



Food and Agriculture  
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United Nations



**ASSESSING INCLUSIVE *and*  
PARTICIPATORY MAPPING *for*  
RECOGNIZING CUSTOMARY  
TENURE SYSTEMS *in*  
MYANMAR**







# ASSESSING INCLUSIVE *and* PARTICIPATORY MAPPING *for* RECOGNIZING CUSTOMARY TENURE SYSTEMS *in* MYANMAR

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# Preface

Vast amounts of land in Myanmar are unregistered, and as a result are considered to be at the disposal of the Government of the Union of Myanmar, although communities claim them legitimately as customary lands. In the absence of specific legal measures for the recognition and protection of community and/or village lands, these systems are under threat of alienation (FAO and MRLG, 2019).

Earlier work by FAO and the Mekong Region Land Governance (MRLG) project showed that up-to-date data on the extent of land under customary tenure in Myanmar are unavailable (FAO and MRLG, 2019). Yet, it is recognized that the major part of the land area in Myanmar is held through customary or informal tenure arrangements that vary, depending on history, geography, resource base, ethnicity, population density, and factors such as the extent of market integration. Customary tenure is the norm in upland areas and has been maintained by communities that have been governing themselves and have not been under the direct administration of the central state (FAO and MRLG, 2019).

The National Land Use Policy (NLUP), adopted in January 2016 and promulgated in January 2018 (Republic of the Union of Myanmar, 2016a), includes provisions for recognizing customary tenure, thus indicating a constructive development in the acknowledgement of such rights.<sup>1</sup> The NLUP stipulates that “customary land use tenure systems shall be recognized in the National Land Law”, including “formal recognition of customary land use rights,

protection of these rights and application of readily available impartial dispute resolution mechanisms” (Republic of the Union of Myanmar, 2016a, para. 64). The NLUP also states that “land allocation [of customary land] to any land user, other than for public purposes, shall be temporarily suspended until these lands are reviewed, recognized and registered as customary lands” (Republic of the Union of Myanmar, 2016a, para. 68). Chapter III, Part II, para. 16 of the NLUP states that (*italics by authors for emphasis*):

(f) Using community consultation and *participatory land use mapping methods* when approving local land use rights.

Whereas Chapter I, Part III, para. 19 of the NLUP details the planning and drawing of land-use maps, stating (*italics by authors for emphasis*):

(b) Revise and update land use plans and maps in timely manner in order to understand potential impacts of proposed land use changes on existing livelihoods, land use, *land tenure rights*, existence of farmlands, protected areas and encroachment;

(c) The process in sub-paragraph (b) shall be carried out using an *inclusive participatory approach* and *in consultation with local stakeholders*, including men and women.

The 2016 Myanmar Investment Law (Republic of the Union of Myanmar, 2016b), whose main aim is to attract foreign direct investment, recognizes that investment is prohibited when “investment business [...] may affect the traditional customs of the ethnic groups within the Union” (art. 41c), and the investor “shall respect and comply with the customs, traditions and traditional culture of the ethnic groups in the Union” (art. 65a). Furthermore, “[i]n conducting their investment business, the investor shall carry out health assessment, cultural heritage impact assessment,

<sup>1</sup> The National Land Use Policy is in line with international standards, most notably the Voluntary Guidelines on Responsible Governance of Tenure (FAO, 2012), and reflect multiple stakeholder interests through a consultative and participatory process that took two years. The policy is an unprecedented part of Myanmar’s transition, and the government extended the process, reflecting the importance given to the consultations. The policy addresses frameworks for resource administration, and focuses on strengthening tenure security, a concern to smallholder farmers, ethnic communities, women and other vulnerable groups. It will guide the development of a comprehensive national land law (FAO, 2016).



environmental impact assessment and social impact assessment according to the type of investment business in accordance with the relevant laws, rules, regulations and procedures” (art. 71).

The Agriculture Development Strategy and Investment Plan 2018/2019–2022/2023 (Republic of the Union of Myanmar, 2018, para. 52) recognizes the importance of “the recognition, documentation and registration of customary land rights, often of a communal nature and sometimes established under shifting cultivation and agroforestry systems, is not only necessary to protect the land rights of smallholders but also for the success in national reconciliation efforts.”

Right before 1 February 2021, Myanmar was about to take the next important step to advance protection for customary tenure systems. The National Land Law drafting process presented an important opportunity to secure statutory recognition of customary land (see Jansen and Kalas, 2020). This process was started in 2018 when an executive order that created the

National Land Use Council, with one of the vice presidents as the chair and the attorney general’s office serving as the secretariat. Among the seven working groups created to focus on priority themes to be addressed by the National Land Law, one focused on customary land tenure (Working Group 4). The chair of Working Group 4, from the Ministry of Ethnic Affairs, called for state and regional governments, which in turn reached out to civil society stakeholders, to submit documentation of customary tenure systems.

Given the importance of recognizing and protecting customary tenure in Myanmar, and the many ethnic groups and communities, it is worthwhile to examine what inclusive and participatory mapping by these communities could contribute to securing their legitimate tenure rights to land, fisheries and forests, in line with the internationally agreed instrument “Voluntary Guidelines on Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security”, endorsed by the Committee on World Food Security in 2012 (FAO, 2012).



# Background and introduction

Myanmar is a diverse country with eight major ethnic nationalities, divided into over a hundred subgroups, living in remote areas of the country (IWGIA, 2021). For these ethnic nationalities and other communities, access to, control of, and use of land and other natural resources is crucial. These farming families have diversified income-generation strategies that are designed to minimize risk, and in rural areas especially, their land is their principal source of subsistence (FAO, 2009). They depend on access to a wide range of resources throughout the year to meet food security and nutrition needs as agro-ecological and seasonal conditions change. Furthermore, they depend on access to large areas of land to support crop rotation (e.g. shifting cultivation), seasonal use, and risk aversion strategies. Thus, these farming families with their diverse, complex and adaptable strategies need far more land than the immediately visible plots of one or two hectares. Therefore, it is important to secure their land rights over these large areas, but how to do so remains a major challenge (Knight, 2010). Securing their land rights is also important if these local populations are to engage actively as stakeholders in rural development (FAO, 2009), and it is especially important when newcomers enter the area independently, whether this concerns migrants, displaced persons or investors. The National Land Use Policy strives to secure such rights so that livelihoods are maintained and to ensure that farming families can use their land as an asset to alleviate their poverty. In addition, the farming systems these families practice tend to be in balance with their environment, with techniques and land-use

patterns that – because of their flexibility – do not degrade the variety of resources around them. The arrival of newcomers in the area, however, may disturb this precarious balance. Securing access to these resources is, therefore, not only important for incomes and food security and nutrition, but also for reducing risks and averting natural disasters while ensuring environmental sustainability (FAO, 2019).

