

: Case Study in Myay Latt Village :

CUSTOMARY

LAND TENURE



Customary Land Tenure:

Case Study in Myay Latt Village

Contents

Executive Summary	3
(1) Background of the Village	5
(2) Research Methodology	6
(3) Livelihoods	7
<i>Rotational Farming</i>	7
<i>Orchard</i>	8
<i>Animal Husbandry</i>	10
<i>Hunting</i>	11
<i>Non-timber Forest Products</i>	11
(4) Land Use of the Village	11
<i>Rotational Farming</i>	11
<i>Orchard</i>	12
<i>Forest</i>	13
<i>Community Forestry</i>	13
<i>Other land</i>	14
(5) Customary Land Tenure and Land Management	16
<i>Land Ownership</i>	16
<i>Inheritance Rights</i>	16
<i>Sharing, Renting and Selling of the Land</i>	17
<i>Sharing, Renting and Selling of the Land to Immigrants</i>	18
(6) Customary Rules and Forest Management	19
(7) Issues in Myay Latt	21
(8) Conclusion	22
(9) Recommendations	23
<i>Annex</i>	25

Executive Summary

Customary land tenure of the indigenous peoples in Myanmar is not recognized in policies and laws. Lack of legal protection leaves indigenous territories insecure, threatened by investments and other forms of land concession. On the other hand, there is little evidence showing how the community is managing and using the land. Therefore the study to document the customary land tenure system of indigenous peoples is needed for providing evidence of customary ownership of the land and evidence-based advocacy to policy makers. Technical support for documenting customary land tenure is supported by Mekong Region Land Governance (MRLG), including training on the concept of customary land tenure. The objective of the study is to document customary land tenure showing how it is functioning in specific contexts and to utilize the findings of the research in advocacy regarding land policies.

The study mainly focuses on customary land tenure including land ownership, management of land and forests, decision making, inheritance rights, and its relation to livelihoods, food security, and changes in livelihood. The driving forces of change in the livelihood system and food security were identified, such as the government enforcement to stop rotational farming, the introduction of upland orchards by Dr. Tun Than, and the construction of Sittwe-Yangon highway changing access to the market. In particular, internal rules among the villagers concern management of the land such as ownership of the land, the right to sell and rent, and the internal rules among the clans. Moreover, good community practices in rotational farming and environmental conservation were studied.

Finally, challenges for customary land tenure in dealing with outsiders, especially illegal loggers, and the enforcement of customary rules within the village and with outsiders are also mentioned. There are differences between community forestry and other forest in relation to dealing with the intervention of illegal loggers from outside the community. Lack of recognition of customary land tenure in policies and laws is a threat to the food security and environment of the village because the security of land is essential for food security and good practices of the village are contributing to environmental conservation.

1 Background of Myay Latt village

Myay Latt is located in Bone Baw village-tract in Nga Phe township, Minbu District, Magway division. Myay Latt village borders Nyaung Pin Kone in the south east, Sat Si village in the northeast, Bone Baw in the west, Gote Gyi in the north and Sar Pauk in the south.

Myay Latt was founded 400 years ago and is very old village. The residents are Chin people also called “Asho Chin people”. Asho Chin people live in plain land in Magway Region, Bago Region, Mandalay Region and Arakan State. There are about 22 households in Myay Latt village and the total population is 110. There are 7 clans, Kalu, Kalwe, Dai, Pyaung Kaung, Hwen Taung, Hin Yet and Eight Taung Kon. Years ago, there were more households in Myay latt village but some of them moved to other villages such as Bone Baw and Gote Gyi due to the unsuitable topography of village area and population growth. The landscape of village area of Myay Latt is quite deep and narrow. The person responsible for the delineation of the boundary of the village territory is not known but the villagers and neighboring villages know the boundaries of the village very well.

The villagers used to depend on rotational farming for livelihood customarily but have come to focus more on orchards after accessing transportation in 1993 with the Minbu-Arn road. Therefore, orchard became the most important livelihood system of the village.

There is no school established by the government and the villagers initiated a primary school without support of the government. The students study basic education primary school in the village. Those who pass basic education primary school carry on basic education middle school in Bone Baw village which is about three miles away, and basic education middle school can also be studied in Gote Gyi village which is about two miles away. There are no clinic or health care services but there is a clinic in Gote Gyi and the nearest hospital is in Nga Pe Township.

2 Research Methodology

Myay Latt village is located in in Magway division, Ngape Township, Bone Baw village tract. Field visits to the village were conducted three times; the first trip was from 20 to 25 May, 2015 and the second trip was from 12 to 16 September 2015 and the last trip was 14 January 2016.

