

Untangling Myo

A panorama on the production of Urban space in Yangon



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For the impossibility of understanding the production of the **urban space** in **Yangon** without untangling the major complexities around the city

RECOGNITION

SERVICES

OCCUPANCY

MILITARY
DEMOCRATIC

HERITAGE

HEALTHCARE

NATIONAL LAND USE

ECONOMY

TOD

MCEA

POLITICAL

SQUATTERS

OWNERSHIP

POLICIES

DUHD

COMMUNITY

GOVERNMENT

NLD

URDI

CENTRAL

INDEPENDENCE

URBAN POOR

STRATEGIES

PROPERTY

CYCLONE

SETTLEMENTS

RELIGION

PRIVATIZATION

ETHNICITY

ASIAN DEVELOPMENT BANK

EDUCATION

ACT
DUH

PERIPHERY
ECONOMY

RELIGION

HOUSING

YCDC JICA

SLUMS

CONSTITUTION

U-PAIN

YANGON

MINISTER OF CONSTRUCTION

NETWORK

BUSINESS DISTRICT

TRANSFORMATION

ACCA

CHDB

MOC UNION

BUILT ENVIRONMENT

CAN

KYU KYAW YAT KWAT

CLASSIFICATION

INDUSTRY

EQUALITY

AFFORDABLE

LAW

LAND

EVICITION

GREATER

RENTAL

UN-HABITAT

YHT
ACHR

SCALING UP

MARKET

LAND TURN

INFRASTRUCTURE

MYO

ILLEGAL

PROJECT

SAVINGS

SPECULATION

AMA

CITIZENSHIP

SOCIETY

USDP

FINANCE

RECONCILIATION

STRUGGLE

ID CARDS

WFW

UPGRADING
GROWTH



South Asia



Myanmar



Yangon

Untangling Myo

A panorama on the production of Urban space in Yangon

Studying the production of urban space requires a comprehension and meticulous unpacking of the social, economical, political and environmental relations of a city. One of the biggest challenges for urban planning is recognising cities as complex structures that cannot be developed with strict, non flexible plans, because of the high probability of existent realities clashing with the attempt to over-control the future growth. On the contrary, cities require open to change and inclusive proposals that allow an organic and spontaneous development while integrating the built environment, social relations and multiple actors taking place in the space. Yangon, a city of seven million population and a projected growth of 100% in twenty years (UN habitat, 2016), has become a perfect example for understanding the contradictions and struggles emerging from “formalising” the urban space and its social and environmental realities through a fixed master plan.

Yangon is the largest city of Myanmar. One with rapidly transformations and population growth in a period of crucial state transition. The city has been the largest recipient of national migration due to devastating internal conflicts, desolating natural disasters and a growing economy boosted from international investment. As a consequence, important urban problems have scaled up causing an urgency for a plan of action. However, in order to produce a plan for Yangon, it is indispensable to acknowledge the entangled constellation of legal, economical, social and urban, absences and difficulties happening in the city. Among other issues, the recent economy growth has provoked an inflation on land prices, intra-city migration, unexpected changes on land use, shortage in services and infrastructure and an urgency for housing and industrial space (Astolfo, 2017). Yangon, as well as the rest of the country, does not count with an official law or policy for land, causing unclarity on ownership, lack of legal mechanisms and chaos on the organisation of the territory; which has evolved into an immense rate of squatter crisis (Roberts, 2017). Moreover, the complexity of the situation builds up on the absence of recognition and opportunities produced by a Constitutional law that has transformed

Myanmar in one of the biggest stateless population in the world (Ne-behay, 2017). For the purpose of this essay, it will be explored configurations of citizenship, land, finance and heritage to grasp the general panorama on the production of the Urban space. The essay is an introduction point on the comprehension of the biggest and more problematic Burmese Myo (Local term for city).

An amalgam of configurations

It is crucial to understand that there is no possibility for studying separately, configurations of Citizenship, land, finance and heritage in Yangon. In fact, the citizenship emergency has denied society access to a dignified life, legal land ownership, finance stability and recognition of their own identity and heritage. To the date, all these configurations constitute an amalgam of problems and opportunities that need to be taken into account for future urban plans.

To begin with, the stateless crisis started when the Citizenship law of 1982 stipulated three distinct categories of citizens. First, the full citizenship was granted to Burmans and eight ethnic groups present in Myanmar prior to 1823. The second category, Associate, gave rights to the children of mixed marriages with one full citizen parent, and individuals that lived in Myanmar for eight years prior independence. As well as those who applied to the citizen Act in 1948. The third category, naturalised, applied to immigrants who arrived in the country during the period of British colony (Aung, 2007). However, the reality and complication of circumstances have rendered grand part of the population stateless, including Rohingya Muslims and individuals with Chinese, Indian, Nepali, or any other foreign background (Arraiza, 2017). Moreover, the law establishes that “in the interest of the country, the state can confer associate or naturalised citizenship to anyone”, along with having the right to revoke it at anytime, a constant threat for millions of Burmese.

