

# Myanmar: Strengthening Land Governance Project: End of Phase Review

**SWISS AGENCY FOR  
DEVELOPMENT  
COOPERATION**

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# Table of Contents

Acknowledgements	iii
Executive Summary	iv
Acronyms and Abbreviations	vi
<b>1. BACKGROUND</b>	<b>1-2</b>
1.1 COUNTRY CONTEXT	7
1.2 SDC’S ENGAGEMENT IN MYANMAR	1
1.3. THE END-OF-PHASE REVIEW	2
1.4 METHODOLOGY	2
<b>2. AN OVERVIEW OF THE KEY FINDINGS, OUTCOMES, AND IMPACTS</b>	<b>3-15</b>
2.1 ASSESSING PROJECT OUTCOMES	3
2.2 RELEVANCE AND EFFECTIVENESS	9
2.3 BUILDING LOCAL CAPACITIES	11
2.4 ENGAGEMENT WITH THE PRIVATE SECTOR	11
2.5 BUILDING KNOWLEDGE CAPACITIES AND PROJECT COMMUNICATIONS	12
2.5 OVERALL PROGRESS AND IMPACT OF PROJECT INITIATIVES	13
2.7 MONITORING AND EVALUATION	13
2.8 PROJECT MANAGEMENT ARRANGEMENTS	14
<b>3. CONCLUSIONS AND RECOMMENDATIONS</b>	<b>16-21</b>
3.1 KEY CONCLUSIONS	16
3.2 RECOMMENDATIONS	17
<b>LIST OF ANNEXES</b>	
Annex 1: Terms of Reference	22
Annex 2: List of Institutions/People Met/Interviewed	28
Annex 3: Project Logical Framework (Status as of October 31, 2016)	31
Annex 4: Detailed Recommendations for SDC Project Partners	44-58
<b>List of Box Items</b>	
Box Item 1 Distribution of Tasks to Accomplish SLG Project Outcomes	2
Box Item 2 Formulating the Expansion Phase – Some Inputs	17
Box Item 3 Tracking Progress against SDGs	44
<b>List of Tables</b>	
Table 1 Summary of Project Outcomes per Logframe	3

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## EXECUTIVE SUMMARY

This report summarizes the findings of an End-of-Phase Review (EPR) of the Swiss Agency for Development Cooperation (SDC)'s Strengthening Land Governance (SLG) project in Myanmar. This project was designed to be implemented in three phases from late 2014 to 2023. The EPR looks at the Establishment Phase through a review of the work of: (1) the Land Core Group (LCG), (2) the Transnational Institute's (TNI) Myanmar program; and (3) the support by Center for Development and Environment (CDE)/University of Bern in Switzerland to OneMap Myanmar (OMM). It focused on assessing progress, relevance, effectiveness, impact, and the extent to which the SLG/SDC is meeting its milestone targets.

Key findings of the review:

**The work of SLG/SDC was found to be relevant.** The project was formulated as a response to the rapidly evolving political opportunities and commitments and was designed around government initiatives and capacities, and the felt-needs of the civil society groups. It emphasizes on a multi-stakeholder, rights-based approach. The whole-of-government approach is both logical and effective in Southeast Myanmar.

**Project implementation is on schedule and progress on track.** After two years of implementation, early signs indicate desired outputs and outcomes can be achieved. The work has been accepted and supported by stakeholders, tangible contributions have been made to policy advocacy, and multi-stakeholder dialogue has been facilitated. Progress has been made in strengthening capacities of different groups and networks in project areas, including ethnic areas. However, project's limited engagement with the private sector must be addressed. As a policy advocacy and systems development project, SLG/SDC will have some challenges measuring and reporting quantitative targets systematically. Project's logical framework will have to be improved.

### Recommendations

The following recommendations emerged from the EPR:

**Continue to focus on building national capacity** for equitable and sustainable land governance, and simultaneously strengthen the periodic analysis of contextual risks, opportunities, and ascertain the best way to align program focus for optimal results. Such an approach will help build policy coherence and promote mutually reinforcing policy actions and synergies across government entities (at central, state/regional, and local levels), civil society and different stakeholders.

**Encourage and support setting-up of a government-donor working group on land and to be led by the government.** Collaborative working relationships based on information sharing and joint approaches to address issues will help the government systematically engage with donors and the development community. Suggested priority actions by the Working Group are: (i) The preparation of a long-term land sector strategy and plan; and (ii) establishment of strategic advisory teams to periodically review progress, identify new and emerging issues for further consideration and provide guidance. Both efforts would help to propose a work plan, standards, best practices for land sector reforms and benchmarks for the performance of land institutions.

**Pilot joint programming to identify common interests, design and implement programs that reduce socio-economic and political tensions.** This approach will encourage greater use of pooled funds to share and manage risks collectively and in particular will help to ensure better participation of ethnic civil society and political groups in such efforts.

**On IDP/refugees and related land issues, working with humanitarian agencies and a more systematic approach is suggested, to generate synergies.** Encourage stronger coordination and joint working between development, humanitarian, and local civil society entities to work on Internally Displaced Persons (IDPs)/refugees and related land issues. This will encourage adoption of good practices and flexible response to operational needs, and generate synergies.

**Project partners must be encouraged to engage more with local functionaries to promote an understanding on land governance.** The growing engagement with subnational and local institutions should be encouraged. With further opening up of economic development opportunities, tenure security will confront more challenges. The Expansion Phase should allow project partners more flexibility to respond to local land-related issues and adapt to new opportunities and challenges, engage with local institutions and remain resilient.

**Support and strengthen mechanisms for land conflict mediation and resolution.** In its Expansion Phase, SLG/SDC could consider supporting, through local civil society and stakeholders, the piloting of improved non-state, quasi-formal, or community-based dispute-resolution mechanisms and pilot them to resolve land conflicts. At the same time, SLG/SDC could advocate the establishment of formal state mechanisms through the Government-Donor Working Group on Land.

**Include further support for multi-stakeholder and inter-sectoral dialogue as part of project processes.** It includes building knowledge capacities and skills on land governance with a context-specific focus and in response to priority issues (e.g., policy advocacy, prevention of land grabs, protection and recognition of customary tenure, guidelines for land restitution, and engaging with ethnic groups).

**Continue to invest and build simple and easy-to-refer M&E and reporting systems to support core activities, develop policies and programs, and track progress.** Such systems should ideally be linked to generating an evidence-based approach to building knowledge capacities and peace and reform processes.



## ACRONYMS

AFS	Agriculture and Food Security Domain
CBO	Community-Based Organization
CDE	Centre for Development and Environment, Bern University
CSO	Civil Society Organization
DAC	Development Assistance Committee
DALMS	Department of Agricultural Land Management and Statistics
EPR	End-of-Phase Review
ERI	Earth Rights International
EU	European Union
FAO	Food and Agriculture Organization
FD	Forest Department
FDI	Foreign Direct Investment
FPIC	Free, Prior, Informed Consent
HLP	Housing, Land and Property (Rights)
HURFOM	Human Rights Foundation of Monland
IDP	Internally Displaced Persons
INGO	International Non-Government Organization
IT	Information Technology
LCG	Land Core Group
KIO	Kachin Independent Organization
KNU	Karen National Union
LIFT	Livelihoods and Food Security Trust Fund
LIOH	Land in Our Hands (civil society network)
LUC	Land Use Certificate
MIC	Myanmar Investment Commission
MOALI	Ministry of Agriculture, Livestock and Irrigation
MONREC	Ministry of Natural Resources and Environmental Conservation
MoU	Memorandum of Understanding
MRLG	Mekong Region Land Governance (SDC-funded project)
NGO	Non-Governmental Organization
NLD	National League for Democracy
NLUP	National Land Use Policy
NMSP	New Mon State Party
NSAG	Non-State Actor Group
ODA	Official Development Assistance
OECD	Organization for Economic Cooperation and Development
OMM	One Map Myanmar
PSC	Project Steering Committee
SDC	Swiss Agency for Development and Cooperation
Sida	Swedish International Development Agency
SLG	Strengthening Land Governance
TGCC	Tenure and Global Climate Change (a global, USAID-funded project)
TNI	Transnational Institute
UGoM	Union Government of Myanmar
UNOPS	United Nations Office for Project Services

USAID	United States Agency for International Development
VFV	Vacant, Fallow and Virgin Lands Management Law
VGGT	Voluntary Guidelines of Governance and Tenure

## 1. BACKGROUND

### 1.1 Country Context

Land is a highly contested political issue in Myanmar and is generally linked to the ongoing reforms in governance, ceasefire negotiations, peace process, and protection and recognition of socio-economic-cultural rights. Land reform represents a centerpiece of the Union Government of Myanmar's (UGoM) reforms process and is widely recognized as a critical driver of Myanmar's rapid growth and poverty reduction. Increasing (private sector) claims on land for feed/food/fuel production and subsoil extraction (like minerals, water, oil, gas) hinder reforms too. The enactment of the Farmland Law in 2012 attempted to enhance land users' rights, develop a modern land administration and management system in the country and strengthen land governance. This was followed by the adoption of the National Land Use Policy (NLUP) (drafted in mid-2014, formally adopted in 2015, and notified in early 2016) that witnessed a broad participatory process previously unknown in Myanmar. Reforming Myanmar's agricultural sector and rural economy is also on the agenda of the current administration that recently drafted the Agricultural Development Strategy (2016), including measures for strengthening farmland tenure, and is pursuing initiatives for restitution of land grabbed illegally and land distribution to landless households. Such reform efforts require systematic clarification and strengthening of tenure security for all. The desire to support stronger land governance and tenure security for all land users—especially, the most disadvantaged and vulnerable communities—resulted in the conception and implementation of several initiatives. One such initiative came from the Swiss Agency for Development and Cooperation (SDC).

### 1.2 SDC's Engagement in Myanmar

Building on almost 20 years' engagement in Myanmar, the Swiss Cooperation Strategy Myanmar 2013–2017 is designed to support ongoing government reforms with interventions in Southeastern Myanmar in four domains: (1) employment and vocational skill development; (2) agriculture and food security; (3) health, social services, and local governance; and (4) promotion of peace, democratization, and security.

The goal for agriculture and food security is: increased food security, access to livelihood assets, sustainable agricultural productivity and income for smallholders and landless farmers, including women and men of all ethnicities. To support this goal and extend its land and natural resource engagement in Myanmar, SDC designed the “Strengthening Land Governance” (SLG/SDC) project in 2014. The project aims to improve capacities for policies and practices promoting smallholder access to land and other natural resources. Its design was based in part on priorities established under the NLUP. It is designed to be implemented in: (1) Establishment Phase, December 1, 2014 to May 31, 2017; (2) Expansion Phase, 2017 to 2021 and (3) Consolidation Phase, 2020 to 2023.

The Establishment Phase consists of: (1) contributions to the Land Core Group (LCG), (2) contributions to Transnational Institute (TNI) Myanmar program; and (3) a mandate to the Center for Development and Environment (CDE)/University of Bern in Switzerland to partner with LCG to implement the government's OneMap Myanmar (OMM). The SLG project also cooperates with numerous SDC-financed development projects in Myanmar's Southeast region and the Mekong Region Land Governance (MRLG) project, administered by SDC's Mekong Region office based in Vientiane, and contributes to the UN-administered Livelihoods and Food Security

Trust Fund (LIFT).

A total SLG/SDC outlay of about US\$ 1.6 million in late 2014 was approved to cover the work of OMM, LCG and TNI. Both LCG and TNI receive grants from other sources too. SLG/SDC's third partner (CDE/OMM) was selected through a tendering process in early 2015, followed by a six-month inception phase to develop a work plan for the period 2015-17.

### 1.3. The End-of-Phase Review

The End-of-Phase Review (EPR) aims to contribute to the design of the SLG/SDC project's four-year Expansion Phase. As an independent and external exercise, it is expected to help the land project partners deliver better services and cooperation. The EPR was conducted by a two-member team with specific expertise in land policy and governance, and public administration (refer to Annex 1 for the Terms of Reference, presented in a separate report).

### 1.4. Methodology

The EPR team and SDC-Yangon officials visited project partners in Yangon, Nay Pyi Taw, Mon State, and Bago regions between November 1 and 16, 2016. The work on conflict-sensitivity and gender and related issues were simultaneously carried out by a parallel team and notes from its interviews in North Thanintharyi provided additional inputs. Tools used for collecting data and for analyses were:

- *Meetings and discussions* with concerned ministries and departments [Ministry of Natural Resources and Environment and Conservation (MONREC), Ministry of Agriculture and Irrigation's Department of Agricultural and Land Management and Statistics (DALMS), Attorney General's Office] at central, state, and regional levels;
- *Interviews* with key informants identified from among stakeholders [International Non-Government Organizations (INGOs); Non-Government Organizations (NGOs); Community-Based Organizations (CBOs); Non-State Actor Groups (NSAGs); UN agencies and project partners in Yangon and other places visited];
- *Field visits* to OMM pilot sites in Taungoo and Bago and discussions with DALMS and forest departments in Mawlamyine and key informant interviews with those engaged in land policy advocacy and the peace process, and direct observation at various locations;
- *Reports and documents* published by the government; project documents of relevant organizations; annual reports; assessment and review reports; strategy papers; evaluation reports; e-mail communication; national land development plans and strategy papers; and
- *Desk review* of relevant reports, studies, strategy, and position papers. Details of the itinerary and places visited and people met/interviewed are attached in Annex 2.

Limitations of the EPR: The team's field visit was limited to select SDC-supported sites in the Southeast region. The team would have liked to meet more line agencies and departments working on land issues at national and subnational levels (states/regions) but time and logistical

#### Box 1

##### Distribution of tasks to accomplish SLG Project Outcomes

Outcome one is implemented by CDE (University of Bern) providing technical assistance to develop and implement OMM. This includes building a core government team to manage data integration and the open-access platform, while influencing policy through 'knowledge products' that provide evidence for decision-making on land and natural resources. It enables the participation of non-governmental stakeholders and works to build trust between the government and CSOs.

Outcome two is implemented by LCG, which provides land issues awareness trainings to multiple stakeholders in different states/regions. LCG focuses on policy advocacy, research, coordination, and knowledge sharing, and works with local agencies to build capacity to promote land governance, especially in Southeast Myanmar. The SLG project enables flexible funding for advocacy, land dialogues, and continued organizational development of LCG and its partner CSOs.

Outcome three is implemented by TNI, through an SDC contribution to its Myanmar program. TNI works with formal and informal ethnic leaders and civil society in ceasefire areas (including Karen, Kayah, Shan, Mon and other areas) to help them understand and practice equitable land governance.



constraints prevented this.

## 2. AN OVERVIEW OF THE KEY FINDINGS, OUTCOMES, AND IMPACT

In assessing and understanding key outcomes and impacts, it is important to highlight the salient features of the SLG/SDC project. Firstly, since the then (2014) government was taking its first steps towards reforms, the project was designed as a response to rapidly evolving political opportunities and commitments. Secondly, the project's intervention strategies were based on a stakeholder analysis and constructed around government initiatives (e.g., the NLUP) and existing knowledge and capacities (e.g., LCG and TNI). Lastly, it emphasized multi-stakeholder dialogue and inter- and cross-sectoral engagement. Proposed intervention strategies focused not only on increased capacities, but also on processes that would help build dialogue and trust, especially in the transition from military rule and conflict towards democracy and development of inclusive policies and programs.

### 2.1 Assessing Project Outcomes

Project outcomes, or intermediate results, for the Establishment Phase, are specified in the main proposal and measured by the three partners, based on a monitoring and reporting plan.<sup>1</sup> Reviews of annual work plans, periodic progress reports, various thematic reports, and briefs prepared by the three partners weighed against EPR's interviews and discussions with stakeholders show that the outputs, outcomes and impact are as anticipated. That said, it is important to note that as a policy advocacy and systems development project, SLG/SDC will have some challenges measuring and reporting quantitative targets systematically. In balancing this, EPR work relied on qualitative reporting and field interviews.

The table below lists the targets of the nine key Indicators against Outcomes of the Establishment Phase and progress made by October 31, 2016. Available data and information confirm that progress has been made towards building a representative and responsive process in land governance, through support for enhancing knowledge capacities. The project has good accomplishment rates of close to two-thirds of the target. In many instances, actual numbers are likely to exceed targets by May 2017, when the project's Establishment Phase formally ends. The table below summarizes these accomplishments.<sup>2</sup>

**Table No. 1**  
**Summary of Project Outcomes per Consolidated Logframe**

Key Outcomes	Outcome Indicators	Progress Towards Outcomes: Status as of October 31, 2016
1	2	3
<b>Outcome 1:</b> An online open-access	<b>Outcome 1.1:</b> A national open-access platform for spatial data	<u>Technical Development:</u> <sup>3</sup> Deployment of IT Development is expected to be completed by Dec 2016 and data entry will start

<sup>1</sup> The Establishment Phase had limited baseline and quantifiable data. Initial conditions and changes that occurred owing to project investments were compared. This limitation is partly attributable to the challenging political environment that prevailed when the project was formulated.

<sup>2</sup> Project Results Framework, presented in Annex 3, provides further details.

<sup>3</sup> In reality, the IT development of OMM will never be completed. Tools and functionalities will keep evolving based on needs and technological innovations. What is about to be completed is the deployment of the IT infrastructure (both hardware and software) on which we can build all necessary applications.

