



# **FIRST SUMMARY OF INFORMATION ON HOW SAFEGUARDS FOR REDD+ ARE ADDRESSED AND RESPECTED IN MYANMAR**

**DECEMBER 2019**

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## ACKNOWLEDGEMENTS

This Summary has been prepared through the efforts of the Myanmar Summary of Information Drafting Group, comprising representatives of: the Department of Ethnic Rights, Ministry of Ethnic Affairs; the Union Attorney General Office; the Department of Social Welfare, Ministry of Social Welfare, Relief and Resettlement; the Department of Agriculture, Ministry of Agriculture, Livestock and Irrigation; the Forest Research Institute, Forest Department, Ministry of Natural Resources and Environmental Conservation; the Environmental Conservation Department, Ministry of Natural Resources and Environmental Conservation; Chin Human Rights Organization (CHRO); Myanmar Environmental Rehabilitation-conservation Network (MERN); Promotion Of Indigenous and Nature Together (POINT); and IP/EN Network. The Drafting Group has been assisted by the National Summary Consultant, May Nwe Soe, and more details on the drafting process and consultations conducted are provided in Annex 1.

Valuable inputs and review of the Summary have also been provided by participants in the National Workshop on the draft Summary (held in October 2019), as well as by: Dr Thaung Naing Oo (Forest Research Institute); Timothy Boyle and Khin Hnin Myint (Myanmar UN-REDD Programme Management Unit); Alexis Corblin, Victoria Suarez and Steven Swan (UN Environment Programme); Charlotte Hicks, Cordula Epple and Judith Walcott (UNEP-WCMC); Kin Yii Yong (UNDP); Franz Arnold and Kristin DeValue (FAO).

## ACRONYMS & ABBREVIATIONS

AAC	Annual Allowable Cut
ADB	Asian Development Bank
BANCA	Biodiversity and Nature Conservation Association
BSS	Benefit-Sharing System
CBD	Convention on Biological Diversity
CEDAW	The Convention on the Elimination of all Forms of Discrimination Against Women
CF	Community Forestry
CFUGs	Community Forest User Groups
CHRO	Chin Human Rights Organization
CITES	Convention on International Trade in Endangered Species
CPAs	Community Protected Areas
CPUs	Corruption Protection Units
CSO	Central Statistical Organization
CSOs	Civil Society Organizations
DAP	Development Assistance Policy
DG	Drafting Group
DOP	Department of Planning
DRD	Department of Rural Development
EAOs	Ethnic Armed Organizations
ECD	Environmental Conservation Department
ECC	Environmental Compliance Certificate
EIA	Environmental Impact Assessment
EMF	Environmental Management Fund
EMP	Environmental Management Plan
ESF	Environmental and Social Framework
EU	European Union
FD	Forest Department
FLEGT	Forest Law Enforcement, Governance and Trade
FPIC	Free, Prior and Informed Consent
FREDA	Forest Resource Environment Development and Conservation Association
FREL/FRL	Forest Reference Emission Level/Forest Reference Level
FRI	Forest Research Institute
FOW	Friend of Wildlife
GAD	General Administrative Department
GCF	Green Climate Fund
GEF	Global Environment Facility
GHGs	Greenhouse Gases
GRM	Grievance Redress Mechanism

GRMWG	Grievance Redress Mechanism Working Group
GoM	Government of Myanmar
ICCAs	Indigenous and Community Conserved Areas
IEE	Initial Environmental Examination
IP/EN	Indigenous Peoples/Ethnic Nationalities Network
IPCC	Intergovernmental Panel on Climate Change
INGOs	International Non-Governmental Organizations
ITF	Interim Task Force
ITTO	International Tropical Timber Organization
JCMC	Joint Ceasefire Monitoring Committee
KNU	Karen National Union
KS	Knowledge Space
M&E	Monitoring and Evaluation
MBF	Myanmar Biodiversity Foundation
MC	Management Committee
MCCSAP	Myanmar Climate Change Strategy and Action Plan
MERN	Myanmar Environmental Rehabilitation-conservation Network
MIMU	Myanmar Information Management Unit
MOALI	Ministry of Agriculture, Livestock and Irrigation
MOEA	Ministry of Ethnic Affairs
MOEE	Ministry of Electricity and Energy
MOHA	Ministry of Home Affairs
MOLIP	Ministry of Labour, Immigration and Population
MONREC	Ministry of Natural Resources and Environmental Conservation
MOPF	Ministry of Planning and Finance
MPs	Members of Parliament
MRV	Measurement, Reporting and Verification
MSDP	Myanmar Sustainable Development Plan
MSGs	Multi-Stakeholder Groups
MTE	Myanmar Timber Enterprise
MTLAS	Myanmar's Timber Legality Assurance System
NAPA	National Adaption Programme of Action
NCA	Nationwide Ceasefire Agreement
NCDDP	The National Community Driven Development Project
NCU	National Coordination Unit
NBSAP	National Biodiversity Strategy and Action Plan
NDC	Nationally Determined Contribution
NDMC	National Disaster Management Committee
NE5C	The National Environmental Conservation and Climate Change Central Committee
NEP	National Environmental Policy

## *Myanmar Safeguards Summary of Information - 2019*

NFI	National Forest Inventory
NFMS	National Forest Monitoring System
NGOs	Non-governmental Organizations
NLUC	National Land Use Council
NRRP	National Reforestation and Rehabilitation Programme
NRS	National REDD+ Strategy
NSPAW	National Strategic Plan for the Advancement of Women
PAs	Protected Areas
PaMs	Policies and Measures
PFE	Permanent Forest Estate
PLRs	Policies, Laws and Regulations
POINT	Promotion of Indigenous and Nature Together
Q&A	Questions and Answers
REDD+	Reducing Emissions from Deforestation and forest Degradation, plus the conservation and enhancement of forest carbon stocks, and the sustainable management of forests
SDGs	Sustainable Development Goals
SEA	Strategic Environmental Assessment
SFM	Sustainable Forest Management
SIS	Safeguards Information System
SoI	Summary of Information
TWG	Technical Working Group
TWG-D&S	Technical Working Group on Drivers and Strategy
TWG-SES	Technical Working Group on Stakeholder Engagement and Safeguards
UAGO	Union Attorney General's Office
UNCCD	United Nations Convention to Combat Desertification
UNDRIP	The United Nations Declaration on the Rights of Indigenous Peoples
UNEP-WCMC	UN Environment Programme World Conservation Monitoring Centre
UNESCO	The United Nations Educational, Scientific and Cultural Organization
UNFCCC	United Nations Framework Convention on Climate Change
UNDP	United Nations Development Programme
UN-REDD Programme	United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries
UPDJC	Union Peace Dialogue Joint Committee
VPA	Voluntary Partnership Agreement
VFV lands	Vacant, Fallow and Virgin lands
WCS	The Wildlife Conservation Society

## EXECUTIVE SUMMARY

During 2017-2019, Myanmar has undertaken a comprehensive effort to develop its national approach for promoting and supporting the safeguards for REDD+, as agreed under the United Nations Framework Convention on Climate Change (UNFCCC). These safeguards, also known as the ‘Cancun safeguards’, aim to ensure that any social and environmental risks of REDD+ actions are minimized and that the benefits are enhanced.

The Summary of Information (SoI) on safeguards presented in this document aims to provide a ‘baseline’ of the existing framework of Policies, Laws and Regulations (PLRs) related to the safeguards, as well as an overview of the safeguards activities carried out in Myanmar over the period from 2017 to 2019.

The SoI includes background information on Myanmar’s forests and REDD+ context, and describes the work that has been undertaken to develop a national clarification of the UNFCCC Cancun safeguards, how this work has informed the development of the National REDD+ Strategy (NRS) and the initial portfolio of REDD+ Policies and Measures (PaMs), as well as the progress made on designing and implementing a Safeguards Information System (SIS). The document also provides a safeguard-by-safeguard overview of:

- the existing Policies, Laws and Regulations (PLRs) that help to address each criterion of the national safeguards clarification;
- any additional PLRs or procedures that are under development to strengthen the country’s safeguards approach;
- any efforts made to enhance the capacity of institutions and other stakeholders for addressing and respecting the safeguards;
- responsibilities for implementing the PLRs, procedures and capacity-building efforts that have been identified;
- any remaining gaps or challenges that need to be resolved to ensure that the safeguards are fully addressed and respected; and
- recommended next steps to address these gaps or challenges.

It is worth noting that at this stage of REDD+ planning and implementation in Myanmar, full information on how safeguards are respected in practice is not yet available. It will be possible to provide a more comprehensive account of this aspect in future Summaries of Information.

The development of Myanmar’s safeguards approach has been undertaken in a participatory and integrated manner. The Summary of Information provides detail on the multi-disciplinary working groups that have been established to support the process, and the stakeholder consultations that have been held at national and subnational level. It also describes the process for development of the Summary itself, which has involved inputs from a multi-stakeholder Drafting Group, a national consultation workshop and an online public comment period.

The key PLRs and instruments identified for addressing and respecting the Cancun safeguards in Myanmar include:



**Safeguard A:**

- Several coordinating bodies that can support the design, planning and alignment of REDD+ PaMs with the objectives of relevant policies, programmes and international agreements, such as the REDD+ Task Force, the REDD+ Technical Working Groups (TWGs) and the National Land Use Council (NLUC).

**Safeguard B:**

- The National Land Use Policy, the One Map Myanmar initiative and the work of the Myanmar Information Management Unit (*to promote transparency and information sharing for land-related data, and to improve land use planning and management*);
- The process for Free, Prior and Informed Consent (FPIC) for REDD+ that is currently under development (*to ensure that information is made available in accessible form to local stakeholders*);
- The Anti-Corruption Law, Anti-Corruption Commission and Corruption Protection Units, as well as the existing financial reporting regulations and the REDD+ financial management system that is currently under development (*to ensure accountability and prevent corruption*);
- PaMs included in the National REDD+ Strategy that include actions to strengthen transparency, accountability and rule of law;
- The National Ceasefire Agreement and proposed collaboration with Ethnic Armed Organizations (EAOs) on REDD+ (*which covers coordination between the government and EAOs on environmental conservation and natural resource management*);
- The capacity building plan developed by the UN-REDD Programme, and PaMs included in the National REDD+ Strategy that target capacity building and the improvement of forest- and land-related data (*to strengthen information and capacity in support of PaMs implementation*);
- The National Forest Inventory and National Forest Monitoring System that are currently under development (*to improve availability of relevant data for REDD+ planning*).

**Safeguard C:**

- The National Land Use Policy, the Protection of Biodiversity and Protected Areas Law, the Community Forestry Instructions and the Law Amending the Vacant, Fallow and Virgin (VfV) Lands Management Law (*to ensure respect for rights to land and resources, including customary rights*);
- The Environmental Impact Assessment (EIA) Procedure and the draft Land Acquisition, Resettlement and Rehabilitation Law (*to address involuntary resettlement*);
- The FPIC process for REDD+ that is currently under development and the proposed Grievance Redress Mechanism (*for all aspects of indigenous peoples' and local communities' rights*);
- The Ethnic Rights Protection Law (*to safeguard rights to preserve cultural heritage*);
- The planned REDD+ benefit-sharing system foreseen under the National REDD+ Strategy.

**Safeguard D:**

- The Guidelines for Stakeholder Engagement in Policies and Programmes for Sustainable Forest Management and REDD+, and the stakeholder mapping for REDD+ conducted during the development of the NRS (*to identify the groups that should be engaged, and to guide the identification of rights and duties of stakeholders in engagement processes*);

- Cross-sectoral coordination bodies that bring together multiple stakeholders and the REDD+ Stakeholder Network (at national level), as well as existing and planned coordination structures at subnational level, such as Land Use Committees, Township Planning and Implementation Committees or Township Management Committees (*as potential platforms for organizing stakeholder participation*);
- The interim arrangements set out by the National Ceasefire Agreement (*to facilitate engagement with ethnic groups and ethnic armed organizations*);
  - The FPIC process for REDD+ that is currently under development (*to ensure participation in the planning of PaMs with expected impacts at local level that will require FPIC*);
  - The EIA Procedure (*to ensure participation in the planning of PaMs that require an EIA*);
  - The National Land Use Policy (*to ensure participation in processes related to land use planning*);
  - The proposed Grievance Redress Mechanism (*to handle complaints over the way participation processes are managed*);
  - The Protection of Biodiversity and Protected Areas Law and the Community Forestry Instructions (*to facilitate participation of stakeholders in PaMs implementation*);
  - PaMs included in the National REDD+ Strategy that are designed to be implemented in collaboration with stakeholders and foster participatory land use/management planning and monitoring.

**Safeguard E:**

- The National Forest Inventory and National Forest Monitoring System that are currently under development (*to support definition, identification and mapping of natural forest, and to improve availability of other relevant data for impact assessment and planning of PaMs*);
- PaMs included in the National REDD+ Strategy that support the mapping and characterization of natural forests and areas of high conservation value;
- The EIA Procedure (*to support impact assessment and the identification of measures to reduce risks / enhance benefits, as well as the development of plans for monitoring social and environmental impacts, for PaMs that require an EIA*);
- The FPIC process that is currently under development (*to support collection and sharing of information about potential impacts of PaMs on communities, and to facilitate involvement of stakeholders in identifying ways to increase the positive impacts of REDD+*);
- The National Land Use Policy and the One Map Myanmar initiative (*to strengthen available information for the assessment of impacts, to identify areas that might require special consideration in REDD+ planning, such as areas important for biodiversity and ecosystem services, and to support appropriate consideration of environmental and social objectives in PaMs that involve land use or management planning*);
- The planned system for monitoring and evaluation (M&E) of REDD+ implementation and the Safeguards Information System (SIS) (*to track social and environmental impacts of PaMs and inform possible adjustments to REDD+ practice*).

**Safeguard F:**

- The multi-stakeholder process to develop the National REDD+ Strategy, the EIA Procedure, and the FPIC process that is currently under development (*to provide processes that can be*

*used for the possible consideration of risks of non-permanence, and to foster broad ownership and support for REDD+);*

- The planned system for Monitoring and Evaluation of REDD+ implementation and the NFMS that is currently under development (*to identify any cases where the success of REDD+ PaMs is reversed, and to collect lessons learned for future adjustments of REDD+ practice*);
- The National Land Use Policy and PaMs included in the National REDD+ Strategy that involve participatory land use / management planning and improved adherence to existing plans (*to identify areas to be designated for different uses and reduce the risk that improvements in land use and management of natural resources are reversed at a later stage*);
- The planned review process for the National REDD+ Strategy (*to incorporate lessons learned from occurrences of reversals*).

#### **Safeguard G:**

- The multi-stakeholder process to develop the National REDD+ Strategy, the EIA Procedure, and the FPIC process that is currently under development (*to provide processes that can be used for the possible consideration of risks of leakage/displacement*);
- The planned system for Monitoring and Evaluation of REDD+ implementation and the NFMS that is currently under development (*to identify any cases where REDD+ PaMs lead to displacement of emissions, and to collect lessons learned for future adjustments of REDD+ practice*);
- The National Land Use Policy and PaMs included in the National REDD+ Strategy that involve participatory land use / management planning and improved adherence to existing plans (*to identify areas to be designated for different uses and reduce the risk of emissions displacement/leakage*);
- The planned review process for the National REDD+ Strategy (*to incorporate lessons learned from occurrences of emissions displacement/leakage*).

Some important **next steps** that have been identified to strengthen capacity in Myanmar to address and respect the Cancun safeguards relate to:

- Reviewing the membership of REDD+ coordinating bodies (to ensure all appropriate sectors are represented and social and environmental goals and impacts of REDD+ can be fully considered);
- Full operationalization of the FPIC process and GRMs;
- Development of a clear and consistently used definition of “indigenous peoples”;
- Achieving a long-term solution to allow recognition of land rights for communities practicing shifting cultivation;
- Development of guidance and capacity-building on safeguards for government staff in the agencies that will be planning and implementing REDD+ PaMs, including on obligations, procedures and good practice related to:
  - Stakeholder participation and FPIC,
  - Environmental Impact Assessment (EIA) and Strategic Environmental Assessment (SEA),
  - Assessment of potential social and environmental impacts (both positive and negative) for PaMs that don’t require EIA/SEA, including assessment of overall greenhouse gas

- balance and risks of emissions displacement, indirect land use change (including in non-forest ecosystems), and unintended incentives,
- Analysis of risks of non-permanence of PaMs, including risks linked to long-term funding, legal security and external influences like climate change or socio-economic change
- Use of maps of land cover (including identification of natural forest) and existing land uses in impact assessment, and identification, sourcing and use of other relevant data,
- Appropriate use of results from impact and risk assessment in the planning and implementation of PaMs to reduce risks and enhance benefits (with a focus on priority benefits identified in the national clarification),
- Socially and environmentally sustainable practices in land use and other activities relevant to REDD+ PaMs such as agriculture, plantation development, natural resource management, tourism development or renewable energy generation;
- Further development of processes to assess and address stakeholder capacity needs for participation in the planning and implementation of REDD+ PaMs, with particular attention to the needs of poor, vulnerable and marginalized groups;
- Development of further guidance on stakeholder identification, selection of representatives, communication and design of PaMs to ensure inclusive participation in all stages of PaMs development and implementation;
- Development of a clear definition of natural forests to be used across all aspects of REDD+, and accurate mapping of natural forests;
- Improving the collection and sharing of baseline and monitoring data related to the priority benefits from REDD+ identified in the national clarification, to support the planning and evaluation of PaMs, including through the planned SIS, REDD+ M&E system and NFI/NFMS;
- Incorporation of safeguard considerations in the design and operating procedures of the NFI/NFMS and M&E system, including to allow for the detection of reversals and emissions displacement;
- Development of Terms of Reference for the review of the National REDD+ Strategy, to include guidance on continued cross-sectoral coordination and stakeholder involvement, the participatory assessment of benefits and risks for proposed new PaMs, the selection and prioritization of PaMs to reduce risks and enhance benefits, and the incorporation of lessons learned from impact monitoring and any identified occurrences of reversals or emissions displacement;
- Identification of opportunities to pilot selected aspects of safeguards.

More detail is provided in the full report.

Overall, it can be concluded that Myanmar's national approach to the safeguards helps the country to meet the UNFCCC's safeguards requirements in a way that aligns with national goals and circumstances and makes full use of existing systems. It can thus contribute to the long-term sustainability of REDD+ in the country.

## 1. INTRODUCTION

### 1.1 Context and purpose of this Summary

The ‘Cancun safeguards’<sup>1</sup> are a set of social and environmental safeguards for REDD+, which were adopted at the 16th Conference of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC) in 2010. The safeguards aim to ensure that any social and environmental risks of REDD+ actions are minimized and that the benefits are enhanced. According to the relevant decisions of the UNFCCC, countries implementing REDD+ should meet three main requirements<sup>2</sup> in relation to safeguards:

- Promote and support the Cancun safeguards throughout the implementation of REDD+ actions, regardless of the source and type of funding;
- Develop a system for providing information on how the Cancun safeguards are being addressed and respected<sup>3</sup> (i.e. a safeguards information system, SIS); and
- Provide summaries of information on how all of the Cancun safeguards are being addressed and respected throughout the implementation of REDD+ actions.

Myanmar has undertaken a range of REDD+ readiness activities since 2011. Myanmar’s National REDD+ Strategy (NRS), finalized in 2019, sets out the actions, also known as Policies and Measures (PaMs), through which emission reductions, or increases in forest carbon stocks, are to be achieved, as well as the planned institutional arrangements for REDD+. In addition, the Strategy also describes the key steps undertaken to develop Myanmar’s national approach to addressing and respecting the Cancun safeguards, including the preparation of key elements such as the assessment of potential benefits and risks of REDD+, the national clarification of the safeguards, the design of a SIS, and the development of safeguards instruments, such as a Grievance Redress Mechanism (GRM).

The Government of Myanmar (GoM) intends to use REDD+ to contribute to the achievement of a climate resilient, low carbon and sustainable development path, through transformational change in the land-use and forestry sector by reducing deforestation and forest degradation while enhancing livelihoods, sustainable growth and development. Myanmar’s forests contribute to climate change mitigation and adaption and, through the ecosystem services they provide, contribute to sustainable economic development, thus contributing to the achievement of many of the targets under the Sustainable Development Goals (SDGs) in Myanmar. By establishing a transparent and efficient process for applying the Cancun safeguards at the national level, the GoM

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<sup>1</sup> Please see a glossary of terms relevant to this document [http://www.myanmar-redd.org/wp-content/uploads/2017/10/eng\\_1464707850.pdf](http://www.myanmar-redd.org/wp-content/uploads/2017/10/eng_1464707850.pdf).

