LAND AND FOREST GOVERNANCE IN THE NAGA VILLAGE REPUBLIC

Resource Rights for the Indigenous Peoples (RRtIP)

Livelihoods and Food Security Trust Fund

PUBLISHING INFORMATION

Published by RRtIP in March 2018

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Preferred Citation: RRtIP (2018) *Land and Forest Governance in the Naga Village Republic*, Yangon, Myanmar

Photos 1, 2, 5, 6, 8, 9, 10, 11, 12, 14, 16, 17, and back cover by Lin Bojian for RRtIP

Funded by: LandCore Group, Rainforest Foundation Norway, and LIFT

ACKNOWLEDGEMENTS

We thank the European Union and governments of Australia, Denmark, France, Ireland, Italy, Luxembourg, the Netherlands, New Zealand, Sweden, Switzerland, the United Kingdom, the United States of America for their kind contributions to improving the livelihoods and food security of rural people in Myanmar. We would also like to thank the Mitsubishi Corporation, as a private sector donor.

DISCLAIMER

This document is supported with financial assistance from Australia, Denmark, the European Union, France, Ireland, Italy, Luxembourg, the Netherlands, New Zealand, Sweden, Switzerland, the United Kingdom, the United States of America, and the Mitsubishi Corporation. The views expressed herein are not to be taken to reflect the official opinion of any of the LIFT donors.

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We, the **RRtIP** team, give our heart-felt gratitude to all those who supported this endeavor. We are deeply indebted to the Government of Myanmar, the Government of Sagaing Region, and the Government of Naga Self-Administered Zone for their assistance and guidance in conducting this research in the remote region of the Naga people. We also thank the Layshi Township GAD, led by AD U Soe Nyunt Oo, and township government officials from different line departments in Layshi, who enabled us to complete the research safely and successfully.

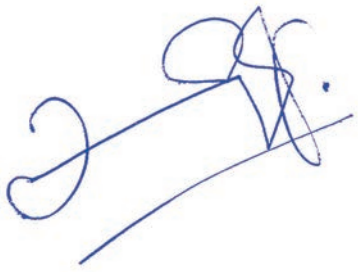
Our hearts always remain thankful to the Naga Yoya (Central), the Council of Naga Affairs, the Township Cultural Committee of Layshi Township, and the tribal leaders in Layshi region who have warmly welcomed us to study the beauty and enigma of the customary tenure systems of the Naga people, which has kept its people safe and sound for centuries.

The residents of the case study villages, whose knowledge is the heart of this research, have our heartfelt thanks. The research participants, including village elders, women, and youth, patiently and generously shared their expertise, wisdom, and warm hospitality. They have enriched our team with indigenous knowledge about the land and forests, the history of the customary tenure system, and their dreams for the future. We present their knowledge and ideas in this report to the best of our abilities, and any errors or misunderstandings are our own responsibility.

We must also not forget to extend our gratitude to the team of mountain motorbike drivers, those professional hill flyers who brought us to each village over difficult roads without harm or hurdle. We also thank all those who advised us on our research methodology, and those who later reviewed drafts of this report. Their reviews have ensured that the research has been completed to a rigorous standard.

The **RRtIP** team is grateful to LCG, RFN and LIFT for their financial support, advice, and encouragement from the first sketches of the research plan to publishing and sharing this report. We also thank OneMap Myanmar for providing technical mapping support.

Last but not least, I would also like to take this opportunity to thank all the individuals who have not been mentioned in name but have supported and encouraged us throughout the research. Thank you.



Athong Makury, Executive Director, **RRtIP**

ABOUT RESOURCE RIGHTS FOR THE INDIGENOUS PEOPLES (RR*t*IP)

Resource Rights for the Indigenous Peoples (**RRtIP)** was formed in 2012 as a fulfillment of the longing and desire of the indigenous Naga peoples who are threatened with the violation and abuse of their rights to natural resources, culture, and identity. **RRtIP** operates in Nagaland with more than 100 members across the Naga inhabited areas. **RRtIP** members have backgrounds in indigenous affairs, anthropology, community development, environment, and research.

VISION

Indigenous Naga peoples – as part of Indigenous Peoples' communities of the world – have rights to their natural resources, culture, and identity, as enshrined in the United Nations Declaration on the Rights of the Indigenous Peoples (UNDRIP, 2007). By safeguarding and maintaining their natural resources, culture and identity, they exercise their basic rights to develop and manage their sustainable livelihood, wellbeing and security of families in particular and of communities in general.

MISSION

RRtIP promotes Indigenous Rights by empowering communities and building their capacity to enable them to participate in the decision-making process for managing their natural resources, culture and identity.

LIST OF ACRONYMS

asl	above sea level
CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
CFI	Community Forestry Instruction
CF	Community Forestry
CNA	Council of Naga Affairs
DALMS	Department of Agricultural Land Management and Statistics
FD	Forest Department
FPIC	Free, Prior and Informed Consent
GAD	General Administration Department
HH	Households
IDP	Internally Displaced Person
MOAI	Ministry of Agriculture and Irrigation
MONREC	Ministry of Natural Resources and Environmental Conservation
MOALI	Ministry of Agriculture, Livestock and Irrigation
NLUP	National Land Use Policy
NNC	Naga National Council
NSCN	The Naga Socialist Council of Nagaland
NSCN-IM	The Naga Socialist Council of Nagaland – Isak Muivah
NSCN-K	The Naga Socialist Council of Nagaland - Khaplang
PFE	Permanent Forest Estate
PPF	Public Protected Forests
RF	Reserved Forests
RRtIP	Resource Rights for the Indigenous Peoples
SAZ	Self-Administered Zone
SLORC	State Law and Order Restoration Council
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
VFV	Vacant, Fallow and Virgin Land

EXECUTIVE SUMMARY

> ***"We own this land and we have a good system for managing the land and the forest. We have owners in namesake, but actually we share the land with the poor and landless... Our management system should be considered to be helping the government. If we do not practice our customary system for land, our identity and our customs will be gone. Our laws are not documented, but we continue to keep them alive."***
> **– Village Chief, Somra Village**

The Nagas are a trans-boundary people, comprised of over 40 tribes, living in the Naga Hills split between north-east India and north-west Myanmar. Naga people have deep historic, cultural and spiritual ties to their land, which is managed through the Naga customary tenure system. The customary tenure system defines who can use and manage different resources, including households, clans, villages and tribes – and provides rules for how they should be managed. Customary institutions, from the village council and village chief to tribal councils and inter-tribal organizations, have responsibility for setting and enforcing these rules. The customary justice system provides a framework to resolve disputes through mediation and enforce village rules with penalties and fines. Together, customary laws and institutions ensure a diverse and sustainable land use system that provides for livelihoods and food security, adaptively manages resources, protects the environment and maintains cultural and religious traditions.

Throughout Naga history, the village has been the primary political, social and administrative unit. Within village boundaries, residents manage a productive, organic agricultural system, growing a diverse variety of subsistence and cash crops. *Jhum* cultivation is a sustainable, low-input, diverse rotational agricultural system that is important for food security and uses fallow periods to regenerate soil fertility. Households cultivate terraces and *jhum* plots and maintain woodlots, while villages manage shared resources like protected watershed forests. These community-managed forests are effectively protected by the customary system, which allows timber and fuelwood extraction for domestic use only and enforces fines for over extraction.

The Naga customary land tenure system also ensures that community members have access to land and use it productively. All land is claimed and managed and there is no vacant land. Households in need of land, including newcomers and people displaced by conflict or natural disaster, are allocated land to cultivate on a yearly basis. When transferring land tenure by inheritance, sale, or when moving away from the village, priority is given first to immediate relatives, then clan members, then other community members. Land is inalienable and cannot be sold to private companies or people living outside of the village.

Customary institutions, primarily the village council and chief, administer the land within village boundaries. Management decisions are made by community members at village assemblies and approved by the village council and chief. Tribal councils, township-level committees, and pan-tribal organizations bring villages and tribes together to resolve disputes, review customary law, and pursue shared goals.

The customary justice system resolves disputes over land through negotiation and mediation by customary authorities and disputes are usually resolved within the village. The system emphasizes reconciliation and maintaining social harmony.

Village authorities – including the village council and chief – enforce land management rules, for example by seizing timber that is harvested without the village authorities' permission.

Religion and cultural identity are expressed through the customary tenure system. Traditional religious practices are rooted in the land and spirits that inhabit it. Feasts and festivals and traditional religious ceremonies are tied to customary land management, especially the annual cycle of *jhum* cultivation. Although the adoption of Christianity over the past 150 years has changed and diluted traditional beliefs, traditional culture persists in the relationship to the land.

The customary tenure system also continually develops and adapts to new circumstances by establishing new management institutions, changing village management rules, and reviewing customary tenure, for example inheritance rights for women. Far from being a relic of the past, villages, clans and tribes continue to adapt and strengthen the customary tenure system to meet new challenges.

Despite of the value of the customary tenure system, the current legal framework in Myanmar does not adequately recognise customary tenure. In recent years, customary rights over the land and forests of the Naga people have become more vulnerable than ever, as government institutions enforcing state laws and policies are increasingly being introduced into Naga areas, causing conflict as a result of their incompatibility with the customary system. Expansion of government administration without recognizing customary tenure poses a threat to the livelihood, environment, and culture of the Naga people living in Myanmar.

Sustainable, productive land management in Naga villages cannot be separated from the customary tenure system. Effective recognition of the Naga customary tenure system includes both recognizing land rights and granting appropriate authority to the customary institutions that administer the land. Recognizing the Naga customary tenure system is essential for managing resources sustainably, securing rural livelihoods and creating a stable foundation for peace.

A view of the Naga Hills, Layshi Township

RESEARCH BACKGROUND

This report is based on a collaborative research project carried out in July 2016 by Resource Rights for the Indigenous Peoples (**RRtIP**). The research project worked with Naga community members to document the key components of the customary tenure systems of three tribes in the Naga Self-Administered Zone (SAZ) in north-west Myanmar, which were chosen by customary leaders to demonstrate the diversity of the customary system.

The aims of the research were:

- to empower communities to document customary land and resource governance systems
- to strengthen the capacity and preparedness of Naga communities, leaders and institutions to engage in ongoing dialogues on customary tenure at local, regional and national levels
- to generate evidence for advocacy at regional and national levels for greater recognition of customary tenure in statutory law.

This research project comes at an important time, as competition for land and resources increasingly threatens the tenure security of communities that follow customary tenure systems, particularly those practicing shifting cultivation, which are not recognised under Myanmar law. Participatory documentation of customary tenure systems is necessary to ground policy debates in local realities and bring local voices into national policy dialogues.

This report documents the key components of the customary tenure system of three Naga villages, with descriptions of the land tenure arrangements, institutions, dispute resolution mechanisms and forest and land management practices that make up the customary tenure system. It also describes the value of this customary system for local livelihoods, environmental conservation, cultural and religious identity and the rights of the Naga people.

We hope that this document will provide useful insights that will help communities, government, and civil society to secure customary lands and livelihoods in law and practice.

THE NAGA HILLS

The Naga people live in the mountainous region along the border of Myanmar and India, known as the Naga Hills.[1] There are over 40 Naga tribes,[2] living divided between north-east India and north-west Myanmar. In India, most Naga people live in the state of Nagaland and parts of Manipur, Assam and Arunachal Pradesh. In Myanmar, around one million Nagas from 10 tribes live in Sagaing Region and Kachin State. The Naga Self-Administered Zone, which was established in the 2008 Constitution, is made up of Layshi, Lahe, and Namyun Townships in Khamti District, Sagaing Region.

The Naga Hills are an area of significant linguistic, cultural and biological diversity. The mountain range was formed by the collision of the Indian subcontinent with the Asian continent and runs from the Himalayas south along the border between India and Myanmar. Naga villages are traditionally built on ridges and hilltops overlooking a patchwork of fields, fallows and rice terraces, with forests rolling out below.

This area is rich in biodiversity. At lower elevations, the hills are blanketed in tropical semi-evergreen rainforest dominated by dipterocarp trees. Around 1,000–1,500m above sea level (asl) the forest transitions to Himalayan subtropical broadleaf forest. From 1,500m asl and higher patches of subtropical coniferous forests mix with broadleaf forests, with species of pine mixed with dipterocarps at lower elevations climbing to alpine cloud forests of pine, hemlock, fir, oak and maple trees. The Naga Hills reach to 3,826m asl at their highest peak, where forests give way to alpine meadows and seasonally snow-capped peaks.

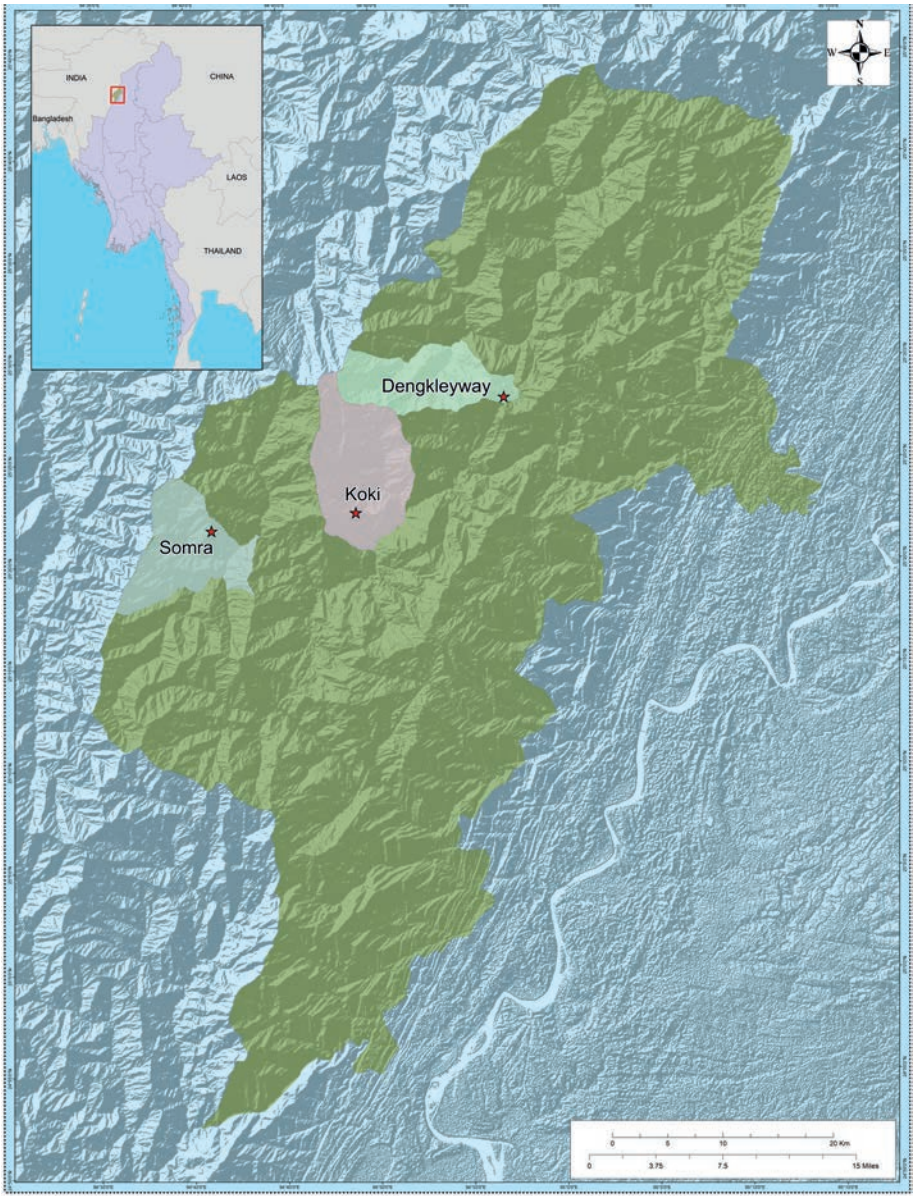
The customary land tenure systems of Naga tribes are diverse and adapted to local contexts. One of the major differences is how power is shared between the village chief and council and how leaders are selected. However, the essential components of land use practices and customary administration and institutions are shared across tribes and have similarities with the customary systems of other ethnic groups in Myanmar.[3]

1 The Naga Hills is used in this report to refer to the mountainous geographical area in both Myanmar and India that is primarily occupied by people who identify themselves as Naga. It is used as a general term for this upland area and does not refer to the colonial administrative tract of the same name

2 The number of Naga tribes is disputed, including composite tribal groups and sub-tribe

3 Naga customary systems and practices have been documented and can be compared to these case studies to identify common aspects. See, for example, Mungleng A (2017) *The Shirui Village: A case study of village administration in Tangkhul society*. Assam, India: Action Aid India and Sarma JK and Saika R (2013) IEKS and Sustainable Land Resource Management – a surveillance on the practices among the Tangsa Naga and Tanghkul Naga of North East India. *Indian Journal of Traditional Knowledge. 12*(2), 252-258

MAP 1: RESEARCH AREAS IN LAYSHI TOWNSHIP



The field sites for this research are located in Layshi Township and were selected to give a representation of the diversity of the Naga customary tenure system. Dengkleyway village belongs to the Para tribe, Koki village to the Koki sub-tribe, and Somra village to the Somra tribe. The forests are a mix of broadleaf evergreen forests with stands of pine forest. Farmers grow rice maize, millet and a diverse mix of vegetables, fruits and herbs on hillsides and terraces.

HISTORICAL AND LEGAL CONTEXT

Myanmar is rich in ethnic and cultural diversity. Ethnic nationalities account for approximately 40% of the total population and mostly occupy the peripheral uplands, which account for 66% of land in Myanmar.[4] Most upland ethnic groups still use customary tenure systems to manage their land, which may include rice terraces, shifting cultivation land, forests, orchards, and grazing land.

Despite the central importance of customary tenure in managing a large percentage of the country's land, these systems are not adequately recognized by the current legal framework. Effective recognition includes making changes to land zonation in order to recognize customary land rights, as well as revising land administration in order to delegate appropriate authority to the customary institutions that have the responsibility to manage land.

A BRIEF HISTORY OF LAND ADMINISTRATION IN THE NAGA HILLS AREA

The Naga people say that they have lived in the Naga Hills since time immemorial. Throughout their history, the village was the most important social and political unit. Often referred to as 'village republics', these villages functioned like independent states with administrative and judicial authority.[5] Villages interacted with each other and with inhabitants of the adjacent lowland valleys through trade, tribute and raids.

During the British colonial period, the colonial government practiced a policy of non-intervention in most of the Naga Hills. In the southern hills, the British established indirect rule through tribes and villages continued to govern themselves according to the customary system. The British administration in India passed various acts and regulations[6] to establish the legal basis for indirect rule, including selective application of laws and regulations in areas governed by customary systems. The British used a similar approach for indirect administration of the Chin Hills and Kachin Hills in Myanmar.[7]

The British indirectly administered about 30% of the land inhabited by Naga people,[8] with indirect administration in the south but little interaction with those living in the northern hills on both sides of the current border. Therefore, Naga political and civil society organizations have maintained that the British could not rightfully transfer claims over the Naga hills to the newly independent countries of India and Myanmar, which had no historical right to make claims on Naga territory,

4 Food Security Working Group (2009) *Briefing Paper: Land tenure a foundation for food security in Myanmar's uplands*: http://www.burmalibrary.org/docs16/FSWG-Uplands-Land_tenure-2010-12-en-tpo.pdf

5 See e.g. Wouters Jelle J P (2017) Who is a Naga village? The Naga 'village republic' through the ages. *The South Asianist* 5(1), 99–120

6 Including the Frontier Tract Regulation Act of 1880 and the Excluded Areas Act of 1935, which refer to zonation and administration

7 Through the Kachin Hill Tribes Regulation of 1895 and the Chin Hills Regulation 1896

8 Naga groups do not accept the British claim over land in which they had no physical or political presence. The Upper Chindwin District Burma Gazetteer describes the Somra Tract, which was under indirect administration as a Frontier Area, and unadministered land to its the north. Grant B G E R (1913) Upper Chindwin District, Volume A. *Burma Gazetteer,* Rangoon, Burma: Office of the Superintendent, Government Printing

had never conquered or defeated them and had little cultural, commercial or historical relationship with the Naga people.