Key Outcomes	Outcome Indicators	Progress Towards Outcomes: Status as of October 31, 2016
<b>spatial data platform on land-related information</b> that facilitates transparent analysis of accurate data, accountable land governance and development planning by government and citizens.	<p>on land-related issues is online and open to users and contributors from the government, civil society and communities.</p> <p><b>Outcome 1.2:</b> A prototype of online spatial data platform is publicly available and includes at least four land-related datasets at national or pilot area level.</p> <p><b>Outcome 1.3:</b> Knowledge products are generated and available to government and non-government actors and used for evidence-informed policy-making.</p> <p><b>Outcome 1.4:</b> Results are presented in at least two international events</p>	<p>thereafter.</p> <p><u>Policy and Political Support:</u> The Technical Steering Committee and Technical Working Groups were established (revived in Sep 2016 after a pause during government transition) and orientation activities delivered for 25 participating line agencies. Working relations were established with several international and national agencies engaged in geospatial information efforts and CSOs to disseminate information on OMM.</p> <p><u>Work in Pilot Areas:</u> Three thematic pilot sites for OMM identified and work commenced at two sites (Tanintharyi and Mon) and discussions and planning are on with the other site counterparts. A workshop on shifting cultivation was co-organized with LCG.</p> <p><u>Thematic products:</u> Draft oil palm concessions inventory for Tanintharyi. To be complemented with additional data as they become available through the multi-stakeholders review.</p> <p><u>Technical Knowledge Products:</u> White papers on projection systems (70%); place codes: and names (60%); metadata (50%); and data models (20%)..</p> <p>Submitted an abstract for the World Bank's Land and Poverty Conference (2017) and another research paper is being drafted. OMM experiences were presented at four regional forums too.</p>
<b>Outcome 2:</b> <b>Increased capacities and improved policy</b> in support of land access for smallholders, including women, ethnic minorities, and other vulnerable populations.	<p><b>Outcome 2.1:</b>  National land policy approved in current draft or general policy directions are upheld by the new administration; perceived as legitimate, sustainable and equitable guidance for improved land governance including for women and ethnic minorities.</p> <p>(Land-related policies and laws are developed to enhance land tenure security of smallholders).</p> <p><b>Outcome 2.2:</b>  Multiple stakeholders have improved capacity to debate and agree on land governance directions.</p> <p><b>Outcome 2.3:</b>  Local implementation of aspects of the policy exemplifies sound practices.</p>	<p><u>Finalization and Publication of NLUP:</u> Long-term coordination support to UGoM to organize broad stakeholder consultations.</p> <p><u>VGGT in Local Language:</u> LCG worked with national and international experts on a new translation of the Voluntary Guidelines of Governance and Tenure, and have begun the process to have FAO formalize the translation.</p> <p><u>Policy and technical advice to Mon State Officials:</u> Currently, providing advice to officials on understanding forest sector and national land use policy and how to deal with Union-level demands to remove smallholders from forest areas and deal with land conflicts and land acquisition.</p> <p><u>Investment Law:</u> Used LCG network to successfully advocate and lobby for the deletion of the Investor-State Dispute Settlement mechanism from draft Investment Law.</p> <p><u>TOT Training packages for empowering smallholder farmers:</u> A training package was developed, tested and finalized. Through this process, in total, trained 461 land awareness trainers (including more than 121 women) from 64 different CSOs, who conducted a combined total of 621 land rights and land law awareness trainings for 17,791 community members (including 7,011 women).</p> <p><u>MyLAFF Document Repository and News Service:</u> Developed document repository to house information related to land and natural resource management issues in Myanmar. Currently holds over 1,200 documents with a membership of over 600 people,</p>

Key Outcomes	Outcome Indicators	Progress Towards Outcomes: Status as of October 31, 2016
		<p>averaging over 1,200 downloads/month.</p> <p><u>Establishment of LCG as an independent NGO entity:</u> Achieved independence physically and financially from Food Security Working Group and developed financial and administrative systems, with double entry accounting and disbursement of in grants to small CSOs upwards of US\$300,000 around Myanmar.</p>
<p><b>Outcome 3:</b> <b>Ethnic and ceasefire organizations successfully defend the interests of their communities</b> in land-related policy, practice and political dialogue</p>	<p><b>Outcome 3.1:</b> Aspects of improved ethnic land policy directions and/or principles are locally implemented</p> <p><b>Outcome 3.2:</b> Land governance principles (including VGGT) related to ethnic nationalities and to women are discussed formal and informal political dialogues in the context of the peace process.</p>	<p>Drafted draft policies with Kachin Land Policy Committee.</p> <p>Facilitated the work of the Karenni Land Policy Committee to draft land policy for further consultation.</p> <p>Developed contact with Shan CSOs in Taunggyi and Lashio through consultation events.</p> <p>Two workshops on customary land tenure held. Briefing notes being prepared and disseminated.</p> <p>Two workshops on Housing, Land and Property (HLP) Rights of Internally Displaced Persons (IDPs) and refugees were held. Briefing is being prepared. Modules included reference to VGGT and a session on relevant provisions.</p> <p>Introductory and liaison meetings with New Mon State Party and MON CSOs regularly convened and discussions facilitated.</p> <p>Capacity building and strengthening knowledge capacities: The work is in progress in six areas towards policy advocacy as follows: (a) an enabling environment (organize NLUP consultations, open up the space, ensure the official process allows for inputs by local CSOs); (b) capacities strengthened (expert input on Tenure Guidelines etc); (c) alternatives developed (use of TG framework, local CSOs develop their response to NLUP); (d) lobby and advocacy work aimed at agenda setting; (e) policy change and (f) practice change.</p> <p>Context-specific improved practices developed, advocated and applied in selected communities Kachin State, Kayah State, Karen State, Mon State and Shan State (through VGGT implementation).</p> <p>TNI has established a bilingual website (Myanmar and English) called Myanmar in Focus and all documents are posted there and project has an e-list of over 9,000 people receiving reports.</p>

Project targets: Though modest, the proposed targets for the Establishment Phase were reasonable for the start-up period. However, measuring and reporting on policy advocacy work and awareness-raising on land governance (particularly, in the challenging environment of conflicts and ceasefires) is not easy. The progress of stakeholder consultations show that the policy and advocacy work of LCG and TNI work, pursued often in challenging and fragile environments, has been well-received and acknowledged. Such recognition of the work done is likely to provide confidence and encourage SLG/SDC to set higher targets for the Expansion Phase too.

**Outcome 1: Building an online, open-access spatial data platform on land-related information.**<sup>4</sup> OMM supported government initiatives through the National Land Resource Management Central Committee (or Central Committee)—formed in September 2014 to replace the Land Use and Allocation Scrutinizing Committee. It helped establish a Technical Project Steering Committee (PSC), a Technical Working Committee/Group (comprising senior officials

<sup>4</sup> OMM design was driven by absence of geospatial data and information, particularly on customary land tenure, areas under shifting cultivation (taungya), and related aspects. It was also a response to civil society concerns over rights' issues during and prior to NLUP formulation.

from several ministries and led by a DALMS director) and a Technical Unit (located at MONRE and coordinated by the Forest Department with on the spot technical assistance team from CDE). These provided a project profile and enabled widespread recognition of its work. However, after the new government was formed, the Central Committee was dissolved in early 2016. A new one proposed as replacement in September 2016 is yet to convene. This has left a critical gap in political leadership and support at higher level for OMM's work. However, OMM continued several activities at national and subnational levels, where opportunities arouse.

Since inception, OMM gained acceptance and recognition with the government and civil society. Its engagement with CSOs was initially a bit rough but is now beginning to stabilize. OMM has also established partnerships with government entities at national and subnational levels and is beginning to position itself as an important geospatial initiative in the country.

By October 2016, OMM had launched *three thematic pilots*, based on consultations with government partners and other stakeholders. The pilots aim to learn how to: engage with stakeholders; produce better data; have a positive impact on spatial planning and decision-making at this level; and demonstrate the added value of the approach. The three thematic pilots were: (a) Taungoo pilot is government-driven with DALMS, the Ministry of Agriculture, Livestock, and Irrigation (MoALI) and the Forest Department (of Ministry of Natural Resources, Environment and Conservation, MONREC) taking the lead to learn about data production and workflows to assess opportunities and challenges in cadastral mapping, land-cover mapping, government coordination at ground level, etc. (b) The proposed Mon State pilot is embedded in a larger process of regional dialogue on sustainable natural resource management. This work is facilitated by LCG and supported by different SDC-financed projects in the area. OMM supports the process through data and evidence, especially on rubber plantations, mining, and coastal management. (c) Tanintharyi pilot is anchored around efforts of NGOs/CSOs on land issues. It includes the establishment of an OMM technical unit at the regional level and issue-based dialogue around the oil palm sector as an entry point to further engagement.<sup>5</sup> OMM's planned activities have only recently commenced, although early signs of progress are visible at pilot sites (refer Table 1).

The OMM team provided technical assistance to a CSO working in the Naga area to map shifting cultivation practices and customary tenure. Through such small grants, OMM hopes to play its part in the dialogue on recognizing customary tenure (through shifting cultivation as an entry point), demonstrate the benefit of a coherent database, and contribute to key decision-making processes and thus gain a political buy-in.<sup>6</sup> The project has also put together a team of trainers and resource persons to provide quality training to project partners and develop a core group of government personnel to support project activities. Training activities planned as part of the Establishment Phase will likely conclude by early 2017. As capacity building is an important part of OMM's work, a detailed training needs assessment should be carried out as part of elaborating the Expansion Phase (Refer to Annex 3 for further details on Outputs).

**Outcome 2: Increased capacities and improved policy advocacy to strengthen tenure security of smallholders, women, ethnic minorities, and vulnerable populations.** The existing

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<sup>5</sup> OMM highlighted that the focus of work on mapping plantation areas is more geared towards fostering tenure security of smallholders.

<sup>6</sup> Mapping is likely to be "more difficult" in territories where land rights issues are more contested and volatile (e.g., Kayah or Shan states). In such locations, it is critical to demonstrate the capabilities of the technology as a policy advocacy and system tool that mitigates negative impact on the community.

working relationships of LCG's leaders were instrumental in bringing together NGOs and CSOs. The NLUP proved opportune and provided visibility to LCG's energy. LCG has established an influencing style—linked to a theory of change and based on a consultative process—that is policy-driven and works through its relationships with the government and CSOs. According to a civil society representative: “The character of LCG's advocacy is a lot of corridor work.” LCG's approach and style fits Myanmar's political-socio-cultural contexts and the issue it champions.

LCG has activated local CSOs and continue to provide guidance on land issues too. That said, its continued engagement with networks will pose formidable challenges in the coming days as its resources and capacities are stretched to an extent. LCG has also addressed specific themes and groups, promoting security of land tenure, protecting and recognizing customary tenure, conservation, and contract farming. Its policy research work and policy advocacy on priority themes such as contract farming, formalization of shifting cultivation and customary tenure are continuing. In addition, LCG's work on knowledge sharing is pursued through MyLAFF website that provides resources on land issues. In late 2015, LCG launched a Facebook page targeting the Myanmar public and discussing land-related issues to inform civil society and the public. Knowledge sharing should be tied to in-house research and building knowledge capacity among stakeholders and government entities using different channels.

The strategic partnership arrangement between OMM/CDE (providing technical expertise and knowledge) and LCG (contextual knowledge, policy work, and an enabler and facilitator of the multi-stakeholder approach) is considered mutually beneficial. LCG has also been facilitating OMM to partner with other agencies engaged in geospatial work.<sup>7</sup> These collaborative arrangements provide additional resources and expertise to OMM's work and help address issues of data standards and models or remote sensing technologies. LCG has been established as an independent NGO entity with a Board of five members from both civil society and private sector.

A note on potential risks will be helpful too. The government and CSOs were considered somewhat over-reliant on LCG's strategy and positioning. This reflects relatively low capacity and probably disorganized institutional characteristics and processes. Given the importance of LCG's work in land and related areas, a crucial consideration for the future should include how to be demonstrably more collaborative and collegiate in working with others on shared objectives, policy, and strategy. That would minimize pressure on LCG's capacities too. Some in civil society are also concerned about weakening communication between LCG and its network members. The concern is that having activated and given a voice to CSOs, due to growing demands, LCG is beginning to lose touch with network members, which, in the long-run, will negatively impact its ability to mobilize and represent civil society and its credibility in general.

**Outcome 3: Promoting ethnic land rights.** TNI works with ethnic armed groups, political groups, and NSAGs to build their capacity to engage in ceasefire and peace dialogues and with CSOs who work with ethnic populations. TNI has been actively engaged with armed groups that lead ceasefire and federal discussions and also with ethnic CSOs and is providing a common platform and help periodic dialogue on socio-economic development and governance. During the Establishment Phase, TNI delivered several workshops and consultative meetings with CSOs working among ethnic populations. These events covered many themes to improve knowledge capacities of ethnic CSOs on NLUP, protect and recognize customary tenure of rotational and fallow *taungya* (shifting cultivation practices), Voluntary Guidelines on Governance of Tenure (VGGT), and right to land for communities displaced by armed conflict. Four policy briefs were

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<sup>7</sup> UNDP's Myanmar Information Management Unit and USAID financed Servir Mekong.



also prepared and disseminated. Interviews indicate that these efforts have helped catalyze the work of the specific groups with which TNI is working. This is supported by TNI's ongoing research, advocacy, and capacity building are geared towards protecting and promoting the land rights of ethnic communities. This is a long-term effort and outputs will need time and resources to stabilize. The TNI's work is beginning to provide a common platform and help align the dynamics, competencies, and priorities within armed groups and ethnic CSOs, through technical advice and dialogue sessions, and periodically share knowledge and build capacities.

TNI works with ethnic CSOs along the border areas too. Long-running conflicts mean a significant number of Internally Displaced Persons (IDPs) and refugees exist, especially along Myanmar's borders. This situation will demand capacities to address tenure claims of populations forcibly displaced by conflict within and outside the country and wishing to return (IDPs and returnees from different borders or temporary camps). The needs of such communities will also have to be included in the government's peace and reconciliation package. A nation-wide policy or guideline or government body to deal with such issues does not exist.. This issue is significant and must be linked to the guiding principles on internal displacement and the United Nations Principles on Housing and Property Restitution for Refugees and Displaced Persons (also known as Pinheiro Principles).<sup>8</sup> The SLG/SDC project and TNI - and to an extent LCG's - capacities will be tested as the ceasefire process stabilizes. SLG/SDC, through its work with LCG and TNI and other partners in Southeast Myanmar have been gathering evidence on which approaches to state-building and peace-building can be lessons as to how each can best contribute to reducing contextual risk. Such experiences could be shared through multi-stakeholder consultations with entities like LCG and TNI working only as facilitators and providing technical advice when required.

*In sum*, despite a delayed start, OMM has made steady progress; however, this project may be unable to reach some planned institutional outcomes during this phase (e.g., Output 1.1.1 and 1.1.2 on Government institutions share and have open access to baseline and enhanced datasets relevant to land Governance, including those with gender-disaggregated information), largely due to the absence of a political mechanism at the highest level, from March 2016, to facilitate the process. Due to complex institutional mandates and arrangements, some central agencies (e.g., DALMS/MoALI or Ministry of Science and Technology, now part of Ministry of Education) may not readily participate in the immediate future. This risk was identified during project design and inception phases. Meantime, OMM's Technical Steering Committee is providing guidance on operational matters. The three ongoing pilots should compensate for the tardy progress at the policy level. In assessing overall outputs and for logframe purposes, one can safely conclude that by May 2017, OMM would have accomplished most of the outputs that can serve as the basis for the Expansion Phase. EPR noted that LCG has reached close to two-thirds of the planned outputs and in some cases, could even exceed targets by May 2017. Only planned engagement with the private sector is lagging. This was partly due to inherent deficiencies in the newly emerging private entities in Myanmar. Proposed advocacy work to mobilize inputs and engagement with the government for drafting an umbrella land law awaits start of government work. LCG's continued engagement with networks and ability to address newly emerging issues (e.g., land acquired for special economic zones) would demand enhanced capacities and preparedness too. TNI has completed almost all planned workshops and its work on policy advocacy in ethnic areas

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<sup>8</sup> Many experienced and competent agencies like United Nations High Commissioner for Refugees (UNHCR), Danish Refugee Council, Norwegian Refugee Council, and others are engaged in settling IDPs and returnees. As such, LCG and TNI should limit their role to supporting the work of those agencies and to engaging in policy and programmatic dialogues and public consultations to share their insights and knowledge.

is progressing and local policy advocacy initiatives have gained momentum. TNI's partner networks like KNU are more engaged with CSOs in border areas and focus on priorities at different levels. Ethnic CSOs (and LIOH), with whom TNI is working, pursue more detailed field research, engage in public consultations, and can provide technical advice when needed. This effort intends to empower its partner groups and exert pressure on the political leadership and decision-makers. This can help further the ceasefire process (or get it moving when negotiations stall) and should be harnessed through multi-stakeholder processes and consultations. In the coming days, TNI's capacities will be tested by new issues (e.g., land grabbing in special economic zones, especially Dawei in Tanintharyi and Kyaukphyu in Rakhine state). In addressing these emerging challenges, TNI should work more closely with local groups, provide periodic technical advice, and strengthen capacities to assume a lead role in advocacy efforts on such new issues as well.

## **2.2 Relevance and Effectiveness**

The overall SLG/SDC project is supported by stakeholder, development, and “change” communities working in Myanmar. Within the context of NLUP and in responding to the civil society concerns, SLG/SDC's approach is considered broad enough for land priorities at national, state/regional, ethnic, and local levels and for the aspirations of ethnic people and communities. Project design introduced activities to strengthen links between communities and local governments on land governance by encouraging constructive partnerships. Working sessions, workshops and joint events completed by the project partners (refer to Table 1 and Annex 3) and continued stakeholder participation in discussions suggest that the design remains relevant.

The project's overall development objectives were clearly stated and there was a logical causal chain for the project design to attain project outcomes including specific activities and implementation arrangements. The first objective of building capacities was developed from the proven approach used in policy dialogue, public consultations, and an online open-access spatial data platform on land-related information accepted by the government as a cornerstone of its long-term planning and service delivery policies. The work of LCG and TNI provided for capacity building and policy dialogue to increase the voice of communities and civil society and was designed to finance small-scale grants for such local consultations and participation in strengthening land governance. OMM's work was designed to help develop systems and tools that would increase cooperation between local governments and meet the land needs of the poor. These were intended to enable the broader objective of building better national capacities. Overall, the SLG/SDC design was realistic and the intervention logic also remains relevant.