For ethnic nationalities and other communities that depend on their land and natural resources to sustain their livelihoods, land also holds significant social and cultural values. A member of an ethnic nationality would refer to “the multi-dimensional character of land,” informing “where we settle, how we feed ourselves, what materials we build our homes with, who we worship, which spirits we perceive in the air, and it informs our stories of where we come from and why we are here” (TNI, 2016, p. 5).

The security of land tenure determines the security of access to, control over, and use of the land (FAO, 2012). Land tenure refers to “the relationship, whether legally or customarily defined, among people, as individuals or groups, with respect to land and sometimes the associated natural resources (water, trees, minerals, etc.). Rules of tenure define how property rights in land are to be allocated within societies. Land tenure determines who can use what resources, for how long, and under what conditions” (FAO, 2012, p. iv; FAO, 2020, p. 34).

Customary tenure systems are based on traditional authority, such as village councils and clan heads, whose authority varies from executive to spiritual or convening powers. This includes swathes of Chin State, Kachin State, Shan State, Karen State, Kayah State, Tanintharyi Region, Bago Region, Rakhine State and Special Administrative Areas such as Nagaland. Under British colonial rule from 1824 to 1948, the British treated upland and lowland systems differently. Because of the



challenges of closely administrating remote areas, the British passed the *Scheduled Acts* that left uplands to be governed by customary laws, while lowlands came to be regulated by state laws, such as the 1876 Land Revenue Act, and the 1899 Lower Burma Towns and Villages Act. This led to the formation of two systems of tenure (Mark, 2016a). After Myanmar's independence from Britain in 1948, the new government attempted to bring these two systems under one by passing the 1953 Land Nationalization Act, which nationalized ownership of all land and leased to farmers who automatically became tenants to the land (Mark, 2016a and b). However, in many areas where there are ethnic nationalities and other communities, land by and large continues to be governed by customary tenure systems.

Because the Government of Myanmar initiated a transition from a military to civilian government in 2011 that lasted until 1 February 2021, it passed a number of new land laws to update and clarify its regulation of land, such as the 2012 Farmland Law that builds on the constitutional principle of the “right to ownership”, and provides a tool for farmers to register their land, albeit as a land-use right over which a land use certificate can be issued, and the 2012 Vacant, Fallow and Virgin Management Law that allocated temporary land-use rights over land classified as “vacant”, “fallow” or “virgin” (Government of the Union of Myanmar, 2018). Unclear definitions and perceptions of these classifications, as well as existing maps being out of date, resulted in the alienation of land from customary right holders who do not qualify to secure their land under the 2012 Farmland Law. These two laws, however, left room for interpretation of what to do with land that alternates between, or which combines, agricultural and forestry uses, because the community forestry instructions refer only to land classified as “forest”.

With broad-based advocacy from civil society groups and support from development resource partners, the country's first comprehensive National Land Use Policy (NLUP) was adopted in January 2016 and promulgated in 2018. Despite only being a policy, it is the most significant government land policy to recognize the traditional lands of “ethnic nationalities.”<sup>2</sup> The NLUP was drafted in accordance with key principles from the Voluntary Guidelines for the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (FAO, 2012), including article 5.3, which stipulates:

States should ensure that policy, legal and organizational frameworks for tenure governance recognize and respect, in accordance with national laws, legitimate tenure rights including legitimate customary tenure rights that are not currently protected by law; and facilitate, promote and protect the exercise of tenure rights.

Two years later, under the new government, the amended 2018 Vacant, Fallow and Virgin Lands Management Law<sup>3</sup> states that customary land would be exempt from this category, but there is no clear process for doing so. In light of the government's policies to increase investments into “less developed” areas, this legal vacuum poses a direct and serious risk to the land and natural resources of many rural communities, particularly ethnic nationalities. In a review of this law, it was found that the amended law hurt communities in three ways: 1) by promoting large-scale agricultural investments that have proven to have low land-use efficiency; 2) by increasing the vulnerability

<sup>2</sup> There are a number of other official plans and policies in which customary land tenure is referenced, including the National Environmental Strategy, The National Climate Change Policy, and the National Biodiversity Strategy and Action Plan.

<sup>3</sup> The 2018 Amended Vacant, Fallow and Virgin Lands Management Law has repercussions for those who use lands classified as either “vacant”, “fallow” or “virgin” as part of their customary tenure system, and that are without formal documentation (e.g. local ethnic people). For more details, see GRET, 2019 and Jansen *et al.*, 2021).



to cultivators using land informally, because there is still no clear definition of what “vacant, fallow and virgin Land” is; and 3) by threatening a tenuous peace process, whose success is dependent on the resolution of land conflicts throughout the country (GRET, 2019).

The challenges to customary tenure systems began in the early 1990s when the country started its transition to a market-oriented economy, and especially since 2010, when it welcomed an increasing number of large-scale, land-demanding investments (FSWG, 2011; Scurrah *et al.*, 2015). This threat has been heightened since Myanmar signed a framework agreement in 2017 with China to partner on investments under its Belt and Road Initiative (BRI) (Mark *et al.*, 2020). The BRI was launched in 2013 to strengthen infrastructure connectivity between China, the rest of Asia, Europe and Africa. Without proper safeguards in place in Myanmar for protecting customary tenure systems of communities and ethnic nationalities, particularly those that reside in the uplands and that may be located where new infrastructure is planned, the BRI could potentially threaten the land-dependent livelihoods of millions of Myanmar people.

In response to these threats, civil society groups concerned with the lack of statutory recognition of the country’s customary tenure systems increased efforts to document it, mainly using an ethnographic approach to describe land uses and governing rules (FSWG, 2011; San Thein, 2012; POINT, 2015; Boutry *et al.*, 2018; Erni, 2021). In recent years, civil society groups also started to use participatory mapping, a well-established tool for development intervention (Di Gessa, 2008), to delineate land boundaries and map land uses within the customary tenure systems of different ethnic nationalities and other communities. This was done using an approach advocated by FAO and the United States Agency for International Development:

first, procedures for documenting and protecting community lands as a whole are established to protect the meta-unit from encroachment. This is followed by allowing, over time, for documentation of family and individual lands (R. Oberndorf, personal communication, 2017; see also Knight, 2010). Efforts by the Mekong Region Land Governance (MRLG) project, an entity created to support the strengthening of land tenure security of local and indigenous communities across the Mekong Region, have further facilitated the uptake of these practices by civil society groups across the country, both through policy advocacy and direct support to civil society efforts (Allaverdian *et al.*, 2017; FAO and MRLG, 2019).

