allow rules to be amended.</p> <p>Bring draft Statutes that make up the collective choice arrangements for a new village association for discussion and subsequent agreement on edited format.</p>	<p>First requirement is an understanding of the structure and nature of the land resource itself, i.e. its size, biological characteristics and the clarity of boundaries and internal structures. In the village, consultations are held to record the customary working rules or Internal Rules for management and sharing the land. Simultaneously a discussion is held on establishing governance structures or Statutes in order for the village to incorporate legally as an association that owns a common property with clear entry and exit rules for membership.</p>

	<p>Carry out participatory land use planning with focus on village territory to identify boundaries of private and state trustee land.</p> <p>Undertake GPS survey and map the land parcels making up the common property</p> <p>Bring Statutes to the GAD at township level and request recognition of the village as a local association</p> <p>Bring application for registration of communal land ownership of the parcels that make up the common property of the village to the SLRD</p>	<p>Carry out participatory land use planning with focus on village territory to identify boundaries of private and state trustee land.</p> <p>Undertake GPS survey and map the land parcels making up the common property.</p> <p>Bring Statutes to the GAD at township level and request recognition of the village as a local association.</p> <p>Bring application for registration of communal land ownership of the parcels that make up the common property of the village to the SLRD.</p>	<p>A process of participatory land use planning (PLUP) is undertaken to define boundaries and solve any conflicts prior to land adjudication for registration.</p> <p>In the future, the PLUP maps may be used to inform a subsequent land registration of the common property parcels identified within a declared adjudication area.</p>
	<p>Land cannot be sold to outsiders by individuals.</p> <p>Land can be lent to a neighboring village against token remuneration.</p> <p>Any future relationship with the private sector requires endorsement by a majority of villagers.</p>	<p>Land cannot be sold to outsiders by individuals.</p> <p>Land can be lent to a neighboring village against token remuneration.</p> <p>Any future relationship with the private sector requires endorsement by a majority of villagers.</p>	

## 8. Steps towards Adjudication and Registration of Customary Communal Land Parcels

The present LCG study has provided a description of the way customary communal tenure is practiced in Chin and Shan States in the four pilot villages. It has described the process of interaction with villagers to develop pilot procedures for agricultural communal land registration in the name of the community of all the parcels that make up the agricultural land of the community, including fallows. We have emphasized that the recording of Internal Rules is a must as this will recognize up front the characteristics of the village-specific *customary* system as well as the ecological characteristics and the extent of the land in question. Each village has Internal Rules for how to share and manage the land. These rules cater for everyone in the village, including newcomers, widows and newlywed couples. *Recording of the Internal Rules therefore comes first.* In order to make sure to cover all aspects of customary tenure a checklist with questions based on common property theory must be applied. Customary communal tenure in

Myanmar covers a range of village-based management systems that differ, as said, according to local cultures and historical circumstances. The new Land Resource Law of 2016 and its Rules based on the NLUP combined with the Farmland Law, possibly revised, can provide a legal guarantee of the communal land rights.

When Statutes and Internal Rules are vetted and agreed upon, the land parcels making up the common property must be subject to a *preliminary* mapping. Here the community as well as other state and private stakeholders come forward with their claims and ideally any conflicts should be solved. In the initial land use mapping the land claims of neighboring villages and all state trustee authorities, most often the Forest Department, should be mapped to allow for resolution of potential conflicts of overlay. When the process reaches the time of the actual cadastral survey and registration of the land parcels all boundary conflicts with neighboring villages and state trustee authorities would have been solved.

In areas where the village territory is very large some negotiations may be needed with the community as to how much land it actually needs for sustainable agricultural management that will include land reserved for new young families in the future. The SLRD would be party to the preliminary mapping. The budget for this would come from development aid to Myanmar. As the preliminary mapping requires state trustees to come forward the supervision of such preliminary mapping should be vested in the future State or Regional level Land Use Committees or in the FAB, if the committees are not in place.

The tools for both preliminary mapping and cadastral mapping of the parcels of village common property include application of GPS, aerial photos/ortho-photos and remote-sensing images. For the prior land use mapping a high precision is not urgently required. For the later cadastral survey of the common property parcels - that will be numbered and stored in a digital data base and Registry Book - precision is required to produce a cadastral index map.

Preparations of maps alone will not lead to recognition of land rights unless other legal and procedural instruments are in place so the two processes must be combined in the overall procedures for customary communal land registration. The latter requires cadastral surveys and preparation of cadastral index maps that show registered rights in land, which are legally valid and effective in modern times, when so many interests compete for land. Such procedural instruments are survey and settlement efforts within declared adjudication areas. So far the SLRD has no procedures for this.

For villages which want to register all its agricultural land under communal tenure some day the SLRD will need to find a way and design a FORM for customary (communal) land registration and undertake a cadastral survey of all the parcels of the agricultural common property with reference to preliminary maps prepared in advance as part of the procedures. This is cumbersome and in Cambodia it proved costly running into 30,000 USD per village due to difficult terrain and spending of daily subsistence allowance for government officers and for their transport and accommodation. This money was donor money and possibly in Myanmar procedures of land registration could hopefully prove cheaper.

The cadastral mapping of an upland community's customary land parcels is labor-demanding and needs further discussion as to technicalities. It normally requires reliably geo-referenced land parcels. For instance, the customary parcels making up the common property of a Cambodian indigenous village may run into 25-30 parcels, where each parcel is surveyed and mapped. Against each numbered parcel ID in the Registry Book the name of the community is written to signify joint ownership by the village. In Chin and Shan States likewise, the agricultural land use system under communal tenure contains many parcels in each village. Further research is needed to develop the actual Forms and Registry Book for customary communal tenure land registration as some of the parcels in the common property may have particular claimants with certain prerogatives, which ideally would be mentioned in the Internal Rules once the parcels receive an ID number in the Registry Book and digital data base.

In Myanmar cadastral surveys in the lowlands are based on *kwin* maps, each *kwin* on average covering 500 acres or about 202.5 hectares of land. The *kwin* is further divided into categories, for instance, the farmland category, which again is divided into holdings and further into parcels. Each parcel carries a number, but until 2012 it did not show the name of the owner in the Land Registry Book. In the future the name will be shown against the parcel ID. For parcels making up the common property of a village the name will be the name of the village.

The survey and mapping of parcels under customary tenure in the uplands may not have any *kwin* maps upon which to base the demarcation physically. And due to hilly terrain, e.g. Chin state, handheld GPS would be the primary tool for demarcation – or drones although drones will not allow for clear demarcation of fallow land covered by forest. Ground truthing is necessary to establish boundaries of fallow land.

SLRD would also need assistance to develop new Forms as well as a Registry Book for communal land registration as none of the forms attached to the Farmand Rules fit an association owning as one rightholder a number of land parcels in common. There must be a clear correspondence between the cadastral index map and the land registry with parcel numbers showing the name of the owning body against the parcels.

The actual survey and demarcation may be undertaken as part of a “systematic land registration”. In a systematic land registration normally an administrative area is chosen and declared an adjudication area. Here ALL land parcels in that area will be surveyed and registered at the same time. Also the land of the state trustees' will thus be surveyed and registered in a systematic land registration.

A survey and registration of the community's parcels may alternatively form part of a “sporadic registration” where only the community's own land parcels constitute the adjudication area for survey and registration. This has been the practice in Cambodia so far. Here agreement on boundaries relies on the decisions from the preliminary mapping.

In most countries systematic land registration is the norm, but when communal land registration is carried out these land parcels are often treated under a sporadic survey and registration. The preliminary mapping carried out through participatory land use planning and zoning (call-

ing upon the state land trustees to come forward) will, as said, cater to state land demarcation boundaries. The envisaged future Land Use Committees, which by the draft NLUP of 2015 will include representatives of farmers, experts and elders as members make it easier for local state land trustees to assist in revising and determining boundaries of state land of relevance to the given adjudication area. A hitch in the process is finding the budgetary means to assist SLRD's cadastral survey of all the parcels that legally make up the agricultural customary tenure of common property. As such parcels may be many and the terrain in Chin State is steep the skilled manpower required is considerable.

In the future the LCG and its partners in the two States should initially engage with the GAD in Naypyitaw to ensure the future Rules under the Association Law cater to associations whose objectives are permanent communal ownership of land. The researchers assume that the GAD with possible reference to the future Rules under the Law on Association, 2014 will endorse the community's status as an association or organization (whichever word is used in Bamar language in the Law on Association) even though it is a *special* association.<sup>80</sup>

It is recommended that prior to any application to GAD which uses the Statutes as a basis for forming an association these Statutes are vetted against the village's Internal Rules to avoid possible inconsistencies or contradictions. It is noted, that this has not yet taken place for the Statutes and Internal Rules found in the Annexes of the present report because such vetting should need to take place in the villages with villagers' participation.

Approaching the GAD and the SLRD can take three routes. One route would be approaching the GAD and SLRD in Naypyitaw. Another route would be to approach the GAD and SLRD at state level first. A third route would be to take the package of Statutes and the plan for legal incorporation, the plan for preliminary mapping and the plan for final cadastral registration to the chief minister of State for his endorsement and move from there downwards at state level and finally to Naypyitaw.

*Additional future research* is required to prepare a compendium on lessons learnt of the procedures that can lead up to a cadastral communal land registration including experience from the OneMap project starting in 2015 to see how 'data collection' can be linked to land registration. This analysis should be expanded to feed into policy level in an *operational* sense as the preparation of the new Land Resource Law and Rules is progressing with public consultation. Over the two years the researchers have benefited from discussion with many interested professional stakeholders in Myanmar (CSOs, consultants and researchers), but have had a too little time for in-depth engagement with the communities to ensure broad participation by all households and more in-depth analysis and scrutiny with villagers of the match between Statutes and Internal Rules.

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<sup>80</sup>The GAD under the Ministry of Home Affairs is an important department with a specific mandate and control of land issues within its prerogatives as well as the registration of village associations as already mentioned. It is also to the GAD that regional and state Hluttaw members refer villagers, when they bring grievances. It is at the township level that many key functions of government take place, such as, besides GAD, SLRD cadastral land registration and most forms of tax collection. The new 6<sup>th</sup> version of the NLUP also calls for decentralization of land administration, a move that supports institutionalization of communal land tenure registration.



There is also need for research into the gradual privatization of the commons and whether this leads to a ‘dual economy’ of private plots of cash crops combined with shifting cultivation for subsistence as is happening many places in S. E. Asia.<sup>81</sup> or to land loss if private land titling is promoted as highlighted by Klaus Deininger writing for Ethiopia that “Emphasis on individual title has often been associated with a failure to recognize the wide spectrum of joint and communal rights as well as local institutions that may have had more effective local presence than a distant state. As a result, efforts to improve tenure security may have weakened or extinguished some rights, displaced institutions without providing alternatives, and in doing so disempowered certain groups and increased rather than reduced conflict.”<sup>82</sup> This research theme could, among others, form part of the future LCG research program.

## 9. Recommendations at Policy Level

The research carried out in two short periods during 2013 and 2014 has analysed the existing customary communal tenure of rotational and permanent agricultural land use and tenure in four pilot villages in two states and outlined procedures towards an actual cadastral registration of communal tenure. The researchers have had no chance as yet to discuss findings informally with GAD and SLRD to test the feasibility of proposed procedures. Therefore, it cannot yet bring recommendations based on an analysis of the response from GAD and SRLD or based on comments from professional land administration specialists.

During the research it was clear that the government must accept and recognize that rotating fallow *taungya* is an agricultural system based on a landscape approach, which includes the fallow land in the landscape. In contrast to the article 116 of the Farmland Rules 2012 the new draft Land Use Policy of May 2015 now recognizes shifting cultivation as subsistence agriculture and promises protection of customary land use and tenure. Several national and international organizations have commented on the 6<sup>th</sup> version of 2015 including the international organizations of Landesa, Global Witness and TNI. While they all go into detail regarding their specific foci, none of them deal with the practicalities of registration of customary tenure or raises the issue of what ‘customary’ means.

The NLUP uses the word ‘customary’ landuse/practices several places.<sup>83</sup> But it is never defined and the word ‘communal’ does *not* appear after the word ‘customary’. Nowhere is found the term ‘customary communal tenure. This means there still is a lot of analytical work to be carried out to tease out what customary means to feed into the preparation of the new Land Resource Law and Rules. If the terminology only focuses on ‘customary’ and does not include ‘communal’ the protection of ‘customary’ tenure may also end up protecting a tenure situation as described for Southern Chin where only a few clans ‘own’ the land and the remaining villagers must pay each year for their plots, - a clear contrast to the equity of the Northern Chin-lottery system that ensures that everyone has access to land each year. The Cambodian Land Law, 2001, clearly stipulates for customary tenure in Article 26 that “Ownership of the immovable properties described in Article 25 is granted by the State to the indigenous communities

<sup>81</sup>Erni, Chris (ed) 2015 Shifting Cultivation, Livelihood and Food Security. New and Old Challenges for Indigenous Peoples in Asia. Published by the Food and Agriculture Organization of the United Nations and International Work Group For Indigenous Affairs and Asia Indigenous Peoples Pact, Bangkok

<sup>82</sup> Deininger, Klaus, Daniel Ayalew Ali and Tekie Alemu (2008) ‘Impacts of Land Certification on Tenure Security, Investment, and Land Markets Evidence from Ethiopia’, World Bank Policy Research Working Paper 4764

<sup>83</sup>Articles 6 ( c ), 27 ( d ), 62, 64, 65, 66, 67, 71, 73(e) 73 ( h ), 75 ( d ) iv, and 77 ( j )

as collective ownership. This collective ownership includes all of the rights and protections of ownership as are enjoyed by private owners.”

Chapter III, article 16 of the NLUP 2015 mentions land registration, i.e.

*16. The followings shall be carried out in timely manner to successfully accomplish the preparatory process for issuing land tenure rights and land information management:*

- (a) Establishing clear and easy process to enable recognition and **registration of rights** for all stakeholders including ethnic nationalities and smallholder farmers, when their rights have not previously been recognized and registered;*
- (b) Legally recognizing and registering all long-term land use and land tenure rights that are recognized by the local community;*

Assuming ‘registration’ implies a cadastral land registration by SLRD a follow up in 2015-16 by concerned parties is needed to make sure the government’s new Land Resource Law and Rules on adjudication and registration procedures specify that prior to registration of customary (communal) tenure for a village the same village must as part of the adjudication process prepare Internal Rules for how it manages and shares the land jointly. Land registration of customary tenure could then cover full fledged communal land tenure as in Northern Chin as well as villages where land ancestral ‘owners’ agree to share their ancestral claims and it would cover the pilot Shan villages in the study, where the Internal Rules specify a call for the elders’ agreement and consensus, if a villager wants to rent land to an outsider, and the return into the common pool of land claimed if the person leaves the village. The operationalization of the NLUP and future Land Resource Law shall include the recording of the Internal Rules of Customary Tenure in order to ensure equity in any formalization of rights. Free Prior and Informed Consent of all villagers is necessary.

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**Annex 1: Draft Statutes of the Chuncung Village  
Organization for Managing the Communal Rotating and Fallow  
Taungya Land of Chuncung Village, Chuncung Village Tract,  
Hakha Township, Northern Chin State**

ချင်းပြည်နယ်မြောက်ပိုင်း၊ ဟားခါးမြို့နယ်၊  
ချွန်ကျုံးကျေးရွာအုပ်စု၊ချွန်ကျုံးကျေးရွာ၏ကျေးရွာအစုအဖွဲ့ပိုင်အလှည့်ကျအနားပေးစံနစ်ဖြင့်  
စိုက်ပျိုးထားသည့်တောင်ယာမြေများစီမံခန့်ခွဲမှုအဖွဲ့၏စည်းမျဉ်းဥပဒေ (မူကြမ်း)

- In accordance with the Constitution of Myanmar, 2008.
- ၂၀၀၈ ဖွဲ့စည်းအုပ်ချုပ်ပုံ ဥပဒေနှင့် အညီ။
- In accordance with the Farmland Act of Myanmar, 2012.
- ၂၀၁၂ လယ်ယာမြေဖွဲ့စည်းပုံ အခြေခံဥပဒေနှင့် အညီ။
- In accordance with the Ward or Village Tract Administration Law, 2012.
- ၂၀၁၂ ရပ်ကွက် သို့မဟုတ် ကျေးရွာအုပ်စု အုပ်ချုပ်ရေး ဥပဒေပြဌာန်းချက်နှင့် အညီ။
- In accordance with the goal and objective of collective Chun-In accordance with the goal and objective of collective Chun Cung village to register as an organization managing the communal lands of Chun Cung village in a sustainable manner, ensuring village livelihood, protecting the environment and Chin cultural practices the following bylaws were formulated:
- ကျေးရွာ၏ ရည်မှန်းချက်ပန်းတိုင်နှင့်အညီ၊ ချွန်ကျုံးကျေးရွာလူထုပိုင်မြေယာအား ရေရှည်တည်တံ့ရန် အတွက် အသက်မွေးဝမ်းကြောင်း ကိုပိုမိုခိုင်မာ လုံခြုံစေပြီး၊ သဘာဝပတ်ဝန်းကျင်နှင့် ချင်းရိုးရာဓလေ့ထုံးစံများကို အကာအကွယ်ပေးမည့် “ချွန်ကျုံးကျေးရွာအစုအဖွဲ့ပိုင် တောင်ယာမြေ စီမံခန့်ခွဲမှုအဖွဲ့အစည်း” အဖြစ် မှတ်ပုံတင်နိုင်ရန်အလို့ငှာ အောက်ပါ စည်းမျဉ်း ဥပဒေများကို ရေးဆွဲခဲ့ကြပါသည်။

**Name or Organization and Territory**

**အမည် (သို့မဟုတ်) အဖွဲ့အစည်းနှင့် နယ်နိမိတ်သတ်မှတ်ခြင်း**

- 1 **Article 1:** The village residents of Chun Cung village in Chun Cung village tract, Hakha Township, Northern Chin State have agreed on the Statutes for a village organization called “Chun Cung Community Organization for Managing the Communal Rotating and Fallow Taungya Land”.
- အပုဒ်ရွဲ။ ချင်းပြည်နယ်မြောက်ပိုင်း ဟားခါးမြို့နယ် ချွန်ကျုံးကျေးရွာအုပ်စုဝင် ချွန်ကျုံးကျေးရွာ လူထုမှ ဤအဖွဲ့အစည်းအား ချွန်ကျုံးကျေးရွာအစုအဖွဲ့ပိုင် အလှည့်ကျအနားပေးစံနစ်ဖြင့် စိုက်ပျိုးထားသည့် တောင်ယာမြေ စီမံခန့်ခွဲမှုအဖွဲ့” ဟုစည်းမျဉ်းဥပဒေတွင် မှည့်ခေါ်ရန်သဘောတူကြပါသည်။
- 2 **Article 2:** The community of Chun Cung identifies itself as occupying the territory with boundaries as follows.  
**North:** Starting from the junction of the Sangtang Tlang otherwise called



Hrawlpi Tlang with the Zinghmu Tlang along the latter to the source of the Haime Va thence down the Haime Va to the Pau Va(alias Tipi Va) thence the Pau Va to where it is joined by the Zong Awk Va thence;

**East:** Up the Zong Awk Va thence the Tang Hmun Lung tlang and it is continuations the Va Thai Tlang Lian Dun Nu Lung Tlang to the Can Bual Bo Thence;

**South:** From a cairn on the Cam Bual Bo down the Tlang Khua tlang to the source of the Tu Tak Va thence down the Tu Tak Va to the Sar Ti Va thence Down The sar Ti Va to the Timit Va joins it, thence up the Pail Tal Va to it's source in the Hrawlpi Tlang thence;

**West:** Along the Hrawlpi Tlang to the Starting point.

အပုဒ်ခွဲ၂။ ချွန်ကျုံးကျေးရွာလူထုအနေဖြင့် ကျေးရွာလူထုပိုင်မြေနယ်နိမိတ်များကို အောက်ပါအတိုင်း သတ်မှတ်ကြပါသည်။

မြောက်အရပ်-ဆန်ထန်တောင် သို့မဟုတ် ဟရောလ်ပီးတောင်ရိုးကိုလိုက်၍ တစ်ဆက်တည်းဖြစ်သော ဇီမူတောင်သို့၊ ဇီမူတောင်မှ ဆင်းပြီး ဟိုင်မဲချောင်းကိုဆင်း၍ ပေါင်ချောင်း သို့မဟုတ် သီပီချောင်းနှင့် ဇောင်အုပ်ချောင်းတို့ ဆုံရာအမှတ် ဖြစ်ပြီး ဒေါက်ထက် ကျေးရွာနှင့်နယ်နိမိတ်ချင်းထိစပ်ပါသည်။

အရှေ့အရပ်- ဇောင်အုပ်ချောင်းအတိုင်းတက်ပြီးထန်မွန်းလုံတောင်မှ ပါးတိုင်တောင်ရိုးကိုလိုက်၍ လျန်းဒေါ့လုံတောင်မှတဆင့် ချမ်ဘွလ်ဘိုအထိဖြစ်ပြီး အနီးနားတွင် ဟိုင်ရွန်း၊ နီာရ်လောန်ကျေးရွာနှင့်သီဖူးလ်ကျေးရွာရှိသည်။

တောင်အရပ်- ချမ်ဘွလ်ဘိုအမှတ်အသားအဖြစ်ပြုလုပ်ထားသည့်ကျောက်ခဲပုံမှ ဆင်းပြီး တလန်ခွါးမှ သိုတာပ်ချောင်း ထိုမှတဆင့် ဆာရ်သီးချောင်း၊ ဆာရ်သီးချောင်းမှကိုဆင်း၍ သီမစ်ချောင်းတို့ဆုံရာ၊ ထိုမှတဆင့် ပီလ်တာလ်ချောင်းကို လိုက်တက်ပြီး ရောလ်ပီးတောင်သို့ဖြစ်ပြီးအနီးနားတွင် ဟားခါးမြို့နှင့် နယ်နိမိတ်ချင်းထိစပ်နေသည်။

အနောက်အရပ်- ရောလ်ပီးတောင် တလျှောက်မှသည် မူလစမှတ်ဖြစ်သော နေရာသို့။

**3 Article 3:** “Chun Cung Community Organization for Managing the Communal Rotating and Fallow Taungya Lands” is a civil body characterized as a community organization, where members assist each other in managing the “rotating and fallow Taungya lands” according to customary practice in a sustainable manner and with equity.

အပိုဒ်ခွဲ၃။ ချွန်ကျုံးကျေးရွာအစုအဖွဲ့ပိုင် အလှည့်ကျအနားပေးစံနစ်ဖြင့် စိုက်ပျိုးထားသည့် တောင်ယာမြေ စီမံခန့်ခွဲမှုအဖွဲ့သည် အရပ်ဖက်လူထုအဖွဲ့အစည်း တစ်ရပ်ဖြစ်ပြီး ဓလေ့ထုံးစံအရ “အလှည့်ကျ အနားပေးသည့် တောင်ယာစိုက်ပျိုးသည့်စံနစ်”ကိုစီမံဆောင်ရွက်ရာတွင် အဖွဲ့ဝင် အချင်းချင်း ရိုင်းပင်းကူညီ၍ ရေရှည်တည်တံ့ နိုင်အောင် တရားမျှတစွာလုပ်ဆောင်သွားမည် ဖြစ်သည်။

**4. Article 4:** The land tracts that constitute the community organization’s communal land are as follows:

အပိုဒ်ခွဲ၄။ ချွန်ကျုံးကျေးရွာ လူထုအဖွဲ့ပိုင်မြေယာများတွင် အောက်ဖော်ပြပါတောင်ယာကွက်များ ပါဝင်ပါသည်။ တောင်ယာကွက်များမှာ အောက်ပါအတိုင်းဖြစ်ပါသည်။

**အအေးပိုင်းတောင်ယာကွက်များ (Zo Lo ( cold area ) Taungya )****စဉ်      တောင်ယာကွက်အမည်****No.      Name of Taungya**

၁။	တလောခံပီး	+	တလောခံသဲ
1.	Tlawkpi	+	Tlawkt te
၂။	အဲခိတလူး	+	လုံပိုင်
2.	Ekthlu	+	Llungngai
၃။	လွေယိုး	+	ဟဲန်း
3.	Lur zu	+	Heng
၄။	လိုင်ဆွင်	+	ခွဲပါမ်
4.	Laisun	+	Khuaivam
၅။	နှထလမ်း	+	သီးခါး
5.	Hnah Tlam	+	Tikha
၆။	ခွောက်နှိရ်		
6.	Khawn Hniar		
၇။	လားခံပီး		
7.	Lakpi		
၈။	ရယ်ပီး		
8.	Repi		

**အပူပိုင်းတောင်ယာကွက်များ (Lai Lo( Hot Area ) Taungya)**

၁။	ခွါဒီး	+	တလန်ဇာရ်	+	ရီယာလ်
1.	Khuadi	+	Tlangzaar	+	Fuarrawn
၂။	ဖယန်းချီယာရ်				
2.	Faangchiar				
၃။	တွမ်				
3.	Tuam				
၄။	သဲအိမူမဲ				
4.	Theihhmume				
၅။	ရှာနမ်				
5.	Sainam				
၆။	ဇိုအန်				
6.	Zuan				
၇။	သာဟရမ်				
7.	Ta hrap				
၈။	ဖန်ဇန်				
8.	Phan Zaang				
၉။	မွဟ်				
9.	Hmuah တို့ ဖြစ်ပါသည်။				

<b>Lopil name</b>	<b>Acreage of lopil on he map</b>	<b>Uncultivated rocky area in lopil</b>	<b>Private Terraces in lopil</b>	<b>Private orchards in lopil</b>	<b>Balance acreage of lopils managed as common property</b>
Cold-1- Tlawkpi	489	249	-	-	240
C-2- Ekthlu+Lungnal	918	418	-	-	500
C-3- Lulzu+Heng	510	10	-	-	500
C-4- Lailun+Khu-aivom	313	13	-	-	300
C-5- HnahTlam	1342	342	-	-	1000
C-6- KhawnHniar	2748	748	-	-	2000
C-7- Lakpi	1617	1617	-	-	Temporal pasture
C-8- Repi	2747	2747	-	-	Temporal pasture
Hot -1- Khuadi	947	47	-	13.29	886.71
H-2- Fangchiar	1468	-	72	Not know yet	1396
H-3- Tuam	1420	-	210	38.46	1171.54
H-4- Theihmume	1238	-	-	Not know yet	1238
H-5- Sainam	1799	99	34.5	Not know yet	1665.5
H-6- Zuam	1111	-	19.5	Not know yet	1091.5
H-7- Tahrap	522	-	1.5	Not know yet	520.5
H-8- Phanzang	1155	1000	-	2.07	155
H-9- Hmuahpi	921	21	-	Not know yet	900
<b>Total</b>	<b>21,265</b>			<b>Total acreage of cultivated common property Lopils</b>	<b>13,564.75</b>

## The objectives of the Statutes

### စည်းမျဉ်းဥပဒေများ၏ ရည်ရွယ်ချက်များ

5. **Article 5:** The objectives of the Chun Cung community organization's statutes are to establish the community organization as a legal entity.

အပိုဒ်ခွဲ ၅။ ချွန်ကျုံးကျေးရွာ အစုအဖွဲ့ပိုင် အလှည့်ကျအနားပေးစနစ်ဖြင့် စိုက်ပျိုးထားသည့်တောင်ယာမြေ စီမံခန့်ခွဲမှုအဖွဲ့ကို တရားဝင်လူထုအဖွဲ့အစည်းအဖြစ်ဖွဲ့စည်းခြင်း၏ ရည်ရွယ်ချက်များမှာ-

- Will hold a joint **land use certificate** for all the customary lands of Chun Cung.
- ချွန်ကျုံးကျေးရွာ၏လေ့ထုံးတမ်းအစဉ်အလာအရပိုင်ဆိုင်သောတောင်ယာမြေအားလုံးကိုကျေးရွာအစုအဖွဲ့ပိုင်(ပူးတွဲ)မြေယာအသုံးချခွင့်လက်မှတ်ရရှိပိုင်ဆိုင်ထားနိုင်ရန်။
- Will maintain the customary land governance of Chun Cung, where all resident villagers share decisions on land management each year to ensure livelihood for all with equity.
- ချွန်ကျုံးကျေးရွာအတွင်း နေထိုင်ကြသူများအားလုံးအတွက် မျှတပြီး အားလုံးပါဝင်ဆောင်ရွက်နိုင်သော အသက်မွေးဝမ်းကြောင်းကို လုံခြုံစေသည့် ကျေးရွာ၏ လေ့ထုံးတမ်းအစဉ်အလာအရ မြေရာစီမံခန့်ခွဲမှု စနစ်ကိုထိန်းသိမ်းရန်။
- Will protect the environment of the village territory.
- ကျေးရွာ၏နယ်နိမိတ်ရှိသာဘာဝပတ်ဝန်းကျင်ကိုထိန်းသိမ်းကာကွယ်ရန်။
- Will carry out its management in collaboration with the Village Tract Administrator, Village Tract Committee, the GAD, the Farmland Administration Board, Forest Department and the SLRD.
- ကျေးရွာမြေယာစီမံခန့်ခွဲမှုစနစ်ကို ကျေးရွာအုပ်စုအုပ်ချုပ်ရေးမှူး၊ ကျေးရွာအုပ်စုကော်မတီ၊ အထွေထွေအုပ်ချုပ်ရေးဦးစီးဌာန၊ ကြေးတိုင်နှင့်မြေတရားဦးစီးဌာန၊ မြေယာအုပ်ချုပ်မှုအဖွဲ့နှင့် သစ်တောဦးစီးဌာနတို့နှင့် အတူတကွ ပူးပေါင်းဆောင်ရွက်ရန်တို့ ဖြစ်သည်။

## Membership of the “Chun Cung Community Organization for Managing the Communal Rotating and Fallow Taungya Land”

“လေ့ထုံးတမ်းအရ မြေယာစီမံခန့်ခွဲသော ချွန်ကျုံးကျေးရွာ အစုအဖွဲ့ပိုင်အလှည့်ကျ အနားပေးသည့် တောင်ယာစိုက်ပျိုးသည့်စနစ်” တွင် အသင်းဝင်ခွင့်။

**Article 6 :** Membership of the “Chun Cung Commuty Organization for Managing the Communal Rotating and Fallow Taungya Land” are all\_resident villagers, both men and women, who have access\_to cultivate the lands of the village community. The list of names of all resident villagers who have rights to access to the community lands is kept by the village tract committee and a copy in the village itself.

အပိုဒ်ခွဲ ၆။ ကျေးရွာပိုင်မြေယာများပေါ်တွင် စိုက်ပျိုးရန်မြေယာများပိုင်ဆိုင်ပြီး ကျေးရွာတွင် နေထိုင်သော အမျိုးသားများနှင့် အမျိုးသမီးများအားလုံးသည် ချွန်ကျုံးကျေးရွာအစုအဖွဲ့ပိုင် အလှည့်ကျ အနားပေးသည့် တောင်ယာစိုက်ပျိုးသည့် စနစ်တွင်အသင်းဝင် ခွင့်ရှိပါသည်။ ကျေးရွာပိုင်မြေရွာတွင်

သုံးစွဲ လုပ်ပိုင်ခွင့်ရရှိသူများ၏ အမည်စာရင်းကို ကျေးရွာအုပ်စုကော်မတီတွင်လည်းကောင်း၊ မိတ္တူ ကို ကျေးရွာတွင်လည်းကောင်း ထိန်းသိမ်းထားရှိ မည်ဖြစ်သည်။

**Article 7:** Members of the Community Organization cannot hand over their membership to outsiders that are not resident in the village.

အပုဒ်ခွဲ ၇။ ချွန်ကျုံးကျေးရွာ အစုအဖွဲ့ပိုင်အလှည့်ကျ အနားပေးသည့်စိုက်ပျိုးသည့်စနစ်တွင် အသင်းဝင်များ သည် ၎င်းတို့၏ အဖွဲ့ဝင်ခွင့်တို့ကို ကျေးရွာတွင် နေထိုင်သူမဟုတ်သော အပြင်လူများကို လွှဲပြောင်း ပေးပိုင်ခွင့်မရှိပါ။

**Article 8:** To become a member in the “Chun Cung Community Organization for Managing the Communal Rotating and Fallow Taungya Lands” a person needs to meet the following conditions:

အပုဒ်ခွဲ ၈။ ချွန်ကျုံးကျေးရွာ အစုအဖွဲ့ပိုင် အလှည့်ကျအနားပေးသည့် တောင်ယာစိုက်ပျိုးသည့်စနစ်တွင် အသင်းဝင်လိုသူတစ်ဦးသည် အောက်ပါအချက်များနှင့်ကိုက်ညီသူများဖြစ်ရမည်။

- Join membership willingly and without pressure.
- အဖွဲ့ဝင်ဖြစ်လိုသူသည် အခြားသူ၏ဖိအားပေးခြင်းကြောင့်မဟုတ်ဘဲ မိမိသဘောဆန္ဒအလျောက် ပါဝင်သူဖြစ်ရမည်။
- Shall be resident in the village.
- ကျေးရွာအတွင်းနေထိုင်သောသူဖြစ်ရမည်။
- Agree to comply with the community organization Bylaws and Internal Rules for sharing the land and follow the community’s traditions.
- ကျေးရွာအစုအဖွဲ့ပိုင် အလှည့်ကျအနားပေးစနစ်ဖြင့် စိုက်ပျိုးသည့် တောင်ယာမြေစီမံခန့်ခွဲမှု အဖွဲ့မှ ချမှတ်ထားသော စည်းမျဉ်းစည်းကမ်းဥပဒေများ၊ ကျေးရွာအတွင်း သတ်မှတ်ထားသော တောင်ယာမြေ ခွဲဝေသုံးစွဲနှင့်ဆိုင်သောစည်းကမ်းများကို သဘောတူပြီး ကျေးရွာ၏ ဓလေ့ထုံးတမ်း အစဉ်အလာများကို လိုက်နာသူဖြစ်ရမည်။
- Shall have birth certificate, citizen ID card or family book or residential book. အသင်းဝင်သည် မွေးစာရင်းရှိရမည်၊ အမျိုးသားမှတ်ပုံရိပ်ရမည် သို့မဟုတ် ကျေးရွာအတွင်း အမှန်တကယ်နေထိုင်သည့် သန်းခေါင်စာရင်းဝင်ဖြစ်ရမည်။

**Article 9:** Outsiders coming to live in Chun Cung can become members if the “Chun Cung Community Organization for Managing the Communal Rotating and Fallow Taungya Lands” agrees and their names will be added to the list of members that is held by the clerk.