Furthermore, a double identification is required in order for individuals to demonstrate their legal condition. First, the National Residency Card (NRC) proves their citizenship status and is compulsory to own land, have a passport, have access to medical services and free move-

ment, get official education, vote in elections and obtain a formal job (Wallace, 2016). Second, the Household Certificate (HC) proves their legal dwelling in a house and is mandatory for obtaining access to public services (WFW, 2018). Additionally, In order to obtain a NRC a person must possess an Household Certificate.

This Burmatization law not only neglects abounding ethnicities the right to recognition, but complicates the possibility of defining who is entitled of rights. It classifies registered Burmese with colour coded ID cards, a fact that reinforces discrimination among the population (Aung, 2007). The scope of the problem affects even individuals who have been born in the country, speak Burmese as first their language, have a complete Burmese background, but lack a proper identification (Roberts, 2018).

Khin “has lived in Myanmar for all of his 24 years, his native language is Burmese, and his parents and grandparents were all born in Myanmar. He is not officially a citizen of the country he calls home and he has no idea if he ever will be” (Wallace, 2016).

Citizenship, land and housing

Due to a vast national migration and intra-city displacement, Yangon has become the most diverse ethnic population of the country. Population that includes an estimate by Women for the World of 40% of landless residents. The situation has generated a multiplicity of communities that squat in government land, under illegal circumstances. Communities that suffer constant risk to natural disasters and threats to eviction, have an unstable livelihood generation, temporary sense of communality and live under precarious health and environmental conditions.

Asian Coalition for Housing Rights states that “at least a quarter of Yangon’s inhabitants live in informal settlements, without drains, electricity, paved roads, sewage or clean water” (ACHR, 2013). Even though official numbers stipulate that only 10 percent of Yangon’s residents are squatters, it is estimated that at least thirty percent of

the city households are located in informal settlements, living in illegally built homes and subdivided lands against the official zoning legislation (Forbes, 2018). The majority and largest informal settlements are located in the urban periphery, with population enclaves that vary between hundreds to two thousand residents.

Households have been internally displaced over decades with the main purpose of redevelopment and construction of renamed hotels, business and apartment buildings. A considerable amount of city residents are continually migrating, looking for permanent and secure relocation due to the rising prices of land and rent in Yangon (Simpson, 2018). This intra-city forced displacement started with the State Law and Order Restoration Council (SLORC) regime, when 16% of Yangon residents were evicted from the central business district (CBD) to peripheral empty lands close to industry zones (Bansal, 2016). A population known as “U-PAIN” that now constitute the majority of illegal settlements (WFW, 2018).

To the date, grand part of squatter populations are located in the outskirts. For 2016, Hlaing Thayar township had the highest number of informal settlers and Dagon Seikkan Township had the largest proportion of informal settlements (Roberts, 2018). Nevertheless, the “mid-city” areas between the historical central zone and the borders, hold smaller and more disperse informal communities of about 50 to 60 households. Additionally, very few small informal settlements are occupying central areas with residents working in the port and railway and employees of the government who are protected by a de facto tenure security (Roberts, 2018).

Moreover, there is a customary classification of squatters dividing residents in three main categories. The first category, The Holdings, are people paying a regular amount of money to buy land from the ward governor and elders of the community. The second category, the house-owners, buy land and houses from the holdings. This include individuals who invest in properties and own between 10 to 90 houses. The third category, the house-renters, rent houses from owners by paying a monthly or trimestrial allowance without having a formal agreement. They are in charge of housing repairs and reforms and are continually under risk of eviction (WFW, 2018).

Yet, not all residents in the Yangon periphery are squatters. Some are formal renters who could not afford the rising prices of the city, others are wealthy individuals who live in gated communities such as housing estate built by First Myanmar Investment (Forbes, 2017). The ambivalent situation of land tenure has been impossible to clarify in Yangon. In 2015, "UN Habitat has found that 38% of households have legal claim to their land", but the legality of the tenure is based on tax receipts and not on official titles, which increases the probability of eventual eviction, insecurity and possible land claim from the government (Roberts, 2018).