<sup>2</sup> UN-REDD Programme Safeguards Coordination Group (2016) Concept brief: Country approaches to safeguards. Technical Brief 02. UN-REDD Programme, Geneva. <http://bit.ly/CASgds>

<sup>3</sup> ‘Addressing’ is commonly understood as: ensuring that a coherent body of PLRs, and associated institutional arrangements, are in place to deal with the potential benefits and risks associated with REDD+ actions, and in doing so, enabling the application of the Cancun safeguards in the country context and to meet country safeguard goals. ‘Respecting’ is commonly understood as: applying policies, laws and regulations, through the associated institutional (and individual) arrangements, to ensure they are implemented in practice and affect real and positive outcomes on the ground. Source: <https://www.unredd.net/knowledge/glossary.html>

can build confidence among stakeholders that mitigation actions in the forest and land use sectors will not proceed at the expense of environmental sustainability and social equity.

Activities to develop Myanmar's national safeguards approach began in March 2017 with a workshop to develop a Safeguards Roadmap<sup>4</sup>, which sets out the proposed goals and scope of the national safeguards approach, as well as a series of steps to develop this approach (these activities are described in detail in Section 2).

The purpose of this first Summary of Information (SoI) is to provide national information on a 'baseline' focused on safeguards activities carried out in Myanmar over the period from 2017 to 2019, and with reference to the five REDD+ activities covered in the National REDD+ Strategy. The Summary describes:

- How the safeguards have been considered during the REDD+ Readiness phase, including how they have been interpreted/clarified in the national context;
- What frameworks are currently in place to ensure that the safeguards will be addressed and respected during implementation of REDD+;
- What initial actions have been taken to ensure the safeguards are respected; and
- What next steps will be taken in the near future.

## 1.2 Development and validation of the Summary of Information

The development of Myanmar's first SoI began in May 2019 through the formation of a multi-stakeholder SoI Drafting Group (DG), based on a recommendation of the National Technical Working Group on Stakeholder Engagement and Safeguards (TWG-SES). The SoI Drafting Group was formed with representatives from Government ministries and civil society organizations, with the purpose of providing guidance on the preparation of Myanmar's first SoI. The members of the DG are from the following government agencies and non-governmental organizations: Department of Ethnic Rights, Ministry of Ethnic Affairs; Union Attorney General's Office; Department of Social Welfare, Ministry of Social Welfare, Relief and Resettlement; Department of Agriculture, Ministry of Agriculture, Livestock and Irrigation; Forest Research Institute, Forest Department, Ministry of Natural Resources and Environmental Conservation; Environmental Conservation Department, Ministry of Natural Resources and Environmental Conservation; Chin Human Rights Organization (CHRO); Myanmar Environmental Rehabilitation-conservation Network (MERN); and Promotion Of Indigenous and Nature Together (POINT); Indigenous Peoples/Ethnic Nationalities Network (IP/EN).

The SoI development process has included a broad multi-stakeholder consultation process, guided by the SoI Drafting Group and the TWG-SES. This has included:

- Three consultation meetings with the SoI-DG members, as well as bilateral discussions to obtain information for the SoI;
- A National Consultation workshop involving approximately 50 participants from government and non-government organizations, held in October 2019;

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<sup>4</sup> Myanmar REDD+ Safeguards Roadmap. Working document, version Sept. 2017. <https://www.unredd.net/documents/global-programme-191/safeguards-multiple-benefits-297/studies-reports-and-publications-1/16544-myanmar-redd-safeguards-roadmap-english.html>

- An online public comment period during November 2019; and several rounds of expert review by people working with the Myanmar UN-REDD Programme and other related initiatives; and
- Updates provided to the meetings of the TWG-SES in January and July 2019.

More details and a full list of the consultations related to the preparation of this SoI are provided in Annex 2; a table of comments received and how these were addressed is provided in Annex 3.

### 1.3 REDD+ context in Myanmar

Myanmar's vision for REDD+ is that Myanmar's forests play a leading role in contributing to climate change mitigation and adaption as part of the Nationally Determined Contribution (NDC) to the Paris Agreement of the UNFCCC. Through the ecosystem services they provide, forest protection, sustainable management and restoration through REDD+ can promote sustainable economic, particularly rural, development, thus contributing to the achievement of numerous SDG targets in Myanmar. In delivering the vision for REDD+, the goal of Myanmar's NRS is *"to contribute to the achievement of a climate resilient, low carbon and sustainable development path of the country through transformational change in the land-use and forestry sector by reducing deforestation and forest degradation while enhancing livelihoods, sustainable growth and development."*

This goal aligns with the Myanmar Climate Change Strategy and Action Plan (MCCSAP) and the 10-year National Reforestation and Rehabilitation Programme (NRRP, 2017-2026). Myanmar's NDC presents the same vision as the MCCSAP: achieving climate resilient, low-carbon, resource efficient and inclusive development as a contribution to sustainable development. REDD+ is a major instrument for implementation of the NDC, as forest-based activities constitute a major part of both its mitigation and adaptation components.

#### 1.3.1. The development of Myanmar's National REDD+ Strategy

The process leading to the formulation of the Strategy began in 2012, with the preparation of a "REDD+ Readiness Roadmap". The Roadmap set out issues to be addressed in Phase 1 of the REDD+ process, identifying work to be undertaken under six components:

- Management of REDD+ Readiness Arrangements
- Stakeholder Consultation and Participation
- Development and Selection of REDD+ Strategies
- Implementation Framework and Safeguards
- Development of a National Reference Level and Reference Emissions Level
- Development of a National Forest Monitoring System

The preparation of the Roadmap and subsequent activities in the Readiness phase have been guided by three multi-stakeholder Technical Working Groups: Drivers and Strategy; Stakeholder Engagement and Safeguards; and Measurement, Reporting and Verification (MRV).

The following section outlines key elements of the NRS, based on the final draft of 2019; following consultations and review, the Strategy is expected to be approved in 2020.

### ***Drivers of Forest Change***

A major activity in the development of the NRS was a detailed analysis<sup>5</sup> of the drivers of change in Myanmar's forests as well as of the barriers to increased conservation, sustainable management of forests and enhancement of forest carbon stocks. This analysis informed the development of PaMs and examined both direct and indirect drivers of deforestation and forest degradation. These drivers include:

#### ***Direct drivers:***

- **Agriculture:** as a driver of deforestation, this includes two categories, “large-scale”, industrial agriculture, characterized by agribusiness, and “small-scale” agriculture, involving small-holders expanding their land holdings without formal permission. Agribusiness concessions are awarded for a range of agricultural commodities, including oil palm, rice and pulses. Such concessions are almost always based on allocation from “Vacant, Fallow and Virgin” (VFV) lands<sup>6</sup>.
- **Mining:** including large-scale industrial mines and small-scale artisanal mining. At a national level, the total area of forest lost to mining is modest, although other environmental impacts (pollution), as well as health and human rights issues are a major concern.
- **Hydropower:** although Myanmar's current hydropower production is modest (3,221 MW installed capacity), there is pressure to expand hydropower to meet electrification targets. However, the total area of forest lost would be relatively small even if all proposed hydropower installations are established.
- **Infrastructure development for roads and urban areas:** this is considered a minor driver since the total area of forests destroyed is small, but it also serves as a “facilitating” driver in providing access to previously inaccessible areas for other drivers such as agriculture.
- **Legal logging (over-exploitation):** the imposition of high timber harvesting targets beyond the Annual Allowable Cuts (AAC), together with unsustainable revenue targets of the Myanmar Timber Enterprise (MTE), have contributed to overexploitation in the past. Since 2016, the GoM is committed to improving the country's timber legality assurance system (MTLAS) and reforms are underway to improve legal logging, including the reduction of the AAC, though improvements will take time.
- **Illegal logging:** such as unauthorized timber harvesting or the cutting of unmarked trees in legal harvesting areas, facilitated by the export of conversion timber, and export of timber across land borders.
- **Fuelwood use:** as around 80% of households in Myanmar are still dependent on solid biomass for cooking. This is due to the low cost of fuelwood, lack of access to alternative fuels, and the high cost of alternatives.
- **Shifting cultivation:** although no recent estimate exists of the extent of land under shifting cultivation in Myanmar, most farmers living in rural upland areas (about 42% of

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<sup>5</sup> Myanmar UN-REDD Programme. 2017. Drivers of deforestation and forest degradation in Myanmar. <http://www.myanmar-redd.org/wp-content/uploads/2018/02/Myanmar-Drivers-Report-final.pdf>

<sup>6</sup> The Law Amending the Vacant, Fallow and Virgin (VFV) Lands Management Law (2018) defines vacant and fallow land as land on which agriculture or livestock raising can be carried out, which was previously tenanted but then abandoned, and which is now reserved by the State. Virgin land is defined as wild land and wild forest land where cultivation has never occurred.



the country's population) likely practice shifting cultivation, and it has enormous importance for food security and livelihoods. Shifting cultivation is one component of customary tenure systems, which also include permanent agriculture gardens, orchards, and forests.

*Indirect drivers*

- Inefficient institutional arrangements including overlapping and conflicting mandates, and weak coordination between ministries, which make it easier to convert forests to other uses, and weak enforcement of the law.
- Land grabbing facilitated by insufficient or ineffective protection of traditional land or forest tenure rights, coupled with the lack of fair and transparent land conflict resolution mechanisms and structures;
- Long-running internal conflicts, which the GoM has started to address but which still affect the implementation of policies and laws;
- Weak governance fostering corruption, illegality and organized crime in many economic sectors;
- Ecosystem services of forests are undervalued and/or not considered in policy and investment decisions;
- Poverty and lack of alternative livelihoods;
- Poor quality of data on forests, production and trade, and weak coordination of data collection, analysis and display among sections of the Government; and
- Insufficient government capacity and limited participation of local people in natural resource management.

*Barriers to conservation, sustainable management and enhancement of forest carbon stocks*

- Barriers to the sustainable management of forests in Myanmar are identified as being the same as the indirect drivers of non-sustainable timber harvesting (see above).
- Barriers to increased conservation through the protected area system relate to the complexity of the gazetting process, and insufficient capacity to address the links to land tenure and the rights of local communities, combined with other individual and institutional capacity gaps.
- Barriers to carbon stock enhancement also include capacity limitations, as well as a lack of incentives to encourage greater investment in afforestation and reforestation.

In general, the centrality of agriculture to the Myanmar economy, emerging policies and strategies, and improved market access and technologies are expected to lead to potentially greater rates of deforestation due to the introduction of well-funded investors, weak land-tenure arrangements, low governance effectiveness and overlapping and conflicting priorities of the forestry and agricultural sectors. The broad national challenge in addressing the drivers of deforestation and forest degradation is to initiate environmental governance reforms in the face of significant pressures of land grabbing, opportunistic resource extraction and infrastructure development, as well as to clarify land-tenure arrangements and significantly strengthen the coordination of the forestry and agriculture sectors.

### ***Scope and content of Myanmar's National REDD+ Strategy***

The NRS will be implemented throughout the national territory of Myanmar, prioritizing the application of PaMs in areas subject to strong drivers of deforestation or forest degradation, or where significant barriers to conservation, sustainable management of forests and enhancement of forest carbon stocks exist. The Strategy covers all five REDD+ activities, though priority will be given to those activities for which monitoring and reporting capacities exist (currently reducing deforestation, and enhancement of carbon stocks through afforestation and reforestation), and to those activities likely to have a significant mitigation benefit even though monitoring and reporting capacities currently do not exist (reducing degradation, and enhancement of carbon stocks through rehabilitation of degraded natural forests).

The timeframe for the NRS is open-ended, with implementation phases proposed, such as investment planning and preparation during 2019-2021, and early implementation in 2020-2023. The following factors have also been considered: the targets set by the Strategy itself and in relevant national and international policy documents; and the need to review changes in drivers, the efficacy of PaMs, changes in the political situation, and changes in governmental institutional mandates. The NRS is thus considered a “living document” and may be reviewed and modified at any time (with review anticipated no later than five years after approval).

The PaMs set out in the final draft NRS are organized into seven ‘action packages’:

1. Legal/regulatory reform
2. Land management rationalization
3. Finance and incentivization
4. Awareness, capacity development and training
5. Governance improvement
6. Diversification of energy supplies and addressing demand for biomass energy
7. Technical support

The NRS also includes information on: Myanmar's Forest Reference Level (FRL), with a revised FRL published on the UNFCCC website in January 2019; the National Forest Monitoring System (NFMS), which will include a strengthened satellite-based land monitoring system and a National Forest Inventory (NFI), currently being piloted; and the safeguards approach and progress towards establishment of a SIS.

## **2. MYANMAR'S NATIONAL SAFEGUARDS APPROACH**

The primary aim of REDD+ is to incentivize developing countries to reduce the emissions of greenhouse gases (GHGs) into the atmosphere by maintaining and enhancing forest carbon stocks. The UNFCCC decisions on REDD+ also recognize the potential of REDD+ actions to deliver positive social and environmental impacts that go beyond climate change mitigation, and further highlight the need to prevent adverse impacts on people and the environment. The social and environmental safeguards for REDD+ aim to guide countries in their efforts to implement REDD+ in a way that ensures beneficial outcomes are enhanced and risks to people and nature are reduced.

A national approach to the safeguards allows a country to meet the UNFCCC's Cancun safeguards (and potentially other relevant safeguard requirements, such as those of institutions financing

REDD+ implementation or making payments for results) in a way that aligns with national circumstances and makes full use of existing systems and processes in the country. It also allows a country to consider what the international safeguards mean in the national context, how they are to be applied and how safeguards can assist with achieving national policy goals. By doing this, it can foster greater confidence in REDD+ implementation, contributing to its long-term sustainability.

Myanmar's national approach to the safeguards comprises several elements that will be described in greater detail in the subsequent sections of this Summary:

- A national clarification of the Cancun safeguards, using a 'principles and criteria' approach, to be further complemented by indicators in the SIS;
- The application and strengthening of key national policies, laws and regulations which have been identified as supportive of addressing and respecting the safeguards; and
- The development and use of certain safeguards-relevant procedures and instruments to complement the existing legal framework and address priority risks and benefits related to REDD+ planning and implementation in the country.

## 2.1 Development of Myanmar's national safeguards approach

The development of the national safeguards approach has been carried out under the auspices of Myanmar's Technical Working Group on Stakeholder Engagement and Safeguards (TWG-SES), with substantial involvement of a broad range of stakeholders, experts and the Myanmar National UN-REDD Programme. This process was embedded within the inclusive institutional structure for stakeholder participation and consultation that has been established for developing and implementing REDD+ in Myanmar. The technical working groups (TWGs) are the first level within this structure. The main role of the TWGs is to discuss proposals and options in their topic area and provide information and decision support to the REDD+ Taskforce<sup>7</sup>, taking into account relevant and available advice and guidance.

The TWG-SES was established in 2016, in order to guide work on identifying and engaging with REDD+ stakeholders and the development of Myanmar's national safeguards approach. Members represent: Planning and Statistics Division, Forest Department, MONREC; Nature and Wildlife Conservation Division, Forest Department, MONREC; Watershed Management Division, Forest Department, MONREC; Education and Extension Division, Forest Department, MONREC; Forest Research Institute, Forest Department, MONREC; General Administration Department, Ministry of Home Affairs (MOHA); Planning Department, Ministry of Agriculture, Livestock and Irrigation (MOALI); Department of Rural Development, MOALI; Small-scale Industrial Department, MOALI; Department of Social Welfare, Ministry of Social Welfare, Relief and Resettlement (MSWRR); Myanmar Environmental Rehabilitation-Conservation Network

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<sup>7</sup> The REDD+ Taskforce provides coordination, guidance and oversight for all REDD+ related programmes, projects and initiatives in Myanmar. The Chair and Secretary are from the Forest Department and the members are representatives of: Environmental Conservation Department, Department of Mines, Agricultural Planning Department, Agricultural Land Management and Statistics Department, Irrigation and Water Utilization Department, Budget Department, Planning Department, General Administration Department, MERN, POINT, MRPPA, and KBZ Bank.

(MERN); Metta Development Foundation; Friend of Wildlife (FOW); Promotion of Indigenous People and Nature Together (POINT); Kachin Conservation Working Group (KCWG); and Myanmar Indigenous Peoples / Ethnic Nationalities (IP/EN) Network.

## 2.2 Key steps in developing the safeguards approach

***The Safeguards Roadmap***<sup>8</sup>: Developed in 2017, the Roadmap provides information on the proposed goals and scope of Myanmar's safeguards approach, an overview of UNFCCC safeguards requirements, and a description of completed or ongoing initiatives in Myanmar that are relevant to the safeguards. As well as presenting the conceptual framework for the development of country approaches to safeguards, this document sets out the planned steps for safeguards work in Myanmar, as per the discussions held under the TWG-SES.

***Identifying goals & scope***: Working definitions for the goals and scope of Myanmar's safeguards approach were agreed as part of the process to develop the Safeguards Roadmap, noting that the goals and scope may be revised and updated over time as needed. The current goals for the national safeguards approach are:

- Meet the REDD+ safeguards requirements of the UNFCCC;
- Support the social, economic and environmental dimensions of sustainable development, as well as the sustainability of forest resources;
- Support good governance and improved land and forest tenure;
- Ensure that the application of the safeguards aligns with existing environmental and social laws, including environmental and social impact assessment;
- Facilitate compliance with the safeguards frameworks of possible development partners (e.g. Green Climate Fund, GCF).

The scope of the safeguards approach is defined initially to cover the REDD+ PaMs included in the NRS. It was agreed that a widening of this scope to include further programmes involving 'payments for ecosystem services'<sup>9</sup> from forests will be considered at a later stage.

***Assessing benefits and risks***: The assessment of the potential environmental and social benefits and risks of the proposed PaMs in the draft NRS was an important step, which fed into the design of the PaMs, as well as other elements in Myanmar's safeguards approach. Myanmar undertook its assessment of benefits and risks from REDD+ in 2017-2018, involving a number of steps:

- A desk-based review of potential benefits and risks of the proposed REDD+ PaMs in the draft National REDD+ Strategy;
- Consultations at the subnational level on selected proposed PaMs, including discussion of their potential benefits and risks;

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<sup>8</sup> MONREC and Myanmar UN-REDD Programme. 2017. Myanmar REDD+ Safeguards Roadmap. Working document, version Sept. 2017. <https://www.unredd.net/documents/global-programme-191/safeguards-multiple-benefits-297/studies-reports-and-publications-1/16544-myanmar-redd-safeguards-roadmap-english.html>

<sup>9</sup> Please see glossary for a definition of 'payments for ecosystem services': [http://www.myanmar-redd.org/wp-content/uploads/2017/10/eng\\_1464707850.pdf](http://www.myanmar-redd.org/wp-content/uploads/2017/10/eng_1464707850.pdf)

- A national-level workshop<sup>10</sup> held in February 2018 on the benefits and risks identified, to refine the results and suggest measures to enhance benefits and reduce risks;
- The preparation of recommendations for the design of PaMs and the NRS.

A table showing the identified benefits and risks summarized by safeguard is provided in the supplementary report ‘Analysis of the potential benefits and risks of PaMs proposed for the Myanmar National REDD+ Strategy: summary by safeguard’<sup>11</sup>.

**Reviewing policies, laws and regulations (PLRs):** Understanding a country’s existing framework of PLRs on social and environmental issues is a key step towards designing an effective and nationally appropriate approach to safeguards application. The review of PLRs in Myanmar included a general assessment of the policy framework for REDD+, as well as an assessment of how the existing PLR framework may support the country to address and respect the safeguards<sup>12</sup>. The report on the safeguards-specific assessment gives an indication of areas where the safeguards are already well covered by the current PLR framework, and areas where additional reforms or procedures might be advisable. It is also worth noting that Myanmar’s PLR framework at present is not applied uniformly across the whole of the national territory, due to the ongoing armed conflict in some regions and the fact that some areas are under the *de facto* control of Ethnic Armed Organizations (EAOs). Rules or procedures established specifically for the governance of REDD+ activities (such as the establishment of a Grievance Redress Mechanism, GRM, see below) may, therefore, have special importance for ensuring that the safeguards are also applied to interventions that may take place in EAO-controlled areas. Information obtained in the review of PLRs has been included in Section 3 below on how safeguards are addressed and informs the recommendations on gap-filling measures.

**National clarification of safeguards:** The development of a national clarification of the Cancun safeguards<sup>13</sup> has formed an essential step in Myanmar’s Safeguards Roadmap and involved substantial stakeholder input via workshops<sup>14</sup> and an online comment period. Myanmar’s national safeguards clarification explains what the principles of the Cancun safeguards mean in the national context and uses terms that are understood and accepted by a national audience. It identifies priority issues - for example, which environmental and social co-benefits of REDD+ are most important - and takes into account the existing framework of PLRs in the country. The clarified safeguards form the structure of Section 3, which examines how each of the safeguard principles and criteria is being addressed and respected.

