

**POLICY ON THE RIGHTS TO TERRITORIAL GOVERNANCE OF INDIGENOUS
PEOPLE
BURMA/MYANMAR**

**Prepared by All Burma Indigenous People’s Alliance (ABIPA)
For consideration in all forums on policy and constitution drafting related to democratic
federal governance in Myanmar**

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1. Background

Customary land tenure and management has existed since time immemorial in what is now recognized as Burma/Myanmar. These systems have been freely practiced in ethnic and indigenous communities, which had self-administration and land governance mechanisms within their own territories. Different forms of customary land systems and practices existed according to each geographic landscape, cultural and historical backgrounds. These systems nonetheless have common principles and core values — the people, land, soil, water, rivers and forests are understood as deeply intertwined, and this integrated view underpins these systems’ understandings of access and ownership rights and responsibilities. In customary communities, land and culture are inseparable.

Before British colonial occupation ethnic people governed themselves as independent entities. During the British colonial era, the central part of the country was under British control, with a land tenure system and laws established by the British, but this did not apply to ethnic areas (such as Chin, Kachin and Shan territories), where the British had no control. It wasn’t until after independence that this land tenure system was attempted to be enforced in ethnic areas.

Customary land tenure recognizes different ownership types and access rights, such as individual ownership and collective ownership, along with practices of accountability and collective action customs. Community social systems define the local laws, collaborative actions, decision-making, and adaptive reforms. These differ according to different ethnic and indigenous peoples—these are “Kaw” for Karen people, “Khay” for Kayah people, “Toi Aie”

for Mon people, ‘Døngpvngzøng riò roqgar rvgaq,’ for Rawang people, and many more. In many customary communities, land is demarcated and recognized at the community level, however formal land titles often do not exist.

Customary communities have developed land use rules and regulations that enable sustainable use of the land and forest for food, fodder, shelter and medicine, in a manner that maintains long-term ecological health, while allowing for self-sufficiency of livelihoods. There are different types of land under customary land management, for example: ancestral land, hill farm (Taungya), shifting cultivation, farmland, grazing land, housing land, forest, protective forest, communal land, cemetery, watershed area, lakes and rivers, sacred land, playground, orchard, natural forest, reserve land, conservation land, and others. Customary land tenure and management systems comprise practices and mechanisms for biodiversity conservation, ecosystem protection, and sustainable management of land and related natural resources. They are dynamic and continuously developed in accordance with the area and customs.

Indigenous communities have defined territorial governance, such as the Salween Peace Park, and other Indigenous Community Conservation Areas (ICCAs). The Salween Peace Park is an indigenous conservation area covering 5,485 square kilometres in the autonomous Karen territory of Kawthoolei, on the border, in the Salween River watershed. It is governed by a Charter, agreed to by Mutraw District, the Salween Peace Park Steering Committee, and Karen National Union (KNU). ICCAs are indigenous territories of life. The territories and areas are collectively governed, managed, and conserved by custodian indigenous peoples and communities, and these exist in all the ethnic states and regions of Myanmar.

Beyond community-level and territorial jurisdictions of customary laws and procedures, Ethnic Armed Organizations (EAOs) have existing governance administrations. For instance, the Karen National Union’s Land Policy (2015), Karenni Land Policy (2018), Mon Region Land Policy (2022), currently exist, and others are being developed.

During the previous Myanmar governments, laws were passed that undermined customary land tenure. These include the Vacant, Fallow, Virgin Land Law (2012 and 2018), the Farmland Law (2012, 2019), the Land Acquisition, Resettlement and Rehabilitation Law (1984, 2019), the Biodiversity Conservation and Protected Areas Law (2019), the Forest Law (2018), Agriculture Development Strategy, Investment Law, Mining Law, and others. The VFV Law made vast areas available to investors. However, the land was not ‘vacant, fallow or virgin,’ as about 20 million people have ancestral domains in, live on and farm the roughly 45 million acres of VFV land, 82% of which is in the ethnic nationality states. These laws denied the rights of pre-existing customary tenure holders. These laws were drafted within the framing of the military-drafted 2008 Constitution of the Union of Myanmar. This policy rejects those laws, in keeping with the rejection of the 2008 Constitution.