In Myay Latt, focus group discussion, in-depth interviews, group mapping and field visits were carried out. In the first trip, 9 villagers (3 male 6 female) participated in focus group discussion and two persons (male) were given in-depth interviews. A focus group discussion was carried out on May 21 and in-depth interviews with two villagers were conducted on September 22.

In the second trip of the study, the researcher conducted a group discussion and visited the surrounding areas. Eleven of the villagers participated in the group discussion in which 6 out of 11 participants were women. Together with head of the village and one of the villagers, the researcher visited the sites of gardening, rotational farming areas and different types of land use of the village. The first trip findings were verified in the second trip and the findings were updated based on comments on the first findings.

In the last trip, three of the villagers (the head of the village and two immigrant villagers) were interviewed on 14 January 2016.

	1st Trip (20 to 22 May)	2nd Trip (15 to 16 September)	3rd Trip (14 Jan)
Focus Group discussion with community members	9 persons (3 male and 6 female) 20 to 22 May 2015	11 persons (5 male and 6 female)	
In-depth Interview	2 persons		3 persons
	11 persons	11 persons	3 persons

3 Livelihoods

Members of the community with livelihoods based on agriculture mainly earned their living from rotational farming in the past. However, orchards have gradually become the main agricultural livelihood as infrastructure has developed. Community members also make their livelihood by animal husbandry, hunting and collecting forest products. Recently, due to improved access to transportation, they are able to sell products and earn income.

Rotational Farming

Traditionally, the villagers absolutely depended on rotational farming for their livelihoods as the topography of Myay Latt area is mountainous and hilly.

The villagers usually clear vegetation in December to February and burn at the end of April and at the beginning of June. Fire breaks is made collectively around the cleared vegetation area to keep the fire in and to avoid burning other areas. The villagers plant seeds in whole area of cultivated land at the end of May and begin weeding mid-June. The villagers mainly grow rice paddy and corn in rotational farming. They also grow different kinds of vegetables such as rosella, tomato, cucumber, pumpkin, marrow, sesame and beans together with paddy and corn. In addition, they grow castor oil plant, corn, pigeon pea and chili in rotational farming to earn income from rotational farming cultivation.

The villagers usually begin harvesting vegetables at the end of June such as rosella leaves, pumpkin shoots and other local leafy vegetables, and from the middle of July they can harvest corn, pumpkin, cucumber and other vegetables. Rotational farming provides different kinds of vegetables from June to December.

Weeding has to be done three times each year and the villagers exchange labor not only in weeding but also in harvesting. At present, the villagers only do rotational farming for the purpose of growing vegetables instead of growing more paddy and corn for subsistence. Rotational farming used to be a self-sufficient livelihood system of the villagers. Currently, only three of the households in Myay Latt village still do rotational farming.



Figure 1: 11 years old Regenerated forest from Rotational Farming

Orchard

Before cultivating orchard widely, the people of Myay Latt produced rice and vegetables from subsistence rotational farming and managed to eke out a living. Over last two or three decades, since 1993, the villagers came to practice orchard along with rotational farming. Recently, the majority of the villagers are cultivating orchards instead of rotational farming. When most of the villagers were cultivating orchard, the villagers designated or determined which areas should be used for rotational farming. In 2015, only three families cultivated rotational farming, especially to grow vegetables, on about three acres of land.

There are significant forces driving the change in livelihoods to orchards in May Latt village. Firstly, livelihood change from rotational farming to orchards is due to enforcement of the Government, which introduced orchards to eradicate rotational farming and also limited the ability of villagers to cultivate rotational farming since about 1988. The villagers were not interested in the government plan because of lack of access to market and transportation. However, before 1993, while the government tried to stop rotational farming some of the villagers planted orchard

for domestic use but continued rotational farming. Even though the villagers were warned directly by government staff from the Department of Forestry or by letters issued by government every year that they will be imprisoned if they do rotational farming, the villagers still carried on rotational farming.

U Kan said that, “the government prohibited rotational farming by issuing letters of warning to stop rotational farming since about 1980. Sometimes staff from the Forest Department came to the villages and informed the villagers to stop rotational farming and warned the village that they will be imprisoned if they do rotational farming. When they themselves could not come to the villages they sent letters saying it was prohibited to the villages every year. They also came to the village in 2011, 2012 and 2013 and told the villagers not to do rotational farming.”

