Yangon at a Turning Point:
Progress, Heritage, and Community

YANGON HERITAGE TRUST

GSAPP
Graduate School of Architecture, Planning and Preservation

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Acknowledgments

Image 1 - The studio team with the students from Yangon University

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1. Introduction

The city of Yangon is undergoing a period of rapid change and development following recent political transitions in Myanmar that have spurred foreign and domestic investment. Real estate development within the historic downtown of Yangon, commonly referred to as the central business district (CBD), is escalating as are real estate values. Most of the development could be described as 'ad hoc', raising concerns within the city and internationally about community preservation and heritage conservation, among other vulnerabilities. The densely-populated, diverse community of the CBD lives amidst a high concentration of British colonial era buildings, which have historically provided affordable residences, commercial units and invaluable public spaces.

The current legal system in Myanmar exacerbates the issue of development control in the CBD. There are no heritage protection laws that protect colonial-era architecture. Unclear legal requirements and rights have resulted in uncertain building and apartment ownership, poorly-defined tenure status, and confusion as to landlord-tenant responsibilities and service provision. Widespread informal real estate transactions and arrangements have made property law in Myanmar a sensitive issue that is not openly discussed. These gaps within the legal framework must be addressed in tandem with policies that foster equitable heritage conservation, community preservation and development in the CBD.

This report was prepared in the fall of 2014 for the Yangon Heritage Trust (YHT), a non-governmental organization that advocates for the conservation of the rich heritage of downtown Yangon. YHT recognizes the potential for Yangon to be a model for equitable, progressive heritage conservation that improves quality of life for all residents. Yangon has a unique opportunity to develop heritage conservation tools that can empower local communities, deter displacement, encourage appropriate development and conserve spaces of value. Now is the time to implement this goal, as Yangon and its CBD are still in the early stages of development and economic transition. The purpose of this report is to assist YHT in its mission by outlining strategies and opportunities

Image 2 - Yangon's Central Business District (CBD) at night

that can address and mitigate the displacement of downtown communities as part of an overall heritage preservation strategy.

The report, prepared by Columbia University students of the Planning and Historic Preservation Departments of the Graduate School of Architecture, Planning, and Preservation, the School of International and Public Affairs and the Law School, in a joint planning and historic preservation studio, presents strategies for addressing community preservation in the context of a vision for a future Yangon that protects both people and places and reinforces heritage and community through development. The report grounds this vision with five sets of strategy-based recommendations, focusing on issues of transparency and equity, economic diversity, cultural inclusiveness, habitability and affordability, and an integrated community.

The strategies and recommendations are based on the belief that, through protecting existing communities from displacement and conserving the historic environment, Yangon can become an even more desirable place to live, work, and visit.

1.1. The Yangon Heritage Trust

The Yangon Heritage Trust (YHT) is a non-governmental organization located in Yangon, Myanmar that was founded by historian Dr. Thant Myint-U in March of 2012. Composed of architects, historians and cultural heritage specialists, the Yangon Heritage Trust's team works to preserve the city's unique architectural legacy, and create an understanding of how the built environment can positively impact the livability of the city for existing and future residents.

Image 3 - Apartment buildings in Yangon's CBD

In its mission statement, YHT states that "the conservation of the city's rich heritage plays a vital role in making Yangon one of the most livable and vibrant cities in Asia". YHT advocates for heritage conservation, develops policy options to address this pursuit, undertakes conservation projects, facilitates training, and organizes studies and conferences related the conservation of Yangon (Yangon Heritage Trust, 2014). YHT's understanding of heritage conservation takes into account the impact of different rates of change - in particular, sudden and substantial changes occur that can detrimentally impact existing communities. When change is undertaken with comprehensive participation at a pace determined as reasonable by an affected community, it can itself become part of the heritage of the community, and contribute to the area's health and growth.

YHT's work goes beyond advocating for the conservation of Yangon's built heritage and the adoption of a comprehensive zoning plan for the CBD; its vision is to modernize the whole city while preserving its historic character, by focusing on both the physical environment as well as the social fabric of Yangon (The Economist 2014).

1.2. Goals

The goal of this report is to propose strategies that can be considered in planning for the development, heritage and future of Yangon's CBD community that will preserve existing communities and their surrounding historic fabric through inclusive and integrated planning. These recommendations, presented as a elements of a vision for a future Yangon, should be understood as suggestions that can be considered alongside other options as policy-making evolves in Yangon.

Image 4 - Apartment buildings with ground floor commercial spaces in Yangon's CBD
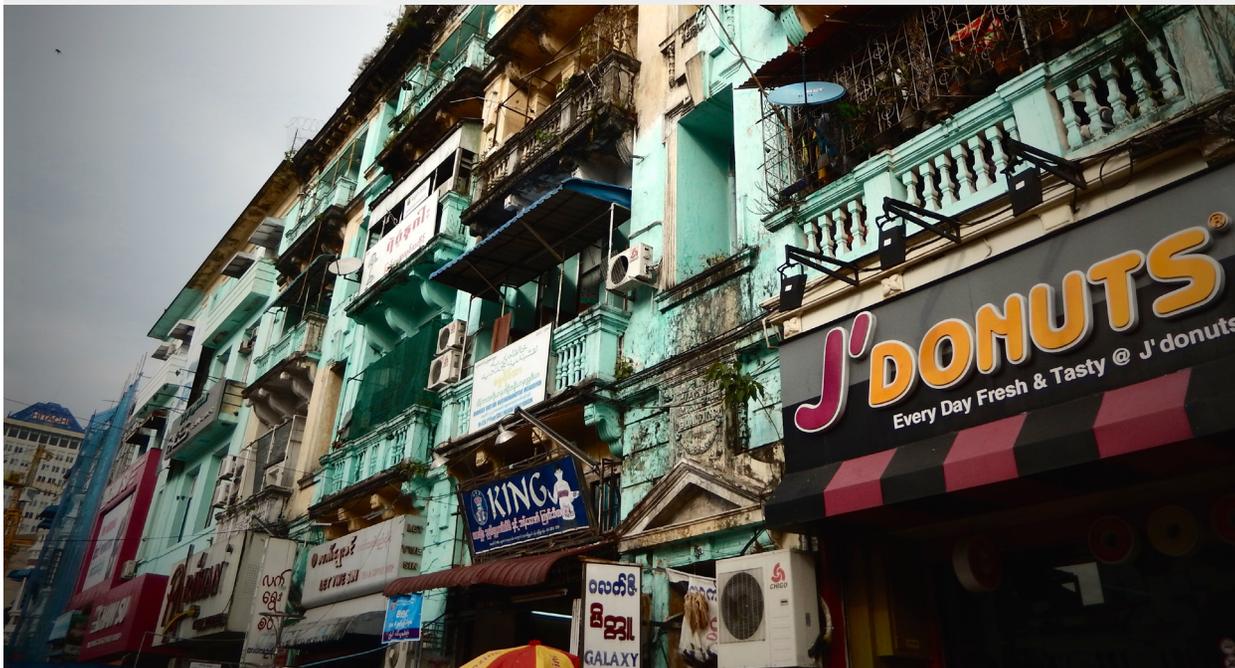
Image 5 - YHT director Thant Myint U

2. Perspectives & Assumptions

The team consists of students from across the globe who have been studying planning, historic preservation, law or international affairs in a western context. The team members are aware that they bring their own unique perspectives and assumptions, as influenced by their academic, professional and life experiences, to any research they approach and that the team's shared perspectives informed both its research and its conclusions.

The team has defined certain of its key shared perspectives and assumptions, on conservation, displacement, participatory processes, and transparency, as follows.

2. 1. Heritage conservation should incorporate community preservation

YHT's project to conserve the historic fabric of Yangon's CBD provides a unique opportunity to illustrate how innovative conservation tools and strategies can be used not only for physical preservation but also community preservation, improvement and economic development. The mission of YHT - to advocate for heritage conservation as a contributing factor to livability - places the organization at the crossroads of conservation and community preservation in Yangon. YHT has the potential to make Yangon a regional model for how heritage conservation

can be part of the larger toolbox with which communities can be preserved and cities can evolve to suit their own local needs. The following are a series of ways in which the studio team believes conservation principles can be applied to benefit the people and place that constitute Yangon's CBD and beyond.

2.1.1. Promoting livability through heritage conservation

Heritage conservation has the potential to positively impact quality of life and livability when included as part of a comprehensive plan that recognizes and values the connection between

Image 6 - The studio team at the Yangon Heritage Trust headquarters

people and place. Through involving communities in the planning process, heritage conservation can improve resident engagement, while ensuring that community values and concerns are addressed by new policy.

Heritage conservation can be used to provide a degree of tangible security to communities undergoing significant change. For example, targeted conservation efforts can be used to prevent the sudden loss of features vital to community life: parks and open spaces, public buildings, landmarks, and streetscapes. In cases where communities contain under-utilized buildings or buildings that require structural and/or aesthetic improvement, heritage conservation is a valuable process through which appropriate and creative new uses can be found without requiring excessive expense and dramatic interventions.

2.1.2. Using heritage conservation as a tool for community preservation

Contemporary heritage conservation goes beyond preserving the bricks and mortar of structures, and is centered on understanding the important role that built heritage plays in contributing to sustainable and unique environments. Central to the vitality of any historic urban landscape are the people and communities that occupy it. Heritage conservation cannot be separated from the communities within which it operates. Throughout the globe, policies and regulations relating to conservation are increasingly incorporating community engagement into the conservation process - a recognition that values and personal significance attributed to an area extend beyond architectural style and building age.

When effectively implemented, heritage conservation can be a means with which communities located in historic areas can realize economic, social and environmental benefits. In the United States, heritage conservation is increasingly recognized as both a tool to spur economic development as well as a strategy for strengthening existing communities (Rypkema et al. 2011, 1). For example, the National Main Street program - run

Image 7 - An outdoor food market in greater Yangon

by the National Trust for Historic Preservation - connects heritage conservation with community preservation and economic development. Relying upon minimal public sector funding, the program helps communities realize the economic benefits of conserving their historic fabric by providing access to expert information on available tax credits, grants, and loans, encouraging local hiring when undertaking restoration projects, pooling community resources to fund mutually beneficial projects, and catalyzing increases in property values through these improvements (Rypkema et al. 2011, 26). Providing such benefits can promote a sense of community stewardship amongst residents, encouraging businesses and residents to remain invested in the long-term maintenance of the project area.

2.1.3. Conserving the historic urban landscape to support sustainable development

The team understands heritage conservation to encompass the protection of historic buildings and landscapes of value as defined by a community, as well as the adaptation of these assets to fit contemporary needs. Heritage conservation is often regulated through public policy, and is supported and enhanced by advocacy groups and private interests. It can be an integral part of sustainable development with benefits that go beyond the aesthetic, historic and cultural values.

Research on the economic and public benefits of heritage conservation supports the claim that it is a powerful tool in sustaining local economies, creating jobs and promoting revitalization while generating

capital. It can promote development on a human scale, enhance visual interest, and improve a city's livability. When rapid modernization and urbanization occurs in historic cities it is often accompanied by 'intensification' of markets of historic city centers, and the displacement of existing communities. This often results in the loss of local distinctive traits that make a city liveable and desirable (Rama 2012, 16). The conservation of the urban landscape is a tool that can be used to control this process and regulate appropriate change.

Physical qualities: Historic urban landscapes contain a very distinct built fabric,

offering opportunities generally absent from newer developments (Rypkema 2012, 25). These areas contain buildings and amenities constructed on a 'human scale'; dense, low-scale construction, with a high level of walkability, and diverse uses that serve the local community. Due to the gradual accumulation of buildings within historic districts, these areas can offer a diverse range of housing opportunities (both in size and affordability) with sought after passive design features such as natural lighting and ventilation.

Local economy: Historic buildings often provide space for a wide range of services fostering diverse local commerce and services. They serve as

Image 8 - A facade restoration project on Sule Pagoda Road in Yangon's CBD
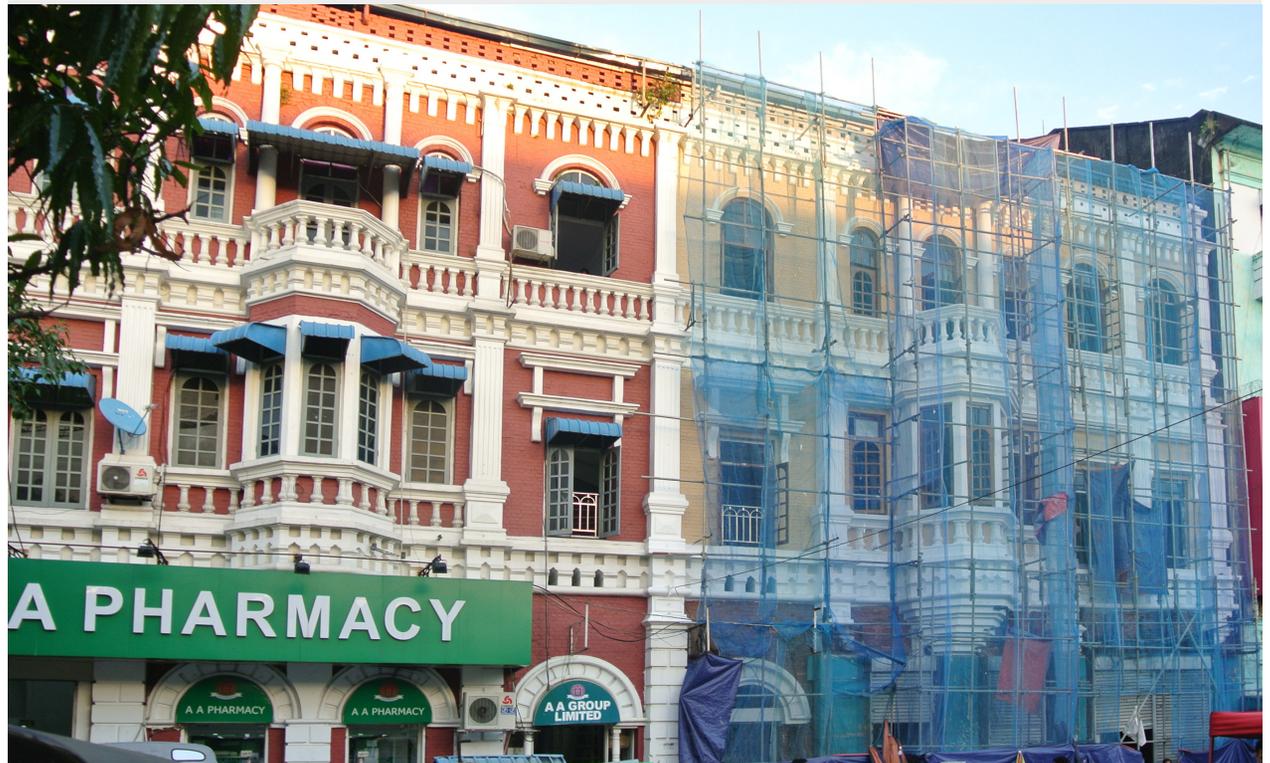
natural incubators for small-scale local businesses due to their smaller sizes and relative affordability when compared to new construction. In addition, historic city centers differentiate themselves from their competitors through their unique built fabric, and often use the attributes arising from this fabric to attract foreign investment and further boost the local economy (O'Brien 2012, 13).

Jobs: Conservation is a labor intensive process that can support job creation, trade, and skill growth. When comparing the cost of new construction and conservation, conservation labor costs are 10-15% higher, producing more and higher paying jobs, with decreased material and import costs. In addition, heritage conservation provides more jobs than new construction; in Europe, conservation provides 16.5% more jobs than new construction (Rypkema 2008).

Environment: Historic buildings are physical assets with value that can be understood in future and past investments; the 'embodied energy' - the resources that went into the construction of the building - is often cited as a reason to preserve rather than build new. The conservation of historic urban landscapes can reduce construction waste arising from demolition, as well as the use of scarce natural resources, and material costs associated with new construction.

Heritage tourism: Historic urban landscapes are magnets for tourists seeking to experience foreign cultures; the historic assets that contribute to creating a sense of place and support cultural expression are not reproducible (Nijkamp 2012, 79). Tourism is an important source of revenue for cities all over the world, and it is an industry that generates opportunities for local communities.

Once the distinctiveness and heritage assets of a place are lost, due to development or misguided planning, they can be difficult if not impossible to recover (O'Brien 2012, 8).

2. 2. Displacement of community residents must be considered in heritage conservation planning

Broadly speaking, displacement refers to the process of something being moved involuntarily from its place or position. When this concept is used in discussions of planning, policy, or law the subjects of concern are generally different populations: people, families, households, businesses, or communities. Displacement may also refer to uses, activities, and cultures. Any kind of community change - regardless of the intention - may cause displacement and the

Image 9 - View from Maha Bandula Park and the Independence Monument in Yangon's CBD

displacement impact of change must be assessed to make informed decisions about what kind of change should occur.

The strategies and recommendations set forth in this report are derived from an examination of factors that contribute to displacement. They propose measures for managing development and change in the downtown that will mitigate displacement as much as possible. Granting strong protections on occupancy rights of existing populations or strict regulation of real estate markets may limit or complicate the full economic potential of land development and create a slower or more incremental development process. However, the perspective of the studio team is that mitigating displacement -- by preserving and improving quality of life for existing residents, retaining the unity of families and social networks, and retaining accessible and affordable amenities and housing — must be prioritized.

The team also believes that one key to mitigating displacement in a community experiencing change and development pressure is to seek solutions that will benefit more than one interest group - prioritizing residents, creating amenable opportunities for developers, and proposing feasible projects appropriate for the capacity levels of the government. This report culminates in what the team believes is such a solution: a broad and inclusive definition of conservation as a viable, progressive and comprehensive antidote to displacement - one that prioritizes resident's values and needs by improving their quality of life, bringing beneficial change to their communities in

Image 10 - Apartment buildings across from the YCDC headquarters in Yangon's City Hall

the form of economic opportunities, improved quality of housing, and controlled opportunities for investment.

2. 3. Community participation in planning is essential

Participatory processes and community engagement are essential for assuring that Yangon's future growth serves all its constituents, and are emphasized as necessary components of project and policy development throughout this report. Myanmar has experienced unprecedented change in political, social and economic realms in the past few years, however, this change has occurred with little direct input from citizens. In fact, the people of Yangon, and Myanmar as a whole, have long been discouraged from speaking out on public policy issues. For this reason, the team understands that encouraging community engagement and increased participatory processes will be a challenge.

In the planning and preservation context, participation refers to the meaningful involvement of citizens and stakeholders in decision-making processes that impact themselves and their community. Participatory processes give the communities a role in their own future by allowing them to define their vision for the physical, social and economic development of their city. Sharing information with residents and stakeholders and including their views in decision-making results in more successful development that benefits the community as a whole and gives community

members a direct stake in the outcome of planning efforts. This process both improves the impact a potential intervention can have on a society and reduces the negative impacts that can occur when the needs of the people are ignored. The participation of Yangon's local residents and communities will be a key factor in the city's success in ensuring the long term preservation of the heritage, both of people and place, of the CBD.

2.4. Decision-making must be transparent

Transparency refers to the availability of information to the public on decisions and actions made by the government. In present-day Myanmar, levels of transparency in government and decision-making processes remain low. Similarly, economic, demographic and other data relevant to planning is not made available. The lack of reliable information regarding the current and past conditions of the region's politics, demographics, government and economy hampers effective research and had a limiting effect on the scope of recommendations that could be made in this report.

Transparency is a central principle of good governance and democracy. Transparent decision-making is critical for the functioning of an open economy and enables individuals to assert their autonomy and make informed decisions based on reliable and accurate information on their rights and their community. Transparency promotes government accountability by requiring decisions and actions made by government to be open to public scrutiny. Ensuring transparency in decision-

Image 12 - A sit-in protest against land-takings in Yangon's CBD

Image 13 - A focus group session during the symposium held by the studio team while in Yangon

Image 14 - Residents enjoy the fountain at Maha Bandula Park in Yangon's CBD

making is a government's responsibility: it must make information clear enough to understand and accessible to the general public. their city. Sharing information with residents and stakeholders and including their views in decision-making results in more successful development that benefits the community as a whole and gives community members a direct stake in the outcome of planning efforts. This process both improves the impact a potential intervention can have on a society and reduces the negative impacts that can occur when the needs of the people are ignored. The participation of Yangon's local residents and communities will be a key factor in the city's success in ensuring the long term preservation of the heritage, both of people and place, of the CBD.

Image 15 - A typical outdoor eating area around street food vendors in Yangon's CBD

3. Methodology

3.1. Approach

The team approached this project by first studying available literature on the politics, economics, history, built environment and culture of Yangon and Myanmar. This information was supplemented with informal lectures given by experts on Myanmar to gain a preliminary understanding of the current physical character and socioeconomic conditions of Yangon.

Subsequently, the team compiled international case studies of cities around the globe where development threatened to displace residents and compromise community heritage. The findings from these case studies were used to develop the 'factors contributing to displacement' framework presented in this report. These case studies are available in full in Appendix B.

The team completed a site visit in Yangon in October, 2014 to consult with YHT and observe the CBD environment. While there, the team conducted on-street interviews with residents of the CBD in order to get a qualitative, first-hand understanding of the issues faced by the community. In order to gather information and feedback from local experts, the team also held a symposium at the Association of Myanmar Architects, where the case studies and preliminary research were presented. At the end of the symposium, the audience - composed of local policymakers, NGOs, heritage professionals, students, and the general public - was divided up into focus groups and the research findings were discussed.

These qualitative methods - interviews and focus groups - were selected partly to compensate for the relative lack of reliable quantitative data available with respect to the built environment of Yangon. Additionally, given the studio's core questions of heritage conservation and resident displacement, the use of qualitative methods to gather a more granular, richer picture of everyday life on the ground compared to quantitative data seemed appropriate. The team determined that qualitative data would also provide a more meaningful platform for future academic research.

3.2. Limitations

The team identified a number of limitations in the course of compiling this report. Some of the limitations were identified at the outset of the project; others became evident through the course of research, fieldwork and analysis. In some cases, these limitations have hindered the team's ability to compile quantifiable data that could support or provide context to our research assumptions.

Image 16 - The studio team during the symposium presentation held in Yangon

Data: The lack of reliable demographic and geospatial data posed a challenge in compiling background information on the city of Yangon. Without a great deal of reliable data, it was somewhat difficult to derive quantifiable conclusions about the city's built environment. This was especially true with respect to Yangon's land use patterns, socio-economic conditions, housing stock, and other issues related to heritage conservation. For instance, the lack of robust geospatial data prevented the most relevant types of quantitative geospatial analysis from being performed.

Language: Language limitations posed a challenge in the fieldwork and symposium components of this project. No members of the studio team speak Burmese. Translation and interpretation was provided by the studio teaching assistant (Zaw Lin Myat) while in New York, and by the YU students while in Yangon undertaking fieldwork.

Time and distance: The team conducted a single site visit in Yangon between October 24 and November 1st of 2014. As it was an academic studio project, the timeframe for completing this project (September - December 2014) as well as the expense of travel, prevented a longer site visit or additional site visits, and restricted the amount of time that could be devoted to data collection and research.

Image 17 - Studio team members and Yangon University Law students work together to develop street survey questions

4. Background
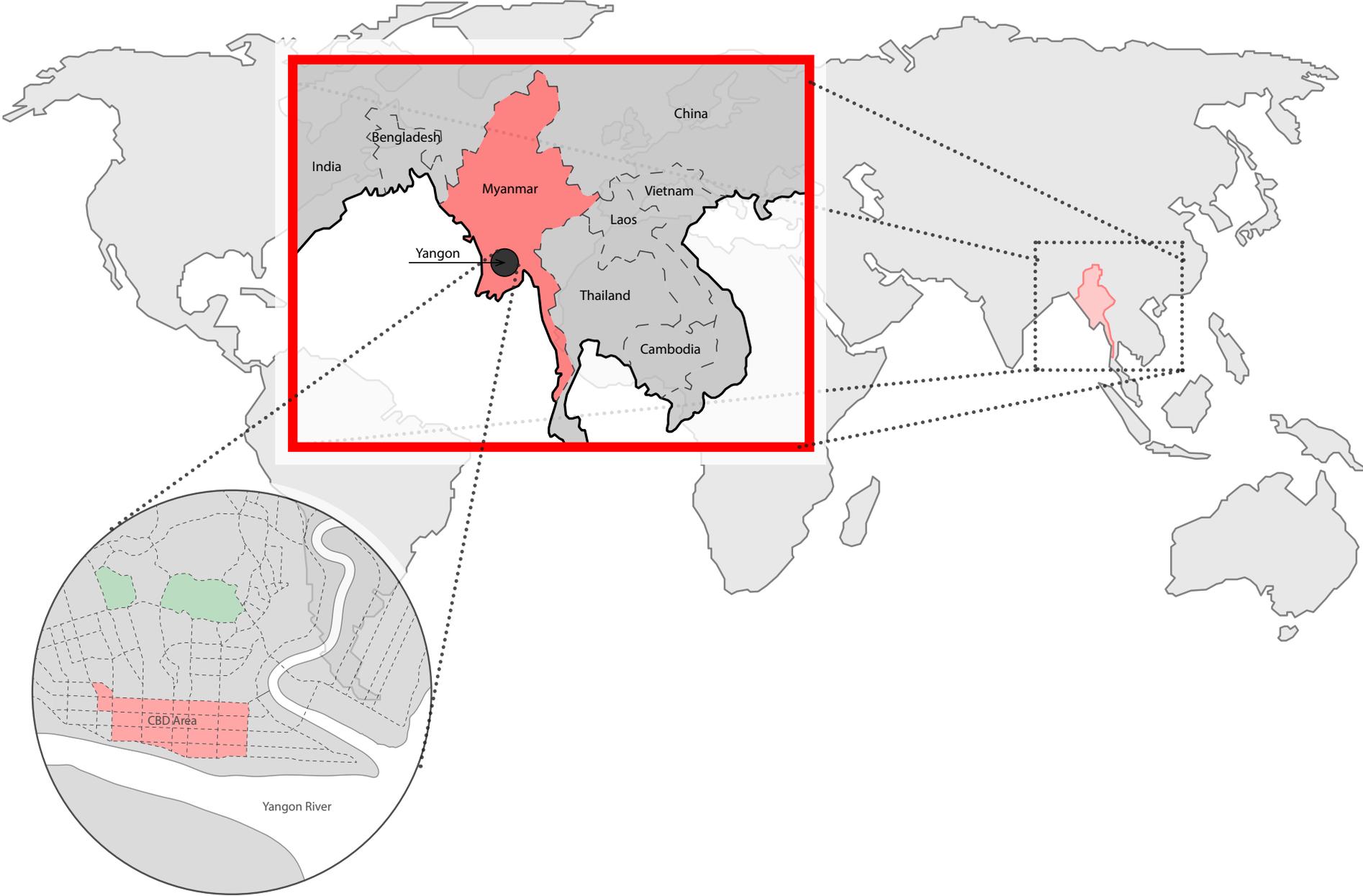
Map 1 - Site location: the Central Business District in Yangon, Myanmar

4.1. The Character of Yangon

4.1.1. History

The river delta on which Yangon is built was occupied by a Buddhist fishing village for almost two thousand years prior to the development of the modern city. Since the seventeenth century, successive governments have filled in marshlands with urban development in order to expand the city (JICA 2013, 135-136). Great Britain seized Yangon from the Kanbaung dynasty after the Second Anglo-Burmese War in 1852. The British government's earliest impact on the CBD was the implementation of the street grid system, the subsequent construction of numerous municipal and commercial buildings, and a significant influx of foreign, working-class immigrants, primarily from India and China (JICA, 2013, 183).

After nearly a century of foreign rule, Myanmar (then the Union of Burma) achieved independence from Britain in 1948, with U Nu sworn in as the newly-independent country's first prime minister. During the 1950s, Yangon experienced its largest ever in-migration, largely due to modernization and rural poverty. This led to overcrowding in the CBD and construction of dense, informal settlements around the periphery (JICA, 2013, 137-138).

The parliamentary government was overthrown in a 1962 military coup led by the Burma Socialist Programme Party (BSPP). During the ensuing forty-six years of one-party rule, the historic fabric of the CBD was inadvertently preserved through significant neglect and lack of investment.

Image 18 - Traditional boats on the Irrawaddy River at the Port of Yangon

Population growth also stalled during this period. Difficulties in achieving residency status within the city, a lack of job opportunities, poverty and inadequate education deterred new residents from moving to the urban center (Than Nwe 1998, 104). Over time, many of the social and religious institutions that served minority communities during the colonial period were shuttered. In 1988, control of the Burmese government transferred from the BSPP to the State Law and Order Restoration Council (SLORC). A military entity, SLORC introduced a variety of modern reforms checked by military control. It established Yangon City Development Company (YCDC) to address urban planning in Yangon's twenty-one townships (Seekins 2005, 254, 265).

Today, both the British and recent military legacies are evident in Yangon. Ancient pagodas and nineteenth-century halls are many of the city's most prominent structures, while careful yet opaque economic and social controls influence the city's planning.

Image 19 - Typical street life in Yangon's CBD

4.1.2. Demographics and Socioeconomic Conditions

Yangon is located within a geopolitical region of the country known as "Lower Myanmar," which holds the majority of Myanmar's population and is primarily ethnically Burmese. According to a recent survey, the ethnicity of the majority (90%) of all respondent households in Yangon is Burmese (JICA, 2013, 396). The majority of Yangon's residents are practicing Buddhists, yet Yangon is considered a relative melting pot in Myanmar. The largest minority groups from the Union of Myanmar are Karen and Rakhine, while the CBD also has large minority populations of Chinese and Indian descent. Institutions which serve these communities (mosques, churches) can be found within the CBD.

Gender Disparities: Compared to advanced democracies, the Myanmar legal system affords relatively few rights to women, and gender disparities in Myanmar society remain severe. Labor force participation is unequal between men and women, with about 75% employment among men and 43% among women . Sexual harassment in the workplace is not addressed in any Myanmar law. Myanmar was ranked 96th of 146 countries in the Gender Inequality Index (JICA, 2013, 121).

Tenure Security: Over 90% of Yangon residents reported having "security of tenure" in a JICA survey; however this terminology refers to the permanence of the physical structure of their homes and not the legality/formality of ownership of their residence (JICA, 2013, 415). Further research - above and beyond the survey data collected in this report - is

needed to illuminate or clarify the security of tenure for downtown Yangon residents.

Poverty: According to Myanmar's national poverty threshold (approximately $3 USD per day), 8.1% of greater Yangon's population lives in poverty. In some urban townships, however, the poverty rate is as high as 20% (JICA, 2013, 77). These figures should be interpreted cautiously, however, since they do not consider variations in the local cost of living.

4.1.3. Infrastructure & Service

Overall access to basic services in Yangon is extremely poor. There does not appear to be disaggregated data reflecting how Yangon's CBD functions compared to the rest of the city. Yangon's electricity consumption is estimated to be increasing 15% annually. Fluctuating voltage levels, poor transmission line networks, and supply shortages are recurring problems. Publicly supplied water is available to between 75 -100 % of households in the CBD, compared to 37% citywide (Khaing, 2006, 241). Solid waste treatment is privatized in the CBD and provided by YCDC in outlying areas. Sewage infrastructure in the CBD was installed in the 1800s to serve a population of 40,000 people; the current population of the district is around 350,000, and is in great need of updating. The CBD has the city's highest rate of internet connectivity (30-50% of residents) and mobile phone use (50-70% of residents) in the city (JICA 2013, 382). Mobile phone use was growing rapidly as of 2014 because the government contracted for development of new telecommunications infrastructure.

Access to Basic Urban Services in Yangon Region

Electricity	88%
Piped water supply	37-40%
Sewerage	43%
Sludge Removal	49%
Solic Waste Removal	72%
Toilet	99%

Source, JICA, 2013, 114

Regarding transportation, nearly 80% of Yangon residents depend on buses as their primary mode of transport, compared to just 6% who rely on cars and 3% who rely on rail (JICA, 2013, 228). Bus service, while heavily-used, is generally considered poor quality with inadequate service frequency and overcrowded vehicles. Rail service in the CBD, operated by Yangon Circular Railway, is also poor with long wait times and few intermodal connections. Most bus services are operated as public-private partnerships, whereby private operators lease routes from the government.

Image 20 - A street vendor selling sugar cane juice in Yangon's CBD

Approximately 40% of Yangon's road network is constructed and operated by private companies, and scheduled to be transferred to public control after lease terms of forty years. Private automobile ownership is growing rapidly, especially among higher-income households.

Public open space is extremely scarce in Yangon. There is only 470 acres of open space available to serve the city's 5 million residents. This amounts to 4 square feet per capita, compared to 312 square feet per capita in New York City.

Basic education in Myanmar includes five years of primary school, four years of middle school, and two years of high school (5-4-2 model). However, many of the urban poor send their children to monastic schools for free education. Monastic schools must follow the national curriculum guidelines in order to be accredited, but they receive no government assistance. There is a widespread shortage of teachers nationwide, resulting in a student-teach ratio of about 40:1 at the primary school level. It is suspected that CBD dwellers suffer from these shortages and access problems.

Both public and private healthcare providers operate in the city of Yangon. All service providers with more than five employees are required to provide health insurance for their employees, although the employer/employee contributions appear to be nominal (2.5% and 1.5% of respective costs) with the government picking up the majority of medical costs.

4.1.4. Economy

The microeconomy in Yangon has been based on local trade for decades, with a large working class that operates between formal and informal economies. This variability poses a challenge to tax collection and redistribution, which acts as a roadblock to development. Growing sectors of internet-based employment and tourism are potential areas of economic gain.

Although no longer the capital city, Yangon has maintained its role as the financial hub of Myanmar, with close to 60% of the country's financial institutions based in the city (JICA 2013, 229). Recently, there has been growth in Yangon's professional population, with the return of twentieth century diaspora populations and a renewed inmigration of Myanmar and foreign professionals into the urban area following half a century of relative stagnation. Yangon also accounts for 41% of Myanmar's manufacturing output (JICA 2013, 226).

According to a 2012 study, the foreign direct investment (FDI) law of 1988 instigated notable investment in hotel/tourism (16.2% of total actual FDI – US $591 million) and real estate (2.75% of total actual FDI – US $100 million) between 1989-2000 (Bissinger 2012, 31-33). From 2000-2010, 9% of total actual FDI went to all other sectors combined outside of oil, gas and mining (Bissinger 2012, 31-34), however, hospitality and tourism was still the second highest largest investment sector in the country during this time.

Since tourism in Burma is concentrated within a few areas, it is likely that this sector has created a significant number of jobs in downtown Yangon, though a concrete estimate has not been calculated. Tourism is likely to remain a significant employment sector.

Economic stagnation at the local level is related to top-down inefficiencies arising from Myanmar's evolving political climate. Myanmar's national economy has suffered from decades of economic mismanagement as well as recent natural disasters such as Cyclone Nargis in 2008. The Myanmar military controls the dominant share of the economic output through the system widely referred to as "cronyism," whereby the military elite control almost all private property and business ventures. Such cronyism is further evidenced by countrywide Infrastructure deficiencies - highlighting the fact that revenues from recent investment have not been redistributed into public works but rather to individual's pockets (Turnell 2011, 142).

