

**Land Management  
And  
Impacts  
2022**

**Civil and Political  
Rights Campaign  
Group – CPRCG**

**Myanmar is striving to be managed as a federal union. Therefore, this research paper is written so that the interests of local and ethnic people can be implemented in managing land.**

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## Land management and the people

### Introduction

Most of Myanmar citizens make a living mainly based on agriculture. The conflict between the government who manages land and the farmers remains as historical records. The

**general economic hardship** which is one of the main reasons of “88 Uprising” that happened 30 years ago which toppled the one party dictatorship is related with land managements that oppressed on farmers.

Land problem got worse during military regime after one party dictatorship. Since it is a military regime, army grabbed many lands. The businessmen who are affiliated with the army grabbed land under the cover of law. The government departments which are headed by the military officers also grabbed lands. The military officers also grabbed land. It was found that the land grabs during military regime were so worse that land issue discussion at parliament was banned during the so-called civilian government and the NLD government. The land issues are the problems that still cannot be solved during the (10) year term (2 terms of 5 year term) of the government formed by the representatives elected by the people. It is found that the policies, laws, rules and procedures enacted by the governments elected by the people cannot settle the land issue.

On February 1<sup>st</sup> 2021, the army toppled the civilian government and staged a coup. At the moment, all walks of life nationwide are trying to topple the military regime. Nonetheless, Myanmar will root out the military dictatorship for good and reestablish the democratic government based on federal system which is desired by the people.

Therefore, lessons should be needed to identify for the future federal government from the persons who have perpetually engaged in land issues and the experiences of the people who have suffered from land issues. As it is needed to carry out better land management by taking lessons as good experiences by not repeatedly committing the mistakes of previous governments, “The impacts of previously conducted land management” is written by collecting data.

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## Part (1)

### 1. Current situation

In Myanmar, the army held power for (22) years from 1988 to 2010 under the titles the State Law and Order Restoration Council and The State Peace and Development Council. During

those times, for the interests of the army itself and the army affiliated businessmen, land managements are carried out.

To take the form of civilian government after 2010, the army founded “Union Solidarity and Development Party” and transferred power. At the time, measures were taken to make sure that arbitrarily grabbed lands cannot be returned back and continue using for the interests of the army and the businessmen. In 2015, although the civilian government is in power according to the wishes of the people, it was weak in effectively amending the laws that protect the army and the businessmen and protecting the interests of the people, land owner farmers and local people. In 2020 election, although the civilian government elected by the people is reelected, the army took over the power from the elected government in order to protect the interests of the army and the businessmen.

At the moment, people throughout the country are opposing the military regime every day. The elected government has already discussed and agreed with ethnic organizations to administer the country with federal system. People are protesting on the streets and preparing to do arm resistance and taking refuge in the EAO controlled areas. Nonetheless, it can be found that actions are taken with the aim to administer the country with federal system.

Without cooperating with the army, civil society organizations are doing the best they can to provide humanitarian aids to the people amid the restrictions of the army.

When the states and regions share power with the union government and administer their regions by themselves, the existing laws are not in line with the wishes of the local people and fail to implement the interest of local people and it is needed to remedy. When the governments from respective regions and states carry out land management, the wishes of the local people, rights and interests of the local people and customary land management of the ethnic people should be put into consideration.

Hence, the wishes and customary management which must be put into consideration in land management of local people and ethnic people should be needed to compile. By doing so, the people can effectively give recommendations in laying down land manage policy and drafting laws by the government.

## **2. Objective**

The people should be able to effectively cooperate in every decision making process of the government.

### 3. Purpose

- (a) Customary land management of the ethnic people should be put into consideration in land management
- (b) To give protection so that the interests of the local people are not suffered and coordinate with them as agreed after the agreement of the local people is obtained in laying down regional development projects
- (c) To implement measures to return the grabbed lands quickly and accurately to the local original owner farmers
- (d) The difficulties faced by the people in management of land by the government is known

### 4. Area researched and operation

- “Customary managements of ethnic people and the wishes of the people which must be put into consideration in land management” are compiled and collected.
- Online app is used in entering data to facilitate the operation.
- Data collection is carried out in the following regions and states which are project areas of CPRCG –
  - (a) Bago Region
  - (b) Sagaing Region
  - (c) Magway Region and
  - (d) Rakhine State.
- (13) legal aids of CPRCG and (23) activists from the regions are given training for (2) times with virtual meeting for data collection operation.
- The voices of legal aids, capacity enhanced clients and local people are taken in drafting the questionnaire for data collection.
- The data records obtained will be presented to the partner organizations, legal aids, interested local people and respective regional and state governments.

### 5. Specifications for interviewees

It is necessary to collect the wishes, difficulties and experiences of the stakeholders who are directly concern with land. Therefore, people who meet the following specifications are decided to be interviewed.

- (a) People who make a living with land
- (b) People who are facing land cases and people who are having land disputes
- (c) People whose lands are grabbed for various reasons
- (d) People who are making a living related with forest
- (e) People who are making a small scale business related to land
- (f) Land rights activists who are actively assisting the people in issues related to land

### **6. Data collection method and data collectors**

Online communication, data collecting and research tools are used to be faster and secure in transportation in data collection. Tablets and android phones currently used by the data collectors are used to collect the data.

- Kobo Toolbox app
- And Kobo Collect App for android app in field collection were used.

Data are collected by the legal aids from Civil and Political Rights Campaign Group – CPRCG and land issues in the region are collected by capacity enhanced clients and activists who are communicating with the legal aids of the group.

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## **Part (2)**

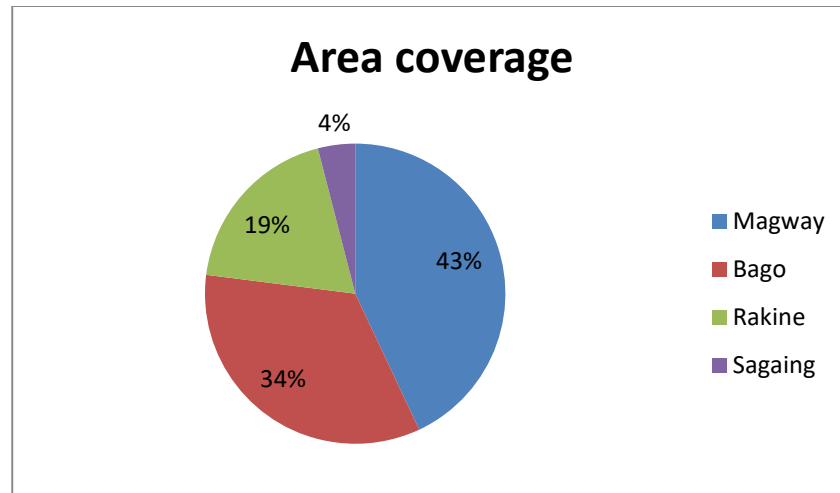
### **7. Data**

#### **(a) Area Covered**

The data collected has covered (3) regions and (1) state, Sagaing Region, Magway Region and Bago Region and Rakhine State. Magway Region has maximum participants with 43%. Bago Region has second highest participation with 34%. Sagaing Region has low participation because of the instability of the region.