The British administered Burma as part of India until 1935, when Burma was established as a separate colony with its own administration[9]. The administrative separation of Burma from India did not delineate a clear boundary, further entrenched the groundwork for the border that divides the Naga people between these two countries to this day. India gained independence in 1947 and Burma in 1948. Demarcation of the border was decided without the involvement of the Naga people. The border was formally designated in a treaty between Myanmar and India in 1967 and border posts were installed in 1969–70.

The movement for Naga sovereignty and self-determination during the end of the colonial era inspired the idea of a Naga nation, weaving together diverse village republics and tribes into a pan-Naga national identity. Pan-Naga institutions were established or strengthened, including tribal councils, pan-tribal councils, and civil society organizations that brought villages and tribes together to work for common purpose.[10]

The first recorded petition for Naga autonomy came from the Naga Club, which was established in 1918 by group of Naga World War I veterans. The Naga Club petitioned the Simon Commission[11] in 1929 to maintain Naga autonomy from India.

The Naga National Council (NNC) was founded in 1946 and led the campaign to create a united and independent Naga state. The NNC declared Naga independence on August 14, 1947, one day before India became independent. Under the leadership of Angami Zapu Phizo, the NNC campaigned for sovereignty including organizing a plebiscite to demonstrate support for independence and a boycott of India's 1952 general elections. In 1953, the government of India dissolved the NNC tribal councils and began to enact a series of law-and-order provisions culminating in the 1958 Armed Forces Special Powers Act, which granted the military broad powers to use force in Nagaland without oversight or accountability.[12] What had begun as a peaceful struggle descended into a protracted and brutal armed conflict that would claim many thousands of lives.[13]

Since the start of the Indo-Naga conflict in the 1950s, repeated attempts have been made to find a peaceful settlement. In 1960 the Naga People's Convention and the government of India developed the 16-Point Agreement, which included the establishment of the state of Nagaland with protection for the customary system and autonomy from the national Parliament. The NNC did not support this Agreement. The Shillong Accord, signed in 1975, was rejected by members of the Naga political movement and this prompted the establishment of the National Socialist Council of Nagas (NSCN) in 1980. In 1988 the NSCN violently split into the NSCN-IM, led by Isak and Muivah, and the NSCN-K, led by S S Khaplang.

In 1997, the NSCN-IM signed a Framework Agreement with the government of India, which commits to a ceasefire and period of political dialogue. In 2012, the NSCN-K

9 The colonial government did not wish to include Burma in any arrangement that would grant India greater autonomy. Callahan M (2003) *Making Enemies*, New York: Cornell University Press

10 These organizations include various multi-tribe councils, notably the Naga Hoho which was established in the early 1990s. More recently, the Council of Naga Affairs was formed in 2014 to implement the resolutions of the Conference of the Naga Nationals held in Zingaling-Khamti, Myanmar

11 The Simon Commission was a group of seven British Members of Parliament who were sent to India in 1928 to review constitutional reform. The Naga Club statement was made anticipating that India would be granted greater autonomy under the British

12 Chasie C and Hazarika S (2009) The state strikes back: India and the Naga insurgency. *Policy Studies, No. 2.* Washington DC: East-West Center. pp. ix–56

13 Estimates of casualties differ widely depending on the source. See, for example, documentation compiled by the Naga Peoples Movement for Human Rights for more information

signed a state-level ceasefire agreement with the Myanmar government.[14] Despite these ceasefire agreements, peace has remained precarious with outbreaks of violence. In both India and Myanmar, Nagas have continued their struggle for unity and autonomy.

THE CURRENT STATUS OF LAND ADMINISTRATION IN INDIA

India has constitutional provisions recognizing customary tenure of its tribal people (officially called Scheduled Tribes) throughout its territory. These provisions are particularly strong for north-east India, where the 6th Schedule of the Constitution provides for the creation of autonomous districts in tribal areas and recognizes customary law and institutions, including customary tenure of land and forests. In 1963 the 16-Point Agreement established the State of Nagaland and devolved a relatively wide range of powers down to customary institutions, including through Article 371(A) of the Indian Constitution. According to Article 371(A), any act of parliament pertaining to customary law, culture, and land must be approved by the Legislative Assembly of Nagaland in order to take effect within the state.

THE CONSTITUTION OF INDIA, ARTICLE 371A

Notwithstanding anything in this Constitution,

(a) no Act of Parliament in respect of

(i) religious or social practices of the Nagas,

(ii) Naga customary law and procedure,

(iii) administration of civil and criminal justice involving decisions according to Naga customary law,

(iv) ownership and transfer of land and its resources, shall apply to the State of Nagaland unless the Legislative Assembly of Nagaland by a resolution so decides;

In 1966 the government also recognized village councils and tribal councils in Nagaland State and tasked them with assisting local authorities on matters of welfare, development and dispute resolution.[15] The Nagaland Village and Area Council Act of 1987 further gave Village Councils the power to formulate Village Development Plans and to supervise management of forests, water, roads, education and village welfare.

Villages are currently managed by Village Councils, which are comprised of elders selected according to the customary system and Village Development Boards, which are made up of all permanent village residents. Around 88% of the forests of Nagaland are managed by Village Councils and households under the customary system. Multiple villages have established nature reserves and wildlife sanctuaries.[16]

THE CURRENT STATUS OF LAND ADMINISTRATION IN MYANMAR

Naga customary tenure remains strong in Myanmar and villages continue to administer land using the customary system. In part due to the remoteness of the Naga Hills, there has been minimal interaction with government administration

14 Peace Monitor (2014) http://www.mmpeacemonitor.org/stakeholders/mpsi/165-nscn-k

15 The Nagaland Tribal, Area, Range, and Village Councils Act, 1966

16 The Kalpavriksh report on Indigenous Reserves and Community Conserved Areas (ICCAs) reviews community conservation initiatives in Nagaland and across India, with information on both customary practices and government law. Pathak N (Ed.) (2009) *Community Conserved Areas in India—A Directory*. Pune: Kalpavriksh: http://www.kalpavriksh.org/images/CCA/Directory/M-16%20Nagaland.pdf

in Naga areas. Relative isolation has protected some Naga areas from the land grabs that plague other parts of the country. However, it has also left many villages without reliable transport, healthcare or schooling. Increased government administration in Naga areas has prompted concern about the security of Naga livelihoods and the land that they have managed for generations.

The current Myanmar land administration system has roots in the colonial era. Under British colonial rule, the state assumed control over all land in Myanmar. Forests were managed to produce timber for the state. Lowlands were administered through grids and wards, while the upland areas were demarcated as frontier zones or excluded areas where communities had relatively greater autonomy to manage their lands according to custom.[17]

In the 1960s, under Ney Win, there was an increase in the centralisation of control over land that further restricted the rights of people to own or rent land. After 1988, under the State Law and Order Restoration Council (SLORC) government land markets were liberalised. [18] While land remained property of the state, so-called 'waste' land could be leased to private investors.[19] Beginning around 2010, under the Thein Sein administration, there was a flood of investment and new land concessions as private investors sought to exploit Myanmar's rich and abundant resources. In order to facilitate new investment, a new legal framework was introduced that would allow private ownership of individual plots of land and facilitate the transfer of locally managed, unregistered land to be formally granted to businesses. This transition has raised a new set of issues, particularly for communities in upland regions who follow a diverse range of customary tenure systems and not been able to appropriately register their lands under the current legal framework.[20]

> ***'There is no vacant land, all the land is being used.'***
> – Somra village elder

The Farmland Law was introduced in 2012 and is implemented by the Ministry of Agriculture, Livestock and Irrigation (MOALI). It allows land to be bought, sold and transferred. The Farmland Law signalled a significant break from previous land laws in that it allowed for the formalisation of land claims through certificates issued by the Department of Agricultural Land Management and Statistics (DALMS). The farmland law recognises paddy, home gardens and permanent fields as agricultural land but does not recognise shifting cultivation. It allows for land to be registered only as individual parcels, which is not appropriate for recognizing customary tenure and community-managed land.

The 2012 Vacant, Fallow and Virgin (VFV) Lands Law sought to identify lands that were unused or underused in order to grant them to private enterprises for business development. Currently, about 30.3% of land in Myanmar is considered VFV land. This land is 'at the disposal of the government' and can be reallocated for private investment.[21]

The current national legal framework for forests emphasizes state management and control of forests with limited but growing room for community management.

17 Scurrah N, Hirsch P and Woods K (2015) The political economy of land governance in Myanmar. Mekong Region Land Governance

18 State Law and Order Restoration Council

19 Ferguson J M (2014) The scramble for the Waste Lands: Tracking colonial legacies, counterinsurgency and international investment through the lens of land laws in Burma/Myanmar. *Singapore Journal of Tropical Geography. 35*(3), 295–311

20 Obendorf R (2012) Legal review of recently enacted Farmland Law and Vacant, Fallow, Virgin Lands Management Law: improving the legal and policy frameworks relating to land management in Myanmar. Yangon, Myanmar: Land Core Group

21 Thant Y Z M and Win H H (2016) Myanmar agricultural and rural statistics system and development plans: http://www.unsiap.or.jp/e-learning/el_material/Agri/1606_Advocacy_KOR/cr_Myanmar.pdf

Forest areas that are designated as Permanent Forest Estate (PFE) are under the management authority of the Ministry of Natural Resources and Environmental Conservation (MONREC). The Permanent Forest Estate currently accounts for 31% of all land cover in Myanmar, comprising almost 70% of all forestland.[22] The Forest Law of 1992 allows for the establishment of Reserved Forests (RF), which are managed to produce a sustained yield of high-value commercial timber, and Public Protected Forests (PPF), which are designated as buffer areas. No local forest tenure claims are recognized within the PFE, except through the Community Forestry Instruction (CFI), which grants use rights to forest user groups for renewable periods of 30 years. Protected Areas are established and managed to conserve biodiversity. While Protected Area management plans may include buffer zones for sustainable use, customary tenure systems are not currently recognized in practice.

MYANMAR NATIONAL LAND USE POLICY, 2016

Customary tenure land tenure systems are recognized, including in the following excerpts:

64.Customary land use tenure systems shall be recognized in the National Land Law in order to ensure awareness, compliance and application of traditional land use practices of ethnic nationalities, formal recognition of customary land use rights, protection of these rights and application of readily available impartial dispute resolution mechanisms.

73. In order to resolve disputes related to land use of ethnic groups, ethnic customary land dispute resolution procedures currently used shall be defined in the new National Land Law, and the respected influential representatives from the ethnic groups shall participate in dispute resolution decision making processes.

The 2016 National Land Use Policy (NLUP) recognizes aspects of customary tenure systems and land use practices, including recognition of customary land, the customary justice system, and land under shifting cultivation. The National Land Use Policy was a welcome first step in recognising and protecting customary lands of ethnic minority groups in Myanmar. However, much work remains to ensure that it is properly implemented and that customary land rights are respected and recognised within statutory law.

UNDRIP

Indigenous peoples have strong historic ties to a particular territory and beliefs, culture, language and social systems that are distinct from politically dominant groups. Nagas are indigenous people in Myanmar with distinct cultural practices and identities.[23]

Myanmar, as a signatory of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), has a commitment to recognize Indigenous Peoples' rights and to ensure that these rights are fully recognized in the policies and laws. Recognition of indigenous peoples' rights is vital to ensure peace and stability in the region.

22 Kissenger G (2017) Identifying the drivers of deforestation and forest degradation in Myanmar. Bangkok: UNEP and the Myanmar Ministry of Natural Resources and Environmental Conservation

23 The UN system has developed criteria for the identification and especially self-identification of indigenous groups while intentionally not establishing an official definition. Secretariat of the UN Permanent Forum on Indigenous Issues (2004) *The Concept of Indigenous Peoples*. Background paper prepared for the Department of Economic and Social Affairs. PFII/2004/WS.1/3. http://www.un.org/esa/socdev/unpfii/documents/workshop_data_background.doc.

Land and Peace

Recognizing customary tenure under the Naga customary system in Myanmar is essential for establishing a lasting peace and building a foundation for sustainable development and prosperity in the region.

Competition over land has been one of the key drivers of decades of conflict in Myanmar. Land is a resource for economic production, a source of social identity and citizenship, and a homeland and political territory for ethnic groups. Conflict over land therefore relates to a wider set of issues relating to identity, citizenship, authority and rights to self-determination.

Resource extraction, mining, logging, agribusiness expansion, planned hydropower dams, SEZ development and the establishment of forest enclosures have led to large-scale land alienation throughout Myanmar.[24] A majority of land acquisitions have taken place in Myanmar's resource-rich border areas.[25] These upland areas are home to diverse ethnic groups that have managed their land for generations under customary tenure systems. Without formal recognition of their land tenure, their land is PFE. Land being used for shifting cultivation – a rotational agroforestry system that provides for many upland communities' basic needs – is particularly vulnerable to being reallocated by the government to other uses.

In spite of ceasefires, fighting is ongoing on multiple fronts in Myanmar. Land conflict is a major political issue throughout the country. The displacement of hundreds of thousands Internally Displaced Persons (IDPs) and refugees adds complication to resolving disputes and allocating land. Land and natural resource governance is one of the five pillars of the ongoing political dialogue, along with federalism, security, economics and social issues. Recognizing customary tenure is essential to address the roots of land conflict and build a lasting peace .

Women collecting forest products

24 For further information on land and resource grabs see reports by: Karen Human Rights Group (KHRG), KDNG (Kachin Development Networking Group), Food Security Working Group (FSWG), Land in Our Hands (LIOH), and Forest Trends

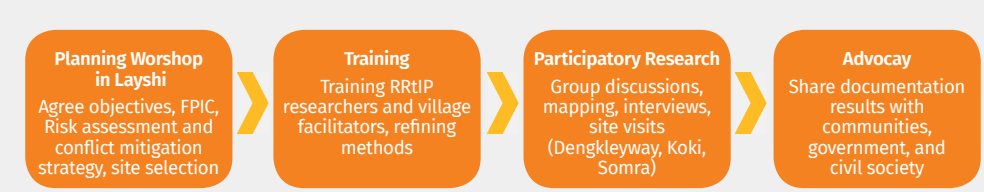
25 Scurrah N, Hirsch P and Woods K (2015) *The political economy of land governance in Myanmar*, Vientiane: Mekong Regional Land Governance Programme

METHODS

RRtIP conducted participatory research to document Naga customary land tenure systems in three villages in Layshi Township from March through July 2016. The research was designed with customary leaders and representatives from each village, who guided the process with their expertise about the customary system.

The documentation process was designed to provide a space for communities to reflect on the customary system and to discuss what they want to maintain and what they want to change. The case studies and advocacy points that they developed can be used by the communities themselves – as well as by customary leaders, civil society and government representatives – to advocate for the recognition of customary tenure.

FIGURE 1: STEPS OF RESEARCH AND ADVOCACY PROCESS



PLANNING AND PREPARATION

In March 2016, **RRtIP** staff and customary leaders from across Layshi Township met to design the documentation process. **RRtIP** staff also met with township level line department staff to discuss customary tenure and to receive advice about the research process.

RESEARCH PRINCIPLES

Participatory: Customary leaders and community representatives shaped the research from setting the objectives to developing the advocacy points at the end. The research methods emphasized group discussion, sharing and reflection.

Transparent: Information about the research process was shared with customary leaders and government staff. The case studies were selected transparently and with clear criteria. Neighbouring villages were invited to the introductory meetings at each village.

Inclusive: Women, youth, vulnerable and marginalized groups and others outside of the customary leadership participated in the research.

In Layshi, the group of tribal council members and leaders, village chiefs, village council members and Culture and Literature Committee members defined a shared

understanding of the objectives for documenting customary tenure. They also agreed to a process for granting FPIC. FPIC was granted by both the customary leaders and members of the villages that were selected as case studies, and also by the representatives of other tribes in Layshi Township. The group also reviewed potential risks of the research and agreed on how to reduce the risk of conflict.

Site Selection

Customary leaders and community leaders selected three villages – Dengkleyway, Koki and Somra – as case studies of strong customary tenure systems. The group developed a list of site selection criteria and then agreed on three villages that best fulfilled those criteria. These criteria included having strong customary practices and low levels of conflict in order to provide a model of the customary system without the impacts from outside conflict. Understanding tenure practices in areas with higher levels conflict or greater controversy over land and boundaries is outside the scope of this report.

SITE SELECTION CRITERIA

Sites were chosen to show the diversity of Naga customary tenure. Criteria included:

1. Strong customary practices (indicated by land use and observance of traditional festivals)
2. Diverse examples of customary land uses, including *jhum*, terraces, orchards, woodlots, and community forests
3. Clear village boundaries
4. Safe and accessible
5. Different sized villages
6. Different levels of market integration
7. Case study of a village with a government project

Customary systems differ between tribes and even villages, and these three villages were selected to show together the diversity of the Naga customary system and include some particularly interesting case studies.

The group agreed that this systematic process was essential for the research to be undertaken on behalf of the Naga people, rather than only representing the tribes and villages that were selected as case studies.

TRAINING

The **RRtIP** research team then met with representatives from each of the three villages in July 2016 to tailor the methods to each village. The group developed clear guidelines for the use of maps, motivated by previous negative experiences in the area with mapping projects.

TABLE 1: CASE STUDY VILLAGES

Village	Size	Tribe	Key features
Somra	Large 400 HH; 3,000 people	Somra	Strong and diverse customary practices; Case study on forest management
Koki	Medium, 300 HH; 1,400 people	Koki (sub-tribe of Somra)	Strong customary practices; Good examples of many different types of land use
Dengkleyway	Small, 11 HH; 100 people,	Para	Case study for Para traditions; close to Layshi so more interactions with government; greater market integration

FIGURE 2: DOCUMENTATION PROCESS

VILLAGE DOCUMENTATION METHODS

The documentation started in Dengkleyway, Koki and Somra with a village meeting to share the objectives and methods of the customary tenure research, establish community priorities for what should be documented and address any concerns.

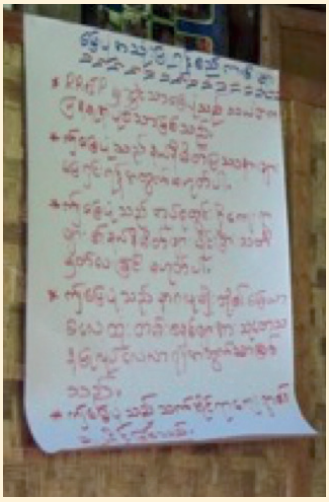
RRtIP then facilitated group discussions on different aspects of customary tenure, participatory scale mapping, held interviews, and visited forests, terraces, and *jhum* fields and fallows. Table 2 summarizes how the different components of the customary system were documented, from land management practices on the ground to the institutions that maintain those practices.

TABLE 2: DOCUMENTATION METHODS IN EACH VILLAGE

Tenure	How is land claimed and what types of claims are there? Who can claim and access land and resources? How are claims transferred?
	Land use and land claims maps, tenure discussion group, interviews
Land Management	What types of land use are there in the village, who can claim each type and how are they managed?
	Land use and land claim maps, land use, forest and jhum discussion groups, hunter discussion group and interviews, women discussion group, household interviews, visits to forests, terraces, jhum fields and other village sites
Institutions	How are decisions made in the customary system and who is involved? What are the customary and government institutions and how do they interact?
	Institutions discussion group, interviews
Justice System	How are conflicts resolved and rules enforced?
	Justice system discussion group, land use, forest and jhum discussion groups
Livelihoods	How does the customary tenure system contribute to livelihoods and to food security? How does it influence resource access and distribution?
	Wealth ranking, land use, forest and jhum discussion groups, women discussion group, household interviews
Culture	What is the relationship between culture and land?
	Feasts and festivals calendar
History and Future	How has the customary system changed over time? What should it look like in the future?
	Village timeline, all discussion groups and interviews, final village meeting
Gender	What are the roles of men and women in the customary system?
	Women discussion group and all other discussion groups

RULES FOR MAPPING

- **Maps developed with the assistance of RRtIP are meant for identifying resource and land use types**
- **Maps are not meant for solving boundary disputes and for asserting land claims**
- **Maps cannot be used for dividing village and tract boundaries**
- **Maps are made for conducting Naga customary land tenure system (CLTS) and resource governance research**
- **Maps are owned by the villages**
- **RRtIP can use the maps for advocacy purposes as agreed with the village.**



Scale maps of each village were drawn using topographic maps and satellite images from Google Earth. The maps document land use and customary claims and are useful for facilitating discussion.