Participatory mapping – sometimes known as counter mapping, community mapping or indigenous mapping – is a commonly used participatory development method that includes participatory rural appraisal (Chambers, 1994). The International Fund for Agriculture Development (IFAD) defines participatory mapping as “a map-making process that attempts to make visible the association between land and local communities by using the commonly understood and recognized language of cartography” (IFAD, 2009, p. 6). The process of map-making is undertaken by a group of non-experts who are associated with one another based on a shared interest. The International Land Coalition network members mention that mapping processes can be used to help secure access to land and natural resources, to facilitate the management of these resources and to support community advocacy on land-related issues. Thus, mapping is increasingly playing a role in the empowerment of people and communities (Di Gessa, 2008). By drawing on the knowledge of members of local communities, these maps present information at different scales, from a single village to a large swath of communally-held land. The maps not only



represent geographic information, but a community's historical and socio-cultural values associated with a place. Not only spatial and temporal information about the landscape of natural resources is collected, the socio-political relationships underlying this landscape are also mapped, as well as the community's worldview. As such, they allow communities to spatially and temporally capture meanings often left out from formal maps that support existing power structures, and may significantly differ in appearance and methodology (i.e. non-compliant with formal cartographic conventions).

Participatory mapping can be done with simple sketch maps, transect mapping, and three-dimensional modelling, as well as more advanced technology, including geographic information systems, global positioning systems, aerial photographs and/or remote sensing images from satellites (IFAD, 2009). Whichever methodology and technology is selected, a working knowledge of cartography, participatory development processes, and expertise in community and multi-stakeholder facilitation and organizational skills is a requirement. As confirmed by mapping experiences, scaled maps that follow recognized cartographic methods are seen to allow for greater engagement with local authorities (RRtIP and CDE, 2020). IFAD cautions that the scale of maps is important because “individuals can comfortably work with maps at scales larger than 1:10,000, but at a scale of 1:20,000 the connection between the map and the real world is lost” (IFAD, 2009, p. 32). Maps should also be complemented by a narrative or written documents that describe customary rules or histories that facilitate understanding of the map. With each mapping endeavour, however, one should keep in mind that there is no blueprint for success.

Aside from one paper that discusses the use of participatory mapping in documenting land use changes from 1990 to 2017 in two areas of the southeast (Zaehringer *et al.*, 2020) and a briefing note that discusses the participatory mapping project carried out in Nagaland (RRtIP and CDE, 2020), nothing has been written that fully discusses the advantages, disadvantages and risks of using inclusive and participatory mapping for recognizing customary land in Myanmar. Drawing from lessons learned in other countries that have a longer history of using inclusive and participatory mapping for recognizing customary lands, this paper seeks to elaborate on this question.

This study mainly relies on the review of secondary research on, and the authors' global experiences with, inclusive and participatory mapping, as well as secondary research and project documents from non-governmental organizations and civil society organizations that have conducted inclusive and participatory mapping in Myanmar. This is supplemented by interviews with a few key informants<sup>4</sup> in January 2021 through remote communication channels because of the ongoing COVID-19 pandemic. These discussions were carried out prior to 1 February 2021 when a military coup took place. Since then, key informants have not been available to further inform this research. Key informants consisted of civil society stakeholders who have been directly involved with participatory mapping for the purpose of advocating for the protection of customary tenure systems. They represent different states in the country in which different ethnic groups reside. The remainder of this paper consists of: a) a review of literature about the use of participatory mapping around

<sup>4</sup> These interviews were originally conducted as part of an academic research project to be funded by the Centre for Development (CDE) and Environment, University of Bern. However, heavy restrictions imposed by the coup made it impossible to continue with the primary research and the project was cancelled. CDE gave the first author permission to use findings from those interviews, with acknowledgement of CDE.



the world, outlining advantages and disadvantages (chapter 2); b) an overview of different customary tenure systems in Myanmar (chapter 3); c) a discussion of the opportunities and challenges presented by inclusive and participatory mapping when used to strengthen the recognition of customary tenure systems in Myanmar (chapter 4); and d) a concluding discussion with recommendations for the way forward (chapter 5).





# Global experiences in inclusive<sup>5</sup> and participatory mapping

Since the 1970s, development efforts have used participatory methods in decision-making processes that involved communities. Of all the participatory development methods that have been adopted, adapted and applied in a development context, it is "participatory mapping that has been the most widespread" (Chambers, 2006). Participatory mapping emerged from the rapid rural appraisal methodology (Chambers, 1994) and has spread widely since the 1980s as a method for incorporating the spoken word into a map with the objective of giving a voice to the vulnerable and marginalized using a medium that allows greater dialogue and negotiation (IFAD, 2010). The participatory mapping process is based on building and nurturing trust, dialogue, negotiation and validation (Grosso and Cenerini, 2012). Participatory mapping can serve different purposes such as: providing community cohesion and leveraging collective action to advocate for change; identifying, adjudicating and registering land tenure rights; improving land-use and/or spatial planning and resource management; addressing resource-related disputes or conflicts or disharmony; forming the baseline for territorial or spatial planning and socio-economic integration; and improving the governance of common pool resources (Ostrom, 1990; Di Gessa, 2008; IFAD, 2009; Widodo and Cherlet, 2014; De Vera and Claps, 2017). Participatory

mapping contributes, as one of the steps in a much wider context, to empowering local communities to strengthen land claims and identifying and communicating development needs and priorities to effect positive change (Cochran and Corbett, 2018). Unruh (2006) suggested that participatory mapping can be used to provide evidence of a community's material relationship with their environment, which is crucial to translating customary tenure rights into legal property rights (also mentioned in Knight, 2010). Mapping in a participatory and inclusive manner has an empowering effect on participating members of the community. It provides an opportunity for people to think spatially about their environment; and the process of creating a map triggers feelings of literally *being put on the map*, belonging to the community, and having ownership of the empowering process (Panek, 2015).