Image 22 - Fresh meat and eggs are sold in a neighborhood market in Yangon's CBD

Map 2 - Transportation networks in Yangon

Yangon International Airport (RGN)

Inya Lake

Yangon River

Downtown Yangon Study Area

Legend

- ● Railway Station
- ● Bus Station
- ● Ferry Terminal
- ● Airport Terminal
- ▪▪ Ferry Line
- ╬ Railway
- ═ Primary Roadway
- ━ Secondary Roadway
- ─ Tertiary Roadway
- ▨ Airport

| 1 mile | | 5 miles |

Scale = 1:100,000

The only recent change that has had a significant impact on the way in which goods and services are produced and marketed in Myanmar is the proliferation of internet access and the growth of information technology (Kyi et al. 2000, 21). Yangon residents have begun to use the internet to buy and sell goods, and more importantly, to gain employment. However, the influence of the internet and mobile technologies is still hindered by a lack of government participation in the provision of education to citizens (Kyi et al. 2000, 21).

4.1.5. Urban Fabric

Yangon's CBD encompasses seven Townships: Botahtaung, Kyauktada, Lanmadaw, Latha, Paebedan, Pazundaung and Seikkan (Su 2006, 143). The area is comprised of residential, commercial, business, cultural establishments and public spaces. The majority of buildings in this area are three to six stories tall with mixed-use residential and commercial functions. There are some more recent high-rise developments in the area, which generally contain hospitality and commercial uses. The CBD contains the highest population density in Myanmar, approximately 365.5 persons per acre. Multi-unit residential buildings are generally overcrowded and in poor condition (Su, 2006, 144).

Social, cultural and religious institutions are dispersed throughout the CBD. Religious buildings include temples, mosques, pagodas, monasteries and a synagogue (Su, 2006, 169). Street observation indicated that medical and educational facilities are also located within the district.

Generally speaking, commercial uses are mixed within residential districts in the CBD. Street shops typically sell electronics, jewelry, books, furniture, and art. Formal retail locations include services (banks, cinemas, medical services, etc.) and stores (supermarkets, convenience stores).

Yangon contains many colonial-era governmental buildings, however, they have generally been left vacant or under-utilized since the relocation of the capital to Nay Pyi Taw in 2005 (JICA 2013, 186). Many of these ex-ministerial buildings have been identified by Yangon Heritage Trust as important heritage assets that are at risk.

4.2. Economic & Political Transitions

Political change and policy reform is occurring within Myanmar, although a centralized military-led government remains in place. These changes have led to the opening of Myanmar to private domestic and foreign investment and increasingly free elections. However, civilian conflict and poverty are still very much present throughout the country and politics are still tightly controlled by the central government. Experts expect further progression to be volatile as the regime continues to change or lose power (Kingsbury 2014, 351-356). Such political uncertainty can make long-term planning tenuous, as it is hard to project on the future without stability in politics and the economy. Planning efforts must take this dynamic into account for both short- and long-term agendas in the realm of human, land and property rights.

According to international media, one of the hallmarks of Myanmar's foray into democratization has been a liberalization of foreign economic policy through increased pursuit of foreign direct investment (FDI) and an opening economic markets. Since the first Foreign Direct Investment Law was approved in 1988 there has been a heavy

Image 23 - Varying building types and heights are found throughout Yangon's CBD

international focus on investing in gas, oil and mining sectors in the country (Bissinger 2012, 27). Levels of investment have fluctuated since 1988, and decreases tend to be influenced by the same recurring factors: political, economic and/or legal instability, often instigating international sanctions; and major global financial events such as the Asian Financial Crisis (AFC) of 1997 and the Global Financial Crisis of 2008 (Bissinger 2012, 28).

In the post-1988 period, the economy was highly unstable. Skill development among the population was poor and informal economies grew - many of which are highly evident on the streets of Yangon today. Military spending outweighed all other public expenditures (including healthcare and education combined). Tax collection has typically been inconsistent, as has provision of public services (Turnell 2011, 140-142). During this time, the private investment sector declined, with strict regulations on commercial investment and banking creating barriers between investors and loans (Turnell 2011, 143-144).

However, a new foreign direct investment law in Myanmar was enacted in 2012, and significant shifts in the investment market are underway. This second major opening of the country to foreign direct investment appears more promising than the variable results from the 1988 reform. Observation of Yangon's CBD indicates that the new foreign direct investment reforms are having an impact. Many of the streets in the CBD have visible evidence of development - building demolition, scaffolding and construction crews, indicating a growing potential to acquire financial backing for projects in

the realm of conservation and development, and the growth of industry actors. At present, little analytical data has been produced to measure the effects of the 2012 foreign direct investment reforms, but past patterns of investment indicate that substantial foreign investment may await the outcome of the 2015 election. Investment in conservation and housing protection in Yangon's immediate future will thus need to come largely from the public coffer and domestic funds.

4.3. Legal Infrastructure Concerning Heritage and Property Tenure/Ownership in Yangon, Myanmar

Other than a law protecting ancient monuments, there are not yet any heritage conservation laws or ordinances in Myanmar.

The legal status of land, property, and housing rights are complicated and politically sensitive in Myanmar. A lack of clarity about laws and legal status has been caused by the weak rule of law under

Image 24 - Leader of the National League for Democracy, Aung San Suu Kyi

the military government combined with the legacy of colonial ownership laws that did not and do not reflect the actual property and land ownership customs in Myanmar (Leckie & Simperingham 2009, 7). These problems have been compounded by a history of forced evictions; rural displacements due to conflicts and development projects; and nationalization of most businesses, lands and properties. The result is that the ownership of land and property in Myanmar is very uncertain. In particular, the ownerships of buildings with multiple residential and commercial units in urban areas is often not legally clear. Myanmar does not have a statute that allows for the legal ownership of individual apartments or condominiums, which makes the tenure rights of low-income urban residents precarious, in spite of strong tenant rights protections provided by the Urban Rent Control Act of 1960.

Property law in Myanmar is a sensitive issue and the property rights of current low-income tenants in downtown Yangon is unclear. The legal framework provides some protections for tenants but does not provide a system for maintaining buildings and units, or for the legal transfer of units. There are many gaps in the legal framework that should be addressed moving forward.

Land and Property Rights

The 2008 Constitution guarantees that citizens of Myanmar have the right of private property and inheritance, in accordance with the law, although the State is the ultimate owner of all land (Myanmar Constitution 2008, Art. 28 Sec. a-c). However, even though the state is the ultimate owner of all lands, there are limits to the rights that the state can exercise over that land, and people have some legal protection of ownership and use rights of land and property. There is still a large amount of uncertainty regarding private property rights because the laws that govern ownership are uncertain, unenforced, or nonexistent. The public records of private land

Image 25 - Contemporary buildings and modern luxury hotels in Yangon's CBD signal a new era of economic development

ownership are poor, and even where the records exist public access to the records is highly limited (Hudson-Rodd 2014, 9). For instance, Order No. 1/2002 issued by Yangon City Development Committee (YCDC) provides that individuals can apply for the certified copy of the title history and official map of the land, but they must have proof that they are the owners of the land and they must publish their requests in a government newspaper for two weeks. Although this provides some limited ability to conduct a title search, it does not allow for a general public inquiry into land ownership issues. Despite the lack of records, land can be transferred legally. The legal ownership and transfer of land in Myanmar is based on laws passed during the colonial era (Hudson-Rodd 2004, 8).

Ownership of Apartments

The problem of lack of clarity of ownership is compounded when dealing with apartments. There is no legal basis for the ownership of a unit within a building, and there is no general system of registration of the transfer of units. There is a limited registration system for individual units that are developed via public/private partnerships, where the government contracts with a private contractor to build a building. The government gets use of the half of the units in the building and the private contractor can rent out the other half of the units in the building. The units that the private contract rents out receive a registration certificate that serves as an indication of occupancy right, but does not confer ownership (Interview, Wint Thandar Oo 2014). Additionally, there is a requirement under the Urban Rent Control Act that new occupiers in an apartment register with the state, but this does

not serve as a basis for ownership (Urban Rent Control Act 1960 Sec. 20). Although people frequently speak of 'owning apartments' they are actually referring to the occupier's right to use. They cannot legally transfer ownership or use the property as collateral, but they do have protections against eviction and dispossesion by a third party (Interview, Wint Thandar Oo 2014).

The major legal provision that covers tenancy and housing rights is the Urban Rent Control Act of 1960 (the Act). The original version of the Act was passed in 1948, and was repealed and replaced by the Urban Rent Control Act of

1960, although much of the language and structure follows from the original law. The Act covers both commercial and residential buildings, although some portions of the Act only apply to residential real estate. The Act contains both rent control and strong tenants' rights protections, but does not provide clarity about owners responsibilities or rights. For instance Urban Rent Control Act Section 1 (1) (c) contains an extremely broad and confusing definition of "landlord" which includes the owner, the butler, the agent of the owner, or any person working on behalf of the owner.

Image 26 - Stacks of government documentation in the hallways in Yangon's City Hall

Yangon City Development Committee (YCDC)

City government administers and both national and local housing, land and property laws. The city of Yangon is governed by the Yangon City Development Committee (YCDC). The city government was originally established by the British colonists under the City of Rangoon Municipal Act of 1922, which still serves as the basis of city government. In 1990 the State Law Restoration Council updated the law and created YCDC, but the 1922 ordinance is still in effect (City of Yangon Development Law 1990). The laws, rules and regulations that run the city are based largely on the 1922 framework. From 1990 through 2002 YCDC promulgated a series of Laws, Orders and Notifications (YCDC Laws), which form the current basis of the regulatory framework for city governance. These laws and orders cover a wide range of issues from sewage and sanitation to the regulation of local markets. YCDC's mandate encompasses most aspects of city governance: "powers in respect of formulation and implementation of civil projects, establishment of new towns and administration of town lands within the city limits of Yangon, shall vest in the Committee" (City of Yangon Development Law 1990, Sec. 10).

Image 27 - Government offices in Yangon's City Hall

Formal/Informal Legal Processes

The legal system is a mixture of common law and local customs, however most daily life is lived in the absence of law, or at best "thin rule of law" (Cheeseman 2009, 597). For the resolution of most conflicts courts are avoided and individuals negotiate among themselves (Interview, Wint Thandar Oo 2014). Access to the laws and knowledge of the laws is poor. There is no official system for the general public to have access to the laws. When there are requirements of public notice, the notice is often published in government newspapers that have limited public circulation.

The YCDC Laws that are in existence are very general in nature, and do not clarify situations of uncertain ownership. For instance, under the regulations regarding building safety and management, owner is defined as the person who "receives rent of any building or land." (Rules for Buildings 1999, Sec. 2). This lack of clarity regarding ownership is found throughout the regulatory framework. When referring to obligations for maintenance to complying with city regulations the laws typically use the language of "owner or occupier." The Urban Rent Control Act does not clarify ownership either. The very vague and expansive definition of landlord essentially allows anyone who is physical control of a piece of property to rent the property to a third-party.

Although ownership is unclear, there are some legal protections that guarantee access to process. The Urban Rent Control Act contains provisions that protect the tenant's right to process, specifically in Section 15 (1), which provides that a tenant may

request a stay of an order of eviction and that (with a few exceptions) "issuing the decree must be halted or postponed" by the court. This right of access to process has been protected even when the tenant has repeatedly sought to stay orders of eviction and has a history of being delinquent on the rent (U Thein Than vs. U Uryissbon 1990). Although, this is a strong protection for the tenant, the overall weak justice system generally mitigates the ability of low-income tenants to access the courts. (Cheesman 2009, 600).

Livability/Repairs and Maintenance

The Urban Rent Control Act contains some provisions concerning the maintenance of buildings, units, and living spaces; however these are largely disregarded and buildings are generally in a state of disrepair.

According to Section 11 (1) of the Urban Rent Control Act a tenant can submit a letter to the "inspector" (presumably, an official at YCDC) requesting repairs and the inspector can order the landlord to make these repairs (1960). The Act further clarifies in the same section that "buildings for the tenants must be well maintained." In reality this portion of the bill is rarely used. First, these orders are given at the discretion of the inspector and landlord can object on the grounds that the rent is too low to cover the costs of repairs, and given the low level of rents the landlord usually prevails (Interview Wint Thandar Oo 2014). Second, the section qualifies the extent of repairs necessary by saying that "water supply or electricity or plumbing and sanitation pipes must have [sic] been existed before 1st January 1941." (Urban Rent Control

Act 1960, Sec. 11). This means that any building that has been modernized at all since 1941 would not be subject to this provision. The overall impact is that building conditions are largely ignored by landlords and there is no system for maintenance of the interior or the façade: tenants often undertake repairs themselves, which leads to individual units in a building having different, and sometimes, incompatible, infrastructure.

Affordability/Rent Control

According to Sect. 2(f) of the Urban Rent Control Act, the standard rent is set by the inspector, with some qualifications and exceptions and rents cannot be raised above that level (1960). However, most apartments are not rented under a monthly rental system, but via a system called 'salami' (a Hindi term) (Urban Rent Control Act 1960, Sec. 20). This system is derived from India and is a longstanding legacy of the British colonial system (Ram 1997, 151). Under this system renters pay a large one-time upfront fee (called bhadi) in exchange for a long-term transferable lease. Tenants participating in this system pay extremely low monthly 'rents'. This system has no recognition or authorization by legal statute, but there is case law, based mainly on the Contract Act of 1872, that

Image 28 - Public garbage disposal bins provided and maintained by YCDC

tenant are insufficient, then the court can decide that the landlord must pay compensation to the tenant and the tenant can move back to the property (Urban Rent Control Act 1960, Sec. 12-3).

Furthermore, anyone "who is not a normal tenant, but who is living or working in the environs of building in an honest way" may apply to continue living in the building (Urban Rent Control Act Sec. 13). This grant of tenancy does not require approval of the landlord, although the inspector must attempt to inform the landlord that a tenant has been recognized as having tenancy rights in the building. This grant of tenancy has limits, however, if a tenant has moved into land and the court finds that the tenant is guilty of criminal trespassing then the tenant can be evicted (U Win vs U Phu and one other 1997).

supports the legal rights of individuals who have 'purchased' apartments using the salami system (U Kaung Nyunt vs. Daw Hla Sein and Maung Tan Chaung 1970).

Tenancy Protections

Tenants can only be evicted under a few specific circumstances: (1) the tenant has refused to pay rent either to the landlord or the inspector three weeks after receiving a letter of warning; (2) a civil law court has determined that the tenant is required to pay rent and the tenant has failed to do so; (3) the tenant is proven to have been engaging in criminal acts or disturbing or embarrassing the neighbors; (4) the rental property is land and "the landlord honestly wants to get back the land" in order to build or rebuild a building for the landlord's own use (Urban Rent Control Act 1960, Sec. 12).

The burden of proof in an eviction case is on the landlord: in order to remove a tenant the landlord "or responsible person" must submit a letter with sufficient evidence to the inspector (Urban Rent Control Act 1960, Sec. 12-2). However, if the tenant has proof that the grounds upon which the landlord was trying to evict the

Image 30 - A contemporary building in Yangon's CBD

5. Factors that Contribute to Displacement

Law & Institutions

- **Process**
  - Empowered Entity
  - Transparency
  - Role/Risks of Private Interest
  - Managed Change

  Case Studies: Beirut, Lebanon Macau, China

- **Tenure Security**
  - Formality vs. Informality
  - Security & Livelihood
  - Property Rights
  - Regulations & Zoning
  - Housing & Welfare policy
  - Taxation & Service provision

  Case Study: Rio de Janeiro,

Livability

- **Accessibility**
  - Infrastructure
  - Public Space
  - Tourism
  - Service Provision
  - Job/Skill Creation

  Case Study: Singapore

- **Habitability**
  - Housing/Building Conditions
  - Housing/Building Functionality
  - Property Management
  - Landlord Accountability

  Case Study: Yerevan, Armenia

- **Social Capital**
  - Community Interaction
  - Participation Strategy
  - Survey of Needs
  - Stakeholder Analysis
  - People vs. Place-Based

  Case Studies: Cairo, Egypt Bangkok, Thailand

- **Vulnerability**
  - Managed Displacement
  - Local Representation
  - Displacement Incentives
 - Social Programs

  Case Study: Old Havana, Cuba

Diagram 1 - The 'Factors Contributing to Displacement' framework for assessing the impacts of change on the residents of Yangon's CBD

Through research on Yangon's CBD, and analysis of case studies related to heritage conservation and community preservation, the team compiled a working framework to identify factors that contribute to displacement. The team grouped these factors into two broad categories: (1) those that relate primarily to laws and institutions, and (2) those that relate primarily to livability. The purpose of compiling these factors contributing to displacement is to make actors, stakeholders, and interest groups involved or interested in heritage conservation and development aware of the phenomena that disrupt communities and displace residents. The lessons and principles developed in this framework have formed the basis of the vision for approaches to heritage conservation and development that preserve communities and mitigate displacement that are presented in section 6 of this report.

The **'Laws and Institutions'** category identified in this analysis includes two factors that contribute to displacement: 'Process' and 'Tenure Security'.

Process refers to the systems by which legal and administrative programs are developed and implemented for development by those in authority, either government or government-empowered entities, acting in either the public or private interest.

Tenure Security is the set of rights and protections for housing, land and property that enable people to remain in place.

The **'Livability'** category of this framework includes the following factors that contribute to displacement: Accessibility, Habitability, Social Capital, and Vulnerability.

Accessibility is the system of connections between one community and the rest of the city and the ease with which the community can reach the resources it needs.

Habitability refers to the characteristics and functions of personal space, buildings, streets and neighborhood areas, including the quality and quantity of services that are provided in each of these spheres, and their physical safety.

Social Capital refers to the strength of a community's social fabric - the support individuals can find for their livelihood within their neighborhood, and the interactions residents experience with each other. These include the skills and qualities a person possesses, and the resources and opportunities they can leverage within their community.

Vulnerability is the 'inequality of opportunity' a particular community or individual may face due to power dynamics in broader social networks, cultural values and attitudes, and institutional frameworks. Such inequalities create barriers to accessing resources, services

and social mobility. The more vulnerable one is, the more likely one will be adversely impacted by change.

While each factor can be defined on its own, they must also be understood as being interdependent, as change in one factor can impact the outcome of another. The interconnectedness of each factor will be further discussed in each section.

5.1 Process

Definition

Within the 'factors that contribute to displacement, the factor of 'process' refers to the systems by which legal and administrative programs and plans are developed and implemented for development by those in authority, either government or government-empowered entities, acting in either the public or private interest. If the process employed by those in decision-making power excludes the participation of the people who are affected by the decisions and does not take their needs and interests into consideration, the decisions will not be viewed as legitimate and, more likely than not, will lead to displacement.

Process is perhaps the most interconnected of the factors that contribute to displacement discussed within this report; success in addressing the already discussed factors of vulnerability, accessibility, habitability and social capital largely depend upon transparent and accountable decision-making processes. Processes that do not take into consideration the public good can detrimentally

impact these factors, increasing the rate of displacement and the loss of heritage as existing and local needs are not factored into new decisions.

Myanmar has a history of top-down governing processes and is now experiencing a political and economic shift towards democratization. Having an empowered, publicly accountable entity to manage heritage conservation and development, that employs participatory decision-making processes will legitimize the entity's power and build support and credibility to its decisions.

The experience of other cities around the globe illustrate the importance of the process used in planning for heritage conserevation and development. In Beirut, for example, the restoration of the the historic old city was delegated by government to a private sector entity that did not involve the general public in the decision-making process and acted only in its pecuniary interests. This private entity - enabled through corrupt and misguided public sector administration - had a negative impact upon the habitability and social capital within the city's central historic district. The lack of real estate regulation resulted in significant development speculation and subsequent high-end housing construction, which in turn resulted in the demolition of the city's unique heritage character, and the displacement of the community that had lived and worked within the district. This also resulted in a significant increase to the cost of living, forcing the community to relocate and preventing displaced community members from resettling within the district following the civil war.

When development and heritage conservation processes are managed by an empowered public entity, that includes in its decision-making the interests of vulnerable populations that might not be protected otherwise, displacement can be mitigated. In Havana, for example, a legally empowered public entity was established to manage the restoration and preservation of the old city. This entity was able to creatively assign taxes generated through the revitalization of the historic district towards community development programs. In Macau, the regional government ensured that the existing community was

engaged in the decision-making around heritage conservation and development through surveys, and this feedback was used to inform a comprehensive plan. The public entity that managed the heritage conservation effort was also able to engage with international organizations, such as UNESCO, which placed Macau on the World Heritage List. These approaches served to mitigate displacement in both of these cities.

Heritage conservation and community preservation require processes that involve both

Image 31 - Yangon's High Court, located in the CBD

Image 32 - The historic center reconstruction area in downtown Beirut
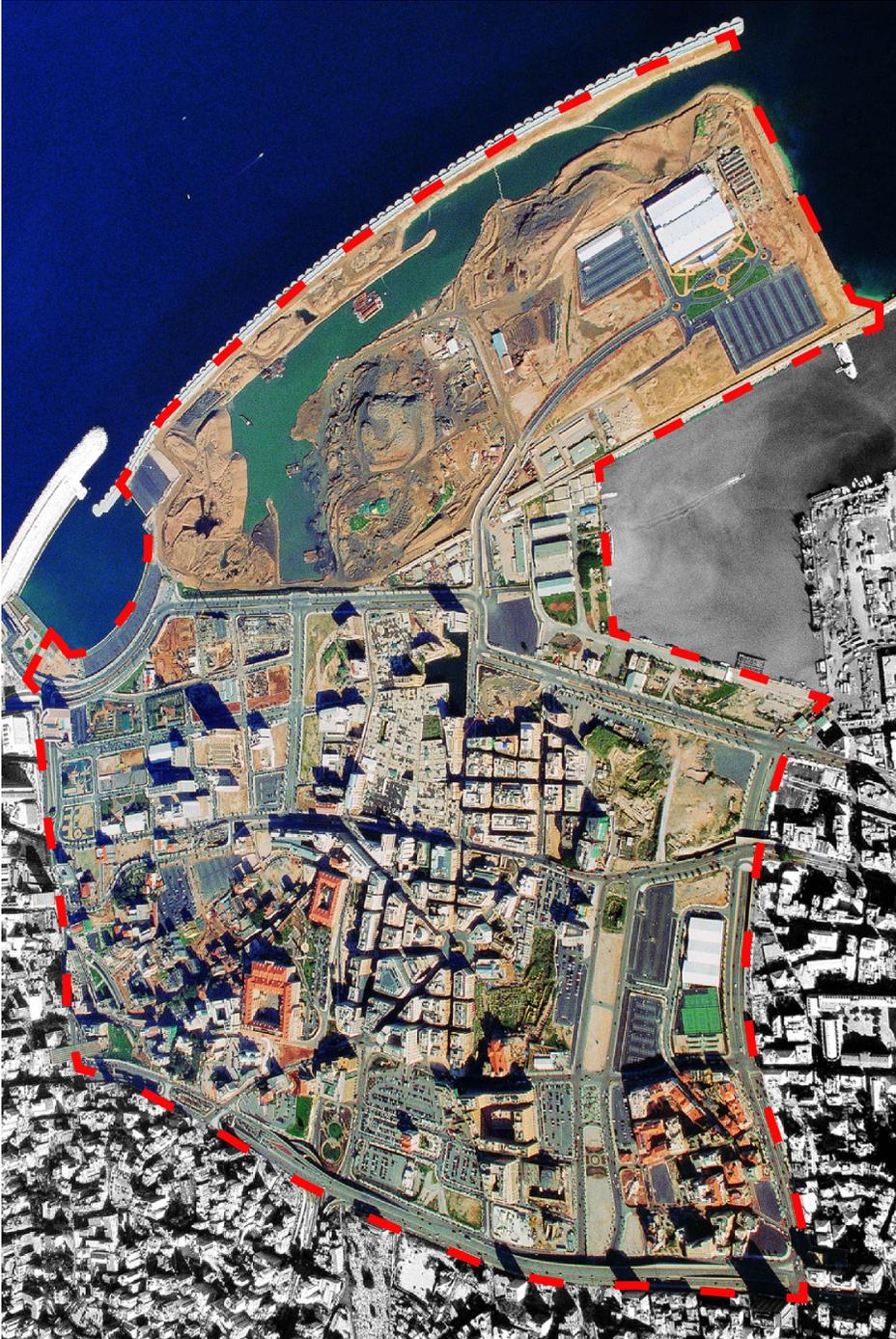
Image 33 - Street reconstruction in Macau's historic district
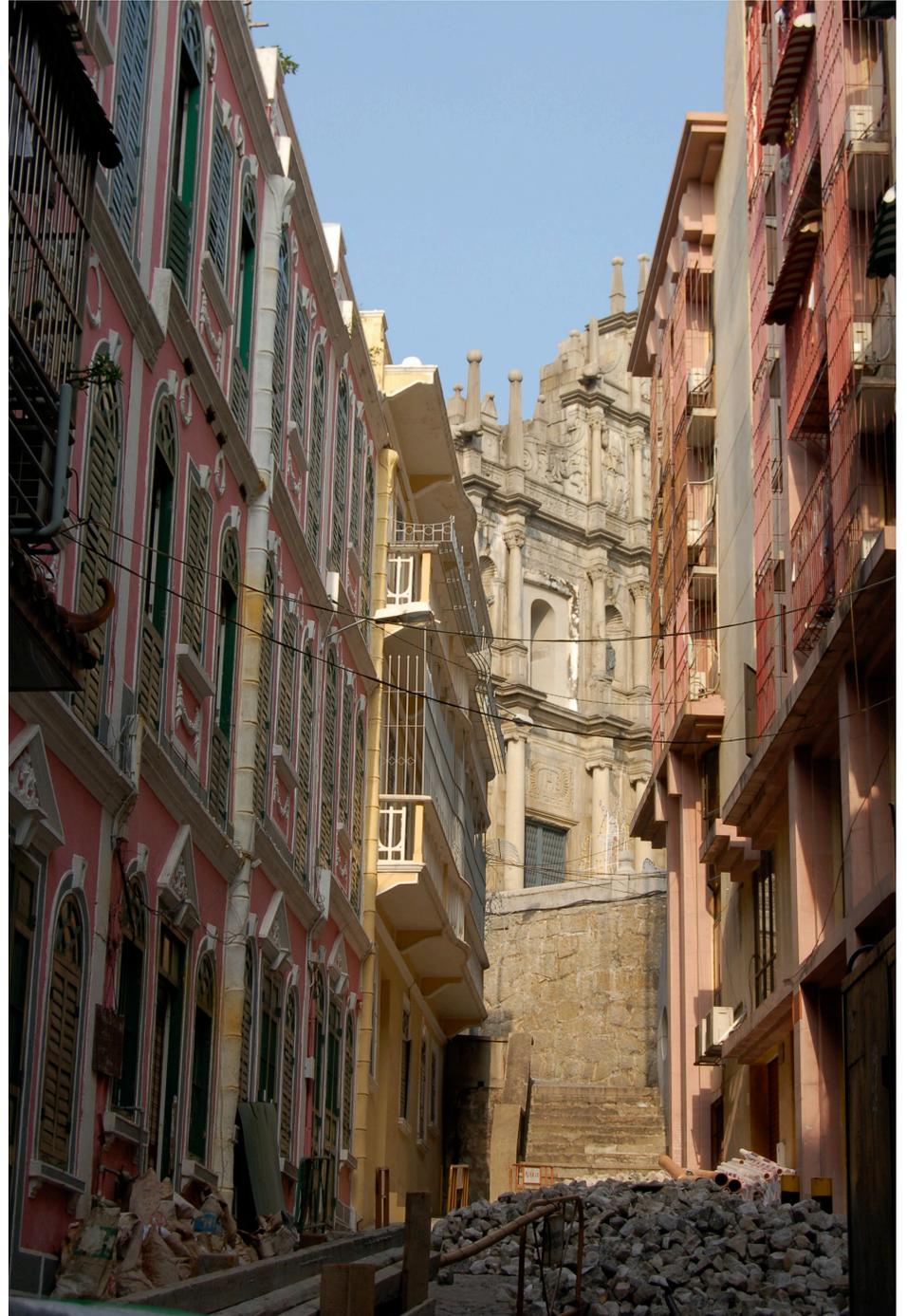
public and private participation. Regulations and policies established by an empowered public entity can provide a framework within which the private sector can grow while ensuring that vulnerable populations are not disadvantaged nor the spaces they inhabit lost.

When the empowered entity that manages development is controlled exclusively by the private sector, reforms are often based upon non-participatory, exclusive and profit-driven processes. These private-led processes often result in rising land inequalities, the inflation of real estate value, a general decrease in livability for existing residents and reduced tenure security as decisions are mostly being made to capture new real estate markets, not to serve the existing ones.

'Process' can have both negative impacts and positive impacts on existing communities and heritage conservation, as was observed in the case studies of Beirut, Lebanon and Macau, China. These case studies are explained in in full in Appendix A, Case 1 and 2).

5.2 Tenure Security

Definition

Tenure security is the set of rights and protections for housing, land and property that enable people to remain in place. Insecure and unclear forms of tenure make people vulnerable to displacement and are often associated with barriers to quality of life, positive livelihoods and social mobility (Payne 2004, 167-168).

One's level of tenure security is determined by tenure status and associated property rights. Tenure status indicates both one's type of residence and how one retains it. For example, a tenure status can be a 'pavement dweller' - an individual who lives in a temporary structure on a public street - or a 'freeholder' - an individual who personally owns his or her property and home. Property rights define the legally permissible actions someone can take with respect to his or her residence and land. These include, for example, the right to sell, use, sublet, deconstruct,

Impressions from Site Visit:

During our resident interviews, the team observed that each street block operates as its own informal 'village', and that there appears to be a disconnect between the local government (both township and the informal street-level 'governance'), and the larger political and governmental changes that are taking place in Myanmar. Many residents were unaware of changes occurring at higher levels of government, and did not perceive how those changes might impact their community.

Image 34 - Holding focus groups, like those conducted during the studio team's symposium, provide an opportunity to inform the public on projects and development and solicit their feedback

transfer or inherit. A person's tenure security is also influenced by how many people in a community have the same tenure status and property rights. If many people in a community have the same status and rights, their informal or formal power increases and the potential for them to be taken advantage of or coerced out of their level of security decreases. The less secure a person is in his or her tenure status, the more likely they are to be evicted or lose their residence for various reasons, such as the physical instability of the structure or rising rental rates (Payne 2004, 169-170).

When analyzing housing challenges in a given community - whether it is a lack of housing, or a deteriorating housing stock - it is important to understand the different types of tenure status that community residents hold and how many people possess each tenure status. Such an investigation allows the most vulnerable populations to be identified so that future policy and decisions can be oriented to their needs. The people with the most insecure tenure statuses are those most vulnerable to displacement and abandonment when changes are occurring in their community. Improving an individual's level of tenure security can be achieved by altering their tenure status, the property rights associated with that status, or both.

Generally speaking, reforms regarding land tenure or property rights are catalyzed when something causes land values to increase and competition for land ownership and use grows (Feder & Feeney 1991, 138) A significant portion of the population of Yangon's CBD lives with unclear tenure status and property rights. A clear

Image 35 - A mix of contemporary and colonial apartment buildings on 28th Street in Yangon's CBD

understanding of the situation as it exists is needed in order to inform decisions that affect the nature of people's tenure security.

Providing residents with stronger property rights or conventionally desirable tenure statuses (i.e. ownership) can be detrimental to their level of tenure security in some contexts. For example, a survey of case studies overviewed by Doebele (1987) showed that in some cases legitimizing or improving residents' tenure statuses or property rights in informal settlements led to three outcomes: (1) resident desertion, as low-income/informal residents could not bear extra costs and taxes associated with formality, or were engaged in other illegal activities that they feared would be discovered with their entry into the formal realm of tenure; (2) take-overs by more affluent classes seeking the newly available legally acquirable land/homes; or, (3) land invasion, or excessive overload of new residents coming to an area causing new forms of illegal occupation, when secure tenure is offered too easily (Doebele 1987, 12-13). For this reason, a proper assessment of all the externalities of making such changes must be undertaken before any kind of reform. What works in one place (for example, providing new homes in formal areas, or - as will be discussed in the case of Rio de Janeiro below - simply granting legal tenure status to squatters) may have negative outcomes in another. . Thus, incremental trial-and-error approaches built upon detailed contextual understanding are generally the best means to change or regularize tenure security in any community.

Generally, when an improvement in tenure security is successfully achieved, residents can experience a significantly improved quality of life - for example, by protecting them from eviction and allowing them to invest in their homes with assurance that these investments are much less likely to be lost, thereby gaining an asset that may be leveraged for loans and credit. In the case of Rio de Janeiro, the municipal government responded to the mandates of a National Housing Policy by creating a city-wide favela (informal settlement) upgrading strategy. The Favela-Bairro (favela-home) program created comprehensive plans for favelas built upon a tenure clarification process. Favelas were surveyed and "concession of actual right to use" was granted to any occupant who could prove residency of five years or more. Though many facets of the program were unsuccessful or left incomplete, the creation a clear, indisputable tenure status for residents provided those affected with considerable protection from eviction, and thus greater incentive to invest in the improvement and maintenance of their homes. This clarification of tenure status also allowed residents to buy, sell and rent their use rights - creating more diverse offerings in the housing market, and new income streams for low income communities.

Image 36 - Citizens protesting against land takings signify problems with tenure security in Myanmar

Although other elements of the program were less successful, the tenure clarification process initiated an immediate improvement in individual security (see Appendix B, Case 2 for more information).

5.3 Accessibility

One of the most significant challenges in implementing urban heritage conservation projects is providing accessibility. This report defines accessibility as the ease with which a community can reach the resources and amenities they need within and outside of their community. Accessibility is a factor contributing to displacement in that the decline of residents' accessibility - for instance, with rising transport costs or failing infrastructure - threatens their ability to stay in place. If accessibility is poor over the long-term, residents will be displaced as their neighborhoods can no longer support their needs. Likewise, a community with enhanced accessibility provides its residents with broader array of opportunities for work, housing, socializing, entertainment, and recreation.

Accessibility in Yangon encompasses infrastructure provision, transportation, tourism management, and open space. Improving accessibility - by enhancing transportation connections, improving infrastructure, and dedicating open space - must be done in such a way that residents are not displaced from their homes and communities. Accessibility improvements can foster social capital by improving pedestrian safety and enabling closer-knit neighborhoods. Other accessibility improvements, like dedicated

open space, can reduce the vulnerability of marginalized groups. Reduced transport costs and expanded connections to job centers, finally, may help promote tenure security by easing the burden of a rising cost of living.

Yangon is in the midst of a significant economic transition that will likely result in substantial infrastructure investment. Myanmar's decades of political isolation and economic stagnation have caused its major urban infrastructure to deteriorate. New infrastructure investment will substantially impact resident accessibility and must be implemented in such a way that resident

Impressions from Site Visit:

During informal street interviews, residents did not offer detailed explanations of who their landlord was, or who owned the building they live in. Many respondents declined to discuss their rental or subletting relationship with the landlord or individual who holds their unit. Furthermore, when discussing issues of security and change in their community, few respondents commented on the development occurring in Yangon's CBD - though these changes could have a significant impact upon residents' tenure security.

Image 37 - The favela Rio das Pedras partook in a neighborhood upgrading program (Rio de Janeiro)

Image 38 - The intersection of the multi-lane Anawratha Road and Sule Pagoda Road represents a common, large scale of road in Yangon's CBD

livelihoods in Yangon are strengthened rather than endangered. For example, traffic congestion is a growing crisis that harms economic productivity, public health, and the environment (JICA, 2013, 227). Poor quality public transit service prevents residents from accessing employment and encourages people to pursue the more expensive, less sustainable option of car ownership. Increasingly auto-oriented policies on curb management and parking threaten the livelihoods of Yangon's numerous street vendors and diminish the heritage of neighborhoods (JICA 2013, 274). As infrastructure investment in Yangon increases, it is critical for policymakers to understand the interaction between accessibility improvements and urban heritage conservation.