Finance and heritage

Myanmar economy has been expanding after the state reopened its market to international investment in 2010 because of an urgency for recovery from Cyclone Nargis (2008). As a consequence, immediate international aid and presence of development agencies settled in Yangon, private investors have taken over public activities as housing, energy, and telecommunication, and a market based renovation has increased land prices, evictions, housing shortage and a need for industry land. The first concern of the central government has become transforming the country in an united and organised territory where development is a top priority (Roberts, 2017). However, the reality of the official finance state conflicts with the plans for future urban renovation. Neither the Department of Public Works or the Department of Urban Housing and Development (DUHD) have enough budget to complete the expected expansion for Yangon. The Ministry of construction (MOC) stated that "The Burmese government will build more than one million houses nationwide over the next 20 years" in which DUHD is planning to provide only 20% and will allow private sector to produce the remaining 80%. However, even the low-cost housing provided by the government is not reaching the poorest population (ADB, 2016). In fact, new luxury housing with provision of services and infrastructure has been built in formerly squatted land, benefiting only public officials with the help of government subsidies. (BUDD,2018)

Moreover, Yangon's urban poor are not able to access financial services through banks. Squatter families often require to take informal loans with average of 20% rate of interest to cover for their daily needs, healthcare and housing issues (Trautwein, 2016). A decision that generally puts them in an increasing cycle of debt and exacerbate their poverty conditions.

As a consequence, communities in informal settlements have organised themselves to provide for their own needs. Through community-driven processes, residents are covering for housing, infrastructure, welfare and education; technical support from civil society organisations as Women for the World, Asian coalition for housing Rights and Community Architects Network has been provided. These communities recognise that only by doing the work themselves, their urgencies will be attended (ACHR, 2013). Collective actions have result into organised social groups, communal saving and network-building. Communities have created projects to pave roads, make drainage culverts, renovate public constructions, buy collective land, build housing projects and organise Buddhist rites and festivals as an important aspect of their traditions and heritage. These series of actions have been deeply rooted in the "self-reliance and traditions of mutual help in Burmese systems" (ACHR, 2013).

Although the Burmatization Policy denies the multi-diversity of the country and the existent of abounding ethnicities neglecting their right to recognition, "the approximately 100 years of peaceable coexistence between various ethnic and religious groups in Yangon is proof of the city's historic diversity" (Roberts, 2018). Even though, heritage aspects are generally associated to the colonial built environment and the central area where pagodas, monasteries, churches, mosques, Hindu temples, and British colony constructions are located, the patrimony of Yangon cannot be reduced to a physical aspect.

The main difficulty is that official organisations in the city are recognising the physical environment as the main aspect of their heritage and traditional Burmese history. Yangon Heritage Trust (YTH) contemplate the colonial central area as the place where Burmese people learned to be modern (Roberts J, 2018). Nowadays, investment has the purpose to transform Yangon into "the most attractive beautiful and liveable city in Southeast Asia, this is an asset worth billions of dollars" (Roberts J, 2017). A consideration that reinforces a market based urban devel-

opment, denies the urgency on attending the urban poor needs and neglects the city residents any saying on the urban planning. In contrast, Yangon residents do not have a big concern for colonial buildings as much as they want to protect the sacred Shwedagon Pagoda and the Ayeyawady River (Roberts J, 2018). A reflection on how the heritage of the city is rooted on a cultural diversity more than a desire for modern infrastructure and architecture. It can not be denied that The Buddhism and the Dharmma practice present in communities shows a stronger sense of their culture and heritage. Helping each other is a fundamental precept of everydayness in Buddhism.

Negotiating the development of Yangon. Challenging traditional planning

Over the last decades, there has been a double, parallel urban growth in Yangon. On one hand, the government has been formalising and implementing development proposals, that require the support of international agencies and immense private investment. On the other hand, as a response to the market consequences and the impossibility of clarifying legal complications, informal settlers have developed community driven projects that besides of covering for their needs, have challenged the top-down supply model (ACHR, 2013).

To begin with, the efforts from the government have included the creation of the City of Yangon Development Law, the National Land Resource Management Central Committee, and the collaboration with JICA organisation on the creation of the first draft for the greater Yangon Master Plan.

First, the City of Yangon Development Law (1990), established the Yangon City Development Committee (YCDC). An organisation in charge of the the administration of lands, provision of public infrastructure and services, the management of public space, the organisation of new projects and towns and the expansion of the city. Likewise, the National Land Resource Management Central Committee

drafted the first National Land Use Policy in 2016. A policy that formulates the establishment of independent committees with autonomy to amend land use classification on the State, region, city, Township and Village-Ward level, (Khaing, 2016).

