



# Policy Brief on Analyzing the National Land Use Policy in Myanmar: Policy Instruments, Policy Implementation, and Comparative Study

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## Problem Statement

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The formulation of Myanmar's National Land Use Policy (NLUP) underscores the country's commitment to addressing critical land management issues within a dynamic socio-political framework. Myanmar's rapid development began in 2012 with national elections and its economic integration with ASEAN in 2015 (OECD, 2020), ending over two decades of isolation. Increased transparency post-2010 attracted global interest, with donor initiatives, NGOs, and the private sector eager to engage with Myanmar, now open to commercial activities (Crouch & Lindsey, 2014). However, this shift exposed significant concerns about safeguarding land tenure and property rights for small-scale farmers and local and indigenous communities (World Rainforest Movement, 2017). The problem lies in the existing fragmented and outdated legal and governance frameworks, which raise valid concerns about legal loopholes leading to extensive land acquisitions that disadvantage smallholders and undermine community rights (Lundsgaard-Hansen et al., 2018). This situation threatens crucial forestland resources and the environmental services they provide.

Recognizing the importance of land tenure security for its emerging democracy, the Government of Myanmar committed to developing the first NLUP. Implementing this policy was fundamental to modernizing land governance systems to enhance land tenure security for all individuals, including small-scale farmers, women, ethnic minorities, and other marginalized populations. In 2012, the government established a multi-ministerial entity to advance the NLUP (OECD, 2020b). A groundbreaking National Dialogue on Land Tenure and Land Use Rights involved various stakeholders, including government officials, civil society representatives, and the international community (Bhandari, 2014). This dialogue marked the beginning of donor community support, aiding the government in policy formulation through domestic and international technical aid and promoting inclusive public engagement in policymaking. Following the establishment of a policy development roadmap in 2013, thematic workshops on specific issues and global best practices took place (Emiko Guthe, 2018). The introduction of the NLUP draft in October 2014 was a significant milestone in managing Myanmar's diverse land resources, a country with varied ethnic groups and long-standing land conflicts (Franco et al., 2015). This initiated a lengthy drafting and consultation process over two years, ultimately leading to the official approval of the NLUP in early 2016. However, the 2021 military coup led to renewed isolation and uncertainty for deliberative land governance (Institute of International Studies, 2021).



The NLUP aims to protect the rights of local landholders and communities amidst swift economic and social changes, balancing economic advancement and social fairness by establishing fair land allocation and responsible environmental management (World Bank Group, 2018). The NLD government facilitated a private land market by implementing a land use certification and registration system, allowing land rights to be sold, mortgaged, and inherited. However, this formality often fails to encompass ethnic border regions, where land is traditionally governed without legal documentation, indicating a disparity between policy and local circumstances. The post-2015 era saw new legislation and economic liberalization to attract foreign investment, particularly in resource-rich regions. However, this progress resulted in extensive land disputes, with military and influential parties confiscating lands to the detriment of small-scale farmers and without proper legal procedures or compliance with global human rights norms (Avenue, 2018). The research questions focus on understanding the roles and influences of key actors in implementing land governance reforms and shaping policy instruments in Myanmar. Specifically, the study seeks to identify the contributions and impacts of stakeholders, including government ministries, civil society organizations, and international partners, in developing and executing the NLUP. Additionally, it aims to compare Myanmar's land governance agency with those in other countries, examining differences and similarities in structure, effectiveness, and approaches to land management and policy implementation.

## Policy Analysis

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Policy instruments are tools and mechanisms through which governments implement policies to achieve desired outcomes. These instruments can be categorized into four main types: regulatory, economic, informational, and administrative. Regulatory instruments establish specific rules and standards that must be followed (Bengtsson et al., 2010). Economic instruments influence behavior through financial incentives such as taxes and subsidies (Bengtsson et al., 2010). Informational instruments disseminate knowledge to shape actions and attitudes (Zamiri & Esmaili, 2024). Administrative instruments provide the necessary organizational structure and procedures to implement policies effectively (Howlett, 2020).

## Findings of the Analysis: Policy Instruments in Myanmar

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The National Land Use Policy (NLUP) in Myanmar employs various policy instruments to manage land use and governance.