Secondly, Dr. Tun Than, (Taung Caung Cultivation) introduced a system of self-initiative slope farming and many of the villagers were working on his project. The system was very successful. Some of the villagers from Myay Latt used to be the staff of that project. Dr. Tun Than’s upland cultivation system helped to cultivate orchard and agroforestry instead of rotational farming. The villagers used to plant lime, mango, and tamarind and jack fruit etc., for family use. New plants were introduced such as Pomelo (May Myo), orange (brought from Shan State), coffee, and others. The representatives of the villages were given a chance to visit other places where orchards (planted perennial plants) long term plants) were developing and were provided with trainings on cultivation. Therefore, many of the villagers began planting orchards. Recently, orchard became the main way they make a living.

Thirdly, due to the construction of Yagon-Sittwe highway road in about 1993 and the resulting improved access to transportation and the market, many of the villagers began to earn their livelihood by orchard. Before the construction of Yangon-Sittwe road, no family tried to make a living from orchards and no family stopped doing rotational farming. After improved access to transportation and markets, the villagers focused more on orchards and reduced rotational farming. Access to techniques, transportation and market access are the main drivers promoting a transition in livelihoods to orchards.

In particular, the villagers came to take up orchard in which they plant banana, coffee, lime, lemon, damson, guava, orange, mango, jackfruit, Tanyin (hardwood tree bearing a pungent smelling edible fruit), cashew, and other long term plants. Products from orchards are sold in nearby towns and business men themselves also come to the villages to buy products. Orchard become main livelihood system of the villagers, which has also resulted in the village depending on rice from the lowlands. There is also a disparity of access to land in this village between primary land owners and more recent immigrants.



Figure 2: Banana Plantation

Animal Husbandry

Animal husbandry is very important and all of the villagers raise animals, especially pigs, chicken and ducks kept near houses. Usually, the villagers raise animals for domestic consumption and for social activities. Sometimes, they exchange livestock for paddy and other goods in towns. Animal husbandry is small-scale and some people have started to raise pigs to earn income.

Hunting

Hunting is one of the activities of the villagers for domestic consumption. The villagers used to hunt wild animals such as deer, monkey, and others. Unfortunately, the population of wild animals in this area is decreasing, which has resulted in less hunting.

Non-Timber Forest Products

The forest provides for the crucial livelihood needs of the villagers. Forest products are essential not only for consumption but also for income generation. Villagers collect non-timber forest products such as honey, mushrooms, bamboo shoots and other vegetables.

Villagers used to find orchids and sell them in the market to earn income, but they no longer do this because the number of orchids is decreasing. For the last 10 years, the villagers collect yams for income generation and recently some of the families are now growing yam. Honey is one of the main non-timber forest products (NTFPs) by which some of the households make income.

4 Land Use of the Village

Land use of the village is classified mainly into three types, agriculture land, used forest and community forestry. In agriculture land, people cultivate rotational farming and orchards. Forest land also includes the cemetery and the forest around settlement area.

Rotational Farming

Rotational farming has been one of the main land use of the village. The fallow period of rotational farming is 8 years, therefore, there are 8 parcels of land. Within a parcel of land, there are about 25 to 30 plots of land.

The villagers used to rotate among eight parcels of rotational farming, with the local names Galight (1998), Kone Shaung (2000), Shun Tone (2001), Shin Pai (2002), Mai Tai (2003), Shey Tone (2004), Hone Sar (2005)T and Aluh Tuh (2006). Therefore,

the fallow period of Myay Latt village is seven years. The villagers demarcated the land with streams, mountain ridges, roads, trees, veins and deep valleys. Each area has a local landscape name. The names of the land were given by the elders when they first began to clear and cultivate the plots. The plot demarcation is easy to know for the villagers because they regularly clear and cultivate the same plots in rotation. The total area of a parcel for one year farming is about 53 acres. Even though they have eight areas in which they are rotating, sometimes, they used to move not according to the serial. For instance, Kone Shaung was cleared in 2000 and if the villagers rotate through all the areas in order Kone Shaung will be slashed again in 2008. However, if Kone Shaung is regenerated enough to clear again in five years, they can clear Kone Shaung without waiting for eight years.

The total acre of the whole territory of Myay Latt is about 1428 acres. Rotational farming land occupied about 450 to 500 acres of the land in the past but recently, rotational farming areas are converted into orchards to grow cash crops such as banana, pineapple, lime, lemon, coffee and other fruit trees.

Orchard

Orchards, especially cash crops, have become the dominant agricultural land use in Myay Latt village as rotational farming is decreasing gradually. About 214.2 acres of the land is utilized as orchard, about 300 to 350 acres of the land is rotational farming area and 100 acres of the land is community forestry. Over the last two decades, more than half of the rotational farming areas were transformed to orchard land and some of rotational farming area was designated as community forestry. There is no land registration for any type of land use.