In terms of the Urban master plan, the government developed the first draft with the collaboration of the Japan international cooperation agency. A plan with a Transit Oriented Development (TOD) that focuses on infrastructure, transport, services and growth of satellite urban centres in peripheral areas (JICA,2014). The principal deficiency to the plan, is the absence of specific proposals for the urgent land and housing situation, including the squatter crisis of the most marginalised population. With the JICA plan, the provision of affordable housing remain in the hands of private investors and there is only a superficial effort from the local government to tackle the issue based on a generic building model. In fact, the director of the Urban and Regional Planning Department stated that housing selling values will depend on construction costs and that no one can assume prices will be as low as expected (Paing, 2013).

Clearly, the city government is unprepared for such a rapid population and urban expansion. There is no a comprehensive land plan that besides covering where the developments will take place, set realistic scenarios of implementation, finance and inclusive urbanism. This lack of consolidation and integrity is neglecting the existence of a complex legal situation related to the built environment, the social relations and the multiple actors taking place in Yangon. As a consequences of the complexity of the urban configuration, the government is only intending to respond with an universalised planning solution without consideration for the specificities of the space (Roberts, 2018).

The Master planning for Yangon 2040, is ultimately abstract and based on development organisations advice that ignore the deep configurations of squatter communities. Therefore, it is establishing specialising urban zones based on generic urban rationalities. Because of this phenomenon, alternative and collaborative urban strategies between government, local communities, private investors and civil society organisations are urgently needed. Strategies that include the local knowledge as important as the specificities of the city and the economical factors. In order to generate a more adequate and open to change plan, it is crucial to establish an expanded negotiation and bargaining of power in the actual consolidation of the proposals. A negotiation that boost a

participatory approach and challenge the model of state decision making and private investment; a model that will barely cover 20% of the state desired output. Furthermore, it is important to acknowledge that the current gap in legislation and policy is the opportunity for this changes to take place.

Yet in order to rethink city upgrading strategies with a people centred proposal, without falling in a naive though of working against the state, it is important to understand this process as a logical equation. An equation in which the relation of the state and the private sector are positioned in a higher level, compared to the importance of the urban development carried out by communities collaborating with civil organisations. Even when their approach has promoted a more effective and sustainable production of the space.

What becomes key in this equation is looking for a collective effort to equilibrate the two sides of urban production and consolidate them as a whole process that instead of neglecting a current practice, reinforces the possible relations for a successful and flexible growth. Nowadays, the government is only collaborating with private sector and not opening opportunities for other multiple relations to generate a less unbalance formula. It becomes fundamental to challenge this model and rethink the urban production.

For instance, Community driven projects could use the support of the state as the provider of services and infrastructure. Likewise, community projects could have an association with private inversion in order to produce a more densified but local based development that allow the government to establish a long term agreement on land occupation, generates a revenue for private sector or even establish an agreement between entrepreneurs and micro finance business.