During the 1990s, FAO implemented several pilot projects in Africa (e.g. Angola, Mozambique and Guinea Bissau) and Latin America (e.g. Chile), which aimed at assisting governments to identify suitable alternatives to recognizing and protecting customary land rights of local communities (De Wit 1996; Cenerini, 2008; FAO, 2009). These projects comprised a process of self-identification by a community in spatial and socio-economic terms (FAO, 2009; Grosso and Cenerini, 2012). In parallel, FAO has worked with governments on recognizing and protecting customary tenure systems in policy, legal and organizational frameworks. Participatory mapping and rapid rural appraisal were salient features in all of these projects. In Mozambique, the lessons learned and steps undertaken during participatory mapping of rural communities have been translated into the technical annex of the Mozambican Land Law, which lists the steps to register customary land rights. Participatory mapping is one such step. The interactive and participatory process helped empower local communities

<sup>5</sup> With "inclusive" referring not only to the relevant stakeholders in the process, but also the inclusion of information of a wider range of contributors, and the participation in the design, ownership and development of the entire process and resulting map.



in addressing internal issues such as intra-community land disputes and gender issues (FAO, 2009; Groppo and Cenerini, 2012). These experiences aimed at a broader security than just land tenure security, and towards the realization of the right to food, thereby taking a human rights-based approach.

Starting in the 1990s, Indonesia's indigenous communities assisted by development agencies engaged in counter mapping in order to defend their ancestral resources. Their goal was to strengthen the legitimacy of their claims by using the state's "manner of representation" (Peluso, 1995). In the Philippines and Thailand participatory 3-dimensional mapping was used to reclaim ancestral domains and in domain planning (Tabanao *et al.*, 2014; De Vera and Claps, 2017). In Latin America, participatory mapping has been used since the 1990s to demonstrate indigenous communities' relationships to and use of land, and in some cases, to demarcate and fight for legal title to communal territories (Teague, 2011). An example is the Miskitu indigenous communities in Honduras that used participatory mapping to help them gain legal control of La Moskitia, the region that they have historically inhabited, after a long five-decade struggle (Herlihy and Tappan, 2019).

Participatory mapping has also been important for addressing development needs. It was used alongside spatial planning in marine areas in order to extract the social data needed to predict the areas and issues of conflict potential in northwestern Australia (Moore *et al.*, 2017). Participatory mapping was used to allow aboriginal people connected to the Gurrindjirri Indigenous Corporation in northern Australia to express their values, knowledge and preferred management of water and vegetation. The maps informed the design of co-management approaches between indigenous communities and external groups for dealing with

environmental risks affecting the region (Robinson *et al.*, 2016). In southern Suriname, participatory mapping was used to identify indigenous and community-conserved areas, indicated by hotspots for ecosystem services, within the South Suriname Conservation Corridor project (Ramirez-Gomez *et al.*, 2016).

The amount of literature on participatory mapping has decreased over time although more disciplines have started to use the approach, and over time, it has become a mainstream approach. Sometimes it is used as a low-cost means of extracting information, but this is far from its original meaning and intention.

Inclusive and participatory mapping has great potential. Whether this potential is realized depends on the context in which the mapping takes place. This concerns the context within the community, as well as outside the community. It is realized that the community may have little or no influence on the external context. It is, therefore, important to identify good practices and to adapt these to the inclusive and participatory mapping initiative so that it may succeed and ultimately contribute towards positive change. The outcomes of the mapping initiative are influenced by a number of interacting factors. These interacting factors comprise (based on IFAD, 2009):

- **The presence of an enabling or disabling political and decision-making environment:** this concerns whether there is political will at all levels and among all stakeholders involved for the inclusive and participatory mapping to be meaningful and effective; the connection (or disconnection) between formal (i.e. government) and traditional (i.e. customary or traditional) organizations; the policy, legal and organisational frameworks that may have, or have not, created space for inclusive and participatory mapping practice to influence decision-making processes (e.g. in Indonesia and



Mozambique); build bridges between informal and formal dialogue spaces while developing working relationships with government and decision-makers as they represent the "empowered space" (Jansen and Kalas 2020); and the motivation and mobilisation of all stakeholders.

- **The role of stakeholders in the mapping process:** this concerns the community taking as much control over the decision-making, management and responsibility of all stages of the inclusive and participatory mapping process (the community is in the lead, not the external intermediary that has only a supporting role); clear roles and responsibilities for everyone involved in the inclusive and participatory mapping initiative (e.g. addressing power imbalances within the community and between the community and the external intermediary); commitment of the external intermediary to support the initiative long term, to develop and strengthen capacities until the community members can take up their ownership role; the creation of sound relationships within the community (e.g. with those most vulnerable and marginalized to have their voices heard) and with the external intermediary based on transparency, time and trust; and agreement that the (potentially sensitive) information contained in the map is and remains the intellectual property of the community. The intermediary can be a neutral convener and broker that is capable of maximising synergies, building trust, reaching consensus through aligning interests, foster common ground and help overcome differences, arriving at compromise and addressing trade-offs (Kalas and Jansen, 2018). Furthermore, a so-called "boundary spanner" may be needed (Jansen *et al.*, 2021). The mapping process does not stop with the production of the map (see also the point below) because how the map is used, especially in decision-making processes, will require the ownership, commitment and accountability of the community and other stakeholders.

- **The importance of process rather than product, technology or tools:** this concerns all of the above-mentioned interacting factors in the inclusive and participatory mapping initiative. The process of how the initiative is undertaken is pivotal for its outcome. Skilful and open community organisation and decision-making are a pre-condition. Since local knowledge is alive, dynamic and embedded in the community context, the contents of the map may need to be updated and improved over time. For the process to be successful the following steps should be included: the community must be prepared for the inclusive and participatory mapping; the objective of the initiative should be clear to all stakeholders involved; information is collected and aligned with the identified purpose; the map is created in an inclusive and participatory process and a legend of the map is prepared; the stakeholders jointly analyse and evaluate the information on the map; the use of the map and the information contained in the map are communicated to those on which previously agreement has been reached (either within the community or also with outsiders like decision makers in which case the local knowledge becomes public). The use of the map may change over time so the initial agreement may need further discussion to reach a new consensus on the use of the map within the community.