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<sup>10</sup> Workshop report available at: <https://unredd.net/documents/global-programme-191/safeguards-multiple-benefits-297/studies-reports-and-publications-1/16661-workshop-report-national-workshop-for-assessing-benefits-and-risks-of-redd-in-myanmar.html>

<sup>11</sup> Also available at: <http://www.myanmar-redd.org/wp-content/uploads/2017/10/Myanmar-benefits-and-risks-summary-by-safeguards-July-2019.pdf>

<sup>12</sup> General PLR review available at: <http://www.myanmar-redd.org/wp-content/uploads/2018/10/Report-on-PLR-review.pdf>; Safeguards specific PLR review available at: <http://www.myanmar-redd.org/wp-content/uploads/2018/10/PLR-Review-Safeguards-Summary-Report-May-2019-final.pdf>

<sup>13</sup> Available in Myanmar language and English at: <http://www.myanmar-redd.org/national-clarification-of-the-unfccc-redd-safeguards-for-myanmar-myanmar-language-version-is-now-available.html>; [http://www.myanmar-redd.org/wp-content/uploads/2017/10/Myanmar-National-Clarification-of-Cancun-Safeguards-2019\\_Final-Eng.pdf](http://www.myanmar-redd.org/wp-content/uploads/2017/10/Myanmar-National-Clarification-of-Cancun-Safeguards-2019_Final-Eng.pdf)

<sup>14</sup> For example, a national workshop on the clarification held in June 2018: <https://unredd.net/documents/global-programme-191/safeguards-multiple-benefits-297/studies-reports-and-publications-1/16956-report-on-myanmar-national-clarification-workshop-june-2018.html>

### 2.3 REDD+-specific safeguards instruments and procedures

It is recognised that Myanmar's existing PLR framework should be complemented by a number of REDD+-specific instruments and procedures, in order to ensure that the safeguards are addressed and respected. A number of these procedures and instruments are already under development and testing through the Myanmar UN-REDD Programme. In the future, some processes may also be strengthened or developed through specific PaMs (such as the promotion of participatory and gender equitable subnational land use planning processes), while others may require action beyond the forest sector and the REDD+ programme (such as processes to identify and ensure respect of customary rights to land and forest resources). Two key instruments under development in Myanmar, both of which are expected to play an important role in helping Myanmar to respect the safeguards throughout REDD+ implementation, are described below. In addition to these, other safeguards-relevant instruments include an equitable and transparent benefit sharing system (under development), and a REDD+ Communications and Knowledge Management strategy (adopted in 2019).

#### ***Free, Prior and Informed Consent (FPIC)***

As REDD+ may lead to changes in the governance of resources that could have an impact on the rights of local community members and indigenous people, the right of local stakeholders to give or withhold their consent for PaMs being planned in their areas will be recognized in REDD+ planning and implementation in Myanmar. Consistent with international human rights instruments and other treaty obligations, potentially impacted indigenous peoples and other forest-dependent communities have the right to participate in and consent to, or withhold consent from, a proposed action. To be able to exercise their rights in relation to REDD+, indigenous peoples and local communities may need assistance to understand their rights and to advocate for these rights to be recognized and respected by government and other actors. The review of Myanmar's safeguard-relevant PLRs showed that there are already a number of policies and regulations related to FPIC in the country (also further detailed in Section 3, Principle C, below). In addition, some national guidance documents on FPIC and related issues have also been prepared. These include the 'Guidelines for Stakeholder Engagement in Policies and Programmes for Sustainable Forest Management and REDD+'<sup>15</sup>, which contain information on FPIC and an 'Appraisal Checklist for FPIC', and are consistent with global UN-REDD guidance on FPIC. Piloting of these FPIC guidelines has taken place in Mon State in 2019, which is expected to result in refined guidance specific to Myanmar. The Forest Department (MONREC) has also developed a set of FPIC guidelines, and together with the Wildlife Conservation Society (WCS) is developing a Standard Operating Procedure for FPIC for the establishment of new protected areas.

#### ***Grievance Redress Mechanism (GRM)***

A GRM for REDD+ in Myanmar has been proposed, which will aim to address concerns that are raised in connection with REDD+ promptly and fairly. The GRM is considered one of the elements of an effective FPIC process, and as a mechanism through which suggestions for improvements in REDD+ implementation or administration can be submitted. The proposed GRM is still under

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<sup>15</sup> Myanmar UN-REDD Programme. 2016. Guidelines for Stakeholder Engagement in Policies and Programmes for Sustainable Forest Management and REDD+. <https://www.unredd.net/documents/fpic-repository-1/guidelines-1/16842-guidelines-for-stakeholder-engagement-in-policies-and-programmes-for-sustainable-forest-management-and-redd.html>



development, though a number of principles and features have been identified. Some key principles for the GRM include:

- Dealing with grievances at the lowest level possible;
- Objectively and fairly dealing with grievances involving parties in different positions/power levels;
- Functioning and reporting promptly and continuously, while also being cost-effective;
- Providing communicational materials/information in languages understood in communities;
- Developing further targets/key performance indicators together with input from communities.

The proposed design of the REDD+ GRM includes features such as grievance officers, the provision of training on the GRM to grievance officers and PaMs implementing agencies, awareness raising with communities, and establishment of a grievance database. Following recommendations from a national workshop in March 2019, the Village Tract level was selected for the FPIC and GRM pilot, which was carried out in 10 Village Tracts of Paung Township, Mon State. The results from the pilot study will be reflected in the final design of the REDD+ GRM and the development of related guidelines/materials.

#### 2.4 Other safeguards frameworks relevant to Myanmar

Application of the seven Cancun safeguards is a basic requirement for countries to be eligible for results-based payments under the UNFCCC. However, Myanmar is also considering future application of other international safeguard standards relevant to potential sources of funding for REDD+.

For example, the Green Climate Fund (GCF) is a funder of REDD+ PaMs and also makes results-based payments. The GCF adopted an Environmental and Social Policy in 2018<sup>16</sup>, which sets out how the Fund integrates environmental and social considerations into its decision-making and operations to manage environmental and social risks and impacts and improve outcomes; GCF-funded projects are expected to apply this Policy in their design and implementation.

Other potential funders of REDD+ PaMs and related climate change initiatives in Myanmar may include development banks such as the Asian Development Bank and the World Bank. Both of these banks have specified their own mechanisms to prevent funds being spent on activities that could have negative impacts. For example, projects funded by the World Bank are required to meet the safeguards obligations specified in the Bank's Environmental and Social Framework (ESF)<sup>17</sup>.

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<sup>16</sup> Green Climate Fund (GCF). March 2018. Environmental and social policy. Decision B.19/10.

[https://www.greenclimate.fund/documents/20182/574763/GCF\\_policy\\_-\\_Environmental\\_and\\_Social\\_Policy.pdf/aa092a12-2775-4813-a009-6e6564bad87c](https://www.greenclimate.fund/documents/20182/574763/GCF_policy_-_Environmental_and_Social_Policy.pdf/aa092a12-2775-4813-a009-6e6564bad87c)

<sup>17</sup> For more information on the World Bank's ESF, please see: <https://projects-beta.worldbank.org/en/projects-operations/environmental-and-social-policies>

## 2.5 The Safeguards Information System

Decision 12/CP.17 of the UNFCCC clarifies that the development of an SIS is a prerequisite for results-based payments and provided further guidance on SIS features. Myanmar began developing a design for its SIS in 2018, under the auspices of the TWG-SES, and with substantial stakeholder input. The following section summarizes the key design elements according to the current state of discussions: objectives; information content and structure; institutional roles and responsibilities; and proposed technological arrangements. The design of Myanmar's SIS is more fully described in the report 'Design of Myanmar's REDD+ Safeguards Information System'<sup>18</sup>.

### **Objectives of Myanmar's SIS**

The current agreed objectives of the SIS are:

- Meeting UNFCCC requirements on safeguards to become eligible for results-based payments;
- Attracting support for financing REDD+ implementation from public, private and other sources;
- Strengthening links to other relevant national information systems and information sharing;
- Contributing to evidence-based policy-making and policy implementation in relevant sectors, such as forestry, agriculture and biodiversity conservation.

### **Information content and structure**

Determining what information is needed to demonstrate that safeguards are addressed and respected is an important consideration for the design of an SIS. Information needs for Myanmar's SIS were identified based on the national clarification of the Cancun safeguards, and a proposed information structure was developed. Myanmar's SIS will be structured in line with its national clarification of the safeguards, using a 'principles, criteria and indicators' approach. For each safeguard principle, the structure comprises several criteria, and then narrative text and proposed indicators under each criterion. The current initial set of proposed indicators that has been developed will need further refinement and prioritization, and not all criteria will be covered by indicators in the first iteration of the SIS.

### **Information systems and sources**

UNFCCC guidance on SIS encourages countries to build on existing systems and sources of information relevant to safeguards as far as possible. An assessment of potentially useful existing information systems and sources in Myanmar was carried out during 2018-2019. Using the identified information needs as a starting point, this assessment examined key information systems and sources, ranging from databases under the Central Statistical Organization, to reporting processes for international conventions, and national reporting processes managed by institutions such as the General Administrative Department (GAD) and the Environmental Conservation Department (ECD). More detail on the likely providers of information for the SIS is provided in Table 1 below. In addition, the SIS will in the future be linked to the NFMS, which is currently at

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<sup>18</sup> Myanmar UN-REDD Programme. 2019. Design of Myanmar's REDD+ Safeguards Information System. Draft, version October 2019.



the design stage; a number of planned elements of the NFMS are expected to contribute relevant information for the SIS, in particular with regard to Safeguards A, B, E, F and G. The SIS will also integrate information from the monitoring and evaluation framework for the country's implementation of REDD+, which will be developed in the future. Given that a portion of the information needed to show that Myanmar is addressing and respecting the safeguards will only be available through collection of new data, the M&E system is one of the most promising potential information sources. Synergies will be sought as this framework is developed.

### **Institutional arrangements, roles and responsibilities**

There are a range of tasks related to the establishment and operation of an SIS, from requesting data to processing and analysing it, to sharing information with stakeholders. Based on the assessment of information systems and sources, as well as consultations with stakeholders and key government representatives, the following institutional roles and responsibilities have been proposed for administering Myanmar's SIS<sup>19</sup>:

*Table 1: SIS roles and responsibilities in Myanmar*

<b>SIS functions / roles</b>	<b>Institution/s</b>
<b>'Patron' of the SIS</b> <i>(High-level support for setting up the SIS, e.g. ensuring that the necessary mandates, inter-institutional arrangements and processes are put in place).</i>	Ministerial level: MONREC. Data requests may also be issued by the Permanent Secretary of MONREC, on behalf of the Minister.
<b>Lead institution(s) for implementation of safeguards and SIS</b> <i>(Institution with overall responsibility to ensure that REDD+ safeguards are addressed and respected, and a functioning SIS is put in place).</i>	The Forest Department (MONREC) is currently the lead institution for all work relating to REDD+ implementation and coordination, and therefore also leads on development of the safeguards approach and the SIS. The establishment of a REDD+ National Coordination Unit (NCU) has been proposed in the NRS, which would include staff with the responsibility to lead work on the safeguards and SIS.
<b>Host of SIS database</b> <i>(Operating the SIS database and webpage, including collating data from all contributing organizations).</i>	The Central Statistical Organization (CSO) is proposed to host the SIS database and webpage in Myanmar. The CSO currently has a mandate to collect data from a range of agencies.
<b>Providers of data / information</b>	The following institutions have been identified as the main potential data providers for the SIS:

<sup>19</sup> Myanmar UN-REDD Programme. 2019. Design of Myanmar's REDD+ Safeguards Information System. Draft, version October 2019

<p><i>(To be fulfilled by a range of organizations from various sectors, and most likely from the national, subnational and local/site level)</i></p>	<ul style="list-style-type: none"> <li>• Forest Department / MONREC (including via the National Forest Monitoring System, NFMS)</li> <li>• ECD / MONREC;</li> <li>• Department of Agriculture, Department of Agricultural Land Management and Statistics, Department of Rural Development / MOALI;</li> <li>• General Administrative Department (GAD), including local GAD offices</li> <li>• Central Statistical Organization / MOPF</li> <li>• Department of Ethnic Rights / Ministry of Ethnic Affairs (MoEA)</li> <li>• Dry Zone Greening Department / MONREC</li> <li>• Anti-Corruption Commission</li> <li>• Department of Population / Ministry of Immigration and Population (MOIP)</li> <li>• Department of Social Welfare, Department of Disaster Management / Ministry of Social Welfare, Relief and Resettlement</li> <li>• Department for Development for Border Areas and National Races / Ministry of Border Affairs</li> <li>• Social Security Board / Ministry of Labor</li> <li>• Department of Meteorology and Hydrology / Ministry of Transport and Communication</li> <li>• NGOs</li> </ul> <p>The first phase of the SIS will focus on data held by a smaller number of agencies: MONREC, MOALI, GAD, CSO and MoEA.</p>
<p><b>Data processing, analysis and interpretation</b></p> <p><i>(Processing of data, interpretation of data, and the production of text for the database/website).</i></p>	<p>The REDD+ lead institution will play a key role in analyzing safeguards information. The exact division of tasks between the lead and SIS host, and the methods for processing and analyzing data, are to be determined. It is proposed that these tasks be supported by a new SIS Working Group, as the information will come from a range of sectors and require sectoral expertise to analyze it.</p>
<p><b>Review/validation of data and/or text</b></p> <p><i>(Assessing the completeness, consistency and accuracy of information, as well as the appropriateness of the conclusions drawn from it).</i></p>	<p>Information in the SIS should be reviewed, and this role should be fulfilled by a range of government and non-government stakeholders, including representatives of ethnic groups. Ministries, for example, should approve the use of their own data. Information in the SIS must also be fully referenced, so that the sources are clear. The SIS Working Group will help to check the quality and consistency of data and could play a role in the development of future SoIs.</p>
<p><b>Production of reports, including the SoI</b></p>	<p>The SIS is expected to contribute to a number of reporting processes:</p> <ul style="list-style-type: none"> <li>• The development of SoIs, for submission to the UNFCCC</li> <li>• Information on safeguards for inclusion in Biennial Update Reports (BURs), also for the UNFCCC</li> <li>• Regular national reporting on REDD+ implementation.</li> </ul>

	Reporting is to be coordinated by the proposed REDD+ NCU.
<b>Approval of SIS content and reports</b>	Final sign-off of SIS information for publication (e.g. to be shared online or in reports) will be by MONREC.
<b>Submission of SoI to UNFCCC</b>	Responsibility for this currently lies with MONREC.
<b>Review of SIS operations and identification of areas for improvement</b>	This process should be coordinated by the lead institution and involve the relevant government agencies as well as stakeholder representatives.

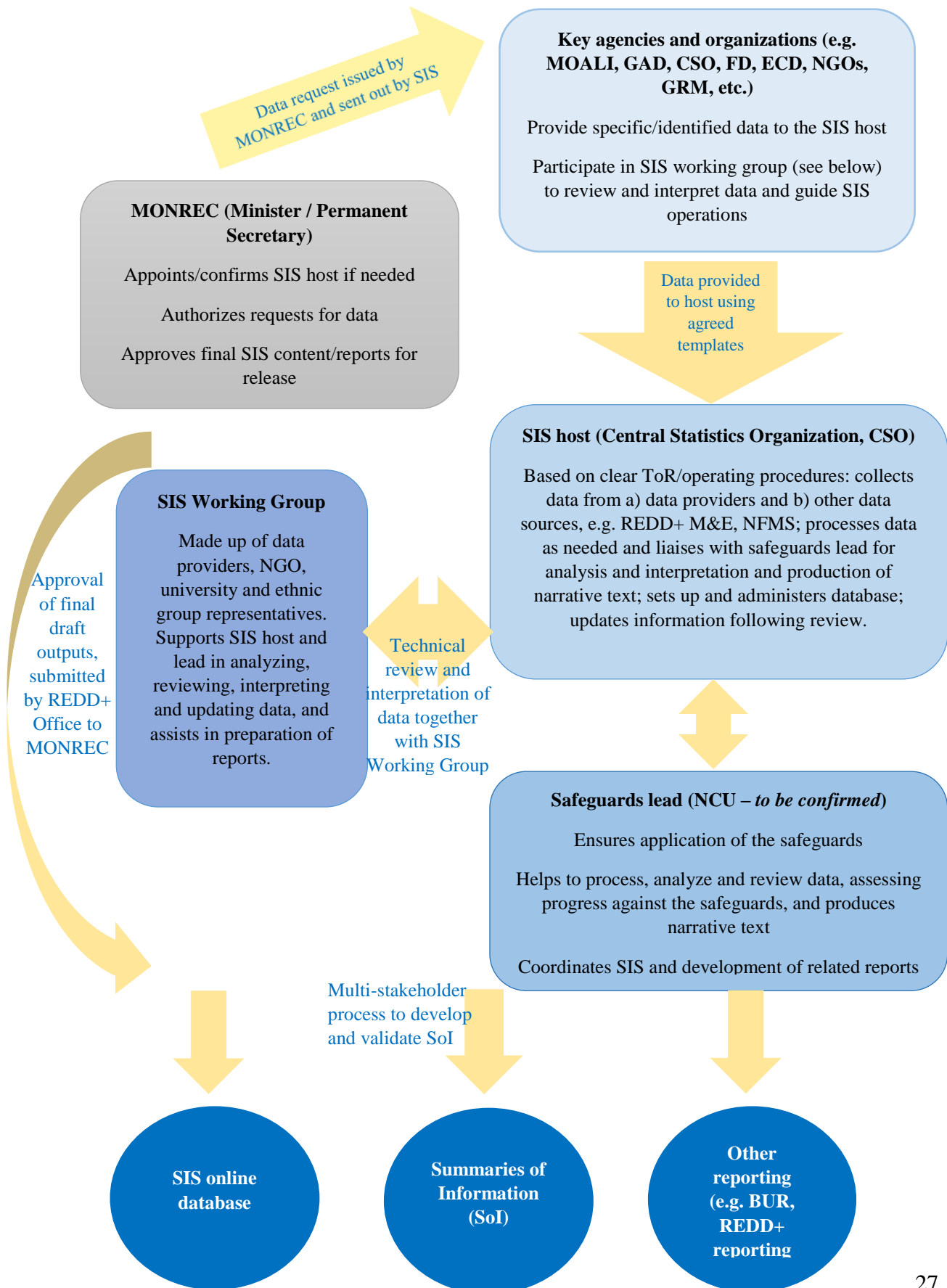
### SIS technical and operational arrangements

Myanmar's SIS will be established using a phased approach: Phase 1 (2019-2021) will focus on establishing a functioning SIS that provides initial information on all safeguards, in order to meet UNFCCC minimum requirements. As of late 2019, initial steps have included confirming institutional arrangements, drafting and prioritising indicators for the SIS, and beginning development of an operationalisation plan. An online database is envisaged, at first containing mainly information coming from the five key institutions (MONREC, MOALI, GAD, CSO and MoEA). Phase 2 (2022-2025) will focus on improving the information in the SIS. A number of key technical and operational features have been proposed for Myanmar's SIS, as follows:

- *It will include an online database, accessible to the public:* An online SIS database will be developed in Phase 1 that will transparently share information with REDD+ stakeholders and the public, both nationally and internationally.
- *The SIS will include different types of data:* Myanmar's SIS will follow a 'principles, criteria and indicators' approach, which will present a range of different information types, including qualitative data (e.g. on how particular PLRs are relevant to addressing safeguards criteria), quantitative data (e.g. on the numbers of participants in REDD+ planning consultations, or statistical data on socio-economic trends in REDD+ implementation areas), and spatial data where relevant (e.g. maps showing the location of REDD+ implementation areas or distribution of natural forests).

The proposed institutional arrangements for the operation of the Myanmar SIS are shown below in Figure 1.

Figure 1: Proposed institutional arrangements for Myanmar's SIS



### 3. PROGRESS MADE ON CLARIFYING, ADDRESSING AND RESPECTING THE SAFEGUARDS

The national clarification of the Cancun safeguards for Myanmar follows a structure of principles and criteria. It was prepared with inputs from the TWG-SES and other stakeholders, including through a national multi-stakeholder workshop<sup>20</sup> in Nay Pyi Taw in June 2018, an online commenting period in October/November 2018, and feedback from additional consultations conducted by CHRO. The draft was discussed and approved by the National REDD+ Task Force in January 2019 and finalized in May 2019.

The following section of the SoI sets out these principles and criteria, together with information on the PLRs and other arrangements that are currently in place to address them, and where possible, how they are being respected (recognizing that at this early stage of REDD+ planning and implementation in Myanmar, full information on how safeguards are respected is not yet available). Institutional responsibilities for key PLRs and/or safeguards instruments are also noted. In addition, notable gaps that have been identified in the arrangements and capacities for addressing and respecting safeguards are also described, along with priority planned measures to address these gaps in the future.

