



'FORM 7' SEVEN CASE STUDIES

OF FARMLAND REGISTRATION IN KACHIN STATE

'Form 7' confers on the farmer various property rights over the farmland, including the rights of possession, use, benefit, sale, mortgage, lease, exchange, inheritance and gift. This paper aims to uncover barriers and successful strategies in the registration process.



Land is a hotly contested resource throughout the country, and particularly in Kachin State, where decades of civil war have centered on territorial claims and resulted in significant displacement. Myanmar's laws relating to land are complex and often contradictory, and rarely match Kachin's ecological and social realities.

Introduction

The new system of farmland registration introduced by the 2012 Farmland Law radically changed codification of land rights in Myanmar. Land is a hotly contested resource throughout the country, and particularly in Kachin State, where decades of civil war have centered on territorial claims and resulted in significant displacement. Myanmar's laws relating to land are complex and often contradictory, and rarely match Kachin's ecological and social realities. Nevertheless, Land User Certificates, commonly known as Form 7, are now being issued in Kachin, and their distribution will determine whose claims are recognized by the central government. As such, they present a potential tool to secure, or capture, smallholder farmland.

Very limited research to date has investigated the Farmland Law's impacts on the ground, particularly in upland areas. **This briefing paper provides highlights from the Form 7 full report**, which draws on Spectrum's past four years of work, as well as 13 focus group discussions and 20 key informant interviews, to explore barriers to and strategies for farmland registration in Kachin.

Overview of the Case Studies

Case studies villages varied widely, both

in their existing situations and in their experience of registering farmland. In Aung Myay (1), the villages proximity to the road and township offices made it seem like a straightforward case, but petty corruption, unexplained and indefinite delays, and confusion over procedures meant that very few households had received Form 7. Form 7 was not available free of charge at ward/village tract offices, and some villagers had waited over a year since the submission of their applications. Lack of clear rules for transferring land allowed local officials to ask large and widely varying sums for the procedure. Here and in all study sites, villagers reported they needed to feed and buy fuel for the survey team and make many calls and trips to the SLRD office. Form 7 often cost several times more than the official 500 kyat registration fee.

In Nyuang Kone, significant numbers of outsiders owning land, migrants from the lowlands, and landless villagers complicated determination of land rights. The village had been destroyed three times in war, and a major Kachin and Thai company controlled large tracts of land in the area. Conflicts within families over inheritance were common across all cases, but especially intense in Nyuang Kone due to rising land prices. Long-standing corruption and mistrust with the SLRD, as well as poor governance and coordination at the village and village tract levels made registration almost impossible. Villagers feared losing their access to land and loans, and were

Total households, applications, and registrations in Spectrum villages*				
Village	Township	Total HH	HH applied	HH registered
Aung Myay (1) (Ward (5))**	Waingmaw	900 (118)	68	24
Wu Yang	Waingmaw	280	256	117
Nan Shei Kawt	Putta-O	202	197	180
Nyuang Kone	Moguang	105	90	-
Nyuang Taw	Moguang	120	52	13
Kaung Ra	Karmaing	334	64	50
Se Maing	Myitkyina	252	15	15

* These numbers were collected by the research team from local authorities and villagers, and may not match official SLRD or census data **In Aung Myay(1) Spectrum focused on 118 households in Ward (5)



Nyaung Kone residents

threatening to demonstrate if they were not granted Form 7.

In Nan Shei Kawt, almost all households had registered. This success was due to a lack of preexisting land or social conflicts, and excellent facilitation and coordination within the local government, including outreach through Church announcements, small meetings, and home visits.

Barriers to Registration

Barriers fall into five major categories. The macropolitics of Kachin State, particularly its ongoing civil war, present major challenges. In interviews with Township SLRD officers, security concerns were cited as the most important factor when considering where to issue Form 7. Even in areas without active disputes, the history of conflict in Kachin, associated cycles of displacement and variations between KIO and Government policies complicate determination of land rights.

Large-scale land acquisitions by military, Chinese companies, cronies, or a combination of these actors prevented registration on and around disputed land. Military and financial power allowed these actors impunity, and often enabled them to get registration documents for previously-occupied land. Once these claims were legitimated, it was very hard for villagers to assert their use rights.

Gaps and priorities in policy & planning dictate a village's odds of successful registration. The Farmland Law only applies to land categorized as farmland; villages with extensive taungya and forest had little land eligible for Form 7. At the state and township level, SLRD instructions, based on security, accessibility, staff availability, budgets, and preexisting kwin maps, play a critical role. Human, technical, and financial capacity of SLRD and other local government bodies is vastly insufficient for the task of registration.