(310) persons who are making a living with land and living in (26) townships in the above mentioned (3) regions and (1) state are interviewed.

[Table \(1\) & \(2\)](#)

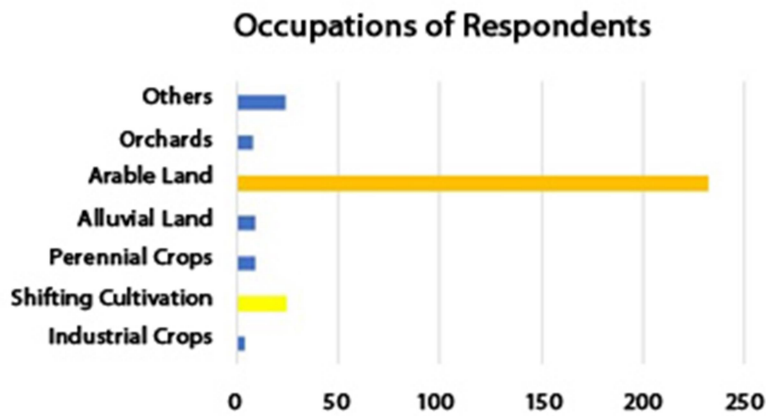


### **(b) Class included and criteria to be included in the questionnaire**

People who are making a living related to land are specified as target group and their wishes and experiences are interviewed. The participants to be interviewed are selected with a criterion.

In data collection, among the people who are making a living related to land, industrial crops farmers, farmers who use shifting cultivation, long term crops farmers, farmers working on alluvial land, arable farmers, orchard farmers and people who make other livelihoods are included. Arable farmers are the majority.

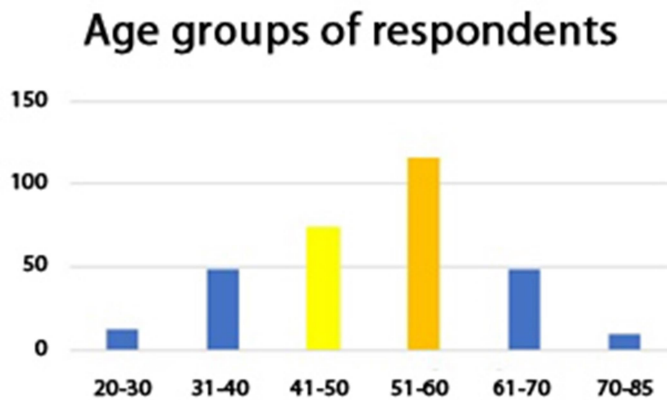
[Table \(3\)](#)



(c) Age range

All age range that can suffer from the impact of land management is attempted to cover. Among the interviewees, people who are making a living related to land with an age range from (20) years to (85) years are included. Among the participants, majority are from (50) to (60) and second majority are from (40) to (50).

Table (4)



The data, percentages, and figures that will be mentioned subsequently are based on (310) persons who are making a living related to land.

### Part (3)

#### 8. Land policy and the people

In January 2016, “**National Land Use Policy**” is enacted in Myanmar. Public consultations were held in states and regions and all walks of life related to land took part in it in drafting “National Land Use Policy”. “National Land Resource Management Central Committee” was also formed.

Likewise, Committee for Reviewing Confiscated Farmlands and Other Lands has issued “**policy and process to be amended and points to carry out**”. In that statement, it has laid out (7) sectors and (52) policies.

Therefore, it can be said that people who make livelihoods related to land are familiar with land policy.

When asked if people should take part in drafting policy and law or not in taking survey for “Land Management and Impacts” by CPRCG, (168) participants (54%) out of (310) answered that people should take part.

#### Table (5)

When asked how people can take part –

- |   |     |
|---|-----|
| • Participants who answered that it can be presented through organizations in drafting policy | 22% |
| • Participants who answered that it can be presented through members of the parliament        | 19% |
| • Participants who answered that they can take part in the discussion                         | 17% |
| • Participants who answered that they can give recommendations by letter                      | 7%  |

It can be said that 65% answered that people can take part in the discussion somehow in drafting policy and laws.

### [Table \(6\)](#)

But, when asked if recommendations of the people are included in drafting policy and law or not, since over 27% answered that they do not know, over 18% answered that recommendations are not included and over 26 % answered that recommendations are included in drafting policy and law, it is found that the data is different and spread out.

### [Table \(7\)](#)

47% of the participants answered that land policy and laws laid down by the government protect the interests of the people. But, when asked if policy and laws can solve the difficulties and problems faced by the people or not, it is found that **“57% answered that it cannot solve”**.

### [Table \(8\) & \(9\)](#)

#### Analysis on land policy and laws

1. During the term of civilian government that practices the democratic system, participation of the people is improved in drafting land policy and laws.
2. It can be found that monitoring whether their recommendations are put into consideration or not in drafting policy and laws is weak.
3. Although land policies and laws can protect the interests of the people partially, it can be found that those are weak in solving grabbed land issues which affected the people.

#### Recommendation (1)

In practicing federal system, in drafting land polices and laws, whether the union government has authority, whether the state government has authority, measures should be implemented focusing on the right to participate by the people who are the original owner of the sovereignty of the state and the right to make decision by the people in every step of decision making.

### Recommendation (2)

It is needed to consider regional development operations in managing land. The needs of each village, ward and township –

- (a) Land to build markets, hospitals, universities and vocational schools
- (b) Land to build housing, village roads, rural transport routes by laying down long term projects in accordance with future population
- (c) land for preservation of environment and wildlife, climate control and recreation for the public
- (d) Land for sports ground for health of people
- (e) To put into consideration for industrial zones for expansion of regional businesses and service industry potentials for tourism business

### Recommendation (3)

It is needed to be land management that implement the interests of local people and the land management should be measure that can solve the land issues that cannot be currently solved.

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## Part (4)

### 9. Farmland management

#### Background information

Farmland law is enacted on 30<sup>th</sup> March 2012 as the law number 11 of Pyidaungsu Hluttaw. Amendment was made on (14/02/2020).

#### Complexity

1. In farmland law there is two interpretations as farmland and low land. In the definition of farmland, farmland means “land considered as low land, upland, silty land, high elevation upland, perennial crops land, nipa palm land, garden land or horticultural crops land or alluvial land. In this expression, housings, religious buildings and precincts within town boundary and

village boundary and communal land which are not used for agriculture are not included.”  
(Farmland law, section 3 (a))

2. In the definition of low land, it is interpreted as “....means land on which paddy is mainly cultivated.”  
(Farmland law, section 3 (b))

3. In interpreting peasant, it means a person who carries out by himself or who supervises throughout the business by capitalizing the investment in order to produce seasonal crops, horticultural crops, perennial crops or commercial livestock breeding by using the land.

(Farmland law, section 3 (e) (3))

In the management for the paddy farmers, the management for perennial crops farmers and nipa palm plantation farmers are included. But there is no management for toddy-palm plantation farmers. What makes it more complex is that land management for livestock such as fish, poultry, goats and cows not provided separately and included in it. Such complexity makes the effectiveness of land management weak.