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<sup>20</sup> Myanmar UN-REDD Programme. 2018. Report on National Clarification Workshop. Nay Pyi Taw, 28-29 June 2018. <https://unredd.net/documents/global-programme-191/safeguards-multiple-benefits-297/studies-reports-and-publications-1/16956-report-on-myanmar-national-clarification-workshop-june-2018.html>

## INFORMATION ON HOW THE SAFEGUARDS ARE ADDRESSED AND RESPECTED

Principle A. REDD+ Policies and Measures in Myanmar should complement or be consistent with the objectives of national forest programmes and relevant international conventions and agreements	
<p><b>Criterion A1.</b> REDD+ Policies and Measures in Myanmar should be designed and implemented so that they are consistent with the objectives of relevant national policies and programmes, including those related to forestry, climate change, environmental management, land use, biodiversity conservation, disaster risk reduction, sustainable development, human rights, workers' rights, transparency and gender equality. Potential conflicts between the objectives of national policies and programmes and REDD+ PaMs should be identified and resolved.</p>	<p><b>How this criterion is addressed:</b></p> <ul style="list-style-type: none"> <li>• The following set of national policies and programmes have been identified as key priorities in Myanmar, which REDD+ should align with and support where possible (see Annex 2 for more detail): <ul style="list-style-type: none"> <li>○ National Forest Policy (1995) and National Forest Law (2018)</li> <li>○ Myanmar Climate Change Strategy and Master Plan (2018-2030) and Myanmar Climate Change Policy (2019)</li> <li>○ National Environmental Policy (2019) and Environmental Conservation Law (2012)</li> <li>○ National Land Use Policy (2016)</li> <li>○ National Biodiversity Strategy and Action Plan and Protection of Biodiversity and Protected Areas Law (2018)</li> <li>○ Myanmar Action Plan for Disaster Risk Reduction (2017)</li> <li>○ Myanmar Sustainable Development Plan (2018-2030)</li> <li>○ The Constitution of Myanmar (2008)</li> <li>○ National Strategic Plan for the Advancement of Women (2013-2022)</li> <li>○ Myanmar National Social Protection Strategic Plan (2014)</li> <li>○ Nationwide Ceasefire Agreement between the Government of the Republic of the Union of Myanmar and Ethnic Armed Organizations (2015)</li> </ul> </li> <li>• A number of processes/bodies currently take on a coordinating function, or may in the future, which is relevant to the alignment of REDD+ PaMs with the objectives of other policies, programmes and international agreements: <ul style="list-style-type: none"> <li>○ <i>The National Environmental Conservation and Climate Change Central Committee (NE5C)</i>, which provides guidance on national activities to tackle climate change related issues, and manages and coordinates all climate change related activities, including the development of climate change related policies, strategies and action plans (e.g. National Adaptation Programme of Action, NAPA). The NE5C includes a Working Committee on Policies, Laws, Regulations and Standards, which works on policy formulation and review of</li> </ul> </li> </ul>

	<p>existing PLRs; REDD+ falls under the purview of the Climate Change Mitigation and Adaption Working Committee;</p> <ul style="list-style-type: none"> <li>○ <i>The REDD+ Task Force</i>, which currently supervises the implementation of all REDD+ Readiness activities, and will coordinate and monitor all REDD+ activities;</li> <li>○ <i>The REDD+ Technical Working Groups</i>, whose role is to support decisions on proposals and options (e.g. by the REDD+ Taskforce or NE5C) in their topic area taking into account relevant and available advice and guidance, and to provide information/recommendations to the REDD+ Task Force;</li> <li>○ <i>The National Land Use Council (NLUC)</i>, which was established to implement the National Land Use Policy and related laws, with membership of the relevant Union Ministers and Chief Ministers of the Regions or States. The NLUC shall establish <i>Land Use Committees</i> in all Regions or States or Union Territories. The NLUC and Committees shall play an important role in coordinating land use between various sectors;</li> <li>○ <i>The Coastal Resources Management Central Committee</i>, which guides the development and implementation of policies, strategies, rules and regulations related to national level integrated coastal resource management, supervises collection of information and establishment of an information system related to coastal resources, and provides guidance on the development of an Integrated Coastal Resources Management Programme. This Committee is particularly relevant for REDD+ PaMs in coastal areas, such as mangrove forests;</li> <li>○ Other cross-sectoral coordinating bodies that bring together government and non-government actors and guide policy development and implementation in their respective areas, such as the <i>Environmental Sector Working Group</i> (chaired by the Environmental Conservation Department, UN Habitat and the Embassy of Finland) and the <i>Disaster Risk Reduction Working Group</i> (chaired by the Department of Disaster Management and UNDP).</li> </ul> <ul style="list-style-type: none"> <li>● The Basic Principles of the 2018 Forest Law are supportive of Principle A, as they state that the Law should be implemented in accordance with the government's forestry and environmental conservation policy, as well as international agreements relating to the conservation of forests and of the environment (see Criterion A2). These principles should guide the work of all forest sector government institutions. The objectives of the 2018 Forest Law also include implementing policies related with forest, environment and natural resources, as well as International Agreements on climate change and disaster risk reduction.</li> <li>● The 1995 Forest Policy calls for the establishment of a National Forest Policy Advisory Board under the Ministry in charge of Forestry (currently MONREC), in order to review forest policy implementation and establish</li> </ul>
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	<p>coordination with other sectors including harmonization at policy interfaces. However, this Board has not been established, and it is noted that the National Environmental Conservation and Climate Change Central Committee (NE5C, see below) fulfils some of this role. In 2019, a different body was formed, the Supervising Committee for Consultation on Forest Rules at State and Region Levels was formed to reach the local level during the development of the new draft Forest Rules, with members from Forest Department and international and national NGOs.</p> <ul style="list-style-type: none"> <li>• Each Ministry follows its own process to develop a strategy/policy and has responsibility to ensure alignment with other sectors. The UAGO only reviews new laws. When laws and policies are submitted to the Cabinet for approval, there is also discussion if there are contradictions with other laws and policies.</li> <li>• The Myanmar Development Assistance Policy (DAP, 2018) sets out procedures for the review and approval of development assistance, including grants and loans, which requires the responsible government entities to ensure that the grant/loan is in line with the DAP, relevant sector plans, and consistent with/ complementary to other ongoing and planned initiatives.</li> </ul> <p><b>What has been done so far to ensure this criterion is respected:</b></p> <ul style="list-style-type: none"> <li>• A number of processes and steps have been undertaken to date to ensure that the NRS and PaMs are consistent with the objectives of key policies and programmes: <ul style="list-style-type: none"> <li>○ Identification of priority national policies and programmes, and international agreements, that REDD+ PaMs should be aligned with (see Annex 2), through the national safeguards clarification and in the National Strategy. The latter lists as key policies: National Land Use Policy (2016); National Waste Management Strategy and Action Plan (2017-2030); Myanmar Climate Change Strategy and Master Plan (2018-2030); and Myanmar Sustainable Development Plan (2018-2030), among others.</li> <li>○ Compilation of statements on objectives, targets or goals from the key policies, programmes and agreements, as a reference resource for further work on alignment of PaMs (see Annex 2).</li> <li>○ The establishment of coordinating bodies that played a key role during the development of the NRS and the initial portfolio of PaMs, such as the REDD+ Task Force and TWGs (see above).</li> <li>○ Cross-sectoral discussions on the NRS and the PaMs have taken place within the TWGs, as well as with concerned ministries and expert focus groups, which has contributed to the alignment of the NRS with the goals and concerns of various sectors.</li> <li>○ Consultations with stakeholders including ethnic groups have also been carried out at sub-national and national level as part of the PaMs development process.</li> </ul> </li> </ul>
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	<ul style="list-style-type: none"> <li>○ Final validation and approval of the NRS also offered opportunities to ensure alignment and address any remaining conflicts, through a national validation workshop and an online comment period (around 270 comments on the NRS were received and addressed through these two channels). Further steps include approval by the REDD+ Taskforce, endorsement sought from the NE5C, and final submission to Cabinet by MONREC.</li> <li>• Several REDD+ PaMs address the need for improved cross-sectoral coordination, including the PaMs: “Improve inter-ministerial planning and coordination through strengthening of existing coordination bodies at national level”; and “Build capacities of government and other agencies to support stakeholders implementing REDD+ PAMs”.</li> </ul> <p><b>Implementation responsibilities:</b></p> <ul style="list-style-type: none"> <li>• The Forest Department and the REDD+ Taskforce have been responsible for developing the Myanmar NRS to date, including ensuring its alignment with key national policies and programmes.</li> <li>• The future NCU and the REDD+ Taskforce will be responsible for ensuring the ongoing coordination of the implementation of REDD+, and any updates to the NRS, with national policies and programmes.</li> <li>• The NE5C is responsible for overall coordination of national efforts to mitigate and adapt to climate change, including REDD+.</li> </ul> <p><b>Key gaps/challenges:</b></p> <ul style="list-style-type: none"> <li>• The Basic Principles of the Forest Law, even though they call for alignment of forestry and environmental conservation policies, are not sufficient to ensure that REDD+ PaMs are designed to be consistent with the objectives of national forest programmes and other priority national policies and programmes. This is because this element of the Basic Principles regarding policy alignment is not linked to a specified operational mechanism. In addition, REDD+ PaMs outside of the forestry sector (e.g. related to energy or agriculture) would not be covered by the Forest Law.</li> <li>• MONREC, like other ministries, would not normally submit a Strategy like the NRS to UAGO for a review of consistency and any potential contradictions with other elements of the PLR framework. In addition, the existing coordination bodies differ in membership and not all of them include representatives of ministries who should be consulted about alignment of priority policies, programmes and agreements with REDD+.</li> <li>• Myanmar’s legal framework around climate change needs to be strengthened. For example, the National Environmental Conservation Committee was established under the Environmental Conservation Law (2012), which</li> </ul>
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	<p>later became the NE5C (with climate change added to its mandate), as is included in the NEP (2019), but its mandate in this area of climate change is not supported by a law.</p> <p><b>Measures to address gaps:</b></p> <ul style="list-style-type: none"> <li>• The memberships of the coordinating bodies established for REDD+, such as the TWGs and Taskforce, should be assessed for the implementation phase of REDD+, to ensure that the sectors needed for proper cross-sectoral oversight and alignment of the PaMs with priority policies and programmes are represented, and that the representatives selected have appropriate experience and roles within their institutions.</li> <li>• Myanmar's SIS should include indicators to track the contribution of REDD+ to a number of priority national policy objectives (see Annex 2).</li> <li>• Opportunities to strengthen Myanmar's legal framework on climate change and coordination on climate change should be identified; for example, through the upcoming revision of the Environmental Conservation Law (2012) or potentially through the development of new climate change specific legislation.</li> <li>• The upcoming revision of the Forest Law (2018) presents an opportunity to strengthen processes or mechanisms for ensuring the alignment of forest sector actions with broader forest and environmental policies and programmes, which could potentially include strengthened engagement with the NE5C and its relevant working committees.</li> </ul>
<p><b>Criterion A2. REDD+</b> Policies and Measures in Myanmar should be designed and implemented so that they are consistent with the objectives of relevant international conventions and agreements, such as the CBD, UNCCD, UNFCCC, CITES, the Ramsar Convention, CEDAW, UNDRIP, UN Convention against Corruption,</p>	<p><b>How this criterion is addressed:</b></p> <ul style="list-style-type: none"> <li>• The following set of international conventions and commitments and their national implementation strategies have been identified as key priorities in Myanmar, which REDD+ should align with and support where possible (see Annex 6 for more detail): <ul style="list-style-type: none"> <li>○ Convention on Biological Diversity (CBD)/National Biodiversity Strategy and Action Plan (NBSAP)</li> <li>○ United Nations Convention to Combat Desertification (UNCCD)/ National Action Program to Combat Land Degradation</li> <li>○ United Nations Framework Convention on Climate Change (UNFCCC) / Nationally Determined Contribution to Paris Agreement</li> <li>○ Convention on International Trade in Endangered Species (CITES)</li> <li>○ Ramsar Convention on Wetlands of International Importance</li> <li>○ The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) / National Strategic Plan for the Advancement of Women</li> <li>○ The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)</li> </ul> </li> </ul>

<p>international policies and initiatives, such as the SDGs and FLEGT, as well as national strategies and plans for the implementation of these commitments.</p>	<ul style="list-style-type: none"> <li>○ UN Convention on Social, Economic and Cultural Rights</li> <li>○ UN Convention against Corruption / Anti-Corruption Law (2013)</li> <li>○ Sustainable Development Goals (SDGs) / Myanmar Sustainable Development Plan (MSDP)</li> <li>○ Forest Law Enforcement, Governance and Trade (FLEGT) initiative</li> </ul> <ul style="list-style-type: none"> <li>• Once GoM has ratified international conventions and agreements, their content is incorporated into relevant domestic laws. Focal ministries for the respective international agreements are responsible for this process.</li> <li>• As described under Criterion A1, the 2018 Forest Law supports implementation of PaMs within the forest sector in accordance with international agreements relating to the conservation and management of forests. In addition, the objectives of the 2018 Forest Law include alignment with international agreements when implementing programmes related to forest conservation, natural resources and environmental conservation, and climate change and disaster risk reduction.</li> <li>• As mentioned under Criterion A1, a number of coordinating bodies have already been formed that can not only help to ensure consistency of REDD+ PaMs with national policies and their objectives but can also play a role in coordinating REDD+ with Myanmar's international commitments.</li> </ul> <p><b>What has been done so far to ensure this criterion is respected:</b></p> <ul style="list-style-type: none"> <li>• See Criterion A1 for a description of processes to support consistency of the NRS with national policies and programmes, and international commitments. In particular, the NRS includes an analysis of how REDD+ can support key international commitments in Myanmar's Nationally Determined Contribution to the Paris Agreement, and the Sustainable Development Goals.</li> </ul> <p><b>Implementation responsibilities:</b></p> <ul style="list-style-type: none"> <li>• The Forest Department and the REDD+ Taskforce have been responsible for developing the Myanmar NRS to date, including ensuring its alignment with key international commitments.</li> <li>• The future REDD+ NCU and the REDD+ Taskforce will be responsible for ensuring the ongoing coordination of the implementation of REDD+, as well as any updates to the NRS, with international commitments.</li> <li>• The NE5C is responsible for overall coordination of national efforts to mitigate and adapt to climate change, including REDD+.</li> </ul> <p><b>Key gaps/challenges:</b></p>
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	<ul style="list-style-type: none"> <li>• See gaps identified under Criterion A1 - although the Forest Law identifies the need for alignment with national policies/programmes and a number of international policy areas, REDD+ PaMs that fall outside of the forestry sector would not be covered by the Forest Law.</li> <li>• MONREC, like other ministries, would not normally submit a Strategy like the NRS to UAGO for a review of consistency and any potential contradictions with international commitments.</li> <li>• Stakeholders indicate that conflicts may exist between some of Myanmar's national policies and laws, and its international commitments, e.g. between the National Land Use Policy and international obligations on human rights (see also Principle C). This may cause problems for efforts to ensure consistency of REDD+ PaMs with both national policy and international agreements.</li> </ul> <p><b>Measures to address gaps:</b></p> <ul style="list-style-type: none"> <li>• See measures identified under Criterion A1 regarding membership of REDD+ coordinating bodies.</li> <li>• Myanmar's SIS should include indicators to track the contribution of REDD+ to a number of priority international commitments and the respective national policy instruments, such as the NDC and the National Biodiversity Strategy and Action Plan (NBSAP) (see Annex 2 for a list of relevant international agreements and their objectives).</li> <li>• The National REDD+ Strategy includes PaMs aimed at improving the legal framework and promoting the recognition of rights to land and resources; in addition, instruments such as the Free, Prior and Informed Consent (FPIC) process and Grievance Redress Mechanism (GRM) should be used to further ensure that the safeguards are addressed and respected in line with international agreements (see also Principle C).</li> </ul>
<p><b>Principle B. REDD+ Policies and Measures in Myanmar should support transparent and effective national forest governance structures, taking into account national legislation and sovereignty</b></p>	
<p><b>Criterion B1.</b> REDD+ Policies and Measures in Myanmar should be implemented in a transparent manner; this means that decisions relating to the selection</p>	<p><b>How this criterion is addressed:</b>  <i>Transparency and information-sharing:</i></p> <ul style="list-style-type: none"> <li>• A number of Myanmar laws contain requirements on making specific types of information on management of public land and forest available. The Land and Revenue Act (1879) has provisions on information and transparency on how land acquisition processes are managed, and on information in relation to land that is required for public purposes. A new Land Acquisition, Resettlement and Rehabilitation Law has been drafted and submitted to Cabinet for approval; the process of land acquisition in the new law is quite similar to the 1894 Land Acquisition Act but</li> </ul>

<p>and location of activities, the involvement of stakeholders and the distribution of benefits and burdens should be based on clear criteria and well documented, financial accountability should be ensured, and comprehensive information should be made available to stakeholders in an appropriate form during planning and implementation. The types of information that should be shared include information on: the planned measures (objective, expected impact, benefits, funds, activities, risk reduction measures, etc.); existing land use and expected change; relevant PLRs;</p>	<p>provides more detail, e.g. on what uses are included in ‘public purposes’. There is also provision in the PLR framework for local stakeholders to request information, for example, from the Land Records Department on the status of land (including maps) in which they have a recognized interest (Forms 103 and 105).</p> <ul style="list-style-type: none"> <li>• The National Land Use Policy (2016) stipulates that all individuals, communities and organizations should have equal rights to access accurate and complete information related to land, and the One Map Myanmar initiative has been tasked with the development of a unified land data management system to enable this.</li> <li>• The Ethnic Rights Protection Law (2015) and its accompanying Rules (2019) include a provision that investors have to explain their project activities to communities.</li> <li>• The global UN-REDD Programme’s FPIC guidelines<sup>21</sup>, which are informing the development of national FPIC guidelines, state that the details of planned developments that will affect local communities must be shared. Project proponents can also provide information related to frequently asked questions on REDD+ and provide answers from the point of view of the proponent. Project proponents, governments, and private investors are obliged to provide communities with access to independent advice, and where necessary, to help the communities find the ways and means to pay for such advice.</li> <li>• A Phase 1 REDD+ Communications Strategy was developed by the Myanmar UN-REDD Programme, and a revised Strategy covering Phases 2 and 3 was endorsed by the National REDD+ Taskforce in early 2019. The strategy will support the sharing of knowledge generated during REDD+ implementation among partners and key stakeholders and facilitate informing decision-making on national REDD+ implementation. It identifies key media and tools for use such as: printed materials; online and electronic media; a REDD+ stakeholder database; and media relations and networking.</li> </ul> <p><i>Preventing/addressing corruption:</i></p> <ul style="list-style-type: none"> <li>• The Anti-Corruption Law (2013) establishes the Anti-Corruption Commission, which is tasked with investigating and preventing cases of bribery. The Commission refers small corruption cases to concerned line ministries to assess the cases internally. Corruption Protection Units (CPUs) have been set up in 18 ministries at the national level. At State/Region level, small ad hoc anti-corruption committees are formed to investigate suspected cases.</li> <li>• A draft Law on Public Procurement and Assets Disposal is currently being considered by Cabinet.</li> </ul>
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<sup>21</sup> UN-REDD Programme. 2013. Guidelines on Free, Prior and Informed Consent. <https://www.unredd.net/documents/fpic-repository-1/guidelines-1/16837-guidelines-on-free-prior-and-informed-consent.html>