Evidence suggests that partner contributions in policy advocacy and awareness raising are widely recognized and that stakeholder engagement is gaining prominence and is viewed as relevant. Both LCG and TNI are seen as playing important roles in guiding land debate among their respective partner networks, enabling better outreach to communities during NLUP consultations and thereafter. LCG's engagement with the government and civil society has activated CSOs in their respective constituencies and given it a convening power. However, to continue to maintain its enabler role and status, LCG must be perceived as an objective and inclusive entity that can mobilize and facilitate the participation of different stakeholders. LCG needs to proactively demonstrate that it remains an independent and inclusive network for multi-stakeholder engagement. This will happen only if it shows a willingness to walk the extra mile both with the government and with non-government stakeholders. A similar challenge awaits TNI too.

By and large, the SLG/SDC project has contributed to SDC's goals included in *Domain 3* of its strategic document on agriculture and food security. Its outcome targets and governance benchmarks (quickly measured by the good land governance index, generally captured in some of the international principles and standards like VGGT) are beginning to show signs of progress. It

is premature to expect clear and tangible evidence of the achievements of the SLG/SDC project after only two years of implementation. However, activities indicate progress in achieving outcomes related to policy advocacy and establishing the preliminary foundation for OMM work. Most planned outputs have either been achieved or are likely to be achieved by May 2017.<sup>9</sup> Therefore, at present, achievements are primarily at the interim output level; high-level outputs and outcomes are likely to be accomplished only in 2017–18.

Many planned outputs are scheduled to be realized or measured only by May 2017 when the Establishment Phase is due to end (e.g., Output 1.3 includes a target ‘Village data jointly produced, validated and uploaded on the platform by government and non-government stakeholders; Output 2.1 under Outcome 2 includes a target ‘Land law that incorporates at least 70% of advocacy points and is in line with policy). From its discussions with partners and focus groups, the EPR team suspects that the Outputs may be in place by early 2017 and accomplishment can be assessed by May 2017. EPR also noted a momentum of sorts, as subnational governments are beginning to engage in and appreciate policy advocacy work (LCG and TNI) and refer to sample outputs from OMM’s work (refer to Annex 3). Observations confirm that this experience base is likely to grow in the coming days, compelling the project to increase support for some activities (e.g., drafting of umbrella land law or Survey Law; more engagement at subnational levels) as they begin to unfold. SLG/SDC may have to consider the option of providing direct support to local organizations and bring local civil society actors to participate and strengthen their capacities. Such an effort will trigger better community awareness and local mobilization too. Engagement with more “learning destinations” is needed to disseminate experiences (e.g., leaders holding key positions with subnational governments; ethnic minorities). The project and its partners should prepare themselves for such demands from government institutions and probably, CSOs and communities.<sup>10</sup>

In almost every discussion/interview, the EPR was informed by project counterparts and respondents that good land governance was valued across all sectors and at all levels of government and stakeholders. This aspiration is partly attributable to the work done so far by project partners among the stakeholders (e.g., consultations and dissemination of NLUP; drafting of local land policy documents; discussions on VGGT; dissemination of policy briefs). The team learned that the three partners not only facilitated some critical policy discussions, but also helped leverage other opportunities for improving land governance in their respective areas of work (e.g., LCG’s work mentoring a local CSO through a research study in the Ayeyarwaddy delta reviewing resource conflicts between farmers and fishing communities; pilot on shifting cultivation practices through seamless mapping of villages in Naga areas; and facilitating discussions on “public purposes” in land acquisition). These factors contribute to the larger understanding that strengthening the management of productive, life-sustaining land and natural resources (the strategic objective) will increase the likelihood of continued improvements and benefits to all in Myanmar. The potential risks identified during project preparation have proven valid (e.g., SLG/SDC project document, Annex 7 identified that the Central Committee structure itself would be dismantled or transformed in a new administration). Lessons learned from project activities also illustrate that more can be done, resources permitting, to support land sector reforms and governance (e.g., enhancing access to dispute resolution and justice) in the country.

The subject of land conflicts and capacities and mechanisms required for their resolution was frequently raised during the review. At present, both LCG and TNI are engaged in providing

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<sup>9</sup> Refer to Annex 3.

<sup>10</sup> This growing demand is cited but not well explained in reports prepared by OMM.



technical advice to local CSOs on land dispute resolution in a limited way (e.g., LCG is working with Namati, a paralegal outfit focused on land issues; and TNI works with KESAN, an ethnic CSO). In discussions, CSOs and project partners LCG and TNI advised that their engagement in promoting informal and community-based dispute-resolution methods have yielded some positive results, particularly in ethnic and upland areas where customary traditions are respected but better streamlining and formalization needed to be sustainable. These can be strengthened with more focused inputs and activities. This is one of the practical options that can be considered for inclusion in the SLG/SDC's work during the Expansion Phase.

## **2.3 Building Local Capacities**

One of the key stated strategic objectives of the SLG project is to augment national capacity to engage in land governance reforms. Through dialogue, consultations, and workshops, training and mutual capacity building have formed a good proportion of the project partners' work. LCG provides training and informal mentoring sessions for the government, CSOs, and network members. Its periodic meetings serve as an information-sharing platform. TNI engages with ethnic groups and CSOs working in ethnic areas. Respondents found that its training programs helped understand national policy, strategic peace initiatives, and land issues. OMM is compiling training and capacity-building activities for government counterparts to work on databases. These are all medium-term efforts.

EPR believes that as reform measures and the peace process progress, partners' current focus on training and capacity building of network members and constituent government entities will become more important. This is evident from the growing number of participants in each workshop or training program delivered by the partners. Demand is also likely to arise for legal aid (e.g., for land-dispute resolution or in accessing benefits from the proposed land restitution program) and empowerment programs such as workshops, learning exchange programs, and others. Government policies on large-scale investments such as creation of Special Economic Zones will also need some attention. New insights might also be needed on dialogues, decision-making on land and specific issues like protection and recognition of rights to land and natural resources, environmental concerns, etc.

Capacity-building work should be anchored around ongoing multi-stakeholder consultations, inter-sectoral and specifically tailored to local contexts and requirements based on periodic assessments.<sup>11</sup> OMM should also consider further technical training programs such as use of GPS and mapping techniques. This will compensate for the lack of local capacities, encourage community participation, and build public confidence in the use of technology for development purposes. The challenge is likely to be greater for OMM given the poor penetration of IT infrastructure and the lack of access to IT networks and facilities in many areas. In overcoming this, OMM must also be prepared to support general and location-specific public awareness and community sensitization programs that would ensure full inclusiveness in participatory land use and mapping. It must also focus on minimizing anxieties surrounding OMM's importance to existing land claims and rights.

## **2.4 Engagement with the Private Sector**

LCG has initiated some work with the private sector (e.g., inputs for formulating Foreign Direct Investment Law; dialogue with national and local governments on promoting Special Economic

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<sup>11</sup> This engagement requires implementation capacity and is likely to pose challenges to SLG/SDC partners, especially TNI. Local institutions must be strengthened by engaging them in the work.

Zones; workshop with private sector representatives).<sup>12</sup> However, this engagement is limited due to the current composition of the private sector (e.g., dominated by political-economic elite or those connected to them), characteristics of the political economy, and the nature of investments (e.g., money that cannot be transparently accounted). Nevertheless, LCG has paid considerable attention to this issue. Clearly, not all private-sector representatives are interested in land-governance reform. However, they are increasingly becoming aware that longer-term, sustainable investments require a more socially and environmentally responsible approach to acquisition and use of land and resources in their business models, core business processes, and value chains (e.g., the Myanmar Business Forum occasionally engages in discussing land issues).

Against this background, LCG and civil society in general should build capacity to engage with the private sector in creating secure and equitable access and control over land to increase food security. Limited linkages with the private sector must be addressed to prevent contradictory or even parallel lobbies on the government. Areas of overlap between civil society and some private sector actors include clearer land titling, more effective resolution of past and new land conflicts, and less central control (e.g. over land-use category conversion).

## **2.5 Building Knowledge Capacities and Project Communications**

Generally, stakeholders consulted by the EPR had received information, copies of research reports and policy briefs from SLG/SDC's three partner projects and were familiar with project activities and publications (e.g., copies of NLUP or policy briefs prepared by LCG and TNI). The work plans and reports of the three project partners provide details on policy work to be undertaken, networks for collaboration, and models and approaches to be developed. Project stakeholders interviewed during the EPR indicated an awareness of many of these outputs too. They also valued these at the national, state/regional, and community levels.<sup>13</sup> Evidence indicates that personal and informal channels to deliver messages had also worked.

On the other hand, many stakeholders were unclear about OMM's work, focus, and benefits. OMM work initially faced some resistance from civil society, largely due to lack of clear information on what OMM is and what it intends to do.<sup>14</sup> This resulted in a variety of ill-informed views and opinions. Other concerns about information arose due to: lack of language skills of many counterparts in the government and civil society, project terminology, and communication styles. This uncertainty can be addressed through better communication strategy. OMM/LCG's ongoing work on oil palm and rubber plantations has generated goodwill at the subnational level and better understanding on the use of mapping and geospatial data. Building on this and moving the conservation agenda forward, LCG may have to engage in increased and better communication and engagement at all levels.

The ways in which those involved with strengthening land governance understand and portray it are rapidly changing. Therefore, the degree to which the policy community agrees on the

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<sup>12</sup> Evidence indicates that the tenure claims of rural populations and their access to land and other natural resources have been weakened by the growing demand for land from the private sector. The government's third-party investment agreements have triggered more concerns.

<sup>13</sup> During interviews/discussions with stakeholders, the EPR team evaluated the respondents' ability to recall instances of and the content of interactions with the three project partners. This was cumulated to understand progress made in eliciting their participation and changing perceptions on a subject.

<sup>14</sup> Evidence suggests that the three pilots on thematic mapping, established in collaboration with CSOs and LCG's continued advocacy, have moderated these anxieties.

definition, causes of, and solutions to a problem should be differently packaged and presented to an external audience (e.g., public portrayal of issues, particularly for political leaders and grassroots' communities). This demands a tailored approach to preparation of policy briefs and project communication. SLG/SDC's project reports and briefings should provide clearer and more evidence-based arguments, drawing from case studies and field data, to make an impact.

## **2.6 Overall Progress and Impact of SLG/SDC Initiatives**

Generally, EPR observed early evidence/results of steps taken towards the achievement of objectives such as developing common positions on land governance, and instances of constructive engagement between government and civil society facilitated through multi-stakeholder dialogue at national and subnational levels (refer to Annex 3 for details). Similarly, nearly all stakeholders consulted also consider that SLG will contribute to some important advances in land governance. In conclusion, the people at large, government stakeholders, CSOs, and even the private sector show signs of change in mindsets, processes, and approaches.

However, at this point in time, some of these engagements are early in nature, limited in scope/scale and it remains unclear as to how knowledge management or capacity development areas would help to improve national capacities. Discussions confirm that the work of three partners, while resource intensive, is essential for effective engagement with key stakeholders. Several local CSOs and governments have taken part in SLG initiatives and benefited from it. On the other hand, without anchoring within the government at national and subnational levels, there is a risk of SLG/SDC's work remaining on the fringe of policy debate and decision-making. The evolution of the three project partner activities (OMM in particular) requires further assessment (regarding costs and benefits) and M&E of their progress and performance.

There is a balance between SLG/SDC's flexible nature (encouraging innovations and the emergence of new stakeholders and partnerships) and strategic and progressive engagement with government to support reforms to practice and policy. This balance may need to change over time and from union level to state/regional levels as opportunities arise and relationships develop. At the time of the review, the SLG/SDC project seemed to be managing this balance well and making the most of the opportunities presented. The project will need to retain the flexibility to adjust its targeting and fund-use arrangements, particularly to address new opportunities, and take advantage of its strengthening relationships with key government agencies.

However, not enough time has elapsed to measure the success of the SLG/SDC. As SLG/SDC has begun to engage more effectively with local governments (partly as the result of multi-stakeholder consultations and addressing new land-related issues and also disseminating NLUP), there are important new opportunities to work with local institutions, and in particular ethnic CSOs and NSAGs, that should not be missed. Taking advantage of these developing relationships with government and also other stakeholders, and building on the trust that has begun to develop, is where the most important impacts will emerge. This will require a more targeted approach to training and capacity building activities and greater specificity of SLG/SDC strategies and activities in each location. There needs to be clarity on what needs to be done to sustain this momentum in the Expansion Phase.

## **2.7 Monitoring and Evaluation and Reporting**

The project document has put in place a simple set of indicators for monitoring and reporting. LCG and OMM have made considerable efforts to establish a Monitoring and Evaluation (M&E) framework and associated database. TNI has followed a matter-of-fact reporting style. However,

some inadequacies in the logframe,<sup>15</sup> including, but not limited to, lack of clear outcome/output indicators for process work (e.g., policy advocacy and capacity building), have somewhat hindered the development of a robust M&E and reporting system. Given the nature of the work, an assessment of the contributions made by LCG, TNI, or OMM to improve policy and practice will always be difficult to measure and report, and often subjective. Logframe indicators barely address the M&E of a set of key outcomes related to policy advocacy. Many indicators cannot be easily reported and are insufficiently specified. That said, indicators and logframe serve a purpose in the Establishment Phase, assuming capacities will be built in due course. One lesson from this experience is that all M&E systems require regular adjustment and improvement and it is necessary, as LCG did in June 2016, to monitor and evaluate the M&E system itself.

For the Expansion Phase, an improved strategy and approach for M&E and reporting, correcting some of the inadequacies reported above, is suggested: balancing supply and demand sides of M&E, a matrix to score step-wise milestones and monitoring in policy advocacy work, introduction of “reach and response” as yardsticks of progress in advocacy work and periodic M&E skills training (e.g., awareness of M&E importance; enhance capacities of local researchers and ‘enquiry’ traditions). A caution here is to avoid the tendency to over-engineer whatever M&E system is created.

Since the formulation of the SLG/SDC’s establishment phase in 2014, numerous changes have occurred in Myanmar’s political and development context: (1) Government reforms have raised hopes that the long civil war, government oppression and mismanagement, and deep social inequality can end. This hope was boosted by a democratically elected government assuming power in 2016. However, political stability remains evasive as ceasefire negotiations and peace process face numerous challenges. (2) Despite concerns, the NLUP could remain the reference point, at least in the medium term, for improving land governance.<sup>16</sup> (3) The government recently adopted a new economic plan, investment law, and related guidelines. These could trigger rapid investments in the country and pose further challenges to tenure security. Lastly, the progress of ceasefire has created more space for ethnic civil society to discuss ethnic land concerns with the union government and advocating a land policy dialogue in several ethnic areas, with subnational governments willing to discuss themes such as customary tenure and sustainable land management.<sup>17</sup> The revised hypothesis for the Expansion Phase must consider such emerging contexts, concurrent opportunities, and challenges. These details should be appropriately captured in the M&E framework and in reporting too. For the Expansion Phase, indicators and both quantitative and qualitative targets must be clearly defined with detailed descriptions of the means for information collection and subsequent methods of calculation.

## 2.8 Project Management Arrangements

A project-specific arrangement is in place for monitoring progress and oversight. The first tier is a periodic reporting system for each partner. The second tier is a PSC comprising the SDC-Yangon office and representatives of the three partners, scheduled to meet to share information and experiences to update on progress and build synergies. A proposed Advisory Council—not part of

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<sup>15</sup> Such as: M&E designed and reports delivered as standalone activity; relatively weak emphasis on regular collection and analysis of information; level to which M&E information is used for preparing work plans not well-captured or reported.

<sup>16</sup> A group of parliamentarians has proposed amendments to NLUP but these have been contested by the larger polity and are unlikely to gain much traction.

<sup>17</sup> This opportunity was not available when NLUP consultations were pursued in late 2014.

the governance structure—involving other informed experts working in Myanmar and SDC’s other development partners, was not activated. Under the PSC banner, the three partners, in consultation with SDC-Yangon office, occasionally amend their implementation mechanisms and associated plans to respond to emerging priorities and opportunities (e.g., LCG’s work in Mon State on unanticipated activities in 2016). The PSC was designed as a platform for information sharing. However, convening periodic PSC meetings has been difficult, with project managers unable to attend (due to their own busy schedules and time constraints). While it did not meet as often as planned, project managers met in other forums. Therefore, the SDC-Yangon office was periodically engaged in bilateral discussions with all three partners; this always carries the risk of informality or no follow-up.<sup>18</sup> Partners prepare and share periodic reports, but there is room for improvement. The Expansion Phase will require more engagement by SDC-Yangon office to respond to opportunities and challenges. In support of this, and to help reduce burden on SDC per se, an external platform (e.g., Program Advisory Team) to guide the process will also be useful.

**Building Synergies:** The SLG project is designed to encourage dialogue and cooperation among the three partners and SDC’s other ongoing programs/projects on land, rural development, and governance. A partnership arrangement that has the OMM office housed at LCG has helped cooperation and OMM has benefited from LCG’s networks and resources. In recent months, joint events are hosted by LCG and TNI in policy advocacy in Mon State and with their counterparts.

**Adaptiveness:** One of the challenges faced relates to the ability of the three projects (and SLG/SDC per se) to customize their work program to respond to national and subnational needs and keep the process flexible to changing circumstances. To an extent, project partners have faced such challenges well. The experiences of LCG and TNI confirm that stakeholder engagement tools and mechanisms work differently depending on place, time, and context. OMM experienced a similar challenge but adapted itself to engage with subnational entities, where interest and willingness were prevalent. This resulted in gradual and incremental engagement at the subnational and national levels. During the Establishment Phase, all partners largely maintained a flexible program and managed to reduce risks too. Myanmar’s land-governance systems are complex, often dynamic, and in a flux. The previous government reconfigured local institutions and introduced ward administrators and village tract administrators who are now responsible for land management functions. Project partners must engage with these local functionaries to promote an understanding on land governance. This will be an important part of the Expansion Phase too. The Expansion Phase should continue to allow project partners more flexibility to respond and adapt to new opportunities and uncertainty and remain resilient.