Although alluvial land management is provided in the farmland law, management cannot be carried out in accordance with law in reality. It makes things more complicated for farmers who are living in the community.

Such weakness of law and land management causes huge effect on the local people. Therefore, the impact of law and management is recorded by field visits.

### Impacts of farmland management

#### Farmland work permit

1. In the farmland law, farmers are supposed to apply for farmland work permit. If asked they can apply for farmland works permits and receive it or not, 60 % answered that they have received it.

26 % answered that they did not receive the permit. Those may still applied for it

[Table \(10\)](#)

2. In farmland work permit, alluvial land work permit is also included. 48% says that giving alluvial land work permits is beneficial for the farmers. 71% answered that although giving alluvial land work permit is beneficial for the farmers, respective farmland management committee could not provide permits annually as provide in the law.

[Table \(11\) & \(12\)](#)

3. Since toddy-palm plantation shifting cultivation which are working as customary practice are not provided in the farmland law, 34% of farmers answered that it is not beneficial and it is not only beneficial but also causes difficulties.

[Table \(13\)](#)

### Benefits

4. The government disburses agricultural loans farmers who receive the permit in accordance with farmland law. 56% answered that therefore farmland law makes providing agricultural loan convenient. But, it is found that 36% answered that it causes difficulties.

[Table \(14\)](#)

It is found that it does not provide leniency since it does not solve the natural disaster such as draught, flood, pests and damages to agricultural business, drops in yield because of climate change.

5. Although upland is included in the law, there is no provision for shifting cultivation. There are ethnic people who are working on shifting cultivation in Kyaukkyi Township, Taungoo District, Bago Region. Likewise, Chin people who settle on Rakhine Yoma, Rakhine State also make a living with shifting cultivation. They are minorities and rarely engage with government departments.

In this research paper, 46% answered that they do not know about impact of farmland law on shifting cultivation and 32% answered that the law makes the shifting cultivation farmers difficult. It is found that the farmland law does not protect the shifting cultivation farmers.

[Table \(15\)](#)

6. There is no provision in the farmland law to provide modern agricultural technique, equipment, seeds and fertilizer which are the inputs for farmers. Therefore, 75% answered that they do not receive support.

[Table \(16\)](#)

7. In the farmland law, although the farmland work permit has the right change name of ownership, inherit, sell, mortgage, lease, it is difficult to do that in reality for farmers who live far from town. In this survey, 63% answered that it is difficult.

[Table \(17\)](#)

### Providing service

8. 77% answered that village and ward farm land management committee cannot effectively solve the land issues such as farmland work permit dispute and grabbing of land.

[Table \(18\)](#)

9. Although the main task of government departments is to provide service, 49% answered that the department that is most difficult to engage with local people is the General Administrative Department. The second most difficult department is the Department of Agriculture Land Management and Statistics. 39% answered that the most difficult department to engage with is Department of Agriculture Land Management and Statistics.

[Table \(19\)](#)

10. 48% answered that it is difficult for local people and farmers to comply with farmland laws and 43% answered that they do not understand laws and procedures.

[Table \(20\)](#)

According to 77% of responses, it is found that respective departments did not give awareness so that the farmers are aware of farmland law.

[Table \(21\)](#)

### Right to participate by the people

11. 65% answered that right to give recommendation by the local farmers in farm land management is not provided according to law.

[Table \(22\)](#)

Foreign businessmen are buying farm land under the names of ethnic people and citizens. Moreover, other businesses are conducting on the farm land. But, 49% answered that local farmers cannot object or inspect such practices by such companies and businesses.

[Table \(23\)](#)

### Working on farm land

12. 44% answered that farmers can register and apply for work permit for the land they are working on they can expand the farm land.

[Table \(24\)](#)

There is a discrepancy between the farm land where farmers are actually working and the farm land approved by the respective department. 60% of participants also answered that the map is not accurate.

[Table \(25\)](#)

### Actions of State Administrative Council on land

13. Although it is said that SAC carries out farm land management, 94% of the people answered that they do not know about the farm land management committee formed by the SAC and reorganization of the committee members.

[Table \(26\)](#)

The farm land management carried out by the SAC is not solve and settle the difficulties of the local farmers. It is for interests of the responsible persons of the SAC and their affiliated companies. It is found that up to 75% answered that land problems of farmers are not well inspected.

[Table \(27\)](#)

### Analysis on the impact of the farmland law

1. It is found that the farmland law cannot protect practical life of local farmers.
  - It is found that livestock and agriculture is mixed.
  - Perennial crops land and garden land are included in the farm land.

Likewise, such practices are allowed to apply for permit in the Vacant, Fallow and Virgin Land Law. It is not known why such lands are included in farm land type for what reason.

2. It is found that alluvial land work permit cannot be managed in areas of alluvial land. Shifting cultivation is found in hill areas. Ethnic people living in Kyaukkyi Township, Bago Region, Karen State and ethnic people living on Rakhine Yoma make a living with shifting cultivation. Not only those ethnic people are not protected they were even prohibited saying that such practices are not in accordance with law.
3. it is found that processes provided in the law are complicated and difficult to understand for farmers who want to apply for work permit and transfer of work permit.
4. Service of the government and the accuracy of land survey are weak.
5. it is found that the system that solves the grabbed land cases and work permit disputes faced by the farmers is not working. Amending decisions and making decisions by the township, district, state and regional level on the decision of village and ward level that are fully aware of the root cause of the land issue makes it farther from truth. It is needed to support by law to focus and strengthen the basic decision made at ward and village level.
6. By letting people participate in the decision making stage and by letting the offender know that decisions are justified, consequent problems can be prevented.
7. In section 6 (b) chapter (2) issuing farm land work permit, it is mentioned that “if it is an organization, it shall be the **government department, government organization, non-government organization, company or association**” and government departments grabbed lands also in reality. Conflicts between local farmers and companies and businessmen have occurred.

### Recommendation (1)

According to federal system, the land management in states and regions must be held accountable by the township level. Various issues such as giving land, leasing land, supervising operations implemented at land, and taxation of land at township level is needed to decide by the committee which included representatives from various walks of life in wards and villages.

Whichever government department or government organization wishes to use land, it must be carried according to the decision of responsible township level organization

that can make decisions on giving land and influencing or ordering on township level by higher organization must be prohibited.

### **Recommendation (2)**

At township level, long term land use plans are needed to be drafted by involving local people and representatives from various walks of life.

Giving land, leasing land and implementing development projects should be based on the above mentioned long term land use plan of township and make decisions.

### **Recommendation (3)**

If the agricultural businesses of the farmers are affected by weather, natural disasters, pest infestations, currency and market instability, state or regional government should lay down measures that will give leniency.

### **Recommendation (4)**

Respective government departments must provide seeds, technique, fertilizer, pesticide, organic farming technique to the farmers in the region.

Prior agreement should be taken with the companies that sell fertilizers, pesticides and seeds which will enter into the farmers to sell only responsible goods and to give compensations of there were side effects. If there are violations of rules, the person who suffers grievances should be able to press charges at respective township court.