အပုဒ်ခွဲ ၉။ ချွန်ကျုံးကျေးရွာအစုအဖွဲ့ပိုင်အလှည့်ကျအနားပေးစနစ်ဖြင့်စိုက်ပျိုးထားသည့်တောင်ယာမြေစီမံခန့်ခွဲမှုအဖွဲ့မှ သဘောတူညီမှုရလျှင် ချွန်ကျုံးကျေးရွာသို့ ပြင်ပမှ လာရောက်နေထိုင်သူသည်လည်း အသင်းဝင်ဖြစ်နိုင်ပါသည်။ ၎င်းတို့၏အမည်စာရင်းကိုလည်း စာရေးမှအဖွဲ့စာရင်းတွင် ဖြည့်စွက် ထည့်ပေးရမည်ဖြစ်သည်။

**Article 10:** A member of the “Chun Cung Community Organization for Managing the Communal Rotating and Fallow Taungya Lands” may lose membership if he or she moves away from the village. But the person will regain membership if he or she is moving back to the village.

အပုဒ်ခွဲ-၁၀။ အဖွဲ့ဝင်တစ်ဦးသည် ချွန်ကျုံးကျေးရွာမှရွှေ့ပြောင်းသွားလျှင် ဓလေ့ထုံးတမ်းစဉ်လာအရ စီမံခန့်ခွဲ၍ ချွန်ကျုံးကျေးရွာအစုအဖွဲ့ပိုင် အလှည့်ကျအနားပေးသည့် တောင်ယာစိုက်ပျိုးသည့်စနစ်၏ အဖွဲ့ဝင် အဖြစ်မှပျက်ပြယ်သွားမည်ဖြစ်သည်။ သို့သော် ထိုသူသည် ရွာသို့ပြန်လည်ပြောင်းရွှေ့လာလျှင် အဖွဲ့ ဝင် အဖြစ် ပြန်လည်ရရှိမည်ဖြစ်ပါသည်။

**Article 11:** Structure of the “Chun Cung Community Organization for Managing the Communal Rotating and Fallow Taungya Land”

ဓလေ့ထုံးတမ်းစဉ်လာအရ စီမံခန့်ခွဲ၍ ချွန်ကျုံးကျေးရွာအစုအဖွဲ့ပိုင်၊ အလှည့်ကျအနားပေးသည့် တောင်ယာ စိုက်ပျိုးသည့် စနစ်၏ ဖွဲ့စည်းတည်ဆောက်ပုံ။

The highest body of the community organization is the ‘Community Organization General Assembly’ that consists of all resident villagers above 18 years of age represented through the “ten-household leaders”.

အပုဒ်ခွဲ-၁၁။ ဓလေ့ထုံးတမ်းစဉ်လာအရ မြေယာစီမံခန့်ခွဲမှုရှိသော ချွန်ကျုံးကျေးရွာ အစုအဖွဲ့ပိုင် အလှည့်ကျ အနားပေးသည့်စနစ်တွင် အဓိကအရေးကြီးသောအချက်မှာ “ကျေးရွာလူထုအဖွဲ့အစည်း၏ အထွေထွေလူထုအစည်းအဝေးကြီး” ဖြစ်ပြီး ဆယ်အိမ်မှူးအောက်ရှိ အသက်၁၈နှစ်ပြည့်ပြီးသူများ ကိုယ်စားလှယ်အဖြစ် ပါဝင်ကြသည်။

**Article 12:** The Community Organization General Assembly will define the Internal Rules for sharing the common property of the Community Organization. The Internal Rules will be attached in a written format to the Statutes and kept in the village.

အပုဒ်ခွဲ ၁၂။ ကျေးရွာလူထုအဖွဲ့အစည်း၏ အထွေထွေလူထုအစည်းအဝေးကြီးမှ ကျေးရွာလူထုအဖွဲ့အစည်း၏ အများနှင့်သက်ဆိုင်သော တောင်ယာမြေများကို မျှဝေသုံးစွဲမှုနှင့် သက်ဆိုင်သောကျေးရွာတွင် ကျင့်သုံး ရမည့်စည်းကမ်းများကို သတ်မှတ်ပေးမည်ဖြစ်သည်။ ကျေးရွာတွင်း ကျင့်သုံးရမည့် စည်းကမ်းများကို လက်ရေးမူဖြင့် ရေးသားပြီး စည်းမျဉ်းစည်းကမ်းဥပဒေများတွင် တွဲပြီး ကျေးရွာတွင် ထားရမည် ဖြစ်သည်။

**Article 13:** The Community Organization General Assembly will elect a Land Caretaker Committee of 8 persons. The Land Caretaker Committee will represent the community organization to the government authorities such as Village Tract, FAB, Forest Department, GAD and SLRD and guide the villagers on land use. The Land Caretaker Committee has the following members

အပုဒ်ခွဲ ၁၃။ ကျေးရွာလူထုအဖွဲ့အစည်း၏အထွေထွေလူထုအစည်းအဝေးကြီးမှမြေယာထိန်းသိမ်းစောင့်ရှောက်မှု ကော်မတီ ၇-ဦးကိုရွေးချယ်တင်မြှောက် ရမည်ဖြစ်သည်။ မြေယာထိန်းသိမ်းစောင့်ရှောက်မှု ကော်မတီ တွင် အစိုးရအာဏာပိုင်အဖွဲ့အစည်းများဖြစ် သောကျေးရွာအုပ်စု၊ ကျေးရွာအုပ်စုမြေယာစီမံမှုအဖွဲ့၊ သစ်တောဦးစီးဌာန၊ အထွေထွေအုပ်ချုပ်ရေးဦးစီးဌာနနှင့် ကြေးတိုင်နှင့်မြေစာရင်းဦးစီးဌာနတို့မှ

ကိုယ်စားပြုရမည်ဖြစ်ပြီး၊ ကျေးရွာလူထု၏မြေယာ သုံးစွဲမှုကို လမ်းညွှန်ပေးရမည်ဖြစ်သည်။ မြေယာ ထိန်းသိမ်း စောင့်ရှောက်မှုကော်မတီတွင် အောက်ပါ အဖွဲ့ ဝင်များပါဝင်ရမည်ဖြစ်သည်။

1. Four Village Elders.
- ၁။ ကျေးရွာမှလေးစားရသောရပ်မိရပ်ဖ ၄ ဦး။
2. Two women.
- ၂။ အမျိုးသမီး ၂ ဦး။
3. Village Tract Administrator.
- ၃။ ကျေးရွာအုပ်စုအုပ်ချုပ်ရေးမှူး ၁ ဦး။

### ချွန်ကျုံးကျေးရွာ မြေယာစီမံခန့်ခွဲရေးကော်မတီအဖွဲ့ ဝင်များ

စဉ် No	အမည် Name	တာဝန် Duty
၁။ 1.	ဦးသွမ်ခါရ် U Tum Khar	- ကျေးရွာအုပ်စုအုပ်ချုပ်ရေးမှူး - Village Tract Administrator of Chun Cung
၂။ 2.	ဦးသိုင်အီရပ် U Tei Iap	- ရပ်မိရပ်ဖ - Village Respective Elder
၃။ 3.	ဦးလျန်ချင်း U Lian Chin	- ရပ်မိရပ်ဖ - Village Respective Elder
၄။ 4.	ဦးဆမ်ဟရန် U Sam Hrang	- ရပ်မိရပ်ဖ - Village Respective Elder
၅။ 5.	ဦးထန်းဆန် U Thang Sang	- ရပ်မိရပ်ဖ - Village Respective Elder
၆။ 6.	ဒေါ်ဒေါ်ဖုန်ဗန်း - Daw Dawt Fung Vang	ရပ်မိရပ်ဖ - Village Respective Elder
၇။ 7.	ဒေါ်ငွန်ခိန် Daw Ngun Khing	- ရပ်မိရပ်ဖ - Village Respective Elder

**Article 14:** The Community Organization Committee has the following role and responsibilities:

အပုဒ်ခွဲ ၁၄။ ချွန်ကျုံးကျေးရွာအစုအဖွဲ့ပိုင် အလှည့်ကျအနားပေးသည့် တောင်စိုက်ပျိုးသည့်စံနစ်တွင် မြေယာစီမံ ခန့်ခွဲရေးကော်မတီ၏တာဝန် နှင့် ဝတ္တရားများ။

- To guide the decisions on joint land use of the community members
- ကျေးရွာလူထုအဖွဲ့ဝင်များ၏ မြေယာခွဲဝေသုံးစွဲမှုဆိုင်ရာဆုံးဖြတ်ချက်များ ချမှတ်ရာတွင် လမ်းညွှန်မှုပေးခြင်း။
- To collect suggestions by the community organization members and forward them to village tract committee and government agencies.
- ကျေးရွာရှိအဖွဲ့ဝင်များ၏ အကြံပေးချက်များကို မှတ်တမ်းတင်ကာ ကျေးရွာအုပ်စုကော်မတီနှင့် အစိုးရ အာဏာပိုင်အဖွဲ့စည်းများထံသို့ ဆက်လက်တင်ပြပေးခြင်း။
- To represent the community organization to outsiders such as NGOs or private parties who have interests and suggestions for land use initiatives.

- စိတ်ဝင်စားမှုရှိပြီး မြေယာအသုံးပြုခြင်းနှင့်ပတ်သက်၍ အကြံပေးလိုသောပြင်ပအဖွဲ့စည်းများ ဖြစ်သည့်၊ အစိုးရမဟုတ်သောအဖွဲ့အစည်းများ၊ ပုဂ္ဂလိကအဖွဲ့အစည်းများနှင့် ကျေးရွာလူထု မြေယာစီမံခန့်ခွဲရေးကော်မတီမှ ကျေးရွာလူထုကို ကိုယ်စားပြု ဆောင်ရွက်မည်ဖြစ်ခြင်း။
- To assist to disseminate all government policies and laws to community organization members.
- အစိုးရ၏မူဝါဒများနှင့် ဥပဒေများကို ကျေးရွာလူထုအဖွဲ့ဝင်များအတွင်း ဖြန့်ဝေရာတွင် ကူညီဆောင်ရွက်ပေးရမည်ဖြစ်ခြင်း။
- To assist in resolving conflicts occurring within the community according to customary rules.
- ဖြစ်ပေါ်လာသော(ပြဿနာ)အငြင်းပွားမှုများကို ဓလေ့ထုံးတမ်းအရချမှတ်ထားသော စည်းမျဉ်းစည်းကမ်းများဖြင့်ဖြေရှင်းရာတွင်၎င်းကော်မတီကူညီပေးရမည်ဖြစ်ခြင်း။
- To collect all the members' suggestions before taking any decision
- ဆုံးဖြတ်ချက်မချမှတ်မီ အသင်းသူအသင်းသာများ၏အကြံ ပေးချက်များကိုရယူပေးခြင်း။
- To organize meetings and write minutes of any community meeting.
- ကျေးရွာလူထုအစည်းဝေးကျင်းပနိုင်ရန်အတွက် စည်းရုံးနှိုးဆော်ရန်နှင့် အစည်းဝေးမှတ်တမ်းများကို ရေးသားပြုစုပေးခြင်း။
- Monitor / follow up and make assessment of all implementation of management measures.
- လုပ်ငန်းများ အကောင်အထည်ဆောင်ရွက်မှုနှင့် စီမံခန့်ခွဲမှုဆိုင်ရာကိစ္စရပ်များအား စောင့်ကြည့်လေ့လာခြင်းနှင့် နောက်ဆက်တွဲလိုအပ်သောလုပ်ငန်းများအား ပံ့ပိုးပေးရန်နှင့် စစ်တမ်းများ ပြုစုပေးခြင်း။

**Article 15:** The General Assembly of all resident villagers in the community organization has the right to submit a suggestion through the ten household leaders to the Land Caretaker Committee to change the statutes or change the Internal Rules. The changes must be adopted and carried out, if the majority of the community organization's members agree to the changes.

အပုဒ်ခွဲ-၁၅။ စည်းမျဉ်းစည်းကမ်းဥပဒေများ၊ ကျေးရွာအတွင်း ကျင့်သုံးရမည့်စည်းမျဉ်း စည်းကမ်းများကိုပြင်ဆင်လိုလျှင် အထွေထွေလူထုအစည်းဝေးကြီးတွင် တက်ရောက်လာကြသောကျေးရွာ လူထုများ၏အဆိုပြုချက်များ၊ အကြံပေးချက်များကို ဆယ်အိမ်မှူးများမှတစ်ဆင့် မြေယာစီမံခန့်ခွဲ စောင့်ရှောက်ရေး အဖွဲ့ကော်မတီထံသို့ တင်ပြပိုင်ခွင့်ရှိသည်။ ကျေးရွာလူထုအများစု သဘောတူညီထားသော ထိုအပြောင်းအလဲများကို လက်ခံကျင့်သုံး၍လုပ်ငန်းများကို ဆက်လက် ဆောင်ရွက်ရမည်ဖြစ်သည်။

**Article 16:** The General Assembly of all resident villagers in the community organization has the right to change membership of the Land Caretaker Committee if the majority of the community organization members decide to change membership. The village tract administrator will be informed of such change.

အပုဒ်ခွဲ-၁၆။ အထွေထွေလူထုအစည်းဝေးကြီးတွင် တက်ရောက်လာကြသော ကျေးရွာလူထုများ၏ အဆိုပြုချက်များအရ မြေယာစီမံခန့်ခွဲစောင့်ရှောက်ရေးကော်မတီအား ပြောင်းလဲဖွဲ့စည်းလိုလျှင် ကျေးရွာ



လူထုအများစု၏ သဘောတူညီမှုဖြင့် ဆုံးဖြတ် ပြောင်းလဲနိုင်သည်။ ထိုအပြောင်းအလဲများကို ကျေးရွာ အုပ်စုအုပ်ချုပ်ရေးမှူးကို အသိပေးထားရမည် ဖြစ်သည်။

## Interaction with neighboring villages ပတ်ဝန်းကျင်ကျေးရွာများနှင့် အပြန်အလှန်ဆက်ဆံခြင်း။

**Article 17:** The General Assembly of all resident villagers can agree to lend for a fixed time-period a smaller part of the communal lands of the “Chun Cung Community Organization for Managing the Communal Rotating and Fallow Taungya Lands” to a neighboring village. The Land Caretaker Committee will inform the Village Tract Administrator of this.

အပုဒ်ခွဲ ၁၇။ ချွန်ကျုံးကျေးရွာအစုအဖွဲ့ ပိုင်အလှည့်ကျအနားပေးစနစ်ဖြင့် စိုက်ပျိုးထားသော တောင်ယာမြေ၏ အစိတ်အပိုင်းတစ်စိတ်တစ်ဒေသကို ပတ်ဝန်းကျင်ကျေးရွာမှ အချိန်ကာလအတိုင်းအတာသတ်မှတ်ချက် ဖြင့် ငှားရမ်းရန် ကျေးရွာနေလူထုက အထွေထွေအစည်းအဝေးတွင် သဘောတူညီနိုင်သည်။ ၎င်း သဘောတူညီမှုကို မြေယာစီမံခန့်ခွဲမှုကော်မတီမှ ကျေးရွာအုပ်စု အုပ်ချုပ်ရေးမှူးဆီသို့ အကြောင်းကြားပေးရမည်။

**Article 18:** The neighboring village that borrows land is not allowed to plant perennial crops on the land.

အပုဒ်ခွဲ-၁၈။ ပတ်ဝန်းကျင်ကျေးရွာက ငှားရမ်းထားသောမြေယာပေါ်တွင် နှစ်ရှည်ပင်စိုက်ပျိုးရေးကို ခွင့်မပြုပါ။

## Interaction with the Government and the Private Sector အစိုးရဌာနများ နှင့် ပုဂ္ဂလိကအဖွဲ့စည်းများဖြင့် ဆက်ဆံခြင်း။

**Article 19:** Any engagement with the private sector by the Land Caretaker Committee requires Free Informed Prior Consent of all resident villagers before any planning is started.

အပုဒ်ခွဲ ၁၉။ မြေယာစီမံခန့်ခွဲမှု ကော်မတီသည် ပုဂ္ဂလိကအဖွဲ့အစည်းများနှင့် မည်သည့်လုပ်ငန်းကိုမဆို လုပ် ကိုင်မည်ဆိုပါက၊ လုပ်ငန်းအစီအစဉ် မစတင်မှီ ကျေးရွာတွင် နေထိုင်သောရွာသားများကို ကြိုတင် သဘောတူညီမှု ရယူရမည်ဖြစ်သည်။

**Article 20:** Any land use project with the private sector on the communal lands must be based on formalized agreements covering environmental impact assessment, a fixed time frame, description of project benefits and benefit sharing, monitoring and grievance mechanisms. The Village General Assembly of all resident villagers must agree by majority vote on the project after it has been described carefully.

အပုဒ်ခွဲ ၂၀။ ကျေးရွာအစုအဖွဲ့ပိုင်အလှည့်ကျ အနားပေးစနစ်ဖြင့် စိုက်ပျိုးထားသည့် တောင်ယာမြေပေါ်တွင် ပုဂ္ဂလိကအဖွဲ့အစည်းနှင့်လုပ်ကိုင်မည့် မည်သည့်စီမံချက်မဆို ပတ်ဝန်းကျင်အား ထိခိုက်မှုအကဲဖြတ်

မှုရှိခြင်း၊ အချိန်ကာလသတ်မှတ်မှုရှိခြင်း၊ စီမံချက်၏ရရှိနိုင်သည့် အကျိုးအမြတ်နှင့် အကျိုးအမြတ်ခွဲဝေမှု၊ စဉ်ဆက်မပြတ် နှိုးဆော်ထိန်းသိမ်းခြင်းနှင့် ဖြစ်ပေါ်လာနိုင်မည့် ပြဿနာများကို ဖြေရှင်းနိုင်မည့်နည်းလမ်းများထားရှိခြင်းတို့ကို အခြေခံသဘောတူညီမှု ရယူထားရမည်ဖြစ်သည်။ စီမံချက်အကြောင်းကိုသေချာစွာ သိရှိပြီးမှသာအထွေထွေလူထုအစည်းဝေးတွင် အများစု၏ သဘောတူညီမှု ရယူပြီးမှသာ စီမံချက်ကို လက်ခံရမည်ဖြစ်သည်။

**Article 21:** The Community Organization's Land Caretaker Committee can sign the agreement with the private sector on behalf of the community after all resident villagers have agreed by majority vote.

အပုဒ်ခွဲ- ၂၁။ ကျေးရွာတွင် နေထိုင်သော ကျေးရွာလူထုအများစု၏ မဲဆန္ဒအရသာ ကျေးရွာလူထုကိုယ်စား ကျေးရွာ အစုအဖွဲ့ပိုင်မြေယာစီမံခန့်ခွဲမှုကော်မတီမှ ပုဂ္ဂလိကအဖွဲ့ကို လက်ခံကြောင်း လက်မှတ်ရေးထိုးရမည် ဖြစ်သည်။

**Article 22:** Any land use project with the private sector must promote the equitable distribution of benefits within the community, between communities and companies and government institutions. It must be signed by the Community Organization's Land Caretaker Committee, by the Village Tract Administrator, the FAB and the SLRD.

အပုဒ်ခွဲ ၂၂။ ပုဂ္ဂလိကအဖွဲ့စည်းများ၏ မည်သည့်မြေယာအသုံးချမှုစီမံချက်ကိုမဆို၊ ကျေးရွာလူထုအတွင်းတွင် လည်းကောင်း၊ ကျေးရွာလူထုနှင့် ကုမ္ပဏီများကြား၊ ကျေးရွာလူထုနှင့် အစိုးရအဖွဲ့အစည်းများကြားတွင် ရသင့်ရထိုက်သော အကျိုးခံစားခွင့်ရေးများကို ရရှိစေအောင်ကူညီဆောင်ရွက် ပေးရမည်ဖြစ်သည်။ ထိုမြေယာအသုံးစွဲမည့်စီမံချက်ကို ကျေးရွာအစုအဖွဲ့ပိုင်မြေယာ စီမံခန့်ခွဲမှုကော်မတီ၊ ကျေးရွာအုပ်စုအုပ်ချုပ်ရေးမှူး၊ လယ်ယာမြေစီမံခန့်ခွဲမှုအဖွဲ့နှင့် ကြေးတိုင်နှင့်မြေစာရင်းဦးစီးဌာနတို့က လက်မှတ်ရေးထိုးပေးရမည်ဖြစ်သည်။

**Article 23:** Each Household will pay tax to the government for annual crop cultivation by acre of land or by plot of land.

အပုဒ်ခွဲ ၂၃။ အိမ်ထောင်စုတိုင်းသည် ရာသီအလိုက်သီးနှံများစိုက်ပျိုးထားသော မြေယာအတွက်သာ အစိုးရသို့ နှစ်စဉ်ပေးသွင်းရမည့်အခွန်များကို ဧကအလိုက်သော်လည်းကောင်း၊ မြေအကွက်အလိုက်သော်လည်းကောင်း ပေးဆောင်ရမည်။

## Dissolving the “Chun Cung Community Organization for Managing the Communal Rotating and Fallow Taungya Lands

ဓလေ့ထုံးတမ်းစဉ်လာအရ စီမံခန့်ခွဲ၍ချွန်ကျေးကျေးရွာအစုအဖွဲ့ပိုင်၊ အလှည့်ကျအနားပေးသည့် တောင်ယာစိုက်ပျိုးသည့်စနစ်အား ဖျက်သိမ်းခြင်း။

**Article 24:** The General Assembly of all resident villagers whose names are on the list of the organization’s membership can agree by majority to dissolve the Chun Cung Community Organization for Managing the Communal Rotating and Fallow Taungya Lands.

အပုဒ်ခွဲ ၂၄။ ချွန်ကျေးကျေးရွာ အစုအဖွဲ့အစည်းမြေယာစီမံခန့်ခွဲမှုကော်မတီ၏ ဓလေ့ထုံးတမ်းအရ မြေယာများကို အနားပေး၍ လုပ်ကိုင်သောစနစ်အား ဖျက်သိမ်းလိုလျှင် ကျေးရွာတွင်နေထိုင်သော လူထုအသင်း ဝင်များ၏ အများသဘောတူညီချက်ဖြင့် အထွေထွေအစည်းဝေး၌ ဖျက်သိမ်းခွင့်ရှိသည်။

**Article 25:** The decision will be handed to the Village Tract Administrator, the GAD and the FAB.

အပုဒ်ခွဲ ၂၅။ အထက်ပါဆုံးဖြတ်ချက်များကို ကျေးရွာအုပ်စုဥက္ကဋ္ဌနှင့် အထွေထွေအုပ်ချုပ်ရေးမှူး၊ လယ်ယာမြေစီမံ ခန့်ခွဲရေး ကော်မတီထံသို့ ပေးအပ်ရမည်ဖြစ်သည်။

**Article 26:** The Village Tract Administrator, the GAD and the FAB will take action and cancel the registration of joint communal land rights of the Chun Cung Community Organization.

အပုဒ်ခွဲ ၂၆။ ချွန်ကျေးကျေးရွာအစုအဖွဲ့ပိုင်ကော်မတီ၏ဓလေ့ထုံးတမ်းအရ မြေယာများကိုအလှည့် အနားပေး ၍ကျေးရွာပိုင်မှတ်ပုံလုပ်ကိုင် ခွင့်စနစ်အား ဖျက်သိမ်းခြင်းကို ကျေးရွာအုပ်စု အုပ်ချုပ်ရေးမှူး၊ အထွေ ထွေအုပ်ချုပ်ရေးမှူး နှင့်လယ်ယာမြေစီမံခန့်ခွဲရေးအဖွဲ့မှ ပယ်ဖျက်ရန်၊ လိုအပ်သည် တို့ကိုအရေးယူ ဆောင်ရွက်ပေးမည်ဖြစ်သည်။

**Article 27:** Inside the territories of Chun Cung village, State and Regional government shall not provide the land of Chun Cung to any private companies without the acknowledgement of Chun Cung villagers.

အပိုဒ်ခွဲ ၂၇။ ချွန်ကျေးကျေးရွာလူထုပိုင်နယ်မြေအတွင်း နိုင်ငံတော်အစိုးရသော်၎င်း၊ ပြည်နယ်အစိုးရသော်၎င်း ကျေးရွာလူထုကိုအသိမပေးဘဲ ပုဂ္ဂလိက ကုမ္ပဏီတစ်ခုခုအား လုပ်ကိုင်ထုတ်ယူခွင့်မပေးရန်။

**Annex 2: Internal Rules of Chuncung Village, Northern Chin****ချွန်ကျွန်းကျေးရွာ၏ လေ့ထုံးတမ်းစဉ်လာအရ သတ်မှတ်ထားသော စည်းမျဉ်းစည်းကမ်းများ**

- ၁။ “ချွန်ကျွန်းကျေးရွာရှိ အလှည့်ကျအနားပေးစံနှစ်ဖြင့် စိုက်ပျိုးသည့် တောင်ယာမြေစီမံခန့်ခွဲရေးအဖွဲ့”၏ အဖွဲ့ဝင်များသည် အဖွဲ့၏ အောက်ဖော်ပြပါ စည်းမျဉ်းစည်းကမ်းများကို လိုက်နာဆောင်ရွက်ကြရမည်။  
Members of the “Chun Cung Community Organization for Managing the Communal Rotating and Fallow Taungya Land” will use the internal rules which describe below.
- ၂။ ကျေးရွာအုပ်စုဥက္ကဋ္ဌနှင့် ရပ်မိရပ်ဖတို့က အစည်းအဝေးပြုလုပ်ပြီး စိုက်ပျိုးမည့်အကွက်များ၊ အနား ပေးမည့် အကွက်များကို နှစ်အလိုက် အစီအစဉ်ရေးဆွဲရမည်။ ထို့နောက် ထိုရေးဆွဲထားသည့် အစီအစဉ်ကို အဖွဲ့ဝင်များအားလုံးပါဝင်သည့် ကျေးရွာအစည်းအဝေးတွင် တင်ပြပြီး အားလုံး သဘောတူ ဆုံးဖြတ်မည်။  
The yearly rotating fallow plan of village upland shall be drafted in a meeting of the village tract chair and village elders. The draft plan shall then be presented and agreed in a village general assembly attended by all members.
- ၃။ ပုဂ္ဂလိက တောင်ယာမြေပိုင်ရှင်များသည် မိမိတို့အိမ်ထောင်စုအတွက် စိုက်ပျိုးရန် မြေတကွက်စာသာ ရယူခွင့်ရှိပြီး မိမိ၏ကျန်ရှိသည့် တောင်ယာမြေများကို ကျန်အဖွဲ့ဝင်များအတွက် မဲစနစ်ဖြင့် ခွဲဝေ စိုက်ပျိုးစေမည့် မြေစာရင်းထဲတွင် ထည့်ဝင်ပေးရမည်။  
Every private upland owner is only allowed to grow upland in a plot and the rest of their lands will be included in the common pool for sharing with remaining members.
- ၄။ ကျေးရွာရှိ အဖွဲ့ဝင်များသည် မဲနှိုက်ရရှိသည့် မြေကွက်ကို လွတ်လပ်စွာ စိုက်ပျိုးလုပ်ကိုင်ခွင့် ရှိသည်။ မူလ မြေပိုင်ရှင်သို့ဖြစ်စေ ကျေးရွာအုပ်ချုပ်ရေးအဖွဲ့သို့ဖြစ်စေ မည်သည့်မြေငှားခကိုမျှ ပေးရန် မလိုအပ်ပါ။  
Any member who accesses land through a random selection method shall be able to cultivate land with his/her own decision. No rental fee shall be paid to neither the land owner nor the village tract management committee.
- ၅။ ကျေးရွာတွင် အမြဲနေထိုင်သည့် အသင်းဝင်များသာ ကော်မတီ၏ ခွင့်ပြုချက်ဖြင့် တောင်ယာမြေများကို မဲနှိုက် ပြီး စိုက်ပျိုးလုပ်ကိုင်ခွင့် ရှိသည်။  
Only members who settle in the village are, with the permission of the committee, eligible to utilize the upland allocated with the above mentioned method.
- ၆။ အကယ်၍ အိမ်နီးချင်းကျေးရွာမှ မြေယာလုပ်ကိုင်ခွင့် တောင်းခံလာလျှင် ပုဒ်မ (၁၇) အရ ခွင့်ပြုပေးနိုင် သည်။  
If land is requested for cultivation by neighbouring villages, the permission can be provided by the committee as per the article (17).
- ၇။ ကျေးရွာရှိ အဖွဲ့ဝင်တစ်ဦးဦးသည် ကျေးရွာပိုင်မြေတွင် ဖြစ်စေ၊ ပုဂ္ဂလိကတောင်ယာခင်းများတွင် ဖြစ်စေ စပါးစိုက်ပျိုးရန် လေ့ခါးထစ်ဖော်လိုပါက ကော်မတီထံ ခွင့်ပြုချက်ရယူပြီး ဆောင်ရွက်ခွင့်ရှိသည်။ ဖော်ပြပါ လေ့ခါးထစ်ဖော်ထားသည့် မြေများကို ကြေးတိုင်နှင့် မြေစာရင်းဌာနတွင် လယ်အဖြစ် တရားဝင် မှတ်ပုံတင်ပြီး အလှည့်ကျအနားပေးစနစ်ဖြင့် စိုက်ပျိုးသည့် ကျေးရွာပိုင်မြေစာရင်းထဲမှ တရားဝင် ပယ်ဖျက်ပေးရမည်။  
Any villager are allowed to develop permanent terraces on any village or private own upland by the committee. After terracing, the land can be registered as farmland at SLRD and shall be excluded from land collectively managed by the committee for upland farming.

- ၈။ အိမ်ထောင်စုတစ်စုလုပ်ကိုင်နိုင်ရုံလောက်သာ ကျယ်ဝန်းသည့် မြေယာကို ပိုင်ဆိုင်သည့် အဖွဲ့ဝင်တစ်ဦး ဦးသည် မိမိမြေယာကို မည်သည့်အဖွဲ့ဝင်ကိုမျှ ခွဲဝေပေးရန် မလိုပါ။ ကျန်အဖွဲ့ဝင်များကလည်း အမြဲတန်း လှေခါးထစ်စိုက်ခင်းတည်ထောင်ရန် လျှောက်ထားခွင့် မရှိပါ။  
Any villager who own one plot of land which is enough for one household is not necessary to share his/her land to other villager. No other villager can apply those land for permanent terracing.
- ၉။ ပုဂ္ဂလိကတောင်ယာမြေပိုင်ရှင်များသည် မိမိကိုယ်တိုင် လှေခါးထစ်ဖော်ထားသည့် (သို့မဟုတ်) မိမိ လှေခါးထစ်ဖော်ရန် လျှောက်ထားသည့် မြေများမှအပ မိမိပိုင်ကျန်တောင်ယာမြေများတွင် အဖွဲ့ဝင်များက လှေခါးထစ်ဖော်ရန် လျှောက်ထားပါက ခွင့်ပြုပေးရမည်။ (မှတ်ချက်။ ကျေးရွာတွင် ဝမ်းစာလုံလောက် အောင် စပါးစိုက်ပျိုးနိုင်သည့် လှေခါးထစ်စိုက်ခင်းပိုင်ဆိုင်သူ ရှားပါးသည့်အတွက် ခွင့်ပြုခြင်း ဖြစ်သည်။  
The private land owners in the village shall allow other villagers to develop terraces in their upland other than the area they themselves plan to develop the terraces. (This rule is used due to the fact that there is no villager in the village who has develop terraces that produce enough food for respective family yet.)
- ၁၀။ ကျေးရွာက အလှည့်ကျအနားပေးစနစ်ဖြင့် စိုက်ပျိုးလုပ်ကိုင်နေသော မြေယာများကို အခြားကျေးရွာသို့ ရောင်းချခွင့်မရှိ။ အကယ်၍ ရောင်းချခဲ့ပါက ဖော်ပြပါ တောင်ယာမြေများကို အဖွဲ့ပိုင်မြေအဖြစ် သိမ်းယူရမည်။  
The land that are collectively managed for upland farming shall not be sold to outsiders. If it is sold the land shall be returned as a collective owned land by the committee.
- ၁၁။ မိမိမဲ့နှိုက်၍ လုပ်ကိုင်ခွင့်ရထားသောမြေ၏ တစ်စိတ်တစ်ပိုင်းကို ဖြစ်စေ အားလုံးကို ဖြစ်စေ ရောင်းချခြင်း မပြုရ။  
No one shall sell land randomly allocated to them for upland farming.
- ၁၂။ မည်သည့်အဖွဲ့ဝင်မှ မိမိမဲ့နှိုက်ရရှိထားသော မြေကို စိုက်ပျိုးခြင်းမရှိဘဲ အခြားမည်သူ့ကိုမှ ပြန်လည် ငှားရမ်းခွင့် မရှိပါ။ ကျူးလွန်ခဲ့ပါက ဒဏ်ငွေ ကျပ် ၅၀၀၀၀ ပေးဆောင်ရမည်။  
No one shall rent the land randomly allocated to them to others. If happened, he/she shall be punished with a fine of 50,000 Kyats.
- ၁၃။ ပုဂ္ဂလိက မြေပိုင်သူများသည် မြေယာများကို အမွေပေးနိုင်သည်။ အထူးသဖြင့် သားကြီးက အမွေ ဆက်ခံပိုင်ခွင့် ရှိသည်။ အမွေကိစ္စဖြင့် အမှုဖြစ်ပါက မြို့နယ်တရားသူကြီးက စီရင်ဆုံးဖြတ်ပေးရမည်။  
Private land owners in the village can heritage their land. Normally elder son has the right to receive the heritage. If there is an issue, the issue shall be solved by the township judiciary.
- ၁၄။ ကျေးရွာရှိ မြေပိုင်ရှင်များသည် မိမိပိုင်မြေကို သတို့သမီးတင်တောင်းရာတွင် အသုံးပြုနိုင်သည်။  
Private land owner in the village can use their land for bride price.
- ၁၅။ တောင်ယာမြေပိုင်ရှင် ခင်ပွန်းဖြစ်သူ သေဆုံးသောအခါ ဇနီးဖြစ်သူမှ အမွေဆက်ခံပိုင်ခွင့်မရှိ။ သို့သော်  
က။ တောင်ယာမြေသည် သတို့သမီးတင်တောင်းထားသည့်မြေ (သို့မဟုတ်) လက်ထက်တွင်း ဝယ်ယူ ထားသောမြေဖြစ်ပါက မြေယာကို ဆက်လက်ထိန်းသိမ်းအသုံးပြုခွင့် ရှိသည်။  
ခ။ ၎င်းမှဆိုးမဖြစ်သူသည် ဖော်ပြပါမြေကို သားသမီးကိုသော်၎င်း၊ ဆွေမျိုးတစ်ဦးဦးကိုသော်၎င်း၊ အမွေဆက်ခံခွင့် ပေးနိုင်သည်။  
The wife of a private upland owner in the village has no right to heritage land own by her husband. However, if

a. She has a right to maintain and utilize the land if the land is received as a bride price or bought after their marriage.

b. She can give the land as a heritage to her children or relatives.