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<sup>18</sup> This probably affects building synergies and organizational culture (e.g., timely submission of statutory and other reports). This is being rectified and needs attention during the Expansion Phase.



### **3. CONCLUSIONS AND RECOMMENDATIONS**

A central focus of the EPR was to contribute to the design of the Expansion Phase (mid-2017 to mid-2021). To achieve this, the EPR was tasked with assessing the relevance, effectiveness, and impact of the overall design and the three component projects during the Establishment Phase. The conclusions and recommendations of the EPR should not only support preparation for the Expansion Phase, but also help the partners deliver better services and cooperation. Such a review must also consider overall context, emerging opportunities, and challenges. Based on analysis of data/information gathered during the review, the following pages summarize the conclusions and recommendations for SLG/SDC and its partners to consider and act upon.

#### **3.1 Key Conclusions**

Nation-wide processes such as land reforms and stronger governance take time to deliver changes on the ground and still longer to impact communities and deliver sustainable tenure security. Early signs indicate that SLG/SDC's three project partners are actively engaged with the reform-minded and progressive "change" community, representing both government and civil society actors, in Myanmar on policy, strategy, legal, and programmatic areas, and are promoting community and public awareness too. SLG/SDC work has triggered constructive policy dialogue among stakeholders and the efforts are beginning to reach subnational levels too. However, true permeation of NLUP's collective spirit across all stakeholders is lacking. This is partly attributable to government transition from 2015 to early 2016, ongoing civil strife, the fragile peace process, and growing expectations of CSOs.

The views of many respondents on the achievements of LCG, OMM and TNI, and SLG/SDC overall, are summed up by an external respondent's comment: "...so far, it is encouraging, but the jury's out on the final outcome". Given the uncertain and ever-changing political-economic realities and tardy progress of the reform process and peace dialogue in general, the jury's final verdict may not even reflect the performance of SLG/SDC or its partners per se. However, there is much to commend and highlight in terms of outcomes at the SLG/SDC project level thus far and the process itself.

While all three partners can reasonably carry out their plans and deliver quality outputs, diverse and increasing demands on them will pose formidable challenges to meeting growing demands for their expertise. Given the political and institutional complexities and poor physical, institutional, and IT infrastructure and capacities, sustainability of advocacy work and OMM's sustainability and active participation of institutions, will be a concern in the coming days. In addition, OMM will face a resource crunch as demand for technical assistance arises, to develop more thematic mapping or set local boundaries. OMM's challenges, if not well and effectively anticipated and managed, will also negatively impact LCG and SLG/SDC and vice versa.

The present government was elected through a democratic process and is considered legitimate. It is taking several steps to reform the land sector and showing more interest in reviewing land governance policy and practice (e.g., inclusion of better tenure claim and land right administration in the recently released Agricultural Development Strategies; initiatives by the Forest Department to protect possessory use rights in encroached forests by issuing 30-year use rights to households). The MoALI also recently set up the Agricultural Policy Unit of which land is a key component. Such government initiatives should be supported to generate better results. In that sense, civil society, donors, and other stakeholders have additional opportunities to engage more directly and constructively with the government, both at national and subnational levels, which is beginning to recognize the importance of collaborative approaches to land governance.

During the Expansion Phase and in the long run, land will be central to primary peace-building tasks such as guaranteeing livelihoods, spurring economic development, and attracting investment. A comprehensive and systematic approach to land grievances and conflicts can contribute to the broader peace-building objectives of social inclusion, economic growth, poverty reduction, rule of law, and good governance. SLG/SDC should consider supporting essential measures and steps to clarify the right of displaced and dispossessed persons to return voluntarily and be protected from forced resettlement, and their right to repossess, receive compensation, or dispose of land assets to which they lost legal rights or physical access during the conflict. Such an analysis should consider international and regional human rights norms as well as national norms and relevant practice. SLG/SDC's work should support agencies like the UNHCR, Red Cross, etc., that have experience and track record in addressing land issues in conflict and post-conflict situations. This will help to create joint programming and a more systematic approach to generate synergies.

In the Expansion Phase, SLG/SDC could link land issues to policies related to Sustainable Development Goals (SDGs), human development security, and increase its engagement with the private sector. Such an effort will trigger better awareness and state and local mobilization too. A periodic independent review could also prove useful. In designing the Expansion Phase, SDC must keep in mind the changing role of different development partners and civil society and in line with DAC Principles, it should consider progressively engaging with the government and formal institutions as far as possible. In sum, the best way forward should be the one defined by the government, advocated and implemented by civil society in partnership with government (both at national and subnational levels), private sector and others.

In addition to the fragile political environment and civil strife, challenges that could slow down progress include: continuously mobilizing political and public support across all levels, ministries, and communities to strengthen good land governance; creating awareness and understanding of land policy and related issues to activate stakeholder engagement and harness their strength and diversity for better policy advocacy and championing reforms; engaging in state/regional land policy debates to deepen the ongoing democratization process by supporting active CSO participation in building robust and relevant multi-ethnic civil society networks capable of engaging policy makers, including NSAGs, on key issues, such as peace-building, ethnic land rights, drug policy and investment policy; and understanding and managing parallel and fractured processes inclusively, to engage in multi-stakeholder, inter-sectoral dialogue, and help strengthen land governance at all levels. This changing role and overall context and challenges should be explained, through advocacy and multi-stakeholder processes, clearly to government institutions, CSOs, and communities.

### 3.2 Recommendations

The following paragraphs discuss recommendations to SLG/SDC in designing the Expansion Phase. These should be further discussed by SDC and its partners, including the government. Recommendations to SLG/SDC are summarized below and those meant for the three project partners are provided in Annex 4.

#### Box item 2

#### Formulating the Expansion Phase – Some Inputs

Suggested Project Goal: Contribute to government and civil society capacities to strengthen land tenure governance (building on experiences gained from the formulation of NLUP).

Suggested Impact: Strengthened policies, legal instruments, and procedures.

Suggested Outcomes: Enhanced capacity of land sector institutions (national and subnational) and civil society in pursuing strengthened policy, regulatory frameworks and institutional capacity; improved governance of communal land; protection and recognition of customary tenure; innovative approaches for inter- and cross-sectoral reform dialogue; knowledge and coordination mechanisms for improved land tenure governance; sustainable

## SLG/SDC Program Level

### 1. Align Program Focus with Policy Concerns

It is recommended that the Expansion Phase of the SLG/SDC project continue to focus on land and governance reform together with support for the peace process and multi-stakeholder dialogue. It should reinforce a rights-based approach, with an integrated gender equality enabled and conflict-sensitive programming. There needs to be stronger coordination between entities working on IDPs/refugees (e.g., UNHCR, Red Cross and others) that have experience and track record in addressing land issues in conflict and post-conflict situations. This will help to create joint programming and a more systematic approach to generate synergies.

### 2. Encourage Setting-up of Government-Donor Working Group on Land<sup>19</sup>

The Government-Donor Working Group on Land could be the primary institutional counterpart for policy advocacy work. This way, SDC will have an opportunity to continue to reinforce its engagement advocating reforms for better land governance through a common forum and provide support on priority areas identified by it. The suggested priority actions by the Working Group are: (i) The preparation of a long-term land sector strategy and plan; and (ii) establishment of strategic advisory teams to periodically review progress and provide guidance.

The Land Sector Strategy and Plan will elaborate on a vision statement for a specific period and provide a framework for medium-term implementation of specific objectives in broader national policy instruments like NLUP. The plan will, ideally, suggest standards and best practices for land policy reforms and benchmarks for the performance of land institutions.

Strategic Advisory Teams: A strong group of expert advisers, international and national professionals, is required to undertake periodic missions and provide a comprehensive overview on the status of land reforms and highlight areas for the attention of the government and donors.

The Working Group should have adequate mechanisms to include CSOs and those working among ethnic populations. In mitigating risks of non-inclusion or non-participation of ethnic entities, one practical option is to establish sub-groups to develop synergies between development, humanitarian, and peace-building work. This can help reduce tensions, if any, among the stakeholders and build confidence between development agencies and government by using transition compacts and mutual accountability frameworks.

**3. Support and Strengthen Non-State Mechanisms for Land Conflict Resolution.** The SLG/SDC should consider supporting informal and quasi-formal, community-based dispute-resolution mechanisms and pilot them to resolve land conflicts. A functioning community-based mediation and dispute-resolution mechanism would strengthen good land governance.<sup>20</sup> Participation of ethnic civil society and political groups in such efforts should be ensured. At the same time, SLG/SDC could advocate the establishment of formal state mechanisms through the Government-Donor Working Group on Land.

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<sup>19</sup> The government has been looking for a common platform to engage with donors and the development community. Such a platform has been shown to help build a permanent dialogue on key issues. The working group should be led by a senior government functionary and must have sub-groups to work on specific themes and issues, as deemed necessary.

<sup>20</sup> This could also include policy advocacy by partners on government's priority on land restitution and their possible adoption in areas of armed conflict and in post-conflict areas.



#### **4. Training and Capacity Building should be Further Strengthened**

It is important to continuously strengthen the knowledge capacities, drawing from periodic contextual analysis and lessons learnt, of key stakeholders and actors. It is recommended that a *Training and Capacity Building Needs Assessment* be undertaken as part of designing SLG/SDC's Expansion Phase. It should include provision for encouraging partner engagement with local universities and research institutions to build research and analytical capacities among nationals too. Project partners must be encouraged to engage more with local functionaries to promote their understanding of land governance.

#### **5. Simple and User-friendly Logical Framework Needed**

Expansion Phase should establish a single, comprehensive project logical framework for overall reporting with a clear set of measurable Output/Outcome targets. A process-focused approach to capturing milestones may be useful for monitoring progress made in policy advocacy work. Key "milestones" can be identified and adopted to track progress made along with periodic M&E skills training. Such an approach will focus greater attention on scale and quality of stakeholder consultations and participation.

#### **6. Equip Project Partners to Deliver Desired Outputs and Results**

The Expansion Phase will need realistic levels of field presence (and related governance mechanisms) as project partners are beginning to witness increasing workloads owing to new policy measures and the need to continue existing activities, while preparing for new opportunities and challenges. They must be appropriately equipped and resourced to meet these demands. In particular, given its central position in the geospatial technology, OMM will need additional funding and resources to meet growing demands for value added partnerships and function as a catalyst for better coordination to jointly plan and deliver capacity building activities.

#### **7. Project Management**

It is recommended that SDC-Yangon office continue to maintain a two-tier structure and activate it.<sup>21</sup> The first-tier, already in place during the Establishment Phase, would continue to be responsible for project management and will focus on work plans, monitoring and reporting, fiduciary areas, and formal public disclosure of information. The second-tier should be made up of a small working group (or program advisory team) that can help, through annual review meetings, access current contextual analysis, good practice, advice on operational issues, and flag challenges to project holders and managers.

### **Recommendations for SLG/SDC Project Partners**

This section provides SLG/SDC's three partners with some suggestions and recommendations for recalibrating and fine-tuning future work.

#### **A. For Land Core Group**

##### **Strengthen Networking, Policy-Advocacy, and Promote Land Reforms**

LCG should develop itself as a hub to promote and defend land rights for all in Myanmar, particularly smallholders, ethnic populations, poor and women.

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<sup>21</sup> The risk of establishing a structure but not activating it persists.

*Recommendation 1:* LCG's strength must be reinforced to **include more integrated planning and strategy processes, to meet the growing demands of government and civil society partners on land policy and governance.**

*Recommendation 2:* LCG should continue its network function and **advocate for better representation, equal status, and stronger formal recognition of local CSOs in state processes at national, state/regional, and subnational levels.**

*Recommendation 3:* Participation and participatory ways of working must be prioritized to further promote dialogue and stronger partnerships.

*Recommendation 4:* LCG should **strengthen its research and documentation capacities** to ensure that advocacy messages are well-grounded and based on evidence.

*Recommendation 5:* LCG's move from a formal civil society network to a more structured and quasi-formal NGO has changed its role and attendant responsibilities. These **changes must be recognized and reflected in its strategies, work plan, and activities, including its representational status in various forums and events.**

*Recommendation 6:* LCG's **engagement with donors must be streamlined and donor relations and reporting arrangements simplified.**

*Recommendation 7:* Participation in regional land-related work is useful but with increasing priorities at the national level, further **engagement should be strategic.**

*Recommendation 8:* Engagement in land governance must be **progressively diversified by expanded coverage of inter-sectoral issues**

## **B. For Transnational Institute Promote Ethnic Land Rights and Empower Ethnic People**

The continuation of the rights-based approach to promoting ethnic land rights is essential to address pre-conflict, conflict, and post-conflict situations.

*Recommendation 9:* Work out **a formula with SDC to maintain a balance between prioritizing certain activities** based on need, opportunity, and capacity and engaging with counterpart CSOs.

*Recommendation 10:* Promote a sharpened and **shared conceptual understanding of livelihoods and conflict to inform the political dialogue, related processes, humanitarian/development response, and planning for recovery.**

*Recommendation 11:* TNI should **address the continued exclusion of marginalized groups** from broader political processes and development response through research and advocacy.

*Recommendation 12:* **Build “knowledge capacities” of actors and local partners and communities,** to engage in the peace process and negotiations.

*Recommendation 13:* **Field presence must be increased to meet growing demands for support and to make a sustainable impact** with local partners and communities.

*Recommendation 14:* Develop **long-term strategies and funding to ensure organizational stability to sustainably engage** and deliver expected outcomes and results.

**C. For One Map Myanmar (OMM)  
Technical Assistance to Build Geospatial Capacities for Development**

*Recommendation 15:* **Support local planning processes and initiatives** by helping national and subnational governments to mobilize, integrate, and analyze inter-sectoral data and support knowledge products that will inform decisions on land governance and development.

*Recommendation 16:* **Facilitate village demarcation (and participatory land use planning or local OneMaps) as pilots** and create conditions for local participation in boundary delineation.

*Recommendation 17:* **Draft a Standard Operating Procedures Manual as a priority.**

*Recommendation 18:* **Encourage** national government agencies to disseminate and communicate on land and forest tenure strategies and on the importance of geospatial technology in a user-friendly and positive way, building on good practices.

*Recommendation 19:* Review the current technical approach to *OneMap* to ensure that **it is both fit-for-purpose and sustainable.**

*Recommendation 20:* A comprehensive OMM **communications strategy is a must.**

*Recommendation 21:* **Develop a long-term strategy and work plan and seek adequate resources to ensure sustainability of OMM work.** In doing so, OMM will have to further nurture, as a priority, its institutional home for its policy and institutional outreach work to ensure sustainability. OMM should also plan to further develop institutional capacities, required as a minimum, for ensuring the project's success in the medium-to-long term.



**Terms of Reference:  
End of Phase Review of Strengthening Land Governance Project**

## **1. Project Context and Background**

Myanmar is currently undergoing rapid political and economic reforms, since the beginning of the transition from a military regime to a parliamentary system in 2012. A set of laws governing land were among the first to be passed after the transition. In contrast to the former socialist system, the new Farmland Law establishes a land market, while the linked the Vacant, Fallow and Virgin Land Law sets up institutions for industrial-scale allocation of land. These laws create both opportunities and risks for smallholder farmers. While in theory, the land market and registration provide secure tenure, in practice, with high levels of debt, smallholders are at risk of distress sales and losing traditional lands. A new National Land Use Policy was drafted (with Swiss support) and promulgated by the outgoing Thein Sein government in January 2016. The policy could be a tool to promote smallholders as a base for economic development, with secure access to land and forest resources. Now, with an overwhelming victory in the 2015 election, Aung San Suu Kyi's National League for Democracy (NLD) government has the mandate to pursue political reforms in Myanmar. Resolution of farmland disputes is a priority for NLD-led government and the government has indicated an agenda to return or reallocate previously acquired or seized lands, as well as establishing secure institutions for local and foreign investment in agriculture and natural resources. In May 2016, the new government formed a Central Review Committee on Confiscated Farmlands and Other Lands, followed in June by the establishment of a committee for managing Vacant Fallow and Virgin Lands.

The Swiss Agency for Development and Cooperation SDC-supported “Strengthening Land Governance” project intends to improve capacities for policy and practice that promote smallholder access to land and other natural resources, and its design was based in part on priorities established under the National Land Use Policy. The funding envelope is CHF 12 million over nine years (2014–2023) through three phases: a first ‘establishment’ phase from November 2014 to April 2017, a second ‘expansion’ phase from 2017 to 2020 and third ‘consolidation’ phase from 2020 to 2023. The project consists of three linked partial actions: contributions to 1) the Land Core Group (LCG), and 2) Transnational Institute (TNI) Myanmar program; and 3) a mandate (tendered) to the Center for Development and Environment (CDE) for the OneMap Myanmar (OMM) project. The Strengthening Land Governance in Myanmar project cooperates with the Mekong Region Land Governance (MRLG) project, which is administered by the SDC Mekong Region office in Vientiane.

## **2. Swiss Engagement in Myanmar**

Switzerland has been engaged in Myanmar in the field of humanitarian aid for over 20 years. In response to the political opening and substantial democratic reform process in recent years, Switzerland opened an integrated Embassy in late 2012 to contribute to the transition of Myanmar towards a peaceful and more inclusive, equitable society in political, social and economic terms and a democratic government.

The Swiss Agency for Development and Cooperation (SDC) works along four domains as outlined in the *Swiss Cooperation Strategy Myanmar (SCSM) 2013–2017*: (i) employment and vocational skills development; (ii) agriculture and food security (including land governance); (iii) health, social services and local governance; and (iv) promotion of peace, democratization and protection. Gender equality, good governance, and climate change and disaster risk reduction are applied and mainstreamed in a context-specific manner in all four domains. SDC focuses its

support in southeast Myanmar, including Mon, Kayin and Kayah States, east Bago and northern Tanintharyi Region. (See Swiss Cooperation Strategy Myanmar 2013–2017).