<p>general information on the REDD+ concept; and information on complaints and feedback mechanisms. It is the duty of the organization responsible for the REDD+ Policy or Measure to ensure that the information is made publicly available.</p>	<ul style="list-style-type: none"> <li>• The Forest Law (2018) (articles 44-46) makes provision for legal prosecution of any forestry staff members engaged in corruption or breaking the law.</li> <li>• Myanmar is currently exploring the possibility of negotiating a Voluntary Partnership Agreement (VPA) under the EU initiative on Forest Law Enforcement, Governance and Trade (FLEGT). VPAs are legally binding agreements that aim to guarantee that wood exported to the EU comes from legal sources and to help partner countries stop illegal logging by improving forest governance and regulation.</li> <li>• Several REDD+ PaMs also aim to reduce or prevent corruption and increase transparency, such as “Empower Anti-Corruption Committee to act on corruption and laundering of timber through development and implementation of anti-corruption strategy” and “Improve monitoring of the Myanmar Timber Enterprise and increase transparency of monitoring reports”.</li> </ul> <p><i>Accountability:</i></p> <ul style="list-style-type: none"> <li>• Procedural requirements supporting accountability exist in relation to the granting of licenses for the extraction of forest products by commercial enterprises (under the Forest Law, 2018), on approving changes in the status of land for the benefit of foreign investors (e.g. in order to allow conversion, under the Investment Rules, 2017), on due process relating to land conversion (under the 2018 Law Amending the Vacant, Fallow and Virgin (VFFV) Lands Management Law and the 2012 Farmland Law), and on conducting environmental impact assessments (EIA Procedure, 2015).</li> <li>• Community Forest User Groups can have their use certificate revoked if they fail to comply with the Forest Law (2018), with the rules and obligations set out in their management plan, or with their duties on record-keeping and reporting.</li> <li>• The administration of REDD+ implementation in Myanmar is required to follow existing financial reporting regulations; all ministries must comply with the Regulation on Financial Management (2017), as well as the Annual National Planning Law and the Annual Union Budget Law for each financial year.</li> <li>• Phases 2 and 3 of REDD+ may require investment funds and processes to manage results-based payments, in alignment with legal requirements. A REDD+ financial management system is under development, using a combined and phased approach that includes public budget and a multi-donor programme fund at the beginning; this would later transition to a combined model utilising the Environment Management Fund (EMF) and the Myanmar Biodiversity Foundation (MBF) to manage results-based payments. Both these funds are under development.</li> </ul>
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	<p><b>What has been done so far to ensure this criterion is respected:</b></p> <ul style="list-style-type: none"> <li>• The FPIC process has been piloted in 10 Village Tracts of Mon State. Based on the results and recommendations from this pilot study, guidelines for FPIC will be further developed (see Section 2 for more information).</li> <li>• See Criterion D1 for more information on the development of the NRS, including information sharing associated with this process.</li> <li>• REDD+ materials such as posters, bookstands, infographics, brochures, magazines, policy briefs, etc., have been distributed during the Readiness Phase, and the national Myanmar REDD+ website and Facebook page were established as a means for information sharing.</li> </ul> <p><b>Implementation responsibilities:</b></p> <ul style="list-style-type: none"> <li>• The National Land Use Council is responsible for information sharing on land use planning at the national level and the proposed Land Use Committees will be responsible at State/Regional Level.</li> <li>• Agencies responsible for planning and implementation of particular REDD+ PaMs will be responsible for administering FPIC processes, including information sharing.</li> <li>• The Forest Department and Myanmar UN-REDD Programme Management Unit are currently responsible for sharing information related to general knowledge on REDD+ and to the specific activities being undertaken; the Myanmar REDD+ NCU will coordinate information sharing on REDD+ in the future.</li> <li>• The Anti-Corruption Commission and the CPUs within the Ministries are responsible for taking action against corruption; the MOPF is responsible for implementing public procurement policy.</li> <li>• MONREC will be responsible for financial accountability in relation to REDD+ implementation.</li> </ul> <p><b>Key gaps/challenges:</b></p> <ul style="list-style-type: none"> <li>• Several challenges exist related to the transparency of land use planning. Implementation of the NLUP is constrained by capacity limitations and Subnational Land Use Committees have yet to be established. In addition, the Central VFV Lands Management Committee's decision-making process for how VFV lands are allocated to new uses is currently unclear (e.g. how it manages conflicts between different ministries over proposed land use). Stakeholders also note challenges related to boundaries and definitions, e.g. boundaries between the area assigned to forestry and fisheries on water bodies.</li> <li>• The identified PLRs on information provision only apply to clearly specified types of information (such as the tenure status of a particular piece of land), and do not cover all information needs related to the transparent planning and implementation of REDD+ PaMs. Although there are many laws that include points on information sharing,</li> </ul>
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	<p>there is no comprehensive law on the right to access to information. There is also as yet no plan to develop such a law.</p> <ul style="list-style-type: none"> <li>• The provision of information about REDD+ PaMs to stakeholders may be affected if there is insufficient consideration of the form in which information is provided, e.g. with regard to language or technological barriers (such as lack of internet access).</li> <li>• The Anti-Corruption Commission is the main body with a mandate to assess and act on corruption risks, but it seems unlikely that the Commission (which meets at least four times a month) will be able to address corruption risks at the level of individual REDD+ PaMs.</li> <li>• An identified risk in relation to PaMs related to law enforcement is that poor and vulnerable people could be disproportionately or unduly targeted by strengthened enforcement efforts. This issue is not fully addressed in the current PLR framework (e.g. by differentiating fines or penalties in order to make allowances for vulnerable stakeholders who have few alternatives or lack the knowledge and capacity to stay within the law).</li> </ul> <p><b>Measures to address gaps:</b></p> <ul style="list-style-type: none"> <li>• Develop clear, comprehensive guidelines on the FPIC process to be implemented for REDD+ PaMs, ensuring that decisions relating to the selection and location of activities, the involvement of stakeholders, and the distribution of benefits and burdens are based on clear criteria, are well documented, and are communicated transparently.</li> <li>• Develop clear, comprehensive guidance for the agencies that will be implementing REDD+ PaMs to ensure that they are aware of and are able to meet their obligations in terms of transparent decision making and information sharing.</li> <li>• Recommend the development of a law supporting the rights of citizens to access information.</li> </ul>
<p><b>Criterion B2.</b> Where applicable, REDD+ Policies and Measures should include actions that strengthen transparency, accountability and rule of law in forest governance, including in relation to forestry operations, land</p>	<p><b>How this criterion is addressed:</b></p> <p>There is no existing process to ensure that REDD+ PaMs include actions to strengthen forest governance, however the existing PLR framework on the key aspects of governance mentioned in Criterion B.2 has been analyzed, and this information is available to guide PaMs development.</p> <p><i>Forestry operations and sustainable management of forests:</i></p> <ul style="list-style-type: none"> <li>• Forestry operations in Myanmar are governed by a number of PLRs, including the State Forest Policy (1995), the Forest Law (2018), the Community Forestry Instructions (2019), and recent logging bans (e.g. a 10-year ban on logging in the Bago Mountain Range), as well as numerous standard operating procedures (e.g. on marking trees, transportation of forest products, management of plantations, calculation of Annual Allowable Cut (AAC), etc).</li> </ul>



<p>use planning and management planning, awarding of concessions, and application of legal requirements such as EIA and SEA.</p>	<p>Legally sourced timber is harvested from areas with state issued harvesting licenses. Such areas can include production forests under state management, private plantations, and community forests. The Forest Department sets the AAC each year based on assessments and 10-year district forest management plans and is responsible for issuing logging permits. The AAC is partly influenced by the projected ‘annual mean increase’, which is an estimate of the growth of trees/forest.</p> <ul style="list-style-type: none"> <li>• A number of activities related to the Forest Law Enforcement, Governance and Trade (FLEGT) initiative also aim to improve transparency and accountability in the forestry sector. An Interim Task Force (ITF) and Multi-Stakeholder Groups (MSGs) at national and State/Region levels have been established, and a FLEGT Plan prepared. Consultations have occurred at national, State and regional levels regarding the FLEGT Voluntary Partnership Agreement (VPA) process. There is ongoing capacity building for the Forest Department and Myanmar Timber Enterprise (MTE), and the Forest Department is preparing a draft Timber Legality Definition Matrix.</li> <li>• The NRS aims to ensure sustainable forest management through improvements to the regulatory framework and practices, advocacy, awareness raising and on-going training in the short-term. Moreover, the Strategy includes a recommendation to support the development of systems and controls ensuring sustainable forest management, so that “emergency” measures such as logging bans are not required. See section on ‘respect’ below for more detail on relevant PaMs.</li> </ul> <p><i>Land-use planning and management:</i></p> <ul style="list-style-type: none"> <li>• Over 70 different laws govern land management in Myanmar<sup>22</sup>, and responsibilities are divided among a number of ministries such as MOALI for agricultural land and MONREC for forest land. The National Land Use Policy (2016) aims to harmonize existing laws and plans and governs land use planning. It includes chapters on ‘Planning and Drawing Land Use Map’, ‘Zoning and Changing Land Use’, ‘Changing land use by Individual application’, ‘Monitoring and Evaluation’, and ‘Research and Development’. The Land Acquisition Act (1894) / new draft Land Acquisition, Resettlement and Rehabilitation Law, the Law Amending the VFV Lands Management Law (2018) and the Farmland Law (2012) are also relevant for land use planning (see Criterion B1 and B4 for more information).</li> <li>• The NRS also identifies the need for improvements in the governance and transparency of land use planning processes. See section on ‘respect’ below for more detail on relevant PaMs.</li> </ul>
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<sup>22</sup> Ingalls, M.L. 2019. State of Land in the Mekong Region. <https://data.opendevelopmentmekong.net/dataset/ae8c4c52-d3e6-4029-89bd-a3623568e62d/resource/5b63a22b-9d25-4a57-a4f6-007637f48706/download/state-of-land-in-the-mekong-region.pdf>

	<p><i>Concessions:</i></p> <ul style="list-style-type: none"> <li>• The National Land Use Policy (2016) includes a section on ‘Grants and Leases of Land at the Disposal of Government’, which sets out requirements for stakeholder feedback and environmental-social impact assessment (ESIA), and notes matters that are to be addressed by a future National Land Law and land administration system (such as maximum size limits for land leases and approaches for the resolution of disputes over land rights). A National Land Law is still being prepared.</li> <li>• The Law Amending the VFV Lands Management Law (2018) states that the Central VFV Lands Management Committee may issue permission to cultivate or utilize vacant, fallow and virgin lands for business purposes, including for domestic and foreign investors, for periods of 30-70 years. Citizens, private investors, farmers, government entities and NGOs can apply to lease VFV lands for agricultural development, mining and other permitted purposes through long-term leases on state land.</li> <li>• The Myanmar Investment Commission, according to the Investment Law (2016) may grant permits to investors, and Chapter XII of this Law is related to ‘Rights to Use Land’; investors who have obtained the appropriate permit may obtain a long-term land lease from private owners and/or the government.</li> </ul> <p><i>EIA and SEA:</i></p> <ul style="list-style-type: none"> <li>• Environmental Impact Assessment (EIA) in Myanmar has its legal basis in the Environmental Conservation Law (2012) and Environmental Conservation Rules (2014) and is implemented in accordance with the formal procedures prescribed by the ministerial notification on the Environmental Impact Assessment Procedure (2015). Initial Environmental Examinations (IEEs) and/or EIAs are required for all projects and project expansions with the potential for adverse impacts, undertaken by any ministry, government department, organization, corporation, board, development committee, local government or authority, company, cooperative, institution, enterprise, firm, partnership or individual. According to the Procedure, projects are first submitted to MONREC for screening to determine whether an IEE or full EIA is required, and whether an Environmental Management Plan (EMP) would also be needed. It is anticipated that many types of REDD+ interventions shall require screening and some may require IEE/EIA.</li> <li>• The EIA Procedure (2015) also requires a section on cumulative impact assessment in an EIA report, and Chapter 10 covers Strategic Environmental Assessment (SEA). MONREC may require that policies, strategies, development plans, frameworks and programs (prepared by Ministries, Region/State governments, Self-Administered Zones, Self-Administered Divisions, the Nay Pyi Taw Union Territory, Cities and Townships, and other individuals or</li> </ul>
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	<p>organizations) be screened in accordance with SEA guidelines and those with potentially significant impacts may be required to assess and mitigate these impacts (noting that specific SEA guidelines beyond the EIA Procedure are not available at present).</p> <ul style="list-style-type: none"> <li>• More than 301 EIA reports and 528 IEE reports have been received to date. Capacity building on SEAs is being carried out and one SEA report for a hydropower project has been received to date.</li> </ul> <p><b>What has been done so far to ensure this criterion is respected:</b></p> <ul style="list-style-type: none"> <li>• PaMs in the NRS have been designed to include actions that strengthen transparency, accountability and rule of law in forestry operations, land use planning and awarding of concessions, and EIA/SEA. Relevant PaMs include: <ul style="list-style-type: none"> <li>○ Forestry: “Secure political commitment to Sustainable Forest Management (SFM)”, “Establish and implement regulatory and policy reform promoting and facilitating sustainable domestic timber production” and “Empower and incentivize law enforcement agencies to prioritize legal action against individuals”.</li> <li>○ Land use planning: “Implement the Land Use Policy (2016), particularly Part VIII regarding land tenure security and the recognition of customary rights”; and “Develop and implement jurisdictional land use plans with sub-national participatory and gender-equitable land-use planning”.</li> <li>○ Impact assessment requirements will be included in “Build capacities of government agencies to provide support to stakeholders implementing REDD+ PaMs”.</li> </ul> </li> </ul> <p><b>Implementation responsibilities:</b></p> <ul style="list-style-type: none"> <li>• The future REDD+ implementing agencies will be responsible for guiding and implementing PaMs, with coordination through the NCU. The NCU will be responsible for the coordination of any updates to the NRS and REDD+ PaMs.</li> <li>• The National Land Use Council is responsible for the implementation of the National Land Use Policy (2016) at national level; the proposed Land Use Committees will be responsible at State /Regional Level. The Central VFV Lands Management Committee is responsible for the implementation of the Law Amending the VFV Lands Management Law (2018).</li> <li>• Forestry operations and FLEGT activities are the responsibility of the Forest Department, MONREC, along with other related agencies.</li> <li>• The Environmental Conservation Department (ECD) of MONREC is responsible for screening projects for IEE/EIA. The implementation of the IEE/EIA is the responsibility of the project proponents, while conducting SEAs</li> </ul>
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	<p>is the responsibility of the relevant Ministry/department. The Minister of MONREC can request an SEA to be conducted.</p> <p><b>Key gaps/challenges:</b></p> <ul style="list-style-type: none"> <li>• As identified in the drivers analysis (see Section 1.3), the division of responsibilities between the Forest Department, MTE and sub-contractors has contributed to overexploitation of logging areas in the past. A lack of staff and equipment to enforce all aspects of forestry PLRs has also been identified as a challenge.</li> <li>• For challenges related to land use planning and management, please see Criterion B3.</li> <li>• There are a number of challenges related to the proper implementation of the EIA/SEA process, such as staffing and capacity constraints, the extent and quality of public participation processes, understanding and application of risk assessment methodologies, and understanding and application of the mitigation hierarchy. There is also a widespread misconception that social and health-related aspects are not covered in the EIA Procedure. Guidelines on public participation in EIA have been drafted but are yet to be adopted; although SEA is covered in the EIA Procedure (2015), no specific guidance on conducting SEAs is available.</li> </ul> <p><b>Measures to address gaps:</b></p> <ul style="list-style-type: none"> <li>• Identified REDD+ PaMs to strengthen transparency, accountability and rule of law in forestry operations, land use planning and concessions, and EIA/SEA will require monitoring; the SIS should also include indicators to track priority contributions to transparency, accountability and rule of law in these areas.</li> <li>• The guidance to be developed and provided to REDD+ implementing agencies on processes for planning and implementing PaMs shall include detailed guidance on obligations and procedures related to IEE/EIA/SEA.</li> </ul>
<p><b>Criterion B3.</b> REDD+ Policies and Measures should strengthen coordination on policies and plans related to land use across sectors, between different levels of government and across borders / with EAOs,</p>	<p><b>How this criterion is addressed:</b></p> <ul style="list-style-type: none"> <li>• REDD+ specific coordination bodies, such as the REDD+ Taskforce and TWGs, include members from different government departments and organizations in order to strengthen cross-sectoral coordination (see Criterion A1). In addition, the NRS anticipates the establishment of State/Region coordination committees, including seats for representatives of EAOs.</li> <li>• A number of REDD+ PaMs also specifically target improved coordination of land use planning, including coordination with EAOs, such as: “Establish participatory and gender equitable land use planning approaches at Region/State, District and Township Level”; “Within the context of the work of the UPDJC, engage with EAO’s to develop cooperation on (a) detecting movement of illegal timber, (b) PA establishment and management”; and</li> </ul>

<p>including by fully operationalizing existing coordination bodies, making sure that social and environmental objectives are given adequate weight in the process.</p>	<p>“Support inclusion of proposals in work plans of national Land Use Council or subnational Land Use Committees or other work committees defined by the government”.</p> <p>The context for implementation of these PaMs, and the role of existing coordination bodies outside the REDD+ process, can be summarized as follows:</p> <ul style="list-style-type: none"> <li>• Different categories of land in Myanmar come under the authority of different ministries and are governed by many different PLRs. The Central Administrative Body of Farmland, and Region/State and District Administrative Bodies of Farmland govern farmland (under the Farmland Law, 2012). The Central Management Committee for VFV Lands, chaired by the Minister of MOALI, and the State/Region Management Committees for VFV Lands govern VFV lands (according to the Law Amending the VFV Lands Management Law, 2018). These bodies include representatives from different relevant departments and play a role in coordinating land policies among the government sectors.</li> <li>• The National Land Use Policy (2016) established the National Land Use Council (NLUC), which has a coordinating role and aims to work towards harmonizing the legal framework on land use and the classification of land, though it has only recently become operational. The NLUC is responsible for monitoring implementation of the National Land Use Policy, including considering whether environmental and social impact assessment is being applied and preventing illegal land confiscation.</li> <li>• For coastal areas (where coordination in relation to the protection and management of mangrove forests is a key issue), initial steps have been taken to develop a strategy for marine spatial planning, and a National Coastal and Marine Resources Management Committee has been set up, which includes members from a number of sectors (see Criterion A1 for more information).</li> <li>• At the sub-national level, State/Regional Land Use Committees have yet to be established, though a number of other committees exist at these levels (e.g. VFV and farmland related committees), and according to the Investment Rules (2017), duties relating to the authorization of land rights can be assigned to a State or Regional Committee.</li> <li>• Existing Township Planning and Implementation Committees (TPICs)/Township Management Committees (TMCs) are chaired by GAD and supported by the Department of Planning (DOP) as Secretary and the Department of Rural Development (DRD) as Joint Secretary. These departments are also expected to play a significant role in the new Land Use Committees. However, the Forest Department will continue to lead the development of District Forest Management Plans.</li> </ul>
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	<ul style="list-style-type: none"> <li>• A number of bodies linked to ethnic groups, including ethnic armed organizations (EAOs) also play a role in coordinating policies on land and forest management. The National Ceasefire Agreement (NCA) states that projects or programmes for environmental conservation, peace and stability, and the maintenance of rule of law in relevant areas will be carried out through consultation among the respective bodies; Chapter 6 of the NCA on future tasks includes environment and natural resource management. The Joint Ceasefire Monitoring Committee aims to coordinate the parties' compliance with the agreement, and comprises a nationwide joint ceasefire monitoring committee, state-level joint ceasefire monitoring committees, local-level joint ceasefire monitoring committees, and verification teams.</li> <li>• Under the Union Peace Dialogue Joint Committee (UPDJC), a working committee on 'Policies on Land and Environmental Affairs' involves representatives from EAOs, the Tatmadaw, Hluttaw<sup>23</sup>, political parties and MOPF; this can support better coordination on land and environmental policies. A working group on land and environment for EAOs that are NCA signatories (NCA-S) has also been established.</li> </ul> <p><b>What has been done so far to ensure this criterion is respected:</b></p> <ul style="list-style-type: none"> <li>• PaMs in the NRS have been designed to support improved coordination of land use planning, as noted above. Information on how this criterion is respected during implementation is not yet available.</li> </ul> <p><b>Implementation responsibilities:</b></p> <ul style="list-style-type: none"> <li>• The future REDD+ implementing agencies will be responsible for guiding and implementing PaMs, with coordination through the NCU. The NCU will be responsible for the coordination of any updates to the NRS and REDD+ PaMs.</li> <li>• The NLUC is responsible for coordinating all relevant stakeholders related to land use planning at the national level (including consideration of environmental and social impacts) and the proposed Land Use Committees will be responsible at State/Regional level.</li> <li>• The UPDJC is responsible for engagement with EAOs; the working committee on 'Policies on Land and Environmental Affairs' deals with matters relating to coordination of land and environmental policies.</li> </ul> <p><b>Key gaps/challenges:</b></p>
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<sup>23</sup> 'Tatmadaw' refers to the armed forces; 'Hluttaw' refers to the legislature.