### Regulatory Instruments

Regulatory instruments are key in addressing land use challenges by setting strict stakeholder guidelines. In Myanmar, the 2019 Land Acquisition Resettlement and Rehabilitation Law, which replaced the 1914 Land Acquisition Act, is a significant regulatory instrument (Marc Maung, 2019). This law aims to balance landowners' rights with public acquisitions. However, its implementation faces obstacles due to Myanmar's centralized land governance structure, characterized by multiple ministries operating without clear hierarchy or coordination (Lundsgaard-Hansen et al., 2018). The Farmland Law and Vacant Fallow and Virgin Lands Management Law further support regulatory reforms by promoting accountable management. However, they need better alignment with local circumstances, especially concerning traditional land ownership and categorization. The 2018 Forestry Law seeks to balance economic development and environmental protection by managing forest resources sustainably, emphasizing community involvement in forest management (Prescott et al., 2017).

### Regulatory Instruments

Economic instruments in the NLUP include fiscal measures like graduated land taxation to deter land speculation and ensure equitable contributions to state progress. These taxes consider land use, market value, and the socio-economic impact on small-scale farmers (Land in Our Hands (LIOH) Network, 2015). The NLUP also aims to modernize land tenure processes by improving the transparency and accessibility of land registration and transfers. This helps mitigate conflict and promotes active stakeholder participation, enhancing land management efficiency (Jansen et al., 2021).

### Informational Instruments

Informational instruments involve educational campaigns, public announcements, and access to critical data. The NLUP's development included extensive dialogues and consultations with various stakeholders, ensuring the policy incorporated diverse perspectives and needs (Jin et al., 2023). The policy emphasizes disseminating pertinent information to stakeholders to facilitate well-informed decision-making. Despite these efforts, challenges still need to be addressed, such as the need for a national data mapping system and limited internet access (Dr Thaung Naing Oo, 2019).



## Administrative Instruments

Administrative instruments in the NLUP involve establishing land use councils and committees at national, regional, and local levels to oversee and implement land policies. Under the Union Government, the Central Land Management Committee plays a crucial role in this structure (Oo et al., 2020). The National Land Use Council, comprising key governmental figures, oversees the implementation of NLUP and coordinates land management efforts. These bodies work to resolve land disputes, manage land records, and ensure land use aligns with national development goals.

## Key Actor involved in NLUP

The Legal Institutional Framework is an efficient system for managing land use. It utilizes powerful legal and institutional mechanisms and revolves around multiple stakeholders, such as government agencies, civil society organizations, private sector entities, and international partners, who collectively influence and implement the policy (Krawchenko & Tomaney, 2023). The legal-institutional lens, while essential, has limitations. It often overlooks socio-cultural contexts and traditional land rights, especially in ethnic border areas. This approach can miss informal dynamics and power relations, obscure practical implementation challenges, and neglect the needs of marginalized communities. (Krawchenko & Tomaney, 2023). These stakeholders are responsible for formulating policies, supervising legislative activities, allocating resources, implementing initiatives, monitoring compliance, and enforcing regulations. Government ministries, such as the Ministry of Agriculture, Livestock, and Irrigation (MOALI), the Ministry of Natural Resources and Environmental Conservation (MONREC), and the Ministry of Home Affairs (MOHA), play pivotal roles (World Bank Group, 2018). The NLUP's success relies on the National Land Use Council, which oversees national, regional, and local policy implementation and coordination (Lundsgaard-Hansen et al., 2018). The NLUP promotes stakeholder engagement, integrating formal legal structures with customary practices to ensure a robust, inclusive, and culturally sensitive framework (Krawchenko & Tomaney, 2023). Land-related laws like the Vacant, Fallow, and Virgin Land Management Law and the Farmland Law impact businesses and local communities, requiring streamlined procedures and enhanced land information availability (Scurrah et al., 2015). The Central Committee for the Management of Vacant, Fallow, and Virgin Land redistributes land to boost agriculture and economic development.

Effective governance coordination is achieved through the Land Use Planning and Coordination Working Committee, comprising senior officials from various ministries, civil society, and ethnic groups (National Land Use Council, 2020). This committee ensures national land use planning aligns with broader policy objectives, utilizing technologies like satellite imagery and GIS for precise planning. Compliance and enforcement strategies involve multiple ministries and departments, with key roles played by DALMS under MOALI and the Survey Department of MONREC (World Bank Group, 2018). The NLUP's implementation faces challenges like inconsistent law application and limited local capacity, underscoring



the need for improved inter-ministerial coordination and stakeholder engagement. Customary land ownership rights are crucial to the NLUP, integrating traditional practices into the national legal system to safeguard indigenous rights and reduce land use conflicts (Liljeblad, 2022). Despite progress, obstacles still need to be overcome, such as enforcing regulations consistently and adapting legal frameworks to local circumstances. Continuous government intervention and stakeholder engagement are essential for the policy's success, balancing development with conservation to respect and preserve indigenous traditions (Nyein Nyein, 2019).