၁၆။ အဖွဲ့ဝင်တစ်ဦးဦးသည် အခြားအဖွဲ့ဝင်တစ်ဦးဦးက ၎င်းတို့၏ သားသမီးတို့ကို ရွာဓလေ့အရ အမည်မှည့်ရန် တောင်းဆိုပါက အမည်မှည့်သည့်အခမ်းအနားတွင် မိမိပိုင်မြေကွက်တစ်ပိတဒေသကို ထိုကလေးအား လက်ဆောင်အဖြစ် ပေးနိုင်သည်။

A member can give his/her upland to the child that he/she is traditionally asked to name, in the naming ceremony.

၁၇။ ရွာတွင် နေထိုင်ကြသည့် မုဆိုးဖို/မုဆိုးမများသည်လည်း တောင်ယာမြေကို ရယူလုပ်ကိုင်စားသောက်ခွင့် ရှိသည်။ ၎င်းတို့၏ မိသားစုစားဝတ်နေရေးအခြေအနေဆိုးဝါးပါက ဦးစားပေးပြီး မြေကွက်ချပေးနိုင်သည်။

All widows (male & female) have right to access upland. They can be given higher priority based on seriousness of their family and livelihood conditions.

၁၈။ (က) အဖွဲ့ဝင်တစ်ဦးဦးသေဆုံး၍ အုတ်ဂူပြုလုပ်ရန် ကျောက်များကို ခွင့်ပြုချက်မလိုဘဲ တောင်ယာမြေကွက်များမှ ထုတ်ယူအသုံးပြုနိုင်သည်။

Stone and gravel can be collected from upland for any member's tomb construction.

(ခ) သို့သော် ကျေးရွာနယ်နိမိတ်အတွင်းရှိ သဘာဝကျောက်ပြားများကို မည်သူမျှ ထုတ်ယူပြီး အခြားကျေးရွာနှင့် မြို့နယ်များသို့ ရောင်းချခွင့်မရှိပါ။ ပြစ်မှုကျူးလွန်ခဲ့ပါက ကျောက်ပြားတစ်ချပ်ကို ကျပ် ၁၀၀၀၀၀ သိန်း (တစ်သိန်းကျပ်) နှုန်းအထိ ဒဏ်ငွေ ပေးဆောင်ရမည်။

However, no one is allowed to extract and sell the natural flat stones to outsiders from other village and township. If it happened, he/she shall pay a fine of up to 100000 Kyat (hundred thousand Kyat) per a flat stone.

(ဂ) တောင်ယာမြေပိုင်ရှင်များသည် ကျေးရွာအုပ်စုအုပ်ချုပ်ရေးမှူး၏ ခွင့်ပြုချက်ဖြင့် မိမိပိုင်ဆိုင်သည့် မြေကွက်မှ ကျောက်နှင့်သဲကို ထုတ်ယူရောင်းချ ခွင့် ရှိသည်။ သို့သော် မဲနိုက်ပြီး မြေယာလုပ်ကိုင်ခွင့် ရှိသည့် အဖွဲ့ဝင်များမှာ မြေပိုင်ရှင်များကဲ့သို့ ကျောက်နှင့်သဲကို ထုတ်ယူရောင်းချခွင့် မရှိပါ။ ကျူးလွန်ခဲ့ ပါက ကျေးရွာအုပ်စု အုပ်ချုပ်ရေးအဖွဲ့၊ လယ်ယာမြေစီမံခန့်ခွဲရေးကော်မတီနှင့် အလှည့်ကျအနားပေး စနစ်ဖြင့် စိုက်ပျိုးသည့် တောင်ယာမြေများ စီမံခန့်ခွဲရေးအဖွဲ့တို့က ဒဏ်ငွေ ကျပ် ၁၀၀၀၀၀ (ကျပ်တစ်သိန်း) အထိ အပြစ်ပေးနိုင်သည်။

Upland owners can extract and sell the stone, gravel and sand from their land with the permission of the village tract management committee. However, those members who access land with random selection method cannot do the same. If it happened, with a collective decision of the village tract administrative committee, farmland administrative body and upland management committee, they shall pay a fine up to 100000 Kyat (hundred thousand Kyat).

၁၉။ ကျေးရွာအတွင်းရှိ လယ်မြေ၊ လှေခါးထစ်စိုက်ခင်းနှင့် ဥယျာဉ်ခြံမြေများကို စုပေါင်းဆုံးဖြတ်သည့် စနစ်ဖြင့် အုပ်ချုပ်နေသည့် တောင်ယာမြေစာရင်းတွင် ထည့်သွင်းခြင်းမပြုရ။ ၎င်းမြေများကို မြို့နယ်ကြေးတိုင်နှင့်မြေစာရင်းဦးစီးဌာန၏ ညွှန်ကြားချက်အရ လယ်ယာမြေဥပဒေအောက်တွင် လယ်ယာမြေများအဖြစ် မှတ်ပုံတင်ကြရမည်။

All irrigated paddy fields, fruit orchards, and terraced paddy fields should not be included in the category of upland being managed collectively for upland farming. As

per the instruction of Township Settlement and Land Record Department, they must be registered as farmland under farmland law.

- ၂၀။ ကျေးရွာအုပ်ချုပ်ရေးအဖွဲ့နှင့် မြေယာစီမံခန့်ခွဲရေးကော်မတီတို့ ခွင့်ပြုထားသော နေရာများမှအပ အခြားသော တောင်ယာမြေများတွင် ကျင်းစိုက်ခင်းများ တည်ထောင်ခွင့် မရှိ။ ကျူးလွန်ခဲ့ပါက ဒဏ်ငွေ ကျပ် ၁၀၀၀၀၀ (ကျပ်တစ်သိန်း) ပေးဆောင်ရမည်။

No one can establish (Kyin) cultivation in any upland area other than the area allowed by the village tract administrative committee and the farmland management body.

- ၂၁။ ကျေးရွာနယ်နိမိတ်အတွင်းရှိ လယ်ယာမြေများ၊ လှေခါးထစ်စိုက်ခင်းများနှင့် ဥယျာဉ်ခြံများကို မိမိကျေးရွာသား များမှအပ ပြင်ပမြို့ရွာများမှ မည်သည့်ပုဂ္ဂိုလ်ကိုမှ ရောင်းချခွင့်မရှိပါ။ ကျူးလွန်ခဲ့ပါက အဆိုပါမြေကို ကျေးရွာ ပိုင်အဖြစ် ပြန်လည်သိမ်းယူရမည်။

No one sell farmland, terrace paddy fields and fruit orchards to outsiders. They can only be sold to the villagers from the village. If it happened the land shall be taken back as village land.

- ၂၂။ တောင်ယာမြေပိုင်ရှင်များက မိမိတောင်ယာများမှ ပျားဖယောင်းများကို ထုတ်ယူနိုင်သည်။

The upland owner can extract bee wax from their upland.

- ၂၃။ ကျေးရွာပိုင်တောင်ယာမြေများတွင် ပြင်ပမှ မည်သူမှ ပျားဖယောင်းများ ထုတ်ယူခွင့် မရှိ။ ကျူးလွန်ခဲ့ပါက ဒဏ်ငွေ ကျပ် ၅၀၀၀၀ (ကျပ်ငါးသောင်း) ပေးဆောင်ရမည်။

No outsider shall collect bee wax in village own upland. If it happened, he/she shall pay a fine of 50000 Kyat (fifty thousand Kyat).

- ၂၄။ အဖွဲ့ဝင်တစ်ဦးဦး လုပ်ကိုင်ခွင့်ရထားသော တောင်ယာမြေများကို အခြားအဖွဲ့ဝင်များက မိမိသဘောဖြင့် ကျူးကျော်လုပ်ကိုင်ခြင်း မပြုရ။ ကျူးလွန်ခဲ့ပါက ဒဏ်ငွေ ကျပ် ၅၀၀၀၀ (ကျပ်ငါးသောင်း) အထိ ပေးဆောင်ရမည်။

No member shall encroach the upland already allocated to a member. If it happened, he/she shall pay a fine of 50000 Kyat (fifty thousand Kyat).

- ၂၅။ မိမိအား တောင်ယာလုပ်ကိုင်စားသောက်ရန် ခွင့်ပြုထားသော မြေမှအပ ကျန်မည်သည့်ကျေးရွာပိုင်မြေပေါ်တွင် မည်သူမှ တောင်ယာမီးရှို့ခြင်း မပြုလုပ်ရ။ ကျူးလွန်ခဲ့ပါက ဒဏ်ငွေ တစ်ဧကလျှင် ကျပ် ၁၀၀၀၀၀ (တစ်ဧကလျှင် ကျပ်တစ်သိန်း) ပေးဆောင်ရမည်။

No one in the village shall burn any land other than the upland being allocated to them by the village tract administrative committee, farmland management committee and the customary land management committee. If it happened, he/she shall pay a fine of 100000 Kyat per acre (hundred thousand Kyat per acre).

- ၂၆။ ကျေးရွာအတွင်းရှိ လယ်ယာမြေများ၊ လှေခါးထစ်စိုက်ခင်းများနှင့် တောင်ယာကွက်များတွင် မည်သူမှ

က။ ကောက်ရိုးမီးမရှိရ။

ခ။ မိမိမပိုင်သည့်မြေမှ ကောက်ရိုးမယူရ။

ဂ။ ကြွက်တွင်းမတူးရ။

ဃ။ ဂဏန်းတွင်းမတူးရ။

ကျူးလွန်ခဲ့ပါက ကျပ် ၁၀၀၀၀ (ကျပ်တစ်သောင်း) ဒဏ်ငွေပေးဆောင်ရမည်။

No one shall do the following in farmland, tarreced paddy field and upland in the vil-

lage

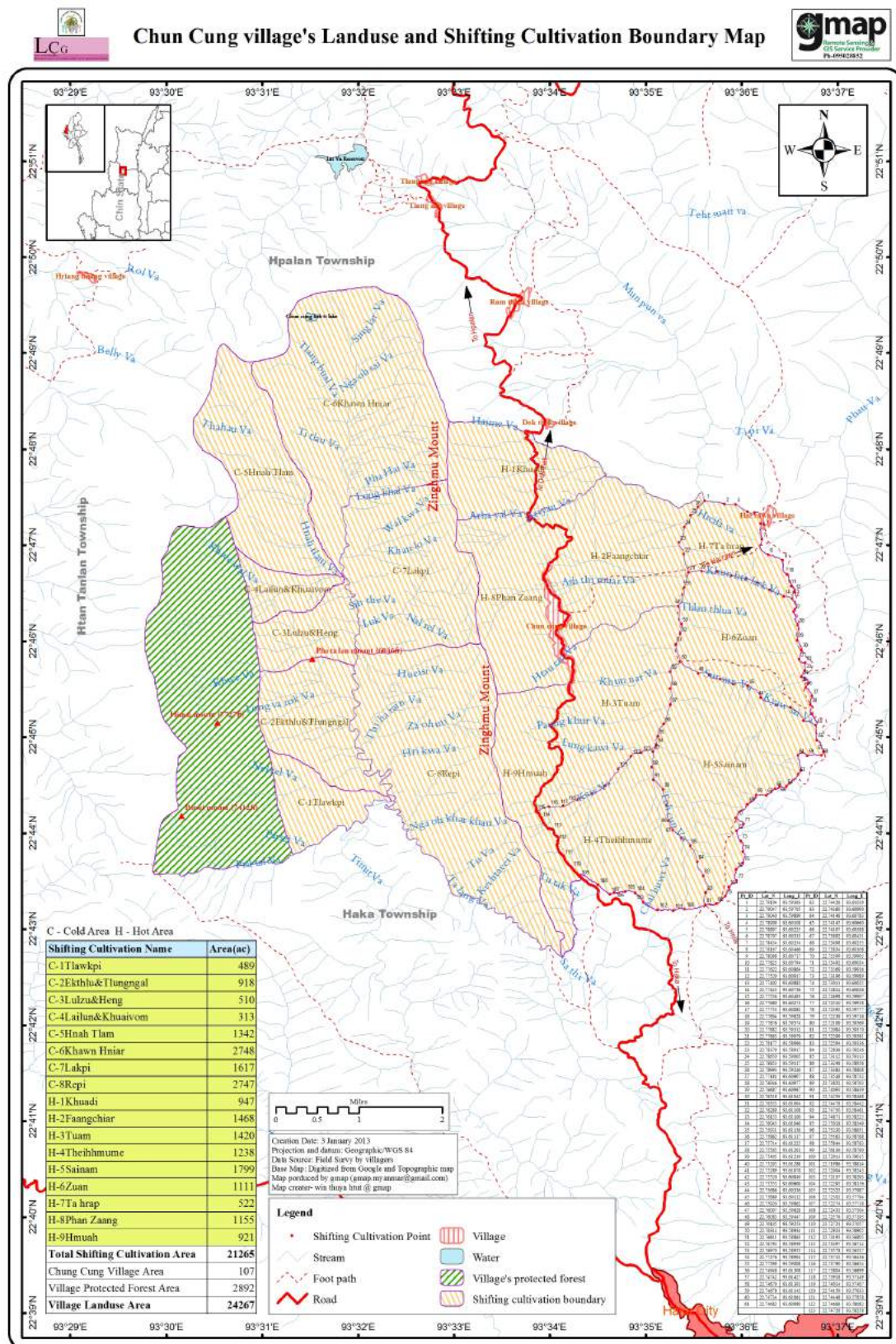
- a. Burning rice straw
- b. Collect rice straw from the land that is not under his/her management
- c. Digging mouse holes
- d. Digging crab holes

If it happened, he/she shall pay a fine of 10000 Kyat (ten thousand Kyat).



## Annex 3 : Map and names of parcels (*lopil*) in Chuncung

(note 2 lopils are lumped here compared to list in Statutes)



**Annex 4: Statutes of Tinam Village, Northern Chin**

***Draft Statutes of the Tinam Village Organization for  
Managing the Communal Rotating fallow Taungya Land of  
Tinam Village, Tinam Village Tract,  
Hakha Township, Northern Chin State***

ချင်းပြည်နယ်မြောက်ပိုင်း၊ ဟားခါးမြို့နယ်၊  
သီနမ်းကျေးရွာအုပ်စု၊ သီနမ်းကျေးရွာ၏ကျေးရွာအစုအဖွဲ့ပိုင်အလှည့်ကျအနားပေးစံနှစ်ဖြင့်  
စိုက်ပျိုးထားသည့်တောင်ယာမြေများစီမံခန့်ခွဲမှုအဖွဲ့၏စည်းမျဉ်းဥပဒေ (မူကြမ်း)

- In accordance with the Constitution of Myanmar, 2008.
- ၂၀၀၈ ဖွဲ့စည်းအုပ်ချုပ်ပုံ ဥပဒေ နှင့်အညီ
- In accordance with the Farmland Act of Myanmar, 2012.
- ၂၀၁၂ လယ်ယာမြေဖွဲ့စည်းပုံ အခြေခံဥပဒေ နှင့်အညီ
- In accordance with the Ward or Village Tract Administration Law, 2012.
- ၂၀၁၂ ရပ်ကွက် သို့မဟုတ် ကျေးရွာအုပ်စု အုပ်ချုပ်ရေး ဥပဒေပြဌာန်းချက်နှင့်အညီ
- In accordance with the goal and objective of collective Tinam village to register as an organization managing the communal lands of Tinam village in a sustainable manner, ensuring village livelihood, protecting the environment and Chin cultural practices the following Statutes were formulated:
- ကျေးရွာ၏ရည်မှန်းချက်ပန်းတိုင်နှင့်အညီ၊ သီနမ်းကျေးရွာ လူထုပိုင်မြေယာအား ရေရှည်တည်တံ့ရန် အတွက် အသက်မွေးဝမ်းကြောင်းကို ပိုမိုခိုင်မာလုံခြုံစေပြီး၊ သဘာဝပတ်ဝန်းကျင်နှင့် ချင်းရိုးရာဓလေ့ထုံးစံများကို အကာအကွယ်ပေးမည့် “သီနမ်းကျေးရွာအစုအဖွဲ့ပိုင်တောင်ယာမြေ စီမံခန့်ခွဲမှုအဖွဲ့အစည်း” အဖြစ် မှတ်ပုံတင်နိုင်ရန် အလို့ငှာ အောက်ပါစည်းမျဉ်းဥပဒေများကို ရေးဆွဲခဲ့ကြပါသည်။

**Name or Organization and Territory****အမည် (သို့မဟုတ်) အဖွဲ့အစည်းနှင့် နယ်နမိတ်သတ်မှတ်ခြင်း**

**Article 1:** The village residents of Tinam village in Tinam village tract, Hakha Township, Northern Chin State have agreed on the Statutes for a village organization called “Tinam Community Organization for Managing the Communal Rotating fallow Taungya Land”.

အပုဒ်ခွဲ ၁။ ချင်းပြည်နယ်မြောက်ပိုင်း ဟားခါးမြို့နယ် သီနမ်းကျေးရွာအုပ်စုဝင် သီနမ်းကျေးရွာလူထုမှ ဤ အဖွဲ့အစည်း အား သီနမ်းကျေးရွာ အစုအဖွဲ့ပိုင် အလှည့်ကျအနားပေးစံနှစ်ဖြင့် စိုက်ပျိုးထားသည့် တောင်ယာမြေ စီမံ ခန့်ခွဲမှုအဖွဲ့” ဟု စည်းမျဉ်းဥပဒေတွင် မှည့်ခေါ်ရန်သဘော တူကြပါသည်။

**Article 2:** The community of Tinam identifies itself as occupying the territory with boundaries as follows. In the East, from Lee Yava stream to Tang Va stream and near

those stream Htay Hlaw village is situated. In the West, from Vongva stream to Pawpi stream and near those streams Bung Tuah village is situated. In the North, it is boundaries with Lam Tuk village, Rua Van village and Mal Sawm village. In the South, it is boundaries to Old Lei Um and Lung Cuai village temporary boundary.

အပုဒ်ခွဲ ၂။ သီနမ်းကျေးရွာလူထုအနေဖြင့် ကျေးရွာလူထုပိုင်မြေနယ်နိမိတ်များကို အောက်ပါအတိုင်း သတ်မှတ်ကြပါသည်။  
အရှေ့ဘက်တွင် လီယာဗီးချောင်း မှ တဲနီဗီးချောင်း အထိရှိပြီးအနီးတွင် ထေလှော်ရွာရှိသည်။ အနောက်ဘက်တွင် ဂုန်းဗီးချောင်းနှင့် ပေါပီးချောင်းအထိရှိပြီးအနီးတွင် ဘုန်သွကျေးရွာရှိသည်။ မြောက်ဘက်တွင် လမ်သုပ်ကျေးရွာ၊ ရွာဗန်ကျေးရွာ၊ မဲလ်စောင်ကျေးရွာတို့၏ နယ်နိမိတ်နှင့်ထိစပ်နေသည်။ တောင်ဖက်တွင် လယ်အွန်ကျေးရွာဟောင်းမှ လုံကျွဲကျေးရွာယာယီနယ်နိမိတ်အထိဖြစ်ပါသည်။

**Article 3:** “Tinam Community Organization for Managing the Communal Rotating fallow Taungya Lands” is a civil body characterized as a community organization, where members assist each other in managing the “rotating fallow Taungya lands” according to customary practice in a sustainable manner and with equity.

အပိုဒ်ခွဲ ၃။ သီနမ်းကျေးရွာအစုအဖွဲ့ပိုင် အလှည့်ကျအနားပေးစံနစ်ဖြင့် စိုက်ပျိုးထားသည့် တောင်ယာမြေစီမံခန့်ခွဲမှု အဖွဲ့သည် အရပ်ဖက်လူထုအဖွဲ့အစည်း တစ်ရပ်ဖြစ်ပြီး ဓလေ့ထုံးစံအရ “အလှည့်ကျအနားပေးသည့် တောင်ယာစိုက်ပျိုးသည့်စံနစ်”ကို စီမံဆောင်ရွက်ရာတွင် အဖွဲ့ဝင်အချင်းချင်း ရိုင်းပင်းကူညီ၍ ရေရှည် တည်တံ့ နိုင်အောင်တရားမျှတစွာ လုပ်ဆောင်သွားမည် ဖြစ်သည်။

**Article 4:** The land tracts that constitute the community organization’s communal land are as follows:

အပိုဒ်ခွဲ ၄။ သီနမ်းကျေးရွာ လူထုအဖွဲ့ပိုင်မြေယာများတွင် အောက်ဖော်ပြပါ တောင်ယာကွက်များ ပါဝင်ပါသည်။ တောင်ယာကွက်များမှာ အောက်ပါအတိုင်းဖြစ်ပါသည်။

စဉ်	တောင်ယာကွက်အမည်
No.	Name of Taungya
၁။	သီးဟရိန်
1.	Ti Hrung
၂။	ခီးယာန်ရောန်
2.	Khiang Rawn
၃။	သီးဒီလ်
3.	Tidil
၄။	ဇောင်ဒေါအီး
4..	Zaang Dawi
၅။	မာအိုပီး
5.	Mau Pi
၆။	ဗန်ရောင်း

6. Van Rawng  
 ၇။ ကွါအမ်  
 7. Kuak  
 ၈။ ထန်ပီး  
 8. Than Pi  
 ၉။ ထောန်းဟး  
 9. Thong Va  
 ၁၀။ တာမ်ဟး  
 10. Tam Va  
 ၁၁။ သွမ်ဟး  
 11. Tum Va တို့ဖြစ်ကြသည်။

Lopil Name	Acreage of lopil on the map	Rocky land not cultivated	Privately claimed terraces	Orchards and other permanent farm-lands	Balance acreage of lopils for which the Statutes apply
(1)Tihlung	1102	-	6	-	1096
(2)Hai rang	829	-	17	-	812
(3)Tidil	395	-	4	-	391
(4)ZaangDawi	318	-	3	-	315
(5)Maupi	612	-	15	-	597
(6)Van rawng	2184	725	9	-	1450
(7)Kuak	6198	4132	-	-	2066
(8)Thanpi	7393	4928	1	-	2464
(9)Thong va	3034	1011	-	-	2023
(10)Tam va	4730	2353	25	-	2352
(11)Tum va	499	-	-	13	486
	<b>27,294</b>			<b>Total acreage of communal agricultural lopil land</b>	<b>14,052</b>

## The objectives of the statutes

### စည်းမျဉ်းဥပဒေများ၏ ရည်ရွယ်ချက်များ

**Article 5:** The objectives of the Tinam community organization's statutes are to establish the community organization as a legal entity that

အပိုဒ်ခွဲ ၅။ သီနမ်းကျေးရွာအစုအဖွဲ့ပိုင်အလှည့်ကျ အနားပေးစနစ်ဖြင့် စိုက်ပျိုးထားသည့်တောင်ယာမြေစီမံခန့်ခွဲမှုအဖွဲ့ကို တရားဝင်လူထုအဖွဲ့အစည်းအဖြစ် ဖွဲ့စည်းခြင်း၏ရည်ရွယ်ချက်များမှာ-

- Will hold a joint **land use certificate** for all the customary lands of Tinam.
- သီနမ်းကျေးရွာ၏ ဓလေ့ထုံးတမ်းအစဉ်အလာအရ ပိုင်ဆိုင်သော တောင်ယာမြေအားလုံးကို ကျေးရွာအစုအဖွဲ့ပိုင်(ပူးတွဲ)မြေယာအသုံးချခွင့်လက်မှတ်ရရှိပိုင်ဆိုင်ထားနိုင်ရန်။
- Will maintain the customary land governance of Tinam, where all resident villagers share decisions on land management each year to ensure livelihood for all with equity.
- သီနမ်းကျေးရွာအတွင်း နေထိုင်ကြသူများအားလုံးအတွက် မျှတပြီး အားလုံးပါဝင်ဆောင်ရွက်နိုင်သော အသက်မွေးဝမ်းကြောင်းကို လုံခြုံစေသည့် ကျေးရွာ၏ ဓလေ့ထုံးတမ်းအစဉ်အလာအရ မြေရာစီမံခန့်ခွဲမှု စနစ်ကိုထိန်းသိမ်းရန်။
- Will protect the environment of the village territory.
- ကျေးရွာ၏နယ်နိမိတ်ရှိသာဘာဝပတ်ဝန်းကျင်ကိုထိန်းသိမ်းကာကွယ်ရန်။
- Will carry out its management in collaboration with the Village Tract Administrator, Village Tract Committee, the GAD, the Farmland Administration Board, Forest Department and the SLRD.
- ကျေးရွာမြေယာစီမံခန့်ခွဲမှုစနစ်ကို ကျေးရွာအုပ်စုအုပ်ချုပ်ရေးမှူး၊ ကျေးရွာအုပ်စုကော်မတီ၊ အထွေထွေအုပ်ချုပ်ရေးဦးစီးဌာန၊ ကြေးတိုင်နှင့်မြေစာရင်းဦးစီးဌာန၊ မြေယာအုပ်ချုပ်မှုအဖွဲ့နှင့် သစ်တောဦးစီးဌာနတို့နှင့်အတူတကွ ပူးပေါင်းဆောင်ရွက်ရန်တို့ ဖြစ်သည်။

## Membership of the “Tinam Community Organization for Managing the Communal Rotating fallow Taungya Land”

“လေ့ထုံးတမ်းအရ မြေယာစီမံခန့်ခွဲသော သီနမ်းကျေးရွာအစုအဖွဲ့ပိုင်အလှည့်ကျအနားပေးသည့် တောင်ယာ စိုက်ပျိုးသည့်စံနစ်” တွင် အသင်းဝင်ခွင့်၊

**Article 6:** Membership of the “Tinam Community Organization for Managing the Communal Rotating fallow Taungya Land” are all resident villagers, both men and women, who have access to cultivate the lands of the village community. The list of names of all resident villagers who have rights to access to the community lands is kept by the village tract committee and a copy in the village itself

အပုဒ်ခွဲ ၆။ ကျေးရွာပိုင်မြေယာများပေါ်တွင် စိုက်ပျိုးရန် မြေယာများပိုင်ဆိုင်ပြီး ကျေးရွာတွင်နေထိုင်သော အမျိုးသားများနှင့် အမျိုးသမီးများအားလုံးသည် သီနမ်းကျေးရွာအစုအဖွဲ့ပိုင် အလှည့်ကျအနားပေးသည့် တောင်ယာစိုက်ပျိုးသည့် စနစ်တွင်အသင်းဝင်ခွင့်ရှိပါသည်။ ကျေးရွာပိုင်မြေရွာတွင် သုံးစွဲလုပ်ပိုင်ခွင့်ရရှိသူများ၏ အမည်စာရင်းကို ကျေးရွာအုပ်စုကော်မတီတွင်လည်းကောင်း၊ မိတ္တူကို ကျေးရွာတွင်လည်းကောင်း ထိန်းသိမ်းထားရှိမည်ဖြစ်သည်။

**Article 7:** Members of the Community Organization cannot hand over their membership to outsiders that are not resident in the village.

အပုဒ်ခွဲ ၇။ သီနမ်းကျေးရွာအစုအဖွဲ့ပိုင် အလှည့်ကျအနားပေးသည့်စိုက်ပျိုးသည့်စနစ်တွင် အသင်းဝင်များသည် ၎င်းတို့၏ အဖွဲ့ဝင်ခွင့်တို့ကို ကျေးရွာတွင် နေထိုင်သူမဟုတ်သော အပြင်လူများကို လွှဲပြောင်းပေးပိုင်ခွင့်မရှိပါ။

**Article 8:** To become a member in the “Tinam Community Organization for Managing the Communal Rotating fallow Taungya Lands” a person needs to meet the following conditions:

အပုဒ်ခွဲ ၈။ သီနမ်းကျေးရွာအစုအဖွဲ့ပိုင် အလှည့်ကျ အနားပေးသည့် တောင်ယာစိုက်ပျိုးသည့် စံနစ်တွင် အသင်းဝင် လိုသူတစ်ဦးသည် အောက်ပါအချက်များနှင့်ကိုက်ညီသူများဖြစ်ရမည်။

- Join membership willingly and without pressure.
- အဖွဲ့ဝင်ဖြစ်လိုသူသည်အခြားသူ၏ဖိအားပေးခြင်းကြောင့်မဟုတ်ဘဲမိမိသဘောဆန္ဒ အလျောက် ပါဝင်သူဖြစ်ရမည်။
- Shall be resident in the village.
- ကျေးရွာအတွင်းနေထိုင်သောသူဖြစ်ရမည်။
- Agree to comply with the community organization Bylaws and Internal Rules for sharing the land and follow the community’s traditions.
- ကျေးရွာအစုအဖွဲ့ပိုင်အလှည့်ကျအနားပေးစနစ်ဖြင့်စိုက်ပျိုးသည့်တောင်ယာမြေစီမံခန့်ခွဲမှုအဖွဲ့မှချမှတ်ထားသောစည်းမျဉ်းစည်းကမ်းဥပဒေများ၊ကျေးရွာအတွင်း သတ်မှတ်ထားသော တောင်ယာမြေခွဲဝေသုံးစွဲ နှင့်ဆိုင်သောစည်းကမ်းများကို သဘောတူပြီး ကျေးရွာ၏ လေ့ထုံးတမ်းအစဉ်အလာများကိုလိုက်နာသူဖြစ်ရမည်။

- Shall have birth certificate, citizen ID card or family book or residential book.  
အသင်းဝင်သည် မွေးစာရင်းရှိရမည်၊ အမျိုးသားမှတ်ပုံတင်ရမည် သို့မဟုတ် ကျေးရွာအတွင်းအမှန် တကယ်နေထိုင်သည့် သန်းခေါင်စာရင်းဝင်ဖြစ်ရမည်။

**Article 9:** Outsiders coming to live in Tinam can become members if the “Tinam Community Organization for Managing the Communal Rotating fallow Taungya Lands” agrees and their names will be added to the list of members that is held by the clerk.

အပိုဒ်ခွဲ ၉။ သီနမ်းကျေးရွာအစုအဖွဲ့ပိုင် အလှည့်ကျအနားပေးစနစ်ဖြင့် စိုက်ပျိုးထားသည့် တောင်ယာမြေစီမံခန့်ခွဲမှုအဖွဲ့မှ သဘောတူညီမှုရလျှင် သီနမ်းကျေးရွာသို့ ပြင်ပမှ လာရောက်နေထိုင်သူသည်လည်း အသင်းဝင်ဖြစ်နိုင်ပါသည်။ ၎င်းတို့၏အမည်စာရင်းကိုလည်း စာရေးမှအဖွဲ့စာရင်းတွင် ဖြည့်စွက် ထည့်ပေးရမည်ဖြစ်သည်။

**Article 10:** A member of the “Tinam Community Organization for Managing the Communal Rotating fallow Taungya Lands” may lose membership if he or she moves away from the village. But the person will regain membership if he or she is moving back to the village.

အပိုဒ်ခွဲ ၁၀။ အဖွဲ့ဝင်တစ်ဦးသည် သီနမ်းကျေးရွာမှရွှေ့ပြောင်းသွားလျှင် ဓလေ့ထုံးတမ်းစဉ်လာအရ စီမံခန့်ခွဲ၍ သီနမ်းကျေးရွာအစုအဖွဲ့ပိုင် အလှည့်ကျအနားပေးသည့် တောင်ယာစိုက်ပျိုးသည့်စနစ်၏ အဖွဲ့ဝင် အဖြစ်မှ ပျက်ပြယ်သွားမည်ဖြစ်သည်။ သို့သော် ထိုသူသည်ရွာသို့ ပြန်လည်ပြောင်းရွှေ့လာလျှင် အဖွဲ့ဝင်အဖြစ်ပြန် လည်ရရှိမည်ဖြစ်ပါသည်။

## Structure of the “Tinam Community Organization for Managing the Communal Rotating fallow Taungya Land”

ဓလေ့ထုံးတမ်းစဉ်လာအရ စီမံခန့်ခွဲ၍ သီနမ်းကျေးရွာအစုအဖွဲ့ပိုင်၊ အလှည့်ကျအနားပေးသည့် တောင်ယာ စိုက်ပျိုးသည့်စနစ်၏ ဖွဲ့စည်းတည်ဆောက်ပုံ။

**Article 11:** The highest body of the community organization is the ‘Community Organization General Assembly’ that consists of all resident villagers above 18 years of age represented through the “ten-household leaders”.

အပိုဒ်ခွဲ ၁၁။ ဓလေ့ထုံးတမ်းစဉ်လာအရ မြေယာစီမံခန့်ခွဲမှု ရှိသော သီနမ်းကျေးရွာ အစုအဖွဲ့ပိုင် အလှည့်ကျအနား ပေးသည့်စနစ်တွင် အဓိကအရေးကြီးသောအချက်မှာ “ကျေးရွာလူထုအဖွဲ့အစည်း၏အထွေထွေ လူထုအစည်းအဝေးကြီး”ဖြစ်ပြီး ဆယ်အိမ်မှူးအောက်ရှိ အသက်၁၈နှစ်ပြည့်ပြီးသူများ ကိုယ်စားလှယ် အဖြစ် ပါဝင်ကြသည်။

**Article 12:** The Community Organization General Assembly will define the Internal Rules for sharing the common property of the Community Organization. The Internal Rules will be attached in a written format to the Statutes and kept in the village.

အပုဒ်ခွဲ ၁၂။ ကျေးရွာလူထုအဖွဲ့အစည်း၏ အထွေထွေလူထုအစည်းအဝေးကြီးမှ ကျေးရွာလူထုအဖွဲ့အစည်း၏ အများနှင့်သက်ဆိုင်သော တောင်ယာမြေများကို မျှဝေသုံးစွဲမှုနှင့်သက်ဆိုင်သော ကျေးရွာတွင်း ကျင့်သုံးရမည့် စည်းကမ်းများကို သတ်မှတ်ပေးမည်ဖြစ်သည်။ ကျေးရွာတွင်းကျင့်သုံးရမည့် စည်းကမ်းများကို လက်ရေးမူဖြင့် ရေးသားပြီး စည်းမျဉ်းစည်းကမ်းဥပဒေများတွင် တွဲပြီး ကျေးရွာတွင် ထား ရမည်ဖြစ်သည်။

**Article 13:** The Community Organization General Assembly will elect a Land Caretaker Committee of 8 persons. The Land Caretaker Committee will represent the community organization to the government authorities such as Village Tract, FAB, Forest Department, GAD and SLRD and guide the villagers on land use. The Land Caretaker Committee has the following members

အပုဒ်ခွဲ ၁၃။ ကျေးရွာလူထုအဖွဲ့အစည်း၏အထွေထွေလူထုအစည်းအဝေးကြီးမှမြေယာထိန်းသိမ်းစောင့်ရှောက်မှု ကော်မတီ ၉-ဦးကို ရွေးချယ်တင်မြှောက်ရမည်ဖြစ်သည်။ မြေယာထိန်းသိမ်းစောင့်ရှောက်မှု ကော်မတီ တွင် အစိုးရအာဏာပိုင်အဖွဲ့အစည်းများဖြစ်သော ကျေးရွာအုပ်စု၊ ကျေးရွာအုပ်စုမြေယာစီမံမှုအဖွဲ့၊ သစ်တောဦးစီးဌာန၊ အထွေထွေအုပ်ချုပ်ရေးဦးစီးဌာနနှင့် ကြေးတိုင်နှင့်မြေစာရင်းဦးစီးဌာနတို့ မှ ကိုယ်စား ပြုရမည်ဖြစ်ပြီး၊ ကျေးရွာလူထု၏ မြေယာသုံးစွဲမှုကို လမ်းညွှန်ပေးရမည်ဖြစ်သည်။ မြေယာထိန်းသိမ်း စောင့်ရှောက်မှုကော်မတီတွင် အောက်ပါ အဖွဲ့ ဝင်များပါဝင်ရမည်ဖြစ်သည်။

1. Five Village Elders.

၁။ ကျေးရွာမှလေးစားရသော ရပ်မိရပ်ဖ ၅ ဦး။

2. Two women.

၂။ အမျိုးသမီး ၂ ဦး။

3. 1 Village Tract Committee member.