### **Recommendation (5)**

If businesses of companies and government departments wish to grow paddy for research, farm land work permit should be issued with the approval of union government only at vacant, fallow and virgin lands.

### **Recommendation (6)**

Farmland law should be separately enacted only for the persons who work on farm land. Including livestock breeders in the list of farmers is totally inappropriate.

### **Recommendation (7)**

The legal requirements and dispute settlements for the daily livelihood of local farmers should be finished at township level. The processes that have to go to district, state or regional level which cost more for travelling expenses and disruption of work should not be included as a requirement.

### 10. Vacant, fallow and virgin lands management

#### Background information

Vacant, Fallow and Virgin Lands Management Law is enacted as law number 10 of Pyidaungsu Hluttaw on March 30<sup>th</sup> 2012. Amendment is made on (11/09/2018). On the section (4) of this law, it says that the businesses that are allowed on vacant, fallow and virgin lands are agricultural business, livestock breeding business, mineral production business and other businesses permitted by the government in accord with law.

Agriculture, livestock and mining businesses have respective ministries. Laws are enacted for respective businesses. There were objections saying that therefore Vacant, Fallow and Virgin Lands Management Law is “not needed”. There were accusations saying that this law is to protect the grabbing of many acres of land by businessmen during the rule of 1988 military junta. It has a bad name as “land grabbing law”.

The application of permit is submitted to the central committee (Naypyidaw where the union government offices are resided) and it is needed to obtain the comments of respective state/regional government and the comments of respective ministry related to the nature of the business. Therefore, it is found that this law is out of reach for the local farmers.

According to this law, since right to manage vacant, fallow and virgin lands can be approved with the authority of central government and ministries, state and regions cannot manage it. In the upcoming federal system, the impact of this law should be needed to consider.

#### The impacts of vacant, fallow and virgin lands management

##### Applying permit

In collecting data for this survey, there are 64% of self-applicants of vacant, fallow and virgin lands permit. There will be experiences of self-application. Only 29% of applicants of vacant, fallow and virgin lands permit are local farmers.

[Table \(28\)](#) [Table \(29\)](#)

##### Permit dispute

Companies and businessmen from other region who are not local people work on the land approved as vacant and fallow land. Because of the inaccuracy of land survey and wanting to get location with better soil and access to water, both company and local people accuse of invasion. When asked about the status of dispute, 47% answered that disputes happened.

[Table \(30\)](#)

When asked about the dimensions in acres of land approved to the companies and private businessmen, 44% answered that many acres are approved and 45% answered that too many acres are approved. Hence, by combining two responses, it is found that 89% assumed that many acres are approved.

[Table \(31\)](#)

### Transparency

71% answered that the government does not inform the local people in advance about the approval of the vacant, fallow and virgin lands permit to the companies and businessmen. 22% answered that they sometimes inform.

[Table \(32\)](#)

### Benefit

84% answered that there is no development of the region, job opportunities and improvement in transportation because of the settlement of the companies. Likewise, 77% answered that there is no improvement in agriculture, economy, and industry of the country.

[Table \(33\)](#) [Table \(34\)](#)

### Accountability

The companies that are working on vacant, fallow and virgin lands have project specifications that must be implemented according to project timeline in accordance with law. They just preemptively took the lands but did not implement the projects.

In collecting data, 64% answered that projects are not effectively implemented according to law.

When asked if government departments that approved the permits inspected the project implementation of companies or not, 49% answered that there were no inspection and

45% answered that they do not know. Over 95% of respondents answered that the government departments did not inspect the companies.

### Analysis on impact of vacant, fallow and virgin lands management

1. The companies that received the permit cannot implement projects on the land they received according to years as mentioned in the permit. They just preemptively took the lands.
2. The crop that was proposed to cultivate when applied for permit and the crop that was actually cultivated are different. It is found that oversight of the government department is weak.
3. It is found that approving permits to work on vacant, fallow and virgin lands to the companies is not beneficial for the local farmers and for the country. Although tax exemption is given, projects were not able to implement and cannot implement economic development of the country. It is only found that more problems and lawsuits and counter lawsuits between local farmers and the companies that received the permit have occurred.

### Recommendation

- Only central government has authority and state and regional government have no authority
- Not beneficial for the local people and the country
- It is only found that more problems, disputes, lawsuits and counter lawsuits between local farmers and the companies that received the permit have occurred

**It will be needed to annul the Vacant, Fallow and Virgin Lands Management Law and management or review it with particular emphasis.**

## Part (6)

### 11. Implementing community forest

#### Background information

“Community Forest Instructions” is announced on August 16<sup>th</sup> 2016 with order number (84/2016) by Ministry of Natural Resources and Environmental Conservation. Second instruction (new) is announced on May 8<sup>th</sup> 2019.

Forest Department gives awareness to local people. It is directed that the department facilitates in drawing administrative plans by community by local people and implementing according to the plan by the community.

In the purpose of implementing community forest by the local people, the followings are included -

- To fulfill the basic forest and Forest needs such as wood and non-wood forest products for local people
- To create jobs and income opportunities and to reduce poverty for local people

### Impacts of implementing community forest

In this survey, 17% of participants are working on community forest in their region. Participation is low since only people living in close proximity to forest work in community forest.

[Table \(38\)](#)

If 2 responses that respective department gives awareness about implementing community forest and that little awareness is given are combined, there are 27% of participants and it covers the 17% who working on community forest.

[Table \(39\)](#)

Since processes such as drafting administrative plan and implementing according to the plan by the local people are involved, when asked if the processes are simple and easy, 87% answered that those are not simple and easy.

[Table \(40\)](#)

When asked if interested in implementing community forest or not, the numbers of participants who are interested and not interested implementing community forest are not much different. It is found that almost half of participants are interested in implementing community forest.

[Table \(41\)](#)

69% answered that implementing community forest is beneficial for the local people whether interested in implementing community forest or not.

### Analysis on impacts of implementing community forest

1. The local people themselves believe that it is beneficial for them.
2. It creates jobs for people who are making a livelihood related to forest.
3. New household materials and forest products can be used legally.
4. It is found that implementing community forest by the local people supports forest conservation and rehabilitation of the Forest Department.

### Recommendation

Implementing community forest should fall under the management authority of the state and regions.

It is not only beneficial for the local people but also beneficial for the country. It is an activity where people can cooperate in the work of Forest Department.

Implementing community forest should be expanded so that local people can participate more effectively.

## Part (7)

### 12. Management of grabbed lands

#### Background information

After the army staged the coup in 1988, confiscation of lands is carried out by the General Administrative Department in accordance with 1894 Land Acquisition Act. On August 19<sup>th</sup> 2019, Pyidaungsu Hluttaw enacted Land Acquisition, Resettlement and Rehabilitation Law as law number 24.

Between 1988 and 2010, the army, companies affiliated with the army and government departments carried out grabbing of lands competitively. In some regions, confiscation of lands is done under the names of Maternal and Child Welfare Organization, Red Cross and fire brigades. No matter how lands are grabbed or confiscated, it is found that they did not follow the existing laws and procedures of that time. Grabbed land issues are cases that are difficult to solve. In grabbed land cases, along with the department and organization that grabbed the land, Survey Department and General Administrative Department are involved and wrong land surveys, wrong procedures and misuse of power can be seen. It is found that people could not protect and demand their rights in accordance with law under the military regime.