Accessibility improvements that benefit pedestrians, cyclists, and transit users - together known as "multimodal" improvements - have economic and environmental benefits that significantly exceed those from more car-oriented policies. These benefits manifest through consumer cost savings, public cost savings (through lower infrastructure capital costs compared to car-oriented projects), and "...more efficient land use, community livability, improved fitness and public health, economic development, and support for equity objectives" (Littman 2003). Above and beyond these important benefits of multimodal accessibility are particular advantages that dovetail with heritage conservation strategies. According to Whitehead, multimodal accessibility improvements strengthen "the competitive positioning of cities as 'place products' whose high standards of urban quality can be marketed and sold to residents, investors and tourists" (Whitehead et al. 2006, 4). Under ideal conditions, a city's investment in multimodal accessibility improvements will both enhance residential livelihoods as well as strengthen a unique heritage or quality of place that is highly desirable for tourism promotion and foreign investment.

In particular, accessibility improvements that expand space for pedestrians can have highly beneficial effects on local resident livelihoods as well as neighborhood economies. Pedestrianized streets

help create a lively and social quality of place, which, when built as part of a heritage conservation plan, can greatly enhance the local economy. Other accessibility improvements, such as protected cycle paths or high-frequency transit networks, have similar effects in redirecting the focus of travel away from fast-moving automobiles and toward more human-scale activities at the street level, such as walking and cycling.

One of the key themes in accessibility research is the creation or enhancement of a social street environment, with a particular emphasis on what the Danish architect Jan Gehl has called "life between buildings." According to Gehl, the primary purpose of any urban design intervention is to foster social interaction between residents, shopkeepers, tourists, and other members of the community. It is "precisely the presence of other people, events, activities, inspiration and stimulation comprise one of the important elements of public spaces altogether" (Gehl 2011, 13). While safe and vibrant public spaces enhance the accessibility of neighborhoods, planning interventions that cause higher vehicle traffic congestion, higher vehicle speeds, or intermodal conflict between street users will diminish a place's accessibility and negatively impact its historic assets.

A central pillar of Singapore's heritage conservation program was the creation of pedestrian streets along the key historic corridors identified by Singapore's Urban Redevelopment Authority (URA) (Yeun & Chor 1998, 229)(Kong & Yeoh 1994, 249). These car-free streets allow for more shopping, sightseeing, eating, or socializing

while ensuring residents' safety. Many shopkeepers initially feared that prohibiting vehicle traffic would harm their business, but in reality the retail revenues in the area increased dramatically.

One of the key benefits of creating pedestrian streets was allowing Singapore's street food scene to thrive. Like Yangon, Singapore has a rich food culture, especially with respect to outdoor street food vendors. In Singapore, street food is considered a major component of tourism promotion and one of the more socially beneficial ways of conserving local heritage. Singapore took an active role in licensing and regulating street food vendors as well as creating public plazas and other open space where they could congregate (Henderson et al. 2012, 849). One of the more popular programs was its "City Hawker Food Hunt" to publicize and reward especially authentic or clean vendors. Many of Singapore's hotels now market their proximity to the better street food courts as a valued amenity for guests. It is easy to imagine a similar program taking off in Yangon as the local tourism economy matures.

Image 39 - The iconic Sule Pagoda is surrounding by a multi-lane circle road and forked intersection

However, accessibility improvements may become victims of their own success. By contributing to more lively street environments and encouraging local economic growth and tourism, accessibility improvements often exert upward pressure on local rents as the area becomes increasingly desirable to outsiders. In Singapore, many low-income residents of the CBD were displaced as a result of Singapore's Conservation Master Plan. Although the first floors of the structures in the CBD were largely preserved, developers often converted the upper floors to offices or high-rent condominiums to make their renovation projects profitable (Lee 1996, 410).

Image 40 - Overcrowded buses on Sule Pagoda Road in Yangon's CBD

With the new pedestrian street infrastructure, the area became much more attractive for tourism development, which caused local rents to rise. With inadequate rent and tenure protections for the local population, the conservation program was more successful in attracting tourists and high-rent uses than preserving the livelihoods of low-income residents. The displacement impacts of this project would have been more severe were it not for the mitigating factor of Singapore's uniquely comprehensive and ubiquitous system of public housing, which continues to house the vast majority of Singaporeans, and provided options for relocation of displaced residents (Steinberg 1996, 472). Since very few governments are capable of making such a comprehensive investment in affordable housing, it is therefore imperative to limit displacement from a conservation project's inception rather than adopt the more dubious strategy of re-housing residents elsewhere.

Singapore illustrates the importance of a comprehensive strategy of heritage conservation that goes above and beyond just accessibility improvements. While transportation improvements or infrastructure upgrades may benefit residents' quality of life, they are not sufficient to prevent displacement and may in fact operate as a factor of displacement if other protections are not in place.

5.4. Habitability

The term habitability, as used in this report's framework is: "those qualitative and quantitative aspects of the built environment which support human activities in terms of individual and communal goals" (Preiser 1983, 87). This definition applies to several scales of space within the built environment - from the community and neighborhood on the macro-scale to the individual family dwelling units on the micro-scale. This concept goes beyond the simple dictionary definition of habitability, as "capable of being lived in" (Merriam-Webster) which implies that the primary concern is with the quality of the living conditions of an individual dwelling unit. The urban planning perspective on habitability scales up to the condition of a community or neighborhood, and

consequently may address issues not only related to the quality of the available housing stock but also the quantity of housing stock within a particular community. As an example, a community with a low number of available housing units may experience overcrowding due to increasing family sizes and the lack of available affordable housing elsewhere.

Issues of habitability have a close connection with those of tenure security. As people or families become increasingly more or less secure in their place of residence the quality of their dwelling may change as they are more or less able to adapt their residence to better suit their needs. Conversely as the habitability of particular community increases, the neighborhood becomes a more desirable and less affordable place to live, and as habitability decreases, the neighborhood becomes a less feasible place to live, in both instances potentially displacing current residents with more insecure living situation.

There is also a strong connection that can be found between habitability and vulnerability. The people living in substandard housing are often some of the most vulnerable and marginalized population groups in society, and are facing more challenges than just deficits with their housing.

Additionally, the habitability of those communities that lack proper infrastructure and utilities can lead to increased health risk.

Key considerations when addressing issues of habitability are housing conditions and functionality, building conditions, building management, and landlord relations. In Yangon there is both lack of awareness and lack of clarity concerning roles and responsibilities of the landlord. Due to this unclear relationship, most building and apartment maintenance is performed ad hoc, minimum standards of livability are often unmet due to lack of guidelines, and large scale building deterioration has occurred in the CBD. In Yangon, this lack of clarity as to responsibilities makes it difficult to establish and maintain decent housing conditions and minimum standards of habitability.

In most of the United States, housing standards for residential tenancies are enforced through application of a law known as the "Warranty of Habitability," which generally stipulates that a landlord must maintain a standard level of habitability in any units which he or she offers to rent. This includes access to basic household services (i.e. water, sewage disposal, and heat provision) required for livability and maintaining appropriate standards related to public health. In New York State, the Warranty of Habitability Law requires that a landlord guarantee that:

The premises so leased or rented and all areas used in connection therewith in common with other tenants or residents are

Image 41 - Open air, outdoor street food courts in Singapore

fit for human habitation and for the uses reasonably intended by the parties and that the occupants of such premises shall not be subjected to any conditions which would be dangerous, hazardous or detrimental to their life, health, or safety. (New York State, Real Property Laws 1909, chapter 52, article 7, section 235-b.)

The benefits of this law are increased quality of the available housing stock, protection against negligent landlords, and the overall improved quality of life for both individuals and the community.

As an example of issues related to habitability as a factor contributing to displacement the studio team looked to the case of city reconstruction in Yerevan, Armenia after the fall of the Soviet Union (USSR). Buildings erected during USSR rule are regarded as 'colonial structures' in countries of the former USSR, and represent a part of Armenia's complicated relationship with its past, both on national and individual levels (Zekavat 2014). Armenia's capital city, Yerevan, has faced many challenges in coping with urbanization patterns during its transition away from USSR rule, and the lessons it learned serve as a cautionary tale for what not to do in Yangon.

Before the collapse of the USSR, Yerevan's low-income residents mostly lived in the center of the city. After the collapse of the USSR in 1991, Yerevan's city government reinstated an old master city plan from the early USSR when Joseph Stalin was in power (the 1920's - 1950s) under which the government offered them minor compensation to

clear the area for reconstruction, in keeping with a global urbanization trend of focusing economic and political development efforts in the core of cities. The compensation offered to residents was not enough to purchase housing elsewhere, however, and led them to move to USSR-era rental apartment blocks on the periphery of the city which only became more overcrowded and deteriorated with the influx of these new residents. Residents began to adapt these Soviet block-style apartments to their own needs - covering in balconies to create extra rooms, and performing ad hoc renovations to interior layouts of the

units to accommodate larger, traditional Armenian families (Zekavat, 2014). The deterioration of these buildings raised concern not only because of the poor conditions people were now living in, but also because of the deterioration of an architectural legacy of Armenia's past - even if it is a negative one.

The adaptive behavior of the displaced population of Yerevan indicates that habitability need to be both institutionally and community defined. It is clear that what the Yerevan government thought would be suitable for its population was not

Image 42 - The interior courtyard of residential buildings in Yangon's CBD show significant weathering
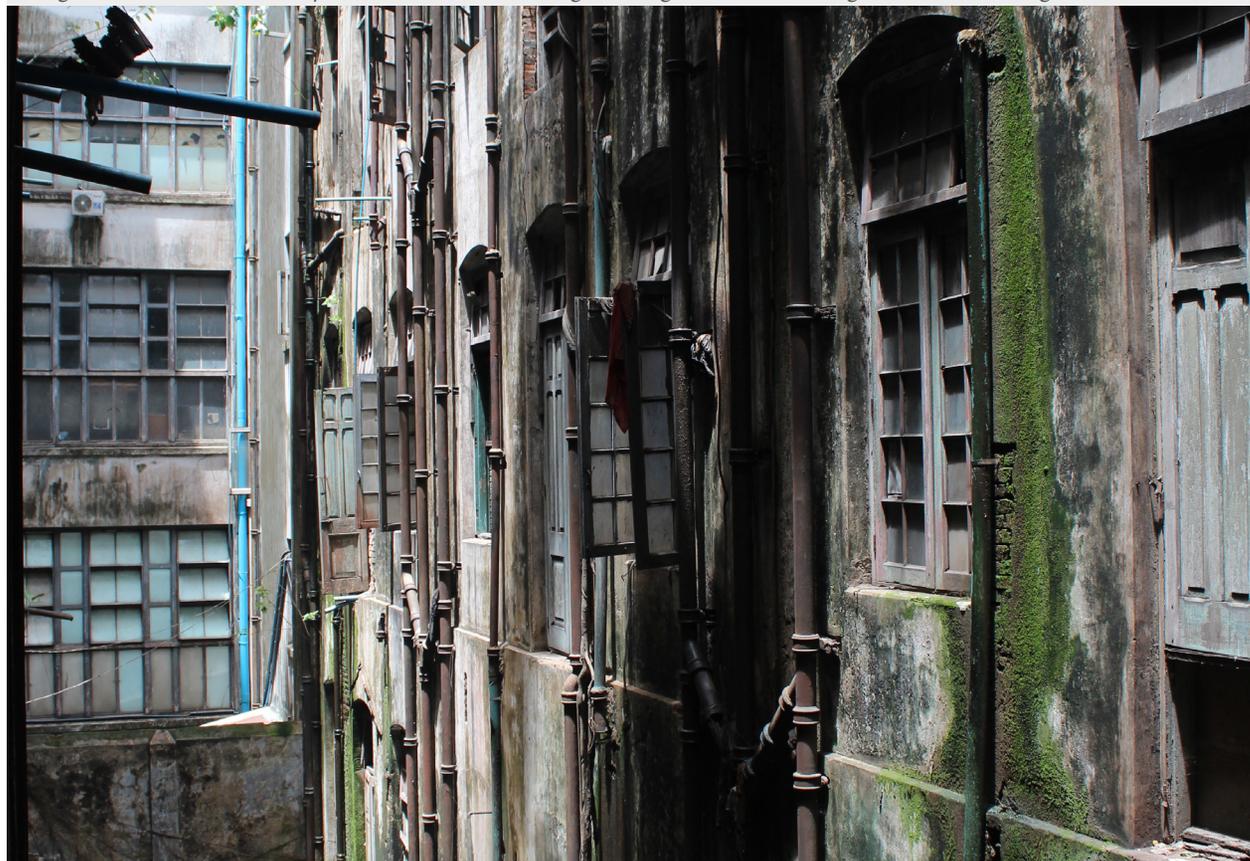
Image 43 - Vegetative growth on facades and poor building maintenance are common in Yangon's CBD

suitable in that population's own eyes, and in the long run, has led to increasing habitability problems in the housing stock. It is important to recognize that the individual adaptation of apartment units that occurred in Yerevan expressed habitability needs in a cultural, as well as in a technical, sense. Local communities must be consulted in order to define habitability needs, and subsequent governmental oversight is necessary to ensure that the colloquial and basic standards of habitability are maintained.

5.5. Social Capital

Networks, social capital, values and attitudes focus on the prevailing social conventions and relationships, existing hierarchies, and the qualitative dimensions of a community. Social capital itself specifically refers to the resources individuals and communities possess that can be shared, transferred and implemented to improve individual or collective quality of life. It is the way in which people live and support their livelihood within their neighborhood, and the nature of their person-to-person interactions.

Social capital plays an important role in every community and should be clearly understood when rehabilitating a community. It fosters trust among the community, creates a more diverse and accessible job market and enhances the links between community members. A comprehensive and sustainable approach to planning is based on both people and place, as well as the relationship between the two. Planning and development that disregards the role of social capital in community vitality tends to lead to displacement.

Landlords in Yangon have little or no responsibility over the maintenance of the building, and many respondents in the street interviews conducted stated that they manage the maintenance and repairs in their own dwelling units, or hire private labor for larger jobs. This process results in uneven levels of maintenance and safety standards throughout the housing stock. Additionally, many respondents indicated their preference of colonial buildings over modern, new construction, as units in colonial buildings have more desirable design features such as large layouts, high ceilings and high quality construction materials - providing better levels of unit habitability. Some respondents indicated a belief that new buildings are not sturdy and are of poor construction. Street level observation by the team indicated that unit dwellers tend to personalize colonial buildings - painting the facades of their units different colors, dressing the windows uniquely, and using ground floor spaces such as doorways and passageways for commercial use. These vernacular adaptations indicate individual values regarding habitability that should be used to inform future development.

Many theories of economic development emphasize the importance having money and machinery, a healthy and skilled workforce, and technology to create a successful and sustainable economy (World Bank 2014). Within planning theory, however, opinions in the past have been split over where to focus economic development efforts. Some conventions suggest that investment needs to be focused on housing stock and new business acquisition, and some emphasize achieving the value of providing economic and social empowerment through investment in individuals (their skills, opportunities, and personal welfare). At present, research continues to suggest that improving social cohesion and networks can influence economic vitality and sustainable development as much as physical and tangible investment can. In this sense, social capital can be understood as the foundation of a community's economic prosperity.

Engaging communities in social capital and network building is seen as a vital ingredient in economic development and rehabilitation efforts around the world (Putnam 2001). Increasing social capital in a community fosters trust, lowers costs of basic transactions, and speeds up information exchange between community members. These improvements can eventually result in more successful preservation and development endeavors,

Image 44 - Typical conditions of facades and apartment balconies in Yangon's CBD

as high levels of social capital mean community members are possess meaningful understanding of the costs and benefits of the development process not only as they will impact themselves, but also others. In this sense, social capital can directly influence the livability of a place (as a reflection of local needs) and is a crucial factor to target when rehabilitating an area. Therefore, a comprehensive and sustainable approach to conservation and development includes both, people- and place-based strategies, meaning that social, economic and physical conditions need to be addressed at the same time. This is the only way to preserve and improve urban communities in a long-term, sustainable way (Maurrasse 2006, 127).

To enhance the social capital of a community, resident input is crucial in order to achieve a deeper understanding of the community's socio-economic needs. Through surveys, community meetings, interviews and other community engagement tools, the community can have a voice in the change process and develop a stake in its own future, as seen in the case studies of Cairo and Bangkok.

Undertaking improvements to social capital may be a special challenge in Yangon, where transition away from strong centralized political control and censorship is relatively new. Processes of political and economic liberalization are very new, and the application of community engagement tools that are promoted in the Western context might not be appropriate or immediately applicable. A lack of experience with the tools commonly used in community engagement means that such processes may result in overwhelming

or ineffective endeavors. Any approach to community engagement should be undertaken with much caution, and with the understanding that valuable results may not immediately arise from consultation or engagement.

Much like Myanmar, countries in the former USSR experienced long phases of economic and political repression in the 20th century, followed by a rapid decentralization of their economies and politics, forever changing the social organization, economic and political development of these places. The challenges of implementing civic engagement processes in these countries of the former USSR provides several lessons for approaching such engagement in Myanmar.

Broadly speaking, political repression produces a climate of mistrust in civil society between both people and public and private organizations. This dynamic often makes people feel like passive "subjects" of a paternalistic state rather than as active, engaged citizens who have the capacity to determine their futures and personal outcomes (Tworzecki 2008, 48). Changing the effects of such repression can be approached through civic education and incremental engagement in order to create a new understanding of the value of a cohesive, trusting civic society. The experience of former countries of the USSR suggests that once repressive conditions are removed, deficits in civic participation can be expected to lessen over time (Pop-Elches 2012, 64). Furthermore, studies indicate that in countries of the former USSR, social capital plays a significant role in how people attain information and resources, in

addition to formal institutions of state and market resources (Rose et al. 1997, 94). When problems occur, the majority of people rely upon informal networks of friends and family for solutions. Creating a more trusting, connected and open society should start with the development of a social capital base by organizing social support from organized institutions and groups, both formally and informally. Social connectedness developed through these strategies can result in social trust, which can encourage the civic engagement needed for clear communication between constituents and governments (Rose et al. 1997, 86).

An example of successful community engagement and establishment of valuable social capital can be seen Cairo, Egypt, where in 2004 the Aga Khan Trust for Culture started a comprehensive effort to redevelop Cairo's Historic District. The Trust was very concerned with stimulating rehabilitation of a deteriorating district without displacing residents, and did so by providing residents with a direct stake in the future of their community beyond its physical trappings. This was done by facilitating the creation of viable businesses in the district through the provision of microcredit loans and providing property owners with resources to restore deteriorating homes, for example. The Trust uses local community engagement as a cornerstone in all of its redevelopment projects, by working with local residents to identify priorities for their community and then taking practical steps to address these needs. For example, the Trust used extensive surveys and conducted community meetings to determine the local populations' socio-economic needs and desires, and thus allowed the

community to determine its own development priorities (AKTC 2005).

Higher levels of social capital in a community can improve safety, and can be important substitutes when formal safety networks are absent, since social capital tends to be accompanied by trust within the community. High levels of social capital can establish shared values and collectively accepted behavioral norms, and increase business opportunities by providing informal access to credit. It also has the potential to improve the quality of education and the accessibility of health services (World Bank, 2004).

One cautionary note: Even though building up social capital in a community primarily results in positive impacts on the community, it can also result in negative outcomes. The same social networks that tie together a community can also exclude outsiders. Especially for people moving into a new neighborhood, where strong and high levels of social capital exist, it is oftentimes hard to connect, and make friends or the kind of relationships that lead to jobs. When social networks are very tight and inwardly focused, inflexible social norms and traditions may be enforced in a way that is harmful to community members that don't conform.

5.6. Vulnerability

Vulnerability is the inequality of opportunity for individuals to influence their own social, economic, or political circumstances. Furthermore, a vulnerable group may not be able to cope well with

Image 46 - Strong social networks are visible through the active street life in Yangon's CBD

Impressions from Site Visit:

Residents and business owners reported in interviews that there is strong social capital in Yangon's CBD. Many of the interview respondents indicated that the perceived value of this network was a motivating factor to move to and remain in the CBD. From these interviews, the team was given the impression that each street block functions as a unique, tightly-knit social and economic community. Some respondents declined to answer specific questions related to their participation in social groups and political organizations, though many disclosed that they have religious affiliations, participate in religious organizations, and socialize in religious spaces (such as temples and pagodas).

Image 45 - Apartment buildings on the outskirts of Yangon's CBD

changes occurring within its neighborhood. Due to personal circumstances outside of their control - such as ethnicity, religious affiliations, disabilities, gender, age, and income - some individuals do not experience inclusion in decision-making processes within their communities, and their needs and desires may not be given adequate consideration.

If public policy fails to take into account those residents who are the most vulnerable, it becomes more difficult for those residents to establish themselves within society. When political change, economic decline or growth, or environmental disasters occur, the most vulnerable are affected the most negatively, as they lack both the tangible and conceptual resources to adapt. Therefore, any efforts to improve transparency, protect housing rights, or enhance a community's social capital should also afford poor and otherwise disadvantaged residents

the educational and financial opportunities they need to benefit from those improvements.

In order to adjust development approaches to reflect different types of vulnerability within their jurisdictions, municipalities should conduct demographic assessments regularly, not just through the census but through community surveys.. A transfer of power from centralized to local entities often gives better representation to local minority groups. Finally, the provision of loans, or subsidization of private loans, to vulnerable residents at a very low interest rate is a way of providing people with a means to adapt to change. Community assessment, localized governance, and financing tools will be discussed as strategies for mitigating displacement during change in the section 6 of this report.

Since independence was established from the British, the government of Myanmar distinguished Burmese from non-Burmese citizens by limiting the capacity of non-Burmese religious groups to meet and practice publicly (Than Nwe 1998, 104). Although Yangon hosts dozens of ethnicities and several large immigrant groups, political power and economic freedoms are not distributed evenly among its population, which in turn has made some groups more vulnerable than others and despite recent political liberalization, unequal treatment of some social groups still occurs in Yangon.

As a result, some individuals are disadvantaged in seeking job opportunities, financial credit, and legal aid. The case study of Havana (see

Image 47 - Water transportation operators represent a unique labor market in Yangon's CBD

Appendix A, Case 6) provides a useful example how implementing a heritage conservation project can benefit vulnerable residents. When the local government implemented a development plan for Old Havana - a historic colonial port district in the city - they first determined which residents were most reliant on the existing community services to support their day-to-day lives (i.e., healthcare services, public transit, and social assistance). As development occurred, the government raised certain taxes and fees and used their increased tax revenues to fund adaptive reuses of heritage buildings for social uses tailored to specific needs of surveyed population groups, such as senior citizens' homes and vocational schools for young adults (Bailey 2008, 1090).

Ensuring that government policies give all citizen groups equal legal standing, and access to resources, is a means to mitigate both vulnerability and displacement and can help to prevent Yangon from losing the cultural diversity that is an important part of its heritage.

Impressions from Site Visit:

Through street observation and discussion with interview respondents, the team noticed palpable differences between different groups within the CBD - In particular, the team perceived reticence from the Indo-Burmese community, as well as many women, to participant in street interviews. This may indicate that these groups should be considered vulnerable within the CBD, and be given particular attention during future efforts to survey and engage the community. Additionally, respondents generally did not choose to discuss of how they feel current political and economic changes in the CBD might impact their own vulnerability.

Image 49 - Large crowds line up to enter Yangon's City Hall

Image 48 - Vibrant street level retail represents a significant portion of the local economy in the CBD

Image 50 - The view of Sule Pagoda and Yangon City Hall from Maha Bandula Park

6. Visions & Strategies

6.1. Yangon at a Turning Point: Progress, Heritage and Community

As Yangon, and particularly its CBD, continues to attract new investment, the city must take progressive steps to integrate consideration of the assets and needs of both its built heritage and existing communities within its planning for real estate and infrastructure development. In the following vision for the future of Yangon, a series of strategies are proposed to protect existing communities from displacement, conserve heritage, and also make the CBD and the broader city of Yangon a more desirable place to live, work, invest in, and visit.

Heritage conservation can be used as a tool to improve access to jobs and housing, to encourage and facilitate political inclusiveness, and to support economic prosperity. To support this vision for the future of Yangon, the strategies presented are drawn from the heritage conservation and urban development case studies used to develop the 'factors contributing to displacement' framework presented in this report (the case studies are presented in full in the Appendix B). Ideas used in this vision have also been derived from international approaches to urban policy and city development, observations made by the team while visiting Yangon's CBD, and conversations the team conducted with experts, residents, and stakeholders from the CBD. The unifying goal of these strategies is to counteract the potential factors that cause displacement identified in this report while using conservation as a tool for development.

This vision addresses the tensions that can exist between desires for modernization and development versus desires for heritage conservation. Yangon has a unique opportunity to develop a productive and model approach to navigating these two realms. Myanmar has undergone rapid political and economic change in recent years, but the CBD still maintains an extensive inventory of heritage buildings, a diverse community and a traditional street-level economy. These are valuable assets that should be leveraged in the development in the community. These assets must inform people
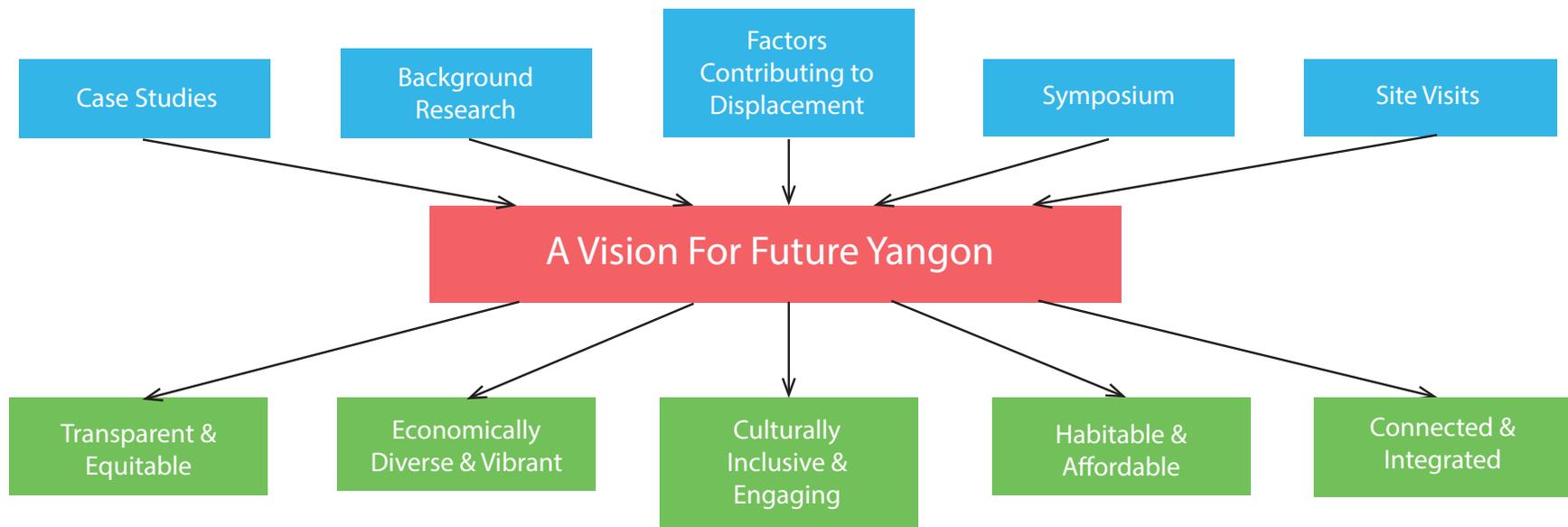

Diagram 2 - The process for informing the studio teams vision for Yangon

and place-based strategies for development that respond to Yangon's context.

The following is a series of flexible recommendations that can contribute towards a certain vision for the future of the city. The array of strategies presented should be considered and reconsidered as policy-making evolves in the city; some strategies are more applicable to current Yangon, while others will require time and further developments to take place before they can be successfully implemented. Ultimately, Yangon must, of course, follow its own unique path to economic, social, and environmental development. The team hopes to inform stakeholders, decisionmakers, and residents of Yangon of the lucrative value that heritage conservation and community preservation, addressed in tandem, can have.

This vision for future of Yangon is based upon balancing three priorities: progress, heritage, and community. These application of these are explained in five distinct areas:

Transparency and Equity

A Diverse and Vibrant Economy

Habitable and Affordable Housing Options for all Residents

Physical and Economic Integration of the Central Business District with the greater Yangon region

These five areas are explained below, and specific strategies are set forth for each one. Each set of strategies encourages officials to inventory existing assets in the CBD (whether they be buildings, economic markets, or social networks) before ascribing new plans or permitting development. The strategies seek to recognize assets that can be conserved, those that should be enhanced, and those that should be introduced.

6.1.1. Transparency and Equity

A transparent and equitable government promotes clear communication between government agencies, communities and individuals and considers the needs of vulnerable community groups in its decision-making.

Some neighborhood-level decision-making processes already exist in Yangon's downtown community. Each street block functions as a distinct entity, for example, there is usually a designated neighborhood leader to whom residents turn to in order to settle disputes and communicate concerns with the township government. Further investigation should be undertaken to assess whether these block groups can be a vehicle for engaging both the government and community members in meaningful, equitable community decision-making.

In an approach to planning that values transparency and equity, neighborhood block groups and broader communities have channels for communicating their opinions, desires

and goals to the government and those views are respected and given serious consideration by policy makers. Individuals and groups should be able to freely express their opinions and visions, and should be safe from harassment. Furthermore, laws and regulations are presented in simplified language, and are published online as well as in print for easy access. Neighborhood-level decision-making is encouraged in this vision. Diversity, especially of vulnerable populations, is part of Yangon's heritage and should be acknowledged and equal opportunities for vulnerable groups must be affirmed.

STRATEGIES

1. Assess and support community-level organizations and governance systems.
Officials should be aware of existing community groups that represent community interests or that play a community-level governance role and if they legitimately represent community interests, include them in participatory processes. Development of new groups to represent community interests should be fostered. Measures to advance this strategy include:

+ Undertake a comprehensive stakeholder analysis of downtown's various communities that Identifies existing community groups through community mapping (see Cairo).

+ Create or support the creation of group-specific advisory bodies, advocacy groups for transit riders, or NGO's representing the disabled.

- Establish an anonymous feedback system or survey as a preliminary step prior to holding community meetings (see Bangkok).

- Conduct community meetings/workshops to ensure equal opportunities to participate in decision-making processes exist.

- Appoint community representatives to government committees and task forces.

2. *Mitigate policies and regulations that disadvantage vulnerable groups.*

Officials should be aware of the unintended consequences policy decisions might have upon certain communities in order to resolve instances in which minority groups are negatively affected. Steps to avoid negative impacts upon vulnerable populations include:

- Strengthen and enforce anti-discrimination laws and policies

- Establish a system of relocation and fair compensation for instances in which residents are required to relocate.

3. *Promote transparency of and access to legislation.*

Laws and policies are neither clear nor accessible to the general public. To have meaningful public participation in decision-making, the public needs to be aware of the legal framework in which decisions are made. To make laws available:

- Develop plain language versions of laws and policies for public use.

- Publish laws on the internet.

- Notify the public of any proposed plans, policies or laws, and facilitate community engagement prior to final approval.

- Ensure regulatory structures and systems are formalized and accessible and educate

Image 51 - Typical apartment buildings in Yangon's CBD

Image 52 - A street vendor in Yangon's CBD

the public about the existence of those structures and systems.

4. *Use a publicly-accountable entity to manage the development process.*

A progressive approach to regulation requires an objective, dedicated government agency to leverage private investment for public benefits, to implement civic engagement practices, and to enforce laws and policies that protect the rights and interests of the public.

5. *Adopt a value-based approach towards heritage conservation.*

A value-based approach ensures that community values regarding heritage conservation are incorporated into decision-making processes that might impact historic assets. Steps for implementing value-based conservation:

+ Enact local preservation ordinances that require consideration of community values and needs and which protect individual assets and cohesive districts.

+ Ensure that heritage regulations support and strengthen existing uses and economies through their integration with informed zoning regulations.

+ Recognize the historic urban landscape as 'living heritage' by supporting incremental change guided by the community.

+ Ensure new development respects and is informed by the surround historic context, and respond to the needs of the community.

Image 53 - The old British colonial Post Office is still in use in Yangon's CBD

- Hold workshops for policy makers that address effective community engagement and participation tools and how to conduct community meetings.

6.1.2. A Diverse and Vibrant Economy

A vibrant economy includes a diverse mix of activities and opportunities for community residents. A dynamic business environment is supported by existing and emerging industries, while ensuring that participation in the labor market is available to all members of the community. Capacity building and the provision of appropriate job opportunities is thus the base of a thriving, growing economy.

One of the most impressive aspects of Yangon's CBD is its vibrant street life. Most residential buildings contain first-floor commercial spaces, while vendors line the sidewalks on most roads and streets, selling a diversity of goods, including books, cell phones, clothes and fruits. Furthermore, there are street food vendors on every corner, offering a wide variety of Burmese food. Residents of the CBD regularly eat and buy goods from these vendors.

In this vision, Yangon grows into an economically diverse and vibrant metropolis. Local regulations protect the existing economic markets and networks, especially informal ones like street vendors. The capacity of small business owners is enhanced by licensing and public assistance. Skill training, capacity building, and careful marketing within the community encourage local companies and industries to invest in downtown.

STRATEGIES

1.Create a more accessible and diverse job market.
One method of supporting both heritage conservation and local communities is by supporting the employment of local workers for heritage conservation projects. Training and hiring local workers can provide well-paying skill-based jobs, which can counteract some of the factors that contribute to displacement.

Image 54 - A typical street scene in Yangon's CBD

- Undertake market assessments to identify business and employment needs and shortcomings, i.e. understanding the tenure security of business owners, and identifying industry sectors where growth can occur.

- Undertake community assessment to identify gaps in the labor market in terms of skills and capacities (see Cairo).

- Develop policies to incentivize private companies to provide jobs and skill training in the identified gap areas and to hire locally.

- Train local workers in traditional crafts and construction methods necessary to undertake conservation work on heritage buildings (see Cairo, Havana).

- Promote entrepreneurialism through the provision of micro-financing support to community residents and offer training to help entrepreneurs manage their businesses, i.e. bookkeeping, sales management.

2. Promote street food as an economic development tool, thereby enhancing and legitimizing an active and viable economic sector.

Yangon should capitalize on an institution that already makes it unique: street food and street vendors. Methods for legitimizing existing informal economies:

- Regulate the locations where street food vendors can operate, e.g. on streets of a certain width or in specific open spaces (see Singapore).

- Ensure health and hygiene regulations are in place (incrementally, on a trial and error basis);

- License vendors to operate in a formalized economic market.

Image 55 - Street food vendors in Yangon's CBD

3. *Promote and sustain mixed-use developments.*

Mixed-use developments reduce distances between residential, commercial and office uses and make cities more compact and accessible. They can create more pedestrian and cycling friendly environments and contribute to a stronger neighborhood character. To implement mixed-use developments:

* Support adaptive reuse of heritage buildings (for instance as office or affordable commercial spaces) by incentivizing firms to move into heritage buildings through tax abatements and tax credits.

* Encourage mixed use functions in all new developments through zoning regulations.

* Restrict storefront sizes and encourage multi-tenant commercial spaces.