Participatory research must include a wide variety of people and perspectives. Community leaders, including tribal leaders, village chiefs, village council members, village elders, Culture and Literature Committee members and religious leaders shared their knowledge in group discussions and interviews. Women-only discussion groups ensured that women's knowledge and perspectives were

documented. Skilled hunters, cowherds and others with specialized knowledge were interviewed. Members of vulnerable groups were interviewed, including members of poorer households, recent migrants and members of other tribes, elderly people and youth.

At the end of the research, members of each group discussion shared their results with the rest of the village at a second village meeting. Community members could verify information, make any necessary additions or corrections, and approve advocacy points.

> ***'This research process helped us to think about the shortcomings of our customary system and strengthen it together. This is very important for us.'***
>
> **– Village Elder, Dengkleyway**

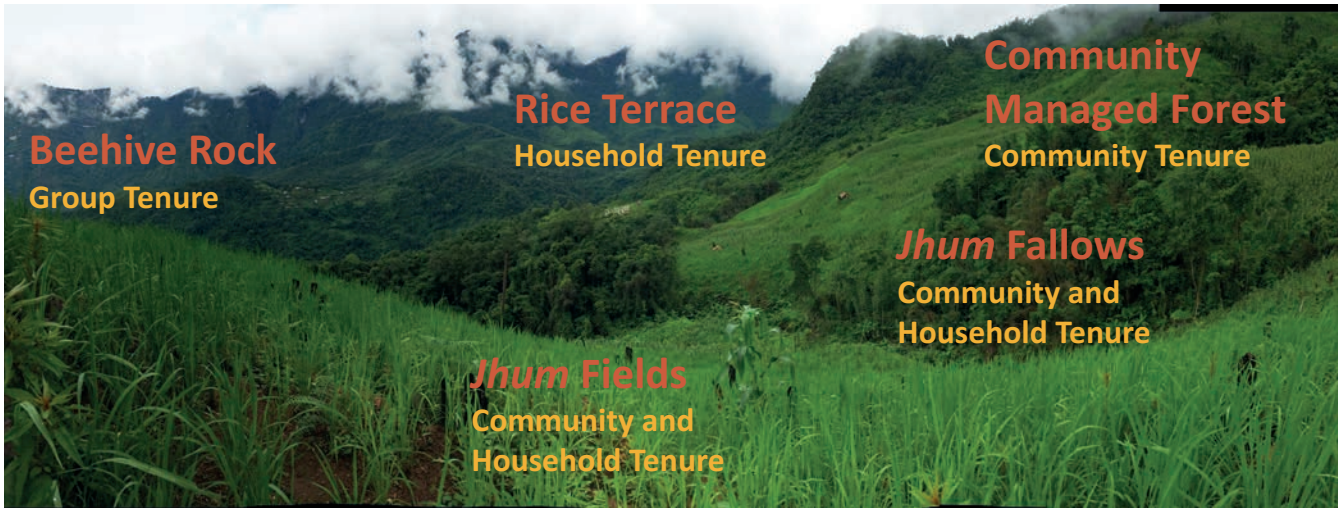
In addition to sharing and collecting information, the collaborative research process also provided space for a diverse group of community members to discuss land use and management practices. This process helped communities to consider challenges together and strengthen their customary system around them. In addition to documentation it is important for collaborative research processes to have local resonance and impact .

LAND TENURE AND MANAGEMENT

The Naga customary land tenure system produces a diverse, sustainable agricultural system that provides for livelihoods, food security and human and environmental health. It allows households and villages to grow both subsistence and cash crops in an integrated system and is flexible enough to encourage agricultural innovation and adaptation. This land management system is effective because of the governance system that supports it, defining how decisions are made and enforcing management rules. Effective land management cannot be separated from customary tenure, customary institutions and the customary justice system.

Jhum cultivation, a sustainable, low-input, diverse rotational agricultural system, provides subsistence and cash crops and is essential for food security, biodiversity and cultural identity. Households grow subsistence rice, maize, fruit, vegetables and herbs in *jhum* fields, terraces, orchards, and home gardens. They also grow King chili and other cash crops in patches within *jhum* fields. Households manage woodlots and are increasingly planting fruit orchards in some *jhum* fields in the hope that improved roads will facilitate trade in the future.

Community-manged forests are protected to maintain the village's water supply and managed so that villagers can collect construction materials, food and medicine for domestic use.



A patchwork of land uses under diverse tenure arrangements in Dengkleway village

LAND USE AND TENURE

Tenure can be understood as a collection of different rights that are held by different groups of people and are enforced through a system of rules and institutions. These rights include the right to harvest resources, the right to make decisions about how the land is managed, the right to transfer land to someone else and the right to change the type of land use.

In the Naga customary system, there are different tenure arrangements for different land-use types. Households have the rights to manage and harvest resources that they directly cultivate, including rice terraces, orchards and woodlots. Resources from forests and streams are collected by community members and managed by village institutions. Households harvest and manage their individual *jhum* plots, but the village also maintains some management responsibilities over *jhum* land. Households may have both long-term land claims passed from generation to generation as well as short-term claims to cultivate land on a yearly basis. These yearly claims can be used to make sure that every household has their basic needs met.

Tenure rights are held by households, groups[26], clans, the village community and tribes.[27] Most villages are home to multiple clans who are all members of the same tribe. This report discusses the main social groups that relate to land tenure, but some Naga tribes have other levels of social organization, including sub-tribes and various types of multi-clan groups[28].

Tenure over land can be held in common by these social groups, for example a community-managed forest in which only village residents may collect forest products. Management rights can also be held by these groups, or institutions representing these groups, as in the case where the village chief and village council must approve timber extraction from the community-managed forest and must enforce the rules for forest management.

Whether someone is a member of these different social groups defines what kind of resource tenure rights they can claim. Rules for transferring land by sale or inheritance, for example, prioritize first immediate family, then clan members, then village residents of successively more distant social groups. A person must be a member of a clan and tribe to establish land claims longer than a year. The role of these groups in tenure will be described in more detail in the next chapter.

Table 3 summarizes the main land-use types from the case study villages and the tenure arrangements for each, specifically who has a right to cultivate or collect the resources and who has the right to make management decisions. The table also summarizes the main crops grown or collected from these land-use types and has notes about management.

26 Groups of unrelated households can share ownership of valuable resources like bee hive rocks and mithun

27 Clans are groups with a shared lineage and often a common clan founder. Tribes are composed of multiple villages with cultural and historical ties

28 Subba T B and Gosh G C (2003) *The Anthropology of North-East India*. Hyderabad: Orient Longman

TABLE 3: TENURE RIGHTS FOR DIFFERENT LAND USE TYPES

Land use	Tenure	Products	Notes on management
Terrace	Household: cultivation Groups: irrigation	Varieties of rice and sticky rice Bean, chili, eggplant, other vegetables planted between the terraces Cash income: Surplus crops	Sow rice seeds around the terraces in nursery before transplanting. Irrigation managed by groups and committees
Jhum	Household: jhum plot cultivation Community: management decisions, collecting wild resources in fallows	Cropping period Rice, maize, millet, beans, taro, cucumber, pumpkin, yam, potato, oilseed, chilies, other vegetables Khëyebong: King chili, spices (basil, medicinal plants), ginger, winter sticky maize, other high-value vegetables and herbs Cash income: Surplus crops Fallow period Household: fuelwood, poles, timber for hut construction Community: wild vegetables, bamboo shoots, mushrooms	Clear with fire and plant crops for one or two years, then allow fallows to grow back and regenerate soil and suppress weeds. Livestock graze and fertilize soil. Small patches with extra ash are used for high-value crops. Households clear the same plots each cycle. The village decides together where to clear, and can allocate jhum land to households in need
Community-Managed Forest	Community: collecting resources and management decisions Clan: collecting resources and management decisions	Domestic use: Construction: timber, rattan, bamboo, thatch Fuelwood Food: mushrooms, wild fruits and vegetables, fish, crabs, frogs, snails, game meat Medicine: medicinal plants, honey, wildlife products Cash income Bee honey, hornet larvae, bee wax, wildlife products	Watershed forests protected for water supply, subsistence use by community members. Selective felling of timber for domestic use with permission from village authorities. Fines for clearing forest. Some clans own and manage their own forests
Community-Managed Forest (Pine)	Community: collecting resources and management decisions Clans: collecting resources and management decisions	Domestic use: timber, fuelwood, mushrooms, vegetables, fruits (palm fruit and figs), medicinal plants, palm leaf rain coat	Rotational management, natural regeneration. Similar management and rules as other community-managed forests. Some clans own and manage their own forests
Woodlot	Household	Construction: timber, rattan, bamboo, thatch Food: mushrooms, wild vegetables and fruits, wild game Medicine: various medicinal plants	Enrichment planting of over 20 native species. Thinning vegetation and livestock grazing to encourage regeneration
Woodlot (Pine)	Household	Timber, fuelwood, mushrooms, vegetables, fruits (palm fruit and figs), medicinal plants, palm leaf rain coat	Rotational management. Clearing with fire after timber harvest, regeneration with enrichment planting, thinning vegetation and livestock grazing
Sacred forest	Community	Many types and sizes, some cannot be entered. Often around salt lick streams and watering holes. Some are hunting grounds for deer, gaur and other wildlife	Cannot clear trees in sacred forests. Make offerings to the spirits before hunting.
Orchard	Household	Cash income: Oranges, plums, avocados	Intercrop rice and vegetables in first years of orchard
Thatch field	Community	Thatch for roofs	In Dengkleyway and Koki
Beehive rock	Group	Domestic use and cash income: Honey for food and medicine	Usually 5–10 people can collect from each cluster of hives, they do not have to be from the same clan
Home gardens	Household	Vegetables, herbs, medicinal plants, fruits	Organic, fertilized with ash from home cooking fire
Vegetable gardens	Household	Vegetables, yam	Small gardens near Koki village

Recreational and cultural public space	Community	Recreational space, festival and sports grounds	Recreational sites may be donated to the village by households
Sacred and cultural sites	Tribe	Cultural, historical, and sacred sites including sacred mountains	Villages protect these sites according to tribal custom
Grazing land	Household, community, or colony	Mithun, buffalo, cattle Fertilize fields and thin regenerating fallows and woodlots	Livestock are grazed on jhum, terrace, and forest land. In Koki, each colony* has a cattle herder and grazing land
Water bodies	Community	Fish and other aquatic animals	Community access to lakes, rivers, and streams for water and fisheries

Note: * A colony is a subdivision of a town or village, equivalent to a ward

Terraces

Rice terraces are divided into plots that are owned, cultivated and harvested by households. Groups of households work together to plant and harvest each other's terrace plots, and households provide food and drinks for everyone who comes to help work on their plot. Irrigation is managed by the group of households sharing the same channels. Koki has recently established a water management committee to manage the distribution of irrigation water between colonies.

Each of the three case study villages have rice terraces that were built more than 50 years ago. Most families have a plot of terrace land available for them to cultivate, either plots which they have inherited, plots they have the right to cultivate on a yearly basis that are borrowed from other members of the community, or a mix of both.

Terraces are the main source of rice for many families in the case study villages. Farmers plant multiple varieties of rice and sticky rice and save seeds to plant each year. In February and March, farmers sow seeds in nurseries on the slopes around the terrace. They transplant the rice into the terraces in June or July and harvest it in October and November. Farmers also plant beans, chilies, eggplants and other vegetables around the terraces, but most vegetables are grown in *jhum* fields and household gardens.

Orchards

Farmers are increasingly planting orchards of oranges, avocados and plums with the expectation that ongoing road construction will soon make it easier and more affordable to transport crops to sell outside the villages. The beginnings of construction of a market on the border with India next to Somra is evidence of plans for increased trade. Farmers have started avocado planting in home gardens and orchard plots to test its suitability in local growing conditions. Households transform parts of their *jhum* land into orchards by planting fruit trees in *jhum* fields along with rice and vegetables during the cropping stage.

Households in Layshi traditionally make plum wine from the trees in their home gardens. They have recently started selling plum wine to other towns. Farmers in nearby villages, including Dengkleyway, have started planting plum trees to sell to Layshi to support this growing business.

Grazing Land

Buffalo, cattle and mithun[29] are grazed on *jhum* fields, terraces, forests, and other agricultural land throughout the village in order to fertilize the soil. Livestock are also grazed on *jhum* fields to encourage reestablishment of trees by thinning other vegetation. In Koki, each colony has a cattle herder who is responsible for managing the livestock that belong to households living in the colony.

Thatch Fields

South of Koki village, there is a community thatch field where anyone from the village can harvest bamboo and thatch to build roofs.

Bee Hive Rocks

The Giant Asian Honeybee (*Apis dorsata*) builds hives on patches of bare rock on mountainsides across South and Southeast Asia. Groups of households hold the right to collect honey from clusters of hives, and bee hive rocks may be divided into sections owned by different groups. The forest around the rocks is protected so that the hives are not disturbed. Bee rocks are one of the most valuable assets and honey is used as medicine and sold for income. Honey and wax are also collected from hives in the forest and on the ground from *Apis cerana* and Melipona and Trigona stingless bee species.[30]

Home Gardens

Naga women cultivate gardens around their homes in the village, growing a variety of vegetables and herbs including squash, millet, and beans. Home gardens are also used to grow fruits, including plum, banana, orange, passionfruit, pear and avocado. The gardens are organic, as is the rest of Naga agriculture in this area. They are fertilized with ash from home cooking fires.

Vegetable Gardens

In Koki, some households cultivate small garden plots near the village where they grow yams and vegetables.

Recreational and Cultural Public Space

Villages have public spaces like sports fields and festival grounds, which often have been donated by households for community use. In Somra, a grassy field above the village is kept as a community recreational space. Down the road, a household recently donated a plot of land to be levelled and used to host public events and festivals.

Tribal Sacred and Cultural Sites.

Tribes preserve and manage sites and monuments that are important to tribal culture, history, and religion, including sacred mountains. These sites are located within village boundaries, and these villages are responsible for protecting and managing them according to tribal custom.

29 Mithun (*Bos frontalis*) are a semi-domesticated bovine species usually found in the mountainous forests of South and Southeast Asia. Mithun play an important role in Naga culture as the most valuable type of livestock that can be traded and exchanged. Mithun also have ceremonial significance in feasts and festivals

30 Bee species and traditional apiculture practices have been documented by the Nagaland Beekeeping and Honey Mission, a state initiative to promote apiculture

Water Bodies

In Dengkleyway, one household converted a *jhum* field into a fish pond and is experimenting with aquaculture techniques. Streams are used and kept clean by the surrounding villages. In Koki, residents set up a fish fence across a nearby stream at the end of the monsoon season to catch fish as they swim downstream. Smaller and juvenile fish pass through the fence, which helps to maintain future fish stocks. The fish fence was ceremonially given to an individual in recognition of his service to the community in the 1940s, but all community members catch fish there .

Villagers erect a fishing fence in Koki village

Hunting

Hunting is ingrained in Naga culture and wild animals are hunted to provide food and medicine, prevent the destruction of crops and loss of livestock and to earn income. Village residents are allowed to hunt in village forests, but most hunting is opportunistic and focused on wildlife that comes to the fields. Wild boar (*Sus scrofa*) and multiple species of deer eat rice in terraces and *jhum* and Asiatic black bears (*Ursus thibetanus*) sometimes visit *jhum* fields to eat maize. Hunting trips are occasionally organized when livestock is killed by wildlife to prevent further loss of livestock. Only a few people in each village go on multi-day hunting trips to deep forest areas.

Some Naga tribes have customs that regulate hunting, including a closed season while animals are breeding when traditionally no hunting is allowed. Other tribes have less guidance for hunters about when and where to hunt, but do have customary rules about how to share meat with other people in the village including elders, widows and disabled people who do not hunt themselves. According to a hunter in Dengkleyway, when animals are found in a group some should always be left unharmed. Some Naga villages also have established areas where no hunting is allowed.

Some tribes also have customs protecting specific species from hunting. The clouded leopard (*Neofelis nebulosa*) has a special place in Naga culture and, according to traditional beliefs, some Naga people can have a connection to the clouded leopard spirit. A good hunter will never shoot a clouded leopard out of respect for the animal as a fellow hunter.

Residents of the case study villages have noticed a decline in the quantity of wildlife they see in the fields and forests. Some attribute the decline to increased access to guns over the years and others noticed a decline in wildlife after trees were cut for construction projects. The customary system can be used to make changes that will better protect wildlife, so that future generations will be able to enjoy wildlife and to continue Naga cultural traditions related to wildlife and hunting.

Hunting bans and wildlife sanctuaries have been established by Naga villages with the customary system. One famous example in India is the Khonoma Nature Conservation and Tragopan Sanctuary.[31] The customary system provides an effective framework that villages and tribes could use to tackle wildlife decline by building support for change through village meetings and enforcing changes through local customary institutions according to the customary justice system.

Jhum

Jhum is a traditional upland agricultural system in which farmers clear land with fire and cultivate crops for one or two years, then allow vegetation to naturally regenerate, restoring soil fertility and eradicating weeds. *Jhum* is the Naga name for this method of rotational farming, which is also called shifting cultivation and, in Burmese, *shwe pyaung taung ya*. *Jhum* is a sustainable, low-input, diverse rotational agricultural system that is essential for food security, biodiversity and cultural traditions.[32]

Jhum fallows showing through the clouds

31 Chase P and Singh O P (2012) People's Initiative for Conservation of Forests and Natural Resources: A Success Story of Khonoma Village Forest, Nagaland. *NeBIO* 3(2) pp. 61–67

32 This form of agriculture preserves more biodiversity and has lower impact on soil, hydrology and geomorphology than the most common intensified agricultural alternatives. See Rerkasem K, Lawrence D, Padoch C, Schmidt-Vogt D, Ziegler A D and Bruun T B (2009). Consequences of Swidden Transitions for Crop and Fallow Biodiveristy in Southeast Asia. *Human Ecology 37*, 347–360 and Ziegler A D, Bruun T B, Guardiola-Claramonte M, Giambelluca T W, Lawrence D and Lam N T (2009) Enviornmental Consequences of the Demise of Swidden Cultivation in Montane Mainland Southeast Asia: Hydrology and Geomorphology. *Human Ecology 37*, 361–373

TENURE INSECURITY

Tenure over *jhum* land is particularly vulnerable because it is often classified as VFV land, or classified as forest and considered degraded. More accurately, *Jhum* is a relatively low-impact rotational agroforestry system. Losing access to *jhum* land because of these improper zonations makes it harder to sustainably cultivate the remaining available land.

When a village is first established, households establish land claims by being the first to clear and cultivate patches of forest. Households maintain tenure rights for *jhum* land throughout the cycle, returning after the fallow period to cultivate the same patch of land that they cultivated years before. This is different from rotational agriculture systems practiced by some other ethnic groups in Myanmar, where land is re-allocated among households each time *jhum* is cleared for cultivation.

While households maintain use rights over their own plots, the community holds some management rights because farmers sit together each year and decide where to clear for *jhum*. *Jhum* is also the most common land use type for a village to share for one year of cultivation with households in need of land.