Under the government democratically elected by the people, policies are laid down to handle the grabbed lands. But, in carrying out those policies, because of the fact that the organizations that grabbed lands and organizations that can make decisions do not understand the procedures, and inability to resist external pressure, compliance of those policies was weak. The organizations that grabbed lands must return the unlawfully confiscated lands back to original owner farmer. Or, the surplus land which is not used although it was confiscated must be returned. But grabbed land issue is difficult to solve because grabbed lands were transferred, sold and given permits to affiliated companies.

### Impacts of management of grabbed lands

The regions that the survey covered included Rakhine State, Sagaing Region, Magway Region and Bago Region. In those regions, 75% answered that there are grabbed lands. Therefore, this survey can highlight the ground situation of grabbed lands.

[Table \(43\)](#)

### Main organizations that grabbed lands

Among the organizations that grabbed land, the army made most of the land grabbing. It is found that confiscation by the army is highest with 39%. Second highest is government departments and it account for 28%. Others mean confiscation of land for urban development such as health department, playground and park.

That land confiscation by other reasons account for 21%. It is difficult to solve because previous government and government department themselves carried out the confiscation of lands.

[Table \(44\)](#)



### Returning grabbed lands

52% answered that grabbed lands are not returned to the original owner farmers when grabbed lands are demanded to return during the term of democratic civilian government. 22% answered that they are still facing trial to return to the original owner farmers. It is found that local farmers are suffering a lot of grievances since there are 70% if farmers whose land are not returned and farmers who are still facing trial without the certainty to get their land back are combined.

[Table \(45\)](#)

It is found that only 9% answered that grabbed land issues are solved although the government has formed various levels of **Review Committee on Confiscated Farmlands and Other Lands** from central to ward and village level and laid down **(52) land policies** to return to the original owner farmer by reviewing the confiscated lands.

### The main reason for delay in solving grabbed land cases

44% answered that that committee cannot solve the grabbed land cases effectively and 47% answered that it is weak and delayed in solving cases. It can be found that those committees cannot perform well since there are 91% if two groups are combined.

[Table \(46\)](#)

Therefore, when asked what the main reason for delay in solving grabbed land cases is, 42% answered that it is weak processing of the organization (committee) that solves the grabbed land cases and 29% answered that it is weakness of law (policy).

The unique point is that 24% answered that the case processing are delayed because the organization (army/ government department) that grabbed lands do not want to return the lands.

[Table \(47\)](#)

### The status after the army staged the coup in 2021

While the army held the power, “Review Committee on Confiscated Farmlands and Other Lands” is reformed by replacing the members of the committee. But, when asked the farmers about it, 95% answered that they do not know about it.

[Table \(48\)](#)

It is found that 65% do not think that that committee formed by the SAC will not comply with law, policy and directive that were laid down before and 33% answered that they do not know how it will perform.

[Table \(49\)](#)

When asked if there were grabbing of land during the period SAC held power or not, 40% answered that there were no grabbing of land and 59% answered that they do not know.

[Table \(50\)](#)

When asked if there are processing to return the grabbed lands back to the original owner farmer during the coup period or not, 71% answered that the grabbed lands are not returned to the original owner farmers.

[Table \(51\)](#)

### Analysis on impacts of management of grabbed lands

#### Land grabbing

1. The root cause of the problem is –

- The army grabbed the lands and transferred and sold those grabbed lands to companies and businessmen.
- Some of the lands were leased out to other farmers.
- Some of lands were leased out to original owner farmer.

The lands that were “**relinquished**” are lands included in the third type of lands. The lands

that were leased out to original owner farmer are returned to the original owner farmers with goodwill.

The rest type of the grabbed land cases were difficult to solve because the army has failed to solve giving various reasons.

### Compensation

2. The compensation given in grabbed land cases were not market price and the army specified the price as they wished. They gave compensation threatening that **“Take it while you can or the land will be confiscated without getting a penny”**.

### Committee that solves the grabbed land problem

3. Ordinary dispute is decided at ward and village level according to Farmland Law. Then the case is appealed at township, district, state and regional level. The affluent company owners and businessmen changed the decision with money at the final decision level where it cannot be appealed and the original owner farmer’s land is officially grabbed. In the end, writs were written to the union level and it can be a record era of inflation of “writs”.

### Policy and laws

It is found that policies and laws were enacted to solve the grabbed land problems but could not remedy those.

### Recommendation

1. Ward and village tract levels are the ones that know most about the origins of grabbed land problems. Appealing at various levels on the decision of basic level encourages more on corruption and bribery. Processing the land cases as if criminal case and civil case is wrong. It is obvious that it is wrong once non-resident person can get work permit on land of the community as if it is inherited from the ancestors. Therefore –

- To consider the decision of the ward and village seriously and not to change it by abusing power and
- A measure is needed to form an organization comprising representatives from all walks of life and elders at ward and village level that can make decisions on the land issues.

2. The main authority to decide land management must be in the hands of township level.
3. The decision making authority should not be kept in the hands of one department or one group and the decision should be approved only when the consensus is reached by all representatives.
4. In the federal system, it is needed to implement specifying union territory boundary and carrying out economic businesses of the county only when the consensus of the people is reached.
5. In implementing regional development projects, “development projects that do not affect the interests of the people should only be carried out” so that the education, health, transportation and customs of the local people are not affected.

### Part (8)

## 13. Village firewood plantation management

### Background information

Forest Department is implementing plantations. There are (4) types of plantations. They are commercial plantation, industrial plantation, village firewood plantation and watershed plantation.

It is a plantation type that is implemented with wood type that is suitable for the region in vacant, fallow and damaged forest areas with the objective to produce firewood and agricultural products for the local people.

Unlike the community forest, it is a project where the department searches lands and implements it by itself.

### Impacts of village firewood plantation management

In collecting survey, 91% answered that implementing village firewood plantation is needed to carry out.

[Table \(52\)](#)

71% answered that it should be specified according to the population of the village.

[Table \(53\)](#)

90% answered that the village firewood plantation should not be led by the government department but by the people in the village.

[Table \(54\)](#)

### Analysis on impacts of village firewood plantation management

It is convenient that the Forest Department implements village firewood plantation and searches land. Necessary seedlings can be obtained from the nursery of Forest Department and there is no difficulty.

Unnecessary problems can arise when it is ready to utilize after the plantation is successful and assign the villages for the sustainability of the village firewood plantation. Forest Department has the main responsibility for forest conservation, forest plantation and timber extraction.

### Recommendation

1. Villages which are located near the forest need village firewood plantation and village forest plantation for basic needs of new village and to be able to extract and utilize honey, cutch and herbal medicinal plants which are forest products.
2. Awareness about conservation of forest, environment, biodiversity, birds and wildlife is needed to give at villages which are located near the forest. Those projects will be successful only if the local people cooperate.
3. As the local people implement community forest by gathering interested persons, villages which are located near the forest should necessarily implement village forest plantations.