4. *Permit, support and promote business improvement associations (BIAs) to create resilient networks between community businesses.*

Business improvement associations enable businesses function more effectively and efficiently by pooling their resources, building stronger alliances and facilitating communication with officials. They are also a means of encouraging local participation and private economic investment in the physical maintenance of commercial areas.

6.1.3. Habitable and Affordable Housing Options for all Residents

An affordable and habitable housing environment provides access to safe, secure residences, mitigating the threat of forced eviction and protecting residents from external influences, such as communicable disease and extreme weather events. Such housing security must be provided to all residents regardless of their economic standing. The cost of acquiring and maintaining a home should not make it impossible to attain

Image 56 - Food vendors take over a street near a bus stop in Yangon's CBD

other necessities for living. Controlling the cost of housing can be achieved in many ways, and finding a suitable solution for the context of Yangon's CBD will take some trial and error.

Historic buildings in Yangon's CBD are in various stages of disrepair as building ownership is often unclear and landlords hold little to no responsibility for building maintenance. Since there is little legal accountability over the maintenance of buildings, each dweller is left in charge of maintaining and repairing their own unit to the level each can afford, resulting in highly uneven qualities of units within the housing market.

Residents of Yangon possess many different types of tenure statuses in both formal and informal housing markets. As land in the city becomes more valuable, no one should be made worse off by changes to occupancy and property rights. In this vision, Yangon conserves the tenure status of local residents while development occurs so that, at a minimum, no resident is at risk of losing his or her home. Policies that govern building maintenance, blight, and demolition are clarified and enhanced. Specific concern is given to conservation and affordable housing needs. To encourage better living conditions, the city holds landlords accountable for building maintenance, and tenant rights and responsibilities are clarified.

STRATEGIES

1. Provide affordable housing opportunities.

Many countries consider access to adequate housing for all citizens to be a human right and housing is considered a human right under international law. Affordable housing ensures residents have the necessary resources with which they can have a home as well as healthcare, education, and other basic needs. Steps to protect affordable housing:

+ Establish requirements for affordable housing within the zoning code.

Image 57 - Street vendors sell a mix of food and small scale merchandise in Yangon's CBD

- Integrate affordable housing finance strategies into land use regulations and development review (see Appendix G).

- Subsidize housing by defining maximum rental levels for designated units.

2. Protect those with informal tenure statuses from harassment and development pressure.
Those with informal tenure statuses are particularly vulnerable to harassment because it is especially difficult to seek legal recourse. .Steps to protect informal residents:

- Identify and assess existing informal rental markets.

- Establish tenant's organizations where information on rights and assistance programs can be developed and shared.

- Provide legal assistance and subsidies for people who may have their occupancy status threatened through legal clarification efforts.

- Retain existing tenant protection and establish clear tenant/occupancy rights.

- Provide tenants and landlords with access to information regarding their rights and responsibilities.

3. Ensure that living spaces meet the needs and lifestyles of the users. Steps to improve living standards:

- Undertake community assessments to identify housing needs from both a technical and social perspective.

- Inventory the existing housing stock (quality of units and market demands).

- Establish and enforce building and safety codes.

- Clarify the definition of "landlord" and define building ownership accountability and responsibility.

- Subsidize new construction and building maintenance.

Image 58 - Locals use the street as a social place to play games in Yangon's CBD

6.1.4. Physical and Economic Integration of the Central Business District with the greater Yangon region

A connected and integrated city seeks to link transportation services to achieve a better connected urban environment. An integrated transportation network can play a major role in supporting equitable and sustainable urban development as it aspires to provide mobility options for everyone in the community. To become a connected and integrated city, the design of the transportation infrastructure has to be developed in a systematic way that allows people of all socioeconomic levels to easily navigate the city.

Many residents in downtown Yangon walk, as cycling is illegal and car import licenses have historically been difficult to obtain. Due to recent political and economic changes, car ownership for those who can afford it has increased, contributing to street congestion, as sidewalks have been sacrificed in order to widen narrow colonial streets and permit parking. These narrower sidewalks become crowded as vendors are threatened as they get forced unto streets and pedestrians are forced to navigate the increasingly-narrow spaces between buildings, vendors and cars. Available public transportation is in poor condition, with inconsistent service frequency, uncoordinated routes, long wait times and overcrowded vehicles.

Some street interview respondents expressed their concern over the increasing traffic and noise in recent years, and during the symposium focus groups participants stated that traffic is an important concern as well. Some focus group participants described a car-less CBD as the future of Yangon.

In this vision, all townships of Yangon are connected to and integrated with the historic downtown. Ground-floor uses, mixed-use buildings, and street vendors serve both downtown residents, commuters and tourists. New transportation infrastructure such as cycling and public bus facilities enhance mobility and reduce traffic congestion. New modes of transportation are used by local and regional communities as well as tourists. Policy makers encourage comprehensive infrastructure investment in tandem with heritage conservation.

STRATEGIES

1. Integrate transportation data collection into comprehensive planning processes.

A comprehensive planning process built on data collection will help policymakers make smarter decisions that harmonize heritage conservation and transportation needs. Data collection methods:

- Conduct regular transportation surveys on the most common transportation routes, mode of transportation choice, parking, and other travel behavior.

- Develop and maintain a GIS database and incorporate geospatial data into integrated land use and transport decision-making.

- Install and integrate Intelligent Transportation Systems (ITS) such as traffic cameras, congestion monitoring technology, and road sensors to monitor parking occupancy.

Image 59 - An example of a Bus Rapid Transit system in Jakarta, Indonesia

2. Reduce traffic congestion by investing in public transportation systems.

Private automobile usage in developing cities often increases dramatically with economic development. Several cases in the developed world have shown that providing additional road infrastructure only induces more traffic congestion. Instead of investing in road and highway infrastructure, public transit and multimodal improvements should be prioritized.

Multimodal accessibility projects can serve commuters' needs while also reducing congestion, local air pollution, greenhouse gas emissions, and traffic accidents. Furthermore, multimodal accessibility projects contribute to a socio-economically vibrant street life that is crucial for heritage conservation and tourism development. Steps to reduce traffic congestion:

✦ Define specific street uses and separate commercial and pedestrian spaces at the street level.

✦ Facilitate walkability by widening and repairing sidewalks and creating pedestrian-only streets and zones.

✦ Promote cycling through legalization and the provision of dedicated bike infrastructure, such as protected cycle lanes, bike parking and bike-sharing programs.

✦ Encourage reliable and high-frequency bus rapid transit with dedicated rights-of-way and off-board fare payment.

✦ Introduce parking meters to reduce parking-related congestion in the CBD and generate revenues for other transit projects.

6.2. Areas of Future Research

When formulating concrete plans for how to improve, develop, conserve or change a neighborhood, a comprehensive stakeholder analysis must be undertaken to identify key actors, vulnerable populations, existing power dynamics and areas from which to draw investment. At present, the understanding of these stakeholder dynamics in Yangon is limited, and it was outside the scope of this report to undertake a comprehensive stakeholder analysis. Therefore, such an analysis should be undertaken.

Stakeholders include government agencies, nongovernmental organizations, community

Image 60 - An example of protected bicycle lanes in Vancouver, Canada

groups, and individuals who will be directly and indirectly impacted by any changes undertaken in the CBD. A clear understanding of these actors and their interests will assist in the identification of existing service gaps, as well as the need for involvement of other actors. It will also help define the role each one plays. Perhaps most importantly, such an analysis reveals the power dynamics, thereby clarifying the scope of accountability and vulnerability for each stakeholder.

Feedback from participants in the symposium presentation in Yangon suggested several areas for future research. These included the impacts of climate change, technological change and an increase in tourism within the CBD. Additionally, participants were interested in ways to gauge the rate of change currently occurring in Yangon's CBD, in terms of development and displacement, in order to determine the holistic impacts of this change.

Further recommendations and strategies for the future of Yangon would benefit greatly from the following bodies of knowledge:

1. Objective, third-party inventory of tenure statuses in downtown;

2. A full analysis of the strengths, weaknesses, opportunities, and threats facing the downtown attendant to each factor of displacement;

3. Community asset mapping to identify local impressions of areas of value, improvement and disatisfaction.

Image 61 - Buses are the primary mode of public transportation in Yangon

7. Conclusion

As Myanmar undergoes political changes and economic liberalization, Yangon is a city in transition, in which its mix of colonial and modern buildings, vivid street life and community are facing pressures of change and displacement. The studio team's suggested strategies support a vision for a future Yangon as a city whose unique built heritage is conserved, in which current residents and businesses are able to remain in place, and whose modernization fosters the growth of an equitable, habitable and vibrant city.

Image 62 - A major road in Yangon's CBD
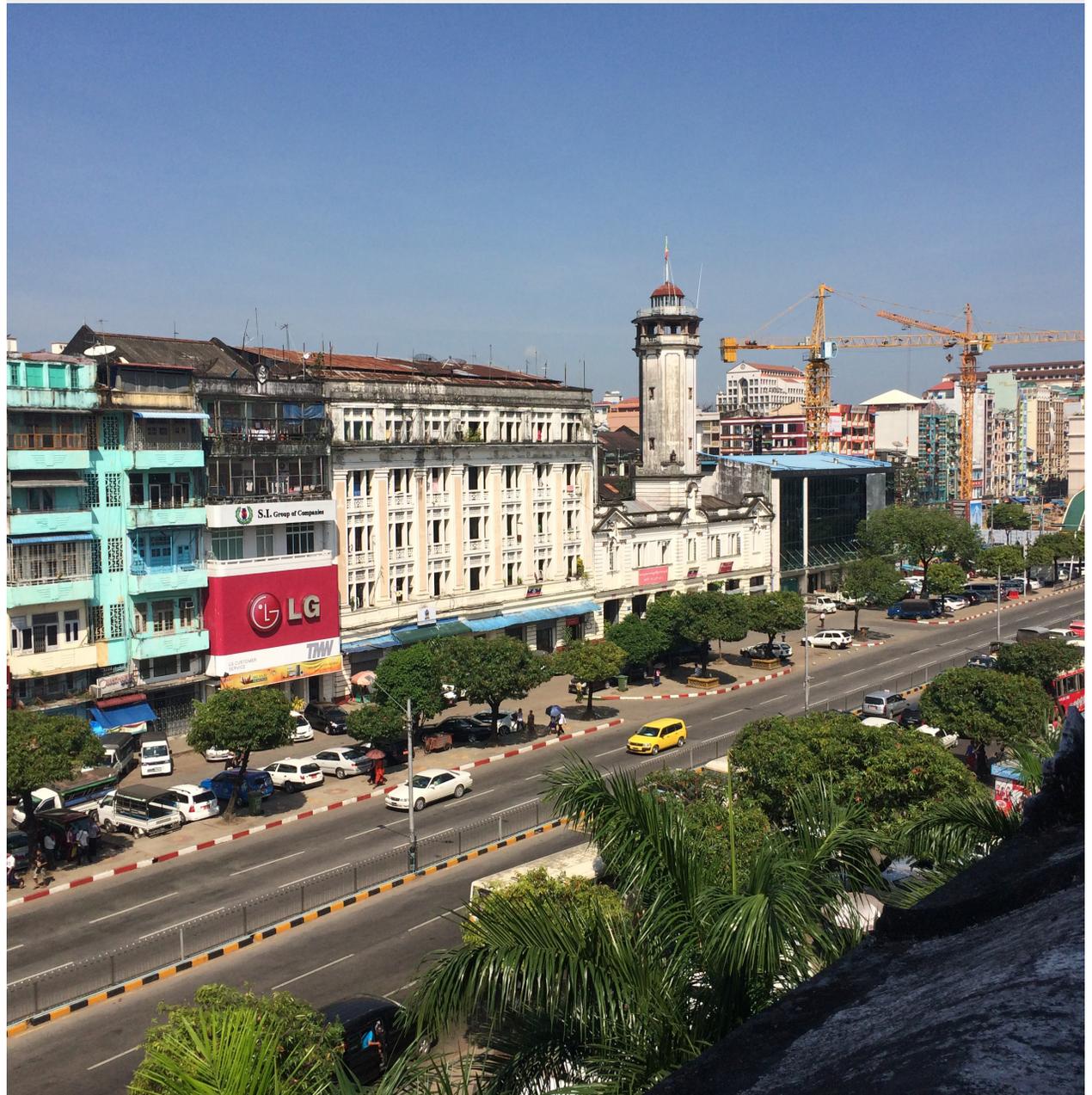
Glossary.

Accessibility
The system of connections between one community and the rest of the city and the ease with which the community can reach the resources it needs.

Bus Rapid Transit (BRT)
Bus transit service characterized by high service frequency, dedicated rights of way, offboard fare payment, high-quality station environments, and traffic signal priority at intersections.

Conservation
The process of maintaining and managing change of a heritage asset.

Equitable
Fair and impartial or the even distribution of a limited resource.

Factors that Contribute to Displacement
A list compiled by the studio of the forces that can cause or accelerate the forces moving of people and/ or businesses from their existing neighborhood, home, or communities.

Habitability
A localized view of living conditions that applies to space and function of a person's building, street and surrounding area, including the quality and quantity of services that are provided and how safe it is to live within the neighborhood.

Heritage
Parts of the historic environment, either tangible or intangible, that are deemed important by either part or all of society.

Intermodal
Multiple forms of transportation included in a single passenger trip, often facilitated by a transfer between modes (e.g. rail to bus).

ITS
Intelligent Transportation Systems, defined as systems in which information and communication technologies are applied in the field of road transport, including infrastructure, vehicles and users, and in traffic management and mobility management

Laws and Institutions
Factors that stem from the legal actions that support, counteract, or otherwise contribute to displacement.

Livability
Factors that deal with how easy it is to live in a place.

Multimodal transportation planning
In transportation planning, the design of the built environment to facilitate a variety of passenger travel options aside from the private automobile, often public transit, cycling, and walking.

Participation
The extent in which citizens, particularly the poor, are involved in government's decisions and actions.

Process
The legal and institutional programs and policies and how stable, reliable or trustworthy that process is interpreted to be by the community.

Protected cycle lane
An on-street bicycling facility in which cyclists are separated from general traffic lanes by a protective barrier such as on-street parking, planter boxes, or plastic bollards.

Social Capital
The strength of a community's social fabric including the support of their livelihood within their neighborhood, and their interactions with each other.

Subletting
A person who rent a property leases it to another party.

Symposium
A half-day long meeting lead by the authors of this report during which the team presented the case studies and those in attendance were able to

comment and provide feedback through subsequent focus groups. Attendees included students, Yangon Heritage Trust, Yangon City Development Corporation, and other working professionals.

Tenure Security
The affordability and property rights, particularly housing and land, and the ability of the people living there to pay for them and remain in place.

Transparency
The availability of information to the public on all decisions and actions that are made by government. As a government responsibility, this involves government effort to make such information clearly understood and accessible to the general public.

Vulnerability
The 'inequality of opportunity' a community or individual may face due to power dynamics in broader social networks, cultural values and attitudes, and institutional frameworks - creating barriers to accessing resources, services and social mobility.

Abbreviations.

BSPP: Burma Socialist Programme Party

CBD: Central Business District

CU: Columbia University

GIS: Geographic Information Systems

JICA: Japan International Cooperation Agency

MMK: Myanmar Kyat

NGO: Non-Governmental Organization

SLORC: State Law and Order Restoration Council

UNESCO: United Nations Educational, Scientific and Cultural Organization

YCDC:Yangon City Development Corporation

YHT:Yangon Heritage Trust

YU: Yangon University

Appendix B: Case Studies

Yerevan, Armenia

Macau, China

Beirut, Lebanon

Bangkok, Thailand

Havana, Cuba

Cairo, Egypt

Singapore

Rio de Janeiro, Brazil

Map 3 - Locations of each case study

1. Beirut

Superficial heritage conservation and community disenfranchisement driven by private sector interests.

As the capital of Lebanon, Beirut was the primary battleground during the country's 15-year-long civil war, experiencing resident displacement and the destruction of its historic urban environment. Following the conclusion of the civil war and end to hostilities, Beirut underwent significant privatization and reconstruction as a result of political reform. Comparable to Myanmar's current reforms and new policies, Beirut's post-war political reconstruction resulted in economic liberalization, making its emerging real-estate market desirable to private - both local and foreign - investments. Furthermore, post-war Beirut and Myanmar also share a significantly deteriorated stock of colonial heritage buildings in need of restoration and conservation.

Background

On April 1975, the Lebanese civil war was triggered between the country's Christian and Muslim communities over continuous disputes culminating in the growing presence of Palestinian militias in Lebanon. (Sarkis, 2004, 282) The war inflicted damage to infrastructure and the built environment throughout the country and mainly in Beirut. A lot of spaces around the city were abandoned, especially the downtown area, which stood as a delineation space within the divided city. (Makdisi, 1997, 665) The Lebanese civil war displaced over half of Lebanon's population of 3 million and killed about 150,000 people (Sarkis, 2004, 282).

Following the end of the war in 1990, the political focus reverted back to the reconstruction of the then very heavily damaged and desolate center of Beirut. Influential political powers, namely the real estate tycoon and soon-to-be Prime Minister at the time, advocated the idea of putting forth a single private real estate company – known today as Solidere – to expropriate all the land in the downtown area and take over the rebuilding process. The main purpose of reconstructing and rehabilitating the image of the central district – to what it had been before the war – was the revitalization of Lebanon's economy by restoring Beirut as the center for trade and investment in the Middle East (Martinez-Garrido, 2014, 3). This is in accordance with the post-war shift of Lebanese policy towards unregulated market liberalization aiming at attracting Arab investors – mainly from the Gulf region – and wealthy Lebanese expats.

Relevance

The studio chose the case study of Beirut, specifically the reconstruction of its central district, to illustrate the risks associated with an empowered private entity and its effect on public policy, social integration, real estate dynamics, and conservation.

Image 63 - Damaged buildings in the historic central district of Beirut after the war

Project Description

On May 5, 1994, the Lebanese Company for the Development and Reconstruction of the Beirut Central District s.a.l. – Solidere – was established as a private, publicly traded corporation, and was given full control over the redevelopment of a defined area that includes the city's historic center and its adjacent neighborhoods (Solidere's website). Solidere's capital consists of type A and type B shares. Type A shares were issued to the owners of expropriated property in the city center, in "proportion" to the relative value of their property claims. Type B shares were released to investors at the price of 100 USD/share in order to attract new

capital. Stocks may only be purchased or held by original property owners; companies, and persons of Lebanese or Arab origin; the Lebanese state and public institutions (Makdisi, 1997, 675).

The reconstruction project covers a surface area of about 1.8 million square meters, including the reclamation of over 600,000 square meters from the sea. The plan proposed the development of over 4.5 million square meters of built up space, half of which are dedicated to residential use. (Makdisi, 1997, 678)

Image 64 - Martyr Square, located in the historic central district of Beirut in 1982

Challenges and Critiques

Transparency

The lack of transparency in the legal context of land, ownership and development in Lebanon has been a recurring public concern that dates back to the initial land registration process, established during the French colonization of Lebanon in 1926. Moreover, the legal and political process that led to the establishment of Solidere and the privatization of the central district resulted in a significant level of obscurity and lack of public inclusiveness. Even as the plan was being publicly discussed and debated, legislation calling for the creation of a single company to take over real-estate rights in central Beirut was already being established. Solidere subsequently came into being in 1992 without regard to public opinion or those whose property would be expropriated. This legislation was based on an old law – one that the general public was unfamiliar with – that allows for the establishment of redevelopment corporations on the basis of land pooling and re-parceling (Makdisi, 1997, 672). The lack of transparency in the creation of Solidere can be regarded as a trigger in a long series of opaque laws and legislative processes that continue to place private sector control above public interest.

Accessibility

Although their marketing campaign advertises the importance of "integration" between the central district and the rest of the city, Solidere's master plan is an attempt to make the area inaccessible and exclusive, rather than open and inclusive. The zone controlled by Solidere has been delineated by three highways on all three sides of it, physically

segregating the central district from the rest of the city. In addition, the highway linking the airport to the central district area allows visitors to bypass the "Misery Belt" of lower income neighborhoods located south of the city center.

Due to the absence of effective initiatives bridging the post-war social divide, Solidere has managed to create spaces of exclusion, appealing to foreign businesses and Lebanese expats, instead of creating socio-spatial sites of reconciliation and integration. The concentration of reconstruction efforts after the civil war in Beirut's central district has further exacerbated the growing social divide among the Lebanese population, reasserting the project's exclusivity by taking priority over interventions aimed at ameliorating the substandard living conditions of approximately 35% of the city's population (Martinez-Garrido, 2014, 4).

Heritage Regulation
Legislation protecting historic buildings in Lebanon is almost non-existent. Without adequate legislation, Beirut is losing its heritage; more buildings have been demolished under the post-war government than lost during the civil war. Beirut's layered history, rich with foreign influences adapted to local conditions, is rapidly being replaced by high-rise luxury developments designed by international architects for foreign and expat investors which do not contribute to a continued sense of place for residents and tourists alike.

Lebanon has one piece of legislation that regulates historic properties, dating to the French mandate and unaltered since. Order 166, the Antiquities Regulation was passed in 1933, and protects properties constructed prior to 1700. The regulation does not protect Lebanon's Ottoman or more recent heritage, focusing instead on Greco-Roman historic buildings.

Following the civil war, heritage conservation has been the responsibility of the Ministry of Culture. In response to public outcry, the Ministry of Culture placed a moratorium on demolition of 1016 buildings in 1995 (Khaddaj, 2011). Property owners whose building's had been listed accused the government of having placed a restriction on their right of property

(Tyan, 2013); in 1997 the ministry revised its list to 520 properties, which was further reduced in 1998 to 459 following a ministerial order - a means of overruling the Ministry of Culture. Subsequent lists have been kept confidential, resulting in a conservation climate where private negotiations take precedence over public participation. Even when the Ministry of Culture does refuse a building permit, a lack of enforcement and resources results in illegal demolitions, the removal of character defining elements, or demolition by neglect (Wood, 2013).

Three factors can be identified as the primary reasons for Beirut, and Lebanon's, poor conservation

Image 65 - A major highway makes a border around Beirut's historic central district

legislation: a lack of incentives, outdated and negotiable zoning regulations, and political investment in development.

Postwar conservation legislation, in contrast to early modern laws, generally recognizes that heritage conservation controls impede an owner's ability to realize the full value of their property. As a result, the provision of incentives is a way in which the government is able to encourage owners to maintain, enhance and value their historic property. In Lebanon, a number of bills addressing conservation regulation through the provision of TDRs (transfer of development rights) have been proposed over the years; not one bill has made it to a vote (Tyan, 2013).

Beirut continues to follow a master plan from 1954, one that is poorly managed, has been significantly amended, and is dramatically outdated (Arbid, 2014). Continued revisions to the Master Plan and Construction Law (Order 646) have allowed developers greater height and built up area (BUA, akin to FAR elsewhere) (Arbid, 2014), resulting in a real estate market that values land and pays little attention to physical improvements upon the site.

Image 66 - Beirut's historic central district

The third factor that prevents the adoption of conservation regulation is political participation and benefit from the construction and development industry. This has not only resulted in a distrust by the public of their politicians (Lebanon ranked 148/148 in the 'public trust in politicians' category as found by the World Economic Forum (Dyke, 2013)), it no doubt influences politicians willingness to hear proposed legislation that is publicly-supported but might hinder their personal and political interests.

Lessons Learned

The case study on the privatization and reconstruction of Beirut's central district serves as a useful tool to identify a process that fails to engage in public empowerment strategies, which would otherwise regulate or shape private investment in ways to protect the social fabric. This case study illustrates a negative process, where the private entity has been unconditionally empowered through its opaque relationship with governing entities and its stake in state interest to the detriment of public interest, in particular community preservation and heritage conservation.

The lesson learned in Beirut is the importance of a transparent, inclusive, and publicly accountable empowered entity which is responsible for ensuring legal and institutional processes are in the public interest. This is crucial to representing and empowering the public, to ensuring the protection and conservation of heritage, and to decreasing the factors and risks of displacement that often arise from unregulated and untaxed real estate speculation and market inflation.

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Image 67 - Beirut's redeveloped historic central district

2. Macau

Preserving Mixed Heritage and Local Communities in a Modern Economic Context by Capitalizing on Values and Constructing New Identities.

Project Overview

An incremental and piecemeal approach to preservation - initiated in the 1980's and highly active until the mid-2000's - has created an economically successful and largely intact historic downtown core in Macau. This incremental approach included many regulatory procedures, but most importantly, a special focus on building a cohesive identity for residents in the area, and engendering of local community stewardship over the space (Chung 2009, 144). Since being designated a UNESCO World Heritage site, Macau has seen accelerated economic growth in tourism, gambling and luxury housing markets. These dynamics are beginning to threaten the cogency of the heritage district and local communities as they are encroached on by new developments and demands to improve inadequate transit and public infrastructure grow (Chung 2009, 144). These changes have catalyzed community opposition to new building projects near the historic district, indicating that the original stewardship program was partially successful. Thus, preservation techniques in Macau have worked not only to maintain an architectural legacy, but also build a social one by encouraging the local community to derive tangible value from their historic district and use it as a means to protect their community from development that may not be in their best interest.

Background

Macau was established as a Portuguese colony in the early 1500's, and was not succeeded to China (as part of the Hong Kong Special Administrative Region) until 1999. The small peninsula and island chain is located southwest of Hong Kong, and was settled by the Chinese prior to the Portuguese take-over. Chinese residents have always maintained a presence in the territory - but a distance from Portuguese authorities (Lam 2010, 660) - creating a unique mix of Portuguese colonial and traditional Chinese architecture (Tieben 2009, 51-52). The Portuguese administration maintained a cultural preservation agenda from the mid-20th century to succession as a means to assert authority and legitimacy of their sovereignty over the space (Chung 2009, 135-136). Chinese authorities assisted in this programming in the 1990's, and have maintained this agenda since transition - acquiring UNESCO World Heritage status for the city in 2005.

Relevance to Yangon

Much like Macau in the late 1990's, Yangon and Myanmar are currently undergoing significant political, economic and legal reforms. These types of processes are delicate and iterative, and perhaps the largest lesson to be learned from Macau's success is the incremental approach to preservation and

Image 68 - Traditional Chinese temples in Macau's historic District

community building it undertook. Quite critically, this incremental process was set forth upon strong legal and regulatory reform, which Myanmar lacks at present - particularly in localized regulatory contexts like cities. It should be noted, however, that Macau has long had strong and organized government where property and personal rights have been clear and highly regulated - thus making the administrative task of changing such precedents much easier to undertake than in Myanmar.

Additionally, Macau and Yangon are both the locations of substantial colonial built heritage, which tends to garner international attention. Yangon can learn from the role the local government took in Macau to manage this asset. The city government in Macau acted as an effective advocate for heritage preservation and kept close control of its development without being critically involved in its production (i.e. working with private developers and receiving international support for projects). This approach allowed local needs to be served (namely, by creating a viable local economy of small businesses) before global conceptions of value and process were placed upon it.

Project Description

The preservation of Macau has been undertaken in a series of phases and focused on Portuguese colonial heritage (as opposed to local Chinese heritage). Initial preservation efforts were made by the Portuguese authorities in the 1970's by asserting cultural patrimony through building designation and the creation of museums. However, after a nearby region in Mainland China was designated as a special economic zone (an area with more open markets and less restricted trade) in 1982, Macau experienced an economic recession catalyzed by major industry. During this recession, the Macau government focused on economic development - converting buildings into hotels, promoting tourism, providing tax incentives for private developers, building new service industry in the southern outer harbor and low-cost housing in the north (Chung 2009, 132-133). The government commissioned a development group to create 'Urban Intervention Plans' that established historic areas and placed building height restrictions and design guidelines within them (Tieben 2009, 53). The plans engaged local residents with socio-economic surveys to identify perceived socio-cultural benefits of preserving certain areas, and incentive schemes were developed to initiate renovation and maintenance. This initial preservation period is viewed as a success attributable to the use of robust regulation, government led public-private partnerships, a focus on heritage tourism and local input - a piecemeal approach to avoid radical change (Chung 2009, 133-134). This period also catalyzed the foundation of the 'Instituto Cultural of Macao' by the Portuguese authorities to address heritage concerns (Tieben 2009, 53).

The 1990's marked a close collaboration between Portuguese and Chinese authorities anticipating amalgamation. Programming focused on cultural identity building - investing in museums, cultural centers and restoring monuments. The government established broad heritage designations (monuments, buildings of architectural interest, classified complexes, and

Image 69 - A colonial Portuguese church in the historic district of Macau, China
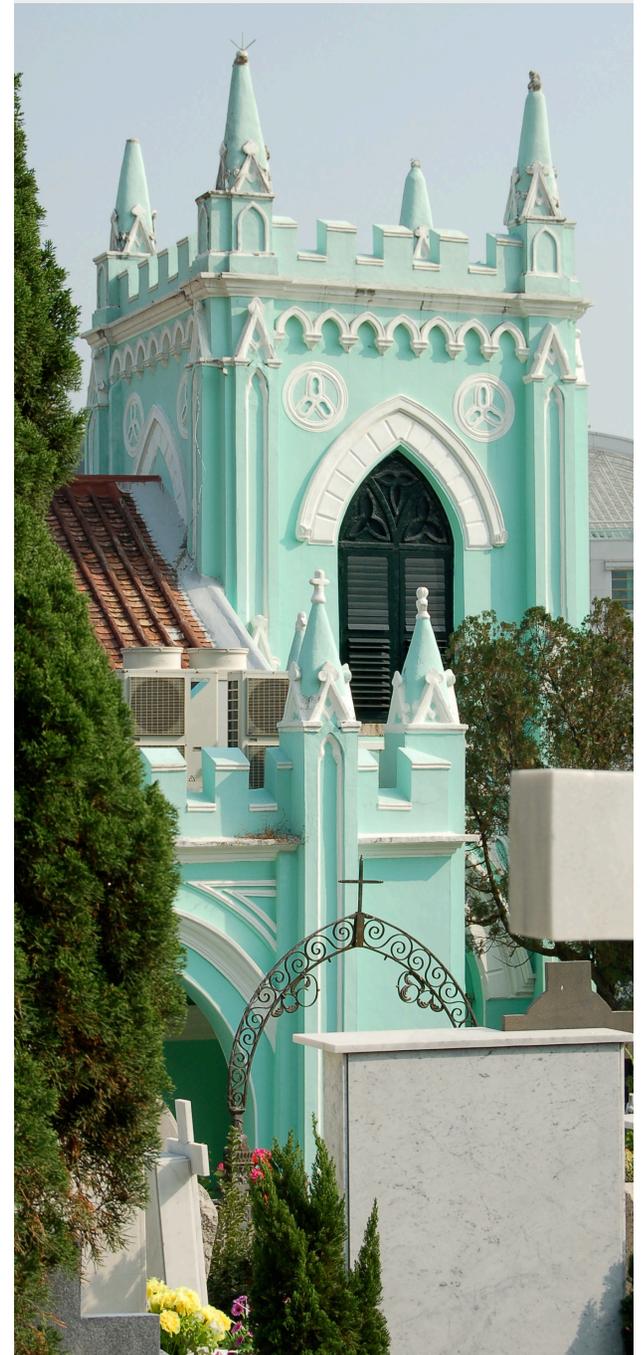
classified sites) to improve preservation efforts, and forwarded an ideological cultural agenda that implied a long-history of peaceful co-existence between the Portuguese and Chinese. Some residents felt this image was false and questioned the use of public funds to propagate projects under this guise (Chung 2009, 135-137). Most critically, preservation efforts focused on open and public spaces - bringing in economic investment and pedestrian-oriented programming to public squares and buildings fronting onto parks as a means to assert Macau as a desirable place to visit and live (Tieben 2009, 54-55). Parks and public squares

Image 70 - A street lined with colonial Portuguese architecture in Macau, China

were rehabilitated and updated with user-friendly amenities and commercial spaces were updated in buildings facing onto square and parks for local businesses to open. These projects aimed to make 'logical connections' between historic spaces and city fabric and distribute the benefits of preservation to the broader Macau population by linking heritage spaces with amenities (parks and cultural spaces) and businesses, to make visiting and using the space desirable for tourists and residents (Chung 209, 137-142)). This approach has given residents a positive and personal association with these revitalized heritage spaces in Macau by giving them tangible aspects of it to appreciate (user-friendly, integrated spaces) and invest in (commercial opportunities).

Since the 1999 handover from Portuguese to Chinese authorities, Macau has gained UNESCO World Heritage status (2005) and a rapidly expanding commercial gambling sector. Several disputes between development interests, the government and local communities have erupted over building activity adjacent to heritage districts and in the inner harbor area (Tieben 2009, 62-63; Chung 2009, 149-153). Each dispute has been marked by strong community pushback, regarding protection of heritage (including buildings, viewsheds and the character of small areas) and protection of local economic networks. It appears that the government has begun to buckle under development pressure and compromise some of its heritage regulations, while social inequality in the city has increased as investment efforts have focused increasingly on luxury tourism and luxury housing (Chung 2009, 143-144). These changing dynamics have aroused a classic conflict – how to reconcile desires to conserve heritage over development, and at what cost? - and reminded residents that their investment in such a large scale heritage project will require their "eternal vigilance" (Chung 2009, 155) to maintain. These changes expose the reality that cultural identities evolve, and that dealing with competing interests in conservation, foreign investment and the gambling industry will require a distribution of benefits equitably amongst stakeholders. In this context, heritage must be conceived of as a negotiable concept that can have many meanings and will need to consider contemporary needs as well as preservation desires (Chung 2009, 146).

Programming Management

Responsibility for preservation in Macau has been passed through many hands, but has always been led by governmental bodies. Both Portuguese and Chinese administrations in the region have prioritized preservation efforts in the last half-century, and used regulatory and administrative efforts to do so. The local community has also been key in managing preservation programs, being targeted to personally invest both businesses and stewardship concerns in the overall project. International concerns surrounding World Heritage - UNESCO, and academic interests - has kept vigilant eyes on the progress of the region and have been known to object to questionable government practices surrounding new development.

Financing

Though reports on the matter are not clear, it seems that financing for preservation has largely come through the local government, since they are the only actors mentioned in preservation programming. Increasing investment in private tourism infrastructure - hotels, casinos - likely contributed to an increasing tax base that made these programs possible. After the 1999 amalgamation with the Hong Kong SAR, public coffers had a more direct tie into the national Chinese administration, and likely received support there as well.

Challenges/Critiques

The almost exclusive focus on preservation and economic development in Macau has created several secondary problems for the city: the capacity of transportation and infrastructure networks have been hugely outpaced by population demand, leading to a recent decline in urban quality of life (Chung 2009, 144). Additionally, social inequality is mounting in the city as development continues to cater to a luxury economy, and the local government increasingly accommodates the desires of major real estate investors coming to the region. In a way, the marriage of heritage conservation and new development became so successful that it has created a highly competitive economic market that could work against its original purpose – to conserve the heritage of the city in an economically sustainable way. The development economy in Macau is now very powerful and persuasive, and as new developments encroach on heritage districts, the delicate work of carving out heritage spaces and programming them with unique uses may become compromised.

Lessons Learned

1. The local community has (thus far) been

Image 71 - The modern casino district in Macau, China

successfully protected by increasing the livability of the heritage district for local residents, and by encouraging a universal positive attitude towards the space. Using community participation tools in planning, programming the spaces for local needs, and encouraging local business investment in the historic district has given the local community access to the benefits of both preservation and development.

2. For most of the duration of the project, local governments have maintained strict administrative and regulatory control of the project - managing the project primarily with a local entity, and consulting with international actors and supporters (UNESCO, investors) for courses of best action. This has allowed a multifaceted approach where preservation and economic development have been integrated to create sustainable, long-term gains for the region.