၃။ ကျေးရွာအုပ်စုအုပ်ချုပ်မှုကော်မတီမှ ၁ ဦး။

4. Village Tract Administrator.

၄။ ကျေးရွာအုပ်စုအုပ်ချုပ်ရေးမှူး ၁ ဦး။

### The Members of Tinam Village Land Management Committee

သိန်းကျေးရွာမြေယာစီမံခန့်ခွဲရေးကော်မတီအဖွဲ့ ဝင်များ

စဉ် No.	အမည် Name	တာဝန် Duty
၁။ 1.	ဦးရမ်းပဲန်း U Ram Peng	- ကျေးရွာအုပ်စုအုပ်ချုပ်ရေးမှူး - Village Tract Administrator of Tinam
၂။ 2.	ဦးထလာအော်ရ် U Thla Awr	- အုပ်ချုပ်ရေးမှူးကော်မတီအဖွဲ့ဝင် - Member of Village Tract Administrator committee
၃။ 3.	ဒေါ်ဟဲလင် Daw Helen	- အမျိုးသမီးကိုယ်စားပြုကော်မတီဝင် - Woman Representative
၄။ 4.	ဒေါ်လျောန်ဗန်း Daw Hlei Van	- အမျိုးသမီးကိုယ်စားပြုကော်မတီဝင် - Woman Representative



၅။	ဦးထန်လိန်း	- ရပ်မိရပ်ဖ
5.	U Thang Ling	- Village Respective Elder
၆။	ဦးထန်းကျော်မင်	- ရပ်မိရပ်ဖ
6.	U Thang Cuan	- Village Respective Elder
၇။	ဦးငွန်အ	- ရပ်မိရပ်ဖ
7.	Ngun Awi	- Village Respective Elder
၈။	ဦးထလာပဲန်း	- ရပ်မိရပ်ဖ
8.	U Thla Peng	- Village Respective Elder
၉။	ဦးတလန်းသူ	- ရပ်မိရပ်ဖ
9.	U Tlang Tu	- Village Respective Elder

**Article 14:** The Community Organization Committee has the following role and responsibilities:

- အပုဒ်ခွဲ ၁၄။ သီနမ်းကျေးရွာအစုအဖွဲ့ပိုင်အလှည့်ကျအနားပေးသည့်တောင်စိုက်ပျိုးသည့်စံနစ်တွင် မြေယာစီမံခန့်ခွဲရေးကော်မတီ၏တာဝန် နှင့် ဝတ္တရားများ။
- To guide the decisions on joint land use of the community members
  - ကျေးရွာလူထုအဖွဲ့ဝင်များ၏ မြေယာခွဲဝေသုံးစွဲမှုဆိုင်ရာ ဆုံးဖြတ်ချက်များချမှတ်ရာတွင် လမ်းညွှန်မှုပေးခြင်း။
  - To collect suggestions by the community organization members and forward them to village tract committee and government agencies.
  - ကျေးရွာရှိအဖွဲ့ဝင်များ၏အကြံပေးချက်များကိုမှတ်တမ်းတင်ကာကျေးရွာအုပ်စုကော်မတီနှင့်အစိုးရအာဏာပိုင်အဖွဲ့စည်းများထံသို့ဆက်လက်တင်ပြပေးခြင်း။
  - To represent the community organization to outsiders such as NGOs or private parties who have interests and suggestions for land use initiatives.
  - စိတ်ဝင်စားမှုရှိပြီး မြေယာအသုံးပြုခြင်းနှင့်ပတ်သက်၍ အကြံပေးလိုသောပြင်ပအဖွဲ့စည်းများ ဖြစ်သည့် အစိုးရမဟုတ်သောအဖွဲ့အစည်းများ၊ပုဂ္ဂလိကအဖွဲ့အစည်းများနှင့်ကျေးရွာ လူထု မြေယာစီမံခန့်ခွဲရေးကော်မတီမှ ကျေးရွာလူထုကို ကိုယ်စားပြု ဆောင်ရွက်မည်ဖြစ်ခြင်း။
  - To assist to disseminate all government policies and laws to community organization members.
  - အစိုးရ၏မူဝါဒများနှင့် ဥပဒေများကို ကျေးရွာလူထုအဖွဲ့ဝင်များအတွင်း ဖြန့်ဝေရာတွင် ကူညီဆောင်ရွက်ပေးရမည်ဖြစ်ခြင်း။
  - To assist in resolving conflicts occurring within the community according to customary rules.
  - ဖြစ်ပေါ်လာသော (ပြဿနာ) အငြင်းပွားမှုများကို ဓလေ့ထုံးတမ်းအရချမှတ်ထားသော စည်းမျဉ်းစည်းကမ်းများဖြင့် ဖြေရှင်းရာတွင် ၎င်းကော်မတီကကူညီပေးရမည်ဖြစ်ခြင်း။
  - To collect all the members' suggestions before taking any decision
  - ဆုံးဖြတ်ချက်ချမှတ်မီ အသင်းသူအသင်းသာများ၏အကြံ ပေးချက်များကိုရယူပေးခြင်း။
  - To organize meetings and write minutes of any community meeting.

- ကျေးရွာလူထုအစည်းဝေးကျင်းပနိုင်ရန်အတွက်စည်းရုံးနှိုးဆော်ရန်နှင့်အစည်းဝေး မှတ်တမ်းများ ကိုရေးသားပြုစုပေးခြင်း။
- Monitor/follow up and make assessment of all implementation of management measures.
- လုပ်ငန်းများအကောင်အထည်ဆောင်ရွက်မှုနှင့် စီမံခန့်ခွဲမှုဆိုင်ရာကိစ္စရပ်များအား စောင့်ကြည့် လေ့လာခြင်းနှင့် နောက်ဆက်တွဲလိုအပ်သော လုပ်ငန်းများအား ပံ့ပိုးပေးရန်နှင့် စစ်တမ်းများ ပြုစုပေးခြင်း။

**Article 15:** The General Assembly of all resident villagers in the community organization has the right to submit a suggestion through the ten household leaders to the Land Caretaker Committee to change the statutes or change the Internal Rules. The changes must be adopted and carried out, if the majority of the community organization's members agree to the changes.

အပုဒ်ခွဲ ၁၅။ စည်းမျဉ်းစည်းကမ်းဥပဒေများ၊ ကျေးရွာအတွင်း ကျင့်သုံးရမည့်စည်းမျဉ်း စည်းကမ်းများကို ပြင်ဆင်လိုလျှင် အထွေထွေလူထုအစည်းဝေးကြီးတွင် တက်ရောက်လာကြသောကျေးရွာလူထု များ၏အဆိုပြုချက်များ၊အကြံပေးချက်များကိုဆယ်အိမ်မှူးများမှတစ်ဆင့်မြေယာစီမံခန့်ခွဲစောင့်ရှောက် ရေးအဖွဲ့ကော်မတီထံသို့ တင်ပြပိုင်ခွင့်ရှိသည်။ ကျေးရွာလူထုအများစု သဘောတူညီထားသော ထိုအပြောင်းအလဲများကို လက်ခံကျင့်သုံး၍ လုပ်ငန်းများကို ဆက်လက်ဆောင်ရွက်ရမည်ဖြစ်သည်။

**Article 16:** The General Assembly of all resident villagers in the community organization has the right to change membership of the Land Caretaker Committee if the majority of the community organization members decide to change membership. The village tract administrator will be informed of such change.

အပုဒ်ခွဲ ၁၆။ အထွေထွေလူထုအစည်းဝေးကြီးတွင် တက်ရောက်လာကြသော ကျေးရွာလူထုများ၏အဆိုပြုချက် များအရ မြေယာစီမံခန့်ခွဲစောင့်ရှောက်ရေးကော်မတီအား ပြောင်းလဲလွှဲစည်းလိုလျှင် ကျေးရွာလူထု အများစု၏သဘောတူညီမှုဖြင့် ဆုံးဖြတ် ပြောင်းလဲနိုင်သည်။ ထိုအပြောင်းအလဲများကို ကျေးရွာအုပ်စု အုပ်ချုပ်ရေးမှူးကို အသိပေးထားရမည် ဖြစ်သည်။

## Interaction with neighboring villages ပတ်ဝန်းကျင်ကျေးရွာများနှင့် အပြန်အလှန်ဆက်ဆံခြင်း။

**Article 17:** The General Assembly of all resident villagers can agree to lend for a fixed time-period a smaller part of the communal lands of the “Tinam Community Organization for Managing the Communal Rotating fallow Taungya Lands” to a neighboring village. The Land Caretaker Committee will inform the Village Tract Administrator of this

အပုဒ်ခွဲ ၁၇။ သီနှမ်းကျေးရွာအစုအဖွဲ့ ပိုင်အလှည့်ကျအနားပေးစနစ်ဖြင့် စိုက်ပျိုးထားသော တောင်ယာမြေ၏ အစိတ်အပိုင်း တစ်စိတ်တဒေသကို ပတ်ဝန်းကျင်ကျေးရွာမှ အချိန်ကာလ အတိုင်းအတာ သတ်မှတ် ချက်ဖြင့် ငှားရမ်းရန် ကျေးရွာနေလူထုက အထွေထွေအစည်းအဝေးတွင် သဘောတူညီနိုင်သည်။

၎င်းသဘောတူညီမှုကိုမြေယာစီမံခန့်ခွဲမှုကော်မတီမှ ကျေးရွာအုပ်စုအုပ်ချုပ်ရေးမှူးဆီသို့ အကြောင်းကြားပေးရမည်။

**Article 18:** The neighboring village that borrows land is not allowed to plant perennial crops on the land.

အပုဒ်ခွဲ ၁၈။ ပတ်ဝန်းကျင်ကျေးရွာကငှားရမ်းထားသောမြေယာပေါ်တွင်နှစ်ရှည်ပင်စိုက်ပျိုးရေးကိုခွင့်မပြုပါ။

## Interaction with the Government and the Private Sector

### အစိုးရဌာနများနှင့် ပုဂ္ဂလိက အဖွဲ့စည်းများဖြင့် ဆက်ဆံခြင်း။

**Article 19:** Any engagement with the private sector by the Land Caretaker Committee requires Free Informed Prior Consent of all resident villagers before any planning is started.

အပုဒ်ခွဲ ၁၉။ မြေယာစီမံခန့်ခွဲမှုကော်မတီသည် ပုဂ္ဂလိကအဖွဲ့အစည်းများနှင့် မည်သည့်လုပ်ငန်းကိုမဆို လုပ်ကိုင်မည်ဆိုပါက၊ လုပ်ငန်းအစီအစဉ် မစတင်မှီကျေးရွာတွင် နေထိုင်သောရွာသားများကို ကြိုတင်သဘောတူညီမှုရယူရမည်ဖြစ်သည်။

**Article 20:** Any land use project with the private sector on the communal lands must be based on formalized agreements covering environmental impact assessment, a fixed time frame, description of project benefits and benefit sharing, monitoring and grievance mechanisms. The Village General Assembly of all resident villagers must agree by majority vote on the project after it has been described carefully.

အပုဒ်ခွဲ ၂၀။ ကျေးရွာအစုအဖွဲ့ပိုင်အလှည့်ကျ အနားပေးစနစ်ဖြင့် စိုက်ပျိုးထားသည့် တောင်ယာမြေ၏ပေါ်တွင် ပုဂ္ဂလိကအဖွဲ့အစည်းနှင့် လုပ်ကိုင်မည့် မည်သည့်စီမံချက်မဆို ပတ်ဝန်းကျင်အား ထိခိုက်မှုအကဲဖြတ်မှုရှိခြင်း၊ အချိန်ကာလသတ်မှတ်မှုရှိခြင်း၊ စီမံချက်၏ရရှိနိုင်သည့် အကျိုးအမြတ်နှင့်အကျိုးအမြတ်ခွဲဝေမှု၊ စဉ်ဆက်မပြတ်မှုနှိုးဆော် ထိန်းသိမ်းခြင်းနှင့် ဖြစ်ပေါ်လာနိုင်မည့် ပြဿနာများကို ဖြေရှင်းနိုင်မည့်နည်းလမ်းများထားရှိခြင်းတို့ကို အခြေခံသဘောတူညီမှု ရယူထားရမည်ဖြစ်သည်။ စီမံချက်အကြောင်းကို သေချာစွာ သိရှိပြီးမှသာ အထွေထွေလူထုအစည်းဝေးတွင် အများစု၏ သဘောတူညီမှုရယူပြီးမှသာ စီမံချက်ကို လက်ခံရမည်ဖြစ်သည်။

**Article 21:** The Community Organization's Land Caretaker Committee can sign the agreement with the private sector on behalf of the community after all resident villagers have agreed by majority vote.

အပုဒ်ခွဲ ၂၁။ ကျေးရွာတွင်နေထိုင်သော ကျေးရွာလူထု အများစု၏ မဲဆန္ဒအရသာ ကျေးရွာ လူထုကိုယ်စား ကျေးရွာအစု အဖွဲ့ပိုင်မြေယာစီမံခန့်ခွဲမှုကော်မတီမှ ပုဂ္ဂလိကအဖွဲ့ကို လက်ခံကြောင်း လက်မှတ်ရေးထိုးရမည် ဖြစ်သည်။

**Article 22:** Any land use project with the private sector must promote the equitable distribution of benefits within the community, between communities and companies and government institutions. It must be signed by the Community Organization's Land Caretaker Committee, by the Village Tract Administrator, the FAB and the SLRD.

အပုဒ်ခွဲ ၂၂။ ပုဂ္ဂလိကအဖွဲ့စည်းများ၏ မည်သည့်မြေယာအသုံးချမှုစီမံချက်ကိုမဆို၊ ကျေးရွာလူထုအတွင်းတွင် လည်းကောင်း၊ ကျေးရွာလူထုနှင့် ကုမ္ပဏီများကြား၊ ကျေးရွာလူထုနှင့် အစိုးရအဖွဲ့အစည်းများကြားတွင် ရသင့် ရထိုက်သော အကျိုးခံစားခွင့်ရေးများကို ရရှိစေအောင် ကူညီဆောင်ရွက်ပေးရမည်ဖြစ်သည်။ ထို မြေယာသုံးစွဲမည့်စီမံချက်ကို ကျေးရွာအစုအဖွဲ့ပိုင်မြေယာ စီမံခန့်ခွဲမှု ကော်မတီ၊ ကျေးရွာအုပ်စု အုပ်ချုပ်ရေးမှူး၊ လယ်ယာမြေစီမံခန့်ခွဲမှုအဖွဲ့နှင့် ကြေးတိုင်နှင့် မြေစာရင်းဦးစီးဌာနတို့က လက်မှတ် ရေးထိုးပေးရမည်ဖြစ်သည်။

**Article 23:** Each Household will pay tax to the government for annual crop cultivation by acre of land or by plot of land.

အပုဒ်ခွဲ ၂၃။ အိမ်ထောင်စုတိုင်းသည် ရာသီအလိုက်သီးနှံများ စိုက်ပျိုးထားသော မြေယာအတွက်သာ အစိုးရသို့ နှစ်စဉ် ပေးသွင်းရမည့်အခွန်များကို ဧကအလိုက်သော်လည်းကောင်း၊ မြေအကွက်အလိုက်သော် လည်းကောင်း ပေးဆောင်ရမည်။

### **Dissolving the “Tinam Community Organization for Managing the Communal Rotating fallow Taungya Lands**

**ဓလေ့ထုံးတမ်းစဉ်လာအရ စီမံခန့်ခွဲ၍ သီးနှံကျေးရွာအစုအဖွဲ့ပိုင်၊ အလှည့်ကျအနားပေးသည့် တောင်ယာစိုက်ပျိုးသည့်စနစ်အား ဖျက်သိမ်းခြင်း။**

**Article 24:** The General Assembly of all resident villagers whose names are on the list of the organization's membership can agree by majority to dissolve the Tinam Community Organization for Managing the Communal Rotating fallow Taungya Lands.

အပုဒ်ခွဲ ၂၄။ သီးနှံကျေးရွာ အစုအဖွဲ့အစည်းမြေယာစီမံခန့်ခွဲမှုကော်မတီ၏ ဓလေ့ထုံးတမ်းအရ မြေယာများကို အနားပေး၍ လုပ်ကိုင်သောစနစ်အား ဖျက်သိမ်းလိုလျှင် ကျေးရွာတွင်နေထိုင်သော လူထု အသင်းဝင်များ၏ အများသဘောတူညီချက်ဖြင့် အထွေထွေအစည်းဝေး၌ ဖျက်သိမ်းခွင့်ရှိသည်။

**Article 25:** The decision will be handed to the Village Tract Administrator, the GAD and the FAB.

အပုဒ်ခွဲ ၂၅။ အထက်ပါ ဆုံးဖြတ်ချက်များကို ကျေးရွာအုပ်စုဥက္ကဋ္ဌနှင့် အထွေထွေအုပ်ချုပ်ရေးမှူး၊ လယ်ယာမြေ စီမံခန့်ခွဲ ရေးကော်မတီထံသို့ ပေးအပ်ရမည်ဖြစ်သည်။

**Article 26:** The Village Tract Administrator, the GAD and the FAB will take action and cancel the registration of joint communal land rights of the Tinam Community Organization.

အပုဒ်ခွဲ ၂၆။ သီနမ်းကျေးရွာအစုအဖွဲ့ပိုင် ကော်မတီ၏လေ့ထုံးတမ်းအရ မြေယာများကိုအလှည့်အနားပေး၍ ကျေးရွာပိုင်မှတ်ပုံလုပ်ကိုင်ခွင့်စနစ်အား ဖျက်သိမ်းခြင်းကို ကျေးရွာအုပ်စု အုပ်ချုပ်ရေးမှူး၊ အထွေထွေအုပ်ချုပ်ရေးမှူးနှင့် လယ်ယာမြေစီမံခန့်ခွဲရေးအဖွဲ့မှ ပယ်ဖျက်ရန်၊ လိုအပ်သည်တို့ကို အရေးယူဆောင်ရွက်ပေးမည်ဖြစ်သည်။

**Article 27:** Inside the territories of Tinam village, State and Regional government shall not provide the land of Tinam to any private companies without the acknowledgment of Tinam villagers.

အပုဒ်ခွဲ ၂၇။ သီနမ်းကျေးရွာလူထုပိုင်နယ်မြေအတွင်း နိုင်ငံတော်အစိုးရသော်၎င်း၊ ပြည်နယ်အစိုးရသော်၎င်း ကျေးရွာ လူထုကို အသိမပေးဘဲ ပုဂ္ဂလိက ကုမ္ပဏီတစ်ခုခုအား လုပ်ကိုင်ထုတ်ယူခွင့်မပေးရန်။

**Annex 5: Internal Rules of Tinam Village, Northern Chin****သီနမ်းကျေးရွာ၏ လေ့ထုံးတမ်းစဉ်လာအရ သတ်မှတ်ထားသော စည်းမျဉ်းစည်းကမ်းများ****Tinam Village's Customary Internal Rules**

- ၁။ အောက်ဖော်ပြပါ စည်းမျဉ်းစည်းကမ်းများသည် သီနမ်းကျေးရွာအတွင်းနေထိုင်ကြသော ကျေးရွာသူ ကျေးရွာသားများအားလုံး လိုက်နာကျင့်သုံးရန် ဖြစ်ပြီး စုပေါင်းဆုံးဖြတ်သည့် အလှည့်ကျအနားပေး စနစ်ဖြင့် စိုက်ပျိုးသော တောင်ယာမြေများတွင် ကျင့်သုံးရန်သာ ဖြစ်သည်။  
The following rules are for all villagers in Tinam Village to practice in the upland being practiced with rotating and fallow system and collectively managed.
- ၂။ “သီနမ်းကျေးရွာရှိ အလှည့်ကျအနားပေးစနစ်ဖြင့် စိုက်ပျိုးသည့် တောင်ယာမြေစီမံခန့်ခွဲရေးအဖွဲ့” သည် ကျေးရွာအုပ်စုအုပ်ချုပ်ရေးမှူးနှင့် ကျေးရွာလယ်ယာမြေ စီမံခန့်ခွဲရေးကော်မတီများ၏ အကြံဉာဏ်များရယူကာ နှစ်စဉ်စိုက်ပျိုးမည့် တောင်ယာကွက်များကို ရွေးချယ်သတ်မှတ်ပေးရမည်။ ထို့နောက် ကျေးရွာလူထုအားလုံး ပါဝင်သည့် အစည်းအဝေးတွင် အားလုံးသဘောတူညီမှုကို ရယူရမည်။  
In consultation with village tract chair and village farmland administrative body, the customary land management committee shall identify upland farming plots to be cultivated in each year by the villagers. The draft plan shall then be discussed and agreed in a general assembly participated by all villagers.
- ၃။ ကျေးရွာရှိ တောင်ယာကွက်များအားလုံးကို အားလုံး၏ ဆုံးဖြတ်ချက်ဖြင့်သာ အုပ်ချုပ်လုပ်ကိုင်ရမည်။ တစ်ဦးတစ်ယောက် (သို့မဟုတ်) အမွေဆက်ခံပိုင်ဆိုင်မှုဖြင့် ဆုံးဖြတ်လုပ်ကိုင်ခွင့် မပြုပါ။  
All upland in the village will be cultivated based on collective decision. No decision of individual or heredity is allowed.
- ၄။ အကယ်၍ ကျေးရွာသူ ကျေးရွာသားတစ်ဦးက ယခုနှစ် စိုက်ပျိုးလုပ်ကိုင်နေသည့် တောင်ယာကွက်ကို နောင်နှစ်တွင် ဆက်လက် လုပ်ကိုင်လိုကြောင်း တောင်းဆိုခဲ့လျှင် ခွင့်ပြုပေးရမည်။  
If someone who cultivates an upland plot for the next year cultivation, he/she shall be allowed to do so.
- ၅။ အခြားရွာမှပြောင်းရွှေ့နေထိုင်လာသည့်အိမ်ထောင်စုအသစ်နှင့် ရွာမှအိမ်ထောင်စွဲများသည် ကော်မတီထံတွင် မဲနှိုက်၍ တောင်ယာလုပ်ကိုင်စားသောက်ခွင့် ရှိသည်။  
New arriving households and those who want to set up new households are also allowed to participate in the randomly upland selection method and use the village upland.
- ၆။ မှဆိုးမများသည်လည်း တောင်ယာမြေခွဲဝေအသုံးချရာတွင် အများနည်းတူ မဲနှိုက်ပိုင်ခွင့် ရှိသည်။ အကယ်၍ မြေဆီဩဇာကောင်းပြီး ကျယ်ပြန့်သည့် ဧရိယာရှိသည့် မြေကွက်ကို ရရှိခဲ့လျှင် မိမိသဘော ဖြင့် မြေကွက်ကို ထပ်မံစိုက်ပျိုးခွင့်ရခြင်း မပြုရ။ ထိုကဲ့သို့ ခွဲဝေရန် လိုအပ်ခဲ့လျှင် ကော်မတီကသာ ဆောင်ရွက်ခွင့် ရှိသည်။ သူမအနေနှင့် အကောင်းဆုံးအကွက်ငယ်ကို ရွေးချယ်လုပ်ကိုင်ခွင့် ရှိသည်။  
Widows have the same right as others to take part in the randomly upland selection process. If a widow gets a big and fertile plot and she cannot manage to cultivate all she cannot divide the plot and give other on her own. It can only be done by the committee. She can choose the best plot for her own cultivation.
- ၇။ ကျေးရွာသားတစ်ဦးက လေ့ခါးထစ်စိုက်ခင်းနှင့် လယ်မြေဖော်လိုပါက ကျေးရွာအုပ်ချုပ်ရေးမှူးနှင့် ကော်မတီ

၏ ခွင့်ပြုချက်ဖြင့် တောင်ယာမြေကို အသုံးပြုနိုင်သည်။

A villager can develop terrace or farmland in upland area with the permission from village tract administrative and customary land management committee.

- ၈။ ကျေးရွာသားတစ်ဦးဦးသည် မိမိမဲနှိုက်ရရှိသည့်တောင်ယာကွက်က စိုက်ပျိုးရန်မသင့်တော်သော မြေဖြစ်နေပါက ကော်မတီထံ ပြန်လည်အပ်နှံပြီး အသစ်တဖန် ပြန်လည်မဲနှိုက်နိုင်သည်။ သို့သော် ထိုကျေးရွာသားသည် ပြန်လည်အပ်နှံထားသော မြေကွက်ကို နောက်နှစ်တွင် ပြန်လည်ရယူခွင့် မရှိတော့ပေ။

Any villager who receives an uncultivable upland plot from random selection process can return the plot back to the committee and go through another random selection. However, he/she cannot claim the plot back again next year.

- ၉။ တောင်ယာမြေကွက်နှစ်ကွက်ပိုင်သော ကျေးရွာသားတစ်ဦးဦးသည် ကြိုက်နှစ်သက်ရာတစ်ကွက်ကို ရွေးချယ်နိုင်ပြီး ကျန်တစ်ကွက်ကို ကော်မတီထံ အပ်နှံရမည်။ ကော်မတီကို အသိမပေးဘဲ နှစ်ကွက်လုံး စိုက်ပျိုးပါက ကျေးရွာသားအားလုံးပါဝင်သည့် အစည်းအဝေးဆုံးဖြတ်ချက်ဖြင့် ပြန်လည်သိမ်းယူ နိုင်သည်။

A villager who processes two upland plots can choose one plot for cultivation and shall return another plot to the committee. If she keep another plot without informing the committee, the plot can be taken back to the committee with a decision made in a general assembly.

- ၁၀။ အကယ်၍ မဲနှိုက်ရရှိသည့် တောင်ယာကွက်ထဲတွင် လှေခါးထစ်စိုက်ခင်းမြေနှင့် လယ်ယာမြေပါဝင်ပါက မဲနှိုက်ရရှိသည့်သူက စိုက်ပျိုးလုပ်ကိုင်နိုင်သည်။ သို့သော်မဲနှိုက်ရရှိသူက မလုပ်နိုင်ပါက အခြားရွာသားက ကော်မတီ၏ ခွင့်ပြုချက်ဖြင့် စိုက်ပျိုးလုပ်ကိုင်နိုင်သည်။

If terrace paddy and farmland field are included in an upland plot, the villager who receives the plot can cultivate terrace and farmland. However, if he/she cannot cultivate those lands on her own, any other villager can access land with committee's permission.

- ၁၁။ ကျေးရွာသူ/သားတစ်ဦးဦးက အခြားသူမဲနှိုက်လုပ်ကိုင်နေသည့် တောင်ယာကွက်ဘေးမှ ပိုနေသော အကွက်ကို ဝင်ရောက်လုပ်ကိုင်ခဲ့လျှင် နောင်နှစ်များတွင် လုပ်ကိုင်ခွင့်ရရှိတော့ပေ။

Any villager who cultivates a small extra land near by someone's plot he/she shall not be allowed to continue cultivation in coming years.

- ၁၂။ ကျေးရွာရှိ အိမ်တိုင်းသည် တစ်နှစ်လျှင် ထင်းအတွက် (၆ ပေ x ၁၂ ပေ) ပမာဏရှိ ထင်းကို သတ်မှတ်ထားသော ထင်းစိုက်ခင်းမှ ထုတ်ယူခွင့်ရှိသည်။ ပိုမိုထုတ်ယူပါက ကျေးရွာအုပ်စု အုပ်ချုပ်ရေးမှူးနှင့် ကော်မတီက သင့်တော်သည့် ဒဏ်ငွေသတ်မှတ်ပြီး အပြစ်ပေးနိုင်သည်။

Every household is allowed to cut (6 ft. x 12 ft.) of fuel wood. If a villager cuts more than allowed volume, the village tract administrative committee and customary land management committee can decide to pay a fine with a certain amount of money.

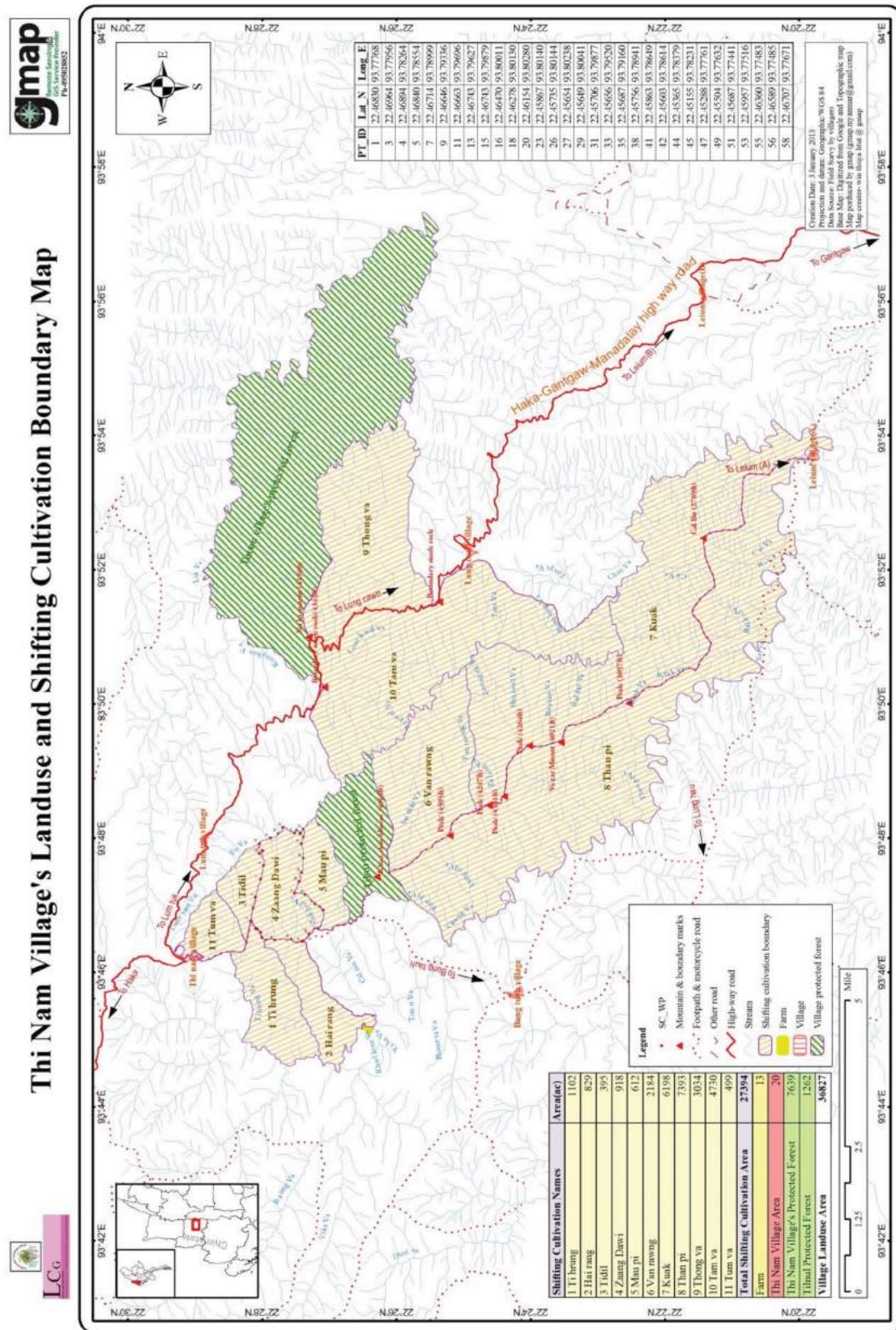
- ၁၃။ ကျေးရွာအတွက် ထင်းခုတ်နိုင်သည့် နေရာကို ကျေးရွာအုပ်စုအုပ်ချုပ်ရေးမှူးနှင့် ကော်မတီက သတ်မှတ်ပေးရမည်။ ကျေးရွာအုပ်စု အုပ်ချုပ်ရေးမှူးနှင့် ကော်မတီ၏ ခွင့်ပြုချက်မရဘဲ တောင်ယာအတွင်း ထင်းခုတ်ပါက ခုတ်ယူထားသည့် ထင်းများကို သိမ်းယူမည့်အပြင် ဒဏ်ငွေ ကျပ် ၅၀၀၀၀ (ကျပ်ငါးသောင်း) ပေးဆောင်ရမည်။

The village tract chair and the customary land management committee will allocate areas for fuel wood cutting. No one is allowed to cut fuel wood in upland without permission of village tract chair and the committee. If it happens, the fuel wood is taken back as village property and he/she shall be paid a fine of 50000 Kyats (Kyat fifty thousand).