All of the villagers have orchards and the total acre of orchard land is about 214.2 acres. The main crop in the orchard is banana and 70% (149 acres) of the crops in the garden is banana.

30 % (64.2 acres) of the crops are coffee 11 % (23.54 acres), lime 10 % (21.4 acres), lemon 5 % (10.7 acres) and others 4% (8.56 acres). Some of the families from bordering villages also cultivate orchard in Myay Latt land.

Table 2. Timeline of orchard cultivation by household

Year	Households (those who cultivate orchard)
Before 1985	5 (only for domestic use)
1985 to1990	15 (only for domestic use)
1990 to 1995	15 (between one and two acres) Began to sell some crops
1995 to 2000	17 (between one and three acres)
2000 to 2005	17 (between two and 5 acres)
2005 to 2010	20 (between two and 7 acres)
2010 to 2015	20 (between two and 9 acres)

Forest

The entire village boundary is in Reserved Forest, titled Man Reserved Forest (16257486 acres). However, the villagers still utilize the forest. About 800 acres out of the total area of the village territories is a Sal tree dominant forest.

All the villagers have the right to access forest. However, utilization of forest near orchard and rotational farming area requires informing the owner of the land. Timber is mainly used for construction of buildings and small-scale extraction for income.

Community Forestry

May Latt community forest was implemented with the technical support of JICA (Japan International Cooperation Agency) in 2004 and also included some families from Bone Baw and Kywe Tha Lin villages. Community forestry areas occupied about 100 acres. It was started with 10 households and membership increased to 42 households in 2006. CF training provided by JICA was attended three times by U Kan in Mandalay Township. The community forest was started in a self-reliant way without any support from external organizations. In the CF area, 70 acres out of 100 acres was used as protected forest and 30 acres was used for agroforestry. Currently, there are

42 members of the community forest user group. They mainly planted teak, banana, cassava, lime and other long term plants. They applied for the Community Forestry Certificate in 2004 and the certificate was granted officially by the government in 2006. Illegal logging in CF area is prohibited and actions were taken against illegal loggers. Due to taking action on illegal loggers, illegal logging in CF area is decreasing.

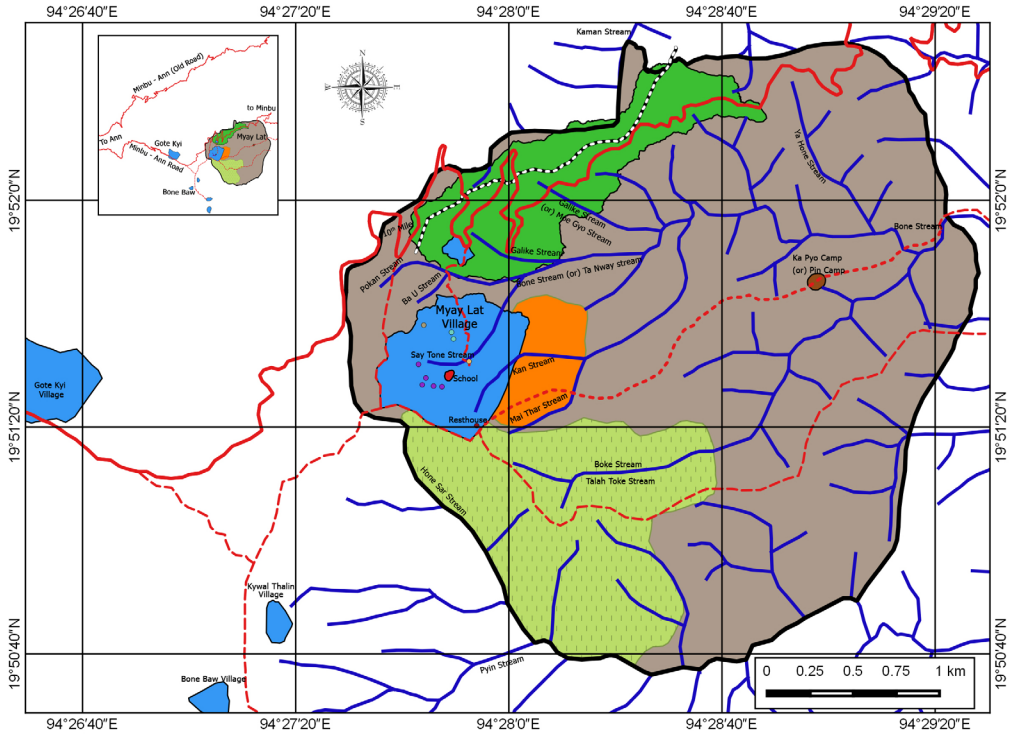
U Kan and Salai Mauk Mauk Kyaw said that, “if there is illegal logger in community, forestry members go in a group and inform them that it is a community forestry area. Then they warn the logger that if they log timber in the community forestry area serious action will be taken. Timber and bamboo have been confiscated and used for the nursery plantation with the approval of all CF members.” The members of the CF user group have the right to access timber, bamboo, orchid, coal, honey and other non-timber forest products. There is enforcement against illegal loggers for logging timber in community forestry areas. In contrast, there is no enforcement against illegal loggers in the other forest areas, and illegal logging is taking place there. Warning illegal loggers in a group together with other CF members and having the community forestry certificate from government gives strength to efforts to protect the forest from illegal loggers.