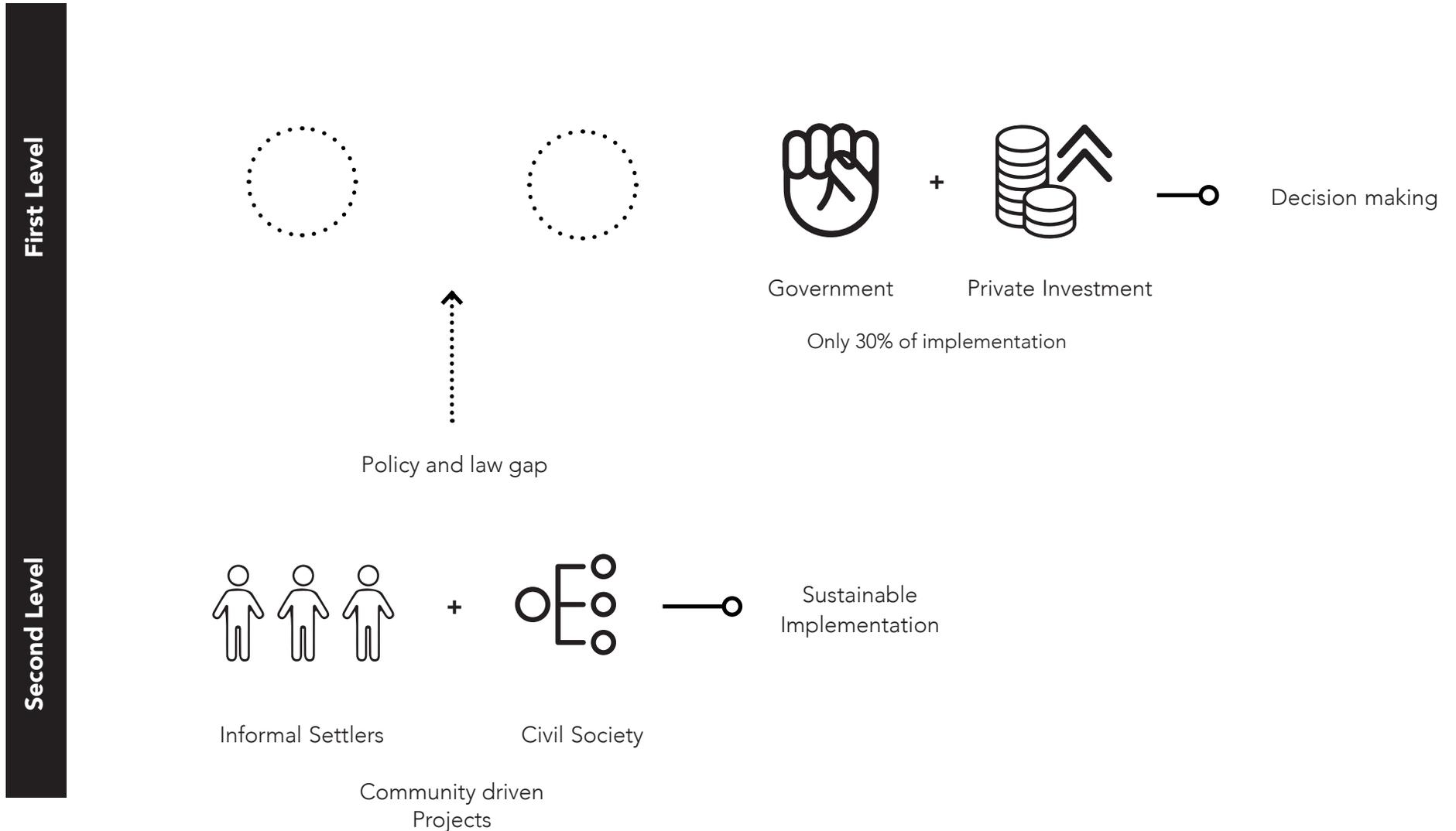
This type of alliance could tackle the lack of land availability and ownership unclarity, build a strong sense of community, dignify the lives of thousand of individuals and help with the growth of a sustainable economy. Furthermore, it can open a scenario where civil society organisations associate with private investors and community groups to implement and improve the actual housing projects that are already taking place in the city. Those that lack a sense of any relation with the specificities of the place and have become a

generic box of unaffordable housing provision.

In conclusion, a more open, balanced equation between the parts could help establishing learning platforms, networking building, more sustainable but realistic developments, finance stability, higher inversion, coverage of minimal services and infrastructure. Instead of diminishing the importance of each actor, it is fundamental recognising their existence and finding methods for equilibrating the inputs. A final key questions emerge: how willing is the government to cooperate between the parts, in order to provide a solution that open the possibilities and reinforcing a more just, organised, productive and equitable system inspired on the antique Burmese tradition of cooperation between the actors.

NEGOTIATING THE DEVELOPMENT

Balancing the Equation



YANGON

Largest city of the country: population 7.000.000

LAND

- Use primarily for housing and industry
- Land prices are defined by Market
- No clarity on ownership of lands
- Standard classification of land, but not correct identification on the map
- Peripheries are generally informal settlements
- 30 - 40% population live without services and infrastructure
- No official law or policy, only the draft of National Land Use Policy 2016
- Burmatization Policy : Land from no Burmese was taken away for the Military

CITIZENSHIP

- Citizenship Act 1948
- Burmatization Policy: certain ethnicities do not have right of recognition
- Citizenship law 1982: 3 types of ID cards (colored code), full, associated, naturalized
- Denial of diversity; nation wide stateless
- Impossibility to define who is a citizen
- No recognition = No access to health, no right to own land, no access to education