## Comparison of Land Use Management Agencies Myanmar, Laos, and Thailand

The roles of land use management agencies in Myanmar, Laos, and Thailand show notable differences and similarities. Myanmar's National Land Use Council (NLUC), established under the 2016 National Land Use Policy, focuses on policy formulation, state land management, and grassroots mobilization through regional and state-level committees. Laos' Ministry of Natural Resources and Environment (MoNRE) oversees comprehensive land management tasks, including land surveying and registration, using a decentralized approach to local offices. Thailand's National Land Allocation Committee (NLAC), formed under the 1954 Land Code Promulgating Act, emphasizes land allocation for habitation and economic development, with tasks decentralized to local agencies. All three agencies enforce zoning laws, manage public lands, and regulate private development. Myanmar prioritizes Environmental Impact Assessments (EIA) and community involvement, while Thailand targets economic growth in special economic zones, and Laos ensures environmental compliance. Recent reforms in these countries aim to strengthen tenure security and promote sustainable practices, yet challenges like political interference and resource limitations persist. Each agency has adopted digital cadastral systems and community-based planning to enhance governance, but issues like land grabbing and inadequate compensation for expropriated lands remain, necessitating continuous reforms and adherence to international guidelines.

**Table: Comparison of Land Uses Management Agencies in Myanmar, Lao, and Thailand**

Aspect	Myanmar (NLUC)	Laos (MoNRE)	Thailand (NLAC)
<b>Key Agency</b>	National Land Use Council (NLUC)	Ministry of Natural Resources and Environment (MoNRE)	National Land Allocation Committee (NLAC)
<b>Establishment</b>	2016, under the National Land Use Policy	Under the Land Law No. 70/NA	1954, under the Land Code Promulgating Act
<b>Main Responsibilities</b>	Formulate land use policies, classify land parcels, issue grants and	Conduct land surveying, classification, registration, issue titles,	Allocate land for habitation and livelihood, develop land tenure plans, ensure public use

Aspect	Myanmar (NLUC)	Laos (MoNRE)	Thailand (NLAC)
	leases, manage state lands, settle disputes	manage state lands, resolve disputes	of state land, manage state lands, resolve disputes
<b>Local Involvement</b>	Regional and state-level committees to ensure grassroots mobilization	District and provincial offices handle initial land rights registrations	Decentralized tasks to local agencies
<b>Policy Implementation</b>	Interpret and enforce zoning laws, manage public lands, regulate private development, compulsory Environmental Impact Assessments (EIA), involve local communities	Interpret and enforce zoning laws, manage public lands, regulate private development, ensure compliance with environmental regulations	Interpret and enforce zoning laws, manage public lands, regulate private development, focus on economic development goals, particularly in special economic zones
<b>Regulatory Frameworks</b>	National Land Use Policy, related laws such as Forestry and Water Resources Laws	Land Law, Forestry Law, Water and Water Resources Law, various decrees	Land Code Promulgating Act, related laws supporting economic development and sustainable land use
<b>Recent Reforms</b>	Strengthen tenure security, recognize customary land use rights, promote sustainable practices	Enhance legal clarity, reduce land conflicts, promote sustainable land management	Improve land tenure security, address land conflicts, enhance transparency and efficiency
<b>Challenges</b>	Military interference, limited resources, coordination issues, imperfect land ownership distribution, inefficiency in regional/State financial areas	Political interference, limited financial and human resources, conflicts among agencies, delays in project implementation, inadequate enforcement	Political interference, inadequate funding, coordination issues, land ownership concentration in government and capital groups
<b>Innovative Practices</b>	Digital land information systems, sustainable community planning	Digital cadastral systems (LaoLandReg), public-private partnerships, community-based planning	Digital cadastral systems, public-private partnerships, community-based planning initiatives