Prior to the coup d’etat, Myanmar’s democratically elected government, the Myanmar military, and EAOs, undertook peace negotiations in the Union Peace Dialogue, to end the long-standing civil war, and to resolve territorial issues. Agreement on many negotiation points, including land, was never reached.

EAO and IP administrations, laws and procedures are not ‘state/region level,’ nor ‘township’ level as per Myanmar’s 2008 Constitution. Their geographic delineation does not align with the 2008 Constitution governance levels and administration. There is no recognition of their authority under Myanmar’s 2008 Constitution, nor any previous Constitution.

The key legal precedent that recognizes the authority of EAO and IP administrations, laws and procedures is the Panglong Agreement of 1947, signed between the Burmese government under Aung San and the Shan, Kachin, and Chin peoples, which states, “Though the Governor’s Executive Council will be augmented as agreed above, it will not operate in respect of the Frontier Areas in any manner which would deprive any portion of these Areas of the autonomy which it now enjoys in internal administration. Full autonomy in internal administration for the Frontier Areas is accepted in principle.” It identifies that demarcating and establishing a future Kachin State is desirable. It stated, “Citizens of the Frontier Areas shall enjoy rights and privileges which are regarded as fundamental in democratic countries.” The Panglong Agreement establishes the spirit of a democratic and federal Union, in which IP self-determination, title to and rights over their ancestral domain, and human rights must be enshrined in a new federal Constitution.

This policy is drafted during the “Revolutionary” period, while Myanmar is under the military coup d’etat, and while the Civil Disobedience Movement, National Unity Government, National Unity Consultative Council, People’s Assembly, ethnic coordination bodies/teams (such as KPICT and KSCC), EAOs, and People’s Defence Forces oppose the military take-over, and convene key actors and dialogue to build solutions towards a future federal democracy which honours all people, human rights, ethnic and religious diversity, justice and fair rule of law, and transparent and accountable governance.

1.2 Vision & Objectives

1.2.1 This policy sets out how all future federal constitutions and policies shall respect pre-existing Ethnic Nationality and Indigenous People’s self-determination and title over and right to their ancestral domains, including the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired, and define initial legal pathways for that recognition as a basis for forming a new federal union. This policy also sets out intentions for how the rights of IP minorities in IP territories shall be respected.

1.2.2 In 2007, Myanmar voted in favour of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).¹ UNDRIP affirms indigenous rights to self-determination: "Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions (Article 4)." UNDRIP states, “1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired. 2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired. 3. States shall give legal recognition and protection to these lands,

¹ UNDRIP: https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf

territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned (Article 26).” An objective of this policy is to define principles and recommendations for how to fulfill these already-agreed UNDRIP principles in Myanmar’s legal framework under a new federal Constitution.

1.2.3 While this policy sets out the process for the Natural Resource Federalism Policy to respect pre-existing IP’s self-determination and right to their ancestral domains, it is recognized that ultimately these rights must be enshrined in a new federal Constitution.

1.2.4 Due to this policy being drafted in the revolutionary period, during the coup, with related restrictions on communications and knowledge sharing, this policy has been drafted and vetted with key actors and governments with the best of inclusive intentions, but the situation has not allowed for the consultation that is necessary. Therefore, this policy is intended as a living document, flexible to accommodate more comprehensive consultation and input when the situation allows.

1.3 Policy Application

1.3.1 This policy defines principles, guidelines and recommendations for ethnic nationality and indigenous peoples’ inherent title and rights, and land tenure in Myanmar.

1.3.2 This policy applies to all lands in Myanmar which have ethnic nationality and indigenous people, who make up at least one-third of the country’s population, and whose survival depends on their ability to affirm land title and rights to access, manage, and protect their ancestral territories.

1.3.3 Ethnic nationality and indigenous peoples’ title and rights to their ancestral domain must be recognized in a future federal Constitution. Such Constitutional terms do not yet exist. This policy is drafted without prejudice to and is not intended to usurp or displace Constitutional terms. This policy defines terms, positions, interim measures and recommendations that can inform the drafting of constitutional terms.