## Part (9)

### 14. Management of private teak plantation

#### Background information

Forest Department says that “private businessmen are allowed to plant, extract and sell the teak and timber plantations to support the teak and timber planting and extraction development which is one of the main pillars of economy of the country”.

The objectives are –

- (a) To keep Myanmar as the origin of teak plant and expand the quality teak forest areas
- (b) To find foreign currency by selling teaks making joint venture investment with the state
- (c) Sustainability of the environment and to raise the living standards of local people creating jobs
- (d) To conserve the Myanmar's teak for future generations

According to official disclosure by the Forest Department, it is known that “(300) businessmen and companies up to March 2018 are approved to implement plantations. (143,278.26) acres are planted at (251,173.97) acres (over two hundred thousand acres)”.

In leasing private teak plantations with local and foreign investment, it is said that “for area (1000) acres and above, it is approved with open tender system and area (10,124) acres are leased to (6) businessmen with second open tender.”

According to the records, the ministry is projected implement teak plantations mostly in Bago Yoma, Bago Region.

It is not projected to implement teak plantations in Kayah, Magway, Rakhine, Yangon and Irrawaddy regions. Rakhine State is where Rakhine Yoma is located.

Status of projections and approvals to implement private teak plantation according to states and regions of Forest Department is mentioned in the table below.

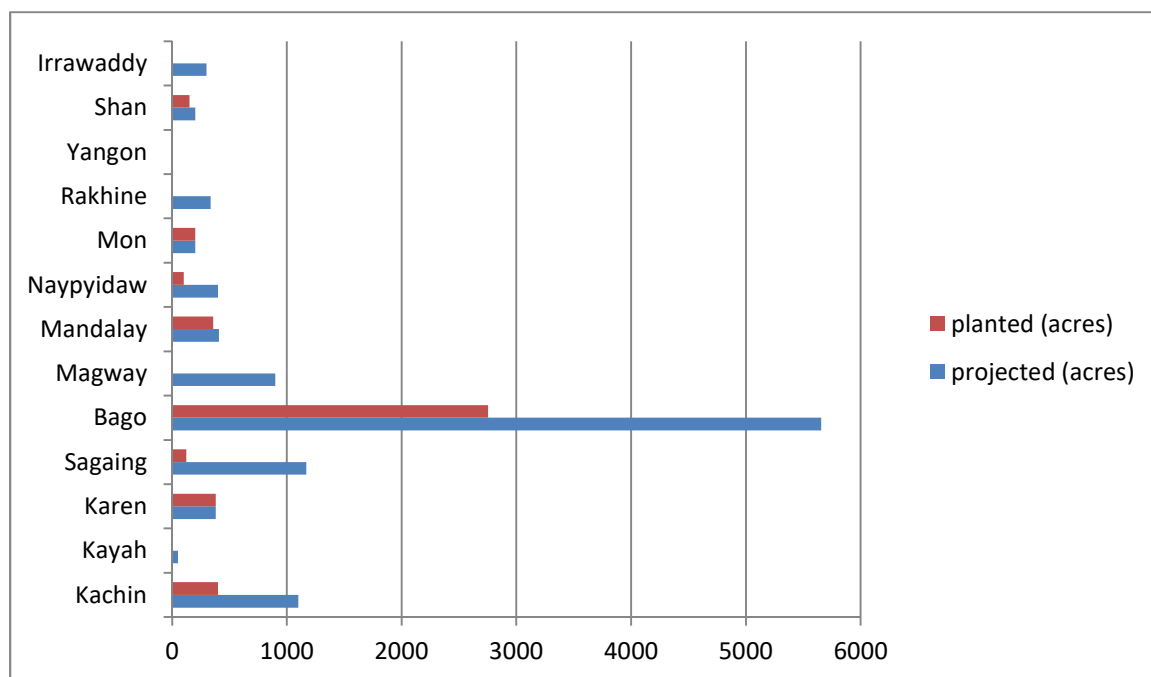
### Status of projections and approvals to implement private teak plantation according to states and regions

Sr	Region/ state	Businessmen (No)	Projected (acres)	Planted (acres)	Percentage (%)
1	Kachin	2	1100	398	9%
2	Kayah	0	50	0	0%
3	Karen	1	380	380	8%

## Land management and impacts

4	Chin	1	125	50	1%
5	Sagaing	2	1170	122	3%
6	Bago	11	5696	2752.77	61%
7	Magway	0	900	0	0%
8	Mandalay	1	407	358.35	8%
9	Naypyidaw	1	400	100	2%
10	Mon	1	200	200	4%
11	Rakhine	0	335	0	0%
12	Yangon	0	0	0	0%
13	Shan	1	200	150	3%
14	Irrawaddy	0	300	0	0%
	Total	21	9783	4511.12	

### Private teak plantation projection and implementation



### Impacts of private teak plantation

1. Although private teak plantations are implemented in regions and states, it is found that local people are not allowed do it.
2. It und that (20) private teak plantation owners who are approved for permit are not local people. (it can be found in)

3. 83% of local people answered that local people should be allowed to implement teak plantation.

### Analysis on impacts of private teak plantation

Myanmar teak already has a good reputation in the global market. Instead of implementing village firewood plantation, Forest Department should implement the teak plantation by itself without approving permits for private sector.

It should be noted that the military dictators have set up their own companies and permits were given to them. It can be seen if the persons who got teak plantation permits are scrutinized. Local people are not even aware that those plantation permits are given to the private businessmen.

It is a project which is aimed for the private interests and should be reviewed with an emphasis for the interests of the local people.

### Recommendation

1. Private teak plantation permits should be revoked and the Forest Department should take responsibility as state enterprise
2. Awareness should be given so that farmers from villages which are located near the forest can implement village firewood plantation by themselves and village forest plantation project where local farmers plant by themselves at protected public forest.

### Part (10)

#### 15. Community Managed Forests and Forest Protected Areas

##### Background information

Forest Department has designated protected areas according to “The Conservation of Biodiversity and Protected Areas Law (2018)”. Protected areas are -

- (a) Scientific Reserve
- (b) National Park
- (c) Marine National Park
- (d) Nature Reserve
- (e) Wildlife Sanctuary
- (f) Geo-features Significant Area
- (g) Community Conserved Protected Area

Previous military government has allowed nature resorts inside protected forests and local people have objected. They have demanded the union government to allow areas protected according to the traditional customs of local ethnic people. It was delayed to approve for many reasons.

After the 2018 law is enacted, community environmental conservation area was included. But, it needs to draft an administrative plan well as in community forest. Therefore, it is needed to review the processes and administrative plan to approve and implement “community environmental conservation area”.

### Impact of community managed Forests and forest protected areas

Impacts cannot be seen since project is not broadly approved yet.

97% of interviewees (310) encouraged that community managed Forests and forest protected areas should be allowed.

[Table \(56\)](#)

98% answered that it is needed to have separate plans and policies although it is included in the 2018 law.