HERITAGE

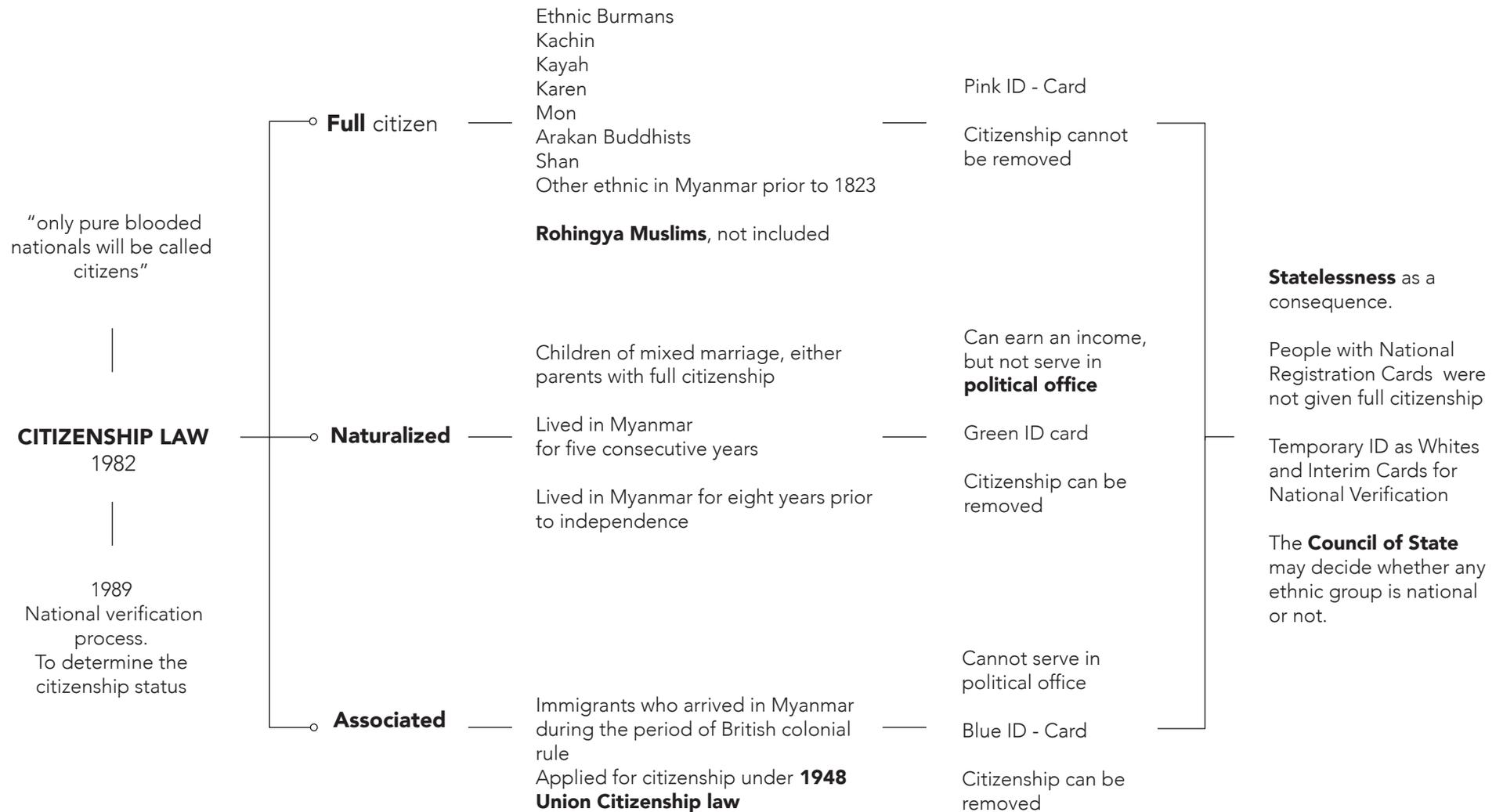
- Intangible: cultural diversity and multiplicity of origins
- Buddhism and the Dharma practice. Help each other in every condition
- Heritage built environment mainly located in the city center
- Buildings form the British colony period
- Colonial area: Pagodas, monasteries, churches, mosques, Hindu temples,
- JICA: Central Business Development to renew.

FINANCE

- There is not sufficient official budget to implement growth of city and housing
- Mainly international invest "help from developed nations"
- Informal economic activities because of lack or recognition
- No affordable housing for majority of population
- Strong private sector
- Self saving groups in squatter communities for land, housing and upgrading infrastructure
- Privatization of land for housing projects and industries
- Major work force in the city are living in urban poor communities