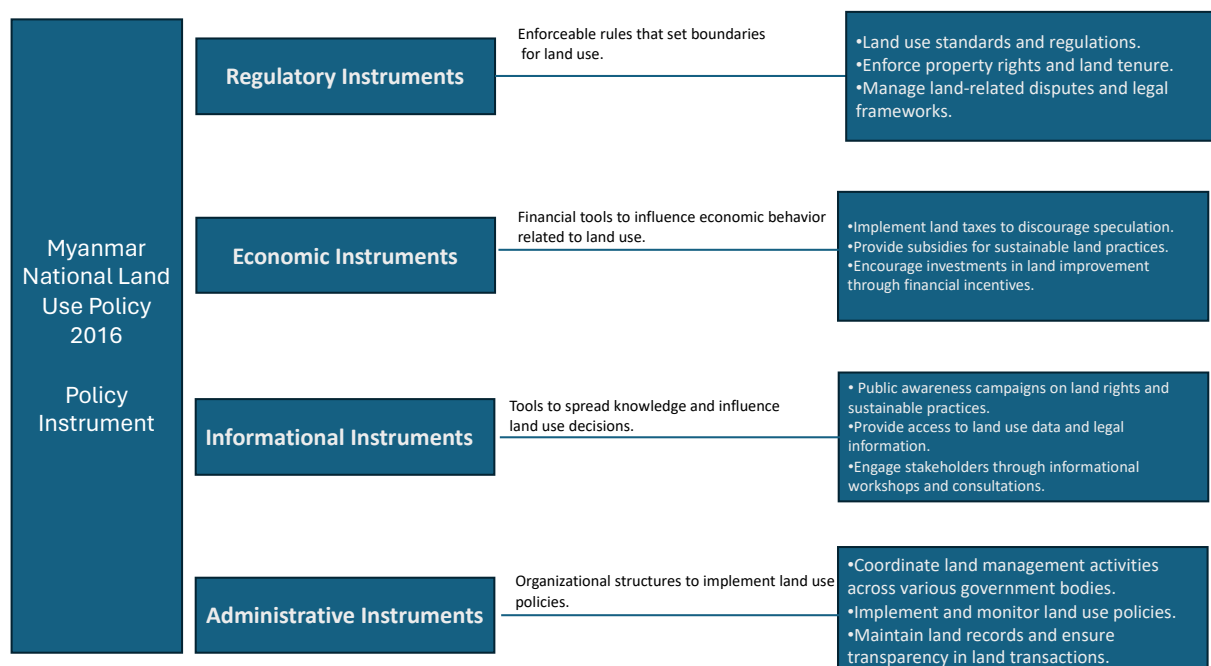




Aspect	Myanmar (NLUC)	Laos (MoNRE)	Thailand (NLAC)
<b>Impact on Land Management</b>	Improved tenure security, reduced land conflicts, significant impact on sustainable land use, urban growth, conservation, and community development	Improved tenure security, reduced land conflicts, better land management, agricultural growth	Improved tenure security, reduced land conflicts, contributions to economic and social development
<b>Persistent Issues</b>	Land grabbing, lack of compensation for expropriated lands, Political instability and armed conflict	Land grabbing, inadequate compensation for expropriated lands	Land grabbing, inadequate compensation for expropriated lands
<b>Future Directions</b>	Continuous reforms, adherence to international guidelines, enhance transparency and efficiency	Continuous collaboration with international donors, adherence to international guidelines like VGGT	Continuous refinement of concepts, international guidelines to improve land governance

## Policy Recommendations

Based on the Key findings and analysis of NLUP, here are some policy recommendations to enhance its implementation and effectiveness.





Analyzing the findings reveals critical insights for enhancing Myanmar's land use policy. Key gaps in the roles of land use management agencies highlight the need for improvements. Myanmar can learn from Laos and Thailand by adopting decentralized and streamlined governance approaches. Thailand's decentralized tasks to local agencies and Laos' effective local offices for land rights registrations serve as useful models.

## Key Recommendations

- Prioritize peacebuilding and conflict resolution, strengthen legal protections for displaced groups, and facilitate dialogues through neutral parties to ensure effective land governance and mitigate disruptions.
- Improve inter-ministerial coordination by establishing regular meetings and integrated management platforms to synchronize overlapping functions.
- Develop mechanisms for substantive input from local communities, especially indigenous groups and ethnic minorities, to ensure land use policies reflect local needs.
- Update legal frameworks to better recognize and protect customary land rights, and facilitate easier registration and dispute resolution.
- Implement comprehensive training programs for local government officials focused on land management, sustainable practices, and conflict resolution.
- Create a public online portal for easy access to land records, policy updates, and land use plans, ensuring information is available in multiple local languages.
- Establish a standardized, transparent land record system and delegate decision-making authority to regional and local land use management committees. This decentralization can expedite dispute resolution processes, ensure more equitable land use decisions, and minimize delays, benefiting both local populations and investors.
- Use economic instruments like taxes, subsidies, and grants to promote sustainable land use practices that align with environmental conservation goals.
- Develop a framework for monitoring and evaluating land use policies to adapt and refine them regularly in response to environmental, social, and economic changes.







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