1.4. Sources of guiding principles

This policy document is guided by international guidelines and policy documents published by EAOs. The reference documents are the Universal Declaration of Human Rights (UDHR); the United Nation Declaration on the rights of Indigenous Peoples (UNDRIP); the Indigenous and Tribal Peoples Convention 1989 (ILO Convention 169); the 1979 Convention on the Elimination of all Forms of Discrimination against Women (CEDAW); Principles on Housing and Property Restitution for Refugees and Displaced Persons (the Pinheiro Principles); International Covenant on Economics, Social and Cultural Rights (ICESCR); United Nations Sustainable Development Goals (SDGs)(2015); Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT). Other references include the KNU Land Policy (2015), DRAFT-Mon Land Policy (2021), Charter of the Salween Peace Park (2018), the 5Rs in Myanmar: Five Principles of a future federal democratic system where rural working people can flourish: A Primer (2021).

2. Definitions

In this Policy:

"ancestral domain" refers to all areas generally belonging to IPs comprising lands, inland waters, coastal areas, and natural resources therein, above and below land, above and below water, held under a claim of ownership, occupied or possessed by ENs/IPs, by themselves or through their ancestors, communally or individually since time immemorial, continuously to the present, except when interrupted by war, force majeure or displacement by force, deceit, stealth or as a consequence of government projects or any other voluntary dealings entered into by government and private individuals/corporations, and which are necessary to ensure their economic, social, religious and cultural welfare. It shall include ancestral lands, forests, pasture, residential, agricultural, and other lands individually owned whether alienable and disposable or otherwise, hunting grounds, burial grounds, worship areas, bodies of water, mineral and other natural resources, and lands which may no longer be exclusively occupied by IPs but from which they traditionally had access to for their subsistence and traditional activities, particularly the home ranges of IPs who are still nomadic and/or shifting cultivators.

"communal claims" refer to claims on land, resources and rights thereon, belonging to the whole community within a defined territory

"customary law" means written and/or unwritten rules, usages, customs and practices traditionally and continually recognized, accepted and observed by respective ENs/IPs

"ethnic nationality/indigenous peoples" refers to a group of people or homogenous societies identified by self-ascription and ascription by others, who have continuously lived as an organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed and utilized such ancestral territories, sharing common bonds of language, customs, traditions and other distinctive cultural traits, or those who retain some or all of their own social, economic, cultural, spiritual and political institutions, but who may have been displaced from their ancestral domains or who may have resettled outside their ancestral domains. IPs are rooted and connected with their ancestral territories, and use their territories sustainably, balancing between human utilization and protection of all the resources. IPs shall refine and affirm suitable definitions and descriptions of their ancestral territory, based on their local circumstances, recognizing a need for flexibility.

"indigenous/ethnic governance" means refers to organizational, political and cultural leadership systems, institutions, relationships, patterns and processes for decision-making and participation, identified by IPs, such as, but not limited to, Ethnic Armed Organizations, Council of Elders, Customary Community Organizations, or any other tribunal or body of similar nature. They are accountable to the people comprising that system.

"Indigenous people's territories" refers to all areas generally belonging to IPs comprising lands, inland waters, island, coastal areas, and natural resources therein, above and below land, above and below water, held under a claim of ownership, occupied or possessed by IPs, by themselves or through their ancestors, communally or individually since time immemorial, continuously to the present. If not inhabited to the present, because of war, force majeure or displacement by force, deceit, stealth or as a consequence of government projects or any other dealings entered into by government and private individuals/corporations, which separated IPs

from their ancestral domain, the indigenous people's territories will be recognized as that which existed prior to the displacement. IP territories are the IP's private but community property which belongs to all the IPs generations and therefore cannot be sold, disposed or destroyed. IP territories are demarcated by the community, and all geographic locations are determined through customary processes in the IP communities.

“interim land policies” refer to existing and new policies that may exist prior to or be put in place in the interim period or ‘revolutionary period,’ while Myanmar is under military occupation, and before a new democratic federal constitution and related legal framework is put in place which contains the full commitments to human rights and IP title and rights to their ancestral domains.

“time immemorial” refers to a period of time when as far back as memory can go, certain ICCs/IPs are known to have occupied, possessed in the concept of owner, and utilized a defined territory devolved to them, by operation of customary law or inherited from their ancestors, in accordance with their customs and traditions.