[Table \(57\)](#)

### Analysis on impact of community managed Forests and forest protected areas

Ethnic people have a tradition of valuing their area, water, land and hills. They coexist with environment and forest and do their daily works praying the forest and hill guardian spirits according to their traditional customs. They have a lot of myths concerning with the forest and hills they live in.

Global warming and climate change can be prevented by encouraging the spirit of loving the environment.

### Recommendation

1. The terminology in 2018 law must be amended. The term “community environmental conservation area” is weak in focus on ethnic people. It should be replaced with terms such as “ethnic people environmental conservation area”.
2. Knowledge and technique regarding ethnic people environmental conservation area must be given to people who are making a living related forest.
3. Natural forest conservation administrative plan should be drafted urgently by state and

regional governments and local ethnic people should be given awareness.

### Acknowledgment

When the 3 branches of power of state is practiced in federal system, states and regions will have self-determination and self-rule. Then, management can be carried out according to the needs of its region and its ethnic people.

It is necessary to implement the interests of its region and its ethnic people.

Civil and Political Rights Campaign Group (CPRCG) has practically assisted the land issues of farmers for many years. The legal aid volunteers which are members of the group are the ones who have assisted and supported so that the rights provided in the existing laws and rights of citizens of local people are not lost.

In collecting data, not only the legal aid volunteers but also because of the ideas, experiences and support of the capacity enhanced clients and activists who have participated, even under the restrictions, the farmers were interviewed and data was successfully collected. The support, recommendation and participation of the capacity enhanced clients and activists is respectfully acknowledged.

Compilation and analysis of data is carried out with the help of the office team. All members of the office team are appreciated for putting efforts in providing assistance although they are passing through the most difficult period like now.

This paper will not be possible without the support of the local people from the regions where data is collected who have openly and neutrally answered about the land issues they have faced.

The cooperation of the local people who have answered about land issues is acknowledged.

### Annex (a)

#### Survey data coverage and participation

Table (1)

State/ region	town	No of participant
Sagaing	1 Htigyaing	1
	2 Wuntho	11
	3 Nyaung-U	1
		13
Magway	1 Kamma	35
	2 Ngape	3
	3 Sinbaungwe	2
	4 Seikphyu	13
	5 Pakokku	47
	6 Pwintbyu	1
	7 Pauk	10
	8 Myitchay	1
	9 Yesagyo	1
	10 Aunglan	20
		133
Rakhine	1 Gwa	9
	2 Taungup	12
	3 Thandwe	37
		58

## Land management and impacts

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Bago Region	1 Zee Gone	38
	2 Daik-U	4
	3 Nattalin	7
	4 Pauk Hkaung	8
	5 Paung De	18
	6 Minn Hla	3
	7 Moe Nyo	2
	8 Ye Dar She	19
	9 Letpadan	2
	10 Thae Gone	5
		106

**Table (2)**

Area/ region	No of participants
Sagaing	13
Magway	133
Rakhine	58
Bago	106
<b>Total</b>	<b>310</b>

**Table (3)**

occupation	No	%
Industrial crops	4	1%
Upland	<b>24</b>	8%
Perennial crops	9	3%
Alluvial land	9	3%
Paddy	<b>232</b>	75%
Orchard	8	3%
others	24	8%
<b>Total</b>	<b>310</b>	

**Table (4)**

Age range	No	%
20-30	13	4%
31-40	49	16%
41-50	<b>74</b>	24%

51-60	<b>115</b>	37%
61-70	49	16%
71-85	10	3%

### Public participation in drafting policy, law and rules

**Table (5)**

Right to participate in drafting policy, law and rules	participants	%
No	78	25%
Do not know	64	21%
Yes	<b>168</b>	54%

**Table (6)**

Pattern of participation	Participants	%
Can discuss by themselves	52	17%
Can recommend by letter	23	7%
Can present through members of parliament	<b>59</b>	19%
Can present through organizations	<b>67</b>	22%
Does not answer	109	35%

**Table (7)**

Inclusion of their recommendations in drafting policy, law and rules	participants	%
No	56	18.1%
Do not know	<b>85</b>	27.4%
Yes	<b>81</b>	26.1%

**Table (8)**

Policies and laws protect the interests of people	participants	%
No	121	39%
Do not know	43	14%
Yes	<b>146</b>	47%

**Table (9)**

## Land management and impacts

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Policies and laws solve the difficulties and problems of people	participants	%
No	<b>178</b>	57%
Yes	132	43%

### Farm land management

Table (10)		
Farmland Law gives farm land work permit of citizens	participant	%
No	79	25.5%
Do not know	44	14.2%
Yes	187	<b>60.3%</b>

Table (11)		
Approving alluvial land work permit is beneficial for local farmers	participant	%
No	71	23%
Do not know	89	129%
Yes	150	<b>48%</b>

Table (12)		
Annual processing of alluvial land work permit by various level of farm land management committee	participant	%
No	219	<b>71%</b>
Yes	89	29%

Table (13)		
For Nipa Palm plantation and toddy-palm plantation and upland which are customary practices, Farmland Law is	participant	%
Beneficial	49	16%
Not beneficial	106	<b>34%</b>
Protect	51	16%
Causes difficulties	104	<b>34%</b>

Table (14)		
For disbursing agricultural loan to farmers by government, Farmland Law is	participant	%
Does not allow	17	5%

## Land management and impacts

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convenient	182	59%
Causes difficulties	111	36%

<b>Table (15)</b>		
In laws, shifting cultivation of ethnic people is	participant	%
Does not allow	41	13%
Do not know	144	<b>46%</b>
Protected	27	9%
Causes difficulties	98	<b>32%</b>

<b>Table (16)</b>		
Disbursing modern agricultural method, machinery, seeds and fertilizer according to law	participant	%
No	232	<b>75%</b>
Do not know	53	17%
Yes	18	6%
Not included in the law	7	2%

<b>Table (17)</b>		
In carrying out transferring, inheriting, sell/mortgage/exchange/ leasing of farm land work permit in accordance with law	participant	%
Difficult	196	<b>75%</b>
Do not know	33	17%
Convenient	81	6%

<b>Table (18)</b>		
Effective solving of land issues by ward and village farm land management committee	participant	%
No	238	<b>77%</b>
Do not know	31	10%
Yes	41	13%

<b>Table (19)</b>		
The most difficult department for farmers to engage is	participant	%
Agricultural mechanization department	4	1%

## Land management and impacts

Agricultural bank	21	7%
Department of agriculture	12	4%
GAD	153	<b>49%</b>
Department of Agriculture Land Management and Statistics	120	<b>39%</b>

<b>Table (20)</b>		
For farmers to comply, law, rules and procedures are	participant	%
Difficult	150	<b>48%</b>
Do not understand	132	<b>43%</b>
Convenient	28	9%

<b>Table (21)</b>		
Giving awareness to farmers to comply with Farmland Law	participant	%
No	237	<b>76.5%</b>
Do not know	38	12.3%
Yes	35	11.3%

<b>Table (22)</b>		
Right to give recommendation about farm land management in their region by farmers according to law	participant	%
No	202	<b>65%</b>
Do not know	47	15%
Yes	61	20%