After a village is established, the land that is available for *jhum* and land that is maintained as forest is demarcated. Clearing *jhum* plots within the community-managed forest area is not allowed according to the customary tenure system. If someone clears *jhum* in the forests, or clears forest for any other reason, they will be fined by the village council and other relevant authorities.

Households work together in groups to clear and cultivate adjacent fields, first by hand and then with fire. First, men and women clear the *Jhum* fields in January and February. After waiting at least three or four weeks for the vegetation to dry, each village chooses a day between the end of February and early April to start clearing the fields with controlled burns.

Controlled burning is a common management practice used by farmers and foresters across the world. When the plants in the fallows are burned, the nutrients in the ash can be taken up by crops. Burning releases nutrients, decreases soil acidity, and controls weeds, plant and soil pathogens and insect pests.[33]

Farmers in Koki explain that it's a good idea to clear vegetation two or three meters around the fields to keep the fire from spreading outside of the intended area. These firebreaks are particularly important when clearing fields near the village, near grasslands, and near the community forest. Damaging community forest or village land is punishable by a fine.

KHËYEBONG

Khëyebong are small gardens within a jhum field that are planted with valuable crops.[34]

After clearing and burning the jhum field, farmers pile partially-burned wood on this garden patch and burn it a second time, adding more ash as fertilizer to this patch. A few of these patches are prepared in each jhum plot, with a mix of crops planted in each including King chili, spring onion, garlic, ginger, herbs, and medicinal plants.

33 Kerkhoff E E and Sharma E (comps) (2006) *Debating Shifting Cultivation in the Eastern Himalayas: Farmers' Innovations as Lessons for Policy*. Kathmandu: ICIMOD

34 Khëyebong is the name for these plots in Makury language

In the first year of *jhum* cultivation, farmers plant and harvest rice, maize, beans, taro, cucumber, squash, potatoes, oilseed and millet. In the second year, farmers still harvest some vegetables, mushrooms and thatch in *jhum* fields that are relatively close to the village. Families may plant some crops in the second year in the *jhum* plots that are close to the village.

Women in Dengkelyway say that, while they prefer to use terraces for growing rice, *jhum* is irreplaceable because that is where they grow a diverse variety of vegetables. From the second year onward, *jhum* is used as grazing land for mithun, buffalo and cattle. The livestock are grazed on the *jhum* fallows to thin the vegetation around tree saplings. In *jhum* plots that are used for grazing, trees grow faster, have fewer woody vines that impede forest regeneration and have less bamboo than fallows that are not used for grazing.

In *jhum* fallows, anyone in the community can collect wild vegetables, mushrooms, bamboo shoots and other plants. Community members can also collect freshwater animals including fish, crabs and snails in water bodies on *jhum* land. The household maintains claims over the fuelwood and timber in the fallow on their plots, and use them when they clear the fallow to build and supply the hut they build in the *jhum* field. In Dengkleyway, the village council seized timber that was harvested from a *jhum* fallow without permission and donated the logs to the school to use as fuelwood.

In Dengkleyway, fallow periods are ten years. Koki village is divided into four colonies. In Koki, fallow periods are ten years in the cooler, higher elevation plots managed by households in Colonies 1 and 2 and five years in the warmer, lower elevation plots to the south that are managed by households in Colonies 3 and 4. About ten years ago, farmers brought a fast-growing variety of rice to Somra which grows well in the cooler, northern *jhum* land. Farmers who cultivate this land have switched to five-year rotations, with two years cropping and three years fallow, and they say that yields are better than ever. This example directly contradicts the common misconception that fallow period is primarily linked to population pressures. Some land may be more intensively cultivated because it is in good condition and is more productive, not because it is being degraded.

Soil Management in Jhum Cultivation

Soil fertility is maintained in *jhum* systems by leaving fields fallow and allowing them to naturally regenerate. The fallow period mimics natural forest regeneration, which in turn enables the soil to recover to its condition before the cultivation period. A recent review of the impacts of shifting cultivation on the physical, chemical and biological properties of soil found that 90% of the studies published in peer-reviewed scientific journals over the past 30 years have found that shifting cultivation does not negatively compromise soil quality.[35]

The soil regenerates during the fallow period in a process mimicking natural ecological succession. When fallow periods are relatively long, natural regeneration maintains the soil quality and the biodiversity of native species. When farmers shorten the fallow period, they can intensify soil management, for example by adding organic fertilizer and planting nitrogen-fixing trees.[36]

Naga farmers also directly manage the fallows to improve soil fertility. Buffalo, cattle and mithun fertilize *jhum* fields and fallows while they graze. Beans are

35 Filho A A R et al (2013) reviewed 80 research articles and nine review articles published since 1981 that studied the impact of shifting cultivation on the physical, chemical and biological properties of soil across the tropics. Ribeiro Filho A A, Adams C, Murrieta R S S (2013) The impacts of shifting cultivation on tropical forest soil: a review. *Boletim do Museu Paraense Emílio Goeldi. Ciências Humanas. 8*(3), 693–727

36 Cairns M (2007) Conceptualizing Indigenous Approaches to Fallow Management: A Road Map to this Volume. In Cairns, M. (Ed.) *Voices from the Forest.* Washington DC: RFF Press

always planted in *jhum* fields, which add nitrogen to the soil. *Alnus nepalensis,* a nitrogen-fixing tree, grows in *jhum* fields in some Naga villages including Somra. Households also wait to clear fallows until trees grow enough to shade the ground and suppress the growth of weeds and grass, which helps to ensure that fallow periods are maintained for a minimum length of time.

Alder trees fertilize the soil in jhum plots in Somra

SOIL MANAGEMENT IN ALDER AGROFORESTRY SYSTEM

Alnus nepalensis: Maibau, Nbau Ning-bau Yang-bau (Kachin); Bachiing (Somra Naga); Këbasang (Makury Naga); Rupro (Angami Naga); Hyang (Chin)

The Alder tree Alnus nepalensis has been used for generations throughout Asia in agroforestry systems. Alder trees are an early successional species native to the Himalayas that are usually found in clearings on a variety of soils between 1,000m and 2,500m asl.

A. nepalensis fertilizes the soil with its heavy leaf litter and through the Frankia bacteria in its root nodules, which fix nitrogen in the soil. In Khonoma, a village in Nagaland, India, the alder tree has allowed farmers to plant crops for two years and leave the land fallow for two years, while still maintaining soil fertility and crop yields. The use of the alder tree in shifting cultivation systems has been documented across Myanmar in Kachin state, Wa Self-Administered Zone, Sagaing Region and the Chin hills.[37] A. nepalensis grows naturally in the cooler, northern jhum fields in Somra. Alder trees grow naturally in fields above the village that are planted for two years with maize, squash and other crops and left fallow for six to seven years. The maize gives beans a structure to climb, while the squash leaves spread low across the ground, casting shade to suppress weeds and keep the soil moist.

Farmers in Somra explain that crops planted around these trees grow well, and that the fallen leaves nourish the soil. The Alder tree is pollarded and used for fuelwood and furniture, the leaves can be used to make a medicinal poultice, and children chew the leaves like gum.

37 Cairns M, Keitzar S and Amenba Yaden T (2007) Shifting Forests in Northeast India: Management of Alnus nepalensis as an Improved Fallow in Nagaland. In Cairns M (Ed.). Voices from the Forest. Washington DC: RFF Press

Community managed forests are protected under the customary tenure system

Forests

Naga communities manage their forests to maintain healthy watersheds and to provide a source of food, construction materials, fuelwood and medicine. Households also maintain woodlots for their personal use, encouraging growth of economically valuable trees with a mix of enrichment planting, thinning and selective felling. Households collaboratively manage pine woodlots in a rotational system.

FOREST PRODUCTS

- Construction Materials: Timber, rattan, bamboo, thatch
- Fuelwood
- Food: Fruits, vegetables, yam, mushrooms, herbs, game meat, insects, freshwater wildlife (fish, frogs, crabs, snails)
- Medicine: Plants, honey, wildlife
- Cash income: Honey, orchids, wildlife

Recognizing the Naga customary system for managing forests is essential for maintaining forest cover and securing rural livelihoods. The land management that has kept these forests standing is effective because it is part of a system with institutions that set rules for forest management and enforce those rules according to the customary justice system.

Community-Managed Forests

Each village protects the forest in their watershed area, which they protect to secure a supply of water for farming and household use. Community forests are also managed to provide food, construction materials, fuelwood and medicinal plants. Most of these products can be harvested only by community members and only for domestic use. Management rights are held by a customary village

authority. In the case study villages, the village council, village chief, forest chief,[38] and clan leaders hold responsibilities for managing forests, with some minor variation between villages. In some villages, including Somra, clans hold tenure and management rights over some forest areas.

> **'The forest is the market and the hospital for Naga people'**
> – Woman from Layshi

Clearing land in the community forest is not allowed, and customary village authorities will set fines for deforestation and harvesting timber without permission. In Koki, for example, the village chief and village council will set the fine owed for clearing *jhum* within the forest area or allowing fires to spread from the *jhum* field to the forest or village. The fine should be proportional to the forest damage and may, for example, consist of having to provide a pig for the next village event.

Community-managed forests are sometimes shared by multiple villages that border the same forest. Community members from Dengkleyway and the five other villages that border the forest are allowed to collect plants and animals for domestic use.

Community members are allowed to harvest timber only by selective felling, and only to build houses and public buildings like churches, schools, clinics and government offices. Government construction projects must obtain permission from the village council to use timber from the forest. Selling timber from the community forest is not allowed in the customary system.

Fuelwood can be collected from community forests and household woodlots for domestic use only. In Somra, each household should harvest only one truck load of fuelwood to last them the entire year.

Woodlots

Woodlots are forest areas that are owned and managed by households. Woodlots can be stands of pine or of mixed broadleaf forest, with the same products that can be collected from the community forests of the same type. Households usually establish a woodlot on one of their *jhum* fields.

Villagers collect firewood from the forest

38 In Koki village, the forest chief is responsible for mediating disputes that involve forests both within the village and with neighboring villages

When establishing the woodlot on a *jhum* plot, and also after harvesting timber or fuelwood, households use mix of natural regeneration, enrichment planting, thinning and grazing to encourage the growth of useful tree species. Farmers in Koki describe planting over 20 useful native tree species by transplanting seedlings collected elsewhere, dispersing seeds and pine cones and using vegetative propagation.

In Somra, any community member can harvest wild plants and animals from these woodlots, but collecting timber, bamboo and rattan is restricted to the household that manages the woodlot. While in Dengkleyway and Koki products from woodlots are not sold, some farmers in Somra explain that they use the woodlots like a savings account, where they can harvest timber and sell it locally if there are health problems or other emergencies in the family.

Pine Forests

Stands of pine trees grow within community-managed forests and are also cultivated in household woodlots. They are managed with the same sets of rules. Community members can collect fuelwood, timber, mushrooms, palm fruit, figs, wild vegetables, medicinal plants and wildlife for domestic use from community-managed pine forest, and households harvest the same resources from their pine woodlots.

In Dengkleyway, the pine forest is two to three kilometres to the south and is shared with several villages. A few households have established pine woodlots on some of their *jhum* plots, so they would not have to travel to the community forest.

> **'The proof that we have a way of managing the forest is that after hundreds of years there is still forest here. Thanks to our Naga system there is still forest.'**
>
> **– Somra community member**

In Koki, there are pine stands in both community watershed forests and in household woodlots. Households manage the pine stands on a rotational system, harvesting timber and fuelwood after 30 years. Households with adjoining woodlots coordinate their harvests, creating stands of pine trees that are the same age. After the timber and fuelwood are extracted, the plot is cleared with fire to mimic natural disturbances, fertilize the soil and encourage forest regeneration. Mithun are grazed in the plots to thin the vegetation around the regenerating pine saplings.

Many houses in Koki are built with pine wood, after a government official who was posted in the village introduced this new style of housing. Increased demand for timber to rebuild houses in this new style depleted the number of large pine trees in part of the community-managed forest.

Sacred Forests

Sacred forests and mountains are inhabited by spirits and are protected according to Naga custom. There are many types of sacred sites, which may cover one small area within a forest or an entire forest area or mountain. Streams with salt licks, for example, are considered sacred and the forests surrounding them cannot be cut down. These streams are used as watering holes by deer, wild cats and other wildlife. Hunters make an offering to the spirits in the sacred forest in Dengkleywey before they make their once or twice-monthly visit to the salt lick stream at night to hunt.

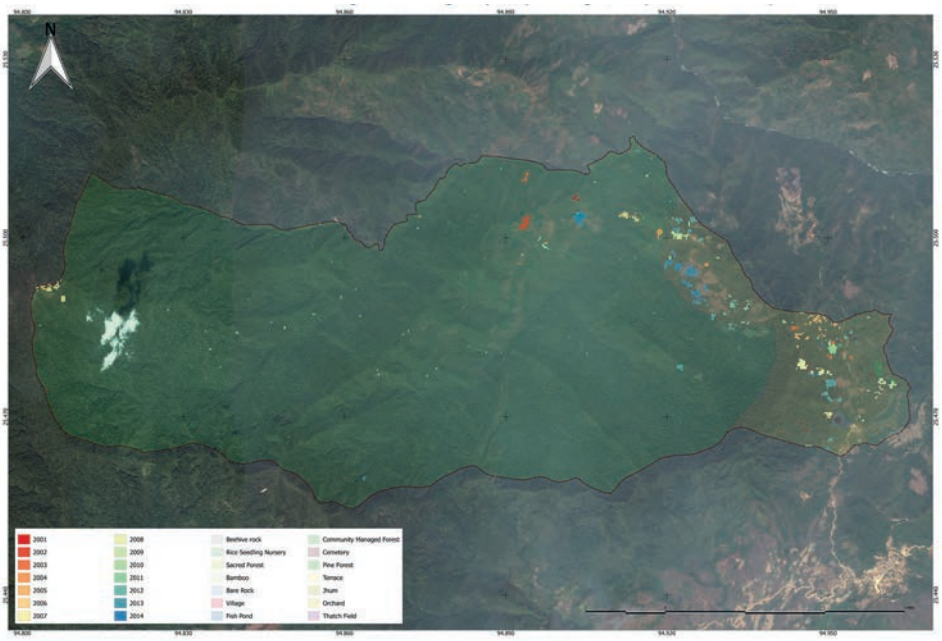
Mount Saramathi, the highest peak in the Naga Hills, is sacred to the Makury tribe. Mount Saramathi and the forests around its base lie within the customary land of the multiple Makury villages that surround the mountain. These villages have the responsibility for protecting this sacred area. The Makury tribal council has designated authority to the Makury Naga Youth Federation to protect this conserved area.[39]

39 Mount Saramathi is one of the areas that are conserved by communities through to the customary system. These areas are known internationally as Indigenous Territories and Community Conserved Areas (ICCAs)

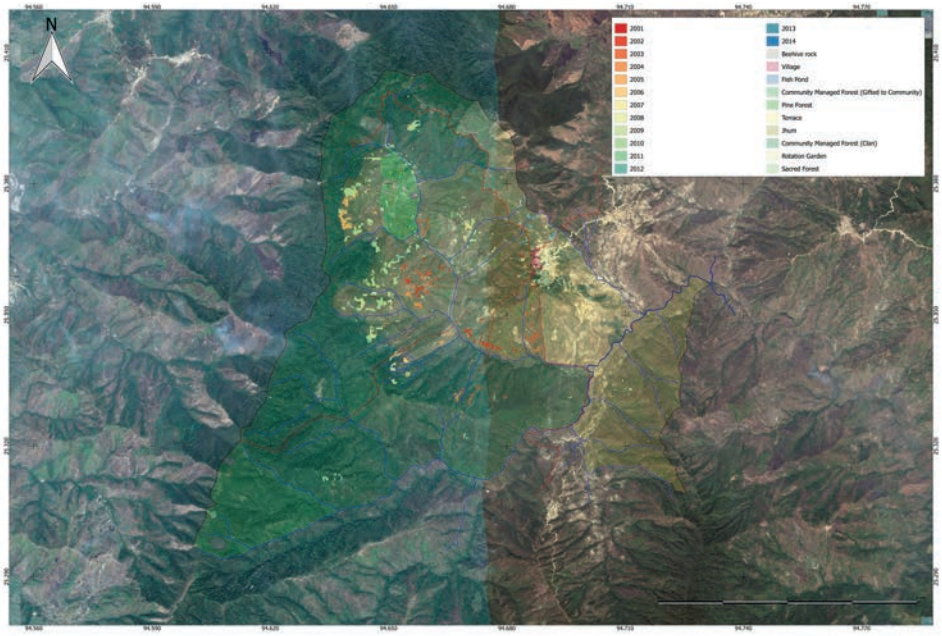
Forest Cover Change

Satellite data confirms that forest areas have been effectively protected. Groups in Somra, Koki and Dengkleyway drew scale maps of customary land using topographic maps and tracing over satellite images from Google Earth. These maps were digitized so that they could be compared with remote sensing data showing forest cover change over the last decade. Maps 2–4 show each village's customary land use types, combined with data on forest cover change from 2001 to 2014. Each colour on the map represents forests cleared in a different year.

MAP 2: FOREST COVER CHANGE IN DENGKLEYWAY VILLAGE



MAP 3: FOREST COVER CHANGE IN SOMRA VILLAGE



MAP 4: FOREST COVER CHANGE IN KOKI VILLAGE

These maps confirm that the designated community-managed forest areas were not cleared over the past 14 years, and village histories report that these forests have been protected for decades. Forests have not been cleared for timber extraction or for agricultural use. *Jhum* fields have been cleared and then regenerated within the *jhum* area in a rotational system, and have not been cleared in the forest area. At some point in each village's history, *jhum* fields were cleared from primary forest, converting primary forest into a patchwork of secondary forests and fields However, all forms of agriculture and forestry have converted primary forest to another use at one point, and *jhum*, which is a form of agroforestry, should not be singled out as a cause of deforestation or forest degradation because it has maintained more tree cover than other agricultural systems do and can be mistaken for a forest.

COMMUNITY FORESTRY

Community Forestry (CF) is currently the most commonly used mechanism by the government of Myanmar to recognize community management of a forest. Established in 1995 and revised in 2016, the Community Forestry Instruction grants renewable CF certificates for commercial and subsistence use rights to a forest user group for 30 years.

In contrast, the Naga customary system secures all land within village boundaries from generation to generation. Securing all land within the village enables integrated management of forests agroforests and agriculture. The Naga customary system could provide inspiration for landscape approaches to CF in areas where customary forest management practices are not strong. However, based on experience from other areas, implementing CF in its current form would likely simplify tenure and management and undermine customary institutions. This in turn would cause conflicts within or between villages, undermine customary governance, and ultimately lead to less effective forest management and protection.

Expansion of the Permanent Forest Estate: A case study from Somra

Experiences in Somra village show that when line departments implement land and forest management in Naga villages that is not compatible with the customary system, they end up undermining sustainable forest management. When villages do not have a secure sense of ownership over forests, but instead wonder when a timber company will harvest the trees in their community forests or the woodlots that their families planted themselves, managing a forest for the long term begins to sound like a risk.

The Forest Department has been designating more forest areas as PFE in the past few years in order to reach the target set in the National Forestry Master Plan (2001–2030) to have 30% of the country's land area within the PFE. Projects from NGOs and the government are also encouraging designation of forests as Protected Areas and Community Forests under programs for biodiversity conservation, carbon sequestration, REDD+[40] and sustainable forest management. The expansion of the PFE to new areas has caused some communities concern that it does not recognize their customary claims and restricts their access to the forests that they depend on and need for observing their cultural and religious traditions.