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3. Rio de Janeiro

Investing in Housing and Personal Welfare by Providing Legal Tenure Statuses to Residents in Informal Settlements.

Project Overview

In Rio de Janeiro, Brazil, a city-wide favela (informal settlement) upgrading strategy was initiated in 1993 and was active for over a decade. The Favela-Bairro ('favela-home') program was designed to respond to a National Housing Policy that sought to improve quality of life for citizens across the country by targeting deficits in the housing market. The basic approach of the program included selecting favelas in the city according to several criteria and then developing comprehensive plans to implement infrastructure, services, open space, and housing upgrades. Before making these improvements, however, each favela would undergo a tenure clarification process where most residents were granted use rights to their homes. This clarification formalized residents' tenure statuses and thereby increased their level of tenure security to protect them from losing their homes to development interests, or being pushed out of their homes by increasing land values after the favela improvements were made.

Background

During its last phase of military rule, the cities of Brazil (where 80% of the population lives) experienced rapid urbanization and growth but also a serious lack of governmental investment in the housing sector. Because of this lack of investment, housing quality rapidly decreased, informal living situations proliferated and poverty grew. To respond to this root problem the new democratically elected federal government created a National Housing Policy in 1995. The policy included four mandates - universal access to housing, expansion and improvement of the housing stock, regularization of informal settlements, and modernization of the housing sector through targeted policy and agency formation (COHRE Americas Programme, 2003: 7). Programs and policies to meet these goals were initiated by federal, state and municipal levels of government. Municipalities in particular focused on implementation of physical improvements to the housing sector while still preserving existing communities (although preserving buildings and physical structures themselves were not necessarily of concern).

In the context of this discussion, it is important to note that favelas cannot be encompassed in the common understanding on 'slum'. They do not exclusively house the 'poorest of the poor' in Rio de Janeiro, but actually contain many families who occupy middle-income status (Riley et al, 2001: 521). Additionally, the physical composition of favelas are highly irregular - located throughout the city with ranging qualities of infrastructure and housing. Residents, housing, jobs and businesses exist in both formal and informal markets realms, creating an environment of mixed independence and vulnerability. Many favelas are highly self-sufficient in their growth and maintenance but have no security or insurance when climactic or social catastrophes hit. When Favela-Bairro was initiated in 1994, approximately one million of the roughly 5.5 million citizens of Rio de Janeiro

Image 72 - Permanent informal housing in the favela of Rio das Pedras, Rio de Janeiro

Image 73 - A mixture of formal and informal electricity provision in the favela of Rio das Pedras, Rio de Janeiro

lived in 661 favelas throughout the city (Riley et al., 2001: 521, 525)(Pamuk & Cavallieri, 1998: 452-453). These communities experience a comparatively poor quality of life, and such disadvantage creates social segregations. Favela dwellers experience lower levels of education, higher numbers of migrants, more children, higher levels of household crowding, lower levels of municipal service provision, and lower per capita household incomes than both the average formal household in Rio de Janeiro (Soares & Soares 2005: 5-7).

Relevance to Yangon

Much like Myanmar, Brazil has undertaken a transition away from autocratic rule. This process was initiated in 1985, after a two-decade-old military dictatorship stepped down. The transitioning government focused on democratization, prioritized defining individual rights and freedoms, and instituted expansive national welfare programs to eradicate widespread poverty across the country. Particular focus was paid in cities, which concentrated the greatest levels of poverty.

Additionally, much like Yangon, the major cities in Brazil contain large populations living in informal arrangements - meaning people in temporary or illegal housing, and also people living with non-legally recognized tenure statuses (such as illegal subletting or squatting). Before the tenure clarification that occurred through the Favela-Bairro program, many residents in favelas were living in homes that had been established for years, or even multiple generations, but

their right to occupy those homes was not formal. Even less protection was offered to individuals renting units from 'owners' who did not have legal rights to occupy their residences. Scholarly, legal and observational research of downtown Yangon indicates that many residents in the area are living under the same insecure conditions, and much like in Rio de Janeiro, will need to clarify some of these issues before changes to the housing market occur.

Project Description

At the time of its creation, Favela-Bairro was one of the largest neighborhood upgrading programs in Latin America. The original plan intended to upgrade all medium-sized favelas (those containing 500-2500 households), making up approximately 60% of the city's favela dwellers at the time (Riley et al., 2001: 521, 525)(Pamuk & Cavallieri, 1998: 452-453). Within these criteria, program coordinators relied on their personal perceptions of how easy it would be to provide public works in each community to determine if they would be included in the program. Communities were placed in one of three phases of development that spread over 10 years (Soares & Soares 2005: 14-15).

The program was initiated within each community by completing an enumeration of residents, and developing a creating master plan for the area that incorporated physical and social development agendas, including: (1) road formalization and electricity/sewage implementation, increased transit access, reduced physical vulnerabilities; (2) social programming for low-income populations, for example, by creating job training programs, or establishing health clinics and

child care centers; and, (3) new housing provision and granting of exclusive land use rights (Pamuk & Cavallieri, 1998: 456) (Soares & Soares 2005: 13-14). The intent of this approach to development was twofold: (1) to integrate informal communities into the formal city fabric, and (2) to improving quality of life by providing liveable communities with adequate access to resources for residents ("Improving living conditions in low-income neighborhoods in Rio de Janeiro" March 23, 2011) (Pamuk & Cavallieri, 1998: 456).

This community-centered approach was complemented with a participatory process, in which architectural and planning firms would bid on contracts to develop a plan for eligible communities. Designers would meet with community members and develop a plan over several months, with the aid of municipal engineers, and residents were trained and hired to build and maintain projects (Pamuk & Cavallieri, 1998: 458). Yet despite these strong concepts for equality of all residents, many of the projects never reached completion and time revealed that such downloading of responsibilities to these low-income and at risk communities without continued significant oversight was not sufficient maintenance for the projects (Riley et al, 2001: 521).

Finally, and most lucratively, the Favela-Bairro program included a complex rezoning element designed to grant residents more secure forms of tenure. Favelas were surveyed to demarcate private and public ownership, upon which plans for zoning, building codes, regulations and organized infrastructure were established (Pamuk &

Image 74 - The official site plan created for the favela of Rio das Pedras as a part of a city-wide neighborhood upgrading program

RIO DAS PEDRAS

Image 75 - Permanent, informal housing lines the river in Rio das Pedras, Rio de Janeiro

Cavallieri, 1998: 457). This allowed the municipality to more easily regulate building and infrastructure standards, and provide residents with legal, secure and irrevocable rights to occupy their homes. In cases where a resident had occupied public land, the Municipal government grant "concession of actual right to use" – permitting full use rights of a plot but not ownership. In the case of privately owned land, the government would support facilitate settlers of 5 years or more to ask for use rights from private owners, and would expropriate land from private owners to grant use rights to those occupants of five year or less (Pamuk & Cavallieri, 1998: 457). These land use-granting mechanisms act as a comparatively small but legally and socially significant transformation to bring favela land organization closer to the formal realm of the city so that residents could access more resources and opportunities provided by the government. It is also important to note that since the program only granted "use-rights", residents did not have to pay taxes associated with land ownership (though they did pay some other types). This was a critical exemption for many impoverished favela dwellers to maintain their quality of life with the limited financial means they had (Handzic, 2010: 13-16).

Program Management

Municipal officials and the Mayor of Rio de Janeiro developed the Favela-Bairro program agenda in 1992 while formulating a new master plan for the city. After its formation in 1993, the Municipal Housing Secretariat refined these projects. The Secretariat became the body whom granted use rights, constructed new housing, facilitated resettlement for those living in highly physically vulnerable areas

(Rio de Janeiro is a hilly region prone to landslides) and led implementation of the program (Riley et al, 2001: 524-525). The Secretariat relied on municipal works companies - such as ministries and secretariats of Social Development, Labour, Education, Public Works, Urban Development, and Environmental Affairs - to provide relevant sanitation, electricity provision and garbage removal services. Private architecture, planning and engineering firms developed community plans and designs as contracted formally by the municipal government (Pamuk & Cavallieri, 1998: 458-459). Construction and maintenance jobs were directed towards local residents through hiring and skills training programs by the municipal government as well (Riley et al, 2001: 521).

Financing

The Favela-Bairro program was conceived of by the Municipality of Rio de Janeiro, and relied heavily on financial contributions from the Inter-American Development Bank for operations. The bank provided the program with two US$180 million loans, while the municipality itself contributed US$280 million (Soares & Soares 2005: 13).

Challenges/Critiques

After a decade of implementation, it was clear that the program was too large and comprehensive to be fully implemented. The excessive scope and scale of the program was emphasized in the difficulty in coordinating governmental departments (mostly those in education, housing, services) to carry out various legs of the agenda (Pamuk & Cavallieri, 1998: 459). The land rezonings were the most difficult to employ and perhaps beyond

the administrative capacities of a still reforming government and newly formed municipal agencies (Handzic, 2010: 13-16). Furthermore, the government's decision to not grant ownership is not wholly uncontentious (Handzic, 2010: 14) as it doesn't factor in the desires of middle-income favela residents who would not be so directly burdened by taxation of land and may desire this formalization of their homes. In this sense, the program failed to disaggregate the multitude of socio-economic identities and aspirations of favela residents, instead lumping them into a homogenous group. This problem could have been avoided by implementing community assessments beyond basic enumerations and demographic surveying to include focus group work and long-form surveying to establish comprehensive social assessments.

Lessons Learned

1. Having a balance of both infrastructure investments and social programming was the only way to address the overlapping issues favela residents faced. Since a diverse offering of interventions were provided, a failure of one element did not prevent others from being successful, thereby creating more potential for some positive outcomes.

2. Granting use rights instead of ownership rights to favela residents had several advantages. Firstly, it was appropriate for the scale and scope of Rio de Janeiro's informal settlements, since granting use rights is less administratively costly and

contentious than ownership (Handzic, 2010). Secondly, it provided residents with a crucial increase in personal tenure security so they did not have to fear losing their home, be complicit in illegal housing activities, or take on the the tax obligations associated with ownership that would have been beyond their means for the most part (Handzic, 2010: 12-15).

3. The choice to only grant use rights was also beneficial for local and municipal economies. The government, as the ultimate owner of land, was able to retain control over land use in favelas to prevent unchecked development, and implement more consistent taxation/fee structures to help fund infrastructure and maintenance. This clarification of tenure status also allowed residents to buy, sell and rent their use rights - creating more diverse offerings in the housing market, and new income streams for low income communities.

4. Providing legal tenure statuses to residents, and thereby increasing personal tenure security, was a direct means to improve personal quality of life and human rights in this context. Both the land organization and social programming schemes used in Favela-Bairro indicate a strong support of squatter's rights (at a time when a significant portion of the population were considered squatters in a technical sense) by the various levels of Brazilian government (Handzic, 2010: 12).

5. The management of informal settlements in Rio de Janeiro was aided by both legal, organizational and procedural reform and acted as a means to shift cultural values so that is favela was seen as a legitimate and integral part of the city (Pamuk & Cavallieri, 1998: 458-459).

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4. Singapore

Project Overview

Singapore's Urban Redevelopment Authority (URA) created a Conservation Master Plan in 1986, which successfully preserved a substantial stock of historic "shop-houses" in the Chinatown, Kampong Glam, and Little India districts (Lee, 1996, 402).

Relevance to Yangon

Much like Yangon today, Singapore experienced a period of rapid urbanization from the 1960's through the 1980's. Through official programs of urban renewal, many historic structures in the Central Business District were demolished. Low-income residents were often displaced to more modern high-rise public housing on the city's periphery. In the mid-1980's, the URA became increasingly concerned that the loss of heritage buildings would harm the city's tourist-dependent economy. In response, the URA created the Singapore's Conservation Master Plan (1986), whose objectives were to 1) "retain and restore buildings of architectural and historical significance" and 2) "retain and enhance ethnic-based activities" (ibid, 401).

Background/Context

In the 1960s and 1970s, many historic 2-3 story commercial live/work buildings in the Kampong Glam, Chinatown, and Little India districts in Singapore's Central Business District were demolished to make way for modern, high-rise commercial and residential buildings. As rapid economic growth began to slow in the late 1970s, government policy shifted from urban renewal to heritage conservation. The core problems facing the heritage conservation program were: dilapidated historic structures; fragmented land ownership; resident displacement from urban renewal programs; rent control and security of tenure concerns; and

Image 76 - The Singapore skyline features a mix of low rise colonial architecture and modern skyscrapers

the decline of traditional "ethnic-based activities" such as street vendors, artisan and small-scale manufacturing. Heritage conservation dovetailed with a rise in Singaporean political nationalism. This nationalism was expressed in a nostalgic drive to preserve "'Asian' and 'traditional' values and the maintenance of 'local' cultural identity and heritage," a resistance against the "Westernization" of the built environment that came with economic growth in the '70s and '80s (Yeoh and Huang, 1996, 413). According to Kong and Yeoh, "this heritage was seen as an anchor of Singapore's Asian identity" which had been eroded during the urban renewal period following WWII (1994, 252).

One major motivation for heritage conservation was a concern for tourism. In the 1970's the government became increasingly concerned with a decline in tourism revenues, on which Singapore was and continues to be highly dependent (Steinberg, 1996, 469). The URA's Tourism Task Force feared that the country had "lost its Oriental mystique and charm best symbolised in old buildings, traditional activities and bustling road activities" in its effort to construct a "modern metropolis" (Yeoh and Huang, 1996, 413).

Legal restructuring was crucial to the URA's enactment of far-reaching urban renewal programs through the 1970's. Upon its independence from Malaysia, the Singaporean government amended the constitution to remove the "takings" clause in order to allow for faster and less costly land acquisition by the public sector (Stough, 2006, 1020). Singapore's Housing and Development Act gave the Housing and Development Board

(HDB) it created "extensive powers to create and implement housing policies" (ibid, 1022). The HDB was responsible for constructing the city's numerous public housing estates, which house the vast majority of Singaporeans to this day (Kong and Yeoh, 1994, 248). The HDB was the umbrella agency for the URA until 1974, when the URA became a legally separate entity.

Project Management Strategy

The URA's preservation program began as a piecemeal strategy for preserving key landmark buildings and only gradually evolved to a policy protecting entire streets and districts. The Preservation of Monuments Board (PMB) led the piecemeal strategy beginning in 1971, preserving about 100 religious or public buildings of national significance (Yeoh and Huang, 1996, 415). PMB was also responsible for enforcing the 1970 Preservation of Monuments Act, which limits construction activities on historically or architecturally significant sites (Lee, 2013, 262). Likewise, the National Heritage Board Act (1993) protects ancient pre-19th Century sites with harsher fines/penalties for disrupting sites than the PMB provided (ibid,

Image 77 - A street food spot nestled amongst commercial spaces in Singapore's historic Chinatown

265). The districts of Kampong Glam, Chinatown, and Little India were selected to "create a sense of human scale, rhythm and charm not found in much of our modern architecture" (Yeoh and Huang 1996, 416). Design guides envisioned a mixed-use environment, which would blend traditional commercial activities (laundries, cobblers, jewelers, dressmakers, etc.) with retail and food courts to create a "bazaar" atmosphere.

Each district had a core area identified by URA. These focal points were given priority for revitalization (Lee 1996, 402). Many primary streets in Kampong Glam, for example, were pedestrianized and given new landscaping to promote the desired lively mixed-use aesthetic (Yeoh and Huang, 1996, 419). To underscore the project's explicit aims of heritage preservation, religious and festival-oriented architectural details were encouraged. Religious structures and temples were given highest priority for preservation in the Conservation Master Plan (Lee 1996, 403).

Image 78 - A busy open air night market in Singapore's historic Chinatown

Generally, the URA determined urban design and development restrictions and then opened up these districts to market development. The districts' first floors of establishments were zoned for retail or food/restaurant businesses. Outside the core areas of each district, market development was permitted with fewer restrictions.

Street Food Programming

The centrality of food - particularly inexpensive street food - cannot be overstated in significance to the preservation plan. Street food is widely credited as an effective strategy to promote an area's attractiveness to tourists while also enriching local livelihoods (Henderson et al, 2012, 849). Singapore's National Environment Agency (NEA), which licenses and regulates food vendors, has initiatives such as the "City Hawker Food Hunt" to publicize and reward especially authentic or clean vendors (ibid, 851). The NEA is seen as highly interventionist in its relocation, licensing, and regulation of food vendors. Street food in a heritage-rich setting is seen as a key form of destination marketing in tourism and especially as a draw for the boutique hotel businesses housed in adaptively reused buildings (Henderson, 2011, 211).

Pedestrian Streets

New and innovative transportation infrastructure was another core element of the Conservation Master Plan. Since the mid-1980s, pedestrianisation of streets has been adopted as a policy of urban heritage conservation (Yeun and Chor, 1998, 229; Kong and Yeoh, 1994, 249). Street closures to automobiles can be permanent, temporary, or seasonal in nature. For example,

streets leading to Telok Ayer Market are closed to car traffic after 7pm in order to stimulate pedestrian life after dark. The best pedestrian streets have easy access (within 200 meters) to public transportation, taxi stations, or public garages. A mixture of uses along the corridor is considered ideal, such as office, retail, entertainment, food establishments, and residential. Covered walkways are another design tool to highlight local heritage while also providing cover from heavy rains, as in Little India (ibid, 232). Singapore's pedestrian streets are seen as a successful implementation of human-scale design because they prioritized the most crowded pedestrian environments, where conflict between cars, bikes, and pedestrians was frequent.

Financing

The Tourism Product Development Plan of 1986 allocated $223 million to preserve a range of key historic properties of colonial origin (Yeoh and Huang, 1996, 413). Private sector real estate development provided the bulk of funding in building renovation and restoration of less prominent historic buildings. In some cases the URA purchased and leased out historic buildings so that they could be restored without lying vacant (Kong and Yeoh, 1994, 251). At the same time, owners were encouraged to restore their buildings through incentives such as waiving of permit fees and parking requirements. Finally, the National Environment Agency (NEA) established state-run food hawker centers in a $240 million plan to relocate, license, and regulate street food vendors.

Challenges/Critique

In Singapore, the local government succeeded in preserving historic buildings and improving accessibility. However, their success was a shallow one that resulted in some displacement of low-income residents by tourism industry and other high-income groups.

Overall, 43% of structures surveyed in 1994 were restored, while 56% were unrestored (Lee 1996, 408). Many of the "traditional" trades failed to be preserved in the restored buildings. There was a significant shift towards food and restaurant establishments and office buildings, and away from residential, trades, purveyors, and small-scale industry, especially on upper floors of buildings. In Kampong Glam, Chinatown, and Little India, there was a significant retention of first-floor traditional trades activities, although with a shift from residential to office on the upper floors (Lee, 1996, 410). Some might interpret this shift as a loss of affordable housing options for these districts' low-income residents. This indicates that while the structures themselves may be successfully preserved, preserving the livelihoods of small-scale shopkeepers and artisans is far more challenging.

Image 79 - A portion of the conserved historic district of Kampong Glam, Singapore

Left unspoken in most literature on Singaporean heritage conservation is the almost complete absence of public participation in the planning process (Steinberg, 1996, 472). This lack of public process in Singapore was likely due to the authoritarian nature of the government and expansive powers of URA.

Decision-makers in Yangon should seek a more inclusive and engaged public process in its heritage conservation projects, a topic this report discusses in more detail in the Social Capital section.

On a local ethno-cultural level, the conservation process can pit residents against one another. The URA's designation of certain heritage properties had the effect of "priming" neighboring properties to be demolished by private sector development seeking to leverage the benefits of the restored historic buildings nearby (Yeoh and Huang, 1996, 411). This became especially problematic in the case of religious structures, as in the example of the exclusion of the Madrasah Aljunied Al-Islamiah from Kampong Glam historic district (ibid, 419). This case was seen as deeply offensive among the Malay Muslim minority in Singapore, an example of their marginality in government projects.

In Singapore, government leaders were fairly explicit in their motivations for historic preservation of these districts: to increase tourism revenues and bolster a strong Singaporean national identity through improved urban aesthetics (Yeoh and Huang, 1996, 413). The URA's plan did not articulate concerns of economic justice, the rights of renters, or protections against displacement. The Conservation Plan was criticized as "preserving facades for the purposes of tourists" and negating the true intent of heritage preservation, to preserve the livelihoods of local residents (Stough, 2006, 1022). Tourism, or the presence of tourists, was not a universally shared motivation for locating in Singapore's historic districts. In a 2000 survey of shop owners in Little India, only 6.5% of respondents cited tourism or tourist revenues as their main reason for choosing to locate in Little India. In contrast, 51% cited their own cultural heritage (being among others of the same ethnic group) as the reason for locating there (Chang, 351).

The promotion of historic districts' street food purveyors as destinations in their own right can be seen as problematic in the sense that "authenticity" of local people is being commodified and sold to tourists who may not understand or appreciate the cultures the food represents (Henderson et al, 2012, 850). Tourists as a class are not monolithic, and many may be averse to trying street food in foreign countries, so street food as an economic development strategy may not be stable in the long-term. In addition, there are concerns that if street

Image 80 - A pedestrian street in Singapore's historic Chinatown

food operations become too successful, there will be economic incentives to create franchises or chains and diminish the area's heritage to the point that it undercuts the original draw as a tourist attraction. The NEA, in particular, is criticized for seldom allowing mobile or ad hoc street food operations and instead limiting them to state-licensed fixed locations (ibid, 852).

Many traditional commercial activities and low-income residents were displaced for higher-margin activities like offices, condominiums and restaurants in order to make the renovation projects profitable. Singapore successfully preserved its building stock, but - due to the significant displacement of low-income residents - perhaps not its heritage.

Although the Conservation Master Plan calls for retention of "ethnic-based activities" and preservation of ethnic and religious paraphernalia, it may be inauthentic or even unethical to superficially preserve these traditions while allowing private sector forces to displace the residents responsible for their creation. While Singapore did conserve significant zones of traditional trades on the first floors, their conservation depends on higher-rent office or condominium occupying the upper floors. However, these renovations were only possible because of very high demand for office space in Singapore, which may or may not be the case in central Yangon. URA's zoning policy, which prioritized food and retail establishments on the first floors, is likely what caused the "traditional trades" to be preserved to the extent that they were. In addition, less restrictive development on upper floors allowed the private sector to make projects in restored buildings viable.

Low-income Kampong Glam residents were often displaced to more modern public housing estates (Steinberg, 1996, 472). While some residents may have preferred their newer accommodations, this displacement came at great social and capital cost. If such displacement were to happen in central Yangon, it is difficult to conceive of Myanmar's public sector being sufficiently prepared to build and maintain sufficient public housing units to house all the displaced residents.

Lessons Learned

Singapore illustrates the importance of a comprehensive strategy of heritage preservation that goes above and beyond just accessibility improvements. While upgrades in transportation and infrastructure may benefit residents' quality of life, they alone are not sufficient to prevent displacement. In fact, in some cases they may themselves operate as a factor of displacement.

Image 81 - Open air markets and food vendors in Singapore's historic Chinatown

1. Create a Network of Pedestrian Streets

Pedestrianization of streets is not just a tool of transportation planning but also of heritage conservation. URA's pedestrian streets strategy dovetails with the policy of promoting street food as a means of tourism promotion. By allowing discretionary or /optional activities - eating, drinking, shopping, socializing - to dominate the streetscape, the districts' heritage was enhanced with lively and social identities, rather than one that is purely utilitarian.

Image 82 - A pedestrian street in central Singapore

2. Develop Legally Binding Design Requirements for Heritage Conservation Areas

The URA developed legally binding conservation areas, requirements, procedures, and incompatible uses (Conservation Guidelines 2011) specifically for buildings both within and outside of the historic district. The guidelines also included topic specific information concerning renovation principles, adaptive reuse, and design education. YHT or other heritage conservation NGO's could play an instrumental role to YCDC and other appropriate government agencies by helping to define key terms and principles, designate important heritage district, and develop guidelines that are tailored to the context of Yangon.

3. Expand Heritage Surveys in Yangon

In 2009 the URA implemented the Urban Redevelopment Authority Lifestyle Survey which focused on clearly understanding the needs of local citizens as well as foreigners (primarily expatriates). This report includes a small resident survey with limited impressions of community life and the value residents place on heritage. However, this work should be seen as preliminary and incomplete. An expanded survey such as the one used in Singapore would help the organization identify effective and/ or ineffective approaches raising awareness within the community and developing an inclusive heritage vision for the community.

4. Align Heritage Conservation with Tourism and Economic Development

YHT should align their efforts as much as possible with the economic goals of the government. They must develop a strategy that integrates (economically and socially) the values of the organization with the overall vision of Yangon's government by first advocating the benefits of heritage tourism. By positioning YHT's values within the economic context where possible the organization may be more likely to advance their own agenda with the support of the government. Like Singapore, Yangon possesses a vibrant street food scene that has the potential to be a significant asset for economic development. Street food is a central pillar of tourism promotion and one of the more socially beneficial ways of conserving local heritage. Of greatest concern to tourists

with respect to food are cultural authenticity, uniqueness, and hygiene (Henderson et al, 858). However, Yangon should be cautious of following Singapore's example too closely in this regard. One could critique Singapore's preservation efforts as being victims of their own success, profiting off the districts' heritage value premium to such an extent that the original authenticity and uniqueness sought by tourists becomes diminished.

5. Create Opportunities for Public Participation in Heritage Conservation

YHT also needs the support of the local community and should therefore also be encouraging community participation and community initiated advocacy. Singapore's National Heritage Board (NHB) implemented the "Heritage Town Award" to incentivize developers and appreciate the efforts of developers who incorporate the principles of preservation into their development agenda. YHT in partnership with local and/or international donors could provide funding for local citizens interested in renovating their homes rather than allowing developers to demolish them.

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5. Yerevan

Introduction

In order to highlight issues related to the intersection of habitability and heritage conservation the studio team chose to look into regions of the former Soviet Union. The reason for the decision to look into the soviet style is perhaps best stated by Anton Finogenov, " It was not only the complex of typical multi-storey apartment houses but more importantly – the model of urban structure which was created entirely for the needs of working class and industrial economy," (Finogenov, 2011). The perspective that these cities or regions have on social housing, heritage, and political transition is particularly insightful. The case of Yerevan is quite different from the other case studies which focused on a specific project or issue. The relevance of the case study is more as cautionary tale than it is about implementing a specific course of action or developing solutions. Cities, like Yerevan, that are the midst of political and economic transition should consider the consequences that sudden shift in land-use prioritization have had on the deterioration and habitability of colonial structures.

Background/Context

Yerevan is city endowed with a rich history. However its current state leaves much to be desired, as the United Nations Development Programme's mission to Armenia points out, "The historical and cultural heritage of Yerevan, as well as the urban infrastructure, has suffered unfair treatment and negligence," (UNDP, 2014). Much of this neglect is due to a lack of financial resources and as is particularly noticeable in the poor condition of building exteriors and the poor quality of parks and equipment creating an altogether "unattractive city environment." Much of Yerevan's current circumstances are rooted in the collapse of the Soviet Union that forced its cities into calamity economically as well as basic societal and structural systems (Finogenov, 2011).

When considering the issues of social housing in Yerevan there are two issues to keep in mind. 1)The relatively short capitalist legacy of only about 23 years; and 2), the slow transition away from soviet policies, (Zekavat, 2014). The relatively young transition to capitalism has implications on social housing that have not existed in more developed nations for quite some time, in particular the fact that social housing in Yerevan does not carry the same social stigmas that it does in other places. In this way social housing is still very important to a higher percentage of Yerevan citizens.

The slow transition away from soviet policies is particularly noticeable in Armenian response to the Soviet ideal "Nuclear Family." Moscow

Image 83 - The city of Yerevan, Armenia

preferred smaller family units, most likely as they are easier to control. Housing was then designed to accommodate that ideal rather than being influenced by Armenian values.

As Zekavat points out, in many ways this focus on small family size had the opposite effect behind closed doors. As family dynamics continued to expand or contract with under natural circumstances (i.e. births, marriages, and deaths) the interior layout of apartments changed frequently. In many cases exterior changes to apartment buildings also took place as balconies were enclosed to create a more desirable and functional living conditions.

Issue

Space than becomes locally defined amidst national preference. In Russia, as Finogenov points out, the Soviet government's ownership of apartment housing stock and urban land was quite extensive and their approach to architecture and urban planning was steadfast in the way the decisions around residential and industrial locations were in close proximity thus creating very simple "apartment-job-apartment" networks, (Finogenov, 2011). Even though Finogenov's work focuses particularly in Russian cities the context is quite similar for former USSR cities like Yerevan.

As Yerevan, began to distinguish itself way from the former Russian influences a major decision was made to rejuvenate the cities pre-Stalin master plan. The 1924 master plan, typical of the Garden City ideal positioned key institutional building along a north-south boulevard. This simple detail is particularly noteworthy due to the fact that until 1924 the city was laid out with an east-west orientation. This not so simple change required the demolition of much of Yerevan's rich historical building infrastructure especially those that were counter to Soviet ideology (Zekavat, 2014).

However, jumping forward in time just a bit, this master plan was put on hold following the death of Joseph Stalin in 1953. From 1953 through the USSR's collapse in 1991, the urbanization approach focused primarily on policies that were sensible, efficient, and capable of mass production. In short, architectural design became quite simple, and was characterized by the larger concrete buildings we see today. When the city of Yerevan decided to pick-up where Stalin had left off a much different city had emerged and had adapted to policies of both the pre- and post-Stalin vision. In the 1924 master plan, the city's land priorities were concentrated to the center, but from 1953 to 1991 land-use had shifted to the periphery. During that later period the center then became the location for much of Yerevan's urban poor. Following independence in 1991, the decision to move forward under the guidelines of the 1924

Image 84 - A mix of historic and Soviet-era construction in Yerevan, Armenia

master plan, re-prioritized the city center over the periphery, and thus again required the displacement and demolition of the poor residents living in the urban core. As displacement occurred, and was particularly poorly managed, the poor residents were not compensated adequately enough to afford a residence in the periphery. Soviet buildings left-over from the post-Stalin regime were being abandoned has residential neighborhoods in the center were become more desirable yet they were remained abandoned have fallen into decay.

Conclusion

The relationship of these changes to heritage conservation and habitability are best stated as follows, "The mass-produced housings of the Soviet era resemble not only a unique chapter of Armenia's urban history but also the collective memories and cultural aesthetics of a recent past that are struggling to be recognized and to be integrated into the country's overall transformation," (Zekavat, 2014). The key lessons that should be considered for other cities in similar transitions are as follows: 1) for state funded social housing, habitability is both institutionally defined and locally defined. This can be a trick relationship to navigate and ultimately both interpretations must be given legitimate value in order to maximize a family's satisfaction with living conditions. 2) The local level spatial adaptation is important for maintaining cultural values. And 3) governmental oversight is necessary to ensure basic standards are habitability are maintained and provided.

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Image 85 - A typical block-style apartment building from the Soviet era in Yerevan, Armenia

6. Cairo

Revitalization and conservation of the historic district in Cairo.

Project Overview

Egypt and in particular the metropolitan area around Cairo represent a region that constitutes an array of rich cultural contexts with multi-layered historic backgrounds. Especially Historic Cairo shows an impressive stock of built heritage and was inscribed on the UNESCO World Heritage List in 1980 (El Kadi, 2005, 129). However, many areas in Historic Cairo suffer from physical, economic, and social deteriorations, combined with a total neglect of their valuable monuments and built heritage. Even though there have been several projects of development through local and international efforts and only few have them have shown positive results, Cairo still struggles with heritage and urban conservation problems (Gharib, 2011, 40). Over many decades, the approach to preserve cultural heritage was limited to fragmentary restoration of individual Islamic monuments. Government policies have been, and still remain, insufficient and fragmentary and the local population's attitudes and potential participation remains largely ignored (Fahmi, 2002, 73).

One of the most important projects in recent years has been the Aga Khan rehabilitation project in the Darb Al-Ahmar district of historic Cairo by the Aga Khan Trust for culture (AKTC), which will be used as an important case study aiming to understand Cairo's heritage preservation efforts of the past decades and trying to answer the question whether international organizations have effectively contributed to the sustainable revitalization of the old historic districts, and whether the community participation approaches they implemented succeeded in sustaining the development and in preserving the heritage (Mohamed, 2012, 215).

The approach of the Aga Khan Trust for Culture, has been a comprehensive redevelopment effort to stimulate rehabilitation without displacing residents, largely by ensuring that they have a stake in the future of their community—by helping create viable businesses through the provision of micro-credit and assisting owners restore crumbling houses, for example. As with all its undertakings, the Trust's approach has been to work with local residents to identify priorities and then take practical steps to address these needs. Community priorities, including restoration of houses, health, education, solid waste disposal, job training and jobs, are now being addressed (AKTC, 2014). Even though it is widely seen as a best practice in rehabilitation efforts, it also received some harsh criticism on some of the projects shortcomings.

Image 86 - The historic Ayyubid Wall in Al Azhar Park, Cairo, Egypt

Background/Context

Cairo has been plagued with concerns about preservation of its historic building stock and a lack of strategy for their restoration. Pollution, dilapidated housing projects due to demographic explosion, an overpopulated heritage area and the discard of local inhabitants' needs and rights are just some of the problems and challenged that prevailed in Historic Cairo in the late 20th century (Aboukorah, 2005, 126). Besides, an improper orientation of policies towards built heritage and a lack of proper methodologies by professionals in the field of conservation for revitalizing historic quarters in a sustainable, comprehensive approach just add to Cairo's challenges (Gharib, 2011, 41).

In an attempt to attract new financing for urban development, Cairo tried to get involved in international cooperation in their upgrading and heritage rehabilitation effort. Past experiences, like the Participatory Development Program in Urban Areas (1998) which was initiated in 1998 with the German Technical Cooperation have shown positive results (Mohamed, 2012, 218) and were seen as being important to enable participation for future projects.

Project Description

After years of fragmentary restoration efforts that hardly involved community participation or any social investment (Fahmi, 2010, 73) and only limited success in the rehabilitation of the whole downtown area since restoration was focused on single monuments (Fadli, 2008, 74), the Aga Khan Trust for Culture (AKTC) started a project in 2000 that focused on the revitalization of the Darb Al-Ahmar district. The Darb Al-Ahmar district has a very rich historical background and lies in the heart of Islamic Cairo. However, in the past decades it has suffered a lot due to a lack of infrastructure, low family incomes, negligence of open spaces, unsatisfactory community facilities, and the occupation of vacant land by informal shops and services (Mohamed, 2012, 218).

The Aga Khan Trust for Culture (AKTC) is an initiative of the Aga Khan Development Network created by His Highness the Aga Khan and was founded in 1988. The several agencies of the Network work to improve the welfare and prospects of people in developing countries with a focus on the revitalization of communities in the Muslim world. Their programs focus on bringing a critical mass of economic, social and cultural activities to a specific area (AKTC, 2014).

The approach taken on by the AKTC in the revitalization of Historic Cairo followed a strategy 'to stimulate rehabilitation without displacing

Image 87 - The Darb El Ahmar historic district in Cairo, Egypt

residents, largely by ensuring that they have a stake in the future of their community – by helping create viable businesses through the provision of microcredit and assisting owners restore crumbling houses, for example' (AKTC, 2014). In their efforts, they developed a comprehensive plan for the revitalization of Darb Alahmar, supported by the Governorate of Cairo and the Supreme Council of Antiquities, emphasizing the importance of a participatory approach trying to include all local residents of the district (Mohamed, 2012, 218). They concentrated their efforts on three main action areas of Cairo's historic district: the Burg Al Zaafer street, the residential area of the Aslan neighborhood and the Bab AlWazir area.

