



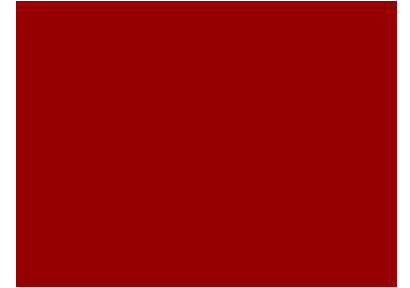
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# Institutions and land management issues in Htantabin Township

Tin Myo Win – Land tenure study team

# Research questions

- Different institutions and their roles: differences between theory and practice
- Practice: What are the conflicts of interests?
- Impact of such issues on land management



# Land related institutions (Htantabin)

- SLRD:
  - Types of land: Agricultural land, horticultural land
  - Responsibilities: land use title (change),
- GAD -- grazing land, village land, cemetery land, Religious Land
- DoF – all types of Fish ponds
- Dept of Livestock – Poultry Farm for Chicken
- Dept of Irrigation – Irrigation/drainage allocated land





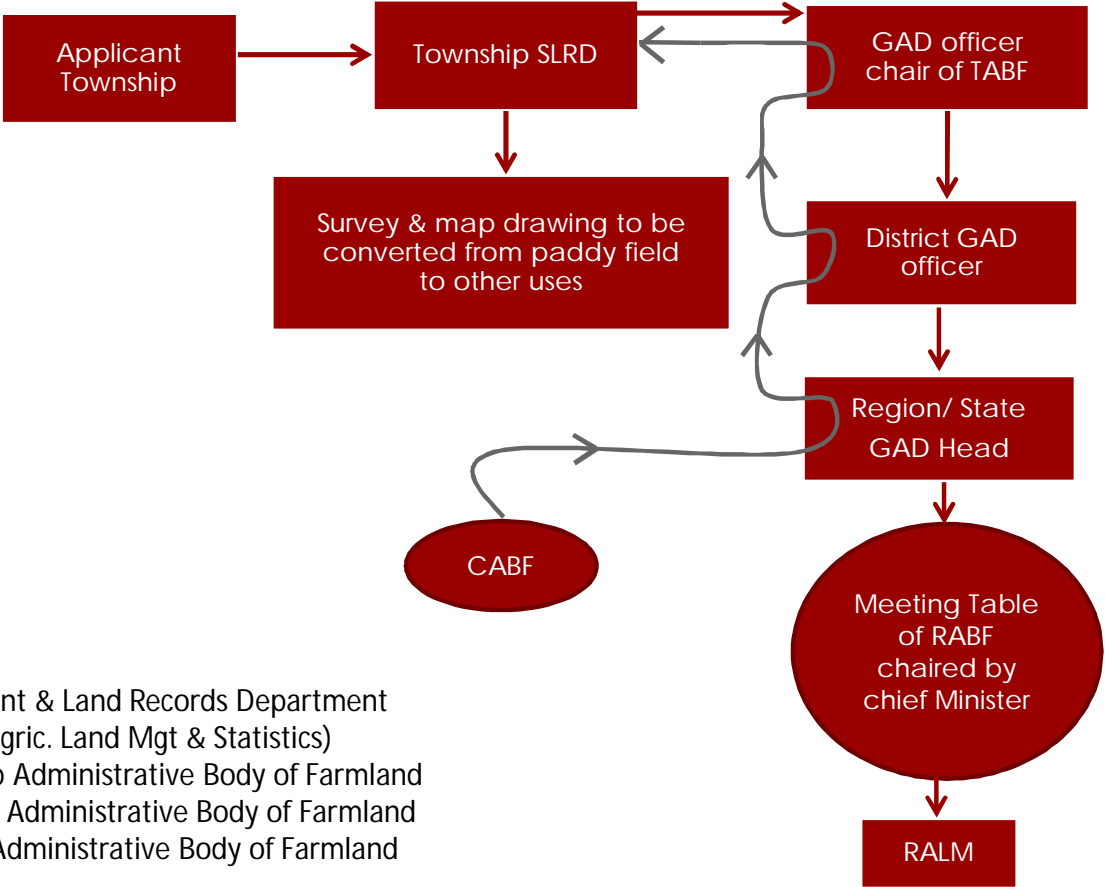
Part 1:  
Land market, land use change and  
the State

# Official process land use change



- ✓ To obtain form 105
- ✓ Land holder ask recommendation letter from the Village Land Management Committee
- ✓ VLMC submit to Township SLRD who examine the case
- ✓ Tsp SLRD transfers to the District Farm Management Body, in charge of transferring to the Region/State farmland management body
- ✓ For all agricultural land except paddy – or to the Central (Nay Pyi Taw) level for land use change concerning paddy land.