40 Reduced Emissions from Deforestation and Forest Degradation (REDD+) is an international initiative to reduce carbon emissions by providing funds for policy reform and direct payments to forest owners to protect and regenerate forests. Safeguards recognizing local tenure are essential for successful REDD+ so that forest-dwelling communities benefit or at least do not lose their land to carbon sequestration projects

Timber extraction around the Protected Public Forest signboard in Somra

Somra village provides an illustrative example of how the imposition of forest management that does not recognize the customary system ultimately undermines sustainable management. In this case, undermining the customary system left both communities and the Forest Department with a degraded forest, a result that neither group wanted.

In 2014, Somra residents found a new signboard posted on the side of the road inside the community watershed forest area. The sign announced the proposed designation of 5,000 acres of Public Protected Forest. Where exactly were these 5,000 acres within Somra's customary land? Nobody in the village could be sure, because the government staff who posted the sign left without informing either the local customary or government authorities.

The forest around the proposed PPF sign has been managed by the community to protect the watershed and provide subsistence food, fuel, building materials and medicine. Two families, descended from leaders of the original village settlers, also hold spiritual claims to this part of the village land and are responsible for conducting ceremonial offerings to the spirits connected to the forest.

The village chief and the tribal council convened a village meeting to discuss how to respond to what they essentially understood was the government claiming rights to their own customary forest without regard for the generations they had spent managing and protecting it. The village had been managing the forest for the long term, and now they were not sure if they would have access to the forest in the future. Would the government make local forest management illegal for the sake of environment, or would it clear the forest for timber?

After open discussion and debate, the community agreed together that they would revise the customary rules for forest management in the proposed PPF area by opening the forest for both domestic and commercial use. At the meeting, community members were invited to harvest timber and fuelwood for their own use, and were allowed to sell any extra on the local market. There were many government construction projects at the time, so they sold the timber to the government to build the new school, the clinic, the General Administration Department (GAD) office, and the police station. They also sold some timber to neighbouring villages, including to build another school.

Community members were still supposed to ask permission to harvest timber from the two households with clan spiritual and management responsibilities over the forest area, in accordance with the customary system. The village also agreed to share profits from timber sales, allocating 10% of the sale price to the village fund, 10% to the clan with claims to the forest and the rest to those who harvested and sold the timber. The village fund is used for public meetings, work-related travel costs for village authorities, hosting guests and officials and other expenses related to running the village.

The village also drafted an official letter to object to the designation of the PPF, but it did not reach the appropriate government authorities and the village received no response. Open channels of communication and a better understanding between the Forest Department and the customary authorities would be useful in the future. The community recommends that the Forest Department learns more about the customary system for managing forests and recognizes their land tenure system.

Now the forest is degraded, with timber stumps left on either side of the road, skid trails marking where they were extracted. Villagers noted a decline in wildlife in the area, especially deer and gaur. Customary authorities and community members would have preferred keeping their forest intact and their customary tenure secure over earning cash from selling timber. The experience has changed the way people think about their land. Their forest tenure, which had been secure within the customary system, now seems uncertain. They worry that they will lose their rights to the fields and forests that their families have been managing for generations.

THE FUTURE OF LAND USE UNDER CUSTOMARY LAND TENURE SYSTEMS

Customary land use systems are flexible and allow agricultural adaptation and innovation. Traditional agricultural practices are not static or primitive, and farmers continually test, improve, and adapt to new economic, political, and social changes.[41]

Conversations with women farmers are full of discussion of new crops and new markets. An improved road to India and a planned trade centre, visible from Somra looking west to the border, are expected to increase the opportunities to sell crops. In response, households are planting orchards of oranges, avocadoes and plums, and experimenting with other crops. Households in Layshi are increasingly producing and selling plum wine to other towns, and surrounding villages are planting plums to sell to Layshi in to meet increasing demand. Women in Dengkleyway and Layshi have started growing ginseng that was brought by a trader a few years ago, hoping to start selling it across the border.

In Somra over the last few years, households have spent their time working on new government construction projects and not on cultivating *jhum*. While these jobs are available, they are a source of cash income, and when the projects finish land will still be available for renewed cultivation if needed. Somra also has some concerns about an unreliable water supply that sometimes makes them wait until July instead of June to transplant rice seedlings. Some residents said that they decided to not clear fallows in the watershed in hopes of improving the situation, but others, including village leaders, say this was not an official village decision but more a result of the availability of work on construction projects.

41 Shifting cultivators have been modifying their customary systems to integrate new cash crops and markets, respond to adverse government policies, and adapt to demographic, social, and cultural change. Adaptations have been more successful when government policy is supportive and recognizes customary tenure rather than imposing restrictive, top-down interventions. Cramb R A, Pierce Colfer C J, Dressler W, Laungaramsri P, Trang Le Q, Mulyoutami E, Peluso N L and Wadley R L (2009) Swidden Transformations and Rural Livelihoods in Southeast Asia. *Human Ecology 37*, 323–346

In Dengkelyway, women say the most significant change within their lifetimes is access to formal schooling. Layshi is known for having a high education rate and the presence of schools has attracted people from nearby villages to move to the area for their children's education. They point to Layshi as a potential future in which families still maintain traditional agricultural practices, but have other sources of income.

In the future, these women expect that their children will still cultivate *jhum* to maintain their traditions, but will not be dependent on it. Regardless of other jobs and agricultural opportunities that may emerge, maintaining some *jhum* fields is important for passing cultural and religious traditions to future generations.

Women in Layshi Township are innovative farmers and entrepreneurs

LAND TENURE AND TRANSFER

The customary tenure system ensures that community members have access to land. Land is inalienable and rules for transferring land rights keep it in the hands of local residents, guarding against landlessness and elite accumulation. The village is the primary unit of land administration, and claims can also be held by households, groups, clans, clusters of villages, and the tribe. Under the current government system customary claims cannot yet be appropriately recognized, leaving villages at risk from land grabs. Extending the government forest management system in its current state undermines effective customary management and puts both the environment and livelihoods at risk.

ESTABLISHING LAND CLAIMS

Land claims can be established by clearing land for the first time, inheriting land, purchasing land, or being given land in recognition for service to the community. There are some distinctions between land that has been inherited and is considered ancestral land and land that has been purchased by a household. Land may also be allocated to households for one year of cultivation in order to ensure that their needs are met and for people who have been displaced by conflict or natural disaster and are seeking asylum.

> **'Nagas are the sole owners of the water, air, land, and all natural resources above and below in Naga ancestral land.'**
> – Somra community member

Physical residence in the village is necessary to fully assert household tenure claims. If someone moves out of the village, the right to cultivate their land passes to close relatives, then clan members if no family wants to cultivate it, then to other village residents. If the person moves back to the village, they will again have the right to cultivate their household land. This custom ensures that village residents have access to all available land to cultivate productively.

Access to land is contingent on following the rules established by the village. If someone is degrading the environment they may lose access to land or resources as a penalty. In extreme cases the offender may have to leave the village and their household land will revert to their closest relatives or be reallocated by the village as part of a fine. This happened in Dengkleyway when a man whose pigs repeatedly polluted the village's only water source was ordered to leave the village.

In order to establish a long-term, inheritable claim to land it is necessary to belong to the village as a member of the community. Along with guidelines about transferring land that prioritizes family, clan and village residents, this protects against elite land capture and ensures that land cannot be accumulated by outsiders with money but no commitment to the village. Newcomers to the village may join the community through long-term residence, by marriage, and by adoption. If someone from another tribe moves into a village but does not settle there for the long term or join a family, they will be allocated land to cultivate on a yearly basis to ensure their needs are met.

TYPES OF LAND RIGHTS

Table 4 summarizes the main types of land use rights held by different social groups. For most land-use types, use rights and management rights are similar. For example, use rights for community-managed forests are held by community members and managed and enforced by the village authorities, who are representatives of the community. In some cases, rights overlap more, as in *jhum* land where households harvest and manage their own plots, but the community has some rights to collect wild plants and hunt animals in fallow land. The village authority has a role in deciding where to clear each year and may allocate some land on a yearly basis to households in need.

TABLE 4: TENURE TYPES

Tenure Type	Land Use Type
Tribe	Sacred and cultural sites
Village	All land types within the village boundaries and within the administration of the village council and village chief
Community	Community-managed forests, thatch fields, grazing land
Clan	Clan land is all the household land of clan members; in some tribes, there are also clan forests
Colony	Grazing land
Group	Irrigation, livestock, beehive rocks
Household	Terraces, jhum plots, gardens, orchards, woodlots, home gardens

Tribal Tenure

Koki and Para tribes hold relatively small territories that include one main village and a couple of smaller satellite villages. Relatively large tribes, including Makury or Tangkhul, are made up of many villages with larger territories that span international boundaries. Tribal land is comprised of the areas directly under cultivation and management of the villages that make up the tribe and also includes religious and cultural sites.

Sites that have cultural significance to a tribe, like a sacred mountain, are located within village boundaries. Those villages have a responsibility to protect the land according to tribal customs and traditions. The tribal council may assist to ensure that these sites are properly managed.

Village Tenure

Village land encompasses both household plots and shared community resources like forests within the jurisdiction of the village customary authorities. Boundaries often follow mountain ridges, roads and streams.

Clusters of villages with close historical and social relationships should be drawn within the same administrative boundaries. Para tribal land is made up of the village land of Dengkleyway and of the surrounding satellite villages that were established by people breaking off from Dengkleyway. As the first village established by the Para tribe in this area, Dengkleyway maintains rights to the land that is now also within the boundaries of the newer satellite villages. The close family relationships and history between the villages mean that some households have land claims within the boundaries of multiple Para villages. Koki village and its satellite villages also have a similar relationship, in which Koki was the first village established, and the later satellite villages are on Koki ancestral land. Attempts to draw village boundaries between these villages, without recognizing

the claim of the original village, has caused problems in the past. Residents of these villages say that original 'mother' villages and surrounding satellite villages, as in Dengkleyway and Koki, should always be within the same village tract.

Village boundaries are not always absolute demarcations between two villages, but instead there is some overlap of resource claims between villages. In Dengkleyway, the community-managed forest can be used to collect some forest products by members of all six of the villages bordering the forest. Designation of a forest within one village boundary should not be assumed to exclude subsistence collection from bordering villages, which may be allowed under the customary system.

Clan Land

Clan land is all the land that was first cleared by clan members and is owned by clan members' households, who pass the land down from generation to generation. Clan members have priority when another clan member's land is being inherited, sold or transferred in any way. Conventions for transferring land rights are described in detail in the following section and are designed to keep land within the same clan.

In some villages, clans also hold rights to additional land within the village boundaries, most commonly clan forests. This land is available to be used by clan members, and clan leaders hold some management responsibilities. In Somra, for example, there are ten clan forests. Ten households that are the descendants of the founders of the village are responsible for conducting rituals and making offerings to the spirits of the clan forest. They are also responsible for approving timber harvests for domestic use from their clan forest, for helping to resolve land disputes, and for enforcing forest management rules. Households from the same clan show appreciation for these administrative and ritual services by sharing a fraction of a basket of rice or, more commonly, working together with that household on its fields for two or three days each year.

Household Land

Households have the rights to cultivate and manage terraces, orchards, woodlots, gardens and home gardens. Households hold the right to cultivate the same patches of *jhum* in a rotation. Community members can collect some wild forest products from fallows. These tenure rights are sometimes called 'individual' rights, but the term household is used in this report to emphasize that it belongs to the family, both husband and wife, and not just to one person or the head of the household.

TRANSFERRING LAND RIGHTS

When land is transferred, priority is given first to immediate family, then close relatives, clan members, and other residents of the village. Land should remain within the village and preferably within the clan. Naga land cannot be permanently transferred to companies or individuals who are not members of Naga communities. This guards against landlessness from accumulation of land by someone within a village or by an outside person or company.

A grandmother sits with her grandchildren

Inheritance

Land is typically passed from fathers to sons, with some variation in how the land is distributed among the sons according to the traditions of different tribes and the preferences of individual families. Parents typically transfer land to their sons when they get married. In some Naga tribes, including in Koki, a majority of land and assets go to the eldest son, who is expected to care for parents in their old age and any unmarried siblings. Naga women almost never inherit land under the customary tenure system, but support for women's rights to inherit has been increasing.

> **'Sometimes when a group of women are in the fields or sit together... we say we should have the right to inherit...it is our dream.'**
> – Woman from Koki Village

The rules for a women's right to land in Koki demonstrate the difference between land inherited from ancestors and land that the couple has purchased themselves. When a woman is widowed, the land that her husband inherited from his parents will revert back to his closest kin within his clan if the couple did not have children. She can claim to keep any land that they purchased as a couple. If a couple divorces, they will split the land they purchased as a couple, and all land that was inherited will remain within the husband's clan. If the divorce was caused by the husband not living up to his responsibilities, he may be fined and have to give some of his inherited land to another member of his clan.

In Somra, women explain that a widow will manage the household's land until she can pass it on to her children. If she remarries or has no children, the land that her husband inherited from the clan will revert back to the closest male relative of her deceased husband.

In all three case study villages, men and women agree that women should be able to inherit land. Women say they have an equal contribution to Naga society and should have a recognized legal right to inherit land. A few men said they would particularly like to give land to a daughter if her husband does not have much land. One woman

in Koki, for example, was given a granary by her younger brothers as thanks for raising them and taking care of the land after their father died.

Customary practices that already exist can be adapted to strengthen women's inheritance of land. Individual families could choose more frequently to have their daughters inherit land. Newlywed couples receive gifts from their parents when they marry, and parents sometimes use this occasion to give land to their daughter and her new husband.

There are also processes that are part of the customary system that can be used to endorse changes to the system. The Conference of Naga Nationals in 2014 brought Nagas from many tribes together to discuss the future of the Naga people, and entrusted the Council of Naga Affairs to carry out their resolutions. The Conference endorsed the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and the right of women to inherit land. The Naga Hoho and multiple tribal councils report that they are reviewing inheritance rules for women.

CONFERENCE OF NAGA NATIONALS

4th-30-Nov 2014

Section 5: Resolution on Judicial

5.1. There shall be a separate legal provision to protect the equal rights of indigenous Naga women in accordance with law;

5.2. There shall be gender equality in Naga customary judicial system;

5.3. All the bona fide children young or old in the family shall be entitled to inheritance;

5.4. Female child in a family which does not have a male child is entitled to ancestral inheritance.

Temporary Use Rights

The Naga customary land tenure system ensures that everyone has access to land to grow crops. True landlessness, in which people cannot find any land to cultivate, is avoided through a system that allocates one-year use rights to households in need. This land is typically provided by other community members with a surplus of land, and is allocated either through the village administration or between relatives. *Jhum* plots are most commonly shared in this way, but other land use types, including terraces, can also be shared on a yearly basis.

Households in the village that do not have sufficient land can ask members of the same clan or tribe, or the village chief and village elders, to find available land for them to cultivate. Households may not have land because they are orphans, younger brothers who did not inherit land and have not yet bought any of their own, or people who have sold land to pay back a business debt or to cover emergency health expenses. People displaced by conflict, famine, or landslides will be allocated land to use on a yearly basis by the village where they have travelled to for safety.

> **'We all need to share the land, terrace, and *jhum*, because we need it to survive.'**
>
> – Somra community member

The most common way to give thanks for cultivating another household's plot is to spend two or three days working with them on their own plots. It is also possible to give a fraction of a basket of rice grown on the plot as a token of thanks. The

borrowers can only plant annual crops, no trees, and cannot change the land use type. They must protect the environment and not degrade the forest or water. The borrowed land cannot be used to pay a fine, cannot be used as collateral in a loan and cannot be sold or given to someone else.

One woman in Somra explained that she borrowed two extra terrace plots this year because she has many children. Another woman cultivated an additional terrace plot because her relatives did not want it to become overgrown with weeds from disuse. Women agreed that a household would not want to spend the effort to cultivate more than three terrace plots in a season.

Sale and Purchase

Some Naga tribes and villages only rarely buy and sell land between households, while some regularly exchange land between community members. In Koki, for example, since younger brothers inherit less land, there is an established system for them to buy land to increase their own holdings. Households buy land with livestock, using pigs to buy *jhum* plots and mithun for more valuable land like woodlots and terraces. Breeding livestock is a form of saving and mobile banking. One man explained that he rears mithun owned by other households and every four years he will earn one mithun as payment. He will use these mithun to buy more land for his sons to inherit.

Under the customary system, land cannot be sold to private companies or people from outside the region. Where land is sold it must first be offered to the owner's family, them to the clan, before being offered for sale to the wider village. Land cannot typically be sold to people who are not members of the tribe.

Gift

An individual or family that has performed a service to the community may be rewarded with land or other resources. In Somra, for example, a clan gave part of its forest to the whole community in recognition of the village's role in covering the expenses that arose from mediating and settling a dispute with a neighbouring village over who owned the forest.

LAND TENURE CLASSIFICATION IN THE CURRENT LEGAL FRAMEWORK

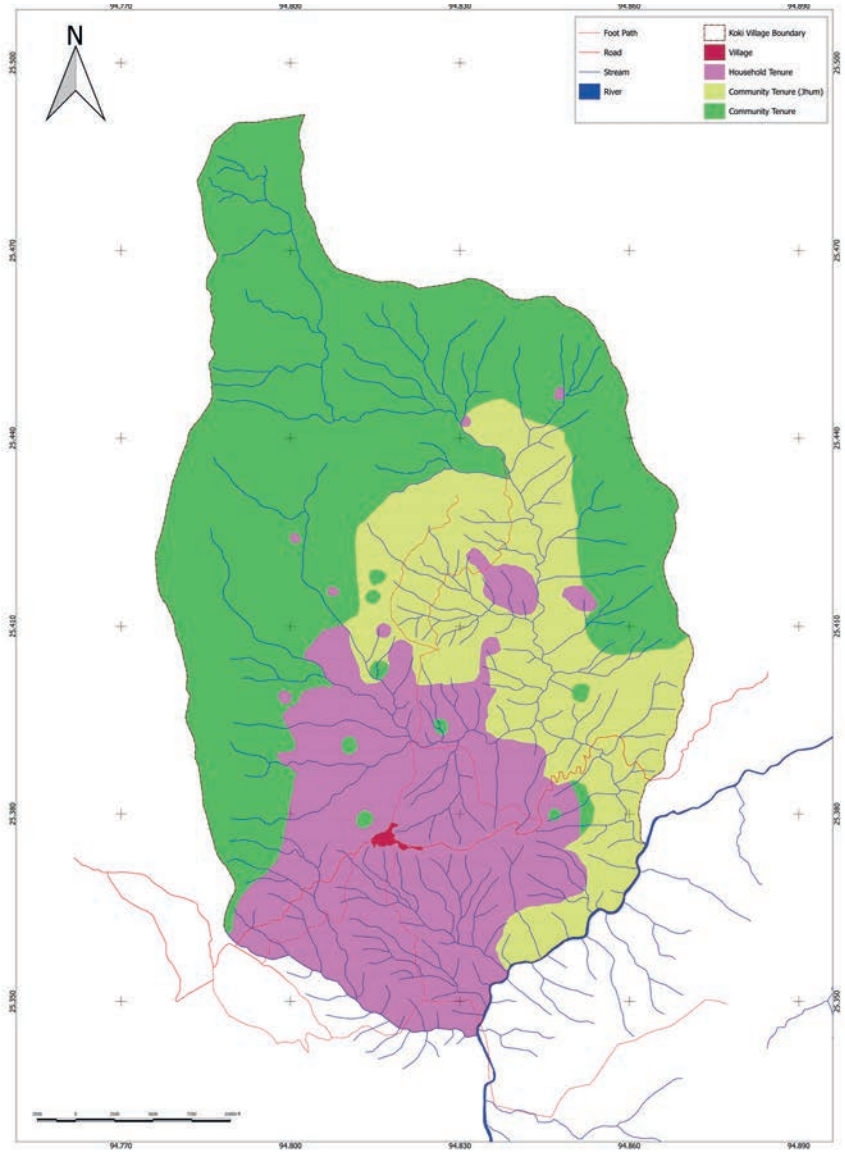
All land within the village boundaries are under the administration of the village chief and village council and can be considered village land. Managing the village land – both agriculture fields and forests – together as an integrated unit enables diverse agroforestry farming systems.