Through a detailed survey of the local population's socio economic need conducted by the AKTC and a series of meetings, the projects public participation approach highlighted the following four development priorities (AKTC, 2005):

+ Housing rehabilitation;

+ credit programs (esp. micro-finance) to support local residents and retail operations;

+ enhancement of employment opportunities & skill enrichment;

+ and improvement of basic social services.

Several successes could be observed within their housing rehabilitation efforts with 19 community-owned houses, a health center, a business center, the restoration of an old school building and 2 reconstructed minarets that were completed by 2004 (AKTC, 2005). Besides, the project had planned to bring up to 200 houses into the new housing credit program by 2008.

On the financial side, the project included the establishment of a microcredit program and the installment of a loan tracking software, attracting new borrowers.

Another focus was on the improvement of employment opportunities and skill enrichment. Many of the skills-training and job training programs have been implemented in conjunction with restoration and rehabilitation interventions. Not only were apprenticeships offered to the local youth in this efforts, but beyond that training has been offered by local master craftsmen and technicians, resulting in an overall of 150 training positions offered through the project (AKTC, 2005). Other apprenticeships have been arranged with local businesses through a stipend system in the field of computers, mobile phone services,

Image 88 - A variety of building qualities in the Darb El Ahmar historic district in Cairo, Egypt

automobile electronics, office skills and furniture making (AKTC, 2005). Training and job creation at the same time was seen as a crucial factor in developing social capital and stabilizing the socioeconomic structures of Cairo.

Lastly, the project focused on the amelioration of basic social services including education, childhood development, administrative trainings, family health care and solid waste disposal.

Financing

Over many decades, fragmented conservation attempts in Historic Cairo have been sponsored by international organizations, such as UNESCO, International Council on Monuments & Sites, ICOMOS (Fadli, 2008, 74).

The revitalization project of the Darb Alahmar district in particular has been funded by the Aga Khan Trust for Culture. The AKCT raises funds from their development activities, collaborates with national governments and multilateral and private sector partners, and receives support from corporations and individuals.

Challenges/Critique

In general, it can be said that Historic Cairo has certainly not suffered from a lack on plans for conservation, but rather from a lack of a comprehensive approach and an emphasis on isolated, piecemeal conservation projects. Past conservation and rehabilitation plans to a large extent focused too much on individual monuments and the government has been unaware of the meaning of conservation nor has there been an agency being charged with the task of comprehensive conservation (Fahmi, 2002, 80).

Egypt's government has lacked proper scientific revitalizing knowledge and implemented policies underestimated the social and economic dimensions of developments and their efforts on physical environment (Gharib, 2011, 55). Besides, strategies have been mainly top-down through the centralized, dominating government with no detailed guidelines for the revitalization of a historic area (Gharib, 2011, 54).

Even though the Darb Al-Ahmar project showed many positive outcomes like improvements in infrastructure and the restoration of some houses and shops and is often used as a best practice example for a participatory revitalization approach, it also received loads of critique in the years after.

According to the AKTC (2005), one major success has been the restoration of a 1.5 kilometer

Image 89 - Renovations occurring in the Darb El Ahmar historic district in Cairo, Egypt

stretch of the eastern Ayyubid wall in the Historic District. However, as a result of the restoration of the wall and its gates, a major path has been closed which previously served as the easiest access way to the district.

However, especially on the economic side, the project has been critiqued harshly: Initially, the EKTC financed 70% of each house in the targeted action areas, which decreased to 50%, then 30%, and finally disappeared completely which pushed residents to take on loans with high interest rates, adding to their already burdened financial situation (Mohamed, 2012, 222).

Other shortcomings of the project include the fact that some houses were only restored as an interface, left with severe deteriorations from inside and that new job opportunities were grasped by individuals based on their relationship with those responsible for the project (Mohamed, 2012, 222).

Lessons Learned

1.   Most problems can't be solved through isolated, individual projects, but rather through a comprehensive plan addressing the needs of the inhabitants, such as: reducing poverty, increasing employment, upgrading services and empowering inhabitants to participate (Gharib, 2011, 42), which means that strategies should not only aim at the physical fabric but also the living conditions and socio-economic situation of local residents (Fadli, 2008, 79). A comprehensive and sustainable

approach takes into consideration both, places and people.

2.   Fahmi (2002, 117) emphasized the importance to take on a stakeholder approach for heritage management and involve the community in the rehabilitation efforts. Those efforts can actually be maximized through the establishment of conservation-oriented committees that could serve as catalysts. To start, it is advisable to conduct a stakeholder analysis to understand the existing conditions and socio-economic needs of the local population.

3.   It is important to acknowledge that there is no single unique model for a successful community rehabilitation in historic areas. International organizations planning to execute supportive programs should first try to comprehend the economic, social, environmental and historic structures, activity patterns and the morphology of the targeted community in order to ensure a sustained balance between community needs and rehabilitation plans (Mohamed, 2012, 225).

4.   One tool used by the Aga Khan Trust for Culture which has proved to be helpful is the conduction of an extensive survey and community meetings to determine the local population's socio economic

needs and determine the community's own development priorities (AKTC, 2005).

5.   Stimulate rehabilitation without displacing residents can be done by ensuring that residents have a stake in the future of their community. By helping create viable businesses through the provision of micro-credit and assisting owners restore crumbling houses, rehabilitation programs can avoid gentrification (AKTC, 2014).

In this effort, especially the focus on training and job creation has been seen as a crucial factor in supporting and re-establishing the socioeconomic fabric of the city. However, since low-income people do not always have the access, skills, or knowledge to take advantage of market forces and new jobs, it has to be ensured that residents are able to access those positions and the training and supportive services needed for them to succeed in those jobs.

6.   To ensure the sustainability of the project, especially the financing has to be based on a sustainable and long-term secured approach and not on timely-limited funds , i.e. here seen as a negative example with the funding breaking away.

7.   Finally, all action plans should be coherent with the comprehensive national and regional plans for the neighborhood, and if those are non-existent, they should be developed with the local government.

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7. Bangkok

Background

Heritage conservation in Bangkok, Thailand emerged in the 1970s in response to dramatic economic growth and development. In the early 1980s, the central government initiated the "Master Plan for the Conservation and Development of Krung Rattanakosin," to protect and enhance the monuments in the historic core of the city. The government-led approach of the comprehensive master plan was based on 'city beautiful' concepts and focused on restoring palaces, public buildings, and religious structures that represented the legacy of the dynasty, while calling for the demolition of buildings erected after the nineteenth-century including residences, shop houses and more to enhance vistas and create open spaces (Sirisrisak 2009, 409). The plan had no policy for public participation and the massive redevelopment and resident relocation programs within the plan ignited conflict between residents and the government. Ultimately, few projects were completed due to property ownership complications and community unrest.

Image 90 - Tha Tian Market in Bangkok, Thailand

In the late 1990s, two significant laws, the Constitution of 1997 and the Decentralization Act of 1999, came into force changing the process of safeguarding and management of local heritage in Bangkok (Sirisrisak 2009, 407). The Constitution supported human rights and public participation, while the Decentralization Act gave local bodies a responsibility for cultural heritage management. Following these acts Bangkok's local government, the Bangkok Metropolitan Association (BMA), became charged with the implementation of the Rattanakosin conservation plans and urban development. The new government's policies also supported citizens groups with the creation of Community Based Organizations (CBOs) registered with the Community Development Department of the BMA. Community Based Organizations serve as an official residents' representative body to work with the BMA in development matters (Pimonsathean 2006). Subsequently, a public participation plan has been added to the revised 'Strategic Plan for Conservation and Development of Krung Rattanakosin and the Old Towns' (2004-2008) (Issarathumnoon and Nishimura 2008).

Project Description

Since the transformation in Thailand's approach to heritage conservation, there have been a few successful examples of community participation in the implementation of the Master Plan, Tha Tian is one such example. Tha Tian is a community along the waterfront in the historic core of Bangkok. According to the master plan, Tha Tian was slated for open space waterfront development that would involve the restoration of 61 units of nineteenth century shophouses, the demolition of more

than 400 units and the relocation of residents (Pimonsathean 2006). In response to the plan, the community formed a registered a Community Based Organization to work with the Bangkok Metropolitan Administration on development plans. In 1998, the BMA consulted with the local planning school (the Department of Urban and Regional Planning of King Mongkut's Institute of Technology of Ladkrabang) to produce an alternative plan for the area's development.

The study involved seven steps (Pimonsathean 2007, 364-367):

1. Scan the environment – the first step involved collection of relevant data such as the existing conservation policy, land ownership, history, economic activities and a survey of architectural value in order to assess the cultural significance of Tha Tian.

2. Household Survey – a questionnaire was distributed to residents and found that most respondents felt a strong social tie to the community, did not want to be relocated, were pleased with increasing tourism in the area, and would agree to follow architectural design guidelines if they had the opportunity to stay.

3. Architectural Survey and Inventory – the inventory found that most of the buildings were architecturally significant and worth preserving

Image 91 - Buildings along the Chao Phraya River in the Tha Tian community of Bangkok.

4. Integrated Analysis – this step involved value assessments for justification of the new plan proposal. The researchers found that Tha Tian had cultural value in terms of its architectural identity and socio-economic value due to their services provided to the community

5. Hearings and Meetings – results from the value assessment were presented to community members and BMA officials. The presentations were organized in many forms to facilitate input from all stakeholders. These discussions and consultations resulted in the alternative conservation plan.

6. Alternative Proposal – the alternative proposal recommended the restoration of 319 units (versus the 61 originally planned), a provision for 'vista channels' to enhance existing alleys to the waterfront and avoid demolition, the formulation of design guidelines for infill development and non-conforming buildings, and the fostering of partnerships between the BMA, land owners, renters, and the community as a means for implementation.

7. Public Presentation – a final public presentation was organized to inform community members

As a result, the BMA allocated a budget for street improvements, shophouse facades were repainted and rehabilitated by local residents and property owners, and residents have agreed to install new awnings in line with design guidelines.

Community participation remains an important activity when physical changes are made. The cooperation between the BMA and Tha Tian residents was essential to the realization of the revitalization project. Further, the cultural significance was recognized and the area was registered as a local monument in 2002 (Pimonsathean 2007, 367). Since the revitalization of Tha Tian, the BMA has used the same approach in the creation and implementation of successful alternative plans for Bangkok China-town and the Luen Rit community (Pimonsathean 2007, 367-369).

Challenges/Critique

The encouragement of public consultation and information sharing between development actors

Image 92 - The existing (top) and proposed (bottom) site layouts for the Tha Tian neighborhood

and relevant stakeholders in the implementation of the master plan has been crucial to the success of heritage conservation in Bangkok. Despite the success in Tha Tian and China-town, other implementations of the conservation plan have not been successful due to inconsistencies in community participation provisions of the BMA (Nonthasuti 2004) and outside of local urban government, most infrastructure decisions affecting local communities are still made behind closed doors. These inconsistencies, however, appear to be improving as there has been some movement toward collaborative planning processes in Bangkok (Webster and Theeratham 2004, 27).

Lessons Learned

1. The examples of Tha Tian and China-town in Bangkok (Pimonsathean 2006, 2007) demonstrate the importance of community participation and communication between local stakeholders and development leaders in the development of successful conservation plans. This was accomplished through questionnaires, hearings and meetings. Damaging and costly relocation and demolition was avoided, local cultural heritage was acknowledged, and effective compromises were achieved through a participatory process.

2. Bangkok's initial government-led approach in the 1982 "Master Plan for the Conservation and Development of Krung Rattanakosin" also serves as a lesson of what not to do. The comprehensive scheme lacked transparency, participation and its demolition plans ignited serious unrest among local residents, so the plan was ultimately unsuccessful.

3. The support for Community Based Organizations through the Bangkok Metropolitan Administration's Community Development Department facilitated the creation of official representation of local residents in development processes. It is unclear how much official power these groups possess, but their formation appears to be a positive motivation for community involvement.

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8. Havana

Project Overview

The restoration of the historic colonial center of Havana, the capital of Cuba, has led to the conservation of crumbling historic buildings and urban heritage and improved housing conditions as well as the creation of social programs to support the residents of the area. The restoration has seen successes, led by the designation of the colonial center as a special legal district and the creation of the government-run firm Habaguanex, by developing the tourism sector with a focus on community participation and stated goals of preventing gentrification and avoiding displacement.

Relevance to Yangon

Cuba in the 1980s was undergoing a period of economic need, where they turned to opening up tourism as a means to restore and conserve the historic center of Havana and generate important revenues for the city and state, much like Myanmar looks to do in Yangon today.

With some important lessons learned, this case study can serve as an important learning tool in managing displacement and conservation in downtown Yangon.

Background/Context

As the city of Havana continued to grow and the population moved to areas further out of the city throughout the beginning of the 20th century, the colonial center fell to neglect and disrepair. Due to its oceanfront location, over exposure to environmental elements coupled with little physical maintenance contributed to physical and structural problems of many of the buildings. With little funds being allocated to repair, the center fell from once-cosmopolitan status into a poor area where the old mansions were subdivided and turned into tenements, a phenomenon that occurred in other apartment buildings as well, leading to the high density of the area (World Habitat Awards, 2010).

Government prioritization of development throughout the country spared Old Havana from large-scale urban renewal developments and the

Image 93 - The waterfront in Habana Vieja is lined with historic architecture, monuments and open space

area retained its traditional residential character. In 1978, the area was declared a Cuban national monument and furthermore, in 1982, the city of Old Havana and its surroundings fortresses were granted World Heritage status by UNESCO. With a renewed interest in the area and greater funds being allocated, both nationally and internationally, the rehabilitation of Old Havana began in the 1980s, led by the Office of the Historian of the City of Havana. The Office of the Historian of the City of Havana was established in 1938 as a public institution, mandated with safeguarding the cultural heritage of the city, but lack of funding and importance left the OHCH with little money or power to undertake any preservation activities.

The UNESCO designation gave new life to the OHCH. What served as the greater motivation for the project that began as a slow, central-government funded process of building rehabilitation was when in 1993, a British journalist visiting Havana stopped to photograph one of the historic buildings around the Old Square, at the exact moment the building collapsed. This created a scandal in the British media and shortly thereafter, the OHCH-headed company Habaguanex was created by the state to manage and fund the restoration of the colonial city (Scarpaci, 2000: 289).

Habaguanex served as the source of funding for the restoration of the colonial center by utilizing tourism in the colonial area as a source of revenue for not only preservation purposes but also as an important source of revenue for the state after the major loss of economic aid from the Soviet Union after its collapse in 1989.

Project Description

The goals of the project for the restoration of Old Havana were to protect the urban heritage, improve the local economy, improve infrastructure, and provide basic public services and social programs for vulnerable populations. Among these, the priorities were identified on the basis of community-centric mapping and strategic planning which highlighted the need for housing and a lack and deterioration of health, education and community facilities (Ladjemi, 2011: 52).

In the case of Havana, "heritage means using the past as an economic resource for the present" (Scarpaci, 2000: 189). The promotion of tourism was selected to both serve the goal of improving the local economy as well as to serve as a source of funding to meet the other goals of the conservation project. Habaguanex uses tourism revenues that result from conservation to both enhance further conservation (Ladjemi, 2011).

Priority for conservation projects was given to areas that have the most touristic value. Benefits from

Image 94 - Low rise buildings and open streets in Old Havana, Cuba

conservation efforts within these areas would then be spread to other areas, for example by mandating that residents of Old Havana have first access to employments generated in the touristic areas. It appears however, to not be happening in practice due to a lack of transparency in the employee selection process (Robainas Barcia, 1999).

As a result of decades of no large-scale urban or infrastructure investments, buildings in Old Havana remained largely untouched, but in

Image 95 - The historic Cathedral Square in Old Havana, Cuba

deteriorating conditions, so a main objective of conservation was to preserve the residential character of the area that has existed for decades (World Habitat Awards, 2010). Elements of the conservation project included housing restoration and rehabilitation of historic residential buildings, facilitated by the fact the government owns many of the buildings and controls land was a benefit.

Conservation involved adaptive reuse of deteriorating historic buildings for residences and

for galleries, as well as creating libraries and concert halls in old churches. Alongside conservation of buildings, revitalization of public space and infrastructure was undertaken for squares, streets, gardens and parks, which benefitted both the area and its residents (Robainas Barcia, 1999). Furthermore, programs to eliminate causes of deterioration such as moisture and salt-water erosion were also developed (World Habitat Awards, 2010).

Components of the project beyond rehabilitation of buildings integrated the housing, social, and economic needs of the residents to work towards true urban preservation and maintaining the historic residential character of the area. "The rehabilitation process in Old Havana has the essential objective of providing the residents adequate housing, prevent eviction, speculation and gentrification" (Robainas Garcia, 1999: 6).

The 2001 Census identified housing as the most pressing problem in the area, with over 40% of the 20,000 homes not meeting the minimum conditions of habitability along with inadequate infrastructure and basic services The housing program in Old Havana seeked to address both the physical and structural problems of buildings as well as improve the quality of life of low-income families through social and economic programs (World Habitat Awards, 2010).

The goal of improving housing for the residents often conflicted with the stated goal of preventing displacement of residents, as one of the methods to improve housing conditions is through reducing

density of and within the dwellings. Furthermore, many residents in areas with most touristic values were to be affected most as their buildings would be adapted for hotels, rental properties and office space (Robainas Garcia, 1999). To manage displacement and keep it from affecting the most vulnerable populations, those to be relocated to housing in other parts of Havana were selected by determining who had least ties to the community in terms of length of residency, family ties, and employment.

To further address the needs of vulnerable populations, social housing (for the elderly, single mothers, etc.) and community facilities were built and social and cultural activities and skills training programs were developed within Old Havana.

One of the programs created to address the unemployment among young adults is known as "escuelas talleres", or vocational schools. The schools made use of existing heritage buildings to teach students traditional craftsmanship skills that are required in the restoration and conservation of historic buildings, simultaneously keeping traditional craftsmanship alive, creating employable skills within the population and serving to conserve built heritage and the community in Old Havana.

The OHCH looked to actively include the residents of Old Havana in all stages of the restoration process and creation of the master plan, to try to prevent gentrification and social exclusion (Ladjemi, 2011). Strategies for community engagement include socio-economic surveying, community mapping of risks and resources,

strategic planning between organizations and citizens, "micro-planning" in small neighborhoods which put leaders from these neighborhoods in charge of heading the project with the community, informative meetings, workshops, as well as keeping an office in which residents can drop by and give their own suggestions at any time (Ladjemi, 2011; World Habitat, 2010).

Financing

Unique to this project is its decentralized, self-funding structure. Habaguanex, a state-created company headed by the OHCH has special legal powers to collect taxes from businesses operating within Old Havana as well as run its own profit-generating business such as hotels, stores, and restaurants (World Habitat Awards, 2010). It re-invests the profits generated by tourism back into the area into restoration, housing and social programs.

Money also comes from an amount budgeted yearly from the central government as well as international donations. Habaguanex forms joint ventures with foreign companies who are then allowed to own majority shares in the project. Examples of these joint ventures are renovations of two hotels in covetable tourist areas.

While it is regarded as a highly sustainable model of funding, a drawback is that restoration of housing and infrastructure projects will focus mainly on the most valuable and tourism-profitable areas, not other areas of the Old Havana with greater needs. Furthermore, since

the rehabilitation process depends mainly on interventions by Habaguanex, there is no room for NGOs or other entities to take on restoration or conservation projects.

Challenges/Critiques

Accessibility.

Though one of the stated goals of the restoration program was to prevent displacement and gentrification, the biggest critique is that the

Image 96 - A local meat market in Old Havana, Cuba

opposite has occurred. Residents were displaced for the benefit of tourists and relocated to areas in Havana far outside of the historic center. Also, due to the attention paid to touristic areas, other areas of the historic center do not see the same improvement of services. Moreover, in parts of Old Havana commercial gentrification in favor of those businesses marketed towards tourists and outside the reach of residents is occurring (Ladjemi, 2011).

Lessons Learned

+ Creation of special historic district with special legal status and designation of specific authority to manage it created accountability at a local level to ensure local contact with the community and participation.

+ The self-funding structure of the restoration project uses tourism revenues in the area to further fund conservation and social programs is a sustainable way for revenues that are generated from and by the area are reinvested back into the area and its residents. However, all of the historic center must receive investment equally and not concentrate them only in tourism-valuable areas. Care must be taken to ensure NGOs and other groups can participate in the restoration process. Most importantly, it is necessary to prevent actors from recognizing tourism as the only value to a historic district.

+ Conservation of an area goes beyond the built structures but the community as well. Social programs to address residents' vulnerable populations' needs must be implemented and as a result of alongside conservation efforts.

+ Though preventing displacement was a stated goal in the restoration of Old Havana, much displacement occurred as potential tourism benefits were often favored over residents remaining in their homes. This illustrates how difficult the mitigating displacement can be if not addressed correctly and if the proper mechanisms that alleviate other factors that contribute to displacement, such as tenure security and transparent processes, are not in place. Incentives for voluntary relocation can be offered as a means to mitigate forced relocation. Furthermore, recognition that displacement goes beyond just the residents being displaced directly, but the displacement of businesses in favor of those that cater to tourists that affects both resident access to goods and employment opportunities.

+ Employment opportunities were tied to the field of restoration by ensuring skill training for residents of Old Havana, benefitting both historic and community conservation.

+ Throughout the entire restoration process, from planning to implementation, the community must be involved and their involvement must be integrated into the steps required to achieve restoration goals. For example, community mapping of assets and risks is crucial in the process to determine what has value to the community as is worth preserving. Though this may make the process appear lengthier, it leads to a more sustainable project that goes beyond conserving buildings.

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Unofficial Translation

Act No.8, 1960
(Exact date unknown)

This Act is prescribed as follows:

1.
(1) This Act shall be called the Urban Rent Control Act, 1960.

(2) This Act shall extend to all urban areas in the Union of Burma, but not against the texts in Section 3.

2. In this Act, unless there is anything repugnant in the subject or context:

(a) "The City of Rangoon" means the City of Rangoon according to the Rangoon Municipal Act.

(b) "Inspector" means an inspector who is appointed according to this Act.

(c) "Landlord" means a house/building owner (or) a person working for an owner (or) an agent of an owner (or) a person working for an owner's profit (or) a person who is trusted by an owner and keeps the house on behalf of an owner (or) a person who acts as guardian of the house (or) a person who acts as a butler, who let the house or part of the house to the tenant and has the right to earn the rent appropriately.

In this clause, a legal agent/representative who is recognized according to the civil law suit practice of code (or) a tenant acts as sub-landlord (or) persons who related with landlord act as sub-landlords are included.

(d) "The environs of house" means:

(1) Land on which a house/building exists (or) a house for renting for any purposes (or) a house/building for living or intended to be rented (or) part of such building.

In this clause, shops in the market or in any other building to sell goods in retail (or) such building (or) part of such building together with rented land and furniture or other equipments are included.

(2) For any purposes, for rented or living or the land intended for living or renting means as environs of house/building.

(e) "Fixed" means recognized according to this Act which produces bylaws.

(f) For any environs of house, "standard rental" means the following rentals:

(1) According to the separate cases in Section 27, for the City of Rangoon, not against the order of Chief Judge of Rangoon civil law court (or) according to the Section 32 for other cities, not against the order of judges, the inspector has the right to decide the rentals.

(2) In the other cases:

(aa) Rental for those environs of buildings which were rented on 1st of September 1939.

(bb) If the environs of building was not rented on 1st of September 1939, previous rate of rental shall be.

(cc) If the environs of building was rented after 1st of September 1939 and before 1st of January 1941 for the first time, the first rental rate shall be.

(dd) On 1st of September 1939, if the environs of building was rented with an agreement of increasing rental for periodically on contract:

(1) During the validity of contract,

according to the agreement of increasing rental periodically, the inspector shall decide.

(2) After expire of validity of agreement, the rent shall be same of last period of agreement.

(ee) If the environs of building was rented on contract on 1st September 1934 or last five years before that date or more than five years contract, if the contract was expired just after 1st of September 1939, rental shall be decided in the time of 1st September 1939.

However, the President of Union of Burma has the right to identify the type of environs of building and fix the rental not more than 25% higher, if he considers according to the existing economic situation and the meanings of sub-paragraphs (aa), (bb), (cc), (dd) (2) and (ee) for any urban area.

(g) "Tenant" means any person who directly rent an environs of building or through someone and has to pay for rent. In this clause, according to the meaning of civil law suit practice of code, a legal agent or a person who has the right to earn rental shall continue to let the building to the long term/permanent tenant with or without the consent of landlord.

(h) "Urban area" means Rangoon or an area which was already declared by order of notification as urban area according to Section 2 of Municipal Act, declared municipal area and Section 246 of municipal Act, and cantonment area is declared according to the military Act, cities are declared according to the city Act, the President of State has the right to issue an order of notification to recognize an area as urban area.

3.

(1) According to this Act, fully or partially, the President of State has the right to issue an order of notification in which separate area or type of environs building are not recognized as urban areas. In the future, this order of notification may be abolished or amended by the President.

(2) If any environs building is not entitled in urban area or not included by the order of notification according to the Section 1 of this Act or not entitled in the case of any type of environs of building, the decision of President of State is final approval.

(3) If any environs of building is arranged for tenants both in accommodation and food and if the building is declared as hotel by the President of State's order of notification, such kind of environs of building is not affected by Section 9, 10 or Section 13.

4. The inspector and deputy inspector or both can be appointed by the State President's order of notification in the declared urban areas. In addition, by the special decree, deputy inspector can be appointed together with full or partial power of inspector.

5.

(1) The rate of rental is increased more than standard rental or increased later time or although any existence of contract which agrees to pay both standard and increased rental, according to this Act, increased rental can not be demanded. However, any text in this Section is not affected with any following rental:

(a) Rental before the approval of this Act.

(b) Rental in contract which agrees to pay increased rental periodically before 1st of September 1939. Or:

(c) Rental in the contract before 1st of September 1939 and on that day, the validity of contract is still active.

(2) For some cases, rental will be paid day by day according to the Sub-Section 1.

6. From the day of 1st September 1939, when the landlord renovated the environs of building, expenses of renovation is costly, because of construction materials are expensive, or renovated the building to be better or changing the shape of building (excluding of expenses for renovation or fixing), landlord can write to the inspector to change the rate of standard rental.

7.

(1) Prior to the changing principles of renting environs of building, the landlord obeys the following:

The rights of the tenant are generally lesser than before, which against the previous agreement or increasing the rental money or not to increase the rental, according to the meaning of this Act, it is recognized that rental is increased.

(2) Prior to the changing principles of renting environs of building, the rights of the tenant is generally same as before according to the previous agreement, money paid for rental is increased or not increased, the meaning of this Act, it is recognized that rental is not increased.

8. The landlord pays municipal tax, revenues or other taxes, in regards of municipal tax, revenues and other taxes, if the landlord paid more taxes during the time of tax collection including the time of 1st September 1939, he can write to the inspector to increase the rental.

9.

(1) According to the texts in this Act, in the case of increasing rental for environs of building, landlord is not allowed to increase rental to the tenant before end of the month by showing the notification of increasing rental which will be submitted to the inspector and standard rental paper.

(2) If the notification of increase rental is already affected on the tenant, landlord can demand the same rental from the new tenant without submitting new notification again.

10. Any environs of building which is rented or re-rented or to continue the renting, the landlord is not allowed to demand fine money, advanced money or other fines. Or the landlord is allowed to demand one month deposit money, but not more than one month.

However, any text in this Section is not affected on contract agreement and paying money which were done before 1st of September 1939.

11.

(1) Whatever the other laws mean, according to the Section 13(1), if the tenant submits a letter to the inspector that the environs of building is needed to be repaired as proper living home or fixing various things in the house or for water supply or for electricity or plumbing and sanitation pipes, the inspector can summon and issue an order of notification to the landlord to do so. However, water supply or electricity or plumbing and sanitation pipes must have been existed before 1st January 1941.

Clarification:

The word "Repair" in this sub-Section means buildings for the tenants must be well maintained. In addition, according to the proper contract which was made, for any repairing, if the tenant guarantees to repair, the landlord has no responsibility for such.

(2) This sub-Section is affected on renting environs of building before and after 8th October 1946.

(3) After receiving the notification, landlord has to start the repairing in appropriate time. If the landlord fails or ignores to do so, tenant who wants to do repairing himself can submit a letter to the inspector to allow him to do so. Then, the inspector will take necessary assessment to estimate the expenses of repairing. After that the inspector will issue order of notification to the tenant for repairing and tenant is allowed to do so, but expenses of repairing are not more than the estimation. For the expenses of repairing, tenant can take some money from the rental or tenant can ask the expenses from the landlord in other ways.

12.

(1) Regardless of the provisions of the Transferring Act and Promise/Agreement Act or Rangoon civil law court Act, to regain environs of building which is affected with this Act or to remove tenant from building, no order and decree can be applied except only for the following cases:

(a) When civil government came in administration after the war with Japan, according to the law, to collect the rental from the tenant, rental seeking letter which is registered at the post office will be sent to the tenant. Within three weeks from the day of sending the letter, if the tenant doesn't pay rental or doesn't pay to the inspector, or regarding to the renting according to the rental promise/ agreement or the text of this Act, if the tenant breaks those laws or fails to do so.

(b) After the war with Japan, before civil government back in the administration, during that time, to earn the rental from the tenant, in this case, civil law court decided that tenant has to pay the rental, but fail to do so.

Or:

(c) Where a tenant or a person who staying together with tenant or other person staying in environs of building disturbs next door neighbors or embarrasses surrounding people or using the environs of building for despicable or unlawful business or being received verdict for guilty of those businesses by the court or environs of building is damaged by someone and ignorance of someone.

(d) Where the environs of building is land, the landlord honestly wants to get back the land to build a building or buildings or rebuild the building, to build a building within a year after the day of tenant leaves the building and landlord submits a bail with appropriate amount of money which is agreeable by the court.

Or:

(e) Where the landlord honestly claims to get back the building or part of the building for his own living under the affect of this Act, landlord has to submit a bail with appropriate amount of money to the court and guarantee to accomplish his moving within three months just after the day when tenant leaves.

However, in this clause, the word "landlord" means a person who must own the building on the day of 1st May 1945 or a person who heritages the building after 1st May 1945. Otherwise, such person is not regarded as a landlord.

In addition, according to the rent contract or bilateral agreement or a decree decided by the court, renting during the proposed time and before the end of renting period or before the end of renting term by allowing the decree, such case is not affected by this Section.

(2) To reoccupy the environs of building or to remove a tenant, the landlord or responsible person must submit a letter to the inspector according to sub-section (1), paragraph (d), (c) or section (f), or provide a copy of decree according to sub-section (1), paragraph (d), (c) or paragraph (f) or a contract of agreement will be submitted. However, where the landlord or responsible person fails to use the environs of building according to his submitted letter to the inspector within the period decided by the inspector, the tenant may submit to the court or the inspector may submit to the court and the government accordingly may confiscate the deposit money from the landlord or the court may decide that the landlord shall pay a certain amount of money to the tenant as compensation. However, where the landlord can show concrete evidence to the court why he is not able to use the building, and the court accepts his explanation, this case will not be accepted.

(3) Where the court decides that the landlord must pay compensation, according to sub-section (2), the tenant may reclaim the environs of building according to the principles in the contract of agreement.

(4) The court may approve the decree which orders the landlord to pay compensation according to the civil law suit or to confiscate the guarantee money.

13.

(1) By the order of the President, in any area which is affected by this section, to any type of environs of building, anyone who is not a normal tenant, but who is living or working in the environs of building in an honest way, such person may apply to the inspector to continue to live in the environs of building. Where this person submits a letter to the inspector in which he promises to pay rent for his living, the inspector may issue a letter which allows such person to live in such environs of building. Furthermore, the landlord or agent of the landlord shall be notified by the inspector, if the inspector knows where they live.

(2) According to section (14), not against the decisions of the court, according to the sub-section (1), a decision which allows such person to continue to stay in such environs of building means, as long as location of environs of building or type of environs of building relates

to this section, the decision will remain for a certain period and such decision will be in the same order for a further three months.

However, the person who won the case according to the decision of the court leaves the environs of building voluntarily, the inspector may cancel the decision according to the submission of the landlord. After that, such decision shall not be approved again.

14.

(1) Although where law provides, according to section (13), to reoccupy the environs of building where someone is allowed to stay or to get rid of such person, no order and decree will be applied for any case except for following cases:

(a) In a case, a person who is allowed to stay in the environs of building by the inspector, the registered letter which is posted from postal office and asking for rental for landlord for such a period of time, if the tenant does not follow according to the letter within seven days, such amount of rental money shall not be paid to the landlord or to the inspector.

(b) In a case, where a person or any person who is staying together with such person disturbs the neighbors or embarrasses the surrounding people, or

uses the environs of building for despicable or unlawful business or having a verdict by the court for such case or damaging the environs of building by tenant's ignorance and carelessness.

(c) Occasionally, in an honest way, the tenant wants himself or any of his family member to stay in such environs of building, the tenant makes a contract to the court with the appropriate amount of money which is viewed appropriate by the court, the tenant oaths to implement within a period of time which is allowed by the court.

(d) Such kind of order which was already abolished according to section 13 (2).

(2) To reoccupy the environs of building, according to sub-section (1), section (8), order or decree is issued by the court, the court describes separately why the landlord wants to reoccupy his building. In addition, a copy of the landlord's contract and decree will be sent to the inspector according to sub-section (1), section (8). If the landlord uses the environs of building against the contract and decree or fails to use the building, with the approach of inspector, the court can declare that government can confiscate the money which is part of contract. The court can order the landlord to compensate the tenant with relevant amount of money decided by the court. However, declaration and summoning

will not be conducted by the reason which is in line with the court.

(3) According to sub-section (2), instead of the decision to pay compensation or apart from such decision, the court itself can allow the person to continue to stay in the environs of building according to the agreement before issuing such decree if the person agrees.

(4) According to this section, the degree which allows the confiscation of the guarantee money or the landlord will be ordered to pay compensation, according to civil law suit of code.

15.

(1) To reoccupy the environs of a building which is related to this Act or to remove the tenant or a person who has right to stay in that building according to section (13), when the time of order or decree is issued, or before this Act was activated or not activated, although this order or decree was already issued, the landlord submits to the court to approve such order or decree, the tenant or a person who has the right to stay according to section 13 (1), both apply to the court to not to approve such order, this decree on unapproved case, the court, except in such cases related to section 12 (1), paragraph (8) or section 14 (1) paragraph (b), issuing the decree must be halted or postponed. Or the court may delay the day when the environs of

building is returned, the tenant or a person who was given verdict, who has to pay the rest of the rental or after overdue the time of rent. In addition, if the tenant obeys the principles, the court will abolish such order or decree.

However, in section 12, sub-section (1) paragraph (d), (c), or section (f), Section 14, sub-section (1) paragraph (8), for any particular reason, civil law suit may remove someone or reoccupy the environs of the building, such approved decision or decree will not be abolished.

(2) Before this Act is not approved or approved, section 12, sub-section (1) or section 14, sub-section (1), order or decree are issued but not approved, in addition, when the time of order or decree were issued, section 12 or section 14 were in force, or related with such order and decree, the court sees those order and decree would have not issued, the court will abolish such decree according to submission of the tenant and according to section 13 (1). Or to activate this Act, the court may change in the relevant manner. In addition, section 12, sub-section (1) or section 14, sub-section (1) must be related with civil law suit which issued such order or decree.