3. Key principles

3.1 Myanmar's IPs never ceded, sold, released, surrendered or transferred their ancestral domains and IP title and rights to their ancestral domains.

3.2 The IPs assert their inherent title throughout and rights with respect to their ancestral domains.

3.3 Minority IPs assert their rights to land, regardless of when they were settled, in areas not necessarily known to have been part of their territories.

3.4 The Myanmar National Unity Consultative Council (NUCC), National Unity Government (NUG), Ethnic Armed Organizations (EAOs), interim governance bodies and future federal governments recognize the IPs inherent title throughout and rights with respect to ancestral domains, including the inherent right of self-government. This includes the right to make laws and to manage lands and resources in their ancestral domains.

3.5 Customary land title, rights and management systems are interlinked and interdependent with ethnic identity, livelihoods and food, protection of natural resources, social and religious equality and cohesion. Customary lands are not just the land, but everything related to land and people in their ancestral domain. Customary laws are living laws, passed down from one generation to the next, and adaptive to evolving governance needs and challenges.

3.6 IP governance systems vary greatly, and there is no one-size-fits-all approach. The legitimacy of the IP governance system is based on the IPs themselves, as per their local customs, traditions and governance structures and laws.

3.7 Customary law varies across different ethnic groups and geographic areas and this diversity must be recognised in the federal constitution, and also in any legal and policy instruments. Customary law must be afforded the same status as statutory law.

3.8 The current land classification boundaries and systems do not reflect realities on the ground. There needs to be a process, informed and led by IP communities, to re-classify agricultural, forest and other types of land, so that this is understood and honoured by all future federal levels of government. Land classification must include rotational fallow systems, which are an integral part of customary practices, and a crucial practice to safeguard soil health.

3.9 Ensure women have equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in order to overcome gender-based social and political inequalities. This affirms the Sustainable Development Goals (SDG 5 on gender equality), adopted by Myanmar in 2015, and the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), which Myanmar agreed to in 1997.

3.10 The encroachment upon, illegal taking, and dispossession of IP lands by the military and civilian regimes and interests over decades requires comprehensive land reform. Land reform processes in a future interim and federal system will require bottom-up approaches, respecting customary authorities and the historical and cultural nuances existing in each community and territory. Though many countries that have survived military dictatorships have implemented national-level land reform processes, there are few success stories where indigenous self-determination, respect for customary land title and rights and the rights of the powerless and poorest farmers were honoured. Bottom-up approaches should be pursued for a) communities to articulate their historical relationship to lands and b) systems be defined for community-based arbitration of claims so communities can reclaim their rights to lands that were appropriated and taken from them. In many instances, these processes will include overlapping and multiple claims over one area, due to the forced relocations driven by the military over decades, and displaced people. Communities and customary systems in the indigenous territories should carry out processes to recognize the various claimants to land, and fair systems to recognize community rights and to honour ancestral claims to land. The principles of 5Rs (*Recognition, Restitution, Redistribution, Regeneration, Representation*) are an example. IP communities are not asking outside entities to carry out land reform for them.

3.11 Myanmar has suffered decades of civil war, armed conflict and militarization, resulting in many people being displaced. People have also been displaced due to cronyism, land grabbing, lack of legal recognition of their inherent title and rights to ancestral domains, and natural disasters. This should not mean that they lose their rights to their land and their rights to live in accordance with their customary systems of land governance. IDPs and refugees must still have the rights to practice and use their ancestral land and its related resources in accordance with their customary land management systems. As much as possible, the rights of IDPs and refugees must be recognized, and systems put in place to allow for this recognition and restitution, though they are, in most cases, not residing on their lands and able to articulate their claims. Steps must be taken to not infringe on their inherent title and rights. The steps

should include the Pinheiro Principles² - rights to non-discrimination, equality between men and women, protected from displacement, privacy and respect for the home, peaceful enjoyment of possessions, freedom of movement, and the right to voluntary return in safety and dignity.

4. Relation to Constitution

4.1 This policy is drafted without prejudice to and is not intended to usurp or displace Constitutional terms which are necessary to affirm ethnic nationality and indigenous peoples' title and rights to their ancestral domain in a federal Constitution.