The map of Koki village land tenure types (Map 5) highlights how much of the land cannot be registered properly under the current legal system. All of the land in Koki is used productively and is sustainably managed by village institutions. Despite this, only the household-owned plots of terrace land, housing plots, and orchards could be registered under the current land. The community land, especially for *jhum*, is vulnerable to being considered fallow and reallocated under the VFV Land Law, or being considered degraded forest and gazetted within the PFE.

> **'In [the customary] system we have terrace, jhum, and forest... If we follow the government system, only our terrace would be secure, we would lose everything else.'**
>
> -Community member at Somra village meeting

Registering only household tenure as private property would undermine village-level institutions that encourage integrated management of agriculture and forests. The same issue arises with using community forestry to recognize 30-year use rights for customary forest land, thereby separating forest management from management of the rest of the village land.

MAP 5: KOKI VILLAGE LAND TENURE TYPES



LIVELIHOODS

The customary land tenure system maintains a diverse, productive agricultural system. All the land is claimed and managed to contribute to livelihoods, including forests and *jhum* fallows. Farmers grown a mix of subsistence crops and commercial crops, and manage forests and water sources to maintain a functioning ecosystem.

FOOD SECURITY

Cultivating both subsistence and commercial crops within the same system – and often within the same fields – reduces the risk of market or environmental shocks. When the price of a cash crop is good, farmers can expand the land being used to grow that crop to take advantage of high prices, but will have other commercial crops and subsistence crops to fall back on if the price falls. In years when the rice harvest is particularly low, farmers can sell commercial crops to buy rice.

Farmers in all three case study villages are satisfied with the yields in their terraces, *jhum* fields and home gardens – and some report positive trends in yields. In Dengkleyway and Somra, there is some concern about reduced or unreliable water supply to terraces.

Each household in Koki village has a granary to store their crops

Forests and Food Security

Forests are essential for the livelihoods of rural Naga villages. Forests are managed to provide food, shelter, fuelwood, medicine and cash income. Forests provide clean water for household use and to irrigate rice terraces and are home to the insects, bats and birds that control agricultural pests and pollinate crops. Forest foods also provide important micronutrients, are often culturally important, and act as a safety net to provide food in times of crisis.[42]

> **'As long as we have the forest, we can survive.'**
> – Village Elder from Dengkleyway

In 1942 and 1995, synchronous fruiting of bamboo caused an explosion of the rat population in the case study area. Once the rats finished eating the bamboo seeds, they turned to rice and destroyed the crop. In Dengkleyway, residents explained that they survived these years by collecting vegetables, including yam and taro, from the surrounding forest. During a smallpox epidemic in Somra in the 1930s, villagers also turned to the forest to collect wild vegetables, hunt and fish when they were not able to cultivate their land. In crises, with no rice to eat, Naga communities rely on their forests to survive.

Agrobiodiversity

Agricultural biodiversity reduces the risk of bad harvests. Growing different crops – and different varieties of each crop – makes it more likely that some crops will survive poor weather conditions, pest outbreaks or other environmental problems. Maintaining crop genetic diversity is also essential for developing new crop verities adapted to climate change.

Seed saving culture in the Naga Hills maintains and generates crop genetic diversity, as seeds from diverse varieties of crops are selected, saved and replanted each year to best fit local environmental conditions. In much of the world, crop genetic diversity has been lost as farmers shift from saving diverse seeds to buying commercial seeds of just a few crops.

Naga men and women farmers collect seeds of new varieties and new species when they travel to other areas and bring them back to test on their own fields. If the crop is successful, farmers will share the seeds with other households. Women farmers explained that if they have a poor harvest, other community members will share seeds with them for planting next year, and no crop varieties will be lost.

Nutrition

The importance of forests, biodiversity and traditional knowledge for human nutrition is globally recognized.[43] A nutritious diet is made up of a diverse mix of foods where different food groups provide the calories, vitamins, proteins and micronutrients necessary for human health. Traditional food systems provide a diverse diet including a wide variety of plants and animals.

Naga farmers grow vegetables and herbs in *jhum* fields and home gardens, grains like rice and maize in *jhum* fields and terraces and fruit in home gardens and orchards. Forests provide vegetables, herbs, mushrooms, fruits and meat. Streams and ponds provide fish, frogs and invertebrate wild foods. *Jhum* fields are the centre of this agricultural diversity, especially for vegetables, making *jhum* particularly important for nutrition.

The transition from growing diverse crops in a traditional agricultural system to growing a few cash crops and relying more on processed food has been found

42 See the special issue of the journal on food security and forests in *International Forestry Review.* Arnold J E M, Powell B, Shanley P and Sunderland T C H (2011) Forests, biodiversity and food security. *International Forestry Review, 13*(3)

43 Convention on Biological Diversity, COP 8 decision viii/23 (2006) Agricultural biodiversity, cross-cutting initiative on biodiversity for food and nutrition

to have negative impacts on nutrition and health.[44] The change from a diet based on locally grown, unprocessed foods to a diet with more purchased and processed foods is part of a process known as the nutrition transition, and has been documented around the world linked to increasing rates of obesity, diabetes mellitus type II, and other nutrition-related diseases.[45]

Transportation between most Naga villages remains difficult. Steep, seasonal roads connect some villages and others are accessible only by walking for multiple days. These villages will continue to rely on the food they can grow, with related challenges in food security and nutrition. The villages chosen for this research, however, are some of the most accessible in the region, and recent road construction promises to ease trade with the lowland areas of Sagaing Region and across the border with India. Farmers have been testing new cash crops like avocado and ginseng in preparation.

Managing land through secure customary tenure systems can help to maintain diverse agricultural systems, and their benefits to nutrition and public health, as these villages become more integrated into the market economy.

SOCIAL SAFETY NET

The rules for ensuring access to land to cultivate on a yearly basis ensures that people's basic needs will be met. People forced to move to a new village by conflict, famine or landslides will be provided with land to cultivate on a yearly basis. When one household has a poor harvest, people from their clan or the village will lend them rice. It is a matter of pride that no one in a village should go hungry.

Somra was devastated by a smallpox epidemic in 1930, and residents today say that at that time the dead outnumbered the living. The survivors had to depend on neighbouring villages for rice during the epidemic and they foraged for food from the forest and streams. Clan members help each other when someone is sick and needs medical care. Clan members will also help each other cover the costs of a wedding or a funeral. In Koki, clans organize emergency insurance by pooling money into a revolving fund that the clan leader holds and that can be used by members in times of need.

PUBLIC HEALTH

In rotational agricultural systems like *jhum*, leaving fields fallow helps to keep pests and crop diseases in check. In each of the case study villages, farming is organic as farmers do not apply any chemical pesticide, fungicide, insecticides or chemical fertilizers to their fields and gardens.

Farmers who practice *jhum* and do not apply these agrochemicals are protecting both their own health and the health of people in towns that buy food from them. They are also protecting wildlife that would be poisoned by pesticides and herbicides that are washed off the fields by rain and have impacts throughout the ecosystem. Organic fertilizer from burning, livestock, and nitrogen fixing plants keeps chemical fertilizer out of rivers, lakes, and streams where they can cause eutrophication. While *jhum* may have an immediately visible impact on the fallows that are cleared, more intensive agricultural systems dependent on agrochemicals have a wider, though more difficult to see, systemic impact on the environment and on human health.

44 Powell B, Ickowitz A, McMullin S, Jamnadass R, Padoch, C, Pinedo-Vasquez M and Sunderland T (2011) The Role of Forests, Trees, and Wild Biodiversity for Nutrition-Sensitive Food Systems and Landscapes. ICN2 Second International Conference on Nutrition. FAO and WHO

45 Popkin B M (2004) The nutrition transition: An overview of world patterns of change. *Nutrition Reviews*, *62*(7 Pt 2), 140–143

CUSTOMARY INSTITUTIONS AND DECISION MAKING

Naga society is governed through a set of well-established institutions that exist at village, tribe and intertribal levels. Customary institutions are the backbone of the customary tenure system, and are responsible for a wide range of duties including enforcing boundaries, creating and enforcing rules for resource use, and resolving disputes where they arise. The responsibility to make decisions over land is one aspect of tenure dealt with by customary institutions.

Decision-making processes within the Naga customary tenure system are locally embedded, responsive, accountable and able to adapt to change. The village council and tribal council are made up of representatives from clans and villages. Customary leaders are held accountable to the public, and if they are not working for the good of the community they can be and are replaced. Village meetings provide a space to openly discuss issues and agree on a solution. Decisions made through the customary system have more local legitimacy and are more likely to be followed than an order passed down from outside the community .

Monolith stones in Koki village are erected to commemorate important events, and when a family hosts a feast for the community

CUSTOMARY INSTITUTIONS

While each Naga tribe has its own set of institutional arrangements, there are key similarities that run across all Naga villages and tribes. Each village has a

village chief[46] and a village council, though in some tribes the chief has a stronger leadership role and in others the council does. Some tribes elect these positions for set term periods. Every tribe also has a tribal council, though they are called different names. The council elects one of their members to serve as the president.

The village is the central unit of land administration in the Naga customary system. Village institutions usually include a village chief, a village council, clan leaders, customary education centres known as the *morung*,[47] and village ambassadors who worked to maintain amiable relationships between villages. Throughout Naga history the village republics have developed and enforced their own policies and regulations on land and resource management, as well as making decisions on other aspects of public life.[48]

KOKI VILLAGE INSTITUTIONS:

- **Administrative institutions:** Village chief, village council, tribal council, clan leaders, colony leaders, cattle herders, water management committee
- **Spiritual institutions:** Shaman, seed chief, grasshopper chief, beans chief, hunters, church, monastery
- **Other institutions:** Warriors, youth group, women's society, blacksmiths, *morung* (no longer active), hunters
- **Government institutions:** Health workers, General Administration Department, library, school.

Village Council

The village council is the most important institution in the Naga customary tenure system. The village council is made up of village elders and clan leaders, and represents all clans and family groups within the community. Village council members are expected to represent the interests of their clans and are also chosen as wise and experienced community members who have a strong understanding of tribal laws and customary norms. The village council has a role in managing village resources including forests and for enforcing village rules. The village council discusses and approves village rules, which are then sanctioned by the village chief. Problems in the village are raised through village assemblies with all household heads, and solutions are then devised by the council and sanctioned by the chief. Decisions are made in line with tribal laws and village norms.

Village Chief

In the three case study villages, the village chief is the highest level of authority in the village and is responsible for approving management decisions within the village. The chief is informed by the village council and other accompanying institutions, who advise him to make appropriate decisions that reflect the interests of the wider village. The chief can only be appointed with the consensus of the village. The way in which the chief is appointed varies between tribes. In Dengkleyway, for example, the role of the chief is passed down from father to eldest son, while in Somra, the chief is approved by the village council and rotates between the seven clans living in the village. In Koki, the position is often

46 This report uses 'village chief' as the general term in English for the leadership position that has a different name in each Naga language

47 A *Morung* is a traditional Naga youth dormitory and educational centre where customs, traditions and skills are passed to the next generation. While *morung* are no longer a centre of social life, the remaining buildings are used to hold meetings and events in the village

48 Shimray A S W (2001) History of the Tangkhul Nagas, New Delhi, Akansha Publishing House

hereditary, but the most recent chief was elected by the village when the prior chief was unable to fulfil his duties due to ill health.

While the chief holds executive power within the village, he is accountable to the community and can be removed from power if he is breaking village rules or is not acting in the interests of the village. The village council has ultimate authority over the chief and holds the power to depose him and elect a new chief.

Other Village Institutions

Naga villages have a diverse range of village-based institutions that shape social and spiritual life. These institutions have varying degrees of authority and are responsible for a range of issues including land management, water management, forest protection, and organizing the village markets and trade. Some roles are now primarily ceremony, like the village warrior chief. Institutions may be created as needed to deal with new challenges. In Koki village, for example, the village recently established a water-management committee to manage the distribution of irrigation water.

Spiritual Institutions

Traditionally, land management includes ceremonies and relationships with the spirits that are found in nature. Village leaders, including clan leaders and traditional spiritual positions, are responsible for spiritual ceremonies linked to their land. Shamans traditionally had the greatest connection to the spirits and have power over land and resources. In Dengkleyway, for example, the shaman used to help to decide where to start clearing *jhum* each year. With the arrival of Christianity, the role and influence of shamans has waned and now the church and church organizations are often the most active part of Naga religious life.

Tribal Councils and the Naga Hoho

The tribal council are the main institutions that bring together all villages and major clan leaders within the tribe. Each tribe has a tribal council, though they are called by different names. The composition of the councils varies, and may include village chiefs, clan leaders and respected elders from each village of the tribe. The tribal council is responsible for handling affairs between tribes, as well as issues that are deemed too important or complex for village authorities to deal with alone. If a conflict cannot be resolved by the village authorities, it will be taken to the tribal council, which will make the final decision.

ADAPTIVE MANAGEMENT TO PROTECT PINE FORESTS IN SOMRA VILLAGE

Village institutions are able to adapt resource management to new challenges and opportunities. In Somra, the community held a village meeting in 1997 to decide how to respond to news that pine trees had been dying in a neighbouring village. The village decided together that in order to ensure a sustainable supply of pinewood for the future, no one in the village would clear *Jhum* fallows where 10 or more pine trees were growing. When pine trees started dying in Somra two to three years ago, the village had been protecting its pine trees for years already.

The Township Cultural Committee and Central Cultural Committee

The Township Cultural Committee brings together villages and tribes at the township level. The Committee is made up of representatives nominated from each tribal council. The Tribal Cultural Committee in Layshi, for example, is comprised of members from three tribes and two sub-tribes living in Layshi Township. The committee makes decisions concerning intertribal or regional issues, such as resolving disputes between tribes.

When the Township Cultural Committee cannot resolve an issue, it will be taken to Central Cultural Committee based in Khamti. The Central Cultural Committee, also called the Naga Yoya, is made up of representatives nominated from all the Naga tribes living in Myanmar.

The Naga Hoho was established in the early 1930s and was intended to be the apex political institution within the customary system with representatives from different tribes. Currently there are multiple Hohos generally for different states, including Nagaland and Manipur. The Central Cultural Committee in Khamti can be considered the equivalent organization for Naga tribes living in Myanmar.

Council of Naga Affairs

The Council of Naga Affairs (CNA) is a civilian body of Nagas in Myanmar that was formed in 2014 to oversee implementation of the resolutions of the Conference of the Naga Nationals, the largest ever gathering of Nagas in Myanmar. The CNA was established in build unity, peace, and shared political goals and advocate for the recognition of the rights of Nagas through a framework of awareness raising, capacity building, and advocacy. The CNA has 49 executive members representing different sectors of Naga society, including township representatives, politicians, students, the business community, religious institutions, and youth groups .

Village assembly in Koki village to review and discuss findings of the participatory research in this report

DECISION MAKING IN THE NAGA CUSTOMARY TENURE SYSTEM

Decision-making structures and processes in the Naga customary tenure system are well-established, and enable the system to adapt to changing situations. Village level processes enable the customary system to respond to resource problems, and implement effective management interventions, rules and regulations within a short timeframe. Further, where necessary the customary system is also able to amend tribal laws, establish new institutions, and change decision-making processes[49].

49 Here rules refer to interventions that are developed and practiced within the village and laws refer to the tribal constitutional framework upon which rules are based

Each village holds periodic village assemblies, where household heads gather to discuss current issues and challenges in the village. Where resource use and management issues are encountered, the village will discuss possible solutions and agree on a course of action to be endorsed by the village council and chief. Rulings are usually based on customary laws and village norms.

The village council is also able to establish new institutions as necessary. In 2015, Koki village established a water-management committee made up of ward heads and village elders in order to ensure that all four wards have fair access to irrigation water.

FIGURE 3: VILLAGE LEVEL DECISION MAKING IN THE NAGA CUSTOMARY TENURE SYSTEM

Each tribe has its own set of customary laws that are passed down orally, though some tribes, including the Para tribe, have documented their laws in a book. Tribal laws are based on historical customary practices within the village and village leaders use them for guidance.

> **'Without women, a Naga village would be paralyzed.'**
> – Woman from Somra

When existing tribal laws are amended, new laws are introduced, or when changing a rule in one village impacts other villages, the case must be taken to the tribal council, which will discuss and approve new laws. Currently, multiple tribal councils and the Naga Hoho say they are reviewing the situation around inheritance rights for women.

WOMEN'S ROLE IN DECISION MAKING

Women in the villages said that women should have a greater role in making decisions within the customary system. Women work hard and take on many responsibilities in their communities, and their role in decision making should reflect their contributions.

Village chiefs, village councils, tribal chiefs, and tribal councils are almost exclusively men. The wife of a chief may temporarily shoulder some responsibilities when the chief is unable to fulfil his duties.

An elementary school teacher and her students

CONFERENCE OF NAGA NATIONALS

4th-30-Nov 2014

Section-3: Resolution on Woman's Rights

3.1. Naga community recognizes women have the right to participate in all sectors of organization and to make decisions in the organization;

3.2. Naga community recognizes woman have the right to participate in peace process and in political affairs;

3.3. Naga woman league should be established in order to strengthen the role of women and empowerment of women;

3.4. Naga community recognizes women have the right to participate in customary judicial system;

3.5. Women's rights shall be protected.

Village meetings are one of the most important and common ways that communities share information and make decisions together. One person from each household usually attends a village meeting and, while it is possible for women to attend, men usually attend on behalf of their household. This means that women are often not directly involved with making decisions at village meetings, although they may discuss village issues within their families.

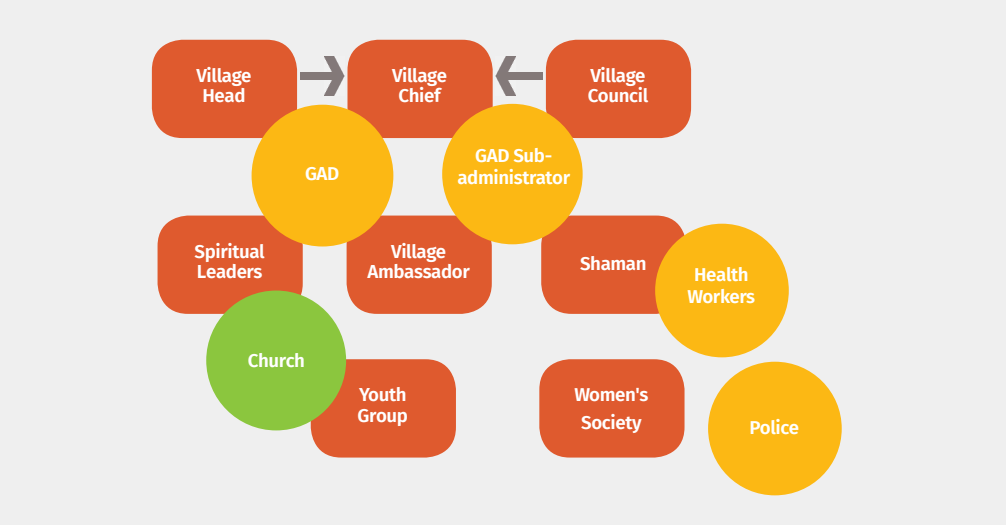
Women's groups exist in in each of the villages studied. They meet to work for charity, culture, women's development and social issues. Two years ago, women in Dengkleyway formed a women's group to help preserve cultural traditions and organize traditional dance performances. Women's divisions of village church groups help the sick and those in need. Women in Somra have also recently organized a Women's Society, with the goal of fighting drug use, drinking and other social ills.

In Koki and Dengkleyway, men and women pointed out the role of education in giving women more opportunities. Men in Koki said they try to send their daughters to school to help secure their future, since their sons will inherit land. In Somra, a government school was built in 1960 and now up to grade ten is taught in the village. Women identified increased access to formal education as one of the most important changes they have seen in their lifetimes. In the past men made the decisions in the community, a woman from Somra explained, but now educated women have more opportunities and are getting jobs in the government.