- ၁၄။ ကျေးရွာပိုင်တောင်ယာကွက်များကို မည်သူတစ်ဦးတစ်ယောက်မျှ မရောင်းချရ။ ရောင်းချခဲ့လျှင် တောင်ယာကွက်ကို ရွာက ပြန်လည်သိမ်းယူခြင်း ခံရမည်။  
No one is allowed to sell village upland plot. If it happens, the plot shall be returned back to the village.
- ၁၅။ ကျေးရွာအုပ်စုအုပ်ချုပ်ရေးမှူးနှင့် ကော်မတီတို့ကလည်း တောင်ယာမြေနှင့် လယ်မြေကွက်များကိုသော်လည်းကောင်း၊ သဘာဝသယံဇာတ ထွက်ကုန်များကိုလည်းကောင်း၊ ပြင်ပပုဂ္ဂိုလ်များနှင့် ကုမ္ပဏီများကို ရောင်းချခွင့် မရှိ။ ကျူးလွန်ခဲ့လျှင် တာဝန်မှ ရပ်စဲခြင်းခံရမည့်အပြင် ရောင်းချခဲ့သော မြေကွက်နှင့် ရရှိခဲ့သည့် ငွေကြေးများအားလုံးကို ကျေးရွာလူထုက ပြန်လည်သိမ်းယူရမည်။  
The village tract chair and the committee are not allowed to sell any upland, farmland or any natural resources of the village to any outsider or companies. If it happens, they shall be stopped from duty and the land of sold and moneys shall also be returned back to the village.
- ၁၆။ ကျေးရွာလူထု၏ သဘောတူညီချက်မရဘဲ ကျေးရွာပိုင်မြေများအား မြေဂရမ် လျှောက်ထားသည်ကို လက်ခံခြင်း ချပေးခြင်း မပြုရ။  
Without a consensus agreement of all villagers land grant application cannot be accepted and approved.
- ၁၇။ တောင်ယာမြေကွက်ကို မဲနှိုက်၍ စိုက်ပျိုးလုပ်ကိုင်ခွင့်ရှိသောသူသည် တောင်ယာကွက်အတွင်း မြေပေါ်မြေအောက်ရတနာများ၊ ကျောက်တုံးကျောက်စရစ်များကဲ့သို့သော သဘာဝသယံဇာတများကို မိမိသဘောဖြင့် ထုတ်ယူရောင်းချခွင့် မရှိပါ။  
The natural resources of an upland plot including underground resources such as jewels and over ground resources such as stones and gravels cannot be extracted and sold by the villager who access the plot for cultivation through random selection process.
- ၁၈။ နှစ်စဉ်တောင်ယာမြေကွက်များအားလုံး၏ ၈၀% ကို မဲနှိုက်ခွင့် ပြုမည်ဖြစ်ပြီး ကျန်ရှိသည့် ၂၀% ကို မူလအိတ်သလို အသုံးပြုရန် အရန်အဖြစ် ချန်ထားမည်။ ကော်မတီက ကျေးရွာလူထုအားလုံး၏ သဘောတူညီချက်ဖြင့် လုပ်ကိုင်စားသောက်ရန် မြေကွက်မလုံလောက်သော မိသားစု များကို စိစစ်၍ မြေကွက်ချပေးနိုင်သည်။  
80% of total upland plots shall be allocated under the random selection process and the remaining 20% shall be kept as a reserve. The committee can allocate any upland from 20% to upland insufficient household with the consensus agreement of the villagers.
- ၁၉။ အထက်ဖော်ပြပါစည်းမျဉ်းစည်းကမ်းများကို လိုက်နာရန် ပျက်ကွက်ပါက လုပ်ကိုင်ခွင့်ရရှိထားသော တောင်ယာ၊ ဥယျာဉ်ခြံမြေစသည်တို့ကို ပြန်လည်သိမ်းယူခြင်းခံရမည့်အပြင် လိုအပ်သလို ဒဏ်ရိုက်ခြင်းကိုလည်း ခံရမည်။  
Anyone who are not following these regulations, all the rights provided shall be ceased and he/she shall also pay fine which set appropriately based on the case nature.



## Annex 6: Map and names of parcels in the CPR of Tinam, Northern Chin



## Annex 7: Statutes of Kyaw Tee Village, Northern Shan

### *Draft Statutes of the Kyaw Tee Village Organization for Managing the Communal Rotating fallow Taungya Land of Kyaw Tee Village, Honar Kone Sar Village Tract, Lashio Township, Northern Shan State*

ရှမ်းပြည်နယ်မြောက်ပိုင်း၊ လားရှိုးမြို့နယ်၊  
ဟိုနာကုန်းဆာကျေးရွာအုပ်စု၊ ကျော်တီးကျေးရွာ၏ ကျေးရွာအစုအဖွဲ့ပိုင်  
အလှည့်ကျအနားပေးစံနှစ်ဖြင့် စိုက်ပျိုးထားသည့် တောင်ယာမြေများ စီမံခန့်ခွဲမှုအဖွဲ့၏  
စည်းမျဉ်းဥပဒေ (မူကြမ်း)

- In accordance with the Constitution of Myanmar, 2008
- ၂၀၀၈ ဖွဲ့စည်းအုပ်ချုပ်ပုံ ဥပဒေ နှင့်အညီ
- In accordance with the Farmland Act of Myanmar, 2012
- ၂၀၁၂ လယ်ယာမြေဖွဲ့စည်းပုံ အခြေခံဥပဒေ နှင့်အညီ
- In accordance with the Ward or Village Tract Administration Law, 2012
- ၂၀၁၂ ရပ်ကွက် သို့မဟုတ် ကျေးရွာအုပ်စု အုပ်ချုပ်ရေး ဥပဒေပြဌာန်းချက်နှင့်အညီ
- In accordance with the goal and objective of collective Kyaw Tee village to register as an organization managing the communal lands of Kyaw Tee village in a sustainable manner, ensuring village livelihood, protecting the environment and Shan cultural practices the following Statutes were formulated:
- ကျေးရွာ၏ ရည်မှန်းချက်ပန်းတိုင်နှင့်အညီ၊ ကျော်တီးကျေးရွာ လူထုပိုင်မြေယာအား ရေရှည်တည်တံ့ရန် အတွက် အသက်မွေးဝမ်းကြောင်း မူဝိုင်မာ လုံခြုံစေပြီး၊ သဘာဝပတ်ဝန်းကျင်နှင့် ရှမ်းရိုးရာဓလေ့ထုံးစံများကို အကာအကွယ်ပေးမည့် “ကျော်တီးကျေးရွာအစုအဖွဲ့ပိုင်တောင်ယာမြေ စီမံခန့်ခွဲမှုအဖွဲ့အစည်း” အဖြစ် မှတ်ပုံတင်နိုင်ရန် အလို့ငှာ အောက်ပါ စည်းမျဉ်းဥပဒေများကို ရေးဆွဲခဲ့ကြပါသည်။

### Name or Organization and Territory

အမည် (သို့မဟုတ်) အဖွဲ့အစည်းနှင့်နယ်နိမိတ်သတ်မှတ်ခြင်း

**Article 1:** The village residents of Kyaw Tee village in Honar Kone Sar village tract, Lashio township, Northern Shan State have agreed on the Statutes for a village organization called “Kyaw Tee Community Organization for Managing the Communal Rotating fallow Taungya Land”

အပုဒ်ခွဲ ၁။ ရှမ်းပြည်နယ် မြောက်ပိုင်းလားရှိုးမြို့နယ် ဟိုနာကုန်းဆာကျေးရွာအုပ်စုဝင် ကျော်တီးကျေးရွာ လူထုမှ ဤအဖွဲ့အစည်းအား ကျော်တီးကျေးရွာ အစုအဖွဲ့ပိုင် အလှည့်ကျအနားပေးစံနှစ်ဖြင့် စိုက်ပျိုးထားသည့် တောင်ယာမြေစီမံခန့်ခွဲမှုအဖွဲ့” ဟု စည်းမျဉ်းဥပဒေတွင် ခေါ်ဆိုရန်သဘောတူကြပါသည်။

**Article 2:** The community of Kyaw Tee identifies itself as occupying the territory with

boundaries as follows- Kyaw Tee village is bordered by Kaung Auk Nar and Ho Paing village in the east, Namp Yaw Creek and Nar Mon village in the west, Namp Ywe Lwae, Tun Lwae and Ho Laung village in the north and the private claimed upland border and Mait Khant, Mait Htun Yaung and Long Aung in the south.

အပုဒ်ခွဲ၂။ ကျော်တီးကျေးရွာလူထုအနေဖြင့်ကျေးရွာလူထုပိုင်မြေနယ်နိမိတ်များကိုအောက်ပါအတိုင်းသတ်မှတ်ကြပါသည်။ အရှေ့ဘက်တွင် ကောင်းအောက်နားအထိရှိပြီး၊ ဟိုပိုင်ကျေးရွာရှိသည်။ အနောက်ဘက်တွင် နမ့်ယော်ချောင်းအထိရှိပြီး နားမွန်းကျေးရွာရှိသည်။ မြောက်ဘက်တွင်နမ့်ယွဲ့လွယ်၊ တွန်းလွယ်အထိရှိပြီး ဟိုလောင်းကျေးရွာရှိသည်။ တောင်ဖက်တွင် ကိုယ်ပိုင်တောင်ယာ နယ်နိမိတ်များဖြစ်ပြီး မိုင်ခန့်၊ မိုင် ထွန်ယောင်းအထိဖြစ်ပြီး လုံအွမ်ရွာရှိသည်။

**Article 3:** “Kyaw Tee Community Organization for Managing the Communal Rotating fallow Taungya Lands” is a civil body characterized as a community organization, where members assist each other in managing the “rotating fallow Taungya lands” according to customary practice in a sustainable manner and with equity.

အပိုဒ်ခွဲ၃။ ကျော်တီးကျေးရွာအစုအဖွဲ့ပိုင် အလှည့်ကျအနားပေးစံနစ်ဖြင့် စိုက်ပျိုးထားသည့် တောင်ယာမြေစီမံခန့် ခွဲမှုအဖွဲ့သည် အရပ်ဖက်လူထုအဖွဲ့အစည်း တစ်ရပ်ဖြစ်ပြီး ဓလေ့ထုံးစံအရ “အလှည့်ကျအနားပေးသည့် တောင်ယာစိုက်ပျိုးသည့်စံနစ်”ကိုစီမံဆောင်ရွက်ရာတွင် အဖွဲ့ဝင်အချင်းချင်း ရိုင်းပင်း ကူညီ၍ရေရှည် တည်တံ့ နိုင်အောင် တရားမျှတစွာလုပ်ဆောင် သွားမည် ဖြစ်သည်။

**Article 4:** The land tracts that constitute the community organization’s communal land are as follows:

Sr. No.	Name of Upland Block	No. of Owners per a Upland Plot
1.	Hawe Phat Lane	12 persons
2.	Hawe Namp Lon	3 persons
3.	Hawe Yote	18 persons
4.	Hawe Kon	2 persons
5.	Hawe Phat Phei	13 persons
6.	Hawe Mu	7 persons
7.	Tar Namp Pan Yaung	7 persons
8.	Hawe Hname Creek	8 persons
9.	Hawe Namp Yaw	8 persons
10.	Lwae Namp Long	4 persons
11.	Hwae Chauk Hmuu	14 persons
12.	Kaung Son	13 persons
13.	Hawe San Creek	54 persons
14.	Lwae Khant Htu	4 persons
15.	Hawe Eikt Creek	20 persons

16.	Hawe Mauk Kaung Twone	8 persons
17.	Hawe Kho + Htunt Hawe Wei	26 persons
18.	Hawe Twan + Hawe Pon	22 persons
19.	Kaung Sheim Mountain	6 persons
20.	Hawe Namp Saing	22 persons
21.	Hawe Ngyu Lein	13 persons

အပိုင်းခွဲ ၄။ ကျော်တီးကျေးရွာလူထုအဖွဲ့ပိုင်မြေယာများတွင် အောက်ဖော်ပြပါ တောင်ယာကွက်များ ပါဝင်ပါသည်။  
တောင်ယာကွက်များမှာ အောက်ပါအတိုင်းဖြစ်ပါသည်။

စဉ်	တောင်ယာကွက်အမည်	ပိုင်ဆိုင်သည့်ဦးရေ
၁။	ဟွေ့ဖတ်လိန်း	၁၂ ဦး
၂။	ဟွေ့နမ့်လောင်း	၃ ဦး
၃။	ဟွေ့ဟုတ်	၁၈ ဦး
၄။	ဟွေ့ကုန်	၂ ဦး
၅။	ဟွေ့ဖတ်ပိုင်	၁၃ ဦး
၆။	ဟွေ့မူ	၇ ဦး
၇။	တာနိမ့်ပန်ယောင်း	၇ ဦး
၈။	ဟွေ့နှိမ်းချောင်း	၈ ဦး
၉။	ဟွေ့နမ့်ဖော်	၈ ဦး
၁၀။	လွယ်နမ့်လောင်း	၄ ဦး
၁၁။	ဟွေ့ချောက်မူး	၁၄ ဦး
၁၂။	ကောင်းဆုန်	၁၃ ဦး
၁၃။	ဟွေ့ထန်းချောင်း	၅၄ ဦး
၁၄။	လွယ်ခန့်ထူ	၄ ဦး
၁၅။	ဟွေ့အိတ်ချောင်း	၂၀ ဦး
၁၆။	ဟွေ့မောက်ကောင်တွမ်း	၈ ဦး
၁၇။	ဟွေ့ခို+ ထွန်းဟွေ့ပိုင်	၂၆ ဦး
၁၈။	ဟွေ့တွမ်း+ဟွေ့ပုံ	၂၂ ဦး
၁၉။	ကောင်းရှိုမ်တောင်	၆ ဦး
၂၀။	ဟွေ့နမ့်ဆိုင်	၂၂ ဦး
၂၁။	ဟွေ့ငူလိန်	၁၃ ဦး

တို့ဖြစ်ပါသည်။

## The objectives of the Statutes

### စည်းမျဉ်းဥပဒေများ၏ ရည်ရွယ်ချက်များ

- Article 5:** The objective of the Kyaw Tee community organization's Statutes is to establish the community organization as a legal entity that
- အပိုဒ်ခွဲ ၅။ ကျော်တီးကျေးရွာအစုအဖွဲ့ပိုင် အလှည့်ကျအနားပေးစနစ်ဖြင့် စိုက်ပျိုးထားသည့် တောင်ယာမြေ စီမံ ခန့် ခွဲမှုအဖွဲ့ကို တရားဝင်လူထုအဖွဲ့အစည်းအဖြစ်ဖွဲ့စည်းခြင်း၏ ရည်ရွယ်ချက်များမှာ-
- Will hold a joint **land use certificate** for all the customary lands of Kyaw Tee
  - ကျော်တီးကျေးရွာ၏ လေ့ထုံးတမ်းအစဉ်အလာအရ ပိုင်ဆိုင်သော တောင်ယာမြေအားလုံးကို ကျေးရွာအစုအဖွဲ့ ပိုင်(ပူးတွဲ)မြေယာအသုံးချခွင့်လက်မှတ် ရရှိပိုင်ဆိုင်ထားနိုင်ရန်၊
  - Will maintain the customary land governance of Kyaw Tee, where all resident villagers share decisions on land management each year to ensure livelihood for all with equity.
  - ကျော်တီးကျေးရွာအတွင်း နေထိုင်ကြသူများအားလုံးအတွက်မျှတပြီး အားလုံးပါဝင်ဆောင်ရွက်နိုင်သောအသက်မွေးဝမ်းကြောင်းမှုကိုလုံခြုံစေသည့်ကျေးရွာ၏လေ့ထုံးတမ်းအစဉ်အလာအရ မြေရာစီမံခန့်ခွဲမှု စနစ်ကိုထိန်းသိမ်းရန်၊
  - Will protect the environment of the village territory.
  - ကျေးရွာ၏နယ်နိမိတ်ရှိသဘာဝပတ်ဝန်းကျင်ကိုထိန်းသိမ်းကာကွယ်ရန်၊
  - Will carry out its management in collaboration with the Village Tract Administrator, Village Tract Committee, the GAD, the Farmland Administration Board, Forest Department and the SLRD.
  - ကျေးရွာမြေယာစီမံခန့်ခွဲမှုစနစ်ကို ကျေးရွာအုပ်စုအုပ်ချုပ်ရေးမှူး၊ ကျေးရွာအုပ်စုကော်မတီ၊ အထွေထွေအုပ်ချုပ်ရေးဦးစီးဌာန၊ ကြေးတိုင်နှင့်မြေစာရင်းဦးစီးဌာန၊ မြေယာအုပ်ချုပ်မှုအဖွဲ့နှင့် သစ်တောဦးစီးဌာနတို့နှင့်အတူတကွ ပူးပေါင်းဆောင်ရွက်ရန်တို့ ဖြစ်သည်။

## Membership of the “Kyaw Tee Community Organization for Managing the Communal Rotating fallow Taungya Land”

“ကျော်တီးကျေးရွာအစုအဖွဲ့ပိုင် အလှည့်ကျအနားပေးစနစ်ဖြင့် စိုက်ပျိုးလုပ်ကိုင်သည့် တောင်ယာမြေ စီမံခန့်ခွဲမှု အဖွဲ့” တွင် အသင်းဝင်ခွင့်။

- Article 6:** Membership of the “Kyaw Tee Community Organization for Managing the Communal Rotating fallow Taungya Land” are all resident villagers, both men and women, who have access to cultivate the lands of the village community. The list of names of all resident villagers who have rights to access to the community lands is kept by the village tract committee and a copy in the village itself.
- အပိုဒ်ခွဲ ၆။ ကျေးရွာပိုင်မြေယာများပေါ်တွင် စိုက်ပျိုးရန်မြေယာများပိုင်ဆိုင်ပြီး ကျေးရွာတွင်နေထိုင်သော အမျိုးသားများနှင့်အမျိုးသမီးများအားလုံးသည် ကျော်တီးကျေးရွာအစုအဖွဲ့ပိုင်အလှည့်ကျ အနားပေး

သည့် တောင်ယာစိုက်ပျိုးသည့်အဖွဲ့တွင် အသင်းဝင်ခွင့်ရှိပါသည်။ ကျေးရွာပိုင်မြေယာတွင် သုံးစွဲလုပ်ပိုင်ခွင့်ရရှိသူများ၏ အမည်စာရင်းကို ကျေးရွာအုပ်စု ကော်မတီတွင်လည်းကောင်း၊ မိတ္တူကိုကျေးရွာတွင်လည်းကောင်း ထိန်းသိမ်းထားရှိမည် ဖြစ်သည်။

**Article 7:** Members of the Community Organization cannot hand over their membership to outsiders that are not resident in the village.

အပုဒ်ခွဲ ၇။ ကျော်တီးကျေးရွာအစုအဖွဲ့ပိုင် အလှည့်ကျအနားပေးစံနစ်ဖြင့် စိုက်ပျိုးလုပ်ကိုင်သည့် တောင်ယာမြေ စီမံခန့်ခွဲမှုအဖွဲ့တွင် အသင်းဝင်များသည် ၎င်းတို့၏ အဖွဲ့ဝင်ခွင့်တို့ကို ကျေးရွာတွင် နေထိုင်သူမဟုတ် သော အပြင်လူများ ကိုလွှဲပြောင်းပေးနိုင်ခွင့်မရှိပါ။

**Article 8:** To become a member in the “Kyaw Tee Community Organization for Managing the Communal Rotating fallow Taungya Lands ” a person needs to meet the following conditions:

အပုဒ်ခွဲ ၈။ ကျော်တီးကျေးရွာအစုအဖွဲ့ပိုင် အလှည့်ကျအနားပေးစံနစ်ဖြင့် စိုက်ပျိုးလုပ်ကိုင် သည့် တောင်ယာမြေစီမံခန့်ခွဲမှုအဖွဲ့တွင်အသင်းဝင် လိုသူတစ်ဦးသည် အောက်ပါအချက်များ နှင့်ကိုက်ညီသူများ ဖြစ်ရပါမည်။

- Join membership willingly and without pressure
- အဖွဲ့ဝင်ဖြစ်လိုသူသည် အခြားသူ၏ ဖိအားပေးခြင်းကြောင့်မဟုတ်ဘဲ မိမိသဘောဆန္ဒအလျောက် ပါဝင်သူဖြစ်ရမည်။
- Shall be resident in the village.
- ကျေးရွာအတွင်းနေထိုင်သောသူဖြစ်ရမည်။ (နှစ်ကန့်သတ်ချက်မည်မျှရှိလဲ)
- Agree to comply with the community organization Bylaws and Internal Rules for sharing the land and follow the community’s traditions.
- ကျေးရွာအစုအဖွဲ့ပိုင် အလှည့်ကျအနားပေးစံနစ်ဖြင့် စိုက်ပျိုးသည့် တောင်ယာမြေစီမံခန့်ခွဲမှုအဖွဲ့မှ ချမှတ်ထားသော စည်းမျဉ်းစည်းကမ်းဥပဒေများ၊ ကျေးရွာအတွင်း သတ်မှတ်ထားသော တောင်ယာ မြေခွဲဝေသုံးစွဲနှင့်ဆိုင်သော စည်းကမ်းများကို သဘောတူပြီး ကျေးရွာ၏လေ့ထုံးတမ်းအစဉ်အလာများကိုလိုက်နာသူဖြစ်ရမည်။
- Shall have birth certificate, citizen ID card or family book or residential book.
- အသင်းဝင်သည် မွေးစာရင်းရှိရမည်၊ အမျိုးသားမှတ်ပုံရိပ်ရမည် သို့မဟုတ် ကျေးရွာအတွင်းအမှန်တကယ်နေထိုင်သည့် သန်းခေါင်စာရင်းဝင်ဖြစ်ရမည်။

**Article 9:** Outsiders coming to live in Kyaw Tee can become members if the “Kyaw Tee Community Organization for Managing the Communal Rotating fallow Taungya Lands” agrees and their names will be added to the list of members that is held by the clerk.

အပိုဒ်ခွဲ ၉။ ကျော်တီးကျေးရွာအစုအဖွဲ့ပိုင် အလှည့်ကျအနားပေးစံနစ်ဖြင့် စိုက်ပျိုးထားသည့် တောင်ယာမြေစီမံခန့်ခွဲမှုအဖွဲ့မှ သဘောတူညီမှုရလျှင် ကျော်တီးကျေးရွာသို့ ပြင်ပမှ လာရောက်နေထိုင်သူသည် အသင်းဝင်ဖြစ်နိုင်ပါသည်။ ၎င်းတို့၏အမည်စာရင်းကိုလည်း စာရေးမှအဖွဲ့စာရင်းတွင်ဖြည့်စွက်ထည့်

ပေးရမည်ဖြစ်သည်။

**Article 10:** A member of the “Kyaw Tee Community Organization for Managing the Communal Rotating fallow Taungya Lands” may lose membership if he or she moves away from the village. But the person will regain membership if he or she is moving back to the village.

အပုဒ်ခွဲ ၁၀။ အဖွဲ့ဝင်တစ်ဦးသည် ကျော်တီးကျေးရွာမှ ရွှေ့ပြောင်းသွားလျှင် ကျော်တီးကျေးရွာအစုအဖွဲ့ပိုင် အလှည့်ကျအနားပေးစံနှစ်ဖြင့် စိုက်ပျိုးလုပ်ကိုင်သည့် တောင်ယာမြေစီမံခန့်ခွဲမှုအဖွဲ့တွင် အဖွဲ့ဝင် အဖြစ်မှ ပျက်ပြယ်သွားမည်ဖြစ်သည်။ သို့သော် ထိုသူသည် ရွာသို့ပြန်လည် ပြောင်းရွှေ့လာလျှင် အဖွဲ့ဝင်အဖြစ် ပြန်လည်ရရှိမည်ဖြစ်ပါသည်။

### Structure of the “Kyaw Tee Community Organization for Managing the Communal Rotating fallow Taungya Land”

ဇေယျာထုံးတမ်းစဉ်လာအရစီမံခန့်ခွဲ၍ကျော်တီးကျေးရွာအစုအဖွဲ့ပိုင်၊အလှည့်ကျအနားပေးသည့် တောင်ယာစိုက်ပျိုးသည့်အဖွဲ့၏ ဖွဲ့စည်းတည်ဆောက်ပုံ။

**Article 11:** The highest body of the community organization is the ‘Community Organization General Assembly’ that consists of all resident villagers above 18 years of age represented through the “ten-household leaders”.

အပုဒ်ခွဲ ၁၁။ ကျော်တီးကျေးရွာ အစုအဖွဲ့ပိုင် အလှည့်ကျ အနားပေးစံနှစ်ဖြင့် စိုက်ပျိုးလုပ်ကိုင်သည့် တောင်ယာ မြေ စီမံခန့်ခွဲမှုအဖွဲ့တွင်အမြင့်ဆုံး ဆုံးဖြတ်ခွင့် ရှိသည့်အဆင့် မှာ ဆယ်အိမ်မှူး အောက်ရှိ အသက် ၁၈ နှစ်ပြည့်ပြီး သူများပါဝင်သည့်အထွေထွေလူထု အစည်းအဝေး ကြီးဖြစ်သည်။

**Article 12:** The Community Organization General Assembly will define the Internal Rules for sharing the common property of the Community Organization. The Internal Rules will be attached in a written format to the Statutes and kept in the village.

အပုဒ်ခွဲ ၁၂။ ကျေးရွာလူထုအဖွဲ့အစည်း၏ အထွေထွေလူထုအစည်းအဝေးကြီးမှ ကျေးရွာလူထုအဖွဲ့အစည်း၏ အများနှင့် သက်ဆိုင်သော တောင်ယာမြေများကို မျှဝေသုံးစွဲမှုနှင့်သက်ဆိုင်သော ကျေးရွာတွင်းကျင့် သုံးရမည့် စည်းကမ်းများကို သတ်မှတ်ပေးမည်ဖြစ်သည်။ ကျေးရွာတွင်းကျင့်သုံးရမည့် စည်းကမ်း များကို လက်ရေးမူဖြင့် ရေးသားပြီး စည်းမျဉ်းစည်းကမ်းဥပဒေများတွင် တွဲပြီး ကျေးရွာတွင် ထားရမည် ဖြစ်သည်။

**Article 13:** The Community Organization General Assembly will elect a Land Caretaker Committee of 8 persons. The Land Caretaker Committee will represent the community organization to the government authorities such as Village Tract, FAB, Forest Department, GAD and SLRD and guide the villagers on land use. The Land Caretaker Committee has the following members

အပုဒ်ခွဲ ၁၃။ ကျေးရွာလူထုအဖွဲ့အစည်း၏အထွေထွေလူထုအစည်းအဝေးကြီးမှ မြေယာထိန်းသိမ်းစောင့်ရှောက်မှု ကော်မတီ ၉-ဦးကို ရွေးချယ်တင်မြှောက်ရမည်ဖြစ်သည်။ မြေယာထိန်းသိမ်း စောင့်ရှောက်မှုကော်မတီ တွင် အစိုးရအာဏာပိုင်အဖွဲ့အစည်းများဖြစ် သောကျေးရွာအုပ်စု၊ ကျေးရွာအုပ်စုမြေယာစီမံမှုအဖွဲ့၊

သစ်တောဦးစီးဌာန၊ အထွေထွေအုပ်ချုပ်ရေးဦးစီးဌာနနှင့် ကြေးတိုင်နှင့်မြေစာရင်းဦးစီးဌာနတို့မှ ကိုယ်စား ပြုရမည်ဖြစ်ပြီး၊ ကျေးရွာလူထု၏မြေယာသုံးစွဲမှုကို လမ်းညွှန်ပေးရမည်ဖြစ်သည်။ မြေယာထိန်းသိမ်း စောင့်ရှောက်မှုကော်မတီတွင် အောက်ပါ အဖွဲ့ဝင်များ ပါဝင်ရမည်ဖြစ်သည်။

- ၁။ Three Village Elders
- ၁။ ကျေးရွာမှလေးစားရသောရပ်မိရပ်ဖ ၃ ဦး
- ၂။ Three women
- ၂။ အမျိုးသမီး ၃ ဦး
- ၃။ Two Village Tract Committee members
- ၃။ ကျေးရွာအုပ်စုအုပ်ချုပ်မှုကော်မတီမှ ၂ ဦး
- ၄။ One Village Tract Administrator (ex-officio and not elected)
- ၄။ ကျေးရွာအုပ်စုအုပ်ချုပ်ရေးမှူး ၁ ဦး

#### Members of The Land Caretaker Committee in Tone Kyine

Sr. No.	Name	Responsibility	NRC No.	Village
1.	U Kommarla	Village Tract Administrator	13/LaYaNa(N) 153823	Kyaw Tee
2.	U Sai Zar Lein	Village Administrator	13/LaYaNa(N) 140464	Kyaw Tee
3.	U Sai Pan Ti	Village Elder	13/LaYaNa(N) 114367	Kyaw Tee
4.	U San Tun	Village Elder	13/LaYaNa(N) 114356	Kyaw Tee
5.	U Sai Nu	Village Elder		Kyaw Tee
6.	U Lon San Aaw	Clerk	13/LaYaNa(N) 114359	Kyaw Tee
7.	Daw Nang Mee	Agriculture Committee	13/LaYaNa(N) 172553	Kyaw Tee
8.	Daw Par Hla	Development Committee		Kyaw Tee
9.	Daw Par Mom	Health Committee	13/LaYaNa(N) 114371	Kyaw Tee

#### ကျော်တီးကျေးရွာမြေယာစီမံခန့်ခွဲရေးကော်မတီအဖွဲ့ဝင်များ

စဉ်	အမည်	တာဝန်	မှတ်ပုံတင်အမှတ်
၁။	ဦးကုမ္မာလ	ကျေးရွာအုပ်စုအုပ်ချုပ်ရေးမှူး	၁၃/လရန(နိုင်) ၁၅၃၈၂၃
၂။	ဦးစိုင်းဇာလိန်	သူကြီး	၁၃/လရန(နိုင်) ၁၄၀၄၆၄
၃။	ဦးစိုင်းပန်တီ	ရပ်မိရပ်ဖ	၁၃/လရန(နိုင်) ၁၁၄၃၆၇
၄။	ဦးဆန်ထွန်း	ရပ်မိရပ်ဖ	၁၃/လရန(နိုင်) ၁၁၄၃၅၆
၅။	ဦးစိုင်းန	ရပ်မိရပ်ဖ	
၆။	ဦးလုံးဆန်သြ	စာရေး	၁၃/လရန(နိုင်) ၁၁၄၃၅၉
၇။	ဒေါ်နန်းမီး	စိုက်ပျိုးရေးကော်မတီ	၁၃/လရန(နိုင်) ၁၇၂၅၅၃
၈။	ဒေါ်ပါလှ	ဖွံ့ဖြိုးရေးကော်မတီ	
၉။	ဒေါ်ပါမွမ်း	ကျန်းမာရေးကော်မတီ	၁၃/လရန(နိုင်) ၁၁၄၃၇၁



**Article 14: The Community Organization Committee has the following role and responsibilities:**

အပုဒ်ခွဲ ၁၄။ ကျော်တီးကျေးရွာအစုအဖွဲ့ပိုင် အလှည့်ကျအနားပေးသည့် တောင်ယာစိုက်ပျိုးသည့်စံနစ်တွင် မြေယာ စီမံခန့်ခွဲရေးကော်မတီ၏တာဝန် နှင့် ဝတ္တရားများ။

- To guide the decisions on joint land use of the community members
- ကျေးရွာလူထုအဖွဲ့ဝင်များ၏ မြေယာခွဲဝေသုံးစွဲမှုဆိုင်ရာဆုံးဖြတ်ချက်များ ချမှတ်ရာတွင် လမ်းညွှန်မှုပေးခြင်း။
- To collect suggestions by the community organization members and forward them to village tract committee and government agencies.
- ကျေးရွာရှိအဖွဲ့ဝင်များ၏အကြံပေးချက်များကိုမှတ်တမ်းတင်ကာကျေးရွာအုပ်စုကော်မတီနှင့် အစိုးရအာဏာပိုင်အဖွဲ့စည်းများထံသို့ဆက်လက်တင်ပြပေးခြင်း။
- To represent the community organization to outsiders such as NGOs or private parties who have interests and suggestions for land use initiatives.
- စိတ်ဝင်စားမှုရှိပြီး မြေယာအသုံးပြုခြင်းနှင့်ပတ်သက်၍ အကြံပေးလိုသောပြင်ပအဖွဲ့စည်းများ ဖြစ် သည့်၊ အစိုးရမဟုတ်သော အဖွဲ့အစည်းများ၊ ပုဂ္ဂလိကအဖွဲ့အစည်းများနှင့် ကျေးရွာ လူထုမြေယာစီမံခန့်ခွဲရေးကော်မတီမှ ကျေးရွာလူထုကို ကိုယ်စားပြု ဆောင်ရွက်မည်ဖြစ်ခြင်း။
- To assist to disseminate all government policies and laws to community organization members.
- အစိုးရ၏မူဝါဒများနှင့်ဥပဒေများကို ကျေးရွာလူထုအဖွဲ့ဝင်များအတွင်း ဖြန့်ဝေရာတွင် ကူညီဆောင် ရွက်ပေးရမည်ဖြစ်ခြင်း။
- To assist in resolving conflicts occurring within the community according to customary rules.
- ဖြစ်ပေါ်လာသော (ပြဿနာ) အငြင်းပွားမှုများကို ဓလေ့ထုံးတမ်းအရချမှတ်ထားသော စည်းမျဉ်း စည်းကမ်းများဖြင့်ဖြေရှင်းရာတွင်ကော်မတီကူညီပေးရမည်ဖြစ်ခြင်း။
- To collect all the members' suggestions before taking any decision
- ဆုံးဖြတ်ချက်မချမှတ်မီ အသင်းသူအသင်းသားများ၏အကြံ ပေးချက်များကိုရယူပေးခြင်း။
- To organize meetings and write minutes of any community meeting.
- ကျေးရွာလူထုအစည်းဝေးကျင်းပနိုင်ရန်အတွက် စည်းရုံးနှိုးဆော်ရန်နှင့်အစည်းဝေး မှတ်တမ်းများကို ရေးသားပြုစုပေးခြင်း။
- Monitor/follow up and make assessment of all implementation of management measures
- လုပ်ငန်းများ အကောင်အထည်ဖော်ဆောင်ရွက်မှုနှင့် စီမံခန့်ခွဲမှုဆိုင်ရာကိစ္စရပ်များအား စောင့်ကြည့် လေ့လာခြင်းနှင့် နောက်ဆက်တွဲလိုအပ်သော လုပ်ငန်းများအားပံ့ပိုးပေးရန်နှင့် စစ်တမ်းများ ပြုစု ပေးခြင်း။

**Article 15:** The General Assembly of all resident villagers in the community organization has the right to submit a suggestion through the ten household leaders to the Land Caretaker Committee to change the Bylaws or change the Internal Rules. The changes must be adopted and carried out, if the majority of the community

organization's members agree to the changes.

အပုဒ်ခွဲ-၁၅။ စည်းမျဉ်း စည်းကမ်းဥပဒေများ၊ ကျေးရွာအတွင်း ကျင့်သုံးရမည့်စည်းမျဉ်း စည်းကမ်းများကို ပြင်ဆင်လိုလျှင် အထွေထွေလူထုအစည်းဝေးကြီးတွင် တက်ရောက်လာကြသော ကျေးရွာ လူထုများ ၏ အဆိုပြုချက် များ၊ အကြံပေးချက်များကို ဆယ်အိမ်မှူးများမှတစ်ဆင့် မြေယာစီမံခန့်ခွဲ စောင့်ရှောက် ရေးအဖွဲ့ကော်မတီထံသို့ တင်ပြပိုင်ခွင့်ရှိသည်။ ကျေးရွာလူထုအများစု သဘောတူညီထားသော ထိုအပြောင်းအလဲများကို လက်ခံကျင့်သုံး၍ လုပ်ငန်းများကို ဆက်လက် ဆောင်ရွက်ရမည်ဖြစ်သည်။

**Article 16:** The General Assembly of all resident villagers in the community organization has the right to change membership of the Land Caretaker Committee if the majority of the community organization members decide to change membership. The village tract administrator will be informed of such change.