Village and household micropolitics determine which individuals within a community receive Form 7, and when. Local disputes over farmland boundaries stall registration indefinitely. Local elites often have money and connections to streamline the registration process. Marginalized groups, including widows and migrants, rarely have the cash or confidence to initiate and facilitate registration. Women are generally excluded by Form 7's default issuance to the (male) head of household, compounded by customary law that favors male claims. In some cases, ethnicity was considered a source of preferential or discriminatory registration.

Implementation barriers were the most common. Lack of awareness from villagers and village administrators about land law and registration, farmland's distance from township offices and village centers, and long wait times

Local leadership and facilitation, collective action, and awareness-raising strategies accelerated registration in the villages primarily through addressing barriers at the micropolitical and implementation levels.

were standard complaints. Favors and corruption ranged from petty payments, free lunch, and fuel subsidies to facilitate SRLD travel, to chronic abuse, and targeted, extreme extortion. The most obvious opportunity for extortion is the lack of clear transfer procedures, which presents immediate problems for widows and children and a potential crisis for the sustainability of the registration system. Difficulties with documents – not having more than one copy of form 1 at the village, or a household's lack of tax receipts – were other common problems.

Success Strategies

Local leadership and facilitation, collective action, and awareness-raising strategies accelerated registration in the villages primarily through addressing barriers at the micropolitical and implementation levels. A knowledgeable, committed, and charismatic village administrator was the most-reliable indicator of success. In successful cases, these individuals played active roles in setting costs and schedules for registration, as well as promoting the process among villagers, distributing forms, and communicating with government offices. Leadership and awareness-raising also came from local churches and CSOs. In several cases, villagers had heard about registration from an announcement in church. Many village committees explained that Spectrum's financial support was essential to cover food and transportation

costs for the SLRD, as well as costs for multiple follow-up visits to township offices. One Spectrum partner had held a half-day forum that brought township SLRD officers to present on Form 7's process and significance, and participate in a question and answer session with the villagers. Collective action among motivated and cooperative neighbors resulted in registration success, as demonstrated in the 13 households in one village that pooled money, delegated tasks, and coordinated SLRD visits and application references to streamline the process and minimize individual costs.

Conclusions

Farmland registration in Kachin is embedded in the unique, complex and evolving social and political dynamics of the State. Barriers to registration were diverse in the seven villages, and systematically differentiated into five main types. While these apply across Myanmar, the macropolitics and policy & planning categories are particularly salient in ethnic and upland areas, with their complex and specific histories in relation to the central government.

Micropolitics at the village and household level are often downplayed, but along with implementation represent the best opportunities to employ the success strategies of local leadership, collective action, and awareness-raising. Petty corruption caused inconvenience or inflated costs in almost all cases, and extreme penalties more rarely, and is likely linked to local implementers' lack of resources. Transfer corruption is both the most egregious and the clearest problem to fix through policy clarification.

Despite these challenges, committed village administrators working within

enabling conditions were able to lead their communities to Form 7. Going forward, registration will have to contend with issues inadequately addressed in the current system, including landlessness, migrants, and IDPs; integration with the peace process, customary law, and KIO policies; and ethnic and gender inequalities around resources.

Recommendations

For policy-makers:

- **Priority:** Clarify farmland registration fee, and create clear costs and procedures for land transfer.
- **Priority:** Increase the budget, staff, technical capacity, and resources available for township SLRD offices, as well as efforts to fight corruption.
- Allow and encourage default joint titles to spouses to prevent widow disenfranchisement and collective and communal title arrangements to protect shared rights.
- Create effective dispute resolution mechanisms and consider ways to limit large-scale land acquisitions in the future through regulation.
- Align existing national policies and laws related to land across land types with the aim of security rights for paddy, taungya, and shifting cultivation in uplands and lowlands through the National Land Use Policy and National Land Law.
- Ensure inclusive participatory consultation processes for the National Land Use Policy, National Land Law, and future land rules and regulations.
- Prioritize land issues, including registration, in peace negotiations and processes, and work to integrate Farmland Law registration with customary and ethnic policies.

If you would like to order copies of the full 'Form 7' report, please get in touch using the contact details below. You can also download it from the Spectrum website.

For field workers and supporters:

- **Priority:** Support creative efforts of local CSOs, faith based and interfaith groups to raise awareness and facilitate registration.
- **Priority:** Support training on land issues, the registration process, and mediation for village-tract and village administrators and clerks.
- **Priority:** Train and support lawyers and justices on land registration and land disputes.
- Support systematic land registration initiatives in remote rural areas.
- Conduct additional research to better understand the dynamics land tenure in Kachin, including quantitative analysis, examination of customary tenure systems, and work with landless, migrants, IDPs, and in KIA-controlled areas.



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