Myanmar Government Institutions

In recent years government administration has been increasing its presence in Naga villages. The GAD is present at village tract and township level, and government institutions such as schools and clinics are increasingly common. Township level Forest Department and DALMS offices are located in Layshi and offices are also being planned in Somra sub-township. Community members are concerned that they will lose the ability to manage and access customary land and resources if these offices extend their presence in the area.

FIGURE 4: CUSTOMARY AND GOVERNMENT INSTITUTIONS IN DENGKLEYWAY



Source: Group discussion on institutions in Dengkleyway

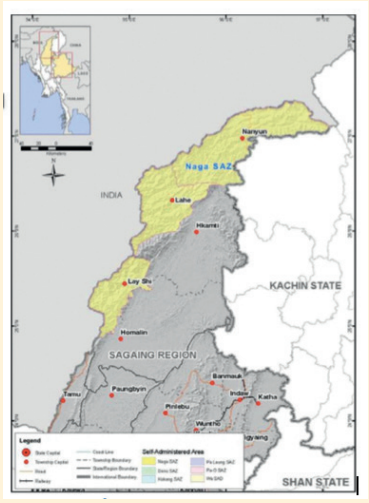
Each village tract has an elected administrator from the GAD, who reports to the township administrator. The GAD performs administrative functions such as overseeing state projects, tax collection, keeping records of local activities, and land registration. The GAD plays an important role as an interface between the Myanmar government and the Naga customary system. The GAD village tract administrators are elected by the village and approved by the village council, and play an important role in communicating between the government and the customary system. They are often younger men who play an intermediary

role between the elders on the village council and the state government. This intermediary position is important for coordinating state projects, such as infrastructure construction or the provision of government services, as it enables customary leaders to discuss government plans and communicate the needs of the village to the state.

For this reason, several research participants stated that the current intermediary role of the GAD between the customary system and the state was beneficial. However, without formal recognition of customary institutions it is difficult for customary authorities to reject or amend outside interventions and to communicate community needs.

THE NAGA SELF-ADMINISTERED ZONE

The Naga Self-Administered Zone (SAZ) is made up of Layshi, Lahe and Namyun townships in Sagaing Region. Under the 2008 constitution, six Self-Administered Areas (SAAs) were established to hand limited administrative powers to designated ethnic minorities. SAAs consist of Self-Administered Zones (SAZs) for the Naga, Pa-O, Palaung, Danu and Kokang, and the Wa Special Administered Divisions (SAD). SAAs sit under the authority of 'leading bodies' that are made up of elected MPs, military personnel and representatives of minorities. Leading bodies nominate a chairperson, who then appoints a committee to carry out administrative duties within the territory.



Map 6: Naga SAZ, source: MIMU

Interim Measures for Conducting Projects in Naga Areas with Customary Institutions

While in some cases increased interactions between the government, external agencies and the customary system has brought positive results – such as the construction of schools and clinics –inadequate cooperation and consultation has caused problems for local communities. Research participants in each village spoke about the importance of adequate consultations with customary authorities where projects are planned on their lands. Communities through the customary tenure system should not just be asked for consent for outside plans but instead play a leading role in defining their own future.

In the following cases, open and functional communication between the customary leaders and government staff for planning, discussion and resolving disputes would be mutually beneficial.

In Dengkleyway village the GAD recently built a water pipe diverting water from Dengkelyway village to Layshi. Residents of Dengkleyway have relatives in Layshi and initially agreed to the water diversion plan, but now do not have enough water to grow a winter crop on their terraces. Village residents wonder how to follow up with the government so that they can agree on a mutually agreeable revision to the project.

In 2008, the GAD from a neighbouring village asked Koki village to extract timber from Koki's community-managed forest to construct a school. While permission

was given by the village authorities, more timber was extracted than the village had agreed on, and there was no clear recourse for the village to take.

Another example is from Somra Village, where proposal of a 5,000 acre Public Protected Forest on customary land has caused significant concerns amongst the local community. No information was provided to the village, nor was consent requested from local customary authorities. Attempts get more information and communicate their objections did not receive a response. The inability to communicate reliably with responsible government officials heightened concern over the proposed PPF designation.

FPIC

Free: Given voluntarily, absent of coercion, intimidation, or manipulation

Prior: Consent should be sought sufficiently in advance of any activities

Informed: People receive adequate information on the details of the project

Consent: A process, in which participation and consultation are central pillars.

NGO initiatives that fail to consult or engage customary authorities have also caused problems for communities and, in some cases, have led to conflicts between villages and tribes. A REDD+ pilot program carried out in 2014, for example, conducted participatory mapping in six villages, aiming to delineate village land and forest boundaries. While there was some engagement with tribal elders, the GAD facilitated access to project sites, the maps had GAD boundaries, and villagers felt that the project tried to undermine customary institutions. The project also carried out mapping processes in villages that were not initially planned so did not give consent in advance, as they were more accessible or closer to roads than villages that were originally selected. Finally, the mapping process caused problems in some of the villages, as village boundaries were mapped without neighbouring villages to witness the process. This resulted in conflicts between villages, as it was thought that some of the delineated boundaries took land from neighbouring villages.

Myanmar is now a signatory of The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).[50] Included in UNDRIP is the right to Free, Prior, Informed Consent (FPIC),[51] which provides for a bottom-up consultation and participation of indigenous communities prior to the establishment of a project in their lands or territories.

This means that there is an obligation for governments, private sector companies, and non-governmental organisations aiming to work in the Naga Hills to consult communities with regard to the details of the proposed project and receive consent before work begins. Village authorities and community members highlighted the need for government authorities and businesses to carry out full consultations with tribal and village councils before implementing projects in Naga areas. NGOs should similarly plan their projects with the consent and active participation of communities, work with customary authorities, and remain sensitive to the relationship between the government and customary systems.

50 United Nations (2007) United Nations Declaration on the Rights of Indigenous Peoples. http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf

51 UN-REDD Programme (2009) Guidelines on Free, Prior, Informed Consent. http://www.uncclearn.org/sites/default/files/inventory/un-redd05.pdf

NAGA CUSTOMARY JUSTICE SYSTEMS

The Naga customary justice system is used to mediate in disputes between villagers and impose sanctions when village rules are broken. Almost all disputes and conflicts that arise in Naga society are addressed using this customary system. Disputes are negotiated between the involved parties and mediated by a customary authority until all concerned parties agree on a resolution.

People very rarely use state courts to resolve disputes for a number of reasons. People report that they have more confidence in the customary system to be able to resolve local disputes. Accessing a state court is difficult because of travel time, the expense, language differences and unfamiliarity with the laws, which are also not always suitable for the local situation. Using state courts is believed to be more likely to aggravate conflicts rather than to restore peace. This is based on the philosophical differences underpinning the two legal systems, with the state courts tending to emphasize the individual pursuit of justice, while customary justice systems tend to prioritise negotiation, reconciliation and maintaining community harmony.

THE DISPUTE RESOLUTION PROCESS

Depending on who is involved in the dispute, an appropriate customary leader or institution is responsible for mediating between the parties and coming to a negotiated resolution. Disputes over land and resources include disagreements over boundaries, use of another household's land without permission, disagreements over irrigation management and destruction of another household's resources. For example, if someone's livestock destroys ten baskets worth of rice in another household's field, they should pay that household ten baskets of rice as compensation.

For disputes within the village, negotiations are held between the involved parties until they all agree on a resolution. If the individuals or households involved cannot find a mutually agreeable solution, their clan leaders will mediate. If they still cannot agree, the dispute will be mediated by successively higher levels of customary authority. A household dispute, for example, would be mediated first by the clan or clans, then by the village council, then by the tribal council.

Village and tribal councils act as a mediator and tribunal, holding the power to judge claims or disputes in accordance with customary law and tribal values and norms and propose resolutions to enforce rules and maintain communal peace. The mediation of all disputes and conflicts must be witnessed by at least two other households in order to ensure that the process is fair and consistent with the norms and customs of the community. Transparency within dispute settlement processes reduces the risk of corruption and ensures that mediators are accountable to the public and do not favour any one clan or family over another.

FIGURE 5: DISPUTE RESOLUTION PROCESS IN THE NAGA CUSTOMARY TENURE SYSTEM

Under exceptional circumstances, when disputes cannot be resolved by the tribal council and the normal arbitration process, they will be resolved by a customary ordeal. The parties will make oaths to be judged by the spirits, which will then punish the guilty party with divine justice. These ordeals are conducted with different rituals, including by placing a boundary stone upside down or having both disputants submerge themselves in a pool of water with the one coming up for air first considered the losing party. The rituals used in these trials differ depending on the type of dispute and the tribe, and are very rarely used. In Koki for example, these trials have been held five times over the past 30 years, and concerned cases that are difficult to judge, like fault in involuntary manslaughter. The outcome of these trials is considered to be final, and everyone involved must respect the outcome.

GRADUATED SANCTIONS IN DENGKLEYWAY

In Dengkleyway village, a villager polluted the village's main water source by allowing his pigs to play in the river. The village council imposed a small fine on the man and asked him to keep his pigs away from the river. When the villager failed to comply again, a larger fine was imposed. After breaking the village rules for a third time, he was asked to leave the village. His village citizenship was revoked, and the village council reclaimed his land to be used by other residents.

Most disputes are settled between individuals or by clans and only rarely reach the tribal level. The customary system encourages disputants to resolve issues at the lowest possible level of customary authority. For example, mediators should be given some payment in recognition of their effort, which increases the incentive to resolve disputes without involving the authorities.

Reconciliation is the final step in the customary dispute resolution process. To mark the end of the conflict, the families involved in the dispute prepare a meal and eat with each other and with their mediators. This reconciliation feast is an opportunity to demonstrate gratitude to village authorities for helping to resolve the dispute, and to re-establish social harmony by moving beyond feelings of guilt or grievance.

When a dispute is over land boundaries or resource extraction between two villages, the village chiefs and councils will meet with their counterparts to resolve the dispute through negotiation. If the dispute is over a forest, some villages, like Koki, have a forest chief who will be involved. Other villages, like Somra, may involve a clan leader whose clan has claims to the forest. These negotiations are often sensitive and can take some time to resolve.

If there is a dispute between villages that are different tribes, first the respective tribal councils will seek to resolve the dispute. If the tribal councils cannot resolve

the dispute, the Township Cultural Committee will mediate. If the dispute remains unresolved, it will finally be mediated by the Central Cultural Committee in Khamti.

SANCTIONS FOR BREAKING VILLAGE RULES

Village authorities enforce village rules by imposing fines and other sanctions when they are broken. Fines are levied by the village chief, the village council and the tribal council in accordance with customary law, and cannot be imposed by a single authority alone.

Sanctions vary depending on the seriousness of the offence and the number of times an offence has been committed. For a first offence, a rule breaker will usually be required to pay a modest fine, which might be paid with livestock, and will lose the resources that were improperly extracted. In Dengkleyway, for example, the village council seized timber that was harvested from a *jhum* fallow without permission and donated the logs to the school to use as fuelwood.

For more serious crimes, or when someone repeatedly breaks rules, the offender may be expelled from the village for a limited period. In extreme cases, they may be permanently banished from the village. Expulsion from the village is considered to be the ultimate form of punishment and is reserved for cases such as incest, murder, or repeated breaking of village rules. When expelled from the village, the offender loses all claims to land. The individual's land will be transferred to the closest relative, either a family member who will claim tenure over the land or to the clan which will reallocate the land to other members.

Keeping the pigs far from the village water supply

CONCLUSION

In order to recognise the customary tenure system, it is vital that the system is understood and recognised in its entirety. Naga villages are made up of a set of nested customary institutions that develop and enforce rules and regulations for resource use and access, impose sanctions when rules are broken and mediate disputes. These institutions manage a diverse set of land uses and tenure types, ranging from household-owned terraces and *jhum* plots to community-owned forests and sacred sites.

Despite the value of the customary tenure system for livelihoods and food security of Naga citizens and sustainably managing resources, customary tenure is not yet recognised in Myanmar statutory law. The National Land Use Policy provides a basis for harmonizing laws, and much work remains to incorporate land tenure rights throughout the government system.

Recognizing customary tenure includes both recognizing rights to use the land as well as customary authority to manage the land. This means that village lands as a whole should be recognised under the administrative management of the Village Chief and Village Council. Recognising land use types separately would undermine effective local governance and needlessly complicate land management. Clusters of villages from the same tribe with close relationships that share ancestral tribal land should be recognized as a village cluster and not be divided by exclusive village boundaries.

Village authorities must have the recognized authority to carry out their responsibilities for land administration, dispute resolution and the customary justice system, in order to maintain effective local resource governance. Above village level, tribal councils and Township Cultural Committees play an important role in mediating disputes between villages and endorsing changes to the customary system. It is essential that these institutions be recognised in line with the customary system, and that their authority is respected by parallel government departments and other external agencies.

While legal and policy reform processes are not yet in place, communities must be empowered to take the lead in defining their future. While in the past the Naga Hills were remote and isolated from the rest of Myanmar, they are increasingly interacting with limited government administration, development projects and private sector investment. Communities will have to contend with a range of complex issues particularly increased market integration, the establishment of protected areas and reserve forests, environmental and development projects that seek to prohibit shifting cultivation, as well as land registration programs that register individual titles at the expense of collectively-owned and managed land and resources.

Communities and civil society must be full partners in developing plans to improve their lives – with support from the government, the private sector and development projects – rather than being consulted in a limited way with projects envisioned and imposed from outside. It is imperative that government institutions, private investors and NGOs work with the customary system, recognize customary land rights, and obtain FPIC from communities and from the appropriate customary authorities before projects are planned or implemented.

Research participants from the case study villages explained that there is a need for the Myanmar government to work alongside the Naga customary system to improve lives and bring change in line with the hopes and aspirations of the Naga people. In Somra, research participants discussed the ways in which the Myanmar government system and the Naga customary system could effectively coexist, building on the strengths of both systems to form a strong governance system. Participants asserted that both systems had strengths and weaknesses that could be mutually supportive, and that respect and cooperation between these two systems was in everyone's interests. The Myanmar government system, for example, can provide healthcare by establishing clinics, while the Naga customary system is more adept at land and resource management and resolving internal disputes and conflicts. Under any such system, it is essential for Naga customary ownership of land and resources to be recognised by the Myanmar government.

Customary leaders, communities, government representatives, and line departments must work in partnership to decide how best to recognize customary tenure in law and in practice. This process should be open, transparent, and collaborative in order to come to the most effective solutions and lay a foundation for peace and prosperity in the region.

> **'We want government to support our system to grow.'**
>
> **– Somra Village Chief**

In order to secure sustainable upland livelihoods, promote development, protect the environment and promote lasting peace, it is both urgent and vital that the Naga customary tenure system and land use practices are recognised under Myanmar law.

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APPENDIX: VILLAGE PROFILES

VILLAGE NAME: DENGKLEYWAY

Tribe/ Ethnic group: Para tribe, Naga

Township: Layshi Township, Naga Self-Administered Zone, Sagaing Region

Population: 100 people, 11 households

Religions: Christian

VILLAGE BACKGROUND

Dengkleyway village is home to the Para tribe, a relatively small tribe whose total population numbers a few thousand people. The village is close to Layshi, the administrative centre of the township.

The Para tribe established Dengkleyway village in 1931 after moving from a spot closer to Layshi in search of a better water supply. The village lands were previously claimed by the Shapura tribe, who originally settled the area in the early 1800s. When the Shapura tribe moved to the lowlands, they transferred the land to the Para tribe and sold valuable resources like bee rocks in exchange for mithun.

The village has shrunk from its previous size of 300 people in 37 households to only 11 households. Some people moved away to avoid armed conflict in the area, while others established new villages nearby. Dengkleyway, as the original Para settlement in the area, holds a claim to all the land received from the Shapura tribe, including where new satellite villages have been established.

VILLAGE INSTITUTIONS

The village customary administration is comprised of a village chief, village head, village council, warrior chief and a church leader. The village chief is advised by the village council, which is made up of village elders. The village chief and village head are from the two main clans in the village. The Para tribe has documented their customary law in a printed book, and the households in the village have a copy for reference. Government or businesses wishing to use land or resources from Dengkleyway lands must first reach an agreement with the village administration.

Livelihoods

Residents of Dengkleyway cultivate *jhum* with a variety of crops for subsistence and grow chili and other commercial crops in patches in the *jhum* fields. Four of the 11 households grow rice on terraces, while half of the households rear livestock. Since the village is close to Layshi, some residents have government jobs or run small businesses.

LAND MANAGEMENT

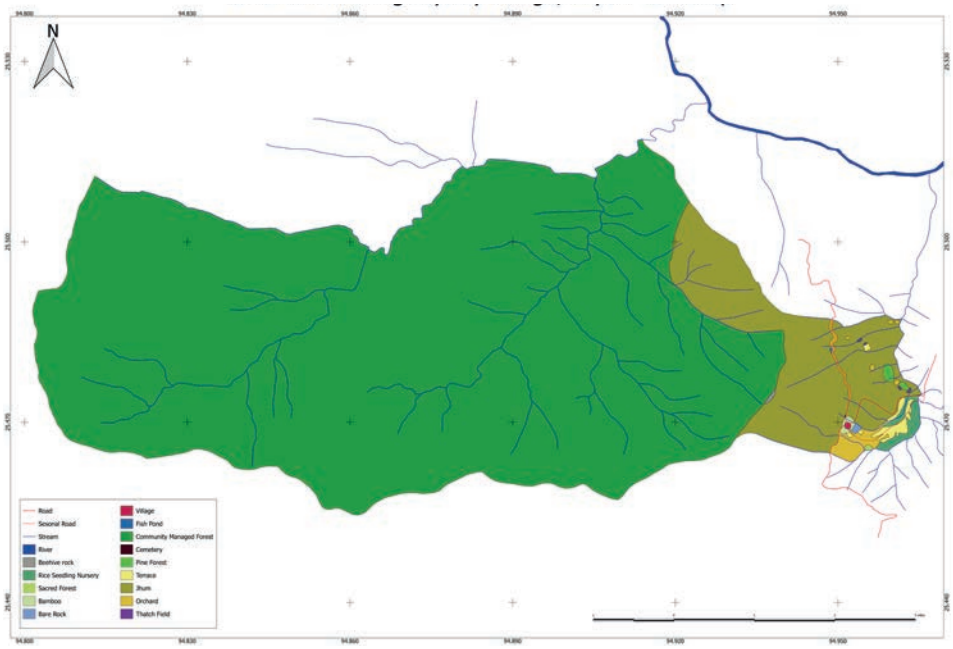
The community-managed forest protects the watershed and is shared between Dengkleyway and five other villages bordering the forest. Community members may extract timber, rattan, bamboo, wild fruits and vegetables and meat for household use only. Selling wax, honey and game meat from the forest is allowed. Cutting timber or fuelwood from the community forest requires permission from the village council. Households collect wood from a pine forest to the south that is shared with other villages, and a few households have established pine woodlots on their *jhum* plots.

Villagers collectively decide which area to clear each year for *jhum*, working together to cultivate each other's fields. *Jhum* fields are left fallow for a minimum of ten years. Only members of the Para tribe may establish long-term, inheritable claims to land, but the village chief and council may allocate *jhum* land to newcomers to use on a yearly basis.