16.

(1) Concerning the environs of the building, according to section 12 (1), paragraph (a) or

section 14 (1) paragraph (a), even though the landlord doesn't ask for rental, or where the landlord refuses to accept rental from tenant, the tenant will:

(a) pay the rental to the inspector. In addition:

(b) where the landlord doesn't send notification or other means to the tenant that he wants to accept the rental, the tenant will pay the remainder of the rental to the inspector.

(2) According to the sub-section (1), when rental is paid, the inspector sends a notification letter to the landlord that he receives the rental. In this case, the notification letter will be reached in the hand of the landlord or agent of the landlord. If the inspector can not find the landlord or agent of the landlord, the registered notification letter must be sent from the post office to the last known address of the landlord or agent of the landlord. According to section 42, sub-section (2) paragraph (f) and not against that section, the landlord or agent of the landlord can withdraw the rental money from the inspector by submitting a letter.

17.

(1) The landlord or the tenant or their representatives shall correctly produce a receipt showing that they received rental from a tenant

or sub-tenant. The receipt must be correctly signed. Or if there is a book for rental, the rental or receiving money shall be correctly signed in the book.

(2) Any person who acts in violation of sub-section (1) shall be fined up to five hundred kyats.

18. To reoccupy the environs of building which is affected by this Act or to remove a tenant, a civil law suit or paper form shall be submitted. Where a decree from one of the

Rangoon Central judges or one of the District judges outside of Rangoon is not satisfied, the landlord can appeal to the Jury of Supreme Court.

19. Any environs of building affected by this Act, a civil law suit case of rental which needs to be claimed after approving this Act, no judicial court accepts such kind of case, or to ask the rental according to the Rangoon city court Act 22, an application form for confiscation warrant will not be accepted by any court. However, regarding standard rental, if a proved letter from inspector attached with this application form is submitted, such application form will be accepted.

20.
(1) Any environs of building except living building is vacant or having reason to be vacant or to build new building except living building,

in addition, landlord intends to rent the building to the tenant, to get the permitted letter for rent, landlord has to apply to the inspector.

Further, where the tenant intends to rent the building except living building to sub-tenant or this building or part of the building, to get permitted letter of sub-renting, the tenant shall apply to the inspector.

(2) According to sub-section (1), the application form must contain the following:

(a) Details of the environs of building, for example, room number, floor number, house number, name of street or if the environs of building is a land, number of piece of land, block number, etc.

(b) The name and address of landlord.

(c) The name of tenant or sub-tenant, job and address.

(d) The intended rate of monthly rental.

(e) Where possible, the receipt of monthly rental for month of September 1939 or the rate based on collection tax by the Rangoon municipal corporation or Rangoon municipal for year 1939-1940.

(f) The current monthly rental.

(g) The type of building (brick or wooden or bamboo house).

(h) The type of place (for running a business or living).

(i) The estimated date for renting the environs of building or sub-renting.

(j) Where the confession letter is needed for salami or promise to give salami or similar demand is not demanded or not received. [Salami is a Hindi word and the meaning is "advanced money", but not to return to the tenant when tenant leaves the building].

(3) According to sub-section (1), when the application form is received, the inspector shall briefly investigate, if the inspector is satisfied and believes that there is no concrete reason to oppose it, an approval letter shall be issued immediately. In the case of sub-renting, when the inspector issues the approval letter, at the same time, a registered copy of the approval letter shall be sent by post office to the landlord.

However:

(a) In the case of a building which is vacant or just beginning the time of being vacant,

if the inspector agrees, the tenant or sub-tenant must pay the rental on the day of living. According to sub-section (1) if the building is vacant for a period prior, the tenant or sub- tenant shall pay the rental from the time of the applying form.

(b) In the case of sub-renting, a tenant shall not divide the space separately for sub-tenant, for that space, sub-tenant has to pay rental to the tenant. In addition, the tenant shall always pay rental for the whole building to the landlord.

(c) In the case of sub-renting for the whole building or separate room, the sub-tenant shall pay the rental to the original tenant and in addition, the building must be recognized as sub-renting to the sub-tenant.

21.
 (1) The landlord:

(a) When notification letter of stop renting a building for living is delivered or received; or

(b) For any reason, the tenant intends to leave the environs of building or after tenant left, the building is vacant or having information that anyone is living in the building without the permission of

inspector after 21st of October 1950; or

(c) When building a new building or extending or renovating the building for the reason of accommodating more people or developing the building;

The landlord has to inform the inspector by sending a letter. The same applies for the tenant who is living in the environs of the building:

(d) Regarding the building, giving notification letter which ceases renting;

or (e) Leaving the building;

The tenant shall send the letter to the inspector.

(2) Without any concrete reason, notification letter intended in sub-section (1):

(a) In the case which related to sub-section (1) paragraph (a) or paragraph (d), giving notification letter or sending letter within three days after receiving.

(b) In the case which related to sub-section (1) paragraph (b) or paragraph (e), landlord has to send a letter within three days after receiving information

or within three days after tenant left the building.

(c) In the case which related to sub-section (1) paragraph (c), after three days of completion of building, repairing, changing or renovating, letter has to be sent.

(3) When sending the letter, the landlord has to send the separate information related to section 20, sub-section (2), paragraph (a), (b), (d), (e), (f), (g), (h) and (i).

(4) According to sub-section (1), the tenant has left or is about to leave or when the tenant has left the building, anyone who is living in the building without the permission of the inspector after the time of 21st October 1950, when the inspector received such letter, or received the information by other ways, according to the consultancy of board of director which was set up by the President of State, order of notification will be issued for the landlord, in which the building is vacant or tenant has left, it will be rented to intended person or persons, by the order of inspector.

(5) According to the sub-section (4), any instruction through notification letter will be sent to the tenant. When such notification letter is already sent, the landlord shall follow according to this instruction.

(6) According to the sub-section (4), if there is no appropriate tenant for the building, the inspector has to inform the landlord. In that case, the landlord has the right to rent the building to anyone.

However, according to sub-section (4) and (5), instruction or information given to the landlord is related to tenant's leaving, this instruction or information will be sent to the landlord within ten days, after receiving landlord's letter according to the sub-section (1).

(7) Where any tenant or anyone living in the building fails to return the building to the landlord, for intended person or persons who are supposed to be tenants according to sub-section (4), the current person who is living in the building will be immediately removed.

Explanation:

According to this section and section 20 and related cases, living environs of building means, building only used for living or used the building for living mainly and using for reasonable business or academic purposes at the same time.

22. Anyone who acts in violation of section 20, sub-section (1) or sub-section (2), or section 21, sub-section (1), (2), (3) or sub-section (5), will be imprisoned for a period of three months without labor or fined 2,000 Kyats or both.

However, according to the information, if any person acts in violation against this section, the inspector can investigate and make law suit at the court against such person who committed such crime.

23.

(1) Any person who is sentenced according to section 22 or helping such crime and sentenced, tenants who have no permission from the inspector shall be removed from the environs of building immediately.

(2) Where the inspector sends a notification letter expelling the tenants or other persons who will be removed immediately, according to sub-section (1) of this section or section 21, sub-section (7), the tenants shall move their belongings from the building within seven days. If the tenant or person living in the building fails to do so, the inspector may summon the district police chief to remove them. Where the district police chief receives such summons letter, the district police chief shall remove the tenant or person and their belongings. Any such person is not permitted to enter in or live in the building again without the permission of the inspector or will be charged not to continue to stay.

24. Where sections 20, 21 and 23 are in contradiction to any existing law, they shall be approved.

25.

(1) After the approval of this Act, in the case of after paying for the rental, if this money is not allowed to pay back according to the texts in the Act, the tenant has the right to collect the money back from landlord who received the money within six months. Or the tenant can deduct the money to the landlord within six months on what tenant has to pay.

(2) In this section, the word "landlord" means that where the building is co-owned by family members, when the landlord dies, the landlord's family members are included.

26.

(1) After this Act is in force, in the case of standard rental, if the tenant has not paid more than 300 Kyats which is more than the standard rental, within six months from the date of paying, the tenant applies to the judge that the tenant wants money back, without affecting anything, according to civil law suit code, the tenant has the right to demand the money back, furthermore, the landlord shall pay back after deduction to the tenant on what landlord received from tenant.

(2) In the case regarding sub-section (1), if there is a proof that rental is correct as standard rental

with the signature of inspector, before showing proof that standard rental for the building is not accordance with proof, judge recognizes it as it is.

27.

(1) Application from landlord or tenant to the inspector, the inspector issues a proof letter with signature that rental is a real standard rental. (2) According to the application of landlord or tenant, the inspector, according to the texts of this Act and related things, has to approve the rate of standard rental and can approve relevant and fair standard rental.

(a) In the case where, the whole environs of building or part of the building is rented or tenant has rented the whole building or part of the building to sub-tenant or a case which affecting this Act for any reason and in any difficult situation.

(b) Environs of building together with furniture including food cost, in this kind of case, to be effective to this Act, rental money which needed to be split for rental for furniture and food, such kind of case.

(c) Environs of building which is rented without rental or with very small amount of rental, rental for something except building rental, such kind of case.

(d) Rental which was paid on 1st of September 1939 or environs of building was not rented on that day, the last rate of rental before on that day, rental is too low considered by the inspector, such kind of case.

(e) The case of changing the condition of building or the cost of construction materials is rising up and cost more or after 1st of September 1939, municipal tax and tax rates are getting higher for building, such kind of case.

(f) Rented a building for the first time after 1st of January 1941, such kind of case.

(g) From the day of 1st September 1939, the building condition is getting bad or other concrete reasons, rented the building on 1st of September 1939 or after that day, rented for the first time and rental is too high or unfair considered by the inspector, such kind of case.

However:

(1) According to sub-section (d), for rental, any time between 1st of September 1934 and 1939 September the 1st, the highest rate of rental or the lowest rate of rental and plus 25% of lowest rate of rental, according to the

highest and lowest rentals, rental is not more than such highest rental.

(2) According to sub-section (E), according to the rate of rental mentioned in section 6, the cost for repairing the building for good condition or changing the shape, related to this cost, the inspector may not increase the rate of rental not more than 6% a year.

(3) According to sub-section (G), standard rental is, related to the self-own land for any purposes, similar purposes near that land, similar rented land, government or Rangoon municipal or Rangoon municipal corporation or similar local organization may not increase the rental rather than current rental.

(4) According to sub-section (F) or (G), environs of building is a land and rented, if the land owner is government or Rangoon municipal or Rangoon municipal corporation or similar local organization, standard rental will be decided according to the decision of government or Rangoon municipal or Rangoon municipal corporation or similar local organization.

28.

(1) According to section 21, except given powers, before applying any power according to this Act, the inspector has to inform the landlord or tenant or a person who living in the building that he will use this power, in addition,

within given period of time which was shown in the letter, any concerned person has to systematically consider about the application form they received.

(2) According to this Act, all orders of inspector will be written on paper.

(3) The person who is related to the order of inspector, period of payment by the President's order, the order of copy is claimed as genuine by the signature of inspector and the person has the right to receive this copy. This copy with the signature of inspector must be accepted at any court as a proof.

29. According to this Act, in order to inspect or investigate, the inspector or any person who is systematically appointed by the written letter of inspector has the right to enter any building or land from 6 in the morning to 6 in the evening together with or without assistance persons.

However, if there is no notification before 24 hours, inspector or his appointee can not enter any environs of building for living without the permission of tenant or person living in the building.

30.

(1) To investigate cases according to this Act, the inspector can summon anyone by the letter of order as follows:

(a) Any environs of building in 1934 or after that year, renting the building with any rate of rental, case related to investigation, all the subjects shown separately in order of letter will be sent to.

(b) Financial records, receipts for rental, books or other letters or papers which are related to investigation will be available to be checked or investigated within given time according to the order of letter, or given to a person who is described in the order of letter.

(2) The inspector, not against the laws of this Act, in addition, to implement the texts in this Act, needs the powers and by the civil law suit code, using the ways for the court, power to summon the witnesses and must have power to force the witnesses to come to the court, in addition, must have power to show the records of letters by force.

(3) Any person who is summoned according to the sub-section (1), according to penal law Act 176 and 177, summon letter must be sent to them.

31.

The inspector can reconsider the order which is issued by him or others. Texts in order no.47 of civil law suit code will be related to such reconsideration as much as possible.

32.

(1) If the rate of standard rental for environs of building approved by the inspector is denied, according to the section 27, if the building is located in the city of Rangoon, the case file will be submitted to Chief judge of Rangoon City judicial court or the building is located in any city affected with this Act, to the judge who is recognized by the President of State.

However, when submitting according to this sub-section, if the chief judge of Rangoon city judicial court or any recognized judge considers it not to be charged by himself, application form will be transferred to any judge who is in the district affected with this Act. The judge who received the transferred form can accept the form and must have power to hear the case.

(2) The copy of order of inspector is submitted together with transferred form.

(3) 50 Pyas stamp of court tax must be attached with the transferred form paper.

(4) This transferred form must be submitted within 30 days after the order of inspector. However, the period for getting the copy of order of inspector is not included.

(5) The verdict decided by the chief judge of Rangoon city judicial court or one of the above mentioned judges is a final decision.

33. When the cases which were decided by the inspector are in hearing, according to the rulings which are practiced by Rangoon city courts or rulings for civil cases, the judge can obey such rulings as much as possible.

34.

(1) Anyone who accepts the rental money more than the rated standard rental directly or indirectly for the environs of building with or without acknowledgment, for such committing for the first time, will be fined 500 Kyats or second time or more will be fined 2,000 Kyats.

(2) Anyone who accepts any valuable item which price is more than rated standard rental as rental, such person will be considered as accepting the rental which is more than standard rental.

35.

(1) Anyone who disturbs or threatens the tenant who is living in the building by the order of inspector according to the contexts of section 13, to leave the environs of building or disturbs the tenant intentionally, for the first time, such person will be fined 200 Kyats by the judge and second time or more, will be fined up to 1,000 Kyats.

(2) Not against the general meaning of above mentioned section, without any concrete reason, if the landlord fails to maintain the condition of environs of building from protecting weather conditions by the time of validity of this Act, or according to the separate contract of agreement or according to the customary laws, the landlord has the responsibility to do maintenance for the building or part of the building, such case will be considered as disturbance on purpose.

36. Not against the texts of this Act, the tenant who is ordered or decreed according to the law to return the building to the landlord, the tenant will not be allowed to continue to stay in that building or tenant is still staying in the building, according to the penal code section 441 and 442, tenant will be considered as committing tress passing, in addition, will be fined the amount of money not more than two months rental and also will be jailed.

37.

(1) Anyone who against the text of section (10), such person will be jailed for six months or fined for 2,000 Kyats or both.

(2) If anyone who is obviously guilty according to this section and ordered to pay fine, the court which decided the verdict, according to the civil law suit code 545, can order such person to pay all amount of fine or partially as compensation for any lost.

38. Anyone who attempts to reoccupy the environs of building is stopped from doing so by the order or decree according to the section 12 or section 14, in this case, without the permission of inspector or order of municipal which allows to repair or demolish the building immediately, intentionally disturbing any benefits attached with environs of building, or destroy any thing which is supposed to be used permanently together with the building or postpone bills for water and electricity of the building or postpone any service for the building, for the first offense, such person will be fined 500 Kyats or related to such environs of building or another building, committed second time or more, will be fined up to 2,000 Kyats.

39. Related to this case, within nine months after the day of accusation, if the case is submitted without the advanced permission of inspector, no court will sentence to anyone who is accused any crime.

However, the inspector will conduct an immediate investigation, from reliable source of information, if anyone committed the crime, according to the section (10) or section (34), in addition, if the case is obvious, such person who committed the crime will be put on trial at court by the inspector.

40. To remove a tenant or anyone who is allowed to stay according to the section (13) or the case for reoccupying the building, in such case, the President of State can decide the amount of tax to the court. In addition, it is no matter how the Act of tax of court explains, the amount of tax to the court will

be paid by the decision adopted by the President.

41.

(1) For the case which is done sincerely, according to the powers of this Act, the inspector or deputy inspector or anyone who is aiming to do honestly, civil law suit, criminal law suit or any other law suit against them are not permitted.

(2) According to this Act or order adopted by this act, for doing or attempting to do in honest way or any possible damages, no one is allowed to sue civil law suit or any other law suit against the government.

42.

(1) To perform the texts in this Act, the President of the State can issue the bylaws by the order of notifications.

(2) Not against the meanings of above mentioned texts in act, the following cases are identified in the bylaws:

(a) Any urban area or any type of environs of building, according to the meaning of section 2 (F) (2), paragraph (aa), (bb), (cc), (dd) (2) and (ee), the case for increasing the standard rental.

(b) According to this Act, to adopt the policy and principles for investigations which are conducted by the inspector, such kind of case.

(c) Any urban area, after the war against Japan, to fix the date of civilian government resuming in administration, according to this Act.

(d) To fix the rate of expenses and rentals, in addition, to demand the expenses and rentals or be exempted from debts and taxes.

(e) To fix the ways of accepting or withdrawing the rental according to the section 16.

(f) To fix number of consultants in consultant board, necessary number of consultants for holding the meeting and principles abide in the meetings, salaries for member consultants.

43. Any text in this Act, government or government department or Rangoon municipal or Rangoon municipal corporation or rural autonomy administration Act or other local organizations which charges on landlord for environs of building or according to the reoccupying land Act is not related to the law for owned or to be owned by the decision of government or government department or Rangoon municipal or Rangoon municipal corporation or municipal Act or rural autonomy administration or other local organizations.

However, an exemption according to this section is not related to sub-rented land or part of this land according to the contract or other rights of ownership from government or any local organization who let the house or part of the house to the tenant and has the right to earn the rent appropriately.

44. Although the Urban Rent Control Act, 1948 has been repealed and is no longer in force:

(a) Any decision or order made under that Act before this Act comes into force or any lawsuit or any criminal conduct committed, provided it is not in contravention to this Act, will continue to be in force. All decisions made and recognized under the previous Act shall continue tin force.

(b) At the time that this Act comes into force, at the court or the inspector who is appointed under this Act, all unfinished civil law suit cases, except for criminal related cases, and other cases, will be finished according to the provisions of this Act. In addition, order of notifications or statements, orders, bylaws and position of appointments according to the previous Act, will continue to be enforced as long as this Act is in force.

Appendix D: Case Summaries & Relevant Laws

Case Summaries

I. Transfer of Property Act of 1882/Restriction on the Transfer of Immovable property

Case 1: U Arunt Ku and U Tin Win and (10) v. U Aung Aung (1999) BLR pg. 224

Question: If a foreigner is the heir of immovable property under the Succession Act of 1925 can the foreigner succeed his wife who is a citizen, even after the passage of the Restriction on Immovable Property Act?

The court considered the meanings of the word transfer under Section 2 (d) of the Restriction on the Transfer of Immovable Property Act (1987), which states that transfer shall have the meaning assigned by the Transfer of Property Act (1882). The court determined that succession is the legal transfer of property and that succession is naturally different from the sale or exchange of property therefore property passed on by succession can vest in a foreigner.

Case 2: Daw Mya Shin Oo and (5) v. Daw May Nu Phyu (1993) BLR pg. 47

Question: Under what circumstances can the court determine if someone is a citizen?

The court considered Section 6 of the Restriction on the Transfer of Immovable Property Act (1987), which states that the when a foreigner dies the State shall either allow the property to be inherited or confiscate the property. In this case the individuals in question were living according to the Rakhine custom since their grandparents time, but in Bangladesh. The court ruled that the court cannot decide citizenship and that questions of citizenship must be decided by the Ministry of Immigration (under the 1962 Burma Citizens Act). Without knowing the citizenship of the individual the Restriction on the Transfer of Immovable Property Act applies and the property should be confiscated by the state.

Case 3: Maung Thaun Sein and (8) v. Daw Gilaryarnidos and (2) (2000) BLR pg. 263

Question: Is a foreigner who left the country and returned was liable to lose his/her property if it had already vested under the Succession Act.

The court considered Section 6 of the Restriction on the Transfer of Immovable Property Act (1987), which states that the when a foreigner dies the State shall either allow the property to be inherited or confiscate the property. The foreigner in question left the question the country before the passage of the Restriction Act. Myanmar Customary Law says that succession is a vested interest that cannot be delayed or revoked. The court determined that because interest had vested in 1981, before the Restriction Act (1987) the property is not implicated by the Restriction Act and could be inherited.

II. Contract Act of 1872

Case 1: Daw Kyin Hmone vs. Daw Kyin Yee (1980) BLR pg. 86

Questions: If a rental contract covered under the Urban Rent Control Act of 1960 has become void due to impossibility does the owner still have a responsibility to continue renting?

The court considered Section 56 of the Contract Act (1872), that states that a contract becomes void when the act contracted for becomes impossible. In this case the owners of the building let one room in their house to the tenant, Daw Kyin Yee. The entire house burnt down, and when it was rebuilt the court determined that the landlord tenant relationship had severed because the contract was deemed void due to impossibility and the landlord was no longer responsible with providing them with a room as is required under Section 21 (4) of the Urban Rent Control Act of 1960.

Case 2: Dr. Myint Myint Than vs. U Maung Maung (1994) BLR (S.C.) pg. 92

Question: If there is consideration can the respondent ask for specific performance of a contract?

The court considered Section 2 (d) of the Contract Act (1872), which states that if there is consideration then the contract is valid and the property may be delivered using Section 22 of the

Specific Relief Act (1877), which requires specific performance of the contract, and the court held that the appellant had to deliver the land in question to the respondent.

Case 3: U Kaung Nyunt vs. Daw Hla Sein and Maung Tan Chaung (1970) BLR (S.C.) pg. 90

Question: Can a tenant recover salami if they have been legally evicted from the apartment under the Urban Rent Control Act?

The court considered Section 65 of the Contract Act (1872), which states that there is an obligation to deliver on the contract when party has received advantage. The Respondent paid rent, but during the course of the rent made a salami payment (a one-time sum which confers long term occupancy rights). Section 65 states "When an agreement is discovered to be void, or when a contact becomes void, any person who has received any advantage under such agreement or contract is bound to restore it, or to make compensation for it to the person from whom he received it." The tenant had paid 60 kyats a month as rent and 1200 kyats as salami. When the contract was voided due to the shop owner utilizing section 12 (e) of the Urban Rent Control Act, the salami had to be returned to the tenant, although the rent did not have to be returned.

Case 4: M.A. WaHit and (1) vs. Abdul Kwayan (1962) BLR (Sp) pg. 545

Question: Is a contract void under the Contract Act and can a tenant sue if the landlord is willing to let the return the property to the tenant?

The court considered Section 10 of the Urban Rent Control Act, which prohibits requiring pre-paid rents. The tenant was living on the land and paying rent. In the course of paying rent the tenant paid a salami fee. Agents of the landlord began building on the property. These agents were sued for criminal trespassing by the current tenants, and the court found that these agents were trespassing, and that the tenant had the right to land. However, the tenant no longer wanted to occupy the land after the attempted eviction, and wanted the original salami returned. The court, using the case of J.C. Phillip Torch Company v. K, found that the original contract was voided due to the landlord renting the property to other agents and the salami had to be returned to the tenant.

Case 5: Ma Kyin Po and (1) vs. Ma Aye (1962) BLR (H.C.) pg. 449

Question: If a government action causes a contract to become impossible does the guarantor have to give compensatory payment?

The court considered Sections 65 (voided contracts must return the advantage gained from the contract and 56 (contracts are void when impossible) of the Contract Act. There was an agreement to sell a house, but shortly afterwards the Ministry of Home Affairs destroyed the house. The court concluded that there had never been a contract, and thus the guarantor did not have to give compensatory payment.

Case 6: Major Zaw Lin and (1) vs. Daw Sien Ti (2000) BLR (H.C.) pg. 89

Question: Does a rental contract have to be explicit in order for the resident to have tenant rights?

The court considered Section 9, which covers express and implied contracts, of the Contract Act (1872) and Section 109 of Transfer of Property Act (1882), which states that the if the lessor transfers the property leased the transferee shall possess all rights associated with that property. No contract was discussed but Daw Sien Ti informed Major Zaw of the usual rent that she expected and to obey all the rules of the house. The court concluded that even though there was no explicit contract, both Major Zaw and Daw Sien Ti acted as though there was one by Major Zaw paying rent and taking up residence in the property. Therefore there was an implied contract and Major Zaw was a legal tenant and entitled to the protections thereof.

Case 7: U Whar Kay vs. Daw Thaung (1990) BLR (H.C.)

Question: If there a rental contract is voided due to a fire must the landlord repay the salami?

The court considered Section 65 of the Contract Act, which states that voided contracts must return any advantage gained from the contract. There was a fire and the house burned down, voiding the contract due to impossibility. The court concluded that the landlord had to return the salami to satisfy the requirements of Section 65.

III. Urban Rent Control Act of 1960

Case 1: Daw Yin Saw v. Daw Hla Hla Oo (1983) BLR pg. 200 (H.C.)

Question: If a petition for eviction has already been granted by a court can a person apply for a stay of execution of that order if they have a court order saying that they have the legal right to an apartment under Section 13 (1) of the Urban Rent Control Act?

Daw Yin Saw applied to Controller under 13(1) of the Urban Rent Control Act, which allows for any individual living in a building in an honest way to apply to the inspector for a letter allowing the individual to continue living there. Daw Hla Hla Oo, the respondent, appealed to the High Court and got a decree of eviction, but before that order was executed, the appellant, Daw Yin Saw applied to stay the execution of that decree under 15 (1), which allows for the stay of an order of eviction. The lower court denied and Daw Yin Saw appealed. The court held that the person who has permission to live somewhere according to 13 (1)

and applies in accordance with the law for a stay of execution can get this stay of execution.

Case 2: U Thein Than vs. U Uryissbon (1990) BLR (H.C.) pg. 140

Question: Does the repeated failure to pay rent impact the right of the tenant to exercise stays of execution under 15 (1)?

Thein Than wanted to expel U Uryissbon under 12 (1) (a) because the rent was in arrears. He received a decree but during the execution of the decree U Uryissgon sought and received a stay of execution under 15 (1). Tenant and can use 15 (1) even if there is a debt if he gives the payment of the rental debts. The landlord appealed on the ground that the tenant had a history of being in arrears of his rent and had utilized the protection available under 15(1) several times before. The court held that the lease can enjoy the right prescribed in 15(1) frequently and there is no cause to preclude the right.

Case 3: U Win vs U Phu and one other (1997) BLR (Civil Appeal Case) pg. 114

Question: Can a tenant be evicted if there are acts of criminal trespassing?

Respondents built a house on the land without gaining the landowner's permission or informing the landowner of their intent. Respondents were convicted and fined according to Section 202

of the Municipal Law, which prohibits criminal trespassing. The tenants did not use the land to commit crimes or do anything that is contrary to the law under 12 (1) (c). However, they did breach their responsibility according to 12 (1) (a), because they did not properly register their tenancy with the owner. Therefore, the court ruled that the tenants could be evicted.

Case 4: U Min Han v. U Myint Thein (1985) BLR pg. 72

Question: Is someone who has not registered under Section 13 (1) of the Urban Rent control but qualifies as a tenant eligible for eviction?

U Myint Thein claimed that the land in question was owned by his grandfather and he had title to the land. For years U Min Han lived on the land, first in a tent and the later building a two story house. The court found that although U Min Han was a trespasser and not registered with the inspector but according to 13 (1) was considered a tenant since he was living in a normal way on the land for several years and therefore cannot be expelled. Must be expelled according to 14 (1).

Case 5: U Khin Maung v. U Htun Han (1979) (Decision of the First Court) BLR pg 18

Question: What is the scope of the exemption that the tenant can be evicted if the premises are required for the residential purposes of the land lord? Does 12 (1) (f) apply to extended family members?

The court ruled that 12 (1) (f), which allows for a tenant to be evicted if the premises will be used by the landlord, must apply to family members, but only applies to immediate family members. The court found that the tenant cannot be evicted under 12 (1) (f) unless an immediate family member is living for the majority of the time. They ruled that the son-in-law living there does not count if the daughter is not living there at the time.

Case 6: Har Ji U Ba Tin v. Daw Yin and (8) others (1979) BLR pg. 87

Question: What is the scope of the exemption that the tenant can be evicted if the premises are required for the residential purposes of the land lord? Does 12 (1) (e) apply if the building is not being used for residential purposes?

The building had been a school before the tenant moved out and the landlord wanted to return the building to its previous use as a school. However, the court ruled that building a school is not the same thing as living there and therefore 12 (1) (e) does not apply.

Case 7: U Kyaw Pwint and Daw Khin Kyi v. U Than Thin

Question: If the tenant is not registered under 13 (1) but is paying rent in someone else's name can the tenant qualify for protection?

Tenants did not have the right to live there according to 13 (1), but were paying rent in the name of someone who did have the right to live there. The original tenant died and the new tenant moved and begin paying rent. The court ruled that the tenants were able to be expelled, because they had not registered.

Relevant Laws
(in chronological order)

a. Transfer of Property Act (1882)

b. Land Acquisition Act (1885)

c. Lower Burma Town and Villages Act (1899)

d. The Burma Laws Act (1898)

e. The Code of Civil Procedure (1909)

f. The Registration Act (1909)

g. The Rangoon Development Trust Act (1921)

h. The City of Rangoon Municipal Act (1922)

i. The Urban Rent Control Act (1960)

j. The Electricity Law (1984)

k. The Transfer of Immoveable Property Restriction Act (1987)

l. The Union of Myanmar Foreign Investment Law (1988)

m. The City of Yangon Development Law (1990)

n. The Development Committees Law (1993)

o. The Protection and Preservation of Cultural Heritage Regions Law (1998)

p. Notifications of YCDC (1997-2002)

- Law No. 11/99
- No. 4/99: Rules of Health
- No. 5/99: Rules for Budget and Accounts
- No. 6/99: Rules for Water Distributions and Sanitation
- No. 7/99: Rules for Markets
- No. 8/99: Rules for Garden Parks and Sports Grounds
- No. 9/99: Rules for Buildings
- No. 10/99: Rules for Scavenging and cleansing (Sanitation)
- No. 11/99: Rules for Streets and Bridges
- No. 12/99: Rules for Vehicles, Ferries, Brokerage Sales Centres, Private Money Lending-Businesses and Assessment of Taxes and collection
- No. 13/99: Rules for Livestock Breeding and Slaughter Houses
- No. 14/99: Rules for Property Taxation and Collection
- No. 15/99: Rules for Administration
- No. 3/2001: Rules of City Planning and Land Administration

- Order No. 1/95: Demarcation of Vehicles Parking Areas
- Order No. 1/96: Order for Business Licenses
- Order No. 2/96: Order for Water and Sanitation
- Order No. 3/96: Order for Sanitation
- Order No. 4/96: Order for Sales Centre of Vehicles
- Order No. 5/96: Order for Parking of Vehicles and Slow-moving Vehicles
- Order No. 1/97: Order for Piling up bricks, sand, gravel, earth, and other construction material and refuse disposed thereof
- Order No. 2/97: Order for Transportation of bricks, sand, gravel, earth and constructional refuse
- Order No. 1/99: Order for Demarcation of Non-entry for Slow-moving vehicles
- Order No. 1/2002: Order for prohibition of encroachments and demolition of such construction thereof
- Order No. 1/2002: Direction as to the application for certified copy of map and history of the holding of the land

q. The Judiciary Law (2000)

r. The Attorney General Law (2001)

s. Notification No. 3 of 2001 (Rules for Town Planning and Land Administration)

t. Electricity Law Pyidaungsu Hluttaw Law No. 44/2014 (2014)

Street Survey Questions and Responses

The team conducted street interviews with residents of the CBD during their time in Yangon. The questions asked looked to collect information on residents' concerns based on the factors we identified can lead to displacement, which include process, tenure security, accessibility, habitability, social capital and vulnerability. The results of these are summarized below.

Locations:
* Sate Kan Tar Street, Kyauktada Township
* Kon Zay Dan Street, Pabetan Township

Introduction to Survey Participants

We are students from Yangon University and Columbia University in New York, USA, and we are doing research with the Yangon Heritage Trust. We are interviewing people who live or work in the area of downtown Yangon to better understand housing issues and community concerns about the neighborhood. The findings of our research will help the Yangon Heritage Trust to promote policies to protect communities and housing while preserving historic buildings in the downtown area. Participation in this survey is entirely voluntary. You may choose to participate or not as you wish. The survey is also anonymous. We will not ask you for your name; we will not take your photograph; and we will not report your answers to our questions in a way that can be connected to you. We hope that you will participate; your response is important and would be appreciated.

Summary of Responses

Age
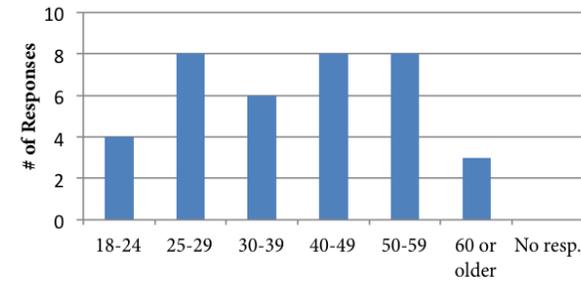
Gender
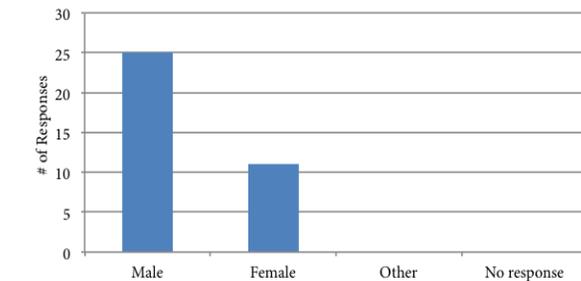
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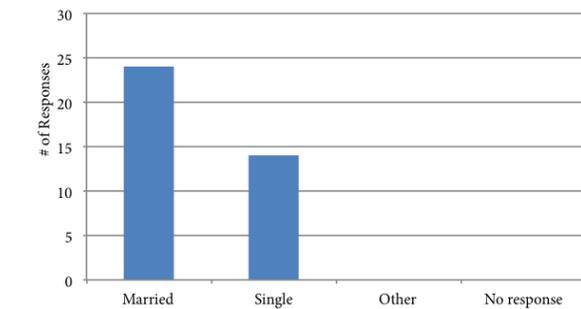
Number of Children
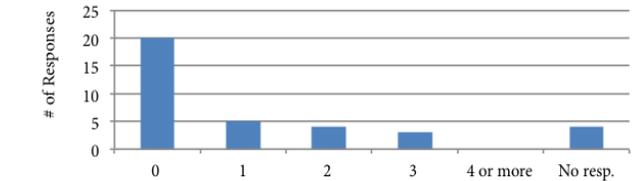
In which neighborhood do you live?

Top Five Responses		
	Township	# Responses
1.	Kyauktada	10
2.	Pabetan	8
3.	Hlaingthaya	3
4.	Mingalar Taung Nyunt	3
5.	(Several other twnsps)	1

In which neighborhood do you work?

Top Five Responses		
	Township	# Responses
1.	Kyauktada	16
2.	Pabetan	9
3.	Ba Bel Tan	5
4.	Yankin	1
5.	Other	2

What do you do for work?

Top Five Responses		
	Field	# Responses
1.	Shop Employee	11
2.	Business Owner	9
3.	Goods Vendor	5
4.	Teacher	2
5.	Street Vendor	2

What is the most meaningul place in the neighborhood for your?