အပုဒ်ခွဲ-၁၆။ အထွေထွေလူထုအစည်းဝေးကြီးတွင် တက်ရောက်လာကြသော ကျေးရွာလူထုများ၏ အဆိုပြုချက် များအရ မြေယာစီမံခန့်ခွဲစောင့်ရှောက်ရေးကော်မတီအား ပြောင်းလည်းဖွဲ့စည်းလိုလျှင် ကျေးရွာလူထု အများစု၏ သဘောတူညီမှုဖြင့် ဆုံးဖြတ်ပြောင်းလဲနိုင်သည်။ ထိုအပြောင်းအလဲများကို ကျေးရွာအုပ်စု အုပ်ချုပ်ရေးမှူးကို အသိပေးထားရမည်ဖြစ်သည်။

## Interaction with neighboring villages

### ပတ်ဝန်းကျင်ကျေးရွာများနှင့် အပြန်အလှန်ဆက်ဆံခြင်း။

**Article 17:** The General Assembly of all resident villagers can agree to lend for a fixed time-period a smaller part of the communal lands of the “Kyaw Tee Community Organization for Managing the Communal Rotating fallow Taungya Lands” to a neighboring village. The Land Caretaker Committee will inform the Village Tract Administrator of this.

အပုဒ်ခွဲ ၁၇။ ကျော်တီးကျေးရွာအစုအဖွဲ့ပိုင် အလှည့်ကျအနားပေးစနစ်ဖြင့် စိုက်ပျိုးထားသော တောင်ယာမြေ၏ အစိတ်အပိုင်းတစ်စိတ်တစ်ဒေသကို ပတ်ဝန်းကျင်ကျေးရွာမှ အချိန်ကာလအတိုင်းအတာသတ်မှတ်ချက် ဖြင့်ငှားရမ်းရန် ကျေးရွာနေလူထုက အထွေထွေအစည်းအဝေးတွင် သဘောတူညီနိုင်သည်။ ၎င်း သဘောတူညီမှုကို မြေယာစီမံခန့်ခွဲမှုကော်မတီမှ ကျေးရွာအုပ်စု အုပ်ချုပ်ရေးမှူးထံသို့အကြောင်း ကြားပေးရမည်။

**Article 18:** The neighboring village that borrows land is not allowed to plant perennial crops on the land.

အပုဒ်ခွဲ ၁၈။ ပတ်ဝန်းကျင်ကျေးရွာက ငှားရမ်းထားသောမြေယာပေါ်တွင် နှစ်ရှည်ပင်စိုက်ပျိုးရေးကို ခွင့်မပြုပါ။

## Interaction with the Government and the Private Sector

### အစိုးရဌာနများနှင့် ပုဂ္ဂလိကအဖွဲ့စည်းများဖြင့် ဆက်ဆံခြင်း။

**Article 19:** Any engagement with the private sector by the Land Caretaker Committee requires Free Informed Prior Consent of all resident villagers before any planning is started.

အပုဒ်ခွဲ ၁၉။ မြေယာစီမံခန့်ခွဲမှုကော်မတီသည် ပုဂ္ဂလိကအဖွဲ့အစည်းများနှင့် မည်သည့်လုပ်ငန်းကိုမဆို လုပ်ကိုင်မည်ဆိုပါက၊ လုပ်ငန်းအစီအစဉ် မစတင်မှီကျေးရွာတွင် နေထိုင်သောရွာသားများကို ကြိုတင်သဘောတူညီမှုရယူရမည်ဖြစ်သည်။

**Article 20:** Any land use project with the private sector on the communal lands must be based on formalized agreements covering environmental impact assessment, a fixed time frame, description of project benefits and benefit sharing, monitoring and grievance mechanisms. The Village General Assembly of all resident villagers must agree by majority vote on the project after it has been described carefully.

အပုဒ်ခွဲ ၂၀။ ကျေးရွာအစုအဖွဲ့ပိုင်အလှည့်ကျ အနားပေးစနစ်ဖြင့် စိုက်ပျိုးထားသည့် တောင်ယာမြေပေါ်တွင် ပုဂ္ဂလိကအဖွဲ့အစည်းနှင့် လုပ်ကိုင်မည့် မည်သည့်စီမံချက်မဆို ပတ်ဝန်းကျင် ထိခိုက်မှုအကဲဖြတ်မှုရှိခြင်း၊ အချိန်ကာလသတ်မှတ်မှုရှိခြင်း၊ စီမံချက်၏ရရှိနိုင်သည့် အကျိုးအမြတ်နှင့် အကျိုးအမြတ်ခွဲဝေမှု၊ စဉ်ဆက်မပြတ်နှိုးဆော်ထိန်းသိမ်းခြင်းနှင့် ဖြစ်ပေါ်လာနိုင်မည့် ပြဿနာများကို ဖြေရှင်းနိုင်မည့်နည်းလမ်းများထားရှိခြင်းတို့ကို အခြေခံသဘောတူညီမှု ရယူထားရမည်ဖြစ်သည်။ စီမံချက်အကြောင်းကို သေချာစွာ သိရှိပြီးမှသာ အထွေထွေလူထုအစည်းဝေးတွင် အများစု၏ သဘောတူညီမှုရယူပြီးမှသာ စီမံချက်ကို လက်ခံရမည်ဖြစ်သည်။

**Article 21:** The Community Organization's Land Caretaker Committee can sign the agreement with the private sector on behalf of the community after all resident villagers have agreed by majority vote.

အပုဒ်ခွဲ- ၂၁။ ကျေးရွာတွင်နေထိုင်သော ကျေးရွာလူထု အများစု၏မဲဆန္ဒအရသာ ကျေးရွာ လူထုကိုယ်စား ကျေးရွာအစု အဖွဲ့ပိုင်မြေယာစီမံခန့်ခွဲမှုကော်မတီမှ ပုဂ္ဂလိကအဖွဲ့ကို လက်ခံကြောင်း လက်မှတ်ရေးထိုးရမည် ဖြစ်သည်။

**Article 22:** Any land use project with the private sector must promote the equitable distribution of benefits within the community, between communities and companies and government institutions. It must be signed by the Community Organization's Land Caretaker Committee, by the Village Tract Administrator, the FAB and the SLRD.

အပုဒ်ခွဲ ၂၂။ ပုဂ္ဂလိကအဖွဲ့စည်းများ၏ မည်သည့် မြေယာအသုံးချမှုစီမံချက်ကိုမဆို၊ ကျေးရွာလူထုအတွင်းတွင် လည်းကောင်း၊ ကျေးရွာလူထုနှင့် ကုမ္ပဏီများကြား၊ ကျေးရွာလူထုနှင့် အစိုးရအဖွဲ့အစည်းများကြားတွင် ရသင့်ရထိုက်သော အကျိုးခံစားခွင့်ရေးများကို ရရှိစေအောင်ကူညီဆောင်ရွက်ပေးရမည်ဖြစ်သည်။ ထိုမြေယာသုံးစွဲမည့်စီမံချက်ကို ကျေးရွာအစုအဖွဲ့ပိုင်မြေယာ စီမံခန့်ခွဲမှုကော်မတီ၊

ကျေးရွာအုပ်စုအုပ်ချုပ်ရေးမှူး၊ လယ်ယာမြေစီမံခန့်ခွဲမှုအဖွဲ့နှင့် ကြေးတိုင်နှင့် မြေစာရင်းဦးစီးဌာနတို့က လက်မှတ်ရေးထိုးပေးရမည်ဖြစ်သည်။

**Article 23:** Each Household will pay tax to the government for annual crop cultivation by acre of land or by plot of land.

အပုဒ်ခွဲ ၂၃။ အိမ်ထောင်စုတိုင်းသည် ရာသီအလိုက်သီးနှံများ စိုက်ပျိုးထားသော မြေယာအတွက်သာ အစိုးရသို့ နှစ်စဉ်ပေးသွင်းရမည့် အခွန်များကို ဧကအလိုက်သော်လည်းကောင်း၊ မြေအကွက်အလိုက်သော်လည်းကောင်း ပေးဆောင်ရမည်။

### **Dissolving the “Kyaw Tee Community Organization for Managing the Communal Rotating fallow Taungya Lands**

ဇေလွှဲထုံးတမ်းစဉ်လာအရစီမံခန့်ခွဲ၍ ကျော်တီးကျေးရွာအစုအဖွဲ့ပိုင်၊ အလှည့်ကျအနားပေးသည့် တောင်ယာစိုက်ပျိုး သည့် စနစ်အား ဖျက်သိမ်းခြင်း။

**Article 24:** The General Assembly of all resident villagers whose names are on the list of the organization’s membership can agree by majority to dissolve the Kyaw Tee Community Organization for Managing the Communal Rotating fallow Taungya Lands.

အပုဒ်ခွဲ ၂၄။ ကျော်တီးကျေးရွာအစုအဖွဲ့အစည်းမြေယာစီမံခန့်ခွဲမှုကော်မတီ၏ဇေလွှဲထုံးတမ်းအရ မြေယာ များကို အနားပေး၍လုပ်ကိုင်သောစနစ်အားဖျက်သိမ်းလိုလျှင်ကျေးရွာတွင်နေထိုင် သောလူထု အသင်းဝင် များ၏အများသဘောတူညီချက်ဖြင့်အထွေထွေအစည်းဝေး၌ ဖျက် သိမ်းခွင့်ရှိသည်။

**Article 25:** The decision will be handed to the Village Tract Administrator, the GAD and the FAB.

အပုဒ်ခွဲ ၂၅။ အထက်ပါဆုံးဖြတ်ချက်များကို ကျေးရွာအုပ်စုဥက္ကဋ္ဌနှင့် အထွေထွေအုပ်ချုပ်ရေးမှူး၊ လယ်ယာမြေ စီမံခန့်ခွဲရေးကော်မတီ ထံသို့ ပေးအပ်ရမည်ဖြစ်သည်။

**Article 26:** The Village Tract Administrator, the GAD and the FAB will take action and cancel the registration of joint communal land rights of the Kyaw Tee Community Organization.

အပုဒ်ခွဲ ၂၆။ ကျော်တီးကျေးရွာအစုအဖွဲ့ပိုင် ကော်မတီ၏ဇေလွှဲထုံးတမ်းအရ မြေယာများကို အလှည့်ကျ အနားပေး၍ ကျေးရွာပိုင် မှတ်ပုံလုပ်ကိုင်ခွင့်စနစ်အား ဖျက်သိမ်းခြင်းကို ကျေးရွာအုပ်စု အုပ်ချုပ်ရေးမှူး၊ အထွေထွေအုပ်ချုပ်ရေးမှူးနှင့် လယ်ယာမြေစီမံခန့်ခွဲရေးအဖွဲ့မှ ပယ်ဖျက်ရန်၊ လိုအပ်သည်တို့ကို အရေးယူ ဆောင်ရွက်ပေးမည်ဖြစ်သည်။

## Annex 8: Internal Rules of Kyaw Tee Village, Northern Shan

### Kyaw Tee Village's Customary Internal Rules

ကျော်တီးကျေးရွာ၏ လေ့ထုံးတမ်းစဉ်လာအရ သတ်မှတ်ထားသော စည်းမျဉ်းစည်းကမ်းများ

#### I. လက်ရှိကျင့်သုံးနေသောစနစ်

##### Current practices

- ၁) ကျေးရွာရှိတောင်ယာမြေများမှာ စုပေါင်းအုပ်ချုပ်သည့်စနစ်ကို ကျင့်သုံးသော်လည်း အများပိုင်မြေယာများမဟုတ်ဘဲ ပုဂ္ဂလိကပိုင်ဆိုင်သောမြေယာစနစ်ကို ကျင့်သုံးပါသည်။  
Although land in the village are with collective management system village recognizes private ownership of those lands.
- ၂) ဘိုးဘွားဇနီးမောင်နှံများ ရွာမှ ပြောင်းသွားလျှင် ဆွေမျိုးတွေ(သို့မဟုတ်) ရွာသူကြီးကိုလယ်နှင့်ယာ နှစ်မျိုးစလုံးကို အပ်ခဲ့သည်။ ကျေးရွာသို့ပြန်လာလျှင် ရွာမှ အပ်ထားသည့် မြေကို ပြန်လည်ပေးအပ်သည်။  
If someone leaves the village, he/she has to leave both the irrigated lands and uplands to the relatives or village leader. If he/she returns back the village, village or relatives will give land back to her/him.
- ၃) ကျေးရွာပိုင်သစ်တောများကို မိမိသဘောဖြင့် မည်သူမျှ ခုတ်ယူပိုင်ခွင့်မရှိပါ။ ရွာသားများကလည်း မခုတ်ကြပါ။ အိမ်ဆောက်ရန်အတွက် သစ်ခုတ်လိုလျှင် ကျေးရွာလူကြီးထံ ခွင့်ပြုချက်တောင်း၍ ခုတ်ယူခွင့်ရှိပါသည်။ မိမိပိုင် သစ်တောဖြစ်က မိမိဆုံးဖြတ်ချက်ဖြင့် ခုတ်ယူနိုင်သည်။  
No one in the village can cut trees from the village forest with own decision. If someone needs timber for their house construction, they can ask permission from the village leaders and cut trees. If they have their own forest, then they can cut with their decision.
- ၄) အသစ်ပြောင်းရွှေ့လာပြီး ရွာတွင် အမှန်တကယ် နေထိုင်မည့် သူများကို တရွာလုံးရှိ အိမ်တိုင်းမှ ၎င်းတို့ တတ်နိုင်သမျှ မြေယာကိုဝေမျှပေးသည်။ ဆွေမျိုးရှိလျှင် ဆွေမျိုးများက မြေယာခွဲဝေပေးပြီး မရှိလျှင် တောင်ယာများစွာ ပိုင်သူများက ပြန်ခွဲဝေပေးသည်။  
For new comers who decide to settle in the village, every household has to share its land for them to cultivate. If there are relatives of new comers already living in the village, they will share their lands. If there is no relatives, the owners who own large land will have to share their land to those new comers.
- ၅) တောင်ယာမြေများကိုရွာသားအချင်းချင်းရောင်းခွင့်ရှိသည်။ အခြားရွာမှနေသောလူများကို ရောင်းခွင့်မရှိပါ။ အခြားရွာမှ လူများဖြစ်ပါက ၎င်းတို့သည် မိမိတို့ရွာတွင် လာရောက်နေထိုင်ပြီး ရပ်ရွာအကျိုးကို ဆောင်ရွက်လျှင် ရောင်းခွင့်ရှိသည်။  
The uplands can be sold to villagers from this village. Land can only be sold to the strangers if they come to settle down in the village and willing to contribute in the village development activities.
- ၆) တောင်ယာများရောင်းချရာတွင် အမျိုးအချင်းချင်း ရောင်းချလျှင် ရွာလူကြီးထံသွားရန် မလိုသော်လည်း သူစိမ်းကို ရောင်းချမည်ဆိုပါက ရွာလူကြီး၊ လူငယ်ခေါင်းဆောင်၊ ပန်းတကာ အပျိုခေါင်းဆောင်တို့၏ ရှေ့တွင် လက်မှတ်ရေးထိုး ရောင်းချရမည်။

If the upland selling is done to the relatives who live in the village, it is not necessary to go the village leaders but in the case of selling upland to the stranger the contract has to be signed in front of the village leader, and male and female youth leaders.

- ၇) တောင်ယာမြေကို ငှားရမ်းမည်ဆိုပါကလည်း ရွာသားအချင်းချင်းသာ ငှားရမ်းခွင့်ရှိပြီး လုပ်ထားသော တောင်ယာများဖြစ်က ခွင့်တောင်း၍ လုပ်ကိုင်စားသောက်နိုင်သည်။ အမျိုးချင်းငှားလျှင် မည်သည့်ပစ္စည်းမျှ ပေးရန်မလိုအပ်သော်လည်း အခြားသူဖြစ်လျှင် သင့်တော်သည့် ငှားရမ်းခ ပေးဆောင်ရမည်။  
Land can be rented to relatives who live in the same village for free. If it is the fallow land one can ask permission and use it. However, if it is rented out to the strangers there must be appropriate rental fee that the strangers need to pay for.
- ၈) တောင်ယာကို သားသမီးများအား အမွေခွဲဝေပေးသောနေရာတွင် တန်းတူညီမျှစနစ်ဖြင့် ခွဲဝေပေးသည်။ မိဘအပေါ် သိတတ်သည့် သားသမီးများကိုမူ အခွင့်အရေး ပိုမိုပေးနိုင်သည်။  
When land is to be provided to sons and daughters, equal opportunity is given to everyone. However, if there is a son or daughter who looks after parent well, he or she can be given more priority.
- ၉) စည်းကမ်းလိုက်နာမှုမရှိလျှင် ဓလေ့ထုံးတမ်းအရ အပြစ်ဒဏ်သတ်မှတ်ထားမှုမရှိသေးပါ။  
There is no penalty system being developed for the villagers who breaks the internal rules.
- ၁၀) ကျေးရွာစည်းမျဉ်းစည်းကမ်းများ ချမှတ်ရာတွင် ကျေးရွာလူထုအစည်းအဝေးများ ပြုလုပ်ပြီး အားလုံး၏ သဘောတူညီမှုဖြင့် သတ်မှတ်ပါသည်။  
The internal rules are produced by the village level meeting with the agreement of the community

## II. အသစ်ထပ်မံဖြည့်မည့် စံနှစ်များ

### Additional Internal Rules

- ၁၁) လူထုအစည်းအဝေးဖြင့် ကျေးရွာမြေယာအုပ်ချုပ်မှုကော်မတီကို အောက်ပါရည်ရွယ်ချက်များဖြင့် ဖွဲ့စည်းထားသည်။
- က) ကိုယ်ပိုင်မြေယာ၊ ရေထိန်းသစ်တော စသည်များကို စနစ်တကျအုပ်ချုပ်ရန်
  - ခ) မြေယာပြန်ဖြစ်ပေါ်လာပါက ဖြေရှင်းရန်
  - ဂ) စည်းလုံးညီညွတ်စွာဖြင့် ကျေးရွာရှိ မြေယာများကို သားစဉ်မြေးဆက် ရေရှည်တည်တံ့အောင် ထိန်းသိမ်းစောင့်ရှောက်ရန်
11. The village forms a Village Land Management Committee in a village general assembly with the following objectives:
- a) To properly manage village land including village catchment, private claims etc.
  - b) To solve land issues
  - c) To improve long term sustainability of village land with village unity

ခ) မြေယာရောင်းချခြင်း၊ငှားရမ်းခြင်း  
b. Selling and Renting the Upland

- ၁၂) မြေယာ ရောင်းချခြင်း၊ ငှားရမ်းခြင်းတို့အတွက် ကျေးရွာမြေယာကော်မတီနှင့် တိုင်ပင်ဆွေးနွေးရမည်။  
When someone wants to sell and rent the Land, it has to deal with the Village Land Management Committee.
- ၁၃) ကျေးရွာသားအချင်းချင်း တောင်ယာများ ငှားရမ်းလုပ်ကိုင်မည်ဆိုလျှင် ဈေးနှုန်း သတ်မှတ်ထားချက် မရှိပါ။ နှစ်ဦးသဘောတူညီမှု၊ နားလည်မှုပေါ်တွင်သာ မူတည် ဆောင်ရွက် ကြရမည်။  
There is no specification rate for rental fee used for any renting between the villagers. It will depend on mutual negotiation.
- ၁၄) ကျေးရွာသားအချင်းချင်း ငှားရမ်းမှုတိုင်းအတွက် ကျေးရွာရံပုံငွေအတွက် ၅၀၀၀ ကျပ် ထည့်ဝင်ရမည်။ ရပ်မိ ရပ်ဖနှင့် မြေယာစီမံခန့်ခွဲရေးကော်မတီထံ မြေယာငှားရမ်းလိုကြောင်းကို တင်ပြဆွေးနွေးပြီး မြေငှားသူ၊ မြေပိုင်ရှင်နှင့် မြေယာစီမံခန့်ခွဲရေးကော်မတီတို့ ၃ ဦးဆိုင် လက်မှတ်ရေးထိုး စာချုပ် ချုပ်ဆိုရမည်။ စာချုပ် တစ်စောင်စီကို တဦးစီတွင် လက်ဝယ် ထိန်းသိမ်းထားရမည်။  
Any renting between villagers contribution of 5000 Kyats is to be done to village fund for village development. After the negotiation, the contract signing should be done with the participation of village land management committee. A copy of the contract should be kept by land owner, borrower and the village land management committee.
- ၁၅) ကျေးရွာပြင်ပမှစီးပွားရေးသမားများကို ငှားရမ်းလျှင် မြေယာငှားရမ်းသော ကာလကို ၁ နှစ် သတ်မှတ် ထားသည်။ ရွာတွင်းတွင် ငှားသကဲ့သို့ပင် ပြင်ပမှငှားသူများကိုလည်း ငှားရမ်းစာချုပ်များ ပြုလုပ် လက်မှတ် ထိုးထားရမည်။  
If the renter is a businessman from outside of the village, it is termed for 1 year. It is necessary to produce the agreement and sign on it as the internal renting process.
- ၁၆) မြေငှားခနှုန်းထားမှာ ၁ ဧက ကို ၅၀၀၀၀ ကျပ် နှင့် တနှစ်ငှားရမ်းခွင့်ရှိသည်။ ကျေးရွာရံပုံငွေအဖြစ် ၁၀၀၀၀ ကျပ် ကို ကျေးရွာမြေယာကော်မတီသို့ပေးဆောင်ရမည်။  
The rental rate for one year per acre is 50,000 kyats and can rent for one year. As the same time, it is necessary to pay 10,000 kyats for the village development fund.
- ၁၇) တောင်ယာများကို အကြောင်းမရှိဘဲ လုံးဝ ရောင်းမစားရပါ။ အကယ်၍ မဖြစ်မနေ ရောင်းစားရမည်ဆို လျှင် (သေရေးရှင်ရေး/ နာရေးကိစ္စ ပေါ်ပေါက်နေပါက/ဒုက္ခ ကြုံနေပါက) ရောင်းခွင့်ပေး၊ မပေးကို လူထု အစည်းအဝေးဖြင့် တိုင်ပင်ဆွေးနွေးဆုံးဖြတ်မည်ဖြစ်သည်။ ၎င်းသူ၏အိမ်တွင် မြေမှလွဲပြီး အခြားရောင်းရန် ပစ္စည်းမရှိပါက သတ်မှတ်ထားသော စည်းကမ်းများကို လိုက်နာမည်ဆိုလျှင် စာချုပ်ချုပ်ဆိုပြီး ရောင်းခွင့် ပေးပါမည်။  
Uplands are not allowed to sell without a desperate reason. For any serious reason to sell land, the decision should come from a village general assembly. Only when the owner does not have any other belonging to be sold land can be considered to be sold with a promise following the regulation set by the village.

## ခုတ်ယူခြင်းနှင့် ပြစ်ဒဏ်သတ်မှတ်ခြင်း

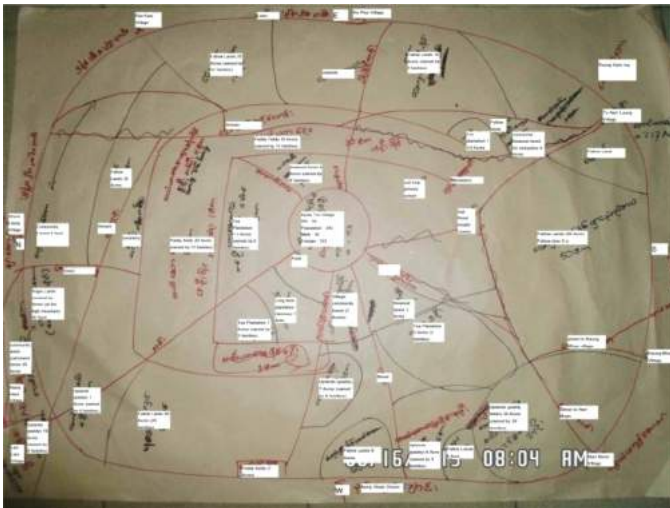
### The Forest Tree Cutting and the Punishment

- ၁၈) ကျေးရွာပိုင်သစ်တောကို ခွင့်မရဘဲ ခုတ်ယူလျှင် ဒဏ်ငွေအဖြစ် ဖြန့်ကျောက် ၂ ကျင်း(၁ကျင်း= ၁၀ ပေ x ၁၀ ပေ x ၁ ပေ) ပေးဆောင်ရမည်။ (ဖြန့်ကျောက်ကို ရွာတွင်လမ်းခင်းရာတွင် အသုံးပြုရန် ဖြစ်သည်၊ ဒဏ်ကြေးကို ရွာအတွက်ပြန်သုံးရန် ဖြစ်သည်။)

If someone cuts trees from the village communal forest without permission, the penalty is to provide to the village 2 kyins (1 Kyin= 10 ft x 10 ft x 1 ft) of gravel for village road rehabilitation.

- ၁၉) သတ်မှတ်ထားသော စည်းကမ်းများကို ထပ်မံဖောက်ဖျက်ပါက သတ်မှတ်ထားသော မူလဖြန့်ကျောက် ဒဏ်ကြေး၏ နှစ်ဆကို ပေးလျှော်ရမည်။

If the person does not obey the Internal Rules, he will be charged in double amount of penalty.

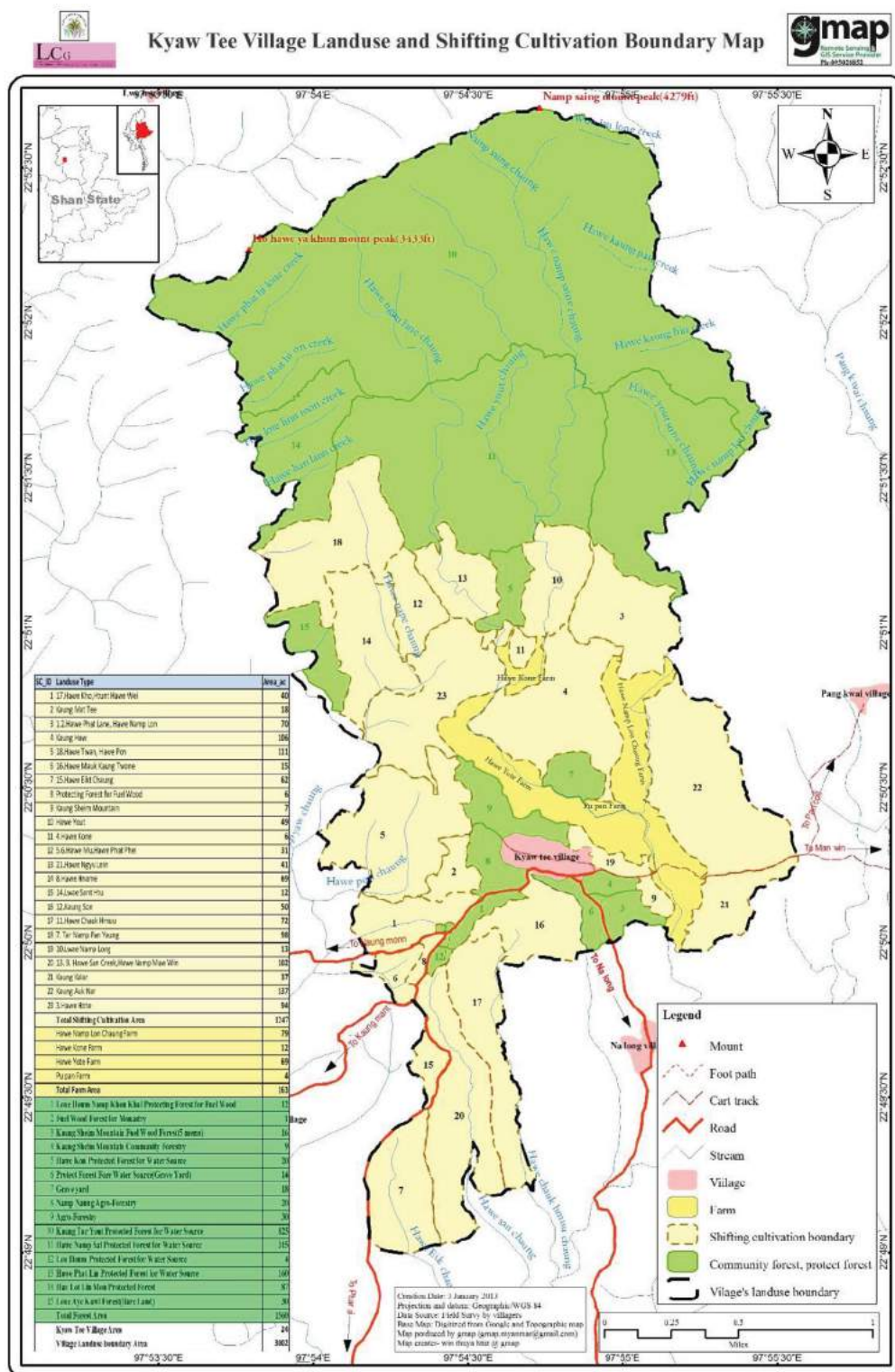


*Sketch Map of Kyaw Tee Lands prepared with villagers*

The sketch map may include the irrigated paddy land but the GPS survey of land on the next page 115 does not include this land although these also belong to the common property of the village in terms of rules of appropriation and provision of common resources. Cf article 2 of the Kyaw Tee Internal Rules



## Annex 9: Map of Kyaw Tee lands



**Annex 10 : List of Taungya in Kyaw Tee with number of Claimants/Taungya***Name and Acreage of Each Taungya with Number of Claimants/ Taungya**Kyaw Tee village*

Sr.No	Name of Taungya block	No. of farmers who owned the land	Area (acre)
1	Tar Namp Pan Yaung	20	52.0
2	Hawe Namp	15	40.0
3	Hawe Mu (Hawe Phat Phei)	16	35.0
4	Hawe Yote	18	47.0
5	Kaung Sheim	6	7.0
6	Hawe Phat Lein (Hawe Nang Long)	18	42.0
7	Hawe Ngyu Lein	14	26.5
8	Hawe Kon	10	21.0
9	Hawe Pon (Hawe Taung)	27	68.0
10	Hawe Kho (Hawe Wei)	23	46.5
11	Hawe Mauk Kaung Tawmp	8	20.0
12	Hawe Chauk Hmu	16	33.0
13	Hawe San (Hawe Namp Maw Wam)	27	67.5
14	Kaung Son (Kaung San)	20	39.5
15	Lawe Sant Htu	5	19.5
16	Hawe Eight	23	46.5
17	Kaung Auk Nar (Kaung San)	27	88.0
18	Kaung Haung	30	59.5
19	Kaung Nar Lin (including: Hawe Phat Cho)	27	57.0
20	Kaung Mat Tee	6	15.0
21	Kaung Kalar (waiting for rotated turn with standing tree)	10	17.5
	<b>Total Area of Agricultural Claims</b>		<b>848.0</b>

**Annex 11: List of claimants in Kyaw Tee and Size of Individual Claims**

<b>Sr. No.</b>	<b>Name of Farmer</b>	<b>Claimed Taungya Area (Acre)</b>
1	U Kaw Ya	12.0
2	U Mya Maung	23.5
3	U San Tun	8.0
4	U San Sein	31.0
5	U Einda	21.0
6	U Su Mana	12.0
7	U Pu Man	25.5
8	U Kyaw On	17.0
9	U Hla Kyaw	13.0
10	Daw Nai Ein	10.0
11	Daw Nan Mee Aung	10.5
12	U Lon Shwe	28.0
13	U Lone Aon	17.5
14	U Sun Nyunt	10.0
15	U Lone Sein	15.0
16	U Sai Muu Lein	12.0
17	U Lone Pie (Youn)	20.0
18	U Lone Yi	10.5
19	Daw Par Aung (Pie)	13.5
20	U Su Zaya	12.5
21	Daw Nai Meint	8.5
22	Daw Par Kyar	13.5
23	Daw Par Aung (Ann)	9.0
24	U Lone Kyan	23.5
25	U Warlein Ta	20.5
26	U Sai Pan	7.0
27	U Sar Naunt	21.5
28	U Nyar Aung	26.0
29	U Maung (Kyein)	5.0

<b>Sr. No.</b>	<b>Name of Farmer</b>	<b>Claimed Taungya Area (Acre)</b>
31	U Maung Khin	10.0
32	Daw Nan Pan	22.5
33	U Pan Ti	15.0
34	U Lone Leik	24.5
35	U Wie On	10.0
36	U Lone Wie	17.5
37	U Lone Pie Seng	25.0
38	U Lone Lyan (On)	18.0
39	U Lone Lyan (Lon)	10.5
40	Daw Par Sar Say	4.5
41	U Lone Nu	16.0
42	U Shwe Aung	4.5
43	Daw Par Mya	8.0
44	U Sayar Tun	40.0
45	U Sai Seinda	8.5
46	U Lone Nwut	6.5
47	U Lone Hla	10.0
48	Daw Nwun Aung	25.0
49	U Kaw Moon	11.5
50	U Lone Kwan	40.5
51	Daw Nai Sar	22.0
52	U Konmala	16.5
53	U Eik Mwun	0.5
54	U Maung Han	8.0
55	U Su Say	1.0
56	U Lone Kaw	3.0
57	U Lone Maung	1.0
<b>Total Area of Agricultural Claims</b>		<b>848.5</b>

## Annex 12 : Statutes of Tone Kyine Village, Northern Shan

### *Draft Statutes of the Tone Kyine Village Organization for Managing the Communal Rotating fallow Taungya Land of Tone Kyine Village, Nar Ma Khaw Village Tract, Lashio Township, Northern Shan State*

ရှမ်းပြည်နယ်မြောက်ပိုင်း၊ လားရှိုးမြို့နယ်၊ နာမခေါ်ကျေးရွာအုပ်စု၊  
တုံကျိုင်းကျေးရွာ၏ကျေးရွာအစုအဖွဲ့ပိုင်အလှည့်ကျအနားပေးစံနစ်ဖြင့် စိုက်ပျိုး ထားသည့်  
တောင်ယာမြေများစီမံခန့်ခွဲမှုအဖွဲ့၏စည်းမျဉ်းဥပဒေ (မူကြမ်း)

- In accordance with the Constitution of Myanmar, 2008
- ၂၀၀၈ ဖွဲ့စည်းအုပ်ချုပ်ပုံ ဥပဒေ နှင့်အညီ
- In accordance with the Farmland Act of Myanmar, 2012
- ၂၀၁၂ လယ်ယာမြေဖွဲ့စည်းပုံ အခြေခံဥပဒေ နှင့်အညီ
- In accordance with the Ward or Village Tract Administration Law, 2012
- ၂၀၁၂ ရပ်ကွက် သို့မဟုတ် ကျေးရွာအုပ်စု အုပ်ချုပ်ရေး ဥပဒေပြဌာန်းချက်နှင့်အညီ
- In accordance with the goal and objective of collective Tone Kyine village to register as an organization managing the communal lands of Tone Kyine village in a sustainable manner, ensuring village livelihood, protecting the environment and Shan cultural practices the following bylaws were formulated:
- ကျေးရွာ၏ရည်မှန်းချက်ပန်းတိုင်နှင့်အညီ၊ တုံကျိုင်းကျေးရွာ လူထုပိုင်မြေယာအား ရေရှည် တည်တံ့ရန်အတွက် အသက်မွေးဝမ်းကြောင်း မူခိုင်မာ လုံခြုံစေပြီး၊ သဘာဝပတ်ဝန်းကျင်နှင့် ရှမ်းရိုးရာဓလေ့ထုံးစံများကို အကာအကွယ် ပေးမည့် “တုံကျိုင်းကျေးရွာအစုအဖွဲ့ပိုင်တောင်ယာမြေ စီမံခန့်ခွဲမှုအဖွဲ့အစည်း” အဖြစ်မှတ်ပုံတင်နိုင်ရန် အလို့ငှာ အောက်ပါ စည်းမျဉ်း ဥပဒေများကို ရေးဆွဲခဲ့ကြပါသည်။

### **Name or Organization and Territory**

**အမည် (သို့မဟုတ်) အဖွဲ့အစည်းနှင့်နယ်နိမိတ်သတ်မှတ်ခြင်း**

**Article 1:** The village residents of Tone Kyine village in Nar Ma Khaw village tract, Lashio Township, Northern Shan State have agreed on the Statute for a village organization called “Tone Kyine Community Organization for Managing the Communal Rotating fallow Taungya Land”

အပုဒ်ရွှဲ။ ရှမ်းပြည်နယ် မြောက်ပိုင်းလားရှိုးမြို့နယ် နာမခေါ်ကျေးရွာအုပ်စုဝင် တုံကျိုင်း ကျေးရွာ လူထု မှ ဤအဖွဲ့ အစည်းအား တုံကျိုင်းကျေးရွာ အစုအဖွဲ့ပိုင် အလှည့်ကျအနားပေးစံနစ်ဖြင့် စိုက်ပျိုးလုပ်ကိုင် သည့် တောင်ယာမြေစီမံခန့်ခွဲမှုအဖွဲ့” ဟု စည်းမျဉ်းဥပဒေတွင် ခေါ်ဆိုရန်သဘော တူကြပါသည်။

**Article 2:** The community of Tone Kyine identifies itself as occupying the territory with boundaries as follows:

အပုဒ်ခွဲ၂။ တုံကျိုင်းကျေးရွာလူထုအနေဖြင့် ကျေးရွာလူထုပိုင် မြေနယ်နိမိတ်များကို အောက်ပါအတိုင်း သတ်မှတ် ကြပါသည်။

Tone Kyine village is bordered by Kaung Mung Kyine and Par Chee village in the east, Kone Nyaung car road and Kone Nyaung (1) in the west, Namp Pon Yam creek and a distance of 1.5 miles from Kheik Twe village to Tone Kyine village in the north and Kaung Mei San upland and 2 miles far from the Nar Ma Khaw village in the south.