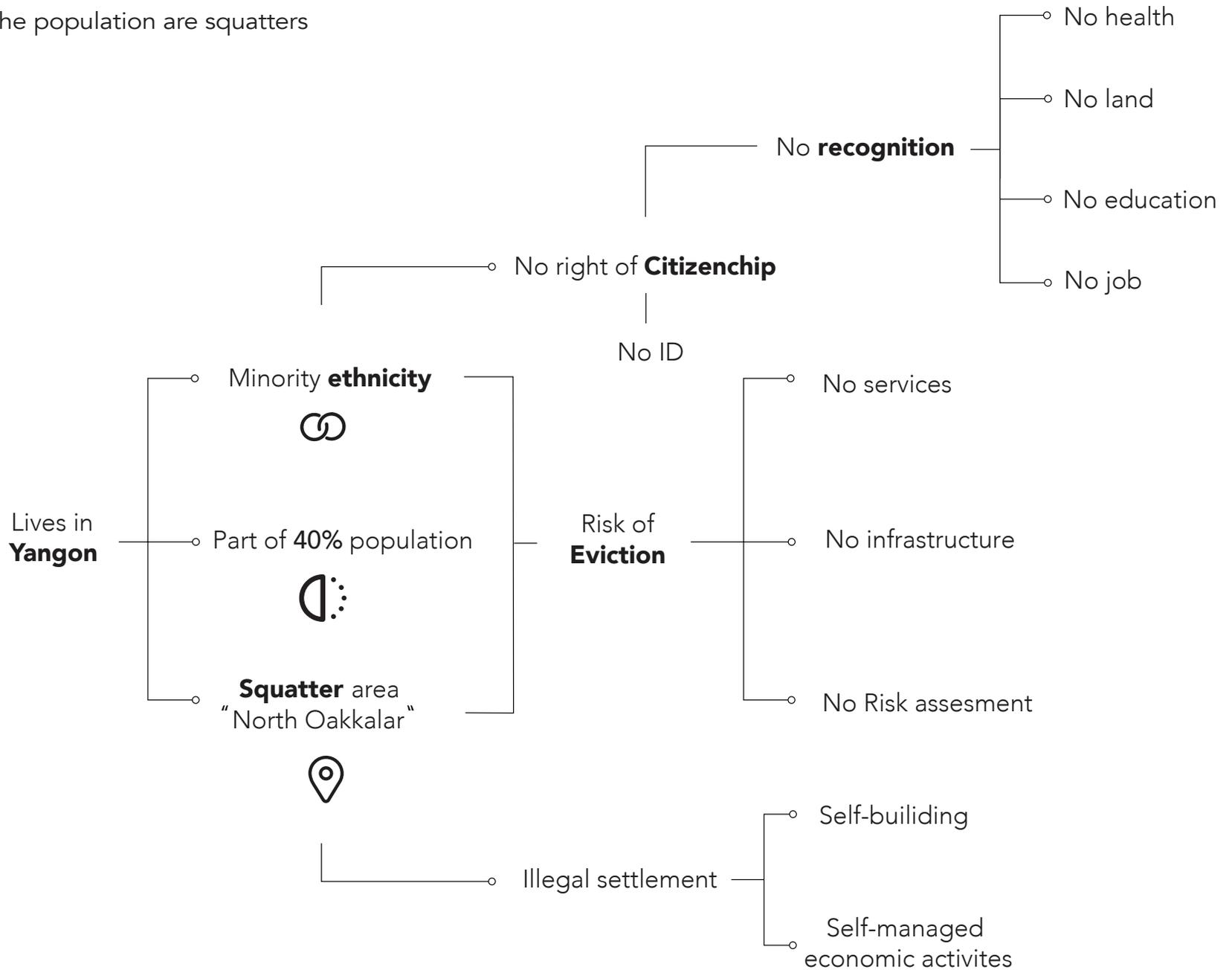
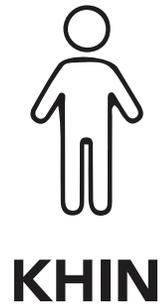
CITIZENSHIP

A citizenship classification for stateless citizens



DWELLERS

Around 40% of the population are squatters



There are around **2.8 million**
khins in **Yangon**

* Khin: Kindness in Burmese, is a common name used for both genders

DWELLERS

Around 40% of the population are squatters

15%

Own houses

30%

Rent houses

45%

Are squatters

Live



Public empty land



Road sides



River banks



Railway lines



Electric Tower



Factories



Religious Structures

Services



Risk Natural disaster



No electricity



No toilets



Water from rivers



Firewood cooking

SQUATTERS CLASSIFICATION

Finance and informality cycles



Holdings

- People who live by buying land up-front
- The land eventually becomes their possession



House Owner

- Buy land and houses from the holdings



House Renter

- Rent houses from the house owner
- No formal agreement, possible eviction

U-PAIN are people that **occupied** vacant land from government **property**

Although they occupied the land without an official agreement, the government did not interfere

LAND CLASSIFICATION

Official government classification



Farm

- Agriculture only
- Now transferable
- Difficult conversion to urban



Ancestral

- English period for city extension
- Transferred from farm land
- For make dealing



Grant

- Can be rented for 30, 60 and 90 years.
- It is the most official land



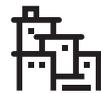
Permit

- Cannot be transferred
- Does not have grant
- Allows rental dealing



Squatter

- Rare land nowadays
- From English period for people who couldn't afford rental fees



Invasion

- Invasion land on government or private land
- No lease
- Risk of eviction



Religious

- Donated for religious purposes
- Change of use with government authorization
- Grant with permission allowed

LAND POLICY AND LAW

The contradictions of the state

Constitution of 2008

Section 37- Chapter 1

- The owner of all land and all resources is the Myanmar Country and people are only renters
- A committee charged by the Prime Minister decides all change of use of urban land in Yangon City

However,

According to land classification, dealing can be done differently.