Other Land

The villagers also have a settlement area and a cemetery. The village cemetery is a reserved forest near the village that is not utilized by the village. Therefore, the forest in the cemetery is maintained and protected.

The settlement area of the village is surrounded by forest, including the watershed area where the villagers access water for their village. The forest surrounding the settlement area is protected. Cutting trees from the forest around the settlement area is not allowed.

Participatory Land Use Map of Myay Lat Village



Legend		
Village Boundary	Shifting Cultivation	Spring of Water
Stream	Plantation Site	Peak of Say Tone Hill
Street	Old Shifting Cultivation	Graveyard
Main Road	Village	Church
Gas Pipe Line	Community Forestry	Datum: WGS84
	School	Creation Date: May 5, 2015
		Data Source: Field Survey



5 Customary Land Tenure and Land Management

The villagers have utilized the land and forest by integrating customary rules guiding the system of management with other related matters such as ownership rights, inheritance rights, rules about selling land and sound practices of environmental conservation. Disputes and breaches of customary rules are handled by the village administration committee and leaders of the clans.

Land Ownership

The elders originally owned the land by a *duma chap* principle on private claimed land. Private claimed lands are agriculture lands and the land apart from agriculture land is considered to be communal land. Those who cleared primary forest became the owner of that land. All the villagers clearly know who owns what land. They also know the demarcation of certain plots. However, there is no documents to prove ownership on land, but instead customary and oral ownership claims over the land that are known among the villagers. Some plots owned by a clan and a member of the clan could have the right to use that land. Transition of the land owned by a clan into private own land is carried out by the agreement among the clan. Individual land can be transformed into orchard.

Inheritance Right

The elders pass certain plots onto descendants. When the elders cleared primary forest, they shifted between fallows together so there was not much difference in how much land clans and families owned, because each of the families could clear one plot in a year. In general, the land is shared among descendants individually but some plots are owned by a certain clan and not an individual because, for instance, there are five or six families in a clan. The elders customarily passed on the land to their sons, but not daughters. Inheritance rights in the customary system does not allow women to inherit land, which has resulted in lack of land ownership among women in the village.

Sharing, Renting and Sale of Land

The majority of the villagers practiced rotational farming until 2005. After that only some of the families cleared small areas of land for growing vegetables. Before 2006, a village-track meeting was held every year where Bone Baw village, Kiwis Talin, May Last and Goge Gyi met together and decided where to clear for rotational farming for next year. This was because many of the families from Myay Latt moved and settled in Bone Baw, Kyweh Talin and Goge Gyi villages. The plots for cultivation were shared in the village-tract meeting, but not by lottery. The farm plots were owned by specific families or clans. Sometimes plots of land owned by a specific clan were shared among members of the clan and if the plots were left or more plots are available, the extra plots were shared with other clans or with immigrants. If the farm is productive and the family harvests enough paddy for themselves, one or two baskets of paddy or corn will be given to the land owner. If they do not harvest enough paddy, it is not necessary to give paddy or corn to the land owner. The villagers also share plots with immigrants, who are allowed to grow paddy, corn and other vegetables but are prohibited from growing perennial plants.

As mentioned in above, there is not much difference among the clans and families regarding access to land. However, some of the families own more land than other families. Some families own more land because they received land from brothers who moved away from the village. There is no privileged person concerning access to land but all can access land equally. Most of lands are claimed privately and some of the lands are owned by clans. Specific families hold private land claims. Private land claims are also shared among the villagers communally. Some farm plots occupy two acres and some plots occupy three or four acres. The farm plots were shared among the villagers based on the size of the family and their labor force. A larger family with greater ability to work would be given a larger farm plot and a smaller family with fewer working members would be given a smaller farm plot. This is one of the reasons for not practicing a land lottery to distribute land plots. A family in one clan could ask to use a plot of land which belongs to another clan. In this way they used to share the land among families and clans.