အရှေ့ဘက်တွင် ကောင်းမန်ကျိုင်း အထိရှိပြီး၊ ပါချီးကျေးရွာရှိသည်။ အနောက်ဘက်တွင် ကုန်းညောင် ကားလမ်းကြီးအထိရှိပြီး ကုန်းညောင်(၁)ရှိသည်။ မြောက်ဘက်တွင် နမ့်ပုံယမ်းချောင်း ရှိပြီး ဗိုက်တွေကျေးရွာနှင့် ၁ မိုင်ခွဲ ကွာဝေးသည်။ တောင်ဖက်တွင် ကောင်းမိုင့်စန်းတောင်ယာ နားမခေါ်ကျေးရွာနှင့် ၂ မိုင် ကွာဝေးသည်။

**Article 3:** “Tone Kyine Community Organization for Managing the Communal Rotating fallow Taungya Lands” is a civil body characterized as a community organization, where members assist each other in managing the “rotating fallow Taungya lands” according to customary practice in a sustainable manner and with equity.

အပိုဒ်ခွဲ၃။ တုံကျိုင်းကျေးရွာအစုအဖွဲ့ပိုင်အလှည့်ကျအနားပေးစံနစ်ဖြင့် စိုက်ပျိုးထားသည့်တောင်ယာမြေစီမံခန့်ခွဲမှု အဖွဲ့သည် အရပ်ဖက်လူထုအဖွဲ့အစည်း တစ်ရပ်ဖြစ်ပြီး ဓလေ့ထုံးစံအရ “အလှည့်ကျအနားပေးသည့် တောင်ယာစိုက်ပျိုးသည့်စံနစ်” ကို စီမံဆောင်ရွက်ရာတွင် အဖွဲ့ဝင် အချင်းချင်း ရိုင်းပင်း ကူညီ၍ရေရှည် တည်တံ့ နိုင်အောင် တရားမျှတစွာ လုပ်ဆောင်သွားမည်ဖြစ်သည်။

**Article 4:** The land tracts that constitute the community organization’s communal land are as follows:

Sr. No.	Name of Upland	No. of Owners per a Upland Plot
22.	Namp Pon Yam Creek	14 persons
23.	Namp Kone Pon	4 persons
24.	Kyauk Taung (Stony Mountain)	11 persons
25.	Nat Sin Kone (Shrine for Deity Hill)	7 persons
26.	Kaung Meit Son	5 persons
27.	Kyu Khut On	7 persons
28.	Lwei Htan Say	7 persons
29.	Lwei Phaw	6 persons
30.	Namp Phat War	3 persons
31.	Naung Chin Su	4 persons
32.	Pain Sawt Pyin	5 persons
33.	Namp Ok	5 persons

	34.	Lwei Awunt	23 persons
	35.	Lone Mhee Dell	6 persons
	36.	Namp Sheim Creek	12 persons
	37.	Lone Twae Creek	12 persons
	38.	Kaung Hma Tai	5 persons
	39.	Kaung Man Kyine	8 persons
အပိုဒ်ခွဲ ၄။	တုံကျိုင်းကျေးရွာ လူထုအဖွဲ့ပိုင်မြေယာများတွင် အောက်ဖော်ပြပါ တောင်ယာကွက်များ ပါဝင်ပါသည်။ တောင်ယာကွက်များမှာ အောက်ပါအတိုင်းဖြစ်ပါသည်။		
	<b>စဉ်</b>	<b>တောင်ယာကွက်အမည်</b>	<b>ပိုင်ဆိုင်သည့်ဦးရေ</b>
	၁။	နမ့်ပုံယမ်းချောင်း	၄ ဦး
	၂။	နမ့်ကုံးပေါင်း	၄ ဦး
	၃။	ကျောက်တောင်	၁၁ ဦး
	၄။	နတ်စင်ကုန်း	၇ ဦး
	၅။	ကောင်းမိုင့်စုံ	၅ ဦး
	၆။	ကျူခွတ်အွန်	၇ ဦး
	၇။	လွယ်ထန်ဆေ	၇ ဦး
	၈။	လွယ်မော	၆ ဦး
	၉။	နမ့်ဖတ်ဝါ	၃ ဦး
	၁၀။	နောင်ချင်းဆု	၄ ဦး
	၁၁။	ပိန်းဆော့ပြင်	၅ ဦး
	၁၂။	နတ်အွတ်	၄ ဦး
	၁၃။	လွယ်အွန်	၂၃ ဦး
	၁၄။	လုံမှီလျှို	၆ ဦး
	၁၅။	နမ့်ရိုမ်ချောင်း	၁၂ ဦး
	၁၆။	လုံတွေချောင်း	၁၂ ဦး
	၁၇။	ကောင်းမှတိုင်	၅ ဦး
	၁၈။	ကောင်းမန်ကျိုင်း	၈ ဦး တို့ဖြစ်ပါသည်။

## The objectives of the Statutes

### စည်းမျဉ်းဥပဒေများ၏ ရည်ရွယ်ချက်များ

<b>Article 5:</b>	The objective of the Tone Kyine community organization's Statutes is to establish the community organization as a legal entity that
အပိုဒ်ခွဲ ၅။	တုံကျိုင်းကျေးရွာအစု အဖွဲ့ပိုင်အလှည့်ကျ အနားပေးစနစ်ဖြင့် စိုက်ပျိုးထားသည့်တောင်ယာမြေ စီမံ ခန့်ခွဲမှုအဖွဲ့ကို တရားဝင်လူထုအဖွဲ့အစည်းအဖြစ်ဖွဲ့စည်းရခြင်း၏ ရည်ရွယ်ချက်များမှာ - Will hold a joint <b>land use certificate</b> for all the customary lands of Tone Kyine

- တုံကျိုင်းကျေးရွာ၏ ဓလေ့ထုံးတမ်းအစဉ်အလာအရ ပိုင်ဆိုင်သော တောင်ယာမြေအားလုံးကို ကျေးရွာ အစုအဖွဲ့ ပိုင်(ပူးတွဲ)မြေယာအသုံးချခွင့်လက်မှတ်ရရှိပိုင်ဆိုင်ထားနိုင်ရန်၊
- Will maintain the customary land governance of Tone Kyine, where all resident villagers share decisions on land management each year to ensure livelihood for all with equity.
- တုံကျိုင်းကျေးရွာအတွင်း နေထိုင်ကြသူများအားလုံးအတွက် မျှတပြီးအားလုံးပါဝင်ဆောင်ရွက် နိုင် သော အသက်မွေးဝမ်းကြောင်းမှုကို လုံခြုံစေသည့် ကျေးရွာ၏ ဓလေ့ထုံးတမ်းအစဉ်အလာ အရ မြေရာစီမံခန့်ခွဲမှု စနစ်ကိုထိန်းသိမ်းရန်၊
- Will protect the environment of the village territory.
- ကျေးရွာ၏ နယ်နိမိတ်ရှိသဘာဝပတ်ဝန်းကျင်ကိုထိန်းသိမ်းကာကွယ်ရန်၊
- Will carry out its management in collaboration with the Village Tract Administrator, Village Tract Committee, the GAD, the Farmland Administration Board, Forest Department and the SLRD.
- ကျေးရွာမြေယာစီမံခန့်ခွဲမှုစနစ်ကို ကျေးရွာအုပ်စုအုပ်ချုပ်ရေးမှူး၊ ကျေးရွာအုပ်စုကော်မတီ၊ အထွေထွေအုပ်ချုပ်ရေးဦးစီးဌာန၊ ကြေးတိုင်နှင့်မြေစာရင်းဦးစီးဌာန၊ မြေယာအုပ်ချုပ်မှုအဖွဲ့နှင့် သစ်တောဦးစီးဌာနတို့နှင့်အတူတကွပူးပေါင်းဆောင်ရွက်ရန် တို့ ဖြစ်သည်။

## Membership of the “Tone Kyine Community Organization for Managing the Communal Rotating fallow Taungya Land”

“တုံကျိုင်းကျေးရွာအစုအဖွဲ့ပိုင် အလှည့်ကျအနားပေးစံနစ်ဖြင့် စိုက်ပျိုးလုပ်ကိုင်သည့် တောင်ယာ မြေစီမံခန့်ခွဲမှုအဖွဲ့” တွင် အသင်းဝင်ခွင့်။

**Article 6:** Membership of the “Tone Kyine Community Organization for Managing the Communal Rotating fallow Taungya Land” are all resident villagers, both men and women, who have access to cultivate the lands of the village community. The list of names of all resident villagers who have rights to access to the community lands is kept by the village tract committee and a copy in the village itself.

အပုဒ်ခွဲ ၆။ ကျေးရွာပိုင်မြေယာများပေါ်တွင်စိုက်ပျိုးရန်မြေယာများပိုင်ဆိုင်ပြီးကျေးရွာတွင် နေထိုင်သော အမျိုးသားများနှင့် အမျိုးသမီးများအားလုံးသည် တုံကျိုင်းကျေးရွာအစုအဖွဲ့ပိုင်အလှည့်ကျ အနားပေး သည့် တောင်ယာစိုက်ပျိုးသည့်အဖွဲ့တွင် အသင်းဝင် ခွင့်ရှိပါ သည်။ ကျေးရွာပိုင် မြေကိုရွာတွင်သုံးစွဲ လုပ်ပိုင်ခွင့်ရရှိသူများ၏ အမည်စာရင်းကို ကျေးရွာအုပ်စု ကော်မတီတွင် လည်းကောင်း၊ မိတ္တူကို ကျေးရွာတွင်လည်းကောင်း ထိန်းသိမ်းထားရှိမည် ဖြစ်သည်။

**Article 7:** Members of the Community Organization cannot hand over their membership to outsiders that are not resident in the village.

အပုဒ်ခွဲ ၇။ တုံကျိုင်းကျေးရွာအစုအဖွဲ့ပိုင် အလှည့်ကျအနားပေးစံနစ်ဖြင့် စိုက်ပျိုးလုပ်ကိုင်သည့် တောင်ယာ မြေစီမံခန့်ခွဲမှုအဖွဲ့တွင် အသင်းဝင် များသည် ၎င်းတို့၏ အဖွဲ့ဝင်ခွင့်တို့ကို ကျေးရွာတွင် နေထိုင်သူ မဟုတ် သော အပြင် လူများ ကိုလွှဲပြောင်းပေးနိုင်ခွင့်မရှိပါ။

**Article 8:** To become a member in the “Tone Kyine Community Organization for Managing the Communal Rotating fallow Taungya Lands ” a person needs to meet the following conditions:

အပုဒ်ခွဲ ၈။ တုံကျိုင်းကျေးရွာအစုအဖွဲ့ပိုင် အလှည့်ကျအနားပေးစံနှစ်ဖြင့် စိုက်ပျိုးလုပ်ကိုင်သည့် တောင်ယာမြေစီမံခန့်ခွဲမှုအဖွဲ့တွင် အသင်းဝင်လိုသူတစ်ဦးသည် အောက်ပါအချက်များနှင့် ကိုက်ညီသူများ ဖြစ်ရပါမည်။

- Join membership willingly and without pressure
- အဖွဲ့ဝင်ဖြစ်လိုသူသည်အခြားသူ၏ဖိအားပေးခြင်းကြောင့်မဟုတ်ဘဲမိမိသဘောဆန္ဒ အလျောက် ပါဝင်သူဖြစ်ရမည်။
- Shall be resident in the village.  
ကျေးရွာအတွင်းနေထိုင်သောသူဖြစ်ရမည်။ (နှစ်ကန့်သတ်ချက်မည်မျှရှိလဲ)
- Agree to comply with the community organization Bylaws and Internal Rules for sharing the land and follow the community’s traditions.
- ကျေးရွာအစုအဖွဲ့ပိုင် အလှည့်ကျအနားပေးစံနှစ်ဖြင့် စိုက်ပျိုးသည့် တောင်ယာမြေစီမံခန့်ခွဲမှုအဖွဲ့မှ ချမှတ်ထားသော စည်းမျဉ်းစည်းကမ်းဥပဒေများ၊ ကျေးရွာအတွင်း သတ်မှတ်ထားသော တောင်ယာမြေခွဲဝေသုံးစွဲမှု နှင့်ဆိုင်သောစည်းကမ်းများကို သဘောတူပြီး ကျေးရွာ၏
- လေ့ထုံးတမ်းအစဉ်အလာများကိုလိုက်နာသူဖြစ်ရမည်။
- Shall have birth certificate, citizen ID card or family book or residential book.
- အသင်းဝင်သည် မွေးစာရင်းရှိရမည်၊ အမျိုးသားမှတ်ပုံရှိရမည် သို့မဟုတ် ကျေးရွာအတွင်းအမှန်တကယ်နေထိုင်သည့် သန်းခေါင်စာရင်းဝင်ဖြစ်ရမည်။

**Article 9:** Outsiders coming to live in Tone Kyine can become members if the “Tone Kyine Community Organization for Managing the Communal Rotating fallow Taungya Lands” agrees and their names will be added to the list of members that is held by the clerk.

အပုဒ်ခွဲ ၉။ တုံကျိုင်းကျေးရွာအစုအဖွဲ့ပိုင် အလှည့်ကျအနားပေးစံနှစ်ဖြင့် စိုက်ပျိုးထားသည့် တောင်ယာမြေစီမံခန့်ခွဲမှုအဖွဲ့မှ သဘောတူညီမှုရလျှင် တုံကျိုင်းကျေးရွာသို့ ပြင်ပမှ လာရောက်နေထိုင်သူသည် အသင်းဝင် ဖြစ်နိုင်ပါသည်။ ၎င်းတို့၏ အမည်စာရင်းကိုလည်းစာရေးမှအဖွဲ့စာရင်းတွင် ဖြည့်စွက် ထည့်ပေးရမည်ဖြစ်သည်။

**Article 10:** A member of the “Tone Kyine Community Organization for Managing the Communal Rotating fallow Taungya Lands” may lose membership if he or she moves away from the village. But the person will regain membership if he or she is moving back to the village.

အပုဒ်ခွဲ-၁၀။ အဖွဲ့ဝင်တစ်ဦးသည် တုံကျိုင်းကျေးရွာမှ ရွှေ့ပြောင်းသွားလျှင် တုံကျိုင်းကျေးရွာ အစုအဖွဲ့ပိုင် အလှည့်ကျ အနားပေးစံနှစ်ဖြင့် စိုက်ပျိုးလုပ်ကိုင်သည့် တောင်ယာမြေစီမံခန့်ခွဲမှုအဖွဲ့တွင် အဖွဲ့ဝင်အဖြစ်မှ ပျက်ပြယ်သွားမည်ဖြစ်သည်။ သို့သော် ထိုသူသည် ရွာသို့ပြန်လည် ပြောင်းရွှေ့လာလျှင် အဖွဲ့ဝင်အဖြစ် ပြန်လည်ရရှိမည်ဖြစ်ပါသည်။



## Structure of the “Tone Kyine Community Organization for Managing the Communal Rotating fallow Taungya Land”

လေ့ထုံးတမ်းစဉ်လာအရ စီမံခန့်ခွဲ၍ တုံ့ကျင်းကျေးရွာအစုအဖွဲ့ပိုင်၊ အလှည့်ကျအနားပေးသည့် တောင်ယာစိုက်ပျိုးသည့် အဖွဲ့၏ ဖွဲ့စည်းတည်ဆောက်ပုံ။

**Article 11:** The highest body of the community organization is the ‘Community Organization General Assembly’ that consists of all resident villagers above 18 years of age represented through the “ten-household leaders”.

အပုဒ်ခွဲ-၁၁။ တုံ့ကျင်းကျေးရွာ အစုအဖွဲ့ပိုင် အလှည့်ကျ အနားပေးစံနစ်ဖြင့် စိုက်ပျိုးလုပ်ကိုင်သည့် တောင်ယာမြေ စီမံခန့်ခွဲမှုအဖွဲ့တွင်အမြင့်ဆုံး ဆုံးဖြတ်ခွင့် ရှိသည့်အဆင့် မှာ ဆယ်အိမ်မှူး အောက်ရှိ အသက်၁၈ နှစ်ပြည့်ပြီး သူများပါဝင်သည့် အထွေထွေလူထု အစည်းအဝေးကြီးဖြစ်သည်။

**Article 12:** The Community Organization General Assembly will define the Internal Rules for sharing the common property of the Community Organization. The Internal Rules will be attached in a written format to the Statutes and kept in the village.

အပုဒ်ခွဲ ၁၂။ ကျေးရွာလူထုအဖွဲ့အစည်း၏ အထွေထွေလူထုအစည်းအဝေးကြီးမှ ကျေးရွာလူထုအဖွဲ့အစည်း၏ အများနှင့် သက်ဆိုင်သော တောင်ယာမြေများကို မျှဝေသုံးစွဲမှုနှင့် သက်ဆိုင်သောကျေးရွာတွင်း ကျင့်သုံးရမည့် စည်းကမ်းများကို သတ်မှတ်ပေးမည်ဖြစ်သည်။ ကျေးရွာတွင်းကျင့်သုံးရမည့် စည်းကမ်းများကို လက်ရေးမူဖြင့် ရေးသားပြီး စည်းမျဉ်းစည်းကမ်းဥပဒေများတွင် တွဲပြီး ကျေးရွာတွင် ထားရမည် ဖြစ်သည်။

**Article 13:** The Community Organization General Assembly will elect a Land Caretaker Committee of 8 persons. The Land Caretaker Committee will represent the community organization to the government authorities such as Village Tract, FAB, Forest Department, GAD and SLRD and guide the villagers on land use. The Land Caretaker Committee has the following members

အပုဒ်ခွဲ ၁၃။ ကျေးရွာလူထုအဖွဲ့အစည်း၏ အထွေထွေလူထုအစည်းအဝေးကြီးမှ မြေယာထိန်းသိမ်းစောင့်ရှောက်မှုကော်မတီ ၈-ဦးကို ရွေးချယ်တင်မြှောက်ရမည်ဖြစ်သည်။ မြေယာထိန်းသိမ်းစောင့်ရှောက်မှုကော်မတီတွင် အစိုးရအာဏာပိုင်အဖွဲ့အစည်းများဖြစ်သော ကျေးရွာအုပ်စု၊ ကျေးရွာအုပ်စုမြေယာစီမံမှုအဖွဲ့၊ သစ်တောဦးစီးဌာန၊ အထွေထွေအုပ်ချုပ်ရေးဦးစီးဌာနနှင့် ကြေးတိုင်နှင့်မြေစာရင်းဦးစီးဌာနတို့မှကိုယ်စားပြုရမည်ဖြစ်ပြီး၊ ကျေးရွာလူထု၏မြေယာသုံးစွဲမှုကို လမ်းညွှန်ပေးရမည်ဖြစ်သည်။ မြေယာထိန်းသိမ်းစောင့်ရှောက်မှုကော်မတီတွင် အောက်ပါအဖွဲ့ဝင်များ ပါဝင်ရမည်ဖြစ်သည်။

1. Two Village Elders

၁။ ကျေးရွာမှလေးစားရသောရပ်မိရပ်ဖ ၂ ဦး

2. Two women

၂။ အမျိုးသမီး ၂ ဦး

3. One Village Tract Committee member

၃။ ကျေးရွာအုပ်စုအုပ်ချုပ်မှုကော်မတီမှ ၁ ဦး

4. One Village Tract Administrator (ex-officio and not elected)

- ၄။ ကျေးရွာအုပ်စုအုပ်ချုပ်ရေးမှူး ၁ ဦး  
 5. Two Village Development Committee members  
 ၅။ ကျေးရွာဖွံ့ဖြိုးရေးကော်မတီမှ ၂ ဦး

### Members of The Land Caretaker Committee in Tone Kyine

Sr.No.	Name	Responsibility	NRC No.	Village
1.	U Sai Lu Lay	Village Tract Administrator		Nar Ma Khaw
2.	U San Mon	Village Elder	13/LaYaNa(N) 044545	Tone Kyine
3.	U Eik Po	Village Elder	13/LaYaNa(N) 044678	Tone Kyine
4.	U Maung Taing	Village Administrator	13/LaYaNa(N) 138310	Tone Kyine
5.	U San Saw	Secretary	13/LaYaNa(N) 165967	Tone Kyine
6.	U Sai San Lu	Agriculture Management Committee	13/LaYaNa(N) 044678	Tone Kyine
7.	Nang San Khan	Health Committee	13/LaYaNa(N) 165864	Tone Kyine
8.	Nang Aye Lu	Villager (Youth)	13/LaYaNa(N) 165864	Tone Kyine

### တုံကျိုင်းကျေးရွာမြေယာစီမံခန့်ခွဲရေးကော်မတီအဖွဲ့ဝင်များ

စဉ်	အမည်	တာဝန်	မှတ်ပုံတင်အမှတ်	ကျေးရွာ
၁။	ဦးစိုင်းလူလေး	ကျေးရွာအုပ်စုအုပ်ချုပ်ရေးမှူး		နားမခေါ်
၂။	ဦးဆန်မွန်	ရပ်မိရပ်ဖ	၁၃/လရန(နိုင်) ၀၄၄၅၄၅	တုံကျိုင်း
၃။	ဦးအိုက်ပို	ရပ်မိရပ်ဖ	၁၃/လရန(နိုင်) ၀၄၄၆၇၈	တုံကျိုင်း
၄။	ဦးမောင်တိုင်း	သူကြီး	၁၃/လရန(နိုင်) ၁၃၈၃၁၀	တုံကျိုင်း
၅။	ဦးဆန်ဆော	အတွင်းရေးမှူး	၁၃/လရန(နိုင်) ၁၆၅၉၆၇	တုံကျိုင်း
၆။	ဦးစိုင်းဆန်လူ	လယ်ယာစီမံခန့်ခွဲရေးကော်မတီ	၁၃/လရန(နိုင်) ၁၆၅၉၇၃	တုံကျိုင်း
၇။	ဒေါ်နန်းစံခမ်း	ကျန်းမာရေးကော်မတီ(လူငယ်)	၁၃/လရန(နိုင်) ၁၆၅၈၆၄	တုံကျိုင်း
၈။	ဒေါ်နန်းအေးလူ	ရွာသူ (လူငယ်)	၁၃/လရန(နိုင်) ၁၆၅၈၆၂	တုံကျိုင်း

**Article 14:** The Community Organization Committee has the following role and responsibilities:

အပုဒ်ခွဲ ၁၄။ တုံကျိုင်းကျေးရွာအစုအဖွဲ့ပိုင်အလှည့်ကျအနားပေးသည့်တောင်ယာစိုက်ပျိုးသည့်စံနစ်တွင် မြေယာစီမံခန့်ခွဲရေးကော်မတီ၏တာဝန် နှင့် ဝတ္တရားများ။

- To guide the decisions on joint land use of the community members
- ကျေးရွာလူထုအဖွဲ့ဝင်များ၏ မြေယာခွဲဝေသုံးစွဲမှုဆိုင်ရာ ဆုံးဖြတ်ချက်များချမှတ်ရာတွင် လမ်းညွှန်မှုပေးခြင်း။
- To collect suggestions by the community organization members and forward them to village tract committee and government agencies.
- ကျေးရွာရှိအဖွဲ့ဝင်များ၏အကြံပေးချက်များကိုမှတ်တမ်းတင်ကာကျေးရွာအုပ်စုကော်မတီနှင့်အ

စိုးရအာကာပိုင်အဖွဲ့စည်းများထံသို့ဆက်လက်တင်ပြပေးခြင်း။

- To represent the community organization to outsiders such as NGOs or private parties who have interests and suggestions for land use initiatives.
- စိတ်ဝင်စားမှုရှိပြီး မြေယာအသုံးပြုခြင်းနှင့်ပတ်သက်၍အကြံပေးလိုသော ပြင်ပအဖွဲ့စည်းများ ဖြစ်သည့် အစိုးရမဟုတ်သောအဖွဲ့အစည်းများ၊ ပုဂ္ဂလိကအဖွဲ့အစည်းများနှင့်ကျေးရွာ လူထု မြေယာ စီမံခန့်ခွဲရေးကော်မတီမှ ကျေးရွာလူထုကို ကိုယ်စားပြု ဆောင်ရွက်မည်ဖြစ်ခြင်း။
- To assist to disseminate all government policies and laws to community organization members.
- အစိုးရ၏ မူဝါဒများနှင့်ဥပဒေများကို ကျေးရွာလူထုအဖွဲ့ဝင်များအတွင်း ဖြန့်ဝေရာတွင် ကူညီ ဆောင်ရွက်ပေးရမည်ဖြစ်ခြင်း။
- To assist in resolving conflicts occurring within the community according to customary rules.
- ဖြစ်ပေါ်လာသော(ပြဿနာ)အငြင်းပွားမှုများကို ဓလေ့ထုံးတမ်းအရချမှတ်ထားသော စည်းမျဉ်း စည်းကမ်းများဖြင့်ဖြေရှင်းရာတွင် ၎င်းကော်မတီက ကူညီပေးရမည်ဖြစ်ခြင်း။
- To collect all the members' suggestions before taking any decision
- ဆုံးဖြတ်ချက်မချမှတ်မီ အသင်းသူအသင်းသားများ၏အကြံ ပေးချက်များကိုရယူပေးခြင်း။
- To organize meetings and write minutes of any community meeting.
- ကျေးရွာလူထုအစည်းဝေးကျင်းပနိုင်ရန်အတွက်စည်းရုံးနှိုးဆော်ရန်နှင့်အစည်းဝေး မှတ်တမ်း များကိုရေးသားပြုစုပေးခြင်း။
- Monitor / follow up and make assessment of all implementation of management measures.
- လုပ်ငန်းများ အကောင်အထည်ဖော်ဆောင်ရွက်မှုနှင့် စီမံခန့်ခွဲမှုဆိုင်ရာကိစ္စရပ်များအား စောင့်ကြည့် လေ့လာခြင်းနှင့် နောက်ဆက်တွဲလိုအပ်သောလုပ်ငန်းများအား ပံ့ပိုးပေးရန်နှင့် စစ်တမ်းများ ပြုစုပေးခြင်း။

**Article 15:** The General Assembly of all resident villagers in the community organization has the right to submit a suggestion through the ten household leaders to the Land Caretaker Committee to change the Bylaws or change the Internal Rules. The changes must be adopted and carried out, if the majority of the community organization's members agree to the changes.

အပုဒ်ခွဲ-၁၅။ စည်းမျဉ်း စည်းကမ်းဥပဒေများ၊ ကျေးရွာအတွင်း ကျင့်သုံးရမည့် စည်းမျဉ်း စည်းကမ်းများကို ပြင်ဆင်လိုလျှင် အထွေထွေလူထုအစည်းဝေးကြီးတွင် တက်ရောက်လာကြသော ကျေးရွာလူထုများ ၏ အဆိုပြုချက်များ၊ အကြံပေးချက်များကို ဆယ်အိမ်မှူးများမှတစ်ဆင့် မြေယာစီမံခန့်ခွဲ စောင့်ရှောက် ရေးအဖွဲ့ ကော်မတီထံသို့ တင်ပြပိုင်ခွင့်ရှိသည်။ ကျေးရွာလူထုအများစု သဘောတူညီထားသော ထို အပြောင်းအလဲများကို လက်ခံကျင့်သုံး၍ လုပ်ငန်းများကို ဆက်လက်ဆောင်ရွက်ရမည်ဖြစ်သည်။

**Article 16:** The General Assembly of all resident villagers in the community organiza- tion has the right to change membership of the Land Caretaker Committee if the majority of the community organization members decide to change

membership. The village tract administrator will be informed of such change.

အပုဒ်ခွဲ ၁၆။ အထွေထွေလူထုအစည်းဝေးကြီးတွင် တက်ရောက်လာကြသော ကျေးရွာလူထုများ၏ အဆိုပြုချက်များအရ မြေယာစီမံခန့်ခွဲစောင့်ရှောက်ရေးကော်မတီအား ပြောင်းလဲဖွဲ့စည်းလိုလျှင် ကျေးရွာလူထုအများစု၏ သဘောတူညီမှုဖြင့် ဆုံးဖြတ်ပြောင်းလဲနိုင်သည်။ ထိုအပြောင်းအလဲများကို ကျေးရွာအုပ်စုအုပ်ချုပ်ရေးမှူးကို အသိပေးထားရမည် ဖြစ်သည်။

## Interaction with neighboring villages

### ပတ်ဝန်းကျင် ကျေးရွာများနှင့် အပြန်အလှန်ဆက်ဆံခြင်း။

**Article 17:** The General Assembly of all resident villagers can agree to lend for a fixed time-period a smaller part of the communal lands of the “Tone Kyine Community Organization for Managing the Communal Rotating fallow Taungya Lands” to a neighboring village. The Land Caretaker Committee will inform the Village Tract Administrator of this.

အပုဒ်ခွဲ ၁၇။ တုံကျိုင်းကျေးရွာအစုအဖွဲ့ ပိုင် အလှည့်ကျအနားပေးစနစ်ဖြင့် စိုက်ပျိုးထားသော တောင်ယာမြေ၏ အစိတ်အပိုင်းတစ်စိတ်တစ်ဒေသကို ပတ်ဝန်းကျင်ကျေးရွာမှ အချိန်ကာလ အတိုင်းအတာ သတ်မှတ်ချက်ဖြင့် ငှားရမ်းရန် ကျေးရွာနေလူထုက အထွေထွေအစည်းအဝေးတွင် သဘောတူညီနိုင်သည်။ ၎င်းသဘောတူညီမှုကိုမြေယာစီမံခန့်ခွဲမှုကော်မတီမှ ကျေးရွာအုပ်စု အုပ်ချုပ်ရေးမှူးထံသို့ အကြောင်းကြားပေးရမည်။

**Article 18:** The neighboring village that borrows land is not allowed to plant perennial crops on the land.

အပုဒ်ခွဲ ၁၈။ ပတ်ဝန်းကျင်ကျေးရွာကငှားရမ်းထားသောမြေယာပေါ်တွင်နှစ်ရှည်ပင်စိုက်ပျိုးရေးကိုခွင့်မပြုပါ။

## Interaction with the Government and the Private Sector

### အစိုးရဌာနများ နှင့် ပုဂ္ဂလိကအဖွဲ့စည်းများဖြင့် ဆက်ဆံခြင်း။

**Article 19:** Any engagement with the private sector by the Land Caretaker Committee requires Free Informed Prior Consent of all resident villagers before any planning is started.

အပုဒ်ခွဲ ၁၉။ မြေယာစီမံခန့်ခွဲမှုကော်မတီသည်ပုဂ္ဂလိကအဖွဲ့ အစည်းများနှင့် မည်သည့်လုပ်ငန်းကိုမဆို လုပ်ကိုင်မည်ဆိုပါက၊ လုပ်ငန်းအစီအစဉ်မစတင်မှီ ကျေးရွာတွင်နေထိုင်သော ရွာသားများကို ကြိုတင်သဘောတူညီမှု ရယူရမည်ဖြစ်သည်။

**Article 20:** Any land use project with the private sector on the communal lands must be based on formalized agreements covering environmental impact assessment, a fixed time frame, description of project benefits and benefit sharing, monitoring and grievance mechanisms. The Village General Assembly of all resident villagers must agree by majority vote on the project after it has been described carefully.

အပုဒ်ခွဲ ၂၀။ ကျေးရွာအစုအဖွဲ့ပိုင်အလှည့်ကျ အနားပေးစနစ်ဖြင့်စိုက်ပျိုးထားသည့် တောင်ယာမြေပေါ်တွင် ပုဂ္ဂလိကအဖွဲ့အစည်းနှင့် လုပ်ကိုင်မည့် မည်သည့်စီမံချက်မဆိုပတ်ဝန်းကျင် ထိခိုက်မှု အကဲဖြတ်မှု ရှိခြင်း၊ အချိန်ကာလ သတ်မှတ်မှုရှိခြင်း၊ စီမံချက်၏ရရှိနိုင်သည့်အကျိုးအမြတ်နှင့် အကျိုးအမြတ် ခွဲဝေမှု၊ စဉ်ဆက်မပြတ် နှိုးဆော်ထိန်းသိမ်းခြင်းနှင့် ဖြစ်ပေါ်လာနိုင်မည့် ပြဿနာများကို ဖြေရှင်းနိုင် မည့်နည်းလမ်းများထားရှိခြင်းတို့ကို အခြေခံသဘောတူညီမှု ရယူထားရမည်ဖြစ်သည်။ စီမံချက် အကြောင်းကို သေချာစွာ သိရှိပြီးမှသာ အထွေထွေလူထု အစည်းဝေးတွင်အများစု၏ သဘော တူညီမှုရယူပြီးမှသာ စီမံချက်ကို လက်ခံရမည်ဖြစ်သည်။

**Article 21:** The Community Organization's Land Caretaker Committee can sign the agreement with the private sector on behalf of the community after all resident villagers have agreed by majority vote.