### 3. Project goal and outcomes

The overall goal of the project is: *National capacity for equitable and sustainable land governance has increased among government, formal and informal leaders, civil society, and women and men of all ethnicities*. The project strengthens capacity for land governance among civil society, and ethnic nationality leaders and communities through three expected outcomes as follows:

- **Outcome 1:** An online open-access spatial data platform on land-related information facilities transparent analysis of accurate data, accountable land governance and development planning by government and citizens (Implemented by CDE and LCG).
- **Outcome 2:** Increased capacities and improved policy in support of smallholder access to land, including women and men, ethnic minorities and other vulnerable populations (Implemented by LCG, plus CDE and TNI).
- **Outcome 3:** Ethnic and ceasefire organizations successfully defend the interests of their communities in land-related policy, practice and political dialogue (Implemented by TNI).

Outcome one is implemented by the Center for Development and Environment (CDE) of the University of Bern for the OneMap Myanmar (OMM) project, which provides technical support to a government-managed open access spatial data platform on land-related information. It includes capacity building of a core team of government staff to manage the data integration and the platform, while influencing policy through ‘knowledge products’ that provide evidence for decision-making on land and natural resources. The project enables the participation of non-governmental stakeholders and works to build trust between government and civil society organizations (CSOs). This project is an SDC mandate to CDE and LCG.

Outcome two is implemented by all partners but with a focus by LCG. SDC support to LCG is in the form of a contribution. The project enables flexible funding for advocacy, land dialogues, and continued organizational development of LCG as well as its partners, the CSOs. LCG supported the *National Land Use Policy (2016)* consultation process, including facilitating the input of CSOs; and provides land issues awareness trainings to multiple types of stakeholders in different states and regions. LCG focuses on policy advocacy, research, coordination and knowledge-sharing, and works with partner CSOs and NGOs to build their capacity to promote land governance; with a growing focus on Myanmar’s southeast.

Outcome three is implemented by TNI, an international NGO based in the Netherlands, through an SDC contribution to its Myanmar program. TNI works with formal and informal ethnic leaders and civil society and focuses on supporting ethnic nationalities in ceasefire areas to increase their understanding and practices around equitable land governance, including in Karen, Kayah, Shan, Mon and other areas.

All three partners work to build national consensus on approaches to securing land tenure for women and ethnic minorities, including under customary systems. These partners interact with each other and are at the leading edge of CSOs and government dialogue and action on land governance in Myanmar.

#### **4. Purpose and objectives of the end of phase external review**

The purpose of the end-of-phase review (EPR) is to contribute to the design of the next four-year ‘expansion’ phase (2017–2020) of the land governance project. To achieve this, the EPR will assess the relevance, effectiveness and impact of the overall design, and of the three component projects during the first ‘establishment’ phase. It will identify any intended and unintended outcomes, with particular focus on conflict-sensitivity and do-no-harm arising from the project. The EPR will come up with conclusions and recommendations on the way forward for the next four-year phase. This EPR is an external review from which findings and recommendations will not only support the preparation of the next ‘expansion’ phase design, but also help the land project partners deliver better services and cooperation, including in the southeast.

The specific objectives of the EPR are to:

1. Assess relevance, effectiveness and impact of the project components, including in reference to the overall project logic.
2. Assess synergies between the project components, including cooperation between and overall management mechanism.
3. Make recommendations for improved relevance, effectiveness and impact in the next phase (four-year ‘expansion’ phase of the project), including how to strengthen impact in the SDC geographic focus area of the southeast.

#### **5. Key evaluation questions**

The following are the specific evaluation questions for investigation. These questions are open to refinement and agreement with the partners and consultant(s).

##### **1. Relevance**

- Are the stated outcomes relevant to the changing country context?
- Are the stated outcomes relevant to national priorities (e.g., National Land Use Policy, consolidated peace)?
- Are the stated outcomes relevant to achieving smallholder farmer tenure security in Myanmar?
- Are the project components relevant specifically in the southeast of Myanmar?
- Are project results and logframe indicators relevant to the SDC Agriculture and Food Security (AFS) domain’s Results Framework? Is the results framework relevant to the changing context?

##### **2. Effectiveness**

- Is the project logic clear and well-reflected in project documentation (prodocs, reports, logframes)?
- Is the current constellation of partners/component projects effective to achieving desired outcomes?
- Has coordination between the projects been effective/at the level needed to achieve outcomes?
- Has coordination with the Mekong Project been effective to create synergies?
- Has the overall management of the project as a whole been effective?
- Has coordination and planning with other donors/projects been effective?

##### **3. Impact**

- Have each of the component projects made reasonable progress toward objectives in the time frame, or is the project component at least well-positioned to achieve desired outcomes?

- Have the produced documents and policy briefs had an impact on policy formulation?
- Have the project components followed principles of do-no-harm and conflict sensitivity?
- What impact has the project had on gender empowerment and women's land tenure security?

#### **4. Recommendations**

- What can be done to strengthen relevance, effectiveness and impact of the project during the next four-year expansion phase?
- How in particular can the project be strengthened to focus results on the southeast of Myanmar? To emphasize local results and link to systemic change, and balance effort between the two?
- What could be a meaningful and feasible strategy for the expansion of the project in the period 2018 to 2021?

#### **6. Scope of the End-of-Phase Review**

Although the EPR covers three projects, the starting date of each project is different. Therefore, EPR covers from November 2014 to May 2017 for LCG and TNI project, while CDE OMM covers from June 2015 to May 2017. An individual evaluation report is not required for each project. However, answering the evaluation questions on relevance, effectiveness and impact will be required for each project as well as for all projects as a whole and overall impact and recommendations can be generalized for all projects.

#### **7. Approach and methodology**

The design of the EPR will be primarily qualitative in nature and will be achieved for the most part through a series of stakeholder meetings in Yangon and Naypyidaw and possibly in Tanintharyi Region, Mon State and/or Bago Region, selected from among government agencies, civil society and non-governmental organizations, formal and informal ethnic leaders, individuals, and donors working on land issues. The consultant(s) and SDC staff will work together to draft a list of relevant stakeholders. It is anticipated that the consultant(s) will produce an evaluation framework and detailed plan in liaison with SDC.

The consultancy investigation and report will take into account the following:

- Potential cooperation and/or collaboration with other development partners;
- A design for added value of and complementarity with the SDC Mekong Region Land Governance Program;
- Potential synergies with other programs of the SDC Agriculture and Food Security domain portfolio; as well as with other SDC domains, particularly Local Governance Potential synergies at the level of local government (training, capacity-building, programming) in terms of these programs as above;
- Gender empowerment and do-no-harm/conflict sensitivity as cross-cutting themes, as well as addressing needs of particularly vulnerable groups; and
- Information and data/research needs: what gaps still exist, open questions, and how to fill the gaps.



## 8. Deliverables

A report that presents options for an SDC-supported land project with the above-mentioned characteristics and conditions. The final report should not exceed 20 pages, plus annexes, and include:

1. Executive summary – concisely state the most salient findings and recommendations (1-2 p).
2. Table of contents (1-2 p).
3. Contextual background (1-2 p).
4. Purpose of the EPR (1-2 p).
5. Methodology – describe evaluation methods and approaches (1-2 p).
6. Limitations of the EPR– provide any gaps and issues of key technical and/or administrative, if any (1-2 p).
7. Results of investigation, including opportunities for programming/gaps to be filled (3-4 p).
8. Conclusions and recommendations – answers to the key evaluation questions with separate recommendations section (3-4 p).
9. Practical options for the land project ‘expansion’ phase, with main project directions, components for implementation, rationale.
10. Annexes – EPR TOR and other annexes that document the evaluation methods, schedules, risk analysis of the proposed engagement, interview lists, project logical framework (can be indicative or options), budget, bibliography of key resource documents which should be succinct, pertinent and readable.

The final report will incorporate feedback from the responsible SDC staff and will be submitted in electronic form to SDC according to the agreed upon time schedule. The report will be in ownership of the Swiss Agency for Development and Cooperation, part or all of which will be made public by SDC at their discretion.

This consultancy will be managed by the Head of Domain Agriculture and Food Security of the Swiss Agency for Development and Cooperation, of the Embassy of Switzerland in Myanmar.

## 9. Timeframe

The consultants are anticipated to commit up to 25 working days (per person) for the assignment. Total fieldwork anticipated to be about seventeen days in Yangon in Naypyidaw. It is proposed that the field work will take place during November 2016. An indicative schedule is as follows:

Sr	Activity	Details	No. of Days
1	Desk review	Project documents, final operational report, semi-annual report, Steering Committee meeting minutes, etc.. (remote).	2
2	Meeting	Meeting with SDC and partners.	2
3	Develop work plan and methodology	Work plan including detailed tasks, key evaluation questions, outputs, timeline in collaboration with SDC.	2
4	Conduct workshop or series of meetings	Meetings with Yangon, Naypyidaw and possibly regional stakeholders (e.g., Bago and Tanintharyi); rolling discussions with SDC.	8-10
5	Debriefing with SDC and partners	Public consultation workshop on the preliminary findings, conclusions and recommendations through a power point	1



6	Draft Report	<p>presentation.</p> <p>A draft EPR report of the findings and recommendations should be submitted to SDC within two weeks after the field work. The report should clearly describe findings, conclusions, and recommendations. SDC will provide comment on the draft evaluation report within two weeks of submission. The format will include an executive summary, table of contents, methodology, results of investigation, including opportunities for programming/gaps to be filled, findings and recommendations.</p>	5
7	Final Report	<p>A final EPR that incorporates SDC comments and suggestions should be submitted no later than two weeks after SDC provides written comments on the draft report.</p>	2

**Annex 2:**  
**List of People/Institutions Interviewed**

<b>Date/Day</b>	<b>Meeting with</b>	<b>Organization and Other Details</b>
<b>Nov 1, 2016 Tuesday</b>	Briefing meeting with SDC  Markus Burli,  Karin Eberhardt. Aung Kyaw Kyaw  U Shwe Thein, LCG Glenn Hunt, LCG  Joan Bastide, CDE/LCG/OneMap Andreas Heinmm, CDE/OneMap  Markus Burli, Karin Eberhardt.	First Secretary, Head of Agri and Food Domain, SDC. National Program Officer, SDC. Tel 95-1-534754. Development Advisor, SDC. National Program Officer, SDC.  Executive Director, LCG. Advisor, LCG.  Chief Technical Advisor, OneMap. Project Leader, OneMap.  SDC/Myanmar. SDC/Myanmar.
<b>Nov 2, 2016 Wednesday</b>	Hsi Hsi  U Shwe Thein, LCG Glenn Hunt, LCG  Htin Lin Aung	(former Spectrum staff) and LCG trained “champion” onland governance. Tel: 09450051728  Executive Director, LCG Advisor, LCG  Green Peasants Institute, and LCG trained “champion” onland governance. Tel: 09782224525.
<b>Nov 3, 2016 Thursday</b>	Shon Campbell  Moe Moe  Patrick Oswald  Tony Neil (by skype)	Manager, UNDP/MIMU, Tel 95-9-450039936.  Researcher, FAO evaluation, Tel 95-9-43024835.  FFI, <a href="mailto:patrick.oswald@fauna-flora.org">patrick.oswald@fauna-flora.org</a> .
<b>Nov 4, 2016 Friday</b>	Antoine Valere Ghisian Deligne  Celine Allaverdian  Tom Kramer  Khu Khu Ju  Paul De Witt	UNOPS/LIFT, email: <a href="mailto:AntoineD@unops.org">AntoineD@unops.org</a> .  GRET (and also MRLG), email: <a href="mailto:allaverdian@gret.org">allaverdian@gret.org</a> .  Country Coordinator of TNI and email: <a href="mailto:t.kramer@tni.org">t.kramer@tni.org</a> +951535185185. Researcher with TNI and LIOH. Tel: 09795544085.  Land Policy Advisor, FAO, Tel: 09452108091.
<b>Nov 5, 2016 Saturday</b>	Week end Preparation of interview/discussion notes	
<b>Nov 6, 2016 Sunday</b>		
<b>Nov 7, 2016 Monday</b>	Dr Win Htut  U Than Hlaing U Saw Hla Naing	Director of DALMS. Tel: 095181897.  DG of Survey Dept., Tel: 09 49202636: 09 5009039. DyDG, Survey Dept.

Date/Day	Meeting with	Organization and Other Details
	U Thet Oo U Aung Moe U Sein Min U Min Thet Tun  Daw Myat Su Mon U Kyaw Naing Win	Director, Tel: 09448534640. Director, <a href="mailto:aung.moe4569@gmail.com">aung.moe4569@gmail.com</a> . Director, <a href="mailto:sein.min@gmail.com">sein.min@gmail.com</a> . staff officer, <a href="mailto:minthettun@gmail.com">minthettun@gmail.com</a> .  Assistant Director, Forest Dept., Tel: 09 250661729. GIS Manager, OMM Project. Tel: 0997623 6223.
<b>Nov 8, 2016 Tuesday</b>	Dr. Nyi Nyi Kyaw Dr. Myat Su Mon U Kyaw Min Thein U Zaw Soe U Min Myat Thu (Karin of SDC joined the meeting)  U Aung Naing U Min Swe Dr. Thida San Daw Yi Yi Win U Aye Thein U Than Htay Daw Than Than Sint Daw Phyo Thiri Maung Daw Khin Myat Noe Daw Wai Zin Oo U Nay Linn Thu  U Kyaw Sein  U Aye Maung Sein  U Kyaw Naing Win	DG, Forest Dept., <a href="mailto:nkforest@gmail.com">nkforest@gmail.com</a> . Assistant Director, Forest Dept., Tel: 09 250661729. Deputy Director, FD. Assistant Director, FD. Extension.  DG, Legislative Vetting Dept. Tel: 09 420705515. Dy DG. Director. Director. Deputy Director. Assistant Director. Deputy Director. Staff Officer. Staff Officer. Staff Officer. Staff Officer.  Member of Commission for the Assessment of Legal Affairs and Special Issues. Tel: 09 5134321  Member of NPT Council territory and Tel: 09 420700939.  GIS Manager, OMM Project. Tel: 0997623 6223.
<b>Nov 9, 2016 Wednesday</b>	U Soe Myint Naing U Soe Soe Tun U Hla Myo U Win Hlaing  U Naing Win Htwe  A woman selling watermelon fruits on the highway  Farmer Household  Thant Zin	District Officer, DALMS, TAUNGGOO. Township Officer, DALMS, TAUNGGOO. Deputy Staff Officer, TAUNGGOO. Assistant Staff Officer, TAUNGGOO.  Township Officer, DALMS, BAGO.  WAW Township.  WAW Township.  DDA, <a href="mailto:kgkinpyar13.3@gmail.com">kgkinpyar13.3@gmail.com</a> .
<b>Nov 10, 2016 Thursday</b>	U Pan Thu Kyaw  U Min Thein Myint  U Tun Htay	Deputy State Officer, DALMS, Mawlamyaing  Director, FD, Mawlamyaing.  Minister of Agriculture, Mon State Government.

<b>Date/Day</b>	<b>Meeting with</b>	<b>Organization and Other Details</b>
	U Min Kyi Win Nai Sawar Mon, Program Coordinator  (Karin joined meetings with State Government and SWA Mon)  Thi Ha	Minister of Forest, Mon State Government. Mawlamyaing Office, Human Rights Foundation (HUAFOM).    Senior Advisor(Land),Care Project Team, Tel: 0942111943.
<b>Nov 11, 2016 Friday</b>	U Min Min Nwe  Gum Sha Aw  Moe Thu Zar Family  Nai Win Hla and his team (Karin of SDC joined the meeting)	Thanlwin Time Journal, MSDN. Also an activist engaged on land and natural resource governance.  Metta, a CSO. Tel: 09512913.  Fisherman family living along the river side.  EC, Central executive committee MNSP, In-charge of the Internal Affairs Department.
<b>Nov 12, 2016 Saturday</b>	Travel from Mawlamyaing to YGN Evening: Interview with Rob Obendorf (Land Tenure Project of USAID)	
<b>Nov 13, 2016 Sunday</b>	Compilation of field notes and preparation for the debriefing.  Interview with Sue Mark, Pyoe Pin Program.	
<b>Nov 14, 2016 Monday</b>	Afternoon: U Shwe Thein Glenn Hunt	LCG LCG
<b>Nov 15, 2016 Tuesday</b>	Morning: De-briefing meeting with SDC  Markus Burli, Aung Kyaw Kyaw Karin Eberhardt.  U Shwe Thein, LCG Joan Bastide, CDE/LCG/OneMap Tom Kramer	First Secretary, Head of Agri and Food Domain, SDC. National Program Officer, SDC. Tel 95-1-534754. Development Advisor, SDC.  Executive Director, LCG. Chief Technical Advisor, OneMap. TNI, <a href="mailto:t.kramer@tni.org">t.kramer@tni.org</a> Tel: +951535185185.
<b>Nov 16-17, 2016 Wed and Thurs</b>	Follow-up discussions with LCG and OneMap, verification of data and information gathered.	

**Annex 3**  
**Strengthening Land Governance: Project's Detailed Logframe**

Objectives 1	Key Indicators 2	Status as of October 31, 2016 3	Remarks 4
National capacity for equitable and sustainable land governance has increased among government, formal and informal leaders, civil society, and women and men of all ethnicities.		<b>Progress on track.</b>	Facilitated communications and enabled multi-stakeholder dialogue, accepted and supported by all stakeholders, made tangible contributions to policy advocacy. In sum, early signs indicate desired outputs and outcomes can be achieved.
Outcomes	Outcome Indicators		
<b>Outcome 1:</b> An online <b>open-access spatial data platform on land-related information</b> facilitates transparent analysis of accurate data, accountable land governance and development planning by government and citizens.	<b>Outcome 1.1:</b> A national open-access platform for spatial data on land-related issues is online and open to users and contributors from the government, civil society and communities.  <b>Outcome 1.2:</b> A prototype of online spatial data platform is publicly available and includes at least 4 land related datasets at national or pilot area level.  <b>Outcome 1.3:</b> Knowledge products are generated and available to government and non-government actors and used for evidence-informed policy-making.	<b>Started</b> deployment of IT Infrastructures (hard and software) and expected to be completed by December 2016.  <b>Developed</b> an online module for participatory land use planning for use by NGO/CSO. Development work progressed to 80% and to be ready by January 2017 and content entry will start thereafter.  <b>Work-in progress:</b> (a) Central data viewer for public use is under development (work at backend configured and frontend work progressed to 20% at national level and 70% at Tanintharyi level).  (b) Issue-specific web-applications under development and progress is 80% in Tanintharyi and 10% with regard to national land cover analysis (compilation and analysis of the existing data).  (c) Land concessions profile (data and maps on each oil palm land concession).  <b>Themes for the two briefs to be prepared identified and developed.</b> The briefs are: (a) an overview of the findings; and (b) institutional and legal framework for land concessions for oil palm.	Release of prototype expected before May 2017.  Expected to be completed by Jan 2017.  Work commenced on # (a) and yet to begin on # (b).

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	<p><b>Outcome 1.4:</b> Results are presented in at least two international events.</p>	<p><b>Work-in-progress:</b> One online “Map story” on inconsistencies of spatial planning in the case of oil palm – work progressed to about 50% and likely to be completed by early 2017.</p> <p><b>Not yet due</b> – and an analytical report on the oil palm sector likely to begin in early 2017.</p> <p><b>Submitted</b> an abstract for the World Bank’s Land and Poverty Conference (2017) (submitted in October 2016 and approved in December 2016).</p> <p><b>Presented</b> OMM experiences at:</p> <ul style="list-style-type: none"> <li>• MRLG regional conference on land governance in Hanoi.</li> <li>• NASA LULC conference in Yangon.</li> <li>• MIMU/OMM international conference on national data platforms in Naypyidaw.</li> </ul>	<p>Printed Hard copy with key information on each deal, and a selection of map to contextualize the deal (with overlaid data such as: land use, population, terrain, deforestation, implemented areas): Work progressed to about 60%.</p> <p>A dynamic website with online maps, data on each on each concession, dynamic graphs, etc:</p> <p>Another research paper on conflict sensitivity under preparation for submission to an academic journal.</p>
	<p><b>Outcome 1.5:</b> Two policy relevant products and Two technical reports are elaborated and available to the public on the platform.</p> <p><b>Outcome 1.6:</b> Multi-stakeholders dialogue on land-related issues is enabled through joint initiatives, stronger coordination mechanisms and innovative partnerships.</p>	<p><b>Work-in-progress to develop technical knowledge products:</b> Progress so far: White papers on: projection systems (70%); Place Codes: and Names (60%); Metadata (50%); and Data Models (20%).</p> <p><b>Conducted:</b> Five Technical Working Group workshops with the 25 line departments at national level.</p> <p><b>Convened:</b> One Steering Committee meeting with the 18 departments at the national level.</p> <p><b>Completed:</b> One Multi-stakeholder workshop with 60 participants for oil palm review in Tanintharyi.</p>	<p><i>Shifting cultivation and customary tenure in Naga:</i> A series of products based on an analysis of the shifting cultivation landscapes using remote sensing, linked to participatory land use mapping in dozens of villages: report of the study; policy brief; village maps; online data application. Overall completion about 30% (still in the data collection and verification phase).</p>

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	<p><b>Outcome 1.7:</b> A Crowd sourcing approach allowing civil society and citizens uploading information on land concessions is developed and functional.</p> <p><b>Outcome 1.8:</b> Two multi stakeholders dialogue events are organized with civil society and government</p> <p><b>Outcome 1.9:</b> Joint data collection and validation process has been tested in two villages.</p>	<p><b>Completed</b> One Multi-stakeholder workshop for Tanintharyi pilot organized in Naypyidaw. Mutli-stakeholder consultation meetings convened in Mon State, Tanintharyi Region and Bago Region.</p> <p>A thematic workshop on shifting cultivation co-organized with LCG and to be followed-up.</p> <p><b>Not yet due.</b></p>	<p>Follow-up work in progress.</p> <p>Second event likely to take place in early 2017.</p> <p>Work likely to start by early 2017.</p>
<p><b>Outcome 2</b> <b>Increased capacities and improved policy</b> in support of small holder access to land, including women, ethnic minorities and other vulnerable populations.</p>	<p><b>Outcome 2.1:</b> National land policy approved in current draft or general policy directions are upheld by the new administration; perceived as legitimate, sustainable and equitable guidance for improved land governance including for women and ethnic minorities</p> <p><b>Outcome 2.2:</b> Multiple stakeholders have improved capacity to debate and agree on land governance directions</p> <p><b>Outcome 2.3:</b> Local implementation of aspects of the policy exemplifies sound practices</p>	<p><b>Completed</b> <u>Finalization and Publication of National Land Use Policy:</u> Providing long term coordination support to the government of Myanmar to organize broad stakeholder consultations on the NLUP as well as to publish the NLUP.</p> <p><u>New Translation of VGGT in Myanmar language:</u> Worked with national and international experts to freshly translate the Voluntary Guidelines of Governance and Tenure, and have begun process to have FAO formalize the translation as an official FAO translation.</p> <p><b>Work-in-Progress</b> <u>Technical advice and support for drafting of the Land Acquisition Law:</u> Providing technical advice and support, on an ongoing basis, to the Parliamentary Farmers' Affairs Committee to draft the Land Acquisition Act so that principles and provisions of NLUP are incorporated.</p> <p><u>Policy and technical advice to Mon State Officials:</u> Currently providing advice to Mon State Agriculture and Forest Ministers, and MPs on understanding forest sector and national land use policy on how to deal with Union level demands to remove small holder farmers from forest areas, land conflicts and land acquisition cases.</p> <p><u>TOT Training packages for empowering smallholder farmers:</u> A training package was developed, tested and finalized. Through this process, in total, trained 461 land awareness trainers (including more than 121 women) from 64 different CSOs who conducted a</p>	

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		<p>combined total of 621 land rights and land law awareness trainings for 17,791 community members (including 7,011 women).</p> <p><u>Coordinated advocacy on Investment Law:</u> Effectively uses member networks to successfully advocate and highlighted the need for deleting ISDS mechanism from the proposed Investment Law.</p> <p><u>Establishment and expansion of MyLAFF document repository and news service:</u> Developed a document repository to house information related to land and natural resource management issues in Myanmar. Currently, the website holds over 1200 documents with a membership of over 600 people, averaging over 1,200 downloads/month.</p> <p><u>Establishing LCG as independent NGO with functioning systems and governance structures:</u> Formally established LCG as an independent entity (and also physically and financially from Food Security Working Group). Established and operationalized own financial and administrative systems, with double entry accounting and disbursement of upwards of \$500,000 in grants to small CSOs around Myanmar. Staff trained towards these new systems too. Further training proposed.</p>	
<p><b>Outcome 3:</b>  <b>Ethnic and ceasefire organizations successfully defend the interests of their communities</b> in land-related policy, practice and political dialogue.</p>	<p><b>Outcome 3.1:</b> Aspects of improved ethnic land policy directions and/or principles are locally implemented</p> <p><b>Outcome 3.2:</b> Land governance principles (including VGGT) related to ethnic nationalities and to women are discussed formal and informal political dialogues in the context of the peace process.</p>	<p><b>Completed</b></p> <ul style="list-style-type: none"> <li>• KIO draft policy prepared by the Kachin Land Policy Committee through a consultative process.</li> <li>• Karenni Land Policy Committee has produced '0' draft land policy and will be further consulted with stakeholders.</li> <li>• Introduction meeting with NMSP and Mon CSOs held on ethnic land policy and related issues planned, delivered and followed up.</li> <li>• Introduction meetings with Shan CSOs in Taunggyi and Lashio on local land issues and importance of land policies planned, delivered and followed up.</li> <li>• Two workshops on Customary Land tenure held. Briefing notes prepared.</li> <li>• Two workshops on HLP Rights of IDPs and refugees held.</li> </ul> <ul style="list-style-type: none"> <li>▪ In all, four policy briefs prepared and disseminated.</li> <li>▪ The work on NLUP consultations of 2014–15 period, anchored around VGGT principles, continued and helped</li> </ul>	<p>Follow-up in progress with the development of local-level policies that would further contribute to formal or informal national dialogue.</p> <p>Partner (CSO or EAG) reports and evidence of improved practice.</p> <p>Briefing papers are being prepared.</p>



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		<p>to build further discussions with key stakeholders and ethnic CSOs and communities.</p> <ul style="list-style-type: none"> <li>Established a bilingual website (Myanmar and English) called Myanmar in Focus and all documents are posted there. TNI has an e-list of over 9,000 people receiving reports.</li> </ul>	Policy briefs prepared and articulation of directions and recommendations followed up.
<b>Outputs (per outcome)</b>	<b>Output Indicators</b>		
<b>For Outcome 1:</b> An online open-access spatial data platform on land-related information facilitates transparent analysis of accurate data, accountable land governance and development planning by government and citizens.			
<b>Output 1.1:</b> The quality, accuracy and public access to key national spatial datasets has improved.	<b>Output 1.1.1:</b> Government institutions share and offer open access to baseline and enhanced datasets relevant to land Governance, including with gender-disaggregated information.  Number of datasets available on the platform, either at the national or at the geographic pilot level.  Baseline: 0 – Target: 4 datasets.	<b>Four datasets available</b> for sharing on the platform based on a compilation of data provided by the following:  1. Forest Department shared the following data (in some cases at national level, in others at pilot site level): <ul style="list-style-type: none"> <li>Forest cover 2005–2010–2015.</li> <li>Forest Reserves and protected forests.</li> <li>Oil palm concessions.</li> </ul> 2. Population Department: <ul style="list-style-type: none"> <li>Census data at village tract level for Bago.</li> </ul> 3. Department of rural development: <ul style="list-style-type: none"> <li>Village infrastructures.</li> </ul>	Sharing protocol still to be defined based on the formulation of the OneMap policy.
	<b>Output 1.1.2:</b> The prototype of the OneMap online platform is functional and regularly used by Government staffs at all administrative levels, and by other stakeholders.  The prototype OneMap open access platform is online and functional.  Baseline: 0 platform – Target: 1.	<b>Deployed.</b> IT infrastructure in Naypyidaw (hard and soft ware).  <b>Developed.</b> Prototype of Issue specific platform and functional for oil palm in Tanintharyi.  <b>Work-in-progress:</b> Central data viewer under development.	
	<b>Output 1.1.3:</b> Number of registered users registered on the platform. Baseline: 0 – Target: 150.	<b>Not yet due.</b>	
	<b>Output 1.1.4:</b> A mechanism to upload and integrate non-government data on the OneMap platform is established and functional.	<b>Work-in-progress.</b> Not yet finalized. Upload rights and protocol to be negotiated as part of the formulation of OneMap policy	

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	<p><b>Output 1.1.5:</b> Number of different locations (villages or township level) where data is collected at the local level and made available on the platform by non-government stakeholders or local authorities.</p> <p>Baseline: 0 – Target: 4</p>	<p><b>Pilot effort commenced.</b> Three villages covered in Naga area for this thematic mapping work.</p> <p><b>Future plans discussed.</b> (a) Potential for upscaling being discussed with local groups. (b) Further pilot villages will be integrated in the oil palm review in Tanintharyi</p>	
<p><b>Output 1.2:</b> The capacity of the government for generating, verifying and analyzing data related to land has improved, including ensuring participation of local communities and non-government stakeholders</p>	<p><b>Output 1.2.1:</b> Staffs (by no. of women and men) of the OneMap Technical unit and related key line departments at different levels have increased technical and analytical skills to generate and integrate data and Information across sectors.</p> <p>The OneMap Myanmar (OMM) technical unit is established and operational with a clear mandate (and functional arrangements)</p> <p>Baseline: 0 – Target: 1 Unit established.</p>	<p><b>Established.</b> ToR for the OMM Technical Unit approved by steering committee.</p> <p><b>Assigned.</b> Staff for the OneMap Technical Unit and trained. Of the staff, 33% are women (five out of the total of 15 staff).</p> <p><b>Equipped.</b> The Technical Unit and office space is allocated and furnished.</p>	Two introduction trainings provided (total of 3 weeks) Unit to be officially launched in early 2017.
	<p><b>Output 1.2.2:</b> Government staffs (by no. women and men) are working on the ground with participation of local communities and civil society organizations.</p> <p>Number of formal and ongoing on-the-job trainings provided to government and non-governmental agencies in using the platform and data.</p> <p>Baseline: 0 – Target: 4</p>	<p><b>Not yet due</b> and work scheduled to start in January along with the oil palm review.</p> <p><b>Provided:</b> Two drone training courses provided to civil society groups, and three training courses provided to survey department.</p> <p><b>Provided</b> two trainings to OMM technical unit.</p>	
	<p><b>Output 1.2.3:</b> Village data jointly produced, validated and uploaded on the platform by government and non-government stakeholders.</p> <p>Baseline: 0 – Target: 4</p>	<p>Data upload <b>yet to happen</b> (await completion of analysis).</p> <p><b>Work-in-progress:</b> Village data collected in three villages of Naga and analysis in progress.</p>	

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<b>Output 1.3:</b> Analysis of inter-sectoral information and knowledge products provide clear evidence for land governance, policy and development planning decisions	<b>Output 1.3.1:</b> Development planners and decision makers at national and sub-national levels regularly use OneMap inter- and cross-sectoral data and products in their planning and decision making processes.  Number research reports or peer-reviewed papers developed, and provide concrete insights to the governance of land tenure.  Baseline: 0 – Target: 2.	<b>Not completed.</b> Information on data users <b>yet to be gathered</b> .  <b>Partially completed.</b> One research paper on OMM work successfully <b>submitted</b> to the World Bank conference on land and poverty that would be held in March 2017.	Oil palm online platform will be used by the multi-stakeholders working group for data collection and integration.  Another research paper is being drafted.
	<b>Output 1.3.2:</b> Key and up-to-date information on and analysis of land-relevant issues is available and easily accessible through OneMap, relevant including gender and ethnic minority data and disaggregation.  Number of policy oriented products developed.  Baseline: 0 – Target: 2.	<b>Work-in-progress.</b> Inventory of oil palm land concessions in Tanintharyi under processing.  <b>Work-in-progress.</b> Research on customary tenure systems and shifting cultivation in Naga area and likely to be completed by early 2017.	This research is pursued by LCG with support provided by CDE/OMM through spatial analysis of shifting cultivation.
	<b>Output 1.3.3:</b> OneMap derived products (including maps and policy briefs), some of which explicitly addressing gender and ethnicity issues, are prepared, known, widely available, and used by a wide range of development stakeholders.  Target: Research papers prepared and presented in two international conferences/forums.	One paper accepted at the World Bank conference on land and poverty (March 2017) and refer Output 1.3.1 above.  OMM experiences presented in four international/regional conferences (held in Myanmar and Vietnam).	
<b>For outcome 2:</b> Increased capacities and improved policy in support of smallholder access to land, including women, ethnic minorities and other vulnerable populations.			
<b>Output 2.1:</b> Land-related policies and laws are developed that enhance land tenure security of smallholders including ethnic nationalities, women and other vulnerable groups.	<b>Output 2.1.1:</b> At least three key advocacy points for policy change to addresses tenure concerns of upland farmers and women have been presented.	<b>Engaged</b> with the Union level government and parliamentarians recommending: (1) recognition and implementation of the National Land Use Policy, (2) policy and legal instruments for the protection and recognition of customary land tenure, and (3) the importance of undertaking assessments to determine the status of land conflicts before proceeding with land reform.	The presentations and advocacy is continuous and also based on opportunity basis.  LCG also briefly worked with the government on land restitution program in non-conflict areas.

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	<b>Output 2.1.2:</b> At least five key results of research and pilot processes articulated.	<p><b>Completed</b></p> <p>1) <u>Contract farming</u>: Research work on CP Maize Contract Farming highlighted the challenges and recommendations around contract farming schemes and helped to develop advocacy directions on the subject.</p> <p>2) <u>Formalization of shifting cultivation</u>: field research and conduct mapping and develop recommendations for potential pilot processes for land registration system with regard to land areas under rotational shifting cultivation practices.</p> <p>3) <u>Development of procedures and guidelines for land distribution to landless</u>: Completed an assessment in Ayerawaddy in support of Regional Government program on land to develop guidelines for possible land distribution to landless households.</p> <p>4) <u>Policy research on shifting cultivation</u>: Naga Customary Tenure Land Research (final recommendations currently being developed) on shifting cultivation.</p> <p>5) <u>Understanding land restitution</u>: Five Case studies were documented on land conflict resolution by the parliamentary commission that highlighted inadequacies in the planned process and step in case of land restitution program proposed by the government.</p>	
	<b>Output 2.1.3:</b> Land law incorporates at least 70% of advocacy points and is in line with policy	<p><b>Advocacy elements incorporated</b></p> <p>The following main advocacy points identified by LCG have already been included in the NLUP and further elaboration and implementation/enforcement followed up.</p> <p>The advocacy themes and focus included:</p> <p>1) Protection and recognition of customary tenure over farmland.</p> <p>2) Protection and recognition of customary tenure over natural resources.</p> <p>3) Protection and recognition and protection of traditional rotational cultivation systems for ethnic minorities in upland regions.</p> <p>4) Developing a mechanism for registering land for providing tenure rights over village territory.</p> <p>5) Clear and strong definition of “public purposes” in case of land</p>	The proposed draft Land Law has not yet been developed by the government.

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		<p>acquisition.</p> <p>6) Advocating the need for transparent and inclusive approach to be used in the land acquisition process.</p> <p>7) Advocating the importance of freedom of choice of farm crops by farmers.</p>	
	<b>Output 2.1.4:</b> At least two appropriate tenure mechanisms piloted and recommended	<p><b>Supported.</b> Ayerawaddy Regional government to identify and pilot possible land to the landless program through land assessment research and associated presentation.</p> <p><b>LCG advocacy is continuing.</b> In Naga areas, unable to continue pilot registration of shifting cultivation areas in an orderly manner as the regional government is yet to internalize the principles and importance of it. Further advocacy efforts planned for implementation.</p>	Shifting cultivation is illegal under the law. Therefore, government willingness to consider and register those areas under a pilot program is a positive step.
<b>Output 2.2:</b> Improved collaboration between government, ethnic actors, civil society organizations and the private sector through targeted land governance actions, including in the southeast.	<p><b>Output 2.2.1:</b> Success of targeted engagements due to effectiveness of collaboration.</p> <p><b>Target:</b> At least three National/State/Regional policy dialogues convened and completed.</p>	<p><u>National Level</u> <b>Completed</b> 1) Customary Tenure and Rotational Farming Workshop held in NPT (Feb 2015). 2) Colloquium on Environmental Conservation and Community Access to Natural Resources in an era of Climate Change (Jan 2016). 3) NLUP consultation workshops (Initial consultations following release of the draft and Expert Round Tables 1 and 2, National Consultations held in NPT). Inputs were consolidated and presented to the government.</p> <p><u>State / Regional Level Workshops</u> <b>Completed</b> 1) Ayerawaddy: Run by GPI in 2015 examining land issues in the Delta with Regional MPs and government line agencies. 2) Sagaing: July 2016, Dialogue on Developing Collaborative Platform for Land Conflict Resolution In Sagaing Region participated by 224 people (34 women) including Government Officials and MPs. Organised by Sagaing Farmers Union. 3) Magway: August 2016, Dialogue on Developing Collaborative Platform for Land Conflict Resolution In Magway Region participated by 247 (34 women) including MPs, Regional Minister and line agencies. Organised by Magway Farmers Union.</p> <p><b>Completed and further work in progress.</b> Following “champions” were identified and groomed for focused</p>	
	At least 10 “issues champions” (six male & four female)		Of the 10 champions

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	<p>from different stakeholder groups (are trained to be key advocates).</p> <p>At least five key recommendations agreed.</p>	<p>engagement in policy advocacy in a systematic manner.  Aung Kyaw Kyaw (Magwe Farmers Union - Magwe)  Tin Lin Aung (GPI - Delta)  U Tint Lwin (GPI)  Ja La (Metta – Kachin)  Athong Makury (RRtIP – Sagaing / Naga land / National)  Pya Phyo Aung (ASDO - Delta)  Ei Ei Min (POINT – National) (F)  Hsi Hsi (Spectrum – Kachin / National) (F)  Pau Lu (Spring of Love E. Shan)  Sun Shein (Spring of Love – E. Shan) (F)</p> <p><b>Completed</b>  Through LCG’s advocacy, during the course of the development and in the final version of the National Land Use Policy, the following key elements were incorporated:  1) Affirmative action on gender and protection of women’s rights to land and resources.  2) Recognition of the importance of customary tenure among ethnic entities and upland farming households  3) Establishment of reliable, transparent and accountable land resolution mechanisms.  4) Participatory land use planning  5) Development of an umbrella Land Law that would incorporate the provisions and principles of the NLUP.</p> <p>Also LCG’s advocacy on the draft Investment Law resulted in the:  6) Deletion of Investor State Dispute Resolution Mechanism clause from the draft Bill.</p>	<p>trained, three are women.</p> <p>Further work on identifying more Champions is also in progress.</p>
<p><b>Output 2.3:</b>  Civil society organizations have improved capacity to advocate for equitable practices around land tenure security.</p>	<p><b>Output 2.3.1:</b> Two Research, analytical and advocacy skills improved.</p>	<p><b>Work-in-progress</b>  1) Supporting and mentoring ASDO through a small scale case study research project in the Ayerwaddy Delta looking at conflicts between fishermen and farmers. Additionally, we have supported ASDO to develop research skills through ongoing fact-finding through the LIFT land assessment.  2) Supporting and mentoring COLDA to undertake small-scale case study research on conflicts in customary land tenure in Southern Chin State. LG also supported COLDA to undertake formal research training in Yangon.</p>	

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	<p><b>Output 2.3.2:</b> Improved accountability, leadership and organizing skills (At least three skills – advocacy, leadership and financial accountability)</p> <p><b>Output 2.3.3:</b> Evidence of successful advocacy (At least 3 successful cases documented)</p> <p><b>Output 2.3.4:</b> Newly formed LCG board and other governance institutions functioning (Regular Board meeting Organized).</p>	<p><b>Work-in-progress</b></p> <p>1) Leadership training being undertaken for LCG and POINT Senior Management Teams.</p> <p>2) In-house mentoring of advocacy staff.</p> <p>3) Two financial management training for LCG Partners and also Quickbooks Training for POINT.</p> <p>4) Overall Financial Management and financial systems improvement for LCG including long-term training and establishment of Quickbooks accounting software for LCG finances.</p> <p>1) GPI has <b>negotiated</b> the successful resolution of a large land grabbing case in the delta region and consultative dialogue with Regional Government following advocacy approach.</p> <p>2) Pre-consultations by GEN examined gender issues in the National Land Use Policy, and presented findings and recommendations at the Expert Round Table meetings and national consultation, ultimately included a Chapter in NLUP on Gender.</p> <p>3) Land In Our Hands (LIOH) successfully inserted recommendation of the VGGT and international human rights standards into the text of the NLUP (LIOH works closely with TNI).</p> <p>2.3.4: LCG Board has been established with five members from both civil society and private sector. Meetings are currently held approximately every six months.</p>	
<p><b>Output 3.1:</b> Informal authorities and associated civil society in ceasefire areas have increased their awareness of smallholder-biased policy and adopted key principles.</p>	<p><b>Output 3.1:</b> Ethnic CSOs and ceasefire authorities in 4–5 regions develop land governance policy directions based on existing local practices and international standards (KIO, KNPP, KNU, NMSP and eventually Shan State).</p>	<p><b>Completed</b></p> <p>KIO draft policy prepared by the Kachin Land Policy Committee through a consultative process.</p> <p>Karenni Land Policy Committee has produced ‘0’ draft land policy.</p> <p>Introduction meeting with NMSP and Mon CSOs held on ethnic land policy and related issues.</p> <p>Introduction meetings with Shan CSOs in Taunggyi and Lashio held on local land issues and importance of land policies.</p> <p>Two workshops on Customary Land tenure held. Briefing is being prepared.</p>	<p>Completed pre-Consultation workshops for civil society organizations for the National Land Use Policy (NLUP).</p> <p>The follow-up workshops and training programs covered many themes to improve knowledge capacities of ethnic CSOs on NLUP, protect and recognize customary tenure of rotational and fallow <i>taungya</i> (shifting cultivation practices),</p>



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		Two workshops on right to land for communities displaced by armed conflict were planned and delivered focusing on Pinheiro Principles and HLP Rights of IDPs and refugees held. Further briefing and advocacy notes are being prepared.	Voluntary Guidelines on Governance of Tenure (VGGT), and right to land for communities displaced by armed conflict. Consultations on land with ethnic CSOs and armed groups are continuing.
<b>Output 3.2:</b> Informal authorities and associated civil society in ceasefire areas have improved inclusive and equitable land access practices.	<b>Output 3.2:</b> Improved practices applied in selected communities Kachin State, Kayah State, Karen State, Mon State (through VGGT implementation) (so that smallholder rights are protected to a degree in ceasefire areas)	<p><b>Developed and delivered.</b> Developed a set of improved practices and packaged as modules and presented at workshops and multi-stakeholder consultations held to orient on VGGT principles and elaboration of its inclusion in NLUP and other land-related policy documents. One workshop with CSOs on the FAO Tenure Guidelines delivered for ethnic CSOs.</p> <p><b>Provided technical assistance.</b> Prior to and following the VGGT workshop, provided technical assistance on land policy to ethnic armed groups (NSAG) – land policy workshops with the Karenni National Progressive Party (KNPP) and New Mon State Party (NMSP). Further follow-up planned.</p> <p><b>Work-in-progress.</b> Gradually establish a knowledge base and institutional relationships over time among ethnic CSOs and armed groups in the six areas summarized in the remarks column.</p>	The work is in progress in six areas towards policy advocacy as follows: (a) an enabling environment (organize NLUP consultations, open up the space, ensure the official process allows for inputs by local CSOs); (b) capacities strengthened (expert input on TGs etc); (c) alternatives developed (use of TG framework, local CSOs develop their response to NLUP); (d) lobby and advocacy work aimed at agenda setting; (e) policy change and (f) practice change.
<b>Output 3.3:</b> Myanmar's policy-makers have increased understanding of land tenure and governance needs of ethnic minorities.	<p><b>Output 3.3.1:</b> Actors who have received TNI technical support have raised ethnic nationalities and women's needs, according to international standards, in political dialogues in the context of the peace process.</p> <p><b>Output 3.3.2:</b> Two relevant reports published.</p>	<p><b>Prepared and disseminated.</b> In all, four policy briefs prepared and disseminated.</p> <p><b>Work-in-progress.</b> The work on NLUP consultations of 2014–15 period continued and maintained as a building block to pursue further discussions with key stakeholders and ethnic CSOs and communities on peace-building and state-building.</p> <p>Two reports <b>prepared and disseminated.</b></p> <p><b>Convened.</b> Two advocacy meetings with relevant MPs in new parliament and policy-makers in responsible ministries at national</p>	<p>Publications: responses to the NLUP and primer 'Meaning of Land in Myanmar';</p> <p>Completed 'National Dialogue on Customary Communal Tenure of Rotational &amp; Fallow Taungya'.</p> <p>Ongoing work on tenure guidelines and initiatives</p>

Objectives	Key Indicators	Status as of October 31, 2016	Remarks
	<p><b>Output 3.3.3:</b> The recognition by relevant government representatives of TNI response, to an extent, to consider land related issues.</p>	<p>level and four at the State level</p> <p><b>Established.</b> A bilingual website (Myanmar and English) called Myanmar in Focus and all documents are posted there. TNI has an e-list of over 9,000 people receiving reports.</p> <p><b>Convened.</b> Advocacy meetings were held in Mon and Karen areas (and as part of drafting state land policy documents).</p> <p><b>Convened.</b> A national level a meeting of political leaders and experts around NLUP consultations.</p>	<p>with communities displaced by armed conflict (thereby addressing the socio-economic situation of internally displaced persons) – both in conflict and post-conflict scenarios - is an example of a possible need-based approach to advocacy work.</p>

## Annex 4

### Recommendations for SLG/SDC Project Partners

This section provides SLG/SDC's three partners with some suggestions and recommendations for recalibrating and fine-tuning future work. The Establishment Phase has shown that land governance can be promoted by *enriching project strategy* through: the inclusion of government, parliamentarians, the media, and the private sector in the policy and governance debate; continuous stakeholder engagement and analysis to stimulate a change process; training, capacity building, and workshops to encourage peer-learning and build strategic alliances; and inclusion of land-gender-ethnicity concerns.

To start with, SLG/SDC project and its partners' existing *guiding principles*, such as conflict-sensitivity, rights-based interventions, support for promoting ethnic land rights, multi-stakeholder engagement, affirmative action to promote social inclusion, improving public knowledge and awareness on land and land-related issues, and influencing reforms to policy, legislations, institutions, and procedures all remain valid. The project's commitment to VGGT remains valid as a reference point and should be retained in the Expansion Phase.

The Expansion Phase will also benefit from defining priorities. During the Establishment Phase, the SLG project partners have used some international standards and treaties like Voluntary Guidelines on Governance of Tenure (VGGT) in advocating better land policy. This has yielded good results and link between land issues and different international and national socio-economic policies and treaties (e.g., Free, Prior and Informed Consent, FPIC, UNDRIP, and Convention on Biodiversity) etc., and should be reinforced as part of the Expansion Phase too.<sup>22</sup>

It is recommended that SLG/SDC continue its emphasis on protection and recognition of customary tenure, improving responsible investments in land development [including compliance with principles like FPIC or Responsible Investments in Agriculture] and promoting ethnic land rights, support multi-stakeholder consultations and dialogue at subnational levels in non-conflict, ceasefire and post-conflict areas as opportunities arise, and inclusion of gender concerns in land governance.

<sup>22</sup> Example: TNI's workshop in collaboration with LIOH on VGGT for ethnic communities and CSOs working among ethnic communities and villages. The Expansion Phase could consider reference to ASEAN Economic Integration and Sustainable Development Goals too.

#### Box Item 3 Tracking Project Progress Against Sustainable Development Goals (SDGs)

Over the past few years, the land community has been mobilized to ensure that the importance of land rights is effectively represented in the SDGs. A headline indicator seeks to quantify the "percentage of women, men, ethnic people (indigenous people), and local communities with secure rights to land, property, and natural resources, measured by (a) percentage with legally documented or recognized evidence of tenure, and (b) percentage who perceive their rights are recognized and protected." This is embedded in SDG's Goal no. 1—Ending poverty in all its pervasive forms everywhere—and further elaborated in Target 1.4: "ensure that all men and women, in particular the poor and the vulnerable, have equal rights to economic resources, as well as access to, ownership and control over land and other forms of property, inheritance, (and) natural resources." SLG/SDC's Expansion Phase should include harmonized measurement and reporting systems drawing on multiple data sets to track this indicator. It would directly measure the land rights of all and promote measurement of secure rights globally, while emphasizing the position of groups with particularly precarious rights and facing frequent threats and land conflicts. In formulating the Expansion Phase, SLG/SDC and its partners will benefit from keeping mind the above SDG targets.

The previous government's reconfiguration of local governance structures (2010-11) created ward administrators (WAs) and village tract administrators (VTAs) who now function as the main interface between citizens and the State. These new entities are assigned with numerous responsibilities including local development and land management in their respective areas. The existing law and procedures for land acquisition cause significant conflict, owing to procedural weaknesses. There is a risk that the government's normative procedures and template models, if mechanically applied by the local functionaries in the post-conflict situation, could create legal ambiguities and suspicions of the denial of rights of landholders and communities. SLG/SDC's Expansion Phase has considerable opportunity to work more broadly with the local institutions on the land sector and develop an understanding of underlying dynamics essential to influencing and supporting changes to enhance equity and governance.

The Expansion Phase is likely to face opportunities and challenges in the legal arena. Continued lack of clear judicial authority and sectoral approaches to land management and administration result in inconsistent and discretionary application of policy.<sup>23</sup> The Expansion Phase could support legal reforms that relate to land governance. This would imply providing policy advocacy and technical support for the drafting of legal instruments, financing/supporting elaboration of state and non-state land dispute resolution mechanisms, including community mediation techniques, and providing legal aid to communities where appropriate and required. Through its partners, SLG/SDC can consider supporting the preparation of a needs assessment for land dispute resolution training, development and implementation of the training program and any implementation monitoring, and further preparation of materials, learning opportunities, and additional workshops.<sup>24</sup>

Successful engagement of ethnic groups in common platforms like the Government-Donor Working Group, depends on the ability to combine long-term programming grounded in an understanding of contextual risks with the flexibility to respond to opportunities, threats and events. The challenge of translating good contextual analysis into programming is the key, too. In part, this will identify institutional incentives and blockages. Programming flexibility can also be built into the design of long-term development programs. This could be achieved through collaborative working relationships based on information sharing and joint approaches to managing problems, rather than arms-length and solely contractual relationships. Some possible approaches include: strengthen the analysis of contextual risks, ensuring improved understanding of how program performance may be affected, and how best to mitigate risks; pilot joint risk assessment methods to identify common interests; design and implement programs that reduce socio-economic and political tensions; make greater use of pooled funds to share and manage risks collectively; adopt an incremental and collective approach to using country systems and by engaging frequently with the ethnic CSOs and ethnic armed groups, and responding flexibly to operational needs. Experiences show that a common platform helps build a permanent dialogue on key issues with the government. Another aspect deserving emphasis is support for improving the quality and impact of land investments of all kinds so that they can contribute sustainably to

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<sup>23</sup> Customary tenure rights are "invisible," largely ignored in practice. The formal dispute-resolution system generally favors viewpoints of government agencies and is less effective in settling disputes between communities and the State. People thus tend to look for alternative dispute-resolution mechanisms.

<sup>24</sup> Much of the civil society and media have been highlighting the plight of those who lost land and properties due to land grabs or confiscation by the military do not have independent mechanisms to address their complaints. This underscores the structural problem and cannot be addressed by one or two local mechanisms established and operated by civil society or some well-meaning government bodies. An independent and reliable institution with responsive systems and tools are needed.

growth while safeguarding rights and opportunities for poor people, especially ethnic populations and women.

The important functions of LCG and TNI include: joint strategy on policy advocacy and joint action with network members and partners (e.g., on NLUP and other policy or legal documents); sharing information; building capacity and mutual learning; and coordinating activities. LCG and TNI are beginning to work together in policy advocacy and with their counterparts in states/regions chiefly so that the advantage of numbers and pooled risks gives them a voice when confronting powerful institutions and individuals. The fragile political context and security considerations require networking and advocacy to remain nimble, responsive, and inclusive.<sup>25</sup> That was – and will continue to remain a challenge for LCG, TNI and for the SLG project as a whole. Another challenge is for LCG and TNI to maintain their relevance and legitimacy among network members and support groups. This endeavor might be aided by association with additional land-issue platforms (e.g., support for public consultations on the draft Mon National Land Policy; partnership with the recently formed Agriculture and Farmers Federation of Myanmar and Allied Workers).<sup>26</sup> A concern flagged by several respondents was that decreased engagement might threaten the vibrancy and subsequent relevance of LCG and TNI as influential advocates in the land-debate.<sup>27</sup> In designing the Expansion Phase, such concerns will have to be considered.

Given its central position in the geospatial technology and institutional landscape, OMM could become a catalyst for better coordination and added value between projects dealing with data, maps, etc. These partnerships also offer opportunities to jointly plan capacity building activities and development of geospatial tools and products. On the other hand, OMM will also face a resource crunch as demand for technical assistance arises, to develop more thematic mapping or set local boundaries. At present, OMM alone cannot meet growing work demands or build on established foundations while taking advantage of important new opportunities for engaging with the government. If this inadequacy is not addressed, the ability to demonstrate the capabilities of OMM and encourage local ownership will be affected. Reputational risk arising from growing expectations for support would also be exacerbated.

Strengthening cooperation between three project holders can take different forms and means and can include: platforms for periodic sharing of information; cost-sharing or grant-match partnerships or joint events and training programs; joint advocacy actions; shared work plans;

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<sup>25</sup> Possible new approaches to sustain the networks could be to engage with network members/partners. LCG should continue conduct of meetings and workshops to engage with members and partners on a periodic basis. This can include: exchange and learning programs (inter and intra State/Region; diplomacy training) and weekend get together programs.

<sup>26</sup> Members work together rather than just as individual organizations to amplify their voice through strength in numbers and share risks. Given the history and continuing repression of freedom of expression in the country and the limited scope of most organizations, many in civil society are aware that they cannot undertake advocacy interventions on their own on a politically sensitive matter like land and natural resources. For this reason, they look up to LCG for strength. If this need is not addressed appropriately, members may drift from LCG.

<sup>27</sup> CSOs seek to address the social, political, and economic problems that face Myanmar today, but are themselves shaped by the dynamics and relationships that define this landscape. In studying CSOs like LCG and TNI, not surprisingly, these relationships and different layers of identities (ethnicity, religion, class, political affiliation, family ties) also shape the dynamics and relationships within the networks.

agreements to pursue field studies and implementation; and peer monitoring of each other's programs.

Paragraphs below provide comments and suggestions for each partner on: the work so far; the post-2016 agenda; and outreach. Many of these future directions are options/choices for SLG/SDC and its partners to consider and select when designing the Expansion Phase.

#### **A. For Land Core Group**

##### **Strengthening Networking, Policy-Advocacy, and Promoting Land Reforms**

LCG should develop itself as a hub to promote and defend land rights for all in Myanmar, particularly smallholders, ethnic populations, poor and women. It should continue to advocate on, and participate and engage in land policy-advocacy at national and subnational levels and with civil society. Its strategy and program should help educate policymakers, signposting a collaborative path for advocacy campaigns to increase public dialogue and participation. As an organization, its structure must be flatter and its work culture inclusive.

*Recommendation 1:* LCG's strength must be reinforced to **include more integrated planning and strategy processes, to meet the growing demands of government and civil society partners on land policy and governance.** In addition to working with national government entities, LCG should also consider gradually engaging with working mechanisms like the District Natural Resource Management Central Committees (that replaced former Land Use and Allocation Scrutinizing Committees; by December 2016 a new entity is anticipated)<sup>28</sup>, Ward Administrators and Village Tract Administrators introduced in 2011 as part of local authorities and assigned with land management functions, and potentially local committees that would be established following a positive peace process to assist resettling IDPs and returnees.

*Recommendation 2:* LCG should continue its network function and **advocate for better representation, equal status, and stronger formal recognition of local CSOs in state processes at national, state/regional, and subnational levels.** It should strive to assign CSOs a clear role and steer their energies in the right direction.<sup>29</sup>

*Recommendation 3:* Participation and participatory ways of working must be prioritized to further promote dialogue and stronger partnerships with local groups ethnic population, local NGOs, community groups, and government counterparts working at local levels on sustainable management of land and natural resources. Wherever possible, community-to-community dialogue between neighboring villages and districts should be encouraged. Capacity building should be wide-ranging and not limited to a specific issue or event.

*Recommendation 4:* LCG should **strengthen its research and documentation capacities** to ensure that advocacy messages are well-grounded and based on evidence. For example, it could develop partnerships with academic institutions or other research entities that can provide technical support and resources. LCG should also consider working with local universities to build up research capacities to meet long-term requirements.

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<sup>28</sup> Or newer entities that would replace such committees.

<sup>29</sup> Example: Focus on building knowledge capacities of small CSOs and those working in remote areas. LCG can mobilize more support by providing opportunities for such CSOs (and CBOs) to learn through interactions with others. This is more important for smaller CSOs in more remote regions of the country where there are few opportunities to access information or learn. Working together with other organizations in different regions also helps to expand coverage of an initiative.



Capacities and resources should be strengthened to periodically increase the availability of, and public access to (through internet and social media as well), alternative information and analysis of relevant issues through the production, translation, and launch of high-quality publications. The involvement of government institutions and civil society should be followed up with suitable work sessions with respective constituents. Work sessions should also be developed to hone management and leadership skills of partners' staff, to produce better quality output.

*Recommendation 5:* LCG's move from a formal civil society network to a more structured and quasi-formal NGO has changed its role and attendant responsibilities. Its relationships too have been institutionalized to some extent and governance and management bodies and processes have evolved to manage them. These **changes must be recognized and reflected in its strategies, work plan, and activities, including its representational status in various forums and events.**

*Recommendation 6:* LCG's **engagement with donors must be streamlined and donor relations and reporting arrangements simplified.** LCG should adopt One Strategy, One Workplan, and Basket Funding Approach. A long-term organizational strategy should be prepared and organizational capacities strengthened to meet short- and long-term needs.

*Recommendation 7:* Participation in regional land-related work is useful but with increasing priorities at the national level, further **engagement should be strategic.**

As a lead in land-advocacy work, LCG is drawn into many events and balancing the workload is a challenge, especially with increased demand since mid-2015. LCG structures such as the Board of Directors and its government mechanisms are not yet fully functional and human resources are stretched too. LCG needs to stabilize itself as an organization and define priority areas for its engagement and communicate that to stakeholders too. It should also invest in building its in-house capacities to ensure better quality support to its advocacy work and outreach to constituents.

*Recommendation 8:* Engagement in advocacy on land governance must be **progressively diversified by expanded coverage of cross-sectoral issues** (e.g., science, technology, and social dialogue; land-water interface).<sup>30</sup>

## **B. For Transnational Institute**

### **Promoting Ethnic Land Rights and Empowering Ethnic People**

The continuation of the rights-based approach to promoting ethnic land rights is essential to address pre-conflict, conflict, and post-conflict situations. A range of political and civil society entities (e.g., CSOs working among the ethnic population and NSAGs and communities; engagement with local groups and actors who may not formally qualify as civil society should also be considered as a priority in building local knowledge and capacities) should be empowered to engage in protecting and securing their socio-economic rights. Evidence suggests that TNI's ongoing work on tenure guidelines and initiatives with communities displaced by armed conflict (thereby addressing the socio-economic situation of internally displaced persons) is an example of

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<sup>30</sup> Build up in-house capacities to engage in secondary land-related issues. At present, LCG is focusing its advocacy efforts on land and related aspects only. However, in the coming days, LCG may have to engage in secondary issues such as environment (e.g., damage caused by large-scale investments to land areas) or fishing. Although such areas may not be LCG's work per se, given their connection to land governance, LCG should engage, as far as possible, in advocacy work on such subjects as a plug-in.



a possible need-based approach to advocacy work. Such advocacy efforts should lead to better government preparedness in addressing return and resettlement of displaced persons and respect for customary practices to access and use land and resources.

*Recommendation 9:* TNI could consider **agreeing to a formula with SDC to maintain a balance between prioritizing certain activities** based on need, opportunity, and capacity and engaging with counterpart CSOs. As the democratic process makes progress, TNI's work with multi-ethnic civil society networks gains importance as new demands and opportunities arise. Therefore, a flexible approach is recommended from the beginning of the Expansion Phase.<sup>31</sup>

*Recommendation 10:* TNI should promote a sharpened and **shared conceptual understanding of livelihoods and conflict to inform the political dialogue, related processes, humanitarian/development response, and planning for recovery.**<sup>32</sup> TNI is well-placed to undertake such an analysis which ideally should lead to a wider range of development actions that support rights-based approaches to livelihoods, including specific actions directed at strengthening community capabilities, household assets, and supporting appropriate policies, processes, and institutions. An assessment must be made of the impact of the conflict on access to and use of land and natural resources, productivity, markets, trade, and the local economy to better understand who gains and loses and to develop strategies for promoting equitable access to markets at all levels for buyers and sellers.

*Recommendation 11:* TNI should **address the continued exclusion of marginalized groups** from broader political processes and development response through research and advocacy. Advocacy on land-related issues must be prioritized as part of enhanced provision of humanitarian and/or development assistance to meet the needs of different socio-economic segments among ethnic populations and marginalized groups. These needs differ from those of IDPs and returnees and must be considered in the context of long-term and more recent marginalization faced by this group. The government will require support for undertaking careful ground assessments to ensure that any resettlement and reconciliation action is impartial, neutral, and independent and does not contribute to the local dynamics of conflict.

*Recommendation 12:* Ongoing initiatives to draft state/regional land policy (specific to ethnic people) should be supported and developed in cross-sectoral fashion with broad participation to **build “knowledge capacities” of actors and local partners and communities**, to engage in the peace process and negotiations.

*Recommendation 13:* Greater field presence (with additional personnel) is required to engage with the government and its constituents in promoting ethnic land rights. While TNI's collaboration with LIOH is yielding results, **field presence must be increased to make a sustainable impact** with local partners and communities.

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<sup>31</sup> A flexible approach was maintained during the Establishment Phase but for the future such an approach should have a formula or criteria to make it efficient and timely.

<sup>32</sup> The lack of a comprehensive livelihood analysis in peace dialogues risks entrenching land-based conflict even further. A livelihood analysis ensures that resources are allocated based on need between competing groups. TNI could consider undertaking research and help in laying out specific approaches and recommendations for how such issues can be addressed. This can be an effective area for further advocacy.

*Recommendation 14:* Like LCG, TNI also needs better and more field presence, **long-term strategies and funding to ensure organizational stability to sustainably engage** and deliver expected outcomes and results.

### C. For One Map Myanmar (OMM)

#### **Technical Assistance to Build Geospatial Capacities for Development<sup>33</sup>**

OMM's work should be based on a set of good governance principles including efforts to: (a) build a counter policy and political discourse; (b) establish open data-access system to strengthen mechanisms that would serve as checks and balances in access and use of land resources; (c) trigger a process that can help in the conservation of resources; and (d) build safety nets over land and resources in areas, where poor, marginal groups, and ethnic people live. It is unrealistic to pretend that OMM will be able to systematically map all land, all territories, and all parcels in the country and produce high-quality data for reference and use.<sup>34</sup> Therefore, more realistic objectives and targets are proposed for consideration:

- Contribute to developing an enabling environment for better coordination and data sharing within the government, and among the government, CSOs, and non-government actors. This will include providing technical assistance to the government to draft policies and protocols for setting up: data standards; internal policies for sharing and custody of data; policies and laws; interdepartmental technical unit; and IT infrastructure for a centralized system.
- Identify pilot sites for testing OMM tools and procedures by producing thematic maps, engaging in multi-stakeholder dialogues on mapping land use, and guiding in the preparation of sustainable land-use plans. Pilot projects will demonstrate capabilities of the OMM tools and system.
- Contribute to a limited number of “hot and priority issues” on land by linking production of data and knowledge products for specific decision-making processes. The two main issues currently addressed by OMM are land concessions (e.g., starting with mapping of oil palm plantation areas) and recognition of customary tenure (e.g., mapping of areas under shifting cultivation as an entry point).

*Recommendation 15:* OMM will have to further nurture, as a priority, its institutional home for its policy and institutional outreach work to ensure sustainability.<sup>35</sup> This home should provide not only political support but also lead the process, and disseminate the message that **data is owned by the government for public purposes and better governance** and that by using a standardized methodology, OMM will generate quantitative and qualitative land data for reference and form the basis of government decision making on spatial planning and land issues. At present, MONRE is hosting OMM and the inter-agency Technical Steering Committee is

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<sup>33</sup> In the coming days, OMM's technical capacities should be sufficient to meet the challenges; however, it will need higher capacities to engage with national institutions and in policy-dialogue.

<sup>34</sup> OMM has recognized this challenge and its strategy is to cope with uncertainty here was fourfold: (1) start engaging at regional level; (2) provide direct technical assistance to key agencies (e.g., Survey Department and Forest Department and DALMS) in order to increase their understanding and acceptance of OMM; (3) support non-government activities (e.g., small grants to CSO); (4) operate at technical level (non-political) by providing intensive technical training to the OMM technical unit, in order to start preparing them for their future responsibilities once the politics will be stabilized.

<sup>35</sup> The political impasse created by the dissolution of the erstwhile National Land Resource Management Central Committee in March 2016 has partially been resolved with the proposed formulation of a new committee in September 2016. This new entity has not yet been formalized and convened. At present, the Forest Department (MONRE) serves as the institutional home for OMM, but this is a medium-term arrangement.

providing the outreach support. However, as work progresses and more partnerships emerge, this may not be adequate and hence long-term and better formal arrangements are suggested.

OMM should also plan to further develop institutional capacities, required as a minimum, for ensuring the project's success in the medium-to-long term. This should include provision of equipment, a series of training programs and hands-on pilots for counterparts to work on and learn from. It is important to note that while the Central Committee is not yet re-established, the national OMM Technical Steering Committee has been reactivated in November 2016.

*Recommendation 16:* A comprehensive OMM **communications strategy is a must**. OMM's work can succeed only by better communicating the full scope of its objectives and the critical technical assistance it provides to the government in promoting Open Data policies. Develop a robust public communication strategy to explain to a wide audience the benefits of project and partner activities and project's both the short and long-term goals. Emerging opportunities and challenges should be captured in the literature and information materials (context analysis will help it). The strategy should include proactive and reactive set of approaches – and information modules to explain OMM's implementation mechanisms and the logic of information layers developed as part of the Open Data system. The communication strategy can have separate modules for the government, civil society, private sector, and communities. This should be done by producing simple, easy-to-understand literature and visual material that can be accessed by both policy-makers and lay public alike. Public events like display of maps in a reader-friendly manner, exhibitions, sponsorship of local events, short videos for public screening should be considered as possible tools for this purpose apart from textual material.

*Recommendation 17:* **Support local planning processes and initiatives** by helping national and subnational governments to mobilize, integrate, and analyze inter-sectoral data and support knowledge products that will inform decisions on land governance and development. OMM should position itself to support government land-planning by introducing informational layers that would offer zoning data and inputs for land management and advice on reclassification of legal land-use categories. Alternatively, it could indicate the need for recourse to legal action to address unlawful logging. This support can also assist to promote a multi-stakeholder dialogue along with cross- and inter-sectoral approach to planning and eliminate data inconsistencies between different institutions. Another option could be UN-FAO's Agro-Ecological Zoning approach that combines geo-referenced climate, soil, and terrain data into a grid-based land resources database. This can support the development of maps and data cataloguing and analysis on performance of different land uses and help to plan agriculture and rural development strategies and programs.

*Recommendation 18:* **Facilitate village demarcation (and participatory land use planning or local OneMaps) as pilots** and create conditions for local participation in boundary delineation. Those engaged with the OMM project will liaise with local NGO and CSO partners to define routine operating procedures for capturing data in the field with GPS devices. Not only will this bridge the large technical capacity gap at the government end, it will provide beneficial synergies through CSO expertise in participatory community land mapping.<sup>36</sup>

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<sup>36</sup> The use of standard GPS receivers as fit-for-purpose survey tools that deliver acceptable positional accuracies is critical. OM data validation and metadata capture procedures will use a feature menu driven procedure that guides data upload. NGO partners and stakeholders, in collaboration with local authorities, will submit community land boundaries and thematic data (e.g., land cover) under a partnership agreement for verification and conduct field-level monitoring and data verification.

Public display of maps should be part of the steps to be pursued for rectifying errors and facilitating a dialogue between the State and land users (communal, public, and private sector) where essential.<sup>37</sup> OMM must prepare a community participation manual to familiarize landholders, civil society, and local leaders with the process.<sup>38</sup>

*Recommendation 19: Draft a Standard Operating Procedures Manual as a priority.* The draft manual should be treated as a guide and means and to serve as a basis for unified and coherent land database.<sup>39</sup> It will help stakeholders prepare maps in a standard format and follow procedures for submission to relevant authorities.

*Recommendation 20:* More work is needed to understand and transmit to policy-makers the full costs of OMM interventions to build land databases and recognize their importance. Through OMM's work, national government agencies should be encouraged to disseminate and communicate on land and forest tenure strategies in a user-friendly and positive way, building on good practices. In parallel, procedures need to be established to enable government agencies to receive maps produced and review and accept them as legal products which may not necessarily lead to registration or titling per se but might serve as evidence for future work.

*Recommendation 21:* The government and donors (SDC, possibly with the Government of Japan or the United States, who are considering support to NSDI and participatory land use mapping, respectively) must collaborate and review the current technical approach to *OneMap* to ensure that **it is both fit-for-purpose and sustainable**. The EPR recommends that Myanmar learn from its neighbors, Thailand, the Philippines, and Malaysia (who also transited from British-Indian land-administration systems to NSDI), whose experience in developing open data policies provide valuable lessons.

Given its critical role in the development of geospatial technology and institutional landscape, OMM could become a catalyst for better coordination and added value between projects dealing with data, maps, and related activities. Some partnerships are beginning to stabilize and offer opportunities to jointly plan capacity building activities and development of geospatial tools and products. And this raises one important strategic question: should OMM open up to additional funding sources (for additional activities, i.e., “plugins”) to the core component, which could allow addressing a broader thematic scope or reaching out a large share of the country. A proper assessment of in-house capacities is essential to make strategic choices and manage expectations.



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<sup>37</sup> As OMM is not mapping land rights, at least for now, such a dialogue platform may not be required at all places, but can be convened where essential.

<sup>38</sup> Such a manual generally results in Local OneMap (village or territory level maps and data).

<sup>39</sup> A formal adoption of the manual needs time and building up knowledge capacities of policy-makers and senior leaders in the participating ministries and agencies. Therefore, a draft manual should be considered a first step to engage in such an advocacy process and test/demonstrate the value of that manual.