The villagers have the right to sell the land in the village. However, there are traditional conventions to follow when selling land. If a family would like to sell private land, they first inform and consult with the members of their clan. If a member of their clan would like to buy the land, it would be sold to them. If the land is not bought by members of the clan, the land could be sold to other people in the village. Although selling land among clans and people in the village is allowed, selling to outsiders is prohibited according to customary rule.

Sharing, Renting and Sale Land to Immigrants

In Myay Latt village, there are immigrants. The immigrants are one person who married a woman in Myay Latt village and also Chin people (four families) from Ann Township in Rakhine State, who came and settled in Myay Latt in 2009. After having a friendship with U Kyaw Sein and U Kan (one of the elders), they were allowed to come and settle in the village. The immigrants have the right to acquire land and could ask for land for farming from the villagers with agreement from the village. The villagers share the land with immigrants living in the village where they can farm for one year but are not allowed to plant long term plants. Sharing plots with the immigrants was discussed and decided in a village meeting. Regarding to selling land to immigrants, the private owners of the land have the right to decide. Mostly when privately claimed land is going to be sold, the land owner has to inform his/her relatives before the land is sold to an immigrant. If the people in the owner's clan want to buy it, the owner will sell it to them. If no one in the clan wants the land, the owner can sell it to the immigrants who come and settled in Myay Latt village. However, the villagers no longer sell to the immigrants.

“U Aung” is also Chin and moved to Myay Latt village from Rakhine State in 2000. U Aung said that “four families immigrated to Myay Latt after being familiar with U Kyaw Sein and U Kan, elders of the village. When they first settled in Myay Latt, they were given land for growing vegetables and rain-fed paddy by U Kyaw Sein. He used to work as a worker in the orchards of the villagers. Now, he has a small orchard in which he has planted banana. He slashed and cleared the land which is left beside the rotational farming areas and planted orchard in 2014. There is some suitable land that are not rotational farming areas, and these lands not used for rotational farming were claimed as communal land and not privatized. Families

who immigrated to the village were allowed to plant orchards in these areas, which are usually narrow and have limited space for orchards.”

At the time of elders, forests were allowed to be cleared for rotational farming but for the last 20 years, extending the cultivation area was prohibited among the villagers. Renting and selling land to outsiders from other villages is prohibited traditionally and they have never sold their lands to outsiders. The land is for subsistence and food security but is not for commercial use.

According to customary rules, selling and renting land to outsiders is prohibited. Selling land among clan members is limited by regulations held by each clan that land is not for commercialization. Because of these regulations, every family still maintains their own land and there is no selling of land to outsiders. There are no lands registrations certificates for all types of land use in the village, and the villagers prefer to register all the land together as communal, including all the forest and cultivation areas.

6 Customary Rules and Forest Management

The community has rules in relation to rotational farming and forest, which are integrated with good management practices. These rules guide the villagers in the activities of rotational farming and others related to forest management.

In relation to rotational farming, the selection of the farming area for the year and how to share the land are decided in a village meeting. Access to land for farming for every family in the village is ensured in the village meeting. Those who have no private land in an area selected for rotational farming for a year have the right to ask land owners to use a plot according to their preference. After clearing vegetation, all the villagers make a fire break together so that when they burn cleared vegetation they will keep the fire controlled and avoid burning other areas. The villagers left forest along the streams and mountain ridges without clearing them for farming. In addition, forests with large trees in watershed areas are not allowed to be cut, even if the surrounding area is cultivation area.

The majority of the total area of Myay Latt village is forest and the forest is owned by the villagers communally. All the villagers have the right to log timber from the forest for domestic use. According to customary rules, the outsiders (people from bordering villages) have to ask permission from the village if they would like to log timber for building house. Permission for extraction of timber is decided in a village meeting led by village administration committee. Those who ask permission for logging timber give some donation to the village to use as a village fund. The village fund is spent building village schools, road, bridges and on other village activities.

According to customary practices, the villagers conserved forest along the streams and conserved watershed areas for the purpose of maintaining their water source and good water quality. The villagers also maintain forest throughout the mountain ridges. According to the respondents, leaving forest along the mountain ridges helps better rehabilitation of forest. When burning vegetation for rotational cultivation, they made a fire break to protect other forest areas from fire. These regulations are ecologically very sound practices.

Conflict resolution

Conflicts among the villagers in relation to land rarely happen, and instead conflicts are mostly regarding social matters. Conflicts in the village are usually handled by elders of clans, the village leader and the administration committee. The village leader and village committee are elected in a village meeting. In conflict resolution, the role of elders of each clan is also very important. Compensation is negotiated by those who are handling the conflict. Relating to forest, those who break the rules such as burning forest or cutting trees from protected forest are fined in cash or other goods by the village administration committee.