The National Land Resource Management Central Committee

- Created in 2014
- In charge of reviewing existing laws of land and classification

- Led to the creation of a draft of the National Land Use **Policy** published on January 2016

City of **Yangon Development Law** - 1990

- Formation of the **YCDC**
- In charge of the development works of the city

- Contradiction to the constitution, because of different times of enactment.
- There is no Town Planning Law in Myanmar

LAND POLICY AND LAW

The contradictions of the state

Urban Planning Division
UPD

- Under the department of city planning and land administration of YCDC.

However,

According to **JICA** "Staff may not have enough specialized training in urban planning"

Ministry of Construction
Department of Public Works
and **DUHD**

- In charge of development of housing, new towns, and urban development in Yangon

- New responsibility of **DUHD** towards facilitation of urban **development**

YCDC responsible for private land

- The Housing Delivery System in Myanmar is predominantly private

- **DUHD** plans to provide 20% of housing units and private sector 80%

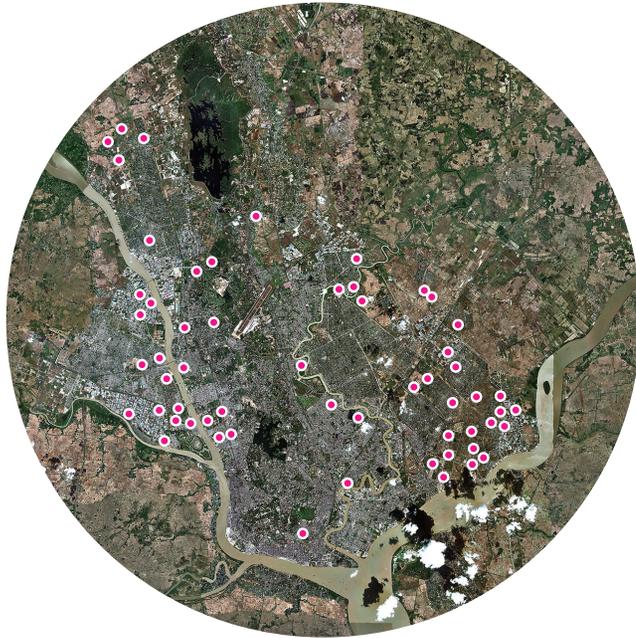
DUHD responsible for government land

- The **DUHD** provides rental housing for **government** employees

- Intention for Slum and Squatter **Upgrading** to apartment Scheme

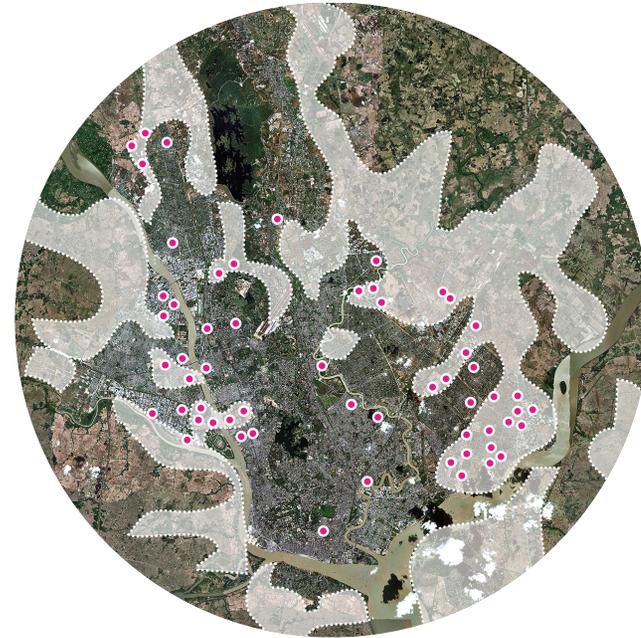
PLANNING ON PAPER

Planning future evictions



Yangon 2018

● Community lead projects



**Renovation plan
2040**

Majority of **Community lead** projects will be **affected** with **renovation**

Renovation of greater Yangon by JICA organization

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