	<ul style="list-style-type: none"> <li>• Consistent application of laws across the whole of the national territory is difficult, due to multiple institutions and PLRs governing land use and land use planning, including the existence of multiple committees at Township level, separate processes for land use planning and forest management planning, and the existence of parallel land management systems in areas controlled by EAOs.</li> <li>• Myanmar is currently undergoing a transition towards more devolved governance, and some responsibilities have been delegated to the recently formed state or region level governments. In some cases, this has led to ambiguities about the separation of roles in relation to control over natural resources.</li> <li>• There are few explicit requirements in PLRs and in the mandates of coordinating bodies to consider social and environmental objectives related to land use planning.</li> </ul> <p><b>Measures to address gaps:</b></p> <ul style="list-style-type: none"> <li>• The planning and implementation of REDD+ PaMs that support improved land use planning and coordination with EAOs should also promote the consideration of social and environmental objectives, e.g. through appropriate assessment and FPIC processes, ensuring adequate involvement of relevant stakeholders and experts.</li> <li>• Support provided to local level land use planning and forest management planning processes should seek to ensure these two plans are aligned.</li> <li>• In the future, the National REDD+ Programme may consider developing an action plan/action plans on REDD+ cooperation with EAOs, to set out and guide joint activities.</li> <li>• Terms of reference and membership of REDD+ specific coordinating bodies, such as the Taskforce and TWGs, shall ensure that social and environmental goals and impacts of REDD+ are considered and that all appropriate sectors are represented.</li> </ul>
<p><b>Criterion B4.</b> When REDD+ Policies and Measures are planned, availability of data and institutional/ stakeholder capacity for their effective implementation should be considered and identified</p>	<p><b>How this criterion is addressed:</b></p> <ul style="list-style-type: none"> <li>• In order to address capacity deficits for the implementation of REDD+, the Myanmar UN-REDD Programme has prepared a ‘Competency Framework for REDD+’, based on a capacity needs assessment, with a capacity building plan up to 2020.</li> <li>• A number of NRS PaMs are also specifically targeted at capacity building and the improvement of data on forests and land, including: “Undertake high resolution mapping of forests, shifting cultivation, and agricultural expansion “hotspots”, and ensure transparency of the results”; “Build capacities of government and other agencies to support stakeholders implementing REDD+ PaMs”; and “Undertake awareness raising and training to support REDD+ PAMs”.</li> </ul>

<p>deficits should be addressed.</p>	<p>PLRs whose implementation can enhance the availability of relevant data include:</p> <ul style="list-style-type: none"> <li>• The Forest Law (2018), Chapter 9, covers the responsibilities of the Forest Department, including collection and dissemination of forest resources information. The Law mandates the Forest Department to carry out inventory activities. The State Forest Policy (1995) also sets out that inventory data should be used to support forest management. This could support data availability for the planning of REDD+ PaMs. Although no further details/procedures are provided in the PLRs, a 5-year project to design, develop, plan and implement a National Forest Inventory (NFI) and National Forest Monitoring System (NFMS) is currently underway.</li> <li>• The National Land Use Policy (2016) states that Land Use Committees should base proposals for land use changes in appropriate areas on approved and updated information from the land use planning process, and that stakeholders should be provided with precise and correct land information to use in deciding on land allocation for national development, environmental conservation, land use planning and investment. The ongoing work on developing a unified land data management system (see Criterion B1 above) may help to improve the availability and uptake of quality information in planning processes.</li> <li>• Other organizations are also involved in the collection, processing and publishing of data on land, forest and other aspects relevant to REDD+ planning and implementation, such as: the Central Statistical Organization (CSO); One Map Myanmar; and the Myanmar Information Management Unit (MIMU).</li> </ul>
	<p><b>What has been done so far to ensure this criterion is respected:</b></p> <ul style="list-style-type: none"> <li>• The NFI, NFMS and PaMs in the NRS have been designed to support improved availability and use of data and capacity building, as noted above. Information on how this criterion is respected during implementation of REDD+ PaMs is not yet available.</li> </ul>
	<p><b>Implementation responsibilities:</b></p> <ul style="list-style-type: none"> <li>• The Forest Department (MONREC) is responsible for capacity building in the forest sector. The future Myanmar REDD+ NCU and identified ministries will be responsible for implementing, and if necessary, updating, the REDD+ Competency Framework.</li> <li>• The Forest Department (MONREC), One Map Myanmar and the CSO have responsibility for managing existing databases on forest, biodiversity, land, and other social and environmental statistics. The Forest Department and the REDD+ Taskforce are responsible for the development of the NFMS and NFI.</li> </ul>
	<p><b>Key gaps/challenges:</b></p>



	<ul style="list-style-type: none"> <li>• There remains limited availability, transparency and consistency of land-related data as a basis for better implementation of processes linked to land classification, tenure clarification, land use planning, issuing of concessions, approval of investments, etc. There is also a lack of information on the distribution of ethnic/language groups.</li> <li>• There is not yet any systematic/institutionalized process to assess capacity needs for REDD+ planning and implementation, and to develop and implement activities to address these needs, on a regular basis.</li> </ul> <p><b>Measures to address gaps:</b></p> <ul style="list-style-type: none"> <li>• Build on the competency framework developed during the readiness phase to ensure a systematic and regular assessment of stakeholder capacity development needs, as well as measures to address these needs for subsequent phases of REDD+.</li> <li>• Any activities to build capacity for REDD+ planning and implementation should be monitored as part of a future REDD+ monitoring and evaluation framework.</li> <li>• Ensure that information systems being developed to support the REDD+ Programme (such as NFI, NFMS and SIS) are able to collect and share statistical and spatial information needed to support REDD+ planning and implementation, including on social and environmental factors. The development of implementation or investment plans for REDD+ PaMs should include consideration of data and capacity needs.</li> <li>• When collecting information (e.g. data on land, forest, etc.), the National REDD+ Programme should coordinate and collaborate with relevant organizations, including INGOs and NGOs; capacity building to support improved data collection should be provided if needed.</li> <li>• Seek opportunities to collect and improve information on/for ethnic groups, language groups and indigenous peoples; mapping of ethnic/language groups may be led by the Ministry of Ethnic Affairs.</li> </ul>
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Principle C. REDD+ Policies and Measures in Myanmar must be designed and implemented to respect the knowledge and rights of indigenous peoples <sup>24</sup> and members of local communities <sup>25</sup>	
<p><b>Criterion C1. REDD+ Policies and Measures</b> must avoid involuntary resettlement and respect the rights of indigenous peoples and local communities to use land and resources (this relates to statutory rights as well as locally recognized and customary rights).</p>	<p><b>How this criterion is addressed:</b>  <i>Definition of “indigenous peoples”:</i></p> <ul style="list-style-type: none"> <li>• There is no commonly used definition of ‘indigenous peoples’ in the Myanmar PLR framework, which is why the national clarification of safeguards mentions the need to agree on a clear and specific definition to be used in the REDD+ context (see footnote on Principle C). However, several documents do reference ‘indigenous peoples’.</li> <li>• The NRS includes the following note on definitions: ‘Various terms are used in Myanmar policies, laws and regulations to refer to groups that meet the conditions identified by the UN Permanent Forum on Indigenous Issues as being “indigenous peoples”. Throughout this document, the term “ethnic minority/ies” is used in this sense’.</li> <li>• The definition of “Indigenous Peoples” in the EIA Procedure (2015) is “People with a social or cultural identity distinct from the dominant or mainstream society, which makes them vulnerable to being disadvantaged in the process of development”.</li> <li>• Civil society organizations also refer to internationally accepted definitions, such as those of UNDRIP and the Indigenous and Tribal Peoples Convention, 1989 (ILO No. 169) (though this Convention has not been ratified by Myanmar); Art. 1 of this Convention states that it shall apply to:  ‘(a) tribal peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;  (b) peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonisation or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions.’</li> </ul>

<sup>24</sup>A clear and specific definition of ‘indigenous peoples’ needs to be agreed through a comprehensive stakeholder dialogue process involving key government departments and representatives of ethnic peoples. The definition should be based on thorough analysis and review and take into account relations to the natural environment as well as culture. If there is disagreement, the criteria of self-determination should prevail.

<sup>25</sup> When ‘members of local communities’ are identified, care should be taken not to exclude persons who have been displaced by conflict or natural disaster.

	<p>It also notes that ‘Self-identification as indigenous or tribal shall be regarded as a fundamental criterion for determining the groups to which the provisions of this Convention apply’.</p> <p><i>Definition of ‘ethnic groups’:</i></p> <ul style="list-style-type: none"> <li>• The 2008 Constitution refers to “national races” and “ethnic nationalities” and references a list of the ethnic groups that are officially recognized in Myanmar.</li> <li>• The term “ethnic groups” has been defined in the Ethnic Rights Protection Law (2015) as “ethnic groups who have resided continuously within the Republic of the Union of Myanmar, stipulating as the original State”. In this definition, naturalized citizens and associate citizens are not included.</li> </ul> <p><i>Definition of “members of local communities”:</i></p> <ul style="list-style-type: none"> <li>• There is no definition of “members of local communities” in the Myanmar PLR framework. Discussions during development of the national safeguards clarification have focused on the question of whether a minimum residency requirement should be applied, and there was note of the need not to exclude persons who have been displaced by conflict or natural disaster (see footnote on Principle C).</li> <li>• An example of a PLR involving a minimum residency requirement are the Community Forestry Instructions (2019), which specify that the persons qualifying for participation in a Forest User Group should live within around five miles from a given forest area. It is also required that a person should have been resident in the area for a minimum of 5 years.</li> </ul> <p><i>Rights to land and resources:</i></p> <ul style="list-style-type: none"> <li>• Myanmar’s PLR framework provides some protection of officially recognized land tenure rights, especially for holders of a land use certificate (see below) or other form of legal documentation. For example in the procedures for the acquisition of land for a public purpose, such as declaration of a protected public forest, reserved forest or protected area (under the Forest Law 2018 and the Protection of Biodiversity and Protected Areas Law 2018); or when land is to be acquired as a precondition for an investment project (under the Land Acquisition Act 1894 / draft Land Acquisition, Resettlement and Rehabilitation Law and the Investment Rules 2017).</li> <li>• The Farmland Law (2012) supports tenure security on cultivated land, since eligible farmers can apply for indefinite land use certificates (LUCs). The rights covered by LUCs include the right of possession, and the right to sell, mortgage, lease, exchange and gift, in whole or in part. Constraints imposed by LUCs include not changing the originally cultivated crop without permission, and not allowing any part of the farmland to lie fallow.</li> </ul>
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	<ul style="list-style-type: none"> <li>• The National Land Use Policy (2016) stipulates that the process of land use planning (to be carried out by newly established Land Use Committees) should be conducted in a participatory manner and protect all land use rights, whether they are registered or not registered. It also recognizes shifting cultivation as a legitimate form of subsistence agriculture that should receive full consideration in the context of customary land tenure and use rights.</li> <li>• The Protection of Biodiversity and Protected Areas Law (2018) also includes mention of customary rights; it states that the Director General (of the Forest Department) shall, with the approval of the Ministry (i.e. MONREC), make provisions for customary rights and privileges of the people in the region where it is proposed to establish a protected area.</li> <li>• The Community Forestry Instructions (2019) allow community forestry certificates to be issued for certain areas of forest land. They grant forest user group members a right to compensation for the loss of trees and crops due to development projects being implemented in their area and give them the ability to pass on community forestry assets to legitimate heir(s). Moreover, members will receive the assistance of the Forest Department in protection against encroachment and illegal logging or extraction of non-timber forest products in their areas.</li> <li>• The Law Amending the VFV Lands Management Law (2018), Paragraph 30, notes that the management of the following types of land shall not be governed by this law, so they cannot be designated as VFV lands: a) lands that are allowed for shifting cultivation according to the existing laws and regulations; b) lands that are designated according to the traditions and cultures of local ethnic people; c) lands that are currently used for religious, social, education, health and transportation purposes for the public and ethnic people.</li> <li>• The NRS identifies a number of approaches to ensure that REDD+ implementation is supportive of the rights of local communities and indigenous peoples. The description of approaches to achieve Objective 4 of the Strategy, to conserve forest carbon stocks, particularly through protected areas, specifically highlights the establishment of Community Protected Areas (CPAs) and Indigenous and Community Conserved Areas (ICCAs). The proposed PaMs also include: “Recognize shifting cultivation landscapes as a form of ICCA, with management plans incorporating a temporally (but not spatially) stable area with tree cover (with conditionality)”.</li> </ul> <p><i>Procedures relating to involuntary resettlement and restrictions on land use:</i></p> <ul style="list-style-type: none"> <li>• For any projects that involve involuntary resettlement, or that could have adverse impacts on indigenous people, the EIA Procedure (2015) stipulates that, until national procedures governing such projects have been issued by the responsible ministries, international good practice shall be applied. Where a project causes people (indigenous or</li> </ul>
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	<p>non-indigenous) to be displaced, the project proponent is responsible to support affected persons until they have regained at least their former level of socio-economic stability.</p> <ul style="list-style-type: none"> <li>• Procedures for settling grievances in relation to land use rights are provided in the Farmland Law (2012), the Law Amending the VFV Lands Management Law (2018) and to some degree in the Forest Law (2018) and the Protection of Biodiversity and Protected Areas Law (2018). The Land Acquisition Act (1894) offers several options of compensation for persons with an interest in the land that has been acquired; this provision remains the same in the new draft Land Acquisition, Resettlement and Rehabilitation Law. The Farmland Rules allow for complaint cases to be made about decisions related to farmland, e.g. on the right to work a certain piece of land, and for compensation to be offered if farmland is requisitioned in the state or public interest under the Farmland Law.</li> <li>• Although the Ethnic Rights Protection Law (2015) does not include language on rights to land and resources, in Chapter 4, it notes that development works, major projects, and extraction of natural resources in the areas of ethnic groups shall require informing and coordinating with the respective ethnic groups.</li> <li>• Some projects in Myanmar are applying other international safeguards frameworks or instruments related to this criterion. Under World Bank safeguard policies, FPIC of indigenous peoples is required for all interventions that involve land acquisition or would lead to their displacement and/or entail cultural harm or appropriation. The Involuntary Resettlement Safeguards of the Asian Development Bank (ADB) recognize a right for all displaced persons to receive compensation. Compensation, assistance and benefits should be offered in order to enhance or at least restore the livelihoods of all displaced persons in real terms relative to pre-project levels and to improve the standards of living of the displaced poor and other vulnerable groups. The ADB Involuntary Resettlement Safeguards do not contain a specific FPIC requirement and can under certain conditions allow indigenous people to be resettled against their will.</li> <li>• The UN-REDD Myanmar Programme is preparing FPIC guidelines for REDD+ projects expected to have impacts at the local level, to effectively engage with rights-holders to implement a consent process, and to maintain consent. The Programme has undertaken a pilot exercise in 10 Village Tracts in Mon State, to test and improve a draft of the guidelines. The Forest Department has also prepared a set of FPIC guidelines, developed with support from the International Tropical Timber Organisation (ITTO). (Please also see Criterion B1).</li> </ul> <p><b>What has been done so far to ensure this criterion is respected:</b></p> <ul style="list-style-type: none"> <li>• Information related to the implementation of REDD+ PaMs is not yet available.</li> </ul>
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	<ul style="list-style-type: none"> <li>• The National Reforestation and Rehabilitation Programme (NRRP) (2017-2027), which is expected to contribute to the enhancement of forest carbon stocks, is undertaking the establishment of community forests and new plantations in degraded forest areas, as well as the restoration of natural forests. To avoid the involuntary resettlement of local communities, the NRRP is only implemented in areas where no local communities are residing. In cases involving forest areas with encroachment by local communities, the Forest Department will offer to establish community forestry, without the requirement for people to vacate those forest areas.</li> <li>• The Ministry of Ethnic Affairs has provided 64 awareness-raising sessions on the Ethnic Rights Protection Law in the various states and regions, in order to help people, understand their rights. The Strategy on the Rights of Ethnic Groups in Myanmar (tentatively 10 years, 2019-2028) is currently under development to effectively implement the law.</li> </ul> <p><b>Implementation responsibilities:</b></p> <ul style="list-style-type: none"> <li>• The Environmental Conservation Department (ECD) of MONREC is responsible for screening projects for IEE/EIA. The implementation of the IEE/EIA is the responsibility of the project proponents; the relevant Ministry/department is responsible for conducting SEAs. The Minister of MONREC can request a SEA to be conducted.</li> <li>• The Ministry of Ethnic Affairs is responsible for implementation of the Ethnic Rights Protection Law (2015).</li> <li>• MOALI is responsible for implementation of the Farmland Law (2012) and Rules.</li> <li>• The REDD+ implementing agencies will be responsible for guiding and implementing PaMs, with coordination through the NCU, including to ensure that FPIC processes are conducted where these apply, and that the rights of indigenous peoples and local communities to land and resources are respected.</li> </ul> <p><b>Key gaps/challenges:</b></p> <ul style="list-style-type: none"> <li>• As noted above, Myanmar does not have consistently applied or agreed definitions at the national level for either ‘indigenous peoples’ or ‘ethnic groups’, and the two terms are often used interchangeably, even though they have different meanings. For example, the terms are still under discussion in the national peace process and can be translated in different ways in Myanmar language. It is also reported that some ethnic groups have questioned whether the term “indigenous peoples” should be applied to them.</li> <li>• The definition of “ethnic groups” from the Ethnic Rights Protection Law (2015) is considered not clear, e.g. it does not provide practical guidance on the identification of ethnic groups.</li> </ul>
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	<ul style="list-style-type: none"> <li>• ‘Members of local communities’ is not fully defined in existing official documents. There are also stakeholder concerns related to the 5-year residency requirement in the Community Forestry Instructions (2019), which may affect the implementation of some REDD+ PaMs.</li> <li>• As indicated in the national clarification, when ‘members of local communities’ and ‘indigenous people’ or ‘ethnic groups’ are identified in the context of REDD+ planning and implementation, care should be taken not to exclude persons who have been displaced by conflict or natural disaster.</li> <li>• The assertion of land rights and efforts to clarify land tenure can be hindered by the continued lack of systematic and accurate records of land ownership in some areas.</li> <li>• A key concern relates to the extent of protective mechanisms in the current legal framework for the rights (especially customary rights) of indigenous peoples, ethnic minorities and local communities, and the application of these mechanisms in practice. There is limited protection for use rights of traditional farmers and other land users without formally documented use rights (such as users of forest resources, people practicing shifting cultivation, displaced people) (see also gaps/challenges identified under Criterion A2).</li> <li>• Although shifting cultivation is recognized as a legitimate form of customary use in the NLUP, the Farmland Rules (2012) ban shifting cultivation practices, and the Forest Law (2018), as well as a number of other PLRs such as the National Action Programme under the UNCCD, treat shifting cultivation as a threat to forest and environment.</li> <li>• Existing programmes (such as the NRRP and establishment of protected areas) have not yet fully applied the IEE/EIA/SEA requirements or FPIC guidelines pertinent to such programmes.</li> </ul> <p><b>Measures to address gaps:</b></p> <ul style="list-style-type: none"> <li>• As noted in the clarified Principle C, a clear and consistently used definition of ‘indigenous peoples’ needs to be agreed through a comprehensive stakeholder dialogue process involving key government departments and representatives of ethnic peoples. The definition should be based on thorough analysis and review and take into account relations to the natural environment as well as culture. If there is disagreement, the criteria of self-determination should prevail. The development of the Strategy on the Rights of Ethnic Groups in Myanmar may provide an opportunity to address this need.</li> <li>• The legal framework on indigenous peoples’ rights should be strengthened, for example through the development of an Indigenous Peoples’ Rights Act, and/or establishment of provisions on indigenous peoples’ rights through the ongoing development of the Land Law and the revision of the Forest Law (2018). This process should have substantive involvement of indigenous peoples’ representatives, including validation of relevant proposed legal text.</li> </ul>
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	<ul style="list-style-type: none"> <li>• There is a need to build the capacity of government staff for conducting participatory and inclusive planning processes, and where applicable meeting the requirements of the EIA Procedure and FPIC. Awareness raising should be carried out for local stakeholders (in particular vulnerable groups) about these and any other relevant REDD+ procedures, their opportunities to participate in REDD+, and options for raising complaints if they feel their rights are not respected (e.g. GRM, see Criterion C5 below). REDD+ PaMs related to strengthening land use planning processes can also help to address this gap.</li> <li>• The information systems being developed to support REDD+ (e.g. NFMS) and related initiatives (e.g. One Map) should be used to improve the availability of, and access to, information on land tenure, land classification and land use rights.</li> <li>• The proposed REDD+ PaM on recognizing stable shifting cultivation systems through ICCA status is a short-term approach; a long-term solution should be identified whereby communities practicing shifting cultivation can have their rights to land recognized.</li> </ul>
<p><b>Criterion C2. REDD+ Policies and Measures</b> should take into account existing land uses and avoid negative impacts on vulnerable stakeholder groups without documented rights to use land and resources (such as communities with customary land tenure), and where possible should support the fair and transparent clarification of use rights, avoiding risks of elite capture. EIA/SEA should be conducted for</p>	<p><b>How this criterion is addressed:</b></p> <p><i>Definition of ‘vulnerable groups’</i></p> <ul style="list-style-type: none"> <li>• The only available definition of ‘vulnerable groups’ in Myanmar’s PLR framework is that of the Myanmar National Social Protection Strategic Plan (2014), which identifies the vulnerable and marginalized groups as orphans, women with special needs, children, persons with disabilities, older people, people in disaster affected communities to undergo rehabilitation, and persons with chronic diseases/disorders.</li> </ul> <p><i>Consideration of existing land uses and rights</i></p> <ul style="list-style-type: none"> <li>• Detailed information on PLRs related to rights to land and resources is provided under Criterion C1. The National Land Use Policy (2016) aims to harmonize land-related legislation; its objectives include strengthening land tenure security for people in both urban and rural areas and recognizing and protecting all land use rights, whether they are registered or not, including customary land tenure rights and related procedures of the ethnic nationalities. However, the National Land Law foreseen under the policy has not yet been passed.</li> <li>• Although the National Land Use Policy has yet to be operationalized, pilots of participatory land use planning are underway; for example, planning processes in 10 villages of Kachin State being facilitated by the Kachin Conservation Working Group.</li> <li>• The Protection of Biodiversity and Protected Areas Law (2018) makes provisions for customary rights and privileges of the people living in an area if there is a proposal to establish a protected area in their location, though</li> </ul>



<p>REDD+ PaMs where applicable.</p>	<p>it does not explicitly recognize customary tenure. The Law allows for co-management of protected areas between protected area authorities and local communities, and the definition of buffer zones to allow certain development activities without having adverse impacts on the core zone.</p> <ul style="list-style-type: none"> <li>• The Farmland Law (2012) sets out how farmers can apply for land use certificates, giving them the right to cultivate the land with either seasonal or perennial crops. There is no corresponding process for the registration of customary land tenure or communal grazing and forest-related rights. Rights to cultivate land categorized as “vacant, fallow or virgin” (VFV) lands can be allocated by the Central VFV Lands Management Committee under the Law Amending the VFV Lands Management Law (2018). The VFV Lands Management Rules (2012) also require such land to be investigated to ensure that it is indeed vacant.</li> <li>• Rights to forest land / access to forest resources can be recognized by issuing a community forestry certificate under the Community Forestry Instructions (2019)<sup>26</sup>, while permission for the establishment of plantations can be granted under the Forest Law 2018.</li> <li>• As noted under Criterion C1, FPIC is to be applied to REDD+ PaMs expected to have impacts at the local level; the FPIC process will take into account existing land uses and aim to avoid negative impacts on vulnerable stakeholder groups, including those without documented rights to use land and resources.</li> </ul> <p><i>Implementation of EIA/SEA:</i></p> <ul style="list-style-type: none"> <li>• Refer to Criterion B2 for more information on IEE/EIA/SEA requirements; all development projects, including those in the forest sector and those being implemented by government, are to follow the EIA Procedure (2015).</li> </ul> <p><i>Supporting clarification of use rights:</i></p> <ul style="list-style-type: none"> <li>• A number of REDD+ PaMs propose to strengthen land use planning and land tenure arrangements, including customary practices, such as “Recognize shifting cultivation areas as a form of Indigenous and Community Conserved Area (ICCA), with management plans incorporating a temporally (but not spatially) stable area with tree cover (with conditionality)”; and “Implement the Land Use Policy (2016), particularly Part VIII regarding land tenure security and the recognition of customary rights”.</li> </ul> <p><b>What has been done so far to ensure this criterion is respected:</b></p>
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<sup>26</sup> Chapter 13 of the Community Forestry Instructions (2019) also states that members of user groups can permit their legitimate heir(s) to inherit their own assets related to community forestry and have the right to exemption from land-lease fees for those community forests established in forest land areas.