Figure 3: Rotational Farming and Forest Maintained along the mountain range

7 Issues in Myay Latt

The villagers have been facing the issue of having a gas pipeline and electric power line crossing the village's territory. The gas pipeline was constructed to bring gas to China from Arakan State was started in 2012. The electric power line was started in 2015. Construction of the gas pipe line and the electric power line across the village territory resulted in the loss of about 22 acres of forest and orchard land owned by the villagers. The villagers were compensated for their land and the plants in the orchard. The gas pipeline project developers did not compensate the villagers for destruction of the forest in the Community Forestry area. However, the villagers were compensated by electric power project. The impacts of the projects are more than they have been compensated for. Landslides have occurred because of road construction for the gas pipeline and electric power line and more land and plants in orchards and forest are being lost continually.

Many villages throughout the gas pipeline tried to get compensation from the project implementers with the leadership and help of the pipe line watch group. However, the effected communities were underpaid for their plants and cash crops. Indigenous communities who are dependent on the forest and cultivation threatened by such projects carried out by the government, companies and other investors.

Another issue is the death or dying of cash crops, especially orange and guava, which are the main fruit trees for generating income. This is threatening the food security of the villagers. In this situation, the villagers try to adapt by growing coffee and other cash crops which are adaptive in climate change. The villagers need awareness and technical support for alternative livelihoods. Illegal logging in this area is one of the issues that is threatening customary forest management. Even though customary rules have enforcement among the villagers, these rules are not followed by outsiders.

8 Conclusions

Myay Latt village has a unique form of land tenure and management. They have their own land tenure system and land use system which they have carried from generation to generation according to custom. At present, there are changes in their land use and livelihoods due to internal and external driving forces. However, customary law and good practices are still being maintained to date, including conservation of watershed areas and maintaining forest along mountain ridges and along streams. Changes in livelihood system to earning income from orchards has resulted in importing rice and vegetables from near towns in the lowlands. Even though livelihood change has taken place, the land is still essential and the land is where they make their living. Improving the livelihoods of the community by contributing transportation and technical support for their livelihoods is very important.

Customary land management has sound practices for environmental conservation. Their practices are contributing to sustainability of environment. Customary

practices already preserve and protect watershed areas, streams and forest. Leaving forest throughout ridges also contribute the regeneration of forest. They did not use all the land for farming; they leave forest without clearing for rotational farming and orchard.

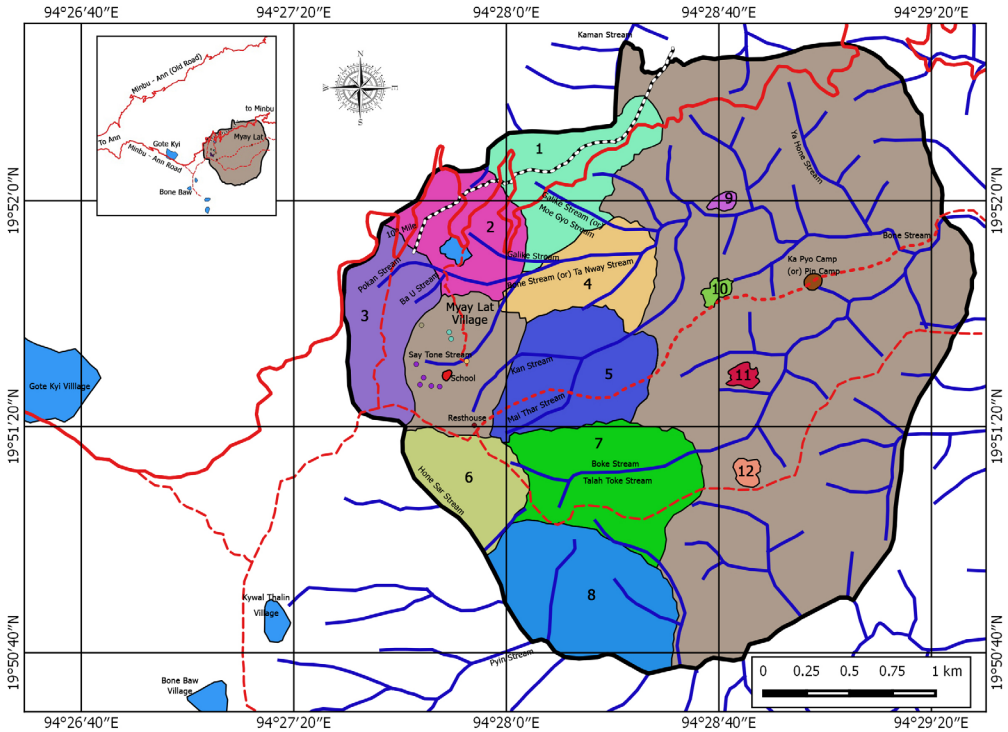
One of the unique parts of the customary land tenure system is the sharing of land among villagers and the sharing of labor. Collective activities are decreasing in orchard as compared to rotational agriculture. Sharing of labor is still practiced for orchards. Customary land tenure emphasizes the welfare of all families by making sure all families in the community have access to land and promoting collective management of land, even though the plots are claimed as privately owned lands. According to customary land tenure, women have no right to own the land but use right and the right to own the land by women need to be considered.