<b>Table (23)</b>		
Right to object, prohibit and inspect the companies which conduct farming in their region by farmers	participant	%
No	153	<b>49%</b>
Do not know	67	22%
Yes	41	28%
Do not answer	2	1%

<b>Table (24)</b>		
Permit for expansion of new farm land	participant	%
No	101	33%

## Land management and impacts

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Do not know	72	23%
Yes	137	<b>44%</b>

Table (25)		
Currently working land and approved land matches in land survey in approving farm land work permit	participant	%
No	186	<b>60%</b>
Yes	124	0%

Table (26)		
Reformation of members of farm land management committee in this interim period	participant	%
Do not know	290	<b>94%</b>
Know	20	6%

Table (27)		
Well processing of land issues by various level of farm land management committee in this interim period	participant	%
No	231	<b>74.5%</b>
Do not know	67	21%
Yes	12	3.9%

### Vacant, fallow, and virgin lands management

Table (28)		
Application of vacant, fallow, and virgin lands work permit by self	participant	%
No	197	<b>63.5%</b>
Do not know	30	9.7%
Yes	83	26.8%

Table (29)		
Application of vacant, fallow, and virgin lands work permit in their region by local people	participant	%
No	130	42%
Yes	89	<b>29%</b>
A few	91	29%

<b>Table (30)</b>		
Dispute between companies that receive vacant, fallow, and virgin lands work permit and local people	participant	%
No	77	25%
Do not know	88	28%
Yes	145	<b>47%</b>

<b>Table (31)</b>		
The amount of land area which is approved for vacant, fallow, and virgin lands work permit for a company or business by law is	participant	%
Many	135	<b>44%</b>
Suitable	37	12%
To many	138	<b>45%</b>

<b>Table (32)</b>		
Government inform the people in advance in approving vacant, fallow, and virgin lands work permit	participant	%
Inform sometimes	69	22.26%
No	221	<b>71.29%</b>
Yes	83	6.45%

<b>Table (33)</b>		
People in their region benefit from approving vacant, fallow, and virgin lands work permit in their region to companies and businessmen	participant	%
No	260	<b>84%</b>
Yes	50	16%

<b>Table (34)</b>		
Improvement in agriculture, economy and industry	participant	%

## Land management and impacts

of the country because vacant, fallow, and virgin lands work permit is approved to companies and businessmen		
No	240	<b>77%</b>
Yes	70	23%
<b>Table (35)</b>		
Companies and businessmen who are working on vacant, fallow, and virgin lands implement project in accordance with law	participant	%
No	199	<b>64%</b>
Do not know	99	32%
Yes	12	4%

<b>Table (36)</b>		
Farmers are aware of how and which projects companies and businessmen are working on vacant, fallow, and virgin lands	participant	%
Do not know	266	<b>86%</b>
Yes	44	14%
<b>Table (37)</b>		
Inspection and oversight on how and which projects companies and businessmen are working on vacant, fallow, and virgin lands	participant	%
No	153	<b>49.4%</b>
Do not know	140	<b>45.2%</b>
Yes	17	5.5%

## Implementing community forest

<b>Table (38)</b>		
Implementing community forest by local people in their region	participant	%
No	166	54%
Yes	53	<b>17%</b>
A few	91	29%

<b>Table (39)</b>		
Awareness giving, providing assistance, and encouragement by respective government departments for implementing community forest	participant	%

## Land management and impacts

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No	227	73%
Yes	16	<b>5%</b>
A few	67	<b>22%</b>
<b>Table (40)</b>		
Simplicity of processes for implementing community forest by local people	participant	%
No	269	<b>87%</b>
Yes	41	13%

<b>Table (41)</b>		
Interest of local people in implementing community forest	participant	%
No	175	<b>56%</b>
Yes	135	<b>44%</b>

<b>Table (42)</b>		
implementing community forest is beneficial for local people	participant	%
No	96	31%
Yes	214	<b>69%</b>

### Grabbed lands

<b>Table (43)</b>		
Grabbed lands in their region	participant	%
No	76	25%
Yes	234	<b>75%</b>

<b>Table (44)</b>		
Organizations that grabbed lands if there are grabbed lands	participant	%
Companies and businessmen	19	6%
Army	122	<b>39%</b>
Co-op	11	4%
Other	66	21%
Other organizations and associations	5	2%
Government departments	87	28%

<b>Table (45)</b>		
Returning grabbed lands back to the original owner farmer	participant	%
Gives compensation	36	11.6%
Returned	47	15.2%
Do not return	160	<b>51.6%</b>
Ongoing case	67	<b>21.6%</b>

<b>Table (46)</b>		
Respective government organization can solve grabbed land issues	participant	%
Cannot solve	135	<b>44%</b>
Weak in solving/ delay	147	<b>47%</b>
Can solve	28	9%

<b>Table (47)</b>		
The reason for weakness/ delay in solving grabbed land issues is	participant	%
Weakness in processing of the organization that solves	131	<b>42%</b>
Do not want to return	74	<b>24%</b>
No cooperation from organization that grabbed lands	15	4%
Weakness of law	90	<b>29%</b>

<b>Table (48)</b>		
Reformation of members review committee for confiscated lands in this interim period	participant	%
Do not know	293	<b>95%</b>
Know	17	5%

<b>Table (49)</b>		
Do you think that review committees for confiscated lands are processing according to the previously laid down policy and directive?	participant	%
Yes	9	3%
No	200	<b>65%</b>
Do not know	101	<b>33%</b>

Do you know that there is land grabbing happening in this interim period?	participant	%
No	125	40%
Do not know	179	58%
Yes	6	2%

Does reorganized review committee return or relinquish confiscated lands in this interim period?	participant	%
No	219	71%
Do not know	91	29%

### Village firewood plantation

Implementing village firewood plantation is a necessary project for local people	participant	%
Do not need	29	9%
Yes	281	91%

Designating village firewood plantation according to village population	participant	%
Should designate	221	71%
Should not designate	45	15%
Do not know	44	14%

Persons who should lead village firewood plantation are	participant	%
People at village	280	90%
Respective government department	30	10%

### Implementing teak plantation in region

<b>Table (55)</b>		
Implementing teak plantation in the region should be carried out by	participant	%
Local people and people from other region	30	10%
Local people	257	83%
Businessmen and companies	1	0%
People from other region	7	2%
government	15	5%

### Community Managed Forests and Forest Protected Areas

<b>Table (56)</b>		
Local people protected forests should be	participant	%
Should allow	300	97%
Should not allow	10	3%

<b>Table (57)</b>		
A law is needed to be drafted so that local people protected forests can be implemented systematically	participant	%
Do not need	7	2%
Yes	303	98%

<b>Table (58)</b>		
Sharing forest conservation technique to local people	participant	%
Do not need	6	2%
Yes	304	98%

<b>Table (58)</b>		
A law is needed to be drafted so that local people protected forests can be implemented systematically	participant	%
Do not need	7	2%
Yes	303	98%

Currently working land and approved land matches in land survey in applying for farm land work permit in accordance with law	participant	%
Do not answer	86	27.7%
No	131	42.6%
Yes	92	29.7%