

Researchers

Alexandra Hartman
University College London

Staff

Michelle Korte
Research Coordinator

Ricardo Morel
Program Director, Peace & Recovery

Timeline

2018-2019

Sample Size

10 communities across 4 states and regions

Research Implemented by IPA

Yes

Using Community-Based Dispute Resolution to Improve Property Rights in Myanmar

Abstract

In Myanmar, land disputes are common as many citizens lack formal documentation to prove their land ownership, and refugees and internally displaced persons (IDPs) are unable to demonstrate continuous occupancy of their land. To identify effective ways to address this issue, researchers conducted a pilot evaluation of a community-based dispute resolution (CBDR) program, testing the feasibility of implementing the intervention at a larger scale.

Policy Issue

For societies emerging from conflict, effective dispute resolution mechanisms can help maintain a lasting peace. Without these systems, every land boundary, business deal, will, or loan could lead to a dispute, some of which may turn violent. In weak states, strengthening formal conflict resolution institutions can take decades. In the short term, what can states do to improve the quality of informal dispute resolution and reduce violence? Alternative dispute resolution (ADR) trainings are a potential solution, aiming to teach a set of skills and practices that can help build community norms around how people should resolve disputes. ADR may have effects on economic development and investment by reducing the uncertainty in how to resolve competing claims and increasing confidence in local authorities. There has been little rigorous research on the effectiveness of land dispute resolution mechanisms globally, and none in Myanmar. This study aimed to examine the feasibility of carrying out such research.

Context of the Evaluation

In Myanmar, decades of military rule and internal armed conflict have led to frequent land confiscations and forced evictions. Government officials and military commanders seize land for personal and institutional use, authorities promote development plans without regard for those who lived on the land, and armed military and ethnic groups take advantage of fighting and displacement to seize territory. Land disputes remain one of Myanmar's central challenges and have a disproportionate impact on rural farmers, most of whom own modest plots of land.

With the 2012 Farmland Law, the Myanmar government reformed the registration process that farmers use to formalize their property holdings, providing opportunities for groups with few formal rights to increase property right security. However, enactment and responsibility for various aspects of the law is unclear, scattered across government agencies and plagued by weak enforcement and corruption. In addition, many citizens lack formal documentation to prove their land ownership, and refugees and internally displaced persons (IDPs) are unable to demonstrate continuous occupancy of their land. As a result, disputes centering on land ownership are very common in Myanmar and local formal institutions are currently ill-equipped to deal with such disputes.

Details of the Intervention

[Note: This study is not a randomized controlled trial.]

Researchers partnered with the Norwegian Refugee Council to conduct a pilot evaluation of a Community-Based Dispute Resolution (CBDR) training. The pilot evaluation tests the feasibility of an intervention which is designed to strengthen local property rights institutions, reduce conflict, and support sustainable development for marginalized populations, including IDPs and women in conflict-affected areas of Myanmar.

NRC provided training and mentoring to local authorities who resolve disputes. The program was comprised of both a legal awareness training, which focused on essential housing, land, and property (HLP) rights under Myanmar law, and a dispute-resolution training, which focused on procedures and techniques for inclusive and sustainable solutions to common housing, land, and property disputes.

Researchers conducted 10 focus group discussions regarding citizens' perspectives on housing, land, and property issues across five townships in the Kayin, Shan, and Mon states, as well as the East Bago region. Within each state or region, pairs of villages were selected such that one village received the NRC-implemented CBDR training, and one village served as the comparison group, which did not receive any training at the time of the pilot study.

Over the three-month study period, researchers evaluated the feasibility of implementing the intervention at a larger scale.

Results and Policy Lessons

The pilot demonstrated promising initial results in terms of shaping decision-making on housing, land, and property rights issues and resolving boundaries and inheritance disputes, but the evidence collected does not show an effect on major land disputes. Pilot study participants reported that it is still very challenging to deal with government administration staff in raising concerns and applying for documents. A key goal of CBDR is to change behavior through changing social norms, and such behavior change takes time. Any observed outcomes may not have been evident immediately after the intervention and may take longer to emerge.

A rigorous evaluation of the intervention is needed to measure impact on communities' dispute resolution challenges, skills, and norms.

November 30, 2020