Lack of recognition of the customary land tenure system is a challenge to promoting the livelihoods of the community and for maintaining the good practices of customary law regarding land and forest management.

9 Recommendations

- Good practices of customary land management should be promoted in order to ensure food security of all families, integrated with collective activities and a sense of sharing
- Community-led customary forest management should be promoted for better environmental conservation
- The basic needs such as transportation and technical supports for cultivation of the local communities should be supported to improve their livelihoods and other things such as education and economic opportunities, instead of banning their way of life
- The right to remedy for loss for land and cash crops of local communities should be ensured in the law.
- Customary land tenure needs to be recognized in national laws regarding land to ensure food security of communities, better forest management and to preserve their values

Myay Lat Map of Shifting Cultivation Area in the past



Legend							
	Village Boundary		1. Galike (1995)		3. Shey Tone (2004)		Spring of Water
	Stream		2. Sunto (2001)		4. Shaing Pai (2002)		Peak of Say Tone Hill
	Street		5. Mai Tain (2003)		8. Kone Shaung (2000)		Graveyard
	Main Road		6. Honesa (2005)		7. Talutuh (2006)		Church
	Gas Pipe Line		9, 10, 11, 12 Other Shifting Cultivation Areas				
						Datum:	WGS84
						Creation Date:	Oct 6, 2015
						Data Source:	Field Survey



Annex

Questionnaires

1. Name of village, tract, district/ township, State/Region
2. Ethnic group
3. Number of clans/kinship groups
4. No of households/families
5. Number of years the village has been located on the site
6. Name of neighboring villages. Define the land area that the village controls within its territory by naming boundaries to other villages. List neighboring villages and the boundaries
7. Who was responsible for the delineation of the boundary of the village territory? When?

***Definition of types of land use areas inside the village territory
(Draw Maps on Flip Charts with Villagers)***

8. Which types of lands are found in the village:(upland shifting cultivation, irrigated paddy fields, terraced paddy fields, rain-fed paddy fields, types of forest by official name and by village local name, grazing land, orchard garden land (what fruits), cash crop plantations (rubber, oil palm)? Vegetable crops or flowers for sale?
9. How does the village classify the land in its territory? Local landscape names.
10. Kinds of crops produced for subsistence? Food security from subsistence crops
11. Kinds of crops produced for the market? Income?
12. What is the relative size of each type of the lands mentioned in point 10?
13. How much of the upland shifting cultivation is under cultivation a given year and how much land is fallow? Fallow for how long? How do villagers know / demarcate where the boundaries of shifting cultivation fields are?

14. Has there been any land use planning and mapping of village lands ever?
15. Have any outsiders settled in the village within the last 20 years? How do they acquire land (given, borrow, buy from whom?).
16. Have any business companies or govt approached the village to get land since 2011?
17. Did the village loose land to the army or business before 2011? How much? What kind of land? Present status?

There is land use map, drawn with POINT in 2015. However, before 2015, there is no land use map but the villagers have demarcated the land for rotational farming and orchard.

ပွိုင့် - ရိုးရာဝန်းကျင်ဖြင့်တင်ရေးအဖွဲ့

အမှတ် (၆၈၇)၊ ကြို့ကုန်း၊ စလမ်း(တောင်)၊ အရှေ့ကြို့ကုန်း၊ အင်းစိန် - ရန်ကုန်။

ရုံးဖုန်း / ၀၉-၂၅၄ ၂၄၉ ၄၉၄

ဖေ့(စ်)ဘွတ်လိပ်စာ / <https://www.facebook.com/PromotionOfIndigenousandNatureTogether>

အင်တာနက်လိပ်စာ / www.pointmyanmar.org

အီးမေးလ် / point.org.mm@gmail.com