	<ul style="list-style-type: none"> <li>• Information is not yet available.</li> </ul> <p><b>Implementation responsibilities:</b></p> <ul style="list-style-type: none"> <li>• The Environmental Conservation Department (ECD) of MONREC is responsible for screening projects for IEE/EIA. The implementation of the IEE/EIA is the responsibility of the project proponents.</li> <li>• MONREC is responsible for the implementation of the Protection of Biodiversity and Protected Areas Law (2018).</li> <li>• The Central Administrative Body of Farmland, and Region/State and District Administrative Bodies of Farmland, Department of Land Management and Statistics, MOALI, are responsible for implementing the Farmland Law (2012).</li> <li>• The Central Committee for the Management of VFV Lands, chaired by the Minister of MOALI, and the State/Region VFV Lands Management Committees are responsible for implementing the Law Amending the VFV Lands Management Law (2018).</li> <li>• The Ministry of Ethnic Affairs is responsible for implementation of the Ethnic Rights Protection Law (2015).</li> <li>• The REDD+ implementing agencies will be responsible for guiding and implementing PaMs, including the implementation of necessary impact assessments and avoiding negative impacts on vulnerable groups, with coordination through the REDD+ NCU. The NCU will be responsible for the coordination of any updates to the NRS and REDD+ PaMs.</li> </ul> <p><b>Key gaps/challenges:</b></p> <ul style="list-style-type: none"> <li>• There are no consistently applied definitions of ‘vulnerable groups’, ‘undocumented rights’ and ‘customary rights’ across the Myanmar PLR framework. In the context of REDD+, the definition of vulnerable groups from the National Social Protection Strategic Plan may be insufficient, as it does not include ethnic groups and displaced people or make a reference to land tenure status.</li> <li>• As described above, the current legal situation related to land tenure is complex, and practical implementation of laws is made even more difficult by issues of stakeholder capacity and incomplete documentation. With regard to the consideration of existing land uses on VFV lands, land selected for reallocation is not always investigated to ensure that it is vacant, and it is unclear how conflicts between sectors over VFV lands reallocation are to be resolved.</li> </ul>
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	<ul style="list-style-type: none"> <li>• Due to a lack of information among vulnerable groups about their rights, or a lack of capacity to assert them, or due to a lack of awareness among government staff about the needs of vulnerable groups, there is a risk of elite capture in processes for the recognition of customary rights or land use / management planning; poor or vulnerable groups, such as ethnic groups, women and displaced people, might lose out.</li> <li>• Although the Farmland Law, the Law Amending the VFV Lands Management Law and the Forest Law are gender-neutral, women and men may not have the same opportunities to exercise or claim their rights under these laws. This is partly due to customary practices and prevailing social and gender norms, as well as unclear administrative and institutional frameworks when it comes to women's rights to ownership of land and resources. Women also often lack information about their rights and remain underrepresented in forestry planning and management meetings and decision-making processes.</li> <li>• The assertion of land rights and efforts to clarify land tenure can be hindered by the continued lack of systematic and accurate records of land ownership in some areas, as well as missing or inaccurate spatial data.</li> <li>• Existing programmes (such as the NRRP and the establishment of new protected areas) have not yet fully applied the IEE/EIA/SEA requirements or FPIC guidelines pertinent to such programmes.</li> </ul> <p><b>Measures to address gaps:</b></p> <ul style="list-style-type: none"> <li>• Raise awareness of local stakeholders (in particular women and vulnerable groups) about REDD+ procedures, their opportunities to participate in REDD+, and options for raising complaints if they feel their rights are not respected; linking to awareness-raising sessions carried out by the Ministry of Ethnic Affairs is an opportunity to address this need.</li> <li>• As noted among the measures under Criterion C1, there is a need to build capacity in participatory planning and management approaches. Participatory mapping should be considered as a way to support these approaches, as well as FPIC, particularly in situations where reliable spatial data is unavailable.</li> <li>• As noted among the measures under B2, guidance to REDD+ implementing agencies on processes for planning and implementing PaMs should include detailed guidance on obligations and procedures related to IEE/EIA/SEA and FPIC, including the consideration of existing land uses and the needs of vulnerable stakeholder groups.</li> </ul>
<p><b>Criterion C3. REDD+ Policies and Measures</b></p>	<p><b>How this criterion is addressed:</b>  <i>Definition of 'cultural heritage' and 'customary practices'</i></p>

<p>must be designed and implemented with respect for the cultural heritage<sup>27</sup> and customary practices of indigenous peoples and local communities.</p>	<ul style="list-style-type: none"> <li>• There is no definition of ‘cultural heritage’ in Myanmar’s PLR framework. UNESCO defines ‘cultural heritage’ as tangible and intangible cultural heritage: tangible cultural heritage includes movable, immovable and underwater cultural heritage and intangible cultural heritage includes oral traditions, performing arts and rituals<sup>28</sup>.</li> <li>• Several PLRs in Myanmar refer to customary practices or rights in relation to land use; see Criterion C2.</li> </ul> <p><i>Respect for cultural heritage and customary practices</i></p> <ul style="list-style-type: none"> <li>• The Ethnic Rights Protection Law (2015) sets out the right of ethnic groups to preserve their cultural heritage and gives the Ministry of Ethnic Affairs duties and powers to engage in development and preservation of culture and customs of ethnic groups. It also requires ethnic groups to be informed about major projects in their areas, and for coordination about these projects to take place. Please see Criterion C1 for more information about requirements to notify ethnic groups about projects in their areas.</li> <li>• According to the Investment Law (2016), business investments that may affect the traditional culture and customs of the ethnic groups within the Union should not be permitted, and all investors should respect and comply with the customs, traditions and traditional culture of the ethnic groups.</li> <li>• Myanmar’s National Biodiversity Strategy and Action Plan (NBSAP) 2015-2020 includes goals related to traditional knowledge and access and benefit sharing. For example, Target 18 states that by 2020 the traditional knowledge, innovations and practices of indigenous and local communities relevant for conservation and sustainable use of biodiversity, and their customary use of biological resources, are to be respected, subject to national legislation and relevant international obligations, and fully integrated and reflected in the implementation of the Convention on Biological Diversity with the full and effective participation of indigenous and local communities at all relevant levels.</li> <li>• A National Competent Authority for the implementation of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization (which includes provisions on access and benefit-sharing for traditional knowledge) has been established. A Draft Policy Framework for implementing the Nagoya Protocol on Access and Benefit Sharing is under preparation by the UNDP GEF funded project ‘Strengthening Human Resources, Legal Frameworks, and Institutional Capacities to Implement the Nagoya</li> </ul>
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<sup>27</sup> Including tangible and intangible heritage, place-based, movable and immovable heritage and beliefs.

<sup>28</sup> Please see: <http://www.unesco.org/new/en/culture/themes/illicit-trafficking-of-cultural-property/unesco-database-of-national-cultural-heritage-laws/frequently-asked-questions/definition-of-the-cultural-heritage/>

	Protocol'. Guidelines for the Protection of Traditional Knowledge, an Ethical Code of Conduct for research and a Community Protocol are also being developed.
	<b>What has been done so far to ensure this criterion is respected:</b> <ul style="list-style-type: none"> <li>A number of REDD+ PaMs have been designed to support customary practices and traditional knowledge, such as: “Recognize shifting cultivation areas as a form of Indigenous and Community Conserved Area (ICCA), with management plans incorporating a temporally (but not spatially) stable area with tree cover (with conditionality)”; and “Support improved income potential from traditional livelihoods”. ICCAs and CPAs are also specifically mentioned in Objective 4 of the NRS.</li> </ul>
	<b>Implementation responsibilities:</b> <ul style="list-style-type: none"> <li>The Ministry of Ethnic Affairs is responsible for implementing the Ethnic Rights Protection Law (2015).</li> <li>The Forest Department and ECD, MONREC, are responsible for implementing the NBSAP and commitments under the Nagoya Protocol.</li> <li>The REDD+ implementing agencies will be responsible for guiding and implementing PaMs, including consideration of customary practices and cultural heritage and ensuring that FPIC processes are conducted where these apply, with coordination through the NCU. The NCU will be responsible for the coordination of any updates to the NRS and REDD+ PaMs.</li> </ul>
	<b>Key gaps/challenges:</b> <ul style="list-style-type: none"> <li>As noted under Criterion C2, there is no consistently applied definition of ‘customary rights’ across the Myanmar PLR framework.</li> <li>There is still a lack of understanding and awareness among indigenous peoples and local communities about their rights related to cultural heritage and customary practices.</li> </ul>
	<b>Measures to address gaps:</b> <ul style="list-style-type: none"> <li>Guidance to REDD+ implementing agencies on obligations related to conducting IEE/EIA/SEA and FPIC during the planning of PaMs shall include provisions for the appropriate consideration of customary practices and cultural heritage; as part of understanding existing land uses, important cultural sites shall also be identified together with communities prior to REDD+ implementation.</li> </ul>
	<b>How this criterion is addressed:</b>

<p><b>Criterion C4.</b> Where impacts on the rights of indigenous peoples and local communities cannot be avoided without compromising the success of a Policy or Measure, consent needs to be obtained and appropriate forms of compensation must be offered and agreed through meaningfully implemented processes of Free, Prior and Informed Consent (FPIC).</p>	<ul style="list-style-type: none"> <li>• As described under Criterion C1, FPIC processes are to be applied to REDD+ PaMs that may have impacts at the local level. Guidelines for FPIC for REDD+ in Myanmar are under development; processes related to compensation have not yet been defined.</li> <li>• Several elements of the PLR framework refer to land acquisition and compensation, please see Criterion C1 for detail. The Land Acquisition Act (1894) offers several options of compensation for persons with an interest in the land that has been acquired, as does the new draft Land Acquisition, Resettlement and Rehabilitation Law. Under the Farmland Law (2012), if farmland is requisitioned in the state or public interest, then compensation is to be offered. In addition, as per ADB's Involuntary Resettlement Safeguards, all displaced persons affected by interventions carried out with ADB support have a right to receive the compensation, although the level of compensations are different depending on certain factors.</li> <li>• According to the Ethnic Rights Protection Law (2015) and Rules (2019), if a project is planned in the areas of ethnic groups, the benefits and risks of the project should be fully explained to the local ethnic people, using understandable languages and methods.</li> </ul>
	<p><b>What has been done so far to ensure this criterion is respected:</b></p> <ul style="list-style-type: none"> <li>• Information is not yet available.</li> </ul>
	<p><b>Implementation responsibilities:</b></p> <ul style="list-style-type: none"> <li>• The REDD+ implementing agencies will be responsible for guiding and implementing PaMs, including the implementation of necessary impact assessments and FPIC processes, with coordination through the future NCU.</li> <li>• The Forest Department is currently responsible for implementing necessary assessments and consultation processes for the NRRP, community forest establishment and other related initiatives that may play a role in achieving REDD+ goals.</li> <li>• The Central Administrative Body of Farmland, and Region/State and District Administrative Bodies of Farmland, Department of Land Management and Statistics, MOALI, are responsible for implementing the Farmland Law (2012).</li> <li>• The Ministry of Ethnic Affairs is responsible for implementation of the Ethnic Rights Protection Law (2015).</li> <li>• The General Administrative Department (GAD) of the Ministry of Home Affairs is responsible for the implementation of the Land Acquisition Act (1894); the new draft Land Acquisition, Resettlement and Rehabilitation Law does not specify GAD but refers to the Union Committee for Land Acquisition, Resettlement and Rehabilitation to be formed by the Union Government.</li> </ul>

	<p><b>Key gaps/challenges:</b></p> <ul style="list-style-type: none"> <li>• Refer to C1 for the gaps/challenges related to the protection of the rights of indigenous peoples and local communities, and C2 for gaps/challenges related to rights to land/resources and FPIC.</li> <li>• The FPIC guidelines under development for future application for REDD+ planning have yet to be completed; compensation for the loss of use rights should be considered within these guidelines.</li> </ul> <p><b>Measures to address gaps:</b></p> <ul style="list-style-type: none"> <li>• Refer to C1 and C2 for proposed measures related to capacity-building and awareness raising for FPIC and strengthening of the recognition of the rights of indigenous peoples and local communities.</li> </ul>
<p><b>Criterion C5.</b> Where indigenous peoples and local communities contribute to the implementation of REDD+ Policies and Measures, or REDD+ Policies and Measures have an impact on their territories, they should be offered a fair share of the benefits through a transparent mechanism.</p>	<p><b>How this criterion is addressed:</b></p> <p><i>Right to benefit-sharing:</i></p> <ul style="list-style-type: none"> <li>• Although there is no specific legislation explicitly dealing with REDD+ benefit sharing in the Myanmar legal framework, a number of PLRs and associated processes are relevant: <ul style="list-style-type: none"> <li>○ The Community Forestry Instructions (2019) support benefit sharing within Community Forest User Groups; benefits are to be shared equally in accordance with the group's Management Plan (Chapter 12, article 22). The Instructions also set out provisions related to the sale of products from community forests and Community Forest User Group bank accounts (Chapters 15 and 16). The Forest Department has established 3,883 groups for community forestry on 521,688 acres, as of March 2018.</li> <li>○ The Law of Protection of the Farmer Rights and Enhancement of their Benefits (2013) aims to support farmers through appropriate access to finance, technology, market and information access, rights to small plots, and recovery from natural disasters.</li> </ul> </li> <li>• The NRS notes that a REDD+ benefit-sharing system (BSS) will be developed; a Finance and Benefit Sharing TWG is to be established to formulate proposals for the benefit-sharing system. The BSS is to abide by the following principles: <ul style="list-style-type: none"> <li>○ Fair and equitable sharing of benefits, as well as “pro-poor” implementation, meaning that benefits accruing to poorer stakeholders are proportionately greater than to wealthier or institutional stakeholders;</li> <li>○ Being fully transparent, meaning that all data and information used to calculate benefits, including the methodology used, should be fully available;</li> <li>○ Based on broad stakeholder consultation;</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>○ Capable of transferring benefits to all stakeholders, governmental and non-governmental, including EAOs.</li> </ul> <p><b>What has been done so far to ensure this criterion is respected:</b></p> <ul style="list-style-type: none"> <li>• Information is not yet available.</li> </ul> <p><b>Implementation responsibilities:</b></p> <ul style="list-style-type: none"> <li>• The implementation of the Community Forestry Instructions (2019) is the responsibility of the Forest Department, MONREC.</li> <li>• The development and implementation of a BSS will be coordinated by the future NCU.</li> </ul> <p><b>Key gaps/challenges:</b></p> <ul style="list-style-type: none"> <li>• There are currently no provisions in the PLR framework that would specifically require benefits from REDD+ PaMs to be shared with indigenous people and local communities (or any other stakeholders), outside of community forestry.</li> </ul> <p><b>Measures to address gaps:</b></p> <ul style="list-style-type: none"> <li>• Following approval of the National REDD+ Strategy, an inclusive and equitable approach should be developed and piloted for the sharing of benefits from REDD+ with stakeholders, including indigenous people and local communities. Efforts should be made to ensure the role of people without documented rights to land and resources is considered.</li> </ul>
<p><b>Criterion C6.</b> A functional Grievance Redress Mechanism, developed with the agreement of indigenous peoples and local communities, must be provided to address and resolve any concerns related to impacts of REDD+ Policies and</p>	<p><b>How this criterion is addressed:</b></p> <ul style="list-style-type: none"> <li>• Procedures for settling grievances are provided in the Farmland Law (2012), the Law Amending the VFV Lands Management Law (2018) and to some degree in the Forest Law (2018) and the Protection of Biodiversity and Protected Areas Law (2018).</li> <li>• Another channel for communicating complaints and discussing public issues is the ‘public hearing system’, whereby public discussions may be held. This may include meetings with local members of parliament (MPs). There are also ongoing capacity building activities for MPs (e.g. supported by UNDP).</li> <li>• According to the EIA Procedure (2015), an Environmental Management Plan (EMP) (to be included in final EIA Reports) should set out a complaints and grievance management mechanism for the project in question. The Guidelines for Public Participation in Myanmar’s EIA Process were drafted in 2017 by a multi-sector working group but have not yet been adopted. These Guidelines propose a requirement to develop a public participation plan for the EIA process that includes complaints management and grievance redress mechanisms.</li> </ul>



<p>Measures on the rights of indigenous peoples and members of local communities.</p>	<ul style="list-style-type: none"> <li>• Development of a Grievance Redress Mechanism (GRM) for REDD+ in Myanmar has been proposed, and its design is being refined following piloting of FPIC and GRM in Mon State</li> <li>• Development of the REDD+ GRM can also draw on experiences from the National Community Driven Development Project (NCDDP), funded by the World Bank and implemented since 2013. The NCDDP has a grievance handling structure at village tract, township, state, regional and national levels in 9 project areas. All stakeholders are included, with villagers, contractors, facilitators, project staff and authorities able to submit grievances through special boxes placed across all village focal points, as well as via dedicated Facebook pages and websites. The village level committees are required to provide an update on received and resolved grievances at an annual social audit meeting. The appointed staff at the Department for Rural Development's Union office are then tasked with providing a monthly snapshot of the grievance handling mechanism. The World Bank grievance handling mechanism has been successful in its implementation and operation; this is considered due to its identification of a clear focal body and to addressing complaints within an effective timeframe. A recording and documentation system has also been applied.</li> </ul>
	<p><b>What has been done so far to ensure this criterion is respected:</b></p> <ul style="list-style-type: none"> <li>• No information is available as yet.</li> </ul>
	<p><b>Implementation responsibilities:</b></p> <ul style="list-style-type: none"> <li>• MOALI is responsible for the procedures for settling grievances that are provided in the Farmland Law (2012) and the Law Amending the VFV Lands Management Law (2018).</li> <li>• MONREC is responsible for grievance procedures under the Forest Law (2018) and the Protection of Biodiversity and Protected Areas Law (2018).</li> <li>• The future REDD+ NCU will lead the establishment of the GRM for REDD+ and ensure grievances received are resolved effectively and in a timely manner.</li> </ul>
	<p><b>Key gaps/challenges:</b></p> <ul style="list-style-type: none"> <li>• There are concerns that members of minority ethnic groups and some stakeholders may be less able to access the available mechanisms, e.g. for settling complaints and grievances under the Farmland Law, the Law Amending the VFV Lands Management Law and the Forest Law, due to lack of awareness and language barriers.</li> <li>• In addition, the authorities in charge of these mechanisms lack sufficient staff and resources to deal with complaints, may not be fully aware of their roles and responsibilities, and are not well coordinated with each other.</li> </ul>