# 12 step process of converting paddy land into other uses (section 30 of 2012 Farmland Law)



SLRD = Settlement & Land Records Department  
 (now Dept. of Agric. Land Mgt & Statistics)  
 TABF = Township Administrative Body of Farmland  
 RABF = Regional Administrative Body of Farmland  
 CABF = Central Administrative Body of Farmland

# Land use on the ground

- In case of misuse of land
  - VFMC should put case at Tsp court & inform TFMC
  - Court decision transferred to Tsp SLRD who takes action
- In practice, rare cases only of prosecution
  - VLMC may sue land owner if against personal interests (in short: if the sellers/buyers don't give money to VTA for example)
  - When prosecution: VLMC must issue 3 letters → go to Tsp court → fine or jail → Since fine is low, the defendant pays the fine and obtain a Form 105
  - Yet not accessible to every individual



## Case 1. SLRD detects a misuse of land

- One case put to the Township court by a SLRD officer
- The court – probably with good “incentives” from individual sued under this case
- Stated that **VLMC** should be the **pursuer, not the SLRD**.
- Verdict ordered the SLRD to issue form 105 to the land user (by following this legal irregularity, )





## Case 2. A landless turned land speculator

- Tried to turn a piece of farmland recently acquired into a gas station
- His newly acquired status of wealthy person did not please members of the VFMB
- They managed – under the pretext that the land was too close to the electric transformer of the village
- To issue a warrant against him
- Many individuals who managed to acquire and turn farmland into other purpose( housing plots and barrack-rooms for migrants)



The Land in which Gas Station to be opened



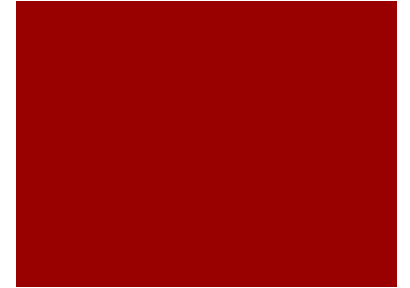
# State's answers

- Early 2015, Township instructs VTA to prevent sales of farmland for other purpose
- Use of signboards to warn on unauthorized land use change
  - Some farmland holders told to remove concrete poles delimitating housing plots.
  - VTAs can't (visibly) act as brokers / can't apply their signature. But there are still involved
  - Visits from potential buyers decrease.
- Main limitation/loophole: farmlands under form 7 can be sold as long as they are cultivated
- Speculators give back farmland use to tenants (sharecropping); wait and see
- State cannot monitor upcoming land use change; no process to subdivide form 7



## Case 3. A local businessman

- A local businessman/ landlord/ Ex-village Headman
- Paddy Trader, Rice Mill, Grocery Store, Money Lender
- Sold 'many' acres of farmlands:
  - Build village monastery
  - Donate an Electrical Transformer for the village use
- High Social Prestige, High Status of Wealth → People don't want to clash with him
- Outcomes:
  - Built house on garden Land
  - Build barrack-rooms in the paddy land( Both for migrants and University candidates)
  - Still has many acres of Paddy Land
  - One of his grandson built a grandiose house in the paddy land of the village



## Conclusion (1)

- Institutions have little power to regulate or monitor land use change
- The relationships between the individual and VLMC (especially Village Tract Administrator) prevails on regulations
- Conflict of interests:
  - Village Tract Administrator (Chairman of VLMB) may have better interests in ignoring the land use change (remunerated by the land user)
  - VTA is elected: depends on villagers' "satisfaction" for next mandate



Part 2:

Land market, land use change and  
State-affiliated individuals from  
institutions



# Case1. From farmland to village land

- Village A : VTA
- Village B : GAD clerk from other village



## Case 2. The power to use without formal change

- 100HH leader actively and openly selling housing plots on farmland
- Clerk who managed to sell housing plots on farmlands in Hlaingthayar (Yoe Gyi Yoe Lay): brick making...
- Urban investor in Village A doing large-scale chicken breeding/fish pond:
  - Fish Pond
    - 1) Need License from DoF
    - 2) With the recommendation by the VTA.
  - Chicken breeding
    - 1) Under the Department of Livestock
    - 2) need license from a Medical officer for sales to the market
    - 3) Recommendation by the VLMC or VTA.





## Conclusion (2)

- Most VTAs act as “brokers”: involved in most transaction
- GAD clerks actively participating to informal land market and land use change
- The VLMC is essential in land use change process, so is the Village Tract Administrator
- Too much power vested in one man’s hands?



# Impacts on land management

- Institutions are avoiding problems:
  - Is there any institutional land management?
- Individuals from institutions are directly involved in land market and land use change
  - Is land use planning done by individuals only?
- Will future management be ever possible?
  - Monitoring form 7 change issues