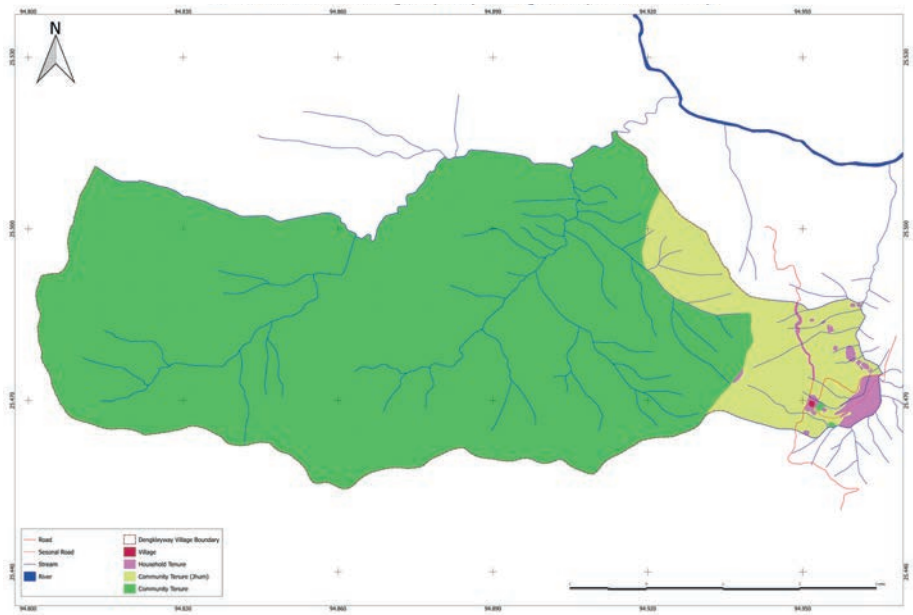
TABLE 5: TABLE OF LAND USE AND TENURE IN DENGKLEYWAY

Land Use	Tenure	Products	Notes on Management
Terrace	Household	Rice, vegetables	Built over 50 years ago. After Layshi pipe construction, not enough water to plant a winter crop.
Jhum	Household plots; Community decides where to clear together and allocates jhum to people in need	Subsistence: First year: maize, millet, squash, yams, taro, vegetables Fallows: poles, timber, fuelwood Commercial: King chili, onion, garlic	Ten-year fallow; trees in fallow cleared and used to build hut in jhum field and provide fuelwood while staying in jhum; gather and burn vegetation in plots to grow high value crops like king chili in first year jhum fields
Community-managed forest (Pine)	Community	Domestic: Fuelwood, mostly for light	A few kilometres to the south, villagers visit once every 1–2 weeks
Sacred Forest	Community	Domestic: game meat	Cannot cut any trees around the salt lick stream; hunt wildlife that come to mineral lick once or twice a month
Community-managed forest	Community	Domestic: Timber, rattan, bamboo; fruits and vegetables; medicinal plants Three types of honey: sweet, bitter, and sour from hives on bare rock, trees, and the ground	Watershed forest is protected and shared with five other villages, who can all collect wild foods and other resources
Woodlot (Pine)	Household	Domestic: Fuelwood, pine forest products	Established by three households on their jhum land
Orchard	Household	Commercial: Oranges, plums, avocado	Increasing interest in orchards; sell the plums to Layshi to make wine; avocado is a new crop
Thatch field	Community	Domestic: Thatch for roofs	
Bee rock	Group	Honey	Usually 5–10 people can collect from each rock
Home Gardens	Household	Domestic: vegetables, herbs, fruits Commercial: ginseng	Many crops are planted for household use. Ginseng recently introduced
Grazing Land	Household	Mithun, cattle	Livestock are grazed on jhum fallows to promote forest regeneration and on jhum and terrace land to fertilize the soil

MAP 7: LAND USE MAP OF DENGKLEYWAY



MAP 8: LAND TENURE MAP OF DENGKLEYWAY



VILLAGE NAME: KOKI VILLAGE

Tribe/Ethnic Group: Koki tribe, Naga

Township: Layshi Township, Naga Self-Administered zone, Sagaing Region

Population: 1,400 people, 300 households

Religion: Christian, Buddhist and Animist

VILLAGE BACKGROUND:

The Koki tribe are the original inhabitants of the village, who settled in the area more than 300 years ago. Since its original establishment, the village has grown and there now are 12 new smaller Koki satellite settlements within the ancestral territory originally claimed by Koki village. Any boundary demarcation should recognize this relationship between Koki, the land and the satellite villages.

VILLAGE INSTITUTIONS

Village institutions are diverse and can be grouped into administrative, spiritual, defensive and social organizations. The village chief is advised by the village council, which is comprised of respected elders, and by clan leaders, ward heads, warrior chiefs and ad-hoc committees. All decisions are made according to Koki tribal law, which is passed down orally. Government institutions in the village include a hospital, an elementary school, a library and GAD village and township administrators.

LIVELIHOODS

Households grow a variety of crops and collect resources from the forest for household use. Rice is stored in granaries next to the village. All households own a housing plot and some *jhum* land and about two thirds of the village own terrace land and individual forest plots. Some members of the village sold land because of medical emergencies or business deals and now cultivate land shared with them by others on a yearly basis. Younger siblings who do not inherit land may move to surrounding villages or leave the area in search of other opportunities.

26 people are employed by the village in roles such as cattle herders, teachers and health workers. The people who perform these roles are given rice or livestock by households as payment and thanks for their work.

LAND TENURE AND MANAGEMENT

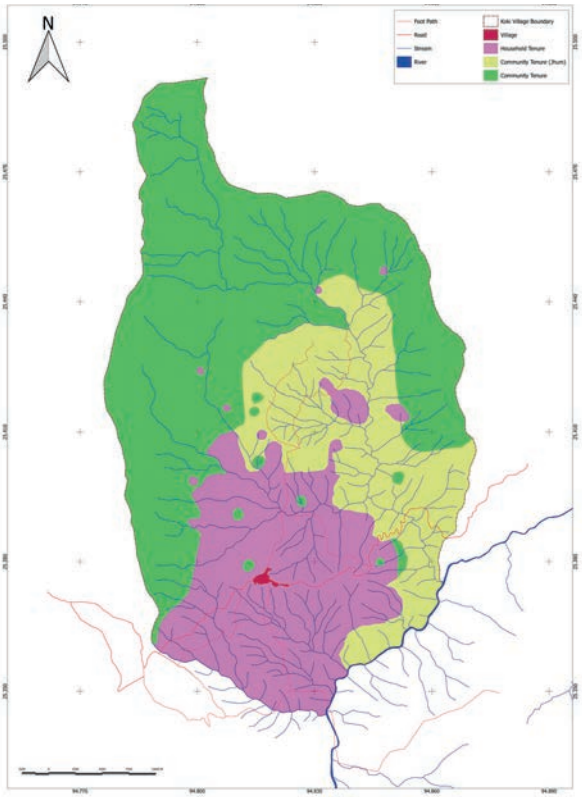
Koki was selected as a case study because of the strength of its customary system and the diversity of land-use types cultivated within the village. There are four wards in the village and granary land, grazing land and other household plots are clustered together by ward. Each ward has a cattle herder who looks after its households' mithun and buffalo.

A family's eldest son inherits the most valuable land and livestock, and is expected to provide for his parents and unmarried younger siblings. Koki has a more active local land market than other villages, in part because younger brothers will save crops and livestock in order to purchase land for themselves. Other younger siblings leave the village looking for other opportunities. A few women have received land from parents or siblings, but this remains unusual.

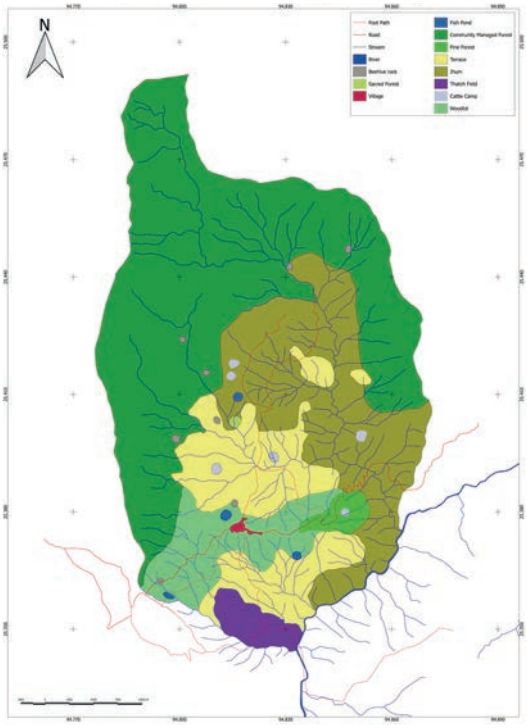
TABLE 6: LAND USE AND TENURE IN KOKI

Land Use	Tenure	Products	Notes on Management
Terrace	Household	Rice, vegetables	Buffalo have improved yields
Jhum	Household plots; Community decision-making	Domestic use: rice, vegetables Commercial: chili Fallow: year two and three eggplant and chili in nearby jhum fallows, wild vegetables, mushrooms, fuelwood	Colonies 1–2 have five year rotations and use a new fast-growing rice species, Colonies 3–4 have a ten-year fallow period; plant two years of crops on plots close to the village
Community-managed forest	Community	Domestic use: timber, rattan, bamboo, thatch, wild bananas, wild vegetables, mushrooms, medicinal herbs, crabs, small fish, frogs Sell: honey from bee and hornet nests, meat, wax	Protected to maintain water for the terraces; agreed to let neighbouring village harvest timber for construction
Community-managed forest (Pine)	Community	Domestic use: timber, fuelwood, many kinds of mushrooms, vegetables, fruits (palm fruits and figs), medicinal plants, traditional date leaf rain coat	Pine stands in community forest and in household woodlots; rotational management, enrichment planting after harvest
Woodlot	Household	Domestic: Same product as from community-managed forests (some are mixed broadleaf and some pine)	Established on jhum fields. After harvesting timber, enrichment planting of over 20 native species and thinning to promote regeneration
Thatch Field	Community	Domestic: Thatch for roofs	
Beehive Rock	Group	Honey	Forest around bee rock is protected because fire would chase away the bees
Home Gardens	Household	Vegetables, herbs, medicinal plants, fruits	
Vegetable Gardens	Household	Vegetables, yams	Small gardens near the village
Grazing Land	Ward	Mithun and buffalo	Cowherds from each ward are responsible for watching the livestock at cattle camps, wards have management authority over grazing land; households can buy shares of livestock
Water bodies	Community: fish fence Household: fish pond	Fish and other aquatic animals	Fish fence is set up every August during the last rains of the season. Smaller fish can pass through the fence.

MAP 9: LAND USE MAP OF KOKI



MAP 10: LAND TENURE MAP OF KOKI



VILLAGE NAME: SOMRA

Tribe/Ethnic group: Somra Tangkhul, Naga

Township: Somra sub-township, Naga Self-Administered zone, Sagaing Region

Population: 3,000 people, 400 households

Religion: Christian, Buddhist

VILLAGE BACKGROUND

Somra is located to the west of Layshi and sits 1,830 meters asl on the India-Myanmar border. Somra is the largest village in the area and is positioned as an important trading hub between the two countries. A once-thriving trade of Myanmar goods across the border has declined as the kyat strengthened and traders from India could no longer buy cheaper goods in Myanmar. Road improvements and the construction of a market on the border are expected to revitalize trade.

The village was originally established by families from seven clans. The village has lost land according to a series of government boundary demarcations starting in 1947, including some forest land that was left on the Indian side of the border when the international boundary was demarcated in 1970.

Somra has maintained strong customary land-tenure practices through religious change. Missionaries first came to Somra in 1932 to convert villagers to Christianity, and later banned alcohol and traditional rituals and festivals. Some villagers left to establish their own village so they could freely practice their traditional beliefs.

VILLAGE INSTITUTIONS

Somra's customary administration is comprised of a chief, an assistant chief, an ambassador, seven clan chiefs, a warrior chief and a range of supplementary committees and groups. Unlike in Dengkleyway and Koki, the chief is appointed by the village council and is held by members of different clans in turn.

Somra hosts more line department offices than other villages in the area because of its designation as a sub-township and its location on the border. Residents have first-hand experience with the tensions that arise from the inconsistencies between the government system and the customary system, including the proposed establishment of Public Protected Forest in customary forest areas.

LIVELIHOODS

Households in Somra cultivate subsistence crops in their terraces, *jhum* fields and home gardens. Farmers are testing new cash crops like avocados in expectation that road improvement and a newly built market on the border will revitalize trade with India. Since 2012, residents have been hired to work on government construction projects at a rate of 4,000 or 5,000 MMK/day. Around the same time, households reduced *jhum* cultivation in favour of construction work and out of concern for water availability for terraces. Cash income is used to cover school fees, medical treatment, small domestic goods and to supplement rice in a poor harvest year.

LAND TENURE AND MANAGEMENT

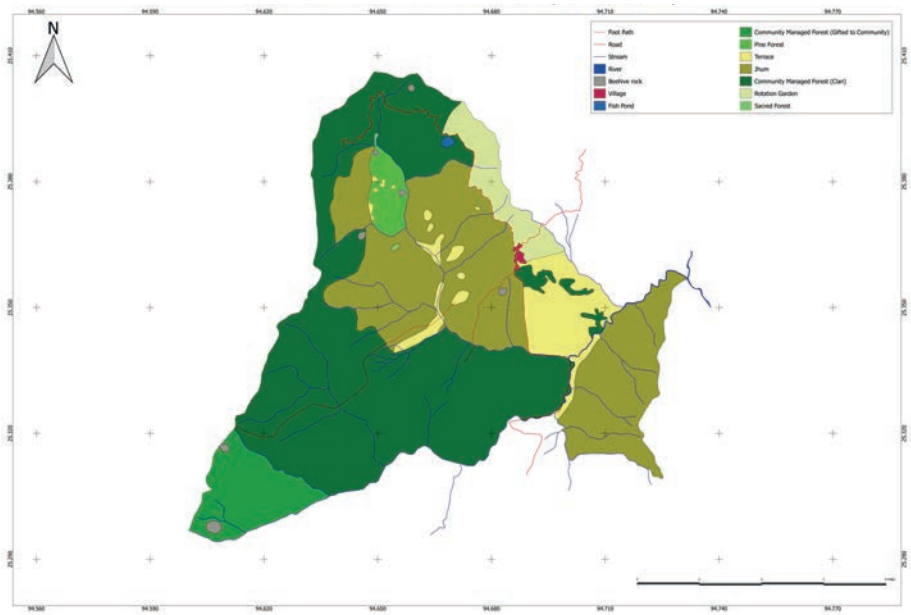
Clans in Somra have a relatively active role in land management than in some other tribes. There are ten households – descendants of the original seven clans who settled the village – which hold ritual and management responsibilities over clan forests. The forests are claimed and managed by clans except for the forest that was given by a clan to the village in thanks for the funds each household contributed to cover the costs of settling a dispute over the forest with another village.

Most households cultivate a mix of inherited land they pass down between generations and land claimed by other clan members that they cultivate on a yearly basis. Land can be used on a yearly basis by households who want to cultivate more land, by people displaced by conflict or natural disaster, and by households whose fields have been damaged by landslides. Sale of land, even within the village, is relatively uncommon.

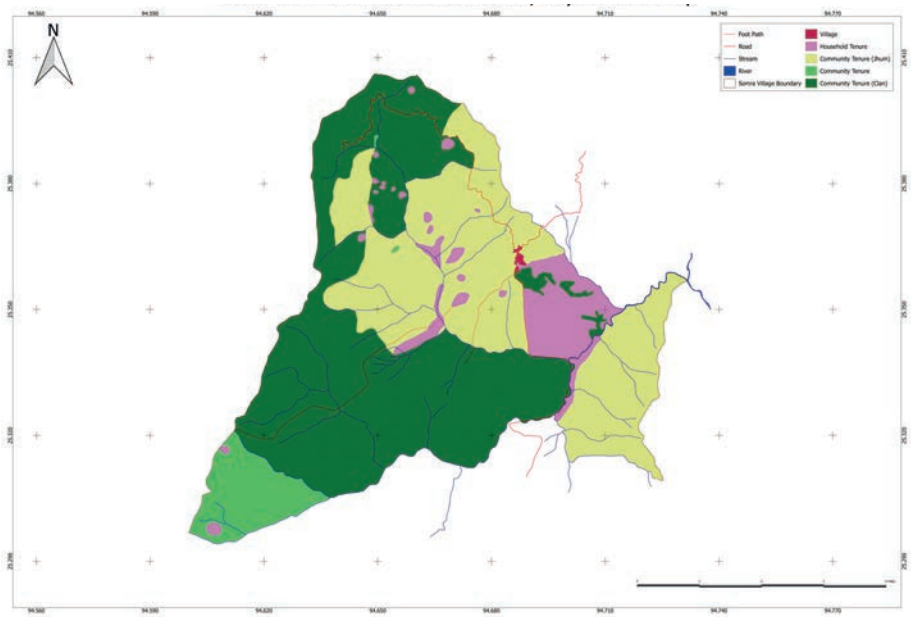
TABLE 7: LAND USE AND TENURE IN SOMRA

Land Use	Tenure	Products	Notes on Management
Terrace	Household	Rice and sticky rice Bean, chili, eggplant, other vegetables planted between the terraces	The terraces were built by previous generations and households typically cultivate no more than three plots
Jhum	Household plots; Community decision-making	First year: Rice, maize, beans, taro, cucumber, pumpkin, potato, oilseed, other vegetables Second year: vegetables and thatch Fallow: Household can collect fuelwood; anyone in the village can collect wild vegetables, bamboo shoots, mushrooms, fish, crabs, snails	No jhum fields have been cleared since around 2012
Rotational Household Gardens	Household	Maize, squash, other vegetables, alder trees (Alnus nepalensis)	This land is not considered jhum because rice does not grow well here, but is managed like jhum with two years of planting crops and six to seven years fallow; alder trees grow naturally
Community-managed forest	Clan	Domestic: game meat, fuelwood, timber (before 2014) Commercial: game meat, orchids All villages bordering the forest can collect wild vegetables	A few households have inherited ritual and management responsibilities over clan forests. They are given token gifts of appreciation when households extract timber
Community-managed forest	Community	Far from the village, occasionally people travel there to hunt but it is used more often by two other, closer villages for hunting and collecting forest products	A household in Somra won a dispute settlement with a household in another village over this forest. Each household in Somra contributed to paying compensation to the other village, so the household donated the forest to the village in appreciation
Pine Forest	Household	Timber, fuelwood, mushrooms, figs, medicinal plants, Naga raincoat leaves, wildlife for hunting	Pine stands are in household woodlots and jhum fallows. In 1997 at a village meeting, the village decided not to clear jhum fallows that have more than 10 pine trees
Woodlot	Household	Household domestic use: Timber, rattan, bamboo Community domestic use: wild vegetables, forest and freshwater wildlife Commercial (only sold locally): timber	Save timber trees until you need money for a health problems or other expenses, then sell to other villagers for local use. Some households replant after extracting timber trees
Orchard	Household	Avocado, plum	A few households have recently planted small test orchards on their land; with improving roads, they hope to sell them to India.
Home Gardens	Household	Plum, pear, banana, avocado, squash, millet, beans, vegetables	Organic, fertilized with ash from household fires
Beehive Rock	Group	The bee species Apis dorsata builds hives on bare rock cliffs. The honey is used for medicine.	Groups of households claim patches of bare rock where hives are built. Men collect the honey in groups. The claim includes the forest around the rock, which is not allowed to be cleared to avoid chasing away the hives
Recreational and cultural public space	Community	Grassland community recreation area above Somra village donated by households;	
Newly levelled area donated by one household as a cultural festival ground	Households donated their land to the village		
Grazing Land	Household, Ward	Buffalo	Buffalo are used for work in the terraces. Some households own several buffalo and others own shares of a buffalo together

MAP 11: LAND USE MAP OF SOMRA



MAP 12: LAND TENURE MAP OF SOMRA



ABOUR RRtIP

Resource Rights for the Indigenous Peoples (RRtIP) was formed in 2012 and operates across the Naga inhabited areas with more than 100 members. RRtIP promotes Indigenous Rights by empowering communities and building their capacity to enable them to participate in the decision-making process for managing their natural resources, culture and identity.

Contact RRtIP at rrtip.info@gmail.com