	<p><b>Measures to address gaps:</b></p> <ul style="list-style-type: none"> <li>• The further elaboration of the proposed REDD+ GRM should take into account recommendations provided in the scoping study, such as the review of proposed Key Performance Indicators and response timeframes through a consultation with stakeholders.</li> <li>• The REDD+ GRM should be accessible in local languages for key ethnic groups in REDD+ implementation areas.</li> <li>• Information on the available channels for communicating feedback and grievances, people's rights to access these channels, and the roles and responsibilities of those administering them, should be improved and provided to all relevant stakeholders.</li> </ul>
<p>Principle D. REDD+ Policies and Measures in Myanmar must be designed and implemented with the full and effective participation of relevant stakeholders, in particular indigenous peoples and local communities. All groups who may be affected by the Policies and Measures should be considered relevant stakeholders.</p>	
<p><b>Criterion D1.</b> The participation of stakeholders in planning and implementation of Policies and Measures should be actively sought, and stakeholder groups with low capacity to participate (such as women, poor people, small ethnic groups, groups without documented land</p>	<p><b>How this criterion is addressed:</b>  <i>Definition of relevant stakeholders</i></p> <ul style="list-style-type: none"> <li>• There is no definition in Myanmar's PLR framework that would indicate who should be considered "relevant stakeholders" in the context of REDD+ PaMs, or which stakeholders should be considered as having low capacity to participate. However, a stakeholder mapping for REDD+ has been conducted at the national level through the TWG-SES as part of the development of the NRS.</li> <li>• According to the 'Guidelines for Stakeholder Engagement in Policies and Programmes for Sustainable Forest Management and REDD+'<sup>29</sup>, developed with support from the UN-REDD Myanmar Programme in 2016, relevant stakeholders are defined as "those groups that have a stake/interest/right in the forest and those that will be affected either negatively or positively by REDD+ activities". Key stakeholders in Myanmar that should be engaged in the design and implementation of Policies and Measures for REDD+, as identified in the Guidelines, include: Government agencies (such as Forest Department, MONREC, MOALI and MOPF); formal and informal forest</li> </ul>

<sup>29</sup> <https://www.unredd.net/documents/fpic-repository-1/guidelines-1/16842-guidelines-for-stakeholder-engagement-in-policies-and-programmes-for-sustainable-forest-management-and-redd.html>

<p>rights) should be supported through appropriate arrangements (e.g. capacity-building, choice of suitable communication formats, taking into account language requirements and traditions).</p>	<p>users; private sector entities; indigenous peoples and other forest dependent communities. Civil Society Organizations (CSOs) will also be engaged.</p> <p><i>Mechanisms or platforms for stakeholder participation:</i></p> <ul style="list-style-type: none"> <li>• At the national level, a number of cross-sector coordination mechanisms or platforms exist that help to facilitate participation or engagement in REDD+ planning processes. These are described under Criterion A1. A REDD+ Stakeholder Network has also been established. The total membership of the REDD+ Stakeholder Network is 62, while the REDD+ Taskforce includes 17 members. More information on channels for communication with REDD+ stakeholders is provided under Criterion B1.</li> <li>• The National Land Use Policy (2016, Art. 19) specifies that the preparation, revision and updating of land use plans and maps “shall be carried out using an inclusive participatory approach and in consultation with local stakeholders, including men and women.”</li> <li>• The Ethnic Rights Protection Law (2015) also states that the ethnic groups are entitled to participate as ‘representatives in legislation’ of the relevant Region or State and Self-Administered Area, if they are a population stipulated in the Constitution.</li> <li>• According to the EIA Procedure (2015), the proponent of a project that requires an EIA has to arrange for appropriate public consultation throughout all phases of the process and disclose documentation to the public in a timely manner. Consultations should include all stakeholders who could be affected by, or otherwise have an interest in, the project. The EIA Procedure also applies to some types of REDD+ PaMs.</li> <li>• The Guidelines for Public Participation in Myanmar’s EIA Process were drafted in 2017 by a multi-sector working group, but have not yet been adopted. These Guidelines propose a requirement to develop a public participation plan for the EIA process that includes complaints management and grievance redress mechanisms.</li> <li>• The FPIC guidelines being developed by the Myanmar UN-REDD Programme also require stakeholder participation in the planning of REDD+ PaMs. See Criterion B1 for more details.</li> <li>• At the subnational level, there are a number of existing and planned structures and platforms that facilitate stakeholder engagement in the forest and land sectors and could be drawn upon for REDD+: <ul style="list-style-type: none"> <li>○ The planned Land Use Committees at State/Region, district, township and village tract levels as mandated by the National Land Use Policy (2016). According to the Policy, the State/Region committees should include farmers’ representatives as well as representatives from all local ethnic nationalities and relevant</li> </ul> </li> </ul>
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	<p>experts. The local level Land Use Committees will be tasked with conducting public consultation on proposed land use maps.</p> <ul style="list-style-type: none"> <li>○ The recently established Township Planning and Implementation Committees, or where these do not yet exist, the Township Management Committees.</li> <li>• Several processes have also been established that are relevant to the engagement with ethnic groups and EAOs, such as the interim arrangements set out by the National Ceasefire Agreement.</li> </ul> <p><b>What has been done so far to ensure this criterion is respected:</b></p> <ul style="list-style-type: none"> <li>• 43 consultation workshops have been held as part of the development process of the NRS. Consultations took place at national and sub-national level, with the private sector, and with self-administrative areas and EAOs. They have involved 621 female and 1534 male participants (2155 in total). Around 270 comments on the Strategy text were received through the final validation workshop for the NRS and an online comment period.</li> <li>• Awareness-raising materials about REDD+ and the NRS have been produced in 10 languages (Chin, Kachin, Karen, Kayah, Kokang, Mon, Pa Oh, Wa, Shan and Palaung), as well as Myanmar language. These have been shared during workshops and through ethnic group representatives.</li> <li>• The Myanmar UN-REDD Programme has established communications about the REDD+ process with 10 EAOs and with ethnic group organizations that are close to the EAOs.</li> </ul> <p><b>Implementation responsibilities:</b></p> <ul style="list-style-type: none"> <li>• The REDD+ implementing agencies will be responsible for guiding and implementing PaMs, including engagement of stakeholders in planning / EIA / FPIC processes and PaMs implementation, with coordination through the future NCU. The NCU will also be responsible for coordinating broader stakeholder engagement and communication about REDD+.</li> <li>• The Department of Planning (MOPF) is responsible for establishing Township Planning and Implementation Committees; Region/State Governments are responsible for establishing subnational level Land Use Committees.</li> </ul> <p><b>Key gaps/challenges:</b></p> <ul style="list-style-type: none"> <li>• Public participation in decision-making on land use and in related areas is a relatively new concept in Myanmar's legal framework (both the NLUP and the EIA Procedure are less than five years old and there are still gaps in their implementation); the capacity of those who are tasked with conducting consultations also needs to be strengthened.</li> </ul>
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	<ul style="list-style-type: none"> <li>• The implementation of the EIA Procedure is not yet comprehensive, and there is not much detail in the Procedure about how accessibility of the consultations for vulnerable stakeholder groups or groups with low capacity should be achieved. The draft Guidelines for Public Participation in Myanmar's EIA Process have not yet been adopted.</li> <li>• Capacity-building and logistical support is needed especially for vulnerable and marginalized stakeholder groups, including women (noting lower rates of participation in workshops so far, for instance), and their needs may need to be specifically considered in the design of mechanisms for participation (e.g. to ensure that people without formal land use rights are not excluded from the process).</li> <li>• The multiple committees and planning processes for land use and forest management at subnational level (see criterion B3 for more information) may lead to difficulties in coordinating stakeholder participation in all aspects of planning and implementing REDD+ PaMs.</li> </ul> <p><b>Measures to address gaps:</b></p> <ul style="list-style-type: none"> <li>• Detailed guidance for agencies planning and implementing REDD+ PaMs should be developed, setting out relevant legal requirements related to stakeholder participation (such as under the EIA Procedure and the Guidelines for Public Participation in EIA once adopted), as well as best practice for REDD+ (e.g. for FPIC processes, equitable provision of opportunities to participate, and building the capacity of vulnerable/marginalized stakeholder groups, particularly women). This guidance can build upon the Guidelines for Stakeholder Engagement in REDD+ and the FPIC guidelines currently under development.</li> </ul>
<p><b>Criterion D2.</b> Where direct participation of stakeholders in the planning of a Policy or Measure is not feasible (e.g. due to the large area over which the PaM is to be implemented), the equal and proportionate participation of stakeholder representatives with relevant knowledge</p>	<p><b>How this criterion is addressed:</b></p> <ul style="list-style-type: none"> <li>• While direct participation of local stakeholders may be possible for site-level interventions, discussions at the national and state/region level typically need to involve representatives, which should be selected through an appropriate mechanism. There are few existing processes or provisions in Myanmar's PLR framework that could be used to determine how representatives of indigenous peoples and local communities should be selected to ensure that they can legitimately speak on behalf of their stakeholder group, and how they should remain accountable to their group.</li> <li>• In the case of the national peace process, EAOs use their own processes to select representatives to be involved. New Mon Party, for example, has formed a number of working committees, including one related to the peace process.</li> <li>• In the context of REDD+, the National REDD+ Taskforce and the three TWGs were formed to provide decision-making support in their area of expertise. their Terms of Reference (TOR) detail the roles and responsibilities of</li> </ul>

<p>and skills and appropriate legitimization by their group should be sought, and the duties of representatives towards their stakeholder group should be defined. Stakeholder representatives should be made well aware of their roles and responsibilities. They should share information with their stakeholder group and get feedback from them.</p>	<p>group members, including: to report back to their line ministries, organizations or constituencies; to communicate effectively with their line ministries, organizations or constituencies; and to review documents and presentations and provide comments and inputs.</p> <ul style="list-style-type: none"> <li>• The ‘Guidelines for Stakeholder Engagement in Policies and Programmes for Sustainable Forest Management and REDD+’ include information that can be used in addressing this criterion, including on: considerations for identifying stakeholders; sample rights and duties of stakeholders in engagement processes; and communications guidance.</li> </ul> <p><b>What has been done so far to ensure this criterion is respected:</b></p> <ul style="list-style-type: none"> <li>• No information is available as yet.</li> </ul> <p><b>Implementation responsibilities:</b></p> <ul style="list-style-type: none"> <li>• The future REDD+ NCU will be responsible for ensuring the legitimacy and accountability of stakeholder representatives in national REDD+ processes; REDD+ implementing agencies will be responsible for promoting the legitimacy and accountability of stakeholder representatives engaged in the planning and/or implementation of specific REDD+ PaMs.</li> </ul> <p><b>Key gaps/challenges:</b></p> <ul style="list-style-type: none"> <li>• There is a lack of agreed, formal processes for the selection of stakeholder representatives, as well as of established good practice for measures to ensure their legitimacy and accountability.</li> </ul> <p><b>Measures to address gaps:</b></p> <ul style="list-style-type: none"> <li>• Comprehensive identification of relevant stakeholders for REDD+ planning, implementation and monitoring is required to ensure inclusive representation and participation. Stakeholders or stakeholder groups should have the option to ‘self-identify’.</li> <li>• A documented process/guidance to encourage the transparent selection of stakeholder representatives by the groups themselves should be developed for future consultations or engagement in REDD+ planning/implementation.</li> <li>• Terms of reference for stakeholder representatives should include responsibilities for effective communication with their constituencies.</li> <li>• The GRM also offers a potential channel for stakeholders to provide feedback on their representatives and the selection process; this function of the GRM should be considered in its design and in the development of training materials/protocols for GRM operation.</li> </ul>
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<p><b>Criterion D3.</b> Where stakeholders, in particular members of local communities, can play a meaningful role in the implementation and/or monitoring of Policies and Measures (taking into account the nature of the Policies and Measures), they must be offered the opportunity to participate (this may entail a need for capacity-building and establishment of supportive mechanism, networks, etc., taking into account language requirements and traditions).</p>	<p><b>How this criterion is addressed:</b></p> <ul style="list-style-type: none"> <li>• The National Land Use Policy (2016) states that land-related laws should be amended so that persons affected by land acquisition receive the right to invest in the project for which the acquisition was made.</li> <li>• The Protection of Biodiversity and Protected Areas Law (2018) allows for co-management of protected areas between protected area authorities and local communities, and the definition of buffer zones to allow certain development activities without having adverse impacts on the core zone.</li> <li>• The Community Forestry Instructions (2019) set out substantial participation opportunities and responsibilities for communities, and outline the responsibilities of Community Forest User Groups (CFUGs) as follows: to establish the forest plantations or take necessary actions to improve existing natural forest in accordance with the Community Forest Management Plan; after the first rotation of the forest plantation, carry out, under the supervision of the Forest Department, site preparation, seed collection, nursery works, planting and tending operations; sustainably manage and utilize the CF; get support from the Forest Department and other related departments in protecting against illegal exploitation and encroachment; distribute the benefits received from CF equitably in accordance with the Management Plan; prepare reports as required and record all incomes and expenditures; formulate the CFUG's internal rules and regulations based on the instructions of the Forest Department; and abide by the Forest Law, Forest Rules, Procedures, Community Forestry Instructions and other regulations and instructions periodically issued by the Forest Department.</li> <li>• Local stakeholders are being involved in processes related to the National Forest Inventory (NFI) and forest monitoring, such as in pre-assessment, assessment and post-assessment consultations and in data collection, with emphasis in areas where conflicts between the central government and ethnic communities are still prevalent.</li> <li>• The Law of Protection of the Farmer Rights and Enhancement of their Benefits (2013) aims to support farmers through appropriate access to finance, technology, market and information access, rights to small plots, and recovery from natural disasters. This Law may support the implementation of PaMs aimed at improved agricultural practices together with farmers.</li> <li>• A number of the PaMs in the NRS explicitly include participatory approaches in their design, and will involve the participation of stakeholders in their implementation, such as: "Develop and implement jurisdictional land use plans with sub-national participatory and gender-equitable land-use planning"; "Implement incentivized community co-managed monitoring programmes"; "Develop and implement participatory protected area management plans,</li> </ul>
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	<p>including sustainable financing measures”; and “Promote farmers’ and forest users’ associations, equitably for women and men, as a means to raise rural incomes”.</p> <ul style="list-style-type: none"> <li>• Please see Criterion B4 for more information on capacity building for stakeholders.</li> </ul>
	<p><b>What has been done so far to ensure this criterion is respected:</b></p> <ul style="list-style-type: none"> <li>• No information is available as yet.</li> </ul>
	<p><b>Implementation responsibilities:</b></p> <ul style="list-style-type: none"> <li>• The Forest Department (MONREC) is responsible for the implementation of the Community Forestry Instructions (2019).</li> <li>• MONREC and protected area authorities are responsible for the implementation of the Protection of Biodiversity and Protected Areas Law (2018) and co-management of protected areas with local communities.</li> <li>• The Forest Department is responsible for carrying out the NFI.</li> <li>• The REDD+ implementing agencies will be responsible for guiding and implementing PaMs, including promotion of stakeholder participation in implementation and monitoring, with coordination through the future NCU.</li> </ul>
	<p><b>Key gaps/challenges:</b></p> <ul style="list-style-type: none"> <li>• Compared to engagement in planning, there are fewer elements of the PLR framework and REDD+ specific processes related to ensuring opportunities for stakeholders, particularly indigenous peoples and local communities, to participate in actual implementation and monitoring of PaMs.</li> </ul>
	<p><b>Measures to address gaps:</b></p> <ul style="list-style-type: none"> <li>• Guidelines for stakeholder involvement (see measure suggested under Criterion D1) should address participation in all stages of PaMs development and implementation, including the implementation of on-the-ground activities and monitoring/evaluation. The guidelines should also encourage the identification and enhancement of opportunities for women and other vulnerable groups to participate.</li> </ul>
<p>Principle E. REDD+ Policies and Measures in Myanmar should be consistent with the conservation of natural forests and biological diversity, ensuring that they do not lead to the conversion of natural forests, but are instead used to incentivize the protection and conservation of natural forests and their ecosystem services, and to enhance other social and environmental benefits</p>	
<p><b>Criterion E1.</b> Before REDD+ Policies and</p>	<p><b>How this criterion is addressed:</b> <i>Definition of natural forest:</i></p>



<p>Measures that could have an impact on natural forests are implemented, the distribution of natural forests in the area covered by the PaM should be mapped reliably, with particular attention to forests outside of the permanent forest estate. No conversion of these forests to other land uses (including into plantations) should be allowed; risks of indirect conversion (e.g. through displacement of land use) should be minimized as far as possible.</p>	<ul style="list-style-type: none"> <li>• The term ‘natural forest’ does not have a formal, legal definition in Myanmar, although the term is used in the Community Forestry Instructions (2019), in the objectives of the Forest Law (2018) and in the name of the ‘Division of Natural Forest and Plantations’ of the Forest Department. The national codes used by MONREC for classifying land use and land cover mapping do not currently distinguish between natural and planted forest, nor is such a distinction included in Myanmar’s Forest Reference Level (submitted to the UNFCCC in January 2019<sup>30</sup>). However, the Myanmar Forest Resources Assessment report<sup>31</sup> includes FAO definitions relevant to natural forest, such as: naturally regenerated forest; primary forest; and other naturally regenerated forest.</li> </ul> <p><i>Mapping of natural forests</i></p> <ul style="list-style-type: none"> <li>• The National Forest Monitoring System (NFMS), which is currently under development, is designed to map and measure forests and relevant forest related attributes and will be the primary information source to produce data for relevant UNFCCC reporting.</li> <li>• The NFI, a component of the NFMS, will use categories for forest types that can be aggregated to present the status and distribution of natural forest. These include categories like closed forest, open forest, mangrove forest, etc., which are understood to represent natural forest types.</li> <li>• REDD+ PaMs in the NRS will also support the mapping and characterization of natural forests, e.g.: “Undertake high resolution mapping of existing forests, shifting cultivation, and encroachment “hotspots”, with online registry”.</li> </ul> <p><i>Avoiding conversion of natural forest:</i></p> <p>There are no specific legal provisions in Myanmar that ban converting natural forest to other uses, but forest conversion is regulated through a number of different related laws and regulations, administered by different responsible agencies. The details depend on the type of forest / land category in question, and the purpose, scale and proponent of the proposed conversion:</p> <ul style="list-style-type: none"> <li>• If the natural forest area is in the VFV lands category, its management is required to align with the Law Amending the VFV lands Law (2018). The Central Committee for the Management of VFV Lands shall coordinate with MONREC and other relevant ministries so as not to damage forest areas, including reserved forests and protected public forest, and for conserving natural lands, watershed areas and natural fisheries.</li> </ul>
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<sup>30</sup> [http://www.myanmar-redd.org/wp-content/uploads/2017/10/FREL-Myanmar-Submission-to-UNFCCC\\_in-English-version.pdf](http://www.myanmar-redd.org/wp-content/uploads/2017/10/FREL-Myanmar-Submission-to-UNFCCC_in-English-version.pdf)

<sup>31</sup> FAO. 2014. Global Forest Resources Assessment 2015. Country report: Myanmar. <http://www.fao.org/3/a-az283e.pdf>

	<ul style="list-style-type: none"> <li>• According to the Forest Law (2018), should development activities be proposed in reserved forest areas or forest areas outside of reserved forest, MONREC must agree to this decision.</li> <li>• For forests situated on forest land, it is the responsibility of MONREC to decide if there can be any conversion to other purposes.</li> <li>• If the land in question is to be used for investment purposes, investors must obtain the endorsement of the relevant Investment Committee. A change in land use may also require an investment permit under the Investment Law (2016) and Investment Rules (2017) (e.g. if an agricultural investment covers more than 1,000 acres of land). This can be granted by the national level Myanmar Investment Commission, or the relevant regional or state investment committee for investments under US\$ 5 million.</li> <li>• Under the EIA Procedure (2015), if the planned change in land use meets the criteria for requiring an EIA, an Environmental Compliance Certificate (ECC) is needed for the activity to go ahead.</li> <li>• Different rules may be applied in areas under the control of EAOs and mixed management areas. For example, the Karen National Union (KNU) has its own investment permitting/licensing systems as well as land use policy, and a KNU forestry policy is in draft form. A comparative analysis of the structures and regulations relating to forest of the Union Government and a number of EAOs has been conducted by the Myanmar UN-REDD Programme; please see Criterion B3 for more information on coordination with EAOs.</li> <li>• The level of protection from conversion is considered higher for forests situated within the Permanent Forest Estate (PFE