4.2 Recognition of IP title to and rights over their ancestral domain must be enshrined in a new federal Constitution, and that commitment serves as the basis for commitment to a new federal Union. Without that commitment, IPs will not have the legal basis to proceed towards a new democratic federal Union.

4.3 State/region Constitution drafting shall also recognize IP title to and rights over their ancestral domains, and that forms the basis for determining relative jurisdictions and authorities at state/region levels. Without that commitment at state/region levels, IPs will not have the legal basis to proceed towards a new democratic federal Union.

5. Relation to future federal system in Myanmar

5.1 Recognition of IP title to and rights over their ancestral domain must be enshrined in a new federal Constitution, and that commitment serves as the basis for commitment to a new federal Union. Once this legal recognition is adequately affirmed, then it is appropriate for other jurisdictions such as federal and state levels to engage with IPs on the terms of a new future federal system and how the jurisdictions relate to each other. Without Constitutional affirmation of title and rights, IPs are at a disadvantage. Therefore, federal design must be appropriately sequenced, such that rights are clarified first.

5.2 IP self-determination and title over and right to their ancestral domains means that neither the federal level, nor state/region level of government will infringe on these inherent rights. Rather, federal and state/regional levels of government will negotiate in good faith, in a government-to-government manner, with IP governance, to reconcile their respective interests relative to their jurisdictions and authorities.

5.3 The administration of Ethnic Armed Organizations (EAOs) and IP communities must be recognized as holding inherent self-determination and title over and right to their ancestral domains. These were never ceded, granted, sold, or otherwise, historically and to the present, in any manner that extinguished those rights.

² <https://www.unhcr.org/protection/idps/50f94d849/principles-housing-property-restitution-refugees-displaced-persons-pinheiro.html>

5.4 EAOs and IP communities have existing governance administrations, laws and procedures. These administrations, laws and procedures are already defined at various scales, and/or are under development. They shall be recognized as sub-national units of jurisdiction, with self-determination and jurisdictional authority in a future federal system.

5.5 EAO and IP administrations, laws and procedures are not ‘state/region level,’ nor ‘township’ level as per Myanmar’s 2008 Constitution. Their geographic delineation does not align with the 2008 Constitution governance levels and administration. There is no recognition of their authority under Myanmar’s 2008 Constitution, nor any previous Constitution. The Panglong Agreement of 1947 is the legal precedent that recognizes their authority, and expressed the spirit of a democratic and federal Union.

5.6 No level of IP government shall be construed as a ‘stakeholder,’ in a future federal system. They are governments, with governance administrations, laws and procedures, either more formally defined such as with some EAOs, and others are more informal, based upon customary practices.

5.7 Therefore, IP area governance administrations, laws and procedures will apply in those areas, and decision-making authority for these areas is derived from within indigenous/ethnic government systems, and accountable to the people comprising that system. Policies and objectives originating from federal level and state/regional levels will consult with, seek to harmonize with, and inform IP governance, and vice versa, on a government-to-government basis.

5.8 In IP areas, all natural resources exploitation (mining, gems/jade, timber extraction, hydropower development, fishing, oil and gas, etc.), related taxation, revenue and duty collection, harvest and extraction rates, concession granting, etc. will be determined by the IP governance, in accordance with their laws, land use plans, and customary practices. .

5.9 In areas with no defined formal or informal IP area governance, Free Prior Informed Consent (FPIC)³ must be undertaken with local communities. In all circumstances, IPs shall have the right to say ‘no,’ and to be free from coercion.

5.10 Recognizing the potential for improved public revenue capture and public financial management than what has occurred historically in Myanmar, up to the present time, IPs express interest to discuss ‘resource federalism,’ and the sharing of natural resource revenues (‘fiscal federalism’), only after Constitutional recognition of IP title over and right to their ancestral domains is legally and Constitutionally recognized within a future democratic federal Union. Until adequate Constitutional guarantee is provided to IPs on the land issue, there is no basis for discussion of ‘resource federalism’ and ‘fiscal federalism,’ as to do so would negatively impact IP title over and right to their ancestral domain.