အပုဒ်ခွဲ ၂၁။ ကျေးရွာတွင်နေထိုင်သော ကျေးရွာလူထု အများစု၏မဲဆန္ဒအရသာ ကျေးရွာ လူထုကိုယ်စား ကျေးရွာအစု အဖွဲ့ပိုင်မြေယာစီမံခန့်ခွဲမှုကော်မတီမှ ပုဂ္ဂလိကအဖွဲ့ကို လက်ခံကြောင်း လက်မှတ် ရေးထိုးရမည် ဖြစ်သည်။

**Article 22:** Any land use project with the private sector must promote the equitable distribution of benefits within the community, between communities and companies and government institutions. It must be signed by the Community Organization's Land Caretaker Committee, by the Village Tract Administrator, the FAB and the SLRD.

အပုဒ်ခွဲ ၂၂။ ပုဂ္ဂလိကအဖွဲ့စည်းများ၏ မည်သည့်မြေယာအသုံးချမှု စီမံချက်ကိုမဆို၊ ကျေးရွာလူထုအတွင်းတွင် လည်းကောင်း၊ ကျေးရွာလူထုနှင့်ကုမ္ပဏီများကြား၊ ကျေးရွာလူထုနှင့် အစိုးရအဖွဲ့အစည်းများကြား တွင် ရသင့်ရထိုက်သော အကျိုးခံစားခွင့်ရေးများကို ရရှိစေအောင်ကူညီဆောင်ရွက် ပေးရမည် ဖြစ်သည်။ ထိုမြေယာသုံးစွဲမည့်စီမံချက်ကို ကျေးရွာအစုအဖွဲ့ပိုင်မြေယာစီမံခန့်ခွဲမှုကော်မတီ၊ ကျေးရွာ အုပ်စု အုပ်ချုပ်ရေးမှူး၊ လယ်ယာမြေစီမံခန့်ခွဲမှုအဖွဲ့နှင့် ကြေးတိုင်နှင့် မြေစာရင်းဦးစီးဌာနတို့က လက်မှတ်ရေး ထိုးပေးရမည်ဖြစ်သည်။

**Article 23:** Each Household will pay tax to the government for annual crop cultivation by acre of land or by plot of land.

အပုဒ်ခွဲ ၂၃။ အိမ်ထောင်စုတိုင်းသည်ရာသီအလိုက်သီးနှံများစိုက်ပျိုးထားသော မြေယာအတွက်သာ အစိုးရသို့ နှစ်စဉ်ပေးသွင်းရမည့် အခွန်များကို ဧကအလိုက်သော်လည်းကောင်း၊ မြေအကွက်အလိုက်သော် လည်းကောင်း ပေးဆောင်ရမည်။

## Dissolving the “Tone Kyine Community Organization for Managing the Communal Rotating fallow Taungya Lands

ဓလေ့ထုံးတမ်းစဉ်လာအရစီမံခန့်ခွဲ၍ တုံကျိုင်းကျေးရွာအစုအဖွဲ့ပိုင်၊ အလှည့်ကျအနားပေးသည့် တောင်ယာ စိုက်ပျိုးသည့်စနစ်အား ဖျက်သိမ်းခြင်း။

**Article 24:** The General Assembly of all resident villagers whose names are on the list of the organization’s membership can agree by majority to dissolve the Tone Kyine Community Organization for Managing the Communal Rotating fallow Taungya Lands.

အပုဒ်ခွဲ ၂၄။ တုံကျိုင်းကျေးရွာ အစုအဖွဲ့အစည်းမြေယာစီမံခန့်ခွဲမှုကော်မတီ၏ ဓလေ့ထုံးတမ်းအရ မြေယာများကို အနားပေး၍ လုပ်ကိုင်သောစနစ်အားဖျက်သိမ်းလိုလျှင်ကျေးရွာတွင်နေထိုင်သော လူထုအသင်းဝင် များ၏ အများသဘောတူညီချက်ဖြင့် အထွေထွေအစည်းဝေး၌ ဖျက်သိမ်းခွင့်ရှိသည်။

**Article 25** The decision will be handed to the Village Tract Administrator, the GAD and the FAB.

အပုဒ်ခွဲ ၂၅။ အထက်ပါ ဆုံးဖြတ်ချက်များကို ကျေးရွာအုပ်စုဥက္ကဋ္ဌနှင့် အထွေထွေအုပ်ချုပ်ရေးမှူး၊ လယ်ယာမြေ စီမံခန့်ခွဲ ရေးကော်မတီထံသို့ ပေးအပ်ရမည်ဖြစ်သည်။

**Article 26:** The Village Tract Administrator, the GAD and the FAB will take action and cancel the registration of joint communal land rights of the Tone Kyine Community Organization.

အပုဒ်ခွဲ ၂၆။ တုံကျိုင်းကျေးရွာအစုအဖွဲ့ပိုင်ကော်မတီ၏ဓလေ့ထုံးတမ်းအရ မြေယာများကိုအလှည့်ကျ အနားပေး ၍ ကျေးရွာပိုင်မှတ်ပုံလုပ်ကိုင်ခွင့်စနစ်အား ဖျက်သိမ်းခြင်းကို ကျေးရွာအုပ်စု အုပ်ချုပ်ရေးမှူး၊ အထွေ ထွေအုပ်ချုပ်ရေးမှူး နှင့်လယ်ယာမြေစီမံခန့်ခွဲရေးအဖွဲ့မှ ပယ်ဖျက်ရန်၊ လိုအပ်သည်တို့ကိုအရေးယူ ဆောင်ရွက်ပေးမည်ဖြစ်သည်။

## Annex 13: Internal Rules of Tone Kyine Village, Northern Shan

### Tone Kyine Village’s Customary Internal Rules

တုံကျိုင်းကျေးရွာ၏ ဓလေ့ထုံးတမ်းစဉ်လာအရ သတ်မှတ်ထားသော စည်းမျဉ်းစည်းကမ်းများ

#### I. လက်ရှိကျင့်သုံးနေသော စံနစ်

Current Practices

#### (က) သစ်တောခုတ်ယူခြင်း

##### (a) Cutting the Forest Trees

- 1) ကျေးရွာပိုင် သစ်တော၊ ရေထိန်းတော၊ သချိုင်း၊ နတ်စင် နတ်ကွန်းရှိသော သစ်တောထဲမှ သစ်များကို လုံးဝ ခုတ်ခွင့် မပြုပါ။

It is strictly prohibited cutting trees from the village communal forest, the watershed area, the cemetery area and an area where standing the holy Deity shrine.

- 2) ကျေးရွာရဲ့ခွင့်ပြုချက်မရဘဲခုတ်ယူပါက ဒဏ်ငွေ ၁၅၀၀၀ ကျပ်ပေးရန် ကျေးရွာလူထုအစည်းအဝေးဖြင့် ဆုံးဖြတ် သတ်မှတ်ထားသည်။

There will be a taking action as to pay 15000 kyats obligatory for who cut down trees from the forest without getting permission of the village by the decision of the village meeting.

### (ခ) တောင်ယာမြေများကိုရောင်းချခြင်း

#### (b) Selling the Upland

- 3) အခက်အခဲတစ်ခုတရားမရှိဘဲ တောင်ယာမြေကိုလုံးဝ မရောင်းရပါ။ အကယ်၍ အလွန်အခက်အခဲ (နာရေး ကိစ္စ၊ စီးပွားရေးအဆင်မပြေမှု) ရင်ဆိုင်နေရလျှင် ကျေးရွာလူထုအစည်းအဝေးကြီးပြုလုပ်ကာ သဘောတူ လက်မှတ်ထိုးပြီးမှသာရောင်းခွင့်ရှိသည်။ ရပ်ရွာမှလူကြီးများသဘောမတူလျှင် ရောင်း ချခွင့်မရှိပါ။

It is not allowed to sell the upland without any exceptional case. If someone faced serious cases such as health and failure in business affair/ livelihood problem, he or she can sell it with receiving the agreement of community with signature at the village meeting. If there is no permission from the village leader, the land owner could not sell the land.

ရောင်းလျှင်လည်း ကျေးရွာကို ဦးစားပေးရောင်းချရမည်။ ကျေးရွာမှ ဝယ်မည့်သူ မရှိမှသာ တခြားသူကို ရောင်းရမည်။

If someone has to sell the upland to other, the owner has to sell to a person who lives in the same village as a first priority rather than outsiders.

- 4) မည်သူမဆို တောင်ယာမြေကို မရောင်းမဖြစ်သည့် ပမာဏကိုသာ ရောင်းရမည်။ တောင်ယာမြေပမာဏ အများကြီးကို မရောင်းချရ။

Any villager should not sell out large areas of upland. If it is unavoidable only sell the minimum amount.

### (ဂ) ကျေးရွာမှ ထွက်ခွာသွားသူများ၏ မြေယာများကို စီမံခန့်ခွဲခြင်း

#### (c) Management of Upland of those villagers who migrate to other places

- 5) တုံကျိုင်းကျေးရွာမှ ထွက်ခွာသွားလျှင် တောင်ယာမြေများကို သူကြီး၊ ရပ်မိ ရပ်ဖ တို့ထံတွင် အပ်နှံရမည်။ ၎င်းတောင်ယာမြေများကို ရွာမှငှားလိုသူများရှိပါက ငှားရမ်းပေးပြီး ငှားရမ်းရရှိသောငွေကို ကျေးရွာရပ် ငွေအဖြစ် အသုံးပြုရမည်။

When someone leaves from the village, the land has to be given back to village leaders or elders. If one wants to rent the land and the village leader allow to lend the land. The rental fee must be used as the community fund of the village.

- 6) အကယ်၍ တုံကျိုင်းကျေးရွာနှင့် ကျေးရွာအုပ်စုတစ်ခုတည်းအတွင်းရှိ ကျေးရွာများသို့ ပြောင်းရွှေ့သွား လျှင် မိမိကျေးရွာရှိ တောင်ယာမြေတွင် ပြန်လာလုပ်ခွင့်ရှိသည်။

If the land owner moved to a village in the same village tract, he can come back and cultivate in Tone Kyine village.

- 7) အိမ်ထောင်စုခွဲသူများက လုပ်ကိုင်စားသောက်ရန် မြေယာမလုံလောက်သဖြင့် ကျေးရွာပိုင် တောင်ယာ

မြေများ လာရောက်လျှောက်ထားပါက ကျေးရွာလူကြီးများက ကျေးရွာလူထုနှင့်တိုင်ပင်ပြီး လုပ်ကိုင်ခွင့်ချပေးမည်ဖြစ်ပြီး ပြန်လည်ရောင်းချခွင့် မရှိပါ။

When a new family who does not have enough land for cultivation requests village land, the village leaders will allocate land to the families in consultation with village community. The family can use land but cannot sell it out.

- ၈) ကျေးရွာကိုအသိပေးခဲ့ပြီးမှ ရွာမှ ထွက်ခွာသွားသည့် အိမ်ထောင်စုများအတွက် ကျေးရွာသို့ အကြောင်းကြောင်းကြောင့် ပြန်လာအခြေချသဖြင့် အပ်ထားသောမြေယာများကို ပြန်လည်တောင်းခံခဲ့လျှင် အပ်ထားပြီးသော မြေ၏ ၃ ပုံ ၂ ပုံ ကို ပြန်လည်ပေးအပ်မည်ဖြစ်ပြီး ကျေးရွာကို အသိမပေးဘဲ ထွက်ခွာသွားပြီး ပြန်လာအခြေချခဲ့ပါက ၎င်းလုပ်ကိုင်ခဲ့သော မြေယာကို ပြန်လည်တောင်းခံခဲ့လျှင် အပ်ထားပြီးသော မြေ၏ ၃ ပုံ ၁ ပုံကိုသာ ပြန်လည်လုပ်ပိုင်ခွင့် ပေးအပ်မည်ဖြစ်သည်။ (ယခင်ဘိုးဘွားခေတ်ကဆိုလျှင် အသိမပေးဘဲရွာက ထွက်ခွာလျှင် ပြန်လာပါကလုံးဝပြန်မပေးပါ။ ယခုအထိ ထိုသို့ပြုလုပ်သူမရှိသေးပါ။)

If someone who properly informed at the departure asks for his land he can be given back 2/3 of what he left. However, if someone who did not properly informed at the departure asks his land back, he will be given only 1/3 of what is left. (In former generation, if someone does not inform the elder at the departure, he is not allowed to get back any piece of land.)

## (ဃ) ပြဿနာများကိုဖြေရှင်းခြင်း။

### (d) Problem Solving

- ၉) ကျေးရွာမှ သတ်မှတ်ထားသော စည်းမျဉ်းစည်းကမ်းများကို မလိုက်နာဘဲ မိမိလုပ်ချင်တာကိုလုပ်ပါက ရပ်မိ ရပ်ဖအဖွဲ့နှင့် သက်ဆိုင်ရာလူကြီးများက ကျေးရွာလူထုအစည်းအဝေးတွင် ဆွေးနွေးတိုင်ပင်၍ စည်းကမ်းဖောက်ဖျက်သူကို အရေးယူရန် ဆုံးဖြတ်မည်။ ပထမအကြိမ်တွင် ထိုသူ့အခြေအနေကို ကြည့်ပြီး ရွာတွင်ဆက်နေခိုင်းမည်။ ဒုတိယအကြိမ် ထပ်မံ ဖောက်ဖျက်လာလျှင် တရွာလုံး၏သဘောတူညီမှုကိုရယူပြီး ရွာတွင်းမှလူများက ခွင့်လွှတ်နိုင်ပါက ခွင့်လွှတ်ပေးပြီး ရွာအတွင်း ဆက်နေခိုင်းမည်။ တတိယအကြိမ် ထပ်မံမှားလာပါက လုံးဝ ခွင့်မလွှတ်တော့ဘဲ ရွာအတွင်း လုံးဝ မနေခိုင်းတော့ပါ။ မည်သူ့ကိုမဆို ဤနည်းဖြင့်သာ ဆောင်ရွက်မည်ဖြစ်ပြီး ယခုအချိန်အထိ အရေးယူခြင်းများမရှိဘူးသေးပါ။

If one breaks the internal rules, and do whatever he or she wants, the village leader and elders will decide to take an action after discussion in a village meeting. Firstly, a person who broke the rules will still be allowed to stay in the village. If he or she breaks the rules for second time, village will still allowed to stay in the village if all villagers can excuse his misbehavior. If he breaks the rules for third time, there will be no excuse and he or she will not be allowed staying in the village.

### မှတ်ချက်။

တောင်ယာမြေများကို ကျူးကျော်သောပြဿနာများ မရှိသေးပါ။ ရှိလာပါကလည်း ကျေးရွာ၏ ရပ်မိရပ်ဖများက ဖြေရှင်းဆောင်ရွက်ပေးမည်ဖြစ်သည်။ အထက်အဆင့်သို့တက်ရောက်ခဲ့ရသည် မရှိပါ။ ကျူးကျော်သူများကို ဒဏ်ငွေပေးဆောင်ရန် စည်းကမ်းထုတ်မထားပါ။ နှစ်ဦးနှစ်ဖက် အဆင်ပြေသလို ညှိနှိုင်းပြီး ဖြေရှင်းပေးသည်။ တောင်ယာမြေ နီးစပ်သူများမှာ အမျိုးမျိုးဖြစ်ကြသဖြင့် ဘာပြဿနာမှ မရှိလည်း မရှိခဲ့ပါ။ တစ်ရွာထဲသားများဖြစ်၍ အဆင်ပြေသလို နားလည်မှုအပြည့် ရှိကြသည်။



ဤစည်းမျဉ်းစည်းကမ်းများကို ထုတ်ထားရသည့်အကြောင်းမှာ ဤမြေဤရေတို့ကို၊ မိမိတို့လက်ထက် တွင်သာမက သားစဉ်မြေးဆက်အထိ လုပ်ကိုင်နိုင်အောင် ထိန်းသိမ်းရန် ရည်ရွယ်ချက်ဖြင့် ထုတ်ထားရခြင်းဖြစ်သည်။ စည်းကမ်းများရှိသော်လည်း ယခုအချိန်အထိ စာဖြင့် ရေးသားမှတ်တမ်းတင်ထားခြင်း မရှိသေးပါ။ နတ်ဖြင့်သာပြောဆိုအသုံးပြုနေကြသည်။

ရွာတွင် များသောအားဖြင့် အမျိုးအချင်းချင်း ပြန်ယူကြပြီး တစ်ရွာလုံးလိုလို အမျိုးများ ဖြစ်နေကြသဖြင့် ကိစ္စတစ်ခုခုပေါ်လာလျှင် ပြောရဆိုရလွယ်ပါသည်။ ကြီးကြီးကျယ်ကျယ် ဖြေရှင်းရသည် မရှိပါ။ ရွာအတွင်းတွင်သာ အပြီးဖြေရှင်း နိုင်ပါသည်။ ရပ်မိရပ်ဖများကို ယုံကြည်ကြသဖြင့် ယခုအချိန်အထိ ဤနည်းကိုသုံးနေသည်။

There has not been land grabbing problems within the village. If there is a problem, the elders in the village will solve it and there is no need to get a decision from higher level authority. There is no internal rule imposed penalty to the intruders. Instead appropriate negotiation process is used to solve the problem. Since those who are involved in the problem are more or less either relatives or those who lives in the same village, they have good understanding among themselves and normally all problems are solved at the end of negotiation process.

The villagers developed their internal rules because they want to protect their lands and other natural resources not only for present generation but also for future generations. Even though they have the internal rules, they are not in written form. They just developed it verbally and use it until now.

If there is a problem, they can decide by themselves within the village. They are easily negotiable because they are more or less relatives. The villagers also respect and accept the village leaders and elders so that till now this practice is applied in the village.

#### IV. ထပ်မံဖြည့်စွက်မည့် စည်းမျဉ်းစည်းကမ်းများ

##### Additional practices

- 10) မြေယာစီမံခန့်ခွဲမှု ကော်မတီကို မည်သည့်ကိစ္စမဆို မဆောင်ရွက်မီ တိုင်ပင်ဆွေးနွေးရမည်။  
Land Management Committee of the village must be consulted for any matter before the action.
- 11) မြေယာငှားရမ်းခြင်းကို ၁ နှစ်ကာလ စာချုပ် ချုပ်ဆို သတ်မှတ်ရမည်။  
Land renting must be with a contract for one year.
- 12) မြေယာငှားရမ်းခကို တနှစ် လျှင် ၁ ဧက ကို ၁၀၀၀၀၀ ကျပ် သတ်မှတ်မည်။

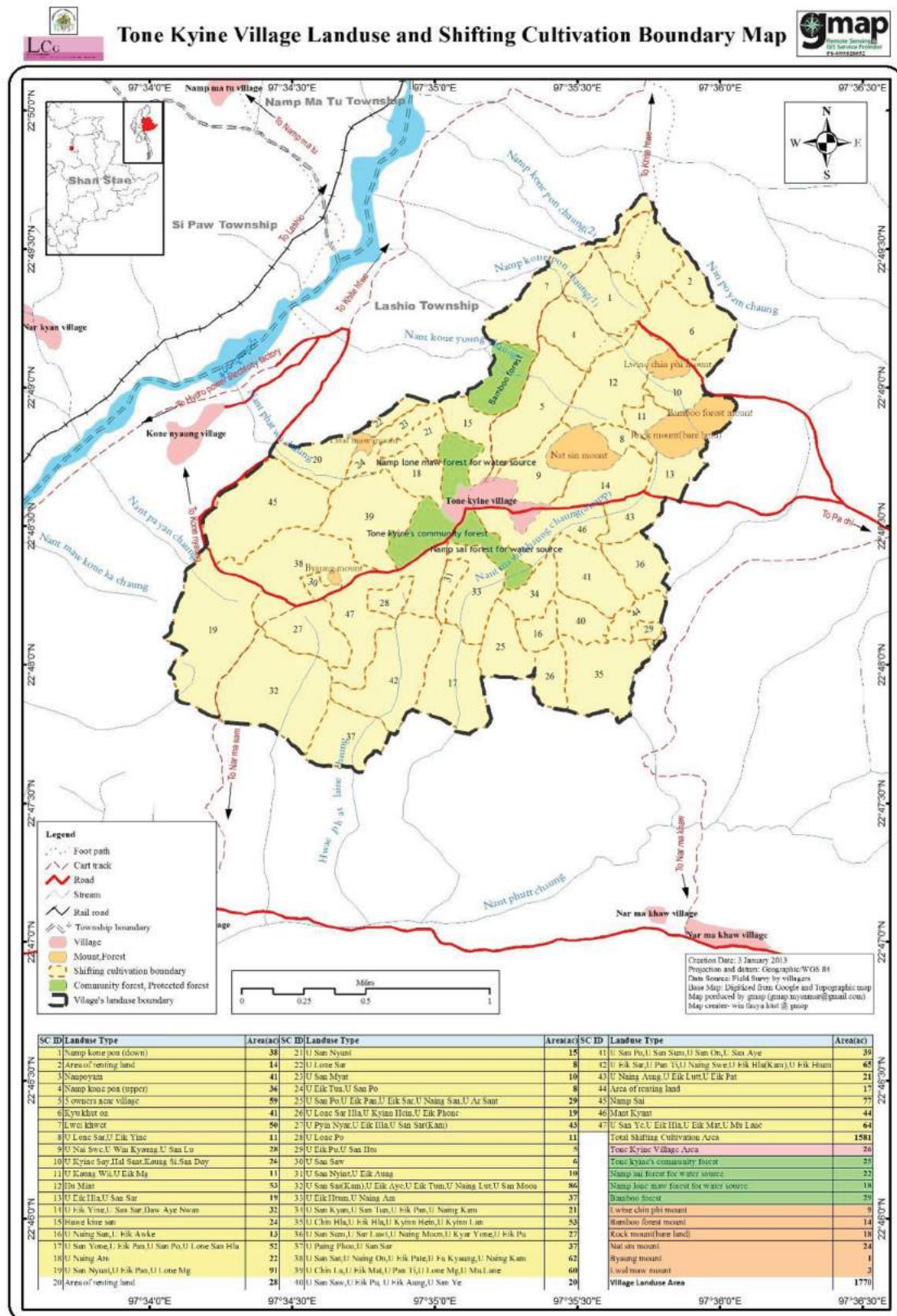
The rental fee for one acre of land per year must be 100,000 kyat.

- 13) ကျေးရွာရံပုံငွေ အဖြစ် မြေငှားသူက ၁ ဧက ကို ၁၀၀၀၀ ကျပ်ကို ထည့်ရမည်။  
The Land owner who rents out land must contribute 10,000 kyat per acre to the village common fund.

- 14) မြေငှားရာတွင် ကျေးရွာက ချမှတ်ထားသောစည်းမျဉ်းစည်းကမ်းများကို မည်သူမဆို ဖောက်ဖျက်လျှင် (ကျေးရွာလူထု၊ သက်ဆိုင်ရာလူကြီးမိဘများ၊ ကျေးရွာမြေယာစီမံခန့်ခွဲရေးကော်မတီအဖွဲ့တို့ မသိဘဲ မြေကို ငှားရမ်းလျှင်) ၎င်းမြေကို ကျေးရွာပိုင်အဖြစ် သိမ်းယူမည်။ အကယ်၍ ဖော်ပြပါ မြေကို ပြန်လည်ရယူလိုပါက မူလမြေတန်ဖိုး၏ တစ်ဆ ပိုပေးကာ ပြန်လည်ရွေးယူနိုင်သည်။ (ဥပမာ- ပစ္စည်းတန်ဖိုး- ၃၀၀၀၀၀ကျပ်အတွက် ပြန်ရွေးရမည့်တန်ဖိုး- ၆၀၀၀၀၀ ကျပ်)။

If the anybody break the Internal Rules as the lending of owned land to other without informing to the community, the village Leader and Elders and the members of the Land Management Committee in the village must be taken action by keeping as Communal Land. If one want to get its land and must pay the double of the original value. (E.g. If the original value of the land is 300,000 kyats, it must be paid 600,000 kyats in cash when he want get his land back.)

## Annex 14 : Map of Tone Kyine lands



## **Annex 15: List of Taungya in Tone Kyine with number of claimants for each**

### *Name and Acreage of Each Taungya with Number of Claimants/Taungya Tone Kyine village*

Sr. No.	Name of Taungyar	No. of farmers who owned the land	Area (acre)
1	The lower part of Cemetery	4	33
2	Mant Taint	2	35
3	Lwei Maw	2	23
4	Lwei Htan Say	4	42
5	Namp Kone Pon (1)	7	54
6	Namp Kone Pon (2)	3	22
7	Namp Pon Yam	6	31
8	Kyu Khut On	1	25
9	Bamboo Forest	3	14
10	Near Village (North) (5 persons owned area)	5	50
11	Near Village (East)	7	39
12	Kaung Man Kyine	7	35
13	Lot Khawnt Taum	5	33
14	Kaung Hma Tai	7	50
15	Lone Twae	10	77
16	Lone Mhee	4	40
17	Namp Sheim	2	45
18	Kaung Khan Lan	6	51
19	Hawe Phat Pain	4	42
20	Nat Sin Kone (Shrine for Deity Hill)-South	5	26
21	Nat Sin Kone (Shrine for Deity Hill)-North	1	10
22	Nat Sin Kone (Shrine for Deity Hill)-West	2	14
23	Nat Sin Kone (Shrine for Deity Hill)-East	4	56
24	Namp Maw Lon	5	76
25	Humyaint	6	37.5
26	Lwei Khawt	1	12
27	Kaung Meint San Phyat	6	78
28	Namp Auk	6	68
29	Lwei On	6	64
30	Lwei Paw	1	12
31	Pain Saut Pyin	5	48
	Total Area of Taungyar Land of Tone Kyein		1242.5

**Annex 16: List of claimants in Tone Kyine and size of individual claims**

Sr. No.	Name of Farmer	Claimed Taungya Area (Acres)	Sr. No	Name of Farmer	Claimed Taungya Area (Acres)
1	U San Moon	25	36	U San Aye	8
2	U Maung Taing (a) U Lone Maung	47	37	U San Myat	10
3	U San Sar (Kham)	33	38	U Eite Yein	30
4	Daw Naing On	15	39	U Eite Phone	5
5	U Sar Yin	33	40	U San Saw	8
6	U Eite Aye (a) San Aye	13	41	U San Yi (Lon)	30
7	U San Sar (Kyaung)	27	42	U San Po (Sar)	19
8	U San Lu (a) U Lu (Nwam)	20	43	Daw Naing Swe	20
9	U San Hla	20	44	Daw Naing Kham ( U Eite Auk)	25
10	U San Aung (Yein)	15	45	U San Tun	5
11	Daw Naing Aung	15	46	U San Hla (Lon)	20
12	U Eite Htum (Pa)	43	47	U Eite Htum (Ngin)	50
13	U Eite Swe ( Sein)	25	48	U Eite Po	35
14	U Sun San	16	49	U San Nyunt	33
15	U Pyinyar	17	50	U San Saing	12
16	U Eite Hla (Kham Aung)	25	51	U Maung Kham	20
17	U San Po (Yein)	9	52	U Eite Hla Swe	16
18	U Eite Yi	38	53	U Eite Sai	10
19	U San Dae	10	54	Daw Naing Mun	20
20	U San Yi (Say)	25	55	Daw Naing Am	40
21	U Sar Om (a) Eite Sar (Om)	9	56	U Eite Pan	36
22	Daw Naing Lut	17	57	U Chin Lei	20
23	U Line Kham	23	58	U Chin Lu	8
24	U San Pan	20	59	U San lu (Aung)	2
25	Daw Naing Lut-2 (a) Daw Aye Lut	35	60	U Tun Sar	3
26	Daw Naing San (Taing)	4	61	U Eite San	4
27	U Eite Swe ( Ein)	5	62	U San Yein	9.5
28	U Pant	10	63	Daw Naing Moon	5
29	U Eite Pae	14	64	U San Yung	26
30	U San Po (Kham)	20	65	U Muu Lein	6
31	Daw Naing Moon	3	66	U Eite Hla	6
32	U Eite Pu	8	67	U San Lu	3
33	U San Chat	28	68	Daw Aye Nwum	2
34	U Eite Mat	8	69	U Sai Tun Sein	11
35	Daw Naing Bwe	10	<b>Total area of agricultural claims in Tone Kyine</b>		<b>1242.5</b>

## **Annex 17: Fieldnotes from Four Southern Chin villages**

### **Sawn Tawn village (National consultant notes)**

‘Aristocratic’ clans i.e. the M’thim Tha and Chom Tha clans own most land. M’thim Tha owns 10 Kho K’hmang and Chom Tha own 28 Kho K’hmang. The Kho Bungs are normally cultivated for one year and then 10 years of fallow. Those without ancestral claims must pay to get access to land. A household can rent an upland swidden plot in a Kho Khmang by paying the owner one-tenth of the crop and/or 50,000 kyat/year. There are 54 families in the village that do not have claims in any Kho Khmang or Kho Bung. If a person wanted to develop a terrace that could become private that person must pay money to the owner of the Kho K’hmang of around 5-800,000 kyat or 500-800 USD. The researchers gave up seeking to include this village in piloting communal tenure land registration as the landowners were against it despite their gradual realization of the risks posed by the VFV Law.

### **Phui Village (International consultant and national consultant)**

In the village there are Christians and Buddhists and pictures of Jesus Christ and Aung San Suu Kyi hanging on the walls. The village territory is said to have originated with a man from the Dai sub-tribe named Phui Sung Ling who came to this place and established it “a thousand years ago”. People belong to Mun, Dai and Ma Kan sub tribes. There are seven clans: Nai Hlit, Thang Hlit, Om Hlit, Malone Hlaw, Hungta, Ling Gay and Boi Ta. It has had an elementary school since 1941. Ten years ago some village land was included in the Protected Area of Mt Victoria (Natmataung)

It seems the land has become subject to gradual permanent cultivation in addition to the rotational fallow farming. The clans or sub tribes who control the land made a decision ten years ago to go for more permanent cultivation. And the leaders distributed land among their relatives and were given chicken, goats and pigs in return. A permanent field is the family’s ownership and does no longer belong to any longer to the clan or sub tribe. It does not mean that the land is registered with SLRD. For a person without ancestral claims to establish a permanent field a person needs to buy a Kho Bung and in this case, if someone wants to buy from a ‘landowner’ everyone in his sub tribe must agree on selling the land. Such a Kho Bung may cost one mithan or 300,000 kyat. In the village there are ten households that do not have access to cultivation rights and there are five rich families with many Kho Bungs. There are cases of one having sold his Kho Bung internally and moved to Mindat. This normally requires agreement in the whole village but it happened anyway. Mindat is 15 miles away. Newcomers to the village can borrow land for one year, if they are from the same clan. The village has been approached by a business wanting to plant potatoes but villagers denied them access.

*Hlay Kawn village* (National consultant’s notes)

The village is composed of four villages that were joined in 1960 as part of a government project called Pyi Taw Thar. The land allocated was given Oo Paing, i.e. full title. In the village territory there are also an area of 40 acres that belong to 15 families, which live in other villages.

This village has 50 named Kho K'h mang. No Kho K'h mang is owned by one family alone, there may be 4-5 owners. A large Kho K'h mang may have 25-40 Kho Bung and a small only 2 Kho Bung. The size of Kho Bung is 2-3 acres. One family owns 75 Kho Bung, but not in one place. Besides this rich family the Tai Hlaw clan owns most of Kho Bung in the village.

It is said that a Kho Bung can be rented against alcohol or 30,000 kyat for one Kho Bung. If the person wants to continue another year he pays 15,000 kyat. Or he can pay in a crop equivalent to 30,000 kyat. Outsiders can access cultivation and pay the same. People who come to stay in village must also pay the same. There are 20 landless families.

The cultivation operates with five years of fallow as a rule growing millet, corn, rice, and beans. Rice is not the preferred crop as more labor is involved and the yield is low. They sell millet to buy the rice that they eat. They have orchards with orange, mango, elephant foot yam and lime which are private.

#### ***Muitui village (National Researcher)***

It is part of Chidup village tract, 18 miles from Mindat with Christian and Buddhist population. The village has four clans and 65 Kho K'h mang. It is a merger of five small villages in 1956. The Kho K'h mang areas belong to different clans. The Khae Hlo clan owns most Kho K'h mang. Each Kho K'h mang has a name. There are 5-20 Kho Bung in a Kho K'h mang.

They practice rotational fallow farming, have orchards, terraced land, community forest of 80 acres which is a forest that the village protect due to watershed. Millet and pulses are grown. The cultivation is for one year, the fallow up to seven years where the fallowing is decided by land owners. Five households have come to settle in the village and they get Kho Bung by paying rent. The private claims in land allow the claimants to sell the land if they want, but they prefer to sell to villagers, not outsiders.

When deciding which Kho K'h mang to cultivate the next year the Kho K'h mang owners hold a meeting and sometimes they have to cultivate two Kho K'h mang if the chosen Kho K'h mang is small. A given Kho K'h mang may have more than one owner, so allocation and decision making is complex as some persons may find themselves without claims in the particular Kho K'h mang opened that year. If only one owner, he can chose first and rent the remaining land to other clans that pay one tenth of crops to the owning clan's leader who then shares it among

clan households equally. The person who gets a Kho Bung to cultivate can only cultivate for maximum two years. Clan leaders cannot sell a Kho K'h mang, even terraced land cannot be sold privately. Only special inherited private gardens can be sold. But if sold there is a special bond /contract/ signed by village tract leader.

The complexity of claims is resting on the fact that also other villages own land in Mui tui village and Mui tui villagers own 17 Kho K'h mang in other villages. The village pays tax to SLRD and Forest Department and also to village tract administrator. Payment of tax per Kho Bung may be 1500-2000 kyat. This goes to SLRD or forest department. Villagers say they have a land management committee of elders and opinion leaders. There is also a negotiator if conflicts occur, an Aung Ta Man. If conflicts occur, villagers can drink and take an oath to swear innocence.

Villagers have developed terraces as UNDP came to support this. UNDP provided 500,000 kyat for one acre. UNDP also help the poor to get elephant yam gardens by buying land from private claims and giving 1 acre to each poor family, but the quoted anecdotal result from this village is that only two poor families got land but one man died and the other one left.