There is, of course, the possibility that the inclusive and participatory mapping initiative does not lead to the anticipated outcome because the above interacting factors for its effective use are not (fully) met. For instance, participatory maps' represent the local knowledge of community members at a specific point in time and this representation may be limited in how it represents that knowledge of customary lands' dynamic systems (IFAD, 2009). It is, therefore, important that the community undertaking the initiative is informed of possible limitations of the inclusive and participatory mapping



initiative before starting, as well as that within the mapping process possible power imbalances within the community are effectively addressed. This is the reason why in a study about customary tenure systems in Chin State, Myanmar, Boutry and colleagues (2018) cautioned against using mapping to formalize land claims due to the diverse nature of customary arrangements and their adaptive nature over time. The study points to several potential pitfalls of using maps. First, fixing land uses which may prevent them from adapting to new agricultural practices or to accommodate demographic changes to a community (i.e. shifting cultivation fields can be merged, split or take on new land uses). Second, while customary tenure is “an intricate system of conferred, nested rights oscillating between communal and individual rights on land management” (Boutry *et al.*, 2018, p. XXXII), mapping may fix a holder’s rights over a delimited space, to the detriment of others in a community or to the detriment to the whole system. Third, customary tenure may include land categories with multiple uses. For example, shifting cultivation land in fallow may be used as grazing land. Maps may be limited in their ability to recognize all these levels of complexity because they portray a *static* state at a *specific moment in time*. In contrast with the findings of Boutry *et al.* (2018), FAO’s extensive experience demonstrates that when properly implemented and coupled with a rapid rural assessment the issues mentioned above can be addressed by the community to ensure the process and resulting map will contribute to positive change (De Wit, 1996; Cenerini, 2008; FAO, 2009; Knight, 2010; Groppo and Cenerini, 2012).

Whenever boundaries are identified and discussed with neighbours during the rapid rural appraisal – a key feature in the methodology developed by FAO – active land conflicts can be settled and

new conflicts prevented.<sup>6</sup> In this manner, participatory mapping can avoid conflict, dispute or disharmony when boundaries are drawn that may indicate “inflexibility” and “permanence” (IFAD, 2009). Addressing the boundaries together with neighbours is in line with customary arrangements that include shared resource ownership and use between two or more communities. This problem can be addressed when mapping is carried out at the community level, with discussion, negotiation and confirmation across multiple communities that may have claim(s) to shared resources. Conflict arose when participatory maps drew boundaries that were too inflexible for adat communities in Papua, Indonesia (Dewi, 2016). Agreement on the delimitation of boundaries is particularly important when mapping land across different ethnic groups or sub-groups who may disagree about settlement histories, which tend to be orally passed down rather than documented in writing (Boutry *et al.* 2018).

Whenever participatory mapping approaches are implemented disregarding power imbalances and gender issues, the participatory mapping may fail to empower the communities that it claims to empower, particularly when it comes to recognizing women’s voices in a community (Di Gessa, 2008; IFAD, 2009). A review of participatory mapping by the International Land Coalition stated that, “[...] the promise of community empowerment through mapping may be tempered by concerns that the mapping process – including the control and management of its technology – can reinforce or reconfigure existing forms of power distribution and relations” (Di Gessa, 2008, p. 14). Despite women being important contributors to their communities’ food and resource needs, they are often excluded from ownership of and decision-making over the use of productive resources, including land, forests and

<sup>6</sup> See the video produced by Namati at [https://www.youtube.com/watch?v=Yun\\_KwY4Q6g&list=PLFFreO-6Fa7-StX8MQc4g8Nl9R84tHlc3](https://www.youtube.com/watch?v=Yun_KwY4Q6g&list=PLFFreO-6Fa7-StX8MQc4g8Nl9R84tHlc3)



agriculture inputs (FAO, 2013). Inclusive and participatory mapping has been used as part of a process to facilitate communities to reconceptualise their thinking around customary land rights to be more inclusive of women (Paradza *et al.*, 2020). The representation of women's interactions with natural resources, such as forest products and water sources, made their claims to land more visible and increased the likelihood that their concerns would be included in decision-making. Thus, in inclusive and participatory mapping processes, if one knows that women tend not to speak out in the presence of men, and youth tend not to speak out in front of elders, measures should be taken to arrange different gatherings to allow women and youth to speak out so their voices are heard.

True and inclusive participation involves concerted efforts to include various sub-populations in a community, and not just their representatives, and that do not merely have people expressing views that are not acted upon, but that give them real control over decision-making and responsibility to enforce decisions. According to the factors described above, the community has control over the decision-making, management and responsibility of all stages of the inclusive and participatory mapping process.

Inclusive and participatory mapping, especially when done as part of a process to formalize customary land titles, makes the local held knowledge public knowledge. When the process is poorly designed it runs the risk of inadvertently facilitating the "land grab" of customary lands because it may make more legible to

outsiders high value resources or important cultural sites (IFAD, 2009). In the case of participatory mapping of *adat* land in Papua, Indonesia, the mapping facilitated legal recognition of *adat* land whose boundaries and clan ownership structures have traditionally been vague to outsiders (Dewi, 2016). To avoid any unforeseen negative consequences, it is important that communities are made fully aware of both the benefits and risks before starting any inclusive and participatory mapping initiative and that they have full ownership of the resulting process and product.

Surveying and participatory mapping of customary land can be resource-intensive (Moreri, 2020). An FAO study (2009) on land delimitation in Mozambique found that the mapping exercise cost about USD 10 000, inclusive of staff salaries, for a community with between 500 and 1 000 households. FAO found that this cost could be lowered by conducting a delimitation process between several neighbouring communities simultaneously. However, in addition to cost, it is necessary that governments issue standard guidelines, which are then followed by communities, to ensure that the government can effectively utilize them to complete a process of land formalization. For example, Botswana's land boards, state bodies that include customary authorities, administer and manage community lands. These are the types of administrative bodies necessary to ensure that a national process of participatory land mapping can be successfully carried out across an entire country (IFAD, 2009; Knight, 2010).



# Overview of customary tenure systems in Myanmar

The complex land governance system in Myanmar is very much influenced by colonial era (1824–1948) governance. With the passage of the 1876 Lower Myanmar Land and Revenue Act, the British granted cultivators the rights to inherit and trade land after having used the land for 12 consecutive years. In effect, a set of laws exported the British system of property rights. The British, however, treated land in ethnic highland areas differently. Unless laws applicable to Lower Myanmar were specifically extended to what was called Scheduled Areas, indirect rule was practiced and customary laws, including those that applied to land and forest tenure, were formally recognized. These rights were recognized in the 1895 Kachin Hill Tribes Act and the 1896 Chin Hills Act (FSWG, 2011).

This system resulted in two types of customary land arrangements. One type exists in the lowlands, which is dominated by the private property regime backed up by state laws. Lowland communities customarily used commons, such as forests and pastures for foraging, grazing and farming. What many lowland communities deemed to be customary land overlapped with official categories such as reserve forest overseen by the forestry department or vacant, fallow and virgin land overseen by the agriculture department. After the government's transition to a market economy in 1988, these lands have increasingly been taken over by the government and allocated to private developers.