Top Five Responses		
	Meaningful Aspects	**# Responses**
1.	Markets/Bazaar (all)	7
2.	Pagodas (all)	5
3.	Good for Business	4
4.	Tea Shop	4
5.	(No Response)	16

Rate the following public services in your neighborhood

Service	Good	Fair	Poor	Average	No Response
	3	2	1		
Transportation				2.7	22
Healthcare				3.0	18
Education				3.0	20
Open Space				2.7	19

Which places do you visit most often?

Top Five Responses		
	Neighborhood Places Visited	**# Responses**
1.	Pagodas (all)	5
2.	Parks (all)	5
3.	Market/Shops (all)	5
4.	Other	3
5.	(No Response)	20

Rate the following utility services based on their reliability in your home or community

Utility	Good	Fair	Poor	Average	No Response
	3	2	1		
Electricity				2.5	9
Plumbing				2.5	9
Sewage				2.4	12
Garbage Collection				2.4	11
Telephone				2.0	19
Cell Phone Service				2.4	

What role do you think community members should have in the decisions made in the neighborhood?

Community Involvement		
	Response	**# Responses**
1.	I do not want to be involved	2
2.	Process is fine as it is	2
3.	To settle disputes	2
4.	I get involved when possible	2
5.	I already am involved	2
6.	"Everyone should have a role"	1
7.	"Depends on the situation"	1
8.	"I do not care"	1
9.	"I do not know"	1
10.	"I am not included"	1

Types of Social Connections within Neighborhood
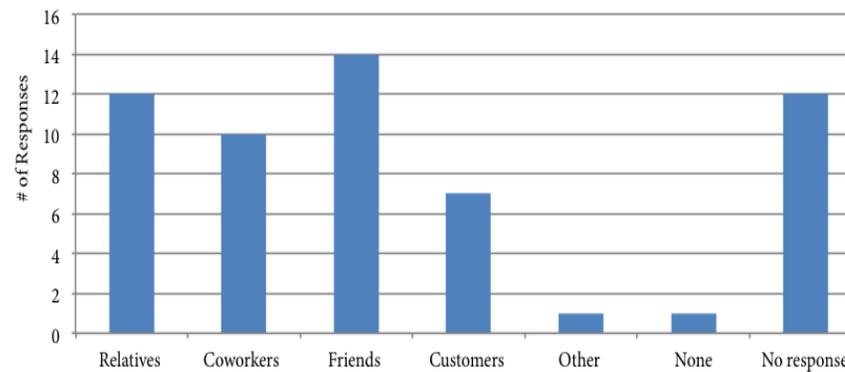
Overall Building Quality
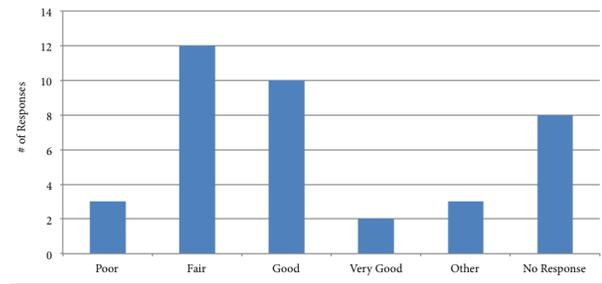
Membership in Community Organizations
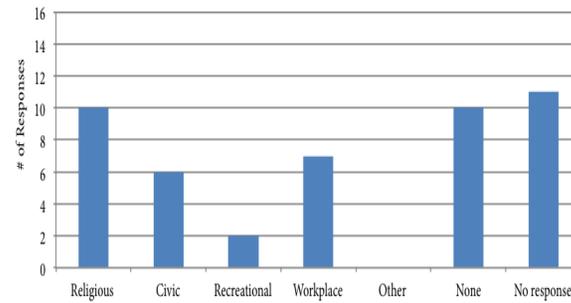
Locations of Community Interactions
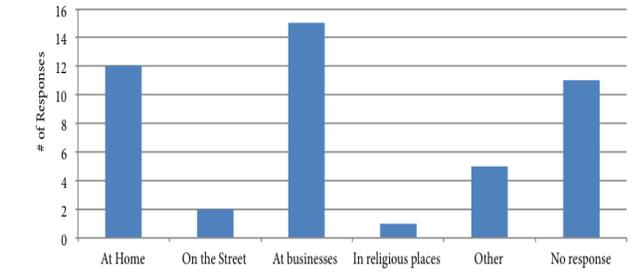
Methods of Making Repairs at Home
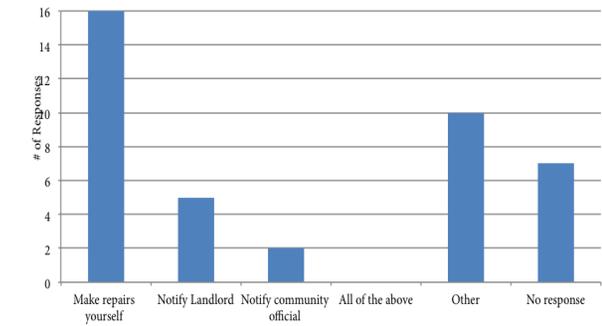
Residents' Long-Term Confidence in Remaining in Neighborhood
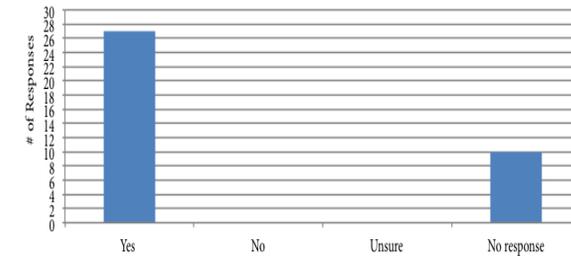
Years Having Lived in Neighborhood
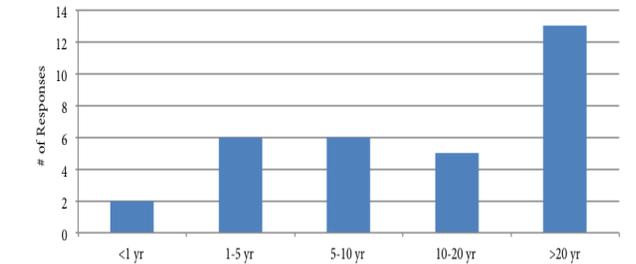
Strength of Social Connections within Neighborhood
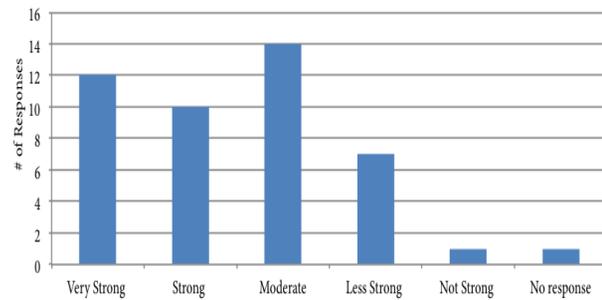
Employment Status
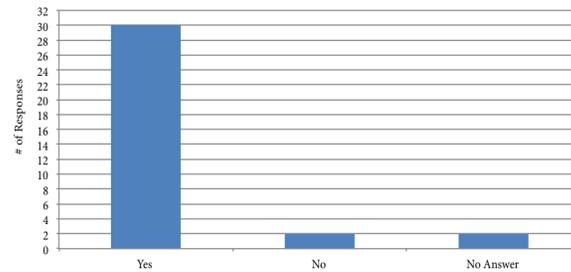
Common Method of Receiving Information
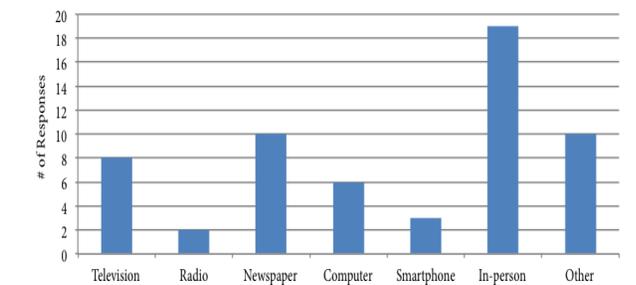
Summary of Symposium Findings

While in Yangon, the team held a symposium to introduce our factors of displacement and potential strategies to interested members of the community. Sixty-nine attendees took part in focus groups headed by members of the team as a means to collect feedback from our preliminary research. The questions asked seeked to address the relevancy of the factors that lead to displacement to Yangon and whether there were some pertinent factors or areas that had been overlooked. Key points of the answers gathered are included below. These responses were used to inform the studio's recommendations.

1. What factors contributing to displacement do you consider to be most urgent?

Accessibility and habitability were mentioned many times as factors considered the most urgent, though participants named other issues they considered greatly affect displacement in the Yangon CBD.

- *Lack of education of conservation*
- *Ownership rights*
- *Traffic is a major issue, more than utilities*
- *Public transportation*
- *Traffic congestion needs to be resolved immediately*
- *"Preference of nicer/newer buildings*
- *"Tenure security, accessibility"*

- *"Land and property values increases"*
- *"Process"*
- *"Accessibility and habitability"*
- *"A set of legal rights"*
- *"Climate change"*
- *"High property price"*
- *"High rent"*
- *"Transparency: there should be clear identification of the owners and their rights"*
- *"Accessibility to jobs"*
- *"The issue of high quality living and residents versus local governments and tycoons/urban corporations"*
- *"Distinguish building displacement from people displacement"*

2. What additional factors should be included in our framework?

Participants gave a range of suggestions that can be included in areas to further explore.

- *Rate of change: change in itself is okay, if it happens slow enough the new change becomes heritage itself*
- *Impact of new technological changes*
- *"Small businesses"*
- *"Environmental problems: sprawl, dirty streams"*
- *"Role of international institutions"*
- *"Tourism"*
- *"Sustainability"*
- *"Enforcement of laws"*

- *"The history of displacement in Yangon by the military government"*
- *"Public understanding on what ... dangerous really means; run down, neglected stage does not necessarily mean need to demolish"*
- *"Economic instabilities of each community"*
- *"Reducing traffic jams in downtown area in Yangon"*

3. How do you think the community should be involved in the preservation efforts? Please give examples.

One example that was repeatedly mentioned was the need for community education to raise awareness on both heritage conservation and participatory processes.

- *Distribution of information through media*
- *Raising awareness of connection of heritage conservation with history and education*
- *It has always been a top-down approach*
- *Different levels of community will develop with preservation*
- *"Education"*
- *"Govt support owner of heritage buildings for maintenance"*
- *"Ask people what they value and don't value" to designate what should be conserved*
- *Make laws clear and educate the citizens on the law and participation*
- *"Building maintenance"*
- *"Increasing awareness"*

- *"Community representative in planning process"*
- *"Inclusive public consultation"*
- *"Public access to voice their opinion"*
- *"By advertising (which is tricky when their fears of being condemned; the history of dictatorship"*

4. In preserving downtown Yangon's heritage, what community benefits do you expect to achieve?

Participants mentioned important benefits that can arise from conservation such economic growth and overall improvements in standard of living for residents. Tourism was repeatedly mentioned as a benefit that can generate further future benefits for the community.

- *Existing economies continue*
- *Light and sun can reach streets; "no towers"*
- *"Tourism"*
- *"Tourism attraction leads to economic development within community"*
- *"Improved tourism = improved economy (this could work as incentive for community)"*
- *"Improvement in economy"*
- *"Commercial benefits"*
- *"More business, more hygiene"*
- *"Market, vendors, pedestrian, car park, public transport, efficient traffic management"*
- *"Safe streets"*
- *"Community cohesiveness"*
- *"More public spaces"*
- *"Better standard of living"*

- *"Control density"*
- *"National pride; the welfare of the people of the area"*
- *"With a well-preserved heritage, it can be used as a site for educating the next generation in terms of cultural heritage"*
- *"More public spaces; open spaces are preserved"*
- *"Bicycling, pedestrians, recreational parks"*
- *"More high-rise buildings"*

5. What is your vision for the future of downtown Yangon?

The importance of improved accessibility and transportation is underlined by respondents' answers ranging from improved roads to pedestrian safety. More than once, a future of Yangon as a "car-less" city was mentioned.

- *Transportation*
- *More liveable, better roads and basic services*
- *Well-preserved urban heritage that residents take pride in*
- *Height control of buildings*
- *"Historical heritage combined with modern development"*
- *"Keep CBD as-is and create new CBD elsewhere"*
- *"More parking spaces"*
- *"City without cars"*
- *"Carless areas"*
- *"Pedestrian safety"*
- *"Better roads and drainage system"*

- *"Car parking area"*
- *"Dedicated lanes"*
- *"Bicycle lanes"*
- *"Communities continue to exist"*
- *"Liveable"*
- *"Preference: A place of preserved beautiful colonial architecture/a tourist attraction. Reality: Traffic/crowd/high-rise"*
- *"Well preserved urban heritage"*
- *"Public celebrate their city's heritage"*
- *"Better drainage system"*
- *"Changes in usage of heritage buildings; offices should move by urban zoning plan"*
- *"Historic buildings should be renovated ... to create more people's attention and foster the wonderful feelings of having historic buildings preserved."*
- *"A historical district"*

6. What are the critical challenges to achieving this vision?

Many respondents stressed the importance of legal framework and policy in achieving their vision of Yangon. The lack of comprehensive transportation was also seen as a critical challenge in the Yangon CBD.

- *Creating valuing of heritage*
- *Lack of public transport*
- *YCDC properly controls new development*
- *Continued preference of cars and accommodating them*
- *"Unlocking financial value of heritage through*

tourism"

- *"To maintain the heritage buildings"*
- *"Lack of awareness"*
- *"Landlord accountability"*
- *"Most preder old buildings than the new"*
- *"Can't keep widening roads"*
- *"Public transport"*
- *"Budget"*
- *"Transparency"*
- *"Obstacles from the state"*
- *"A responsive government"*
- *"Effective legal framework"*
- *"Lack of policy"*
- *"Lack of awareness"*
- *"Lack of public participation (more like bottom-up approach)"*
- *"Rule of law and enforcement"*
- *"Understanding and awareness of law by public"*
- *"Visionary policy"*
- *"Winning the support of profit-aiming large enterprises"*
- *"Challenges of community involvement, reluctance due to economic instabilities, fears, social norms"*
- *"To place street food shops systematically"*

Appendix F: Financing

One of the key questions this studio investigated was how decision-makers in Yangon can reconcile the competing demands of market-oriented development with urban heritage conservation. Fortunately, there is a wide range of tools available for stakeholders that can help finance heritage conservation projects. Heritage encompasses many factors of the built environment beyond just physical structures, and these heritage financing tools may be used to support physical infrastructure (transit, utilities, streetscape upgrades), affordable housing, or other community facilities.

An important caveat is that Yangon's current system of housing, legal, and property rights is highly irregular, especially with respect to tax policy and regulatory enforcement in many economic sectors. None of the heritage finance strategies below should be considered without first implementing comprehensive reform of land development processes and clarification of housing, legal, and property rights in downtown Yangon. These heritage finance strategies are presented as a long-term menu of possible actions rather than policy prescriptions.

Heritage Conservation Finance

Charitable trusts

Heritage projects such as building restoration may be undertaken by a non-profit charitable trust organization such as YHT, provided that the project in question fulfills the public sector goals that grant the organization its official non-profit status. According to Pickard, "An important power of heritage trust organisations consists of the right to own property inalienably, which means that once declared such property can never be sold or taken from the trust by government except by legislation" (2009, 23). Depending on national legislation, a charitable trust can be financed by government subsidy, membership dues, philanthropic donations, or some combination of these methods.

Heritage foundations

Heritage buildings can be entrusted to a heritage foundation provided that the building will only be used for a specified purpose according to its cultural heritage importance. Foundations can also advocate financial support for architectural heritage through fund-raising campaigns. In many countries, donations to heritage foundations are tax-deductible (Pickard, 2009, 31).

Limited Liability Companies

Limited liability by guarantee is an attractive model for conservation investment in that it protects building owners from recourse by investors in the event that the project loses money.

Revolving Funds

A revolving fund provides a valuable tool for heritage conservation organisations to buy endangered properties and resell them to buyers on the condition that the property's architectural features are preserved. Revolving funds are founded on the restriction that any capital gains from one real estate project must be pooled and recycled into improvements to a further property. This structure makes them an effective strategy for achieving multiple, concurrent heritage conservation projects within a given area like Downtown Yangon.

Self-Funding Structure

The self-sustainable funding structure in the restoration of Old Havana, Cuba offers a method through which revenues collected from tourism generated by historic conservation are channelled into further restoration projects and social projects to address community needs. The public entity empowered to oversee the restoration was granted special legal status to collect taxes from businesses operating within Old Havana as well as run its own profit-generating business such as hotels, stores, and restaurants. (For more information on the case of Old Havana, see Appendix B.)

Conservation Easements

An easement is "a legal agreement designed to ensure long-term preservation of architectural heritage by prohibiting demolition or inappropriate alterations" (Pickard, 49). Conservation easements or "restrictive covenants", are often used to safeguard facades, interior features or even view corridors. In practice, the owner maintains building ownership while "donating" an easement to a conservation organization in which certain legal rights are

forfeited, such as the right to demolish, alter or subdivide the building.

Public authority bonds

This tool is most common in the United States. A public sector entity, often a state historic preservation "authority", is created for the purpose of issuing public sector debt to finance heritage conservation projects. Debts are then repaid from the real estate capital gains once the property is successfully restored.

Lotteries

The proceeds from public lotteries can be pooled to finance heritage projects. Several countries such as Germany, Italy, and the UK each dedicate about one-third of their public lotteries to heritage projects (ibid, 54).

International NGO's

A variety of well-financed international bodies provide large-scale support for heritage projects, including but not limited to:

* World Monuments Fund

* Getty Foundation

* Global Heritage Fund

* World Bank

* UNESCO

* UN-Habitat

* Asian Development Bank

Grant-Aided Subsidies

Grant-aided subsidies are structured as donations from one donor government (or international NGO) to a recipient public sector authority or non-profit heritage organizaiton. There are two types of grants, "formula grants" and "project grants". Formula grants are not confined to specific projects. Project grants, meanwhile, are meant to fund specific projects, usually concerning the conservation or restoration of protected buildings. According to Pickard, "these grants are usually awarded through a competitive application process for a limited period. Once a project grant has been made, the donor organisation usually monitors and evaluates the result" (2009, 77).

Land Value Capture

Land value capture refers to the recovery of the capital cost of urban infrastructure investment by "capturing" the added investment value created as a result of said infrastructure investment (Romana et al, 2011, 17). The increases in land value may be captured directly or indirectly through their conversion into public revenues as fees, taxes, exactions, or other fiscal means. Land value capture has often been used to finance public transit, affordable housing, parks, or other

community facilities. By being located near these highly desirable forms of public sector investment, developers are in fact receiving a public benefit. Land value capture is seen as beneficial from the perspective of equity since these appreciation-based revenues, at least theoretically, are recovered by the public sector and used to maintain or expand the original value-generating infrastructure. This tool is the most dominant form of infrastructure finance in the dense, geographically constrained city-states of Hong Kong and Singapore (Hui et al, 2004, 76). Land value capture is generally applied through one of the following mechanisms:

Tax-increment financing

This involves a recurring (usually annual) tax on unrealized land value appreciation that is the result of a concrete public sector infrastructure investment. For instance, most subway extensions in Hong Kong were financed with tax increments raised on land surrounding the new station (ibid, 81). However, this finance tool is most effective in the context of well-articulated and consistent housing law and property rights system, which may not be appropriate in Yangon's current legal context. In addition, the Hong Kong and Singapore value capture systems involve government freehold systems in which the public sector ultimately owns most land and leases it long-term to private development. Such an arrangement gives the public sector more power in setting the terms of tax increment financing than would strict private sector ownership.

Developer impact fees or "betterment levy"

This application of land value capture is typically seen in vacant, environmentally disturbed development sites or in proposed developments that are projected to be highly disruptive to the surrounding community (in terms of additional traffic congestion, requiring additional infrastructure upgrades, or other impacts). Cities impose developer impact fees by delineating a "special service area" and leverage these fees to finance additional services, improvements, or facilities to benefit the targeted area (Romana et al, 2001, 11). Property owners in the affected area must agree to pay the impact fees as a condition of their development permit approvals. Developer impact fees help to defray the public sector's cost of infrastructure upgrades and other development impacts.

Joint development

Typically applied in the transportation sector, joint development is a mechanism of cooperation and risk sharing between the public and private sectors, in order to promote efficiency and equity among stakeholders. Joint developments are public/private partnerships designed to shift the costs of transportation projects from the public sector onto the private sector, in recognition of the significant premium transportation projects contribute to property values. The Hong Kong Mass Transit Rail Corporation (MTRC) has frequently implemented joint development in the expansion of the city's rail network. The MTRC "purchases development

rights from the Hong Kong Government (its majority shareholder) at a "before rail" price, and sells these rights to a selected developer at an "after rail" price—which is significantly higher" (Zhao et al, 2012, 4).

Special assessment zone

This financing tool is similar to tax-increment financing but more limited in scale. A special assessment zone is a tax assessed "against parcels identified as receiving a direct and unique benefit as a result of a public project" (Romana et al, 2001, 18). General enhancement of property values is not seen as a direct and unique benefit. One case study of a special assessment zone is the Akaretler Row Houses development in Istanbul, Turkey. In this case, private sector construction was not permitted to proceed without the approval of the local public sector heritage agency (Huxley, 2009, 24). Therefore, the public stakeholders had negotiating leverage over the developers and the public sector actors were able to capture value from the private actor in the form of local taxation, private-led renovation of heritage properties, and local infrastructure service agreements.

Transportation Finance

Congestion pricing

Congestion pricing - sometimes called "road user pricing" - is a way of leveraging the power of the market to reduce traffic congestion, air

pollution, and greenhouse gas emissions while also raising revenues for road and transit infrastructure projects. Conceptually similar to pricing patterns for utilities like electricity and mobile phones, drivers are charged higher road tolls for traveling during high-demand, congested rush hour periods and lower tolls for traveling during less congested times. Congestion pricing works by shifting purely discretionary rush hour travel to other transportation modes like public transit or to off-peak periods, taking advantage of the fact that the majority of vehicle travel is non-work-related. When implemented, congestion pricing often takes the form of a "cordon toll" surrounding a Central Business District where transit and other alternatives to driving are available. There is a growing consensus among economists that congestion pricing is among the most sustainable approaches to reducing traffic congestion (Merrifield and Burnett, 2014). Most importantly, the net-revenues from congestion pricing may be equitably allocated towards a variety of projects - transit, affordable housing, or other public infrastructure - aimed at reducing congestion. Singapore's Electronic Road Pricing is an example of such an effective congestion pricing strategy, which raises $75 million USD annually for transit projects (Arnold et al, 2010, 29). Other successful case studies of congestion pricing exist in London and Stockholm as well.

Vehicle levies (vehicle registration fees, motor vehicle excise taxes)

Vehicle levies typically pay only a portion of

their revenues to transit projects. Since vehicle levies do not reflect use, they poorly reflects the external costs imposed by a particular vehicle (Littman, 2014, 18). In addition, because these fees do not reflect annual mileage, they are considered regressive against lower-income drivers who drive less frequently than wealthier drivers. The marginal cost of driving would therefore increase the most for lower-income drivers, and for this reason vehicle levies that do not take mileage into account may be considered inequitable.

Business improvement districts (BIDs)

BID's are defined areas within which businesses pay an additional tax in order to fund projects within the district's boundaries. The BID is often funded primarily through the tax but can also draw on other public or private funding streams. BIDs may go by other names, such as business improvement area (BIA), business revitalization zone (BRZ), or community improvement district (CID). BIDs provide important local infrastructure maintenance services, such as cleaning streets, providing security, making minor capital improvements, construction of pedestrian and streetscape enhancements, and marketing the area.

Dynamic pricing of parking spaces

Parking space in Yangon's CBD should be interpreted as a common public sector good. Conceptually similar to charging drivers for access to roadway space in congestion pricing, Yangon has an opportunity to more optimally allocate parking space according to dynamic pricing principles. Dynamic pricing involves charging higher rates for parking during peak usage periods and lower rates during lower occupancy periods. Electronic sensors embedded in the roadway transmit real-time information on parking occupancy rates and adjust rates automatically as parking spaces become more scarce. Most parking policy experts agree that an ideal occupancy rate is about 85% (Seattle Department of Transportation, 2014). Above this occupancy rate, drivers will spend an excessive amount of time circling the block searching in vain for parking, which exacerbates congestion and other environmental harms. Dynamic parking pricing programs underway in Seattle and San Francisco aim to keep occupancy rates below this 85% threshold by raising the price of parking on unoccupied spaces until the 85% rate is met. As car ownership grows in Yangon, driver demand for on-street parking is likely to increase. A truly progressive parking regulation would allocate revenues of a dynamic pricing program towards local transit or streetscape improvements.

Affordable Housing Finance Strategies

Development on city-owned property

Developing affordable housing options on city-owned property is an approach taken by many cities to increase opportunities for low- and middle-income residents. The development usually uses existing housing stock and homes are offered below market price, meaning that rents are subsidized. Beside the provision of safe and affordable homes, the goal is to facilitate access to social services, as well as access to education and employment. To be considered for public housing, interested residents usually have to go through an application process, providing documentation of their financial needs, their family composition and current living conditions. Property management is often part of the development site and organized through a public housing authority. Another strategy is for the public housing authority to outsource property management and facilities operations while continuing to subsidize rents and retain property.

Affordable housing trust fund

An affordable housing trust fund refers to a home financing method that puts aside a certain amount of ongoing public funding to support the provision of affordable housing options and increase opportunities for low- and middle- income families to receive access to affordable homes. An annual earmarked fund is taken from general revenues and systematically shifts it to the commitment of dedicated public revenue. Affordable housing trust funds are usually established by city or state governments.

Subsidized housing vouchers

Housing voucher programs aim to support low-income families in their housing opportunities by

providing them with so-called housing vouchers. Those housing vouchers pay for the difference between what the low-income family can afford to pay in rent and how much the rent actually is. By reimbursing the landlords who rent out their homes at market prices with the financial difference, it allows low-income families to afford privately-owned rental housing of their choice.

Inclusionary Zoning

Inclusionary zoning aims to promote economic and social integration by requiring a certain share of new development to be offered as affordable housing to people with low incomes. The goal of inclusionary zoning is to mix affordable housing and market rate housing to achieve social benefits. Inclusionary zoning ordinances differentiate between mandatory and optional requirements. Mandatory ordinances usually specify a specific share of housing that must be offered at an affordable rate to low income families. Optional inclusionary zoning ordinances, on the other hand, usually work with bonuses given to developers that voluntarily offer affordable as well as market-rate housing options in their new developments.

Transfer of Development Rights

Transfer of Development Rights (TDR) is a legal procedure designed to conserve or protect heritage buildings for the public's benefit. TDR is a land use regulation technique enforced by the public sector and used to conserve heritage properties without causing a financial burden to landowners or restricting needed development. TDR permits all or part of the legally allowed density of one parcel of land to be transferred to a noncontiguous parcel or even to land owned by someone else. The transfer of development rights allows heritage buildings or open space to be conserved while also allowing the owner to build to an equivalent density elsewhere. If the parcel where density is re-allocated is owned by another party, TDR is then known as "air rights development". Air rights development is a situation in which multiple properties of distinct ownership and uses occupy the same parcel of land, as in a vertical mixed-use development.

Community Land Trusts

A community land trust (CLT) is a nonprofit corporation that develops and manages affordable housing, heritage buildings, and other community assets on behalf of a community. Rather than owning land outright, residents and shopkeepers in a community land trust enter into an affordable, long-term (often 99-year) land lease with the CLT which can be renewed or passed onto heirs. Typically, CLTs select tenants from existing candidate pools of public sector affordable housing programs as well as existing, low-income residents of the property. Among the tenant's rights are the rights to privacy, the exclusive use of the property, and the right to bequeath the property and the lease. The CLT has the right to purchase the house when and if the owner wants to sell and maintain limits on the home's value in order to preserve perpetual affordability. The community land trusts balance the needs of individuals to develop land and maintain security of tenure with a community's need to maintain affordability, economic diversity and resident access to essential services. According to UN Habitat, the CLT concept is "rooted in the understanding that the cost of land, driven by a combination of societal demand and investor expectations of profit, is a significant factor in determining the ability of individuals and communities to thrive" (2012, 4). Over 200 CLTs exist in the United States alone, and their number is growing rapidly (ibid, 10). CLTs effectively remove the property from the speculative real estate market and create a managing structure in which affordability, security of tenure, resident retention, and heritage conservation are governing principles. The structure of the CLT's management board is often composed heavily of existing residents, making the CLT one of the few affordable housing strategies that is both perpetually affordable for residents and participatory.

Housing Cooperatives

A housing cooperative is formed when tenants unite together to establish a corporation and purchase their building or collection of buildings. In doing so, tenants purchase a share of the building or "proprietary lease" that entitles them with the right to live in a specific apartment unit. Residents pay a fixed, monthly charge to cover building maintenance and the property's mortgage. The cooperative, as a whole, owns the building, land, and any common

areas. Not all cooperatives are affordable, but many cooperatives include provisions such as limits on share re-sale prices or below-market-rate buy-in prices aimed at low and moderate-income households (Gray, 2005, 24). With such provisions in place, housing cooperatives provide economic mobility to low-income residents by allowing them to access home ownership - along with its co-benefits of wealth creation - at affordable rates.

Tax Credits

Rehabilitation Tax Credits
Rehabilitation Tax Credits in the United States provide a 20% tax credit for rehabilitation projects occurring on designated historic properties or within historic districts (Curran, 1997, 156). American tax code requires rehabilitation projects to preserve external walls and primary architectural components of historic buildings. Developers are prohibited from claiming the Rehabilitation Tax Credit until the calendar year when the building is determined to be habitable, preventing speculators from holding properties off the market while land values rise.

Low-Income Housing Tax Credits
LIHTC is the largest source of new affordable housing construction in the United States today (Mihir et al, 2010, 184). This strategy has often been employed in localities where it is impractical for the public sector to provide affordable housing from the supply side on publicly owned land.

Instead, the national tax system allocates funding to local public sector housing authorities, who then award tax credits to private sector developers of low-income housing. The amount of tax credits a given project receives is determined by two factors: 1) the first reflects the development costs of the project, and 2) the share of the project that is reserved as low-income. Therefore, the more low-income housing a developer builds, the greater his/her tax credit.

Anti-speculation taxes
Cities need direct revenues to create and preserve affordable housing units, either through supply-side means (developing on publicly owned land) or through the provision of tax credits. Speculation in the real estate market often leads to rising rents and resident displacement. Therefore many scholars argue in favor of taxing real estate speculation itself as a way of mitigating displacement. According to Marcuse, "'speculative' sales are sales within less than a stated period of time or sales which produce more than a stated percent or profit, or some combination of both" (1985, 9). An anti-speculation tax would discourage speculative real estate transactions by taxing them at a higher rate. One way of implementing anti-speculation taxes is through a capital gains tax on the sale of real estate. The proceeds of an anti-speculation tax could be allocated towards an affordable housing trust fund to provide additional affordable units.

Luxury housing tax
A luxury housing tax would tax the rental income from high-rent units and proceeds on the sale of high-priced homes and condominiums would also have the effect of discouraging speculation and mitigating displacement. Such a tax would make luxury housing more expensive, thereby maintaining the security of tenure of existing residents. If the revenues of a luxury housing tax can be allocated for subsidized housing vouchers for low-income households, the anti-displacement effects can be even greater.

Progressive real property tax
A progressive real property tax would have the same effect as a luxury housing tax on a more comprehensive basis across the real estate market. Such a tax would involve progressively increasing tax rates that correlate with property values. Therefore wealthier property owners would be taxed at higher rates, while owners of more modest means would have reduced tax burden, allowing their more affordable units to be conserved.

Financing at the local level

Some urban projects – whether to conserve heritage or upgrade the built environment – are of such a local scale that they can be managed more easily and completed more quickly by community organizations than by a city government, provided the community organization has the proper

skills and capacity. Below are four ways that city governments can support small scale projects without directly investing.

Public sector grants to community groups

YCDC or an appropriate government entity could assign pre-approved funds to registered to community groups who seek to carry out infrastructure projects related to the historic downtown. A community group, such as a merchants' association , would complete an application to the city government based on a specific project they desire to undertake, such as solar street lamps for a market street. The agency chosen to manage community grants would then review the application and decide whether or not to disperse the requested funds. This process would require some staff to manage the applications and funding, but far less than would be necessary to carry out the physical project. The community grant process also requires a maximum allotment of funds in the city's budget that can be awarded to community groups in one year. By pre-approving the maximum amount, the city would ensure that the dispersal of funds to community groups could occur quickly.

Participatory Budgeting

Participatory budgeting is a process through which residents directly decide on some budgetary items that affect their neighborhoods, rather than relying on representatives. This strategy aims to ensure that investment at the neighborhood scale

has democratic support. It also addresses the problem that comprehensive planning goals do not address every community's needs equally.

Participatory budgeting was pioneered in Porto Alegre, Brazil, and has been adopted by over 1,500 other cities (www.participatorybudgeting. org). In the United States, the major cities of New York and Chicago have both enacted participatory budgeting. The process requires several governmental institutions or appointed positions. First, communities must be encouraged to form representative bodies through a combination of either volunteer or elected members, and appointed advisers. The members present and vote on budget items for their district (such as new crosswalks and stoplights), and the appointed advisers assist with delivering the budget requests to the city government. Participatory budgeting requires a standard format and timeline for submitting budget requests, such as an annual Statement of Needs.

The city government, on the receiving end of community budget proposals, needs to enact a formal process of reviewing these proposals and including them in the annual city budget. In New York City, the maximum amount of funds that can be claimed by budget proposals from community districts is set in advance by the city government (the level is currently around $14 million) (participatorybudgeting.org).

Community-based Credit Unions

Community-based credit unions are cooperative organizations that use revenue from membership dues collectively to provide low-cost credit as well as financial assistance and advice to their members. Some community based credit unions are organized to specifically serve low- and moderate-income populations (www.cdcu.coop/aboutus). Community-based credit unions are considered not-for-profit because their mission is not to profit in perpetuity, but simply to serve the financial best interests of members. As institutions, community-based credit unions are typically independent from the public sector, but their establishment in Yangon could be encouraged by the city government through a pilot program or start-up funding.

Microfinance

Microfinance is a general term for numerous types of financial services that are made available to impoverished people who lack access to formal banking. While microfinance is often employed in rural settings, it could be a useful tool for increasing the capacity of residents in Yangon to restore and refurbish their homes and businesses. Microfinance is seen as a way to build social capital and foster trust among communities, as well as to provide financial security to poor families (Feinberg, 2014, 1)

One important aspect of micro-finance is that is not always monetary. Based on the economic and cultural environment, capital and collateral can be seen as money, goods, or services (Rutherford,

2000, 4). In this way, microfinance can be much more accessible to poor and vulnerable groups than traditional banking.

Notwithstanding the great potential of microfinance, there are challenges to its implementation. Because it requires a high degree of proficiency with finance and capacity in terms of resources and tools, international non-profit groups are often the facilitators of micro-finance. As a result, high transaction costs are associated with microfinance deals, relative to the typically small sums involved.

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6.0. Vision & Recommendations

All anecdotal data used in this section was derived from 44 informal interviews conducted with randomly selected, voluntary respondents in Yangon's CBD on Tuesday, November 28th 2014. More information on these interviews can be found in Appendix E.

Further Reading

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