³ <https://www.unclearn.org/wp-content/uploads/library/un-redd05.pdf>

6. Relation of Principles to interim land policies

6.1 Interim land policies at Myanmar's federal or state/region levels must recognize IP title to and rights over their ancestral domain. This can be accomplished by asserting such recognition in any policy developed, and also by clearly delineating that authority and jurisdiction of the proposed policy does not extend into the IP area.

6.2 Interim land policies must reject entirely the assumed federal level authority over IP territories, as this assumed authority is a legacy of military dominance and the 2008 Constitution.

6.3 There must be a moratorium on land appropriation and exploitation of natural resources in the emergency period (or 'revolutionary period') while the Myanmar military has taken control of the federal government. This should apply across the whole country, and be reflected in interim land policies.

6.4 There must be a moratorium on land appropriation and exploitation of natural resources on IP ancestral lands, unless it is authorized by IP governance, in accordance with local land use policies, customary laws, or other community practices. This should be reflected in interim land policies.

6.5 Interim land policies must follow a 'do-no-harm' approach, recognizing that: a) thousands upon thousands of people have been displaced from their ancestral domains, they lack legal title to their lands, some are in other countries, some are IDPs; b) Systems will need to be put in place over time to allow for recognition and restitution of their land rights; c) Steps must be taken to not infringe on their inherent title and rights by following the Pinheiro Principles and the principles of Recognition, Restitution, Redistribution, Regeneration, and Representation (5R's). Adequate grievance mechanisms must be implemented.

7. Procedures and protocols

7.1 All actors (CRPH, NUCC, NUG, EAOs, People's Assembly, Ethnic Interim Coordination Teams, ethnic political parties, and others) working toward a future democratic federal union in Myanmar shall provide legal affirmation of IP title to and rights over their ancestral domain, as a basis upon which further federal design can proceed. Without this basis, there is no grounds to proceed, given the track-record to date on recognizing these rights.

7.2 The affirmation of IP title to and rights over their ancestral domain must be enshrined in the federal constitution and related decentralized legal framework.

7.3 To adequately achieve 7.2, representatives of IP customary land tenure holders shall be included in federal constitution drafting, and their voices and perspectives respected.

7.4 Affirmation of IP title to and rights over their ancestral domain must be enshrined in state/region constitution drafting processes. These will differ by region, according to local practices, history, and culture. Nevertheless, these sub-national constitutions must uphold and

be aligned with the federal-level Constitutional commitment. Representatives of IP customary land tenure holders shall be included in state/region constitution drafting, and their voices and perspectives respected.

7.5 The federal level government must adhere to non-interference with IP customary land administrative structures, laws and policies until it is agreed, within each state and region, and with input from customary communities, on what a replacement system might look like which is aligned with the aforementioned Constitutional commitments.

7.6 Once Constitutional commitments are clear, an interim agreement between IPs on subsequent protocols and procedures will be drafted. These will include:

- i) How to proceed with drafting land-related (and other) laws under a new federal Constitution. This includes assessment of what could be retained from previous laws and policies, if appropriate, and which require complete revision and redesign.
- ii) How to proceed in a cooperative governance system, such that different jurisdictional levels, and different sector agencies and actors, have guidance on modes of engagement, how to respect respective authorities, and relevant protocols. This includes EAOs, customary community levels, federal levels, state/regional levels, township levels and village levels (which will change in many areas to adapt to IP systems).
- iii) How to proceed after the moratoriums set in place in the interim period.
- iv) How the rights of refugees and displaced persons (externally and internally) will be fairly addressed so they can return to their homes with respect and dignity. Land redistribution, humanitarian aid, restoration of rights all must be determined.
- v) How to create grievance and conflict resolution mechanisms for fair and transparent processes to address land conflicts when they arise, in a manner that affirms the aforementioned Constitutional rights.
- vi) How fiscal relationships will be defined in a new federal structure.

7.7 IPs will take the time necessary, according to local custom and as necessary to account for localized processes to respect the rights of refugees and IDPs, to draft Customary Land Management System documentation (their documentation, boundaries, laws and so on), so that they can be understood by other jurisdictions. In areas where customary practices have been discontinued, or not fully implemented due to war and displacement, local communities (including previous landowners and resettled ‘new’ communities) shall have the time necessary to decide if they want to re-establish their customary practices under customary land laws.

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