Another type of customary land tenure can be found in the country's uplands, historically more distant from the state administration, and where customary institutions remain strong. While there is variation between different customary tenure systems across the country, Erni (2021) in a comparative study of customary tenure in Myanmar identified the following commonalities across them:

1. Communities hold jurisdiction over territories, or rather, customary tenure systems can only exist when there is a community that applies its norms over a territory.
2. Customary tenure systems contain bundles of rights (rights to access, withdrawal, management, exclusion and alienation); individual and community rights may overlap in a single resource area.
3. Customary tenure depends on a functioning community governance system that enforces rules and resolves conflicts.
4. The principle of first-clearance is linked to inheritance: whomever clears wild forests for cultivation earns the right to own and pass it down in a family line.
5. Ancestral land has spiritual dimensions: communities conduct ritualistic worship to maintain harmony with the spirits of the land.
6. All community members have access to land: regardless of the way land is inherited in a community, all community members are ensured access to the land simply for being a member of the community.
7. Rights tend to be linked to residence in a village; on the other hand, new residents that enter a village due to marriage gain access entitlement to land.
8. Customary tenure systems are dynamic and ever-changing; rules adapt to suit the needs of evolving social systems.



The vast amounts of unregistered upland areas that are considered as being at the disposal of the Government of the Union of Myanmar, but are being claimed by ethnic groups and other communities, have increasingly been alienated by the government and allocated to private developers (Scurrah *et al.*, 2015; FAO and MRLG, 2019).

A review of studies conducted over the last decade shows other trends (FSWG, 2011; Boutry *et al.*, 2018; RRtIP, 2019). Land resources under customary tenure could be used by communities to meet spiritual, cultural, and livelihood needs. Livelihoods practices include hunting, foraging, grazing, fishing and agriculture, usually in the form of shifting cultivation. Customary tenure systems are governed by locally accepted norms and rules that determine rights of use, management, exclusion and alienation (for a theoretical explanation, see Ostrom, 1990). They tend to be passed down orally and enforced by community bodies. Evolved over generations, they are generally accepted, understood and practiced by local communities. Dynamic in nature, they are often adjusted to the changing needs of a community.

Customary tenure systems have a strong communal nature, and the land resources covered by such systems are viewed as “owned” by the communities that have traditionally lived on the land. Even when the decision-making is vested in a village-level tribal council, the council is supposed

to make these decisions to ensure the welfare of the whole community. While households in some communities may have more inheritance rights over land, the idea of ownership is not absolute as in the sense of private property systems. Landowners across different ethnic nationalities are expected to share the use of their land with the “landless” (Lehman, 1963; RRtIP, 2019).

Customary tenure systems are actually complex land management systems that consist of overlapping, in time and space, communal and individual claims. For example, while a community may collectively decide which mountain to clear for shifting cultivation and set the rules for how plots are allocated to households each year, a household may make its own decisions over the management of a given plot and exclude others from accessing the crops grown on their plots. Therefore, household plots have individual use rights while being nested in a community tenure arrangement. Furthermore, tenure rights can be either permanent (i.e. plots can be inherited within households), or temporary (i.e. allocated on a seasonal basis). It is important to note that land categories are not fixed over time. For example, fallow fields that are part of a rotational cultivation system may be used for grazing or a source of firewood and non-timber forest products. Thus, land categories are subject to multiple uses that change over time (this is important when mapping “actual” use because it may vary over time).



# Analysis of participatory mapping in Myanmar

## a. Objectives of participatory mapping

According to MRLG's Guidebook *Documenting Customary Tenure in Myanmar* (Allaverdian *et al.*, 2017), documentation of customary tenure can achieve several objectives: 1) empower communities to become more aware of their land rights through a process of reflection and articulation; 2) build evidence to support advocacy for recognition of customary tenure; and 3) help communities to be better prepared for engagement with an official process, if and when the government formalizes recognition of customary tenure.

A common reason for doing participatory mapping is to use it to advocate for higher-level changes in policy and law. This was the objective of the mapping project funded by the Center for Development and Environment (CDE) carried out from 2016 to 2019 in Layshi Township in Nagaland (RRtIP and CDE, 2020). The map documents village boundaries and numerous customary land uses across the township. A Naga informant explained:

The motivation is to get legal protection for customary rights. The policymakers are new to this issue so it is important for us to do serious research work. Participatory mapping shows us better. Sometimes we explain, but without maps, people can't get the idea well.



Because the maps show different resource uses in customary tenures systems, they can challenge the claim by government that customary land is vacant. The Naga informant added:

Right now, the government has the advantage of the discourse of “vacant” land. Yes, this places the burden on the community, but evidence must be given in order to overturn this discourse. There are reformers in the government and they need to have this evidence in order to strengthen their positions.

The finalized map of Layshi Township has since been used in policy discussions with government officials.

Participatory mapping is also used in some cases to challenge threats to land. A Chin



informant explained that these maps can serve as an interim protection measure when used together with vague clauses in existing laws. For example, the 2012 Village Ward Administration Law says that the ward authority can report to the township administrative department of existing land uses. In one case in Ywar Ngan Township in Shan State, a company tried to get land through the Vacant, Fallow and Virgin Land Management Law. Villagers brought the objection to the township with their map, and were able to pressure authorities into cancelling the allocation of the land.

Participatory mapping can also be used to help with land management. One Kachin non-governmental organization provided its maps to help the Kachin Independence Organization, an ethnic armed organization that administers territory in parts of Kachin State, to further develop their policies on indigenous communities' land uses. The maps are hand-drawn and verified by the community members with transect walks. GPS is used to note location coordinates on Google maps,<sup>7</sup> which show boundaries and lands uses, while official contour maps are used to show elevation. The maps demarcate land uses, including shifting cultivation, plots specific to plant species, conservation areas, spirit forests and common use areas.

#### **b. Static maps versus dynamic land systems**

Because local knowledge is alive, dynamic and embedded in the community context, the contents of the inclusive and participatory map will need to be updated and improved over time. Customary tenure systems are flexible and adaptable to new developments, and it is therefore important that over time new and improved information is fed into the map to represent the actual and evolving situation. Updating of the map will avoid the “static” nature of maps. Boutry and colleagues (2018)

<sup>7</sup> Google maps should be used with care because of their lack of accuracy. This should be verified with the communities before any GPS coordinates are overlain on top of them.

cautioned against how the static nature of maps can misrepresent the dynamic nature of customary tenure systems. This is because maps cannot represent the constantly evolving rules of use that communities employ to respond to changes in demographics and/or natural conditions. Maps run the risk of formalizing private use rights at the expense of communal use rights in a system of nested rights, and might be unable to capture multiple uses over time for the same plot of land. Regularly updating the map will avoid these limitations. Organizations with rich experience in inclusive and participatory mapping are well aware that maps cannot do justice to the dynamic nature of customary tenure systems. In the CDE mapping project of Layshi Township in the Naga ethnic area, a Naga informant emphasized that the government should understand that customary tenure systems are multi-functional and dynamic. He explained that:

First and foremost, customary land is a package system. It is not just Form-7 for a farmland plot. But the NLUP doesn't accept the full system, because they say they will set up a township-level body headed by the General Administration Department to manage it. Under customary land, we already have system for management, and dispute resolution. When we say customary land, it has to recognize the management system, justice system, the dispute resolution mechanism; but when it comes to management, the Government of Myanmar does not recognize all of this.

In other words, the government's recognition of customary tenure systems should ideally leave local communities to manage and adjudicate conflicts over land use and competing claims.

A Chin informant agreed that full recognition of customary tenure systems means that the government has minimal involvement in land use decisions. He also



said that in a future decentralized system of land governance, ethnic communities need to clarify the specific land use rights they are asking for, including those that may not be traditional to customary tenure systems. In particular, this relates to the question of whether communities should have rights to invest in and lease their lands. This question is relevant because the recognition of customary tenure systems in most parts of the world has followed a different logic than recognition of private property.

Ostrom's (1990) principles for governing the commons do not overtly refer to links between commercial interests, local economies, and livelihoods. The analysis of Cox and colleagues (2010) of the debates around land commons, noted that one of the critiques levelled at Ostrom's model is the need to consider more external socio-economic factors, particularly the impact of market integration on the sustainability of common pool resources. In practice, governments generally tend to treat customary land with a different set of financial rights and obligations. For example, in Bolivia, under the 1996 Law of the National Service of Agrarian Reform (or "Ley INRA", as it was known in Spanish shorthand), indigenous land is not taxed, but it also cannot be divided, reversed, sold, transferred or mortgaged (Assies, 2007). Aboriginal communities in countries such as Australia and Canada, however, have successfully negotiated revenue shares from mining (O'Faircheallaigh, 2017). Not all societies using customary tenure systems want to commodify their land, but in the final analysis, it should be up to communities and civil society to discuss and decide what rights they are asking for and why.

### c. Managing conflicts, disputes or disharmony in mapping

Whenever boundaries are identified and discussed, it is crucial to do this with parties on each side of the boundary, whether

between neighbours within a community, or parties in separate communities. With FAO's approach, this is carried out during the rapid rural appraisal when active land conflicts can be settled and new conflicts prevented. Agreement on the location of customary boundaries is important as customary arrangements rely on more flexible concepts of shared resource ownership and use between two or more communities and, in some cases, serve as a "truce" to resolve historical disagreements over conflicting land claims.

The mapping of boundaries had to be handled carefully in the Nagaland participatory mapping project. First, a decision had to be made about how boundaries should be delineated (i.e. by village or by tribe). Essentially, Naga people organize themselves on the basis of the village (Tohring, 2010). Naga belong first to the village, then to the tribe, then to the Naga nation. The village is the central unit of land administration. There is a general understanding, however, that each village exists in separate tribal zones, so it could be said that mapped villages could be incorporated into a broader tribal territory. Tribal territories are also highly controversial as there is a long history of tension around the different tribal areas. For example, according to one informant,<sup>8</sup> the Para tribe and the Makury tribe had agreed territorial boundaries. When the British took control, the Makury tried to resist the British occupation, while the Para tribe sought protection under the British. After the Makury fought and lost to the British, the British gave the Para control over Layshi town, formerly under the Makury tribe's control. Because of this history and its legacy, tribal boundaries continue to be highly contested.

Informants engaged in participatory mapping in Myanmar emphasize the crucial role that CSOs play in managing potential conflict dynamics. They also highlight

8 Discussion notes shared with the author by another researcher from 13 February 2019.



the importance of inclusive consultation, mediation and the involvement of elders who can provide a historical recounting of the community's history. In some cases, CSOs are able to mediate these complexities during the mapping process resulting in equitable outcomes for rival villages or in joint management arrangements. In other cases, CSOs agreed with the community that the maps would only be used to document land and forest use and tenure, rather than to resolve boundary conflicts. In the event there was one, disputed areas were mapped, but it was left up to the communities to decide whether and how they would resolve the disputes (RRtIP and CDE, 2020).

From 2013 to 2014, the Land Core Group, as neutral broker and boundary spanner (see Chapter 2), piloted the mapping of customary tenure systems, including GIS mapping of village boundaries and land uses, and documented the internal rules for land management in several villages in Mindat township, Chin State (Land Core Group, 2014). As a result of the highly unequal landholdings within some of these villages, and due to inheritance patterns that left lands concentrated in the hands of tribal chiefs' households, villagers did not want to engage in participatory mapping. Therefore, the project had to be stopped as it was unable to address effectively the power imbalances in the township.

#### d. Empowerment through mapping

An important part of empowering communities is to give them choice in participation. Informants involved with mapping prioritize the need for free, prior and informed consent when engaging communities in such sensitive matters. Allaverdian *et al.* (2017) also cautions that the sharing of maps may especially risky in areas under dual administration by both the government and ethnic armed groups that control parts of the country, a situation that is specific to Myanmar in

the Mekong Region. The concern is that government control in dual administration areas would be strengthened if communities map customary land and then submit the customary tenure map for a title from the Myanmar government. Furthermore, indepth information about communities under the control of non-state groups can result in high security risks for local communities. It is imperative that all community members are made aware of the potential benefits and risks of mapping and using such maps for advocacy prior to starting any mapping project, and that communities are given an option to opt out of such an exercise. A written agreement about how the data can be used and who owns it may be one way to clarify and respect communities' ownership of data.

Should a community decide to participate, mapping should be as inclusive as possible. The MRLG guidebook (Allaverdian *et al.*, 2017) recommends that different sectors of the community should be included, not only because of the need for inclusion, but that these different subgroups may have valuable knowledge to contribute; for example, elders for their historical knowledge; youth may have a more formal education; hunters may know more about animal habitats and patterns; women tend to have different interactions with their natural habitat than men; and vulnerable groups to understand the way customary tenure systems may or may not be meeting their livelihood needs.

The MRLG guidebook (Allaverdian *et al.*, 2017) cautions that, given the nested nature of private and collective access rights in customary tenure systems, consultations with women and other vulnerable groups are even more important in order to ascertain secondary access rights, such as the right to gather wild herbs or plants. When land rights are being formalized, this may be done at the expense of these groups that would be losing their secondary access rights. For this reason, the guidebook advises that questions seek to ascertain what



aspects of the customary tenure system increase or decrease the vulnerability of vulnerable groups (Allaverdian *et al.*, 2017, pp. 99–101).

Informants who are implementing participatory mapping in Myanmar prioritize inclusion and they are aware of the social hierarchies that can exist within customary tenure systems. A common practice is to have separate consultation groups or key informant interviews with women, to allow women to speak freely about their interactions with their natural habitat, some of which cannot be easily represented on a map, such as their understanding of seasonal natural patterns. Such separate meetings cannot only be with women, but widened to embrace men, elderly people, youth, people with disabilities and any other vulnerable or marginalized group to collect detailed information from all these groups. These separate meetings provide an opportunity to address issues and social practices that may, or may not be, aligned with human rights principles. Such issues need to be addressed and alternatives proposed because if not, inequality between different stakeholders may remain. Results from the different meetings may also be contradictory, in which case further meetings are necessary between groups to clarify the contradictions. It is important that all groups equally feel that they have been put on the map.

#### e. Challenges to scaling up

Lastly, participatory mapping is highly resource-intensive in terms of financial and human resources, as well as time. The cost of the Nagaland project was approximately USD 150 000 for 66 villages and lasted two years from the first orientation workshop to the handover of the map. These initial costs may seem high, and the time taken lengthy, but the resulting participatory process and map are based on a process with full commitment, ownership and

accountability of those involved. Especially if such a map is an input in decision-making processes, the intensive use of resources may be beneficial at later stages in the process because of the broad support of the process and the map. Since this level of resource intensity may be difficult to scale up, informants involved in participatory mapping generally believe that early mapping pilots are not intended to cover the entire country. According to a Naga key informant, mapping pilots are meant to illustrate to policy-makers how customary tenure systems really work in order to secure statutory recognition for it. A Chin key informant said that because of the great variation across customary tenure systems, there is a need to document different types in order to demonstrate the diversity across the country. He also added that it would be prudent to prioritize the mapping of areas that are most at risk for confiscation.

A Kachin informant added that, depending on the political situation later on, donors should provide funds to CSOs to work with government to scale up participatory mapping because local groups can help to minimize conflict because of their understanding of local politics. All informants believe there is a need for standard operating procedures that ensure effective and inclusive consultation, representation, conflict resolution, and technical standards to ensure a product of high-quality and that results in minimal levels of dispute and conflict.



# Conclusions and way forward

During Myanmar's decade experimenting with civilian government rule (from April 2011 to February 2021), much progress was made in furthering the debates around customary tenure systems, including advancing public understanding of it, and creating policy openings for its eventual formal recognition.

Inclusive and participatory mapping of customary tenure has proven to be an effective tool in many countries across the world to empower indigenous peoples and local communities in view of claiming their tenure rights to land and other natural resources. For many it means literally "to be put on the map". However, as with the use of any tool, there are both positive and negative lessons learned that any potential user in Myanmar should be aware of:

- Inclusive and participatory mapping should be **part of, and embedded in, a larger context with a clear objective**; it should not be a goal in itself. A common reason for doing inclusive and participatory mapping is to use it to advocate for higher-level changes in policy and law. The inclusive and participatory mapping initiative focuses on the views of the ethnic nationality or other community, and this ethnic nationality or community is in the lead.
- The ethnic nationality or community **mapping process must evolve over time** because local knowledge is alive, dynamic and embedded in the community context. This will prevent the resulting map from becoming a "static" product, and ensure that it is further improved and updated as needed in an inclusive and participatory manner.

- Inclusive and participatory mapping can contribute to highlight where conflict, disputes or disharmony exist. Care should be taken to **avoid exacerbating conflict**. This conflict can be external with neighbouring ethnic nationalities or communities when establishing procedures for documenting and protecting community lands as a whole to protect the meta-unit from encroachment; or internal conflict when documenting within the community family and individual lands. Active measure should be taken to avoid exacerbating conflict.
- Inclusive and participatory mapping contributes to **empowering the community** by increasing their awareness of their land and natural resource rights, as well as deepening ownership of the process. It may be useful to include separate consultations with specific groups within the community, especially vulnerable and marginalized groups, to ensure the inclusivity of the process and resulting map. Depending on the objective of the initiative, it should be clear from the very start whether the resulting map will be shared or not. In areas of Myanmar under dual administration by both government and ethnic armed groups, this poses a risk that stakeholders should be aware of and informed about. It is important that the process is not only *participatory*, but also *inclusive*. All relevant stakeholders should be included, as well as information from a wider range of contributors. Furthermore, inclusion and participation in the design, ownership and development of the entire process and resulting map will contribute to the empowerment.
- Inclusive and participatory mapping of customary tenure is **resource intensive**, although the high costs may pay out later because of the commitment, ownership and accountability in the process and resulting map. It is important to know in advance whether the initiative concerns a single case or is to be scaled up. If scaled up, it will be necessary to secure funding well in



advance. If the mapping remains limited, it will be an important contribution to show the diversity in customary tenure systems, something that is not well documented in Myanmar.

- **Building trust between stakeholders in the community and between community and the government** is essential if the inclusive and participatory mapping is to contribute to official recognition and protection of customary tenure systems. This is a sensitive issue because many communities are located in areas that have not been under the direct administration of the central state.

Given the current scenario, the State Administration Council government is likely to hold another round of elections in the next few years. In this scenario, it remains to be seen whether Myanmar will continue to advance the progress it has made towards the protection of customary tenure systems. Alternatively, if the international community can help Myanmar to broker a political outcome that shares power more equitably between the military, the National League for Democracy, ethnic nationalities parties and other opposition groups, it may be able to return under the rule of a democratically-elected civilian government. If this happens, the country can continue to build on the progress made in the first decade towards the recognition and protection of customary tenure systems.

Regardless of the direction in which the country heads, the hardships endured by local communities from the COVID-19 pandemic and the coup have refocused attention to the importance of self-sustaining communities. Ethnic nationalities and other communities rely on their customary tenure systems and on traditional livelihoods practices linked to forests and other surrounding resources. This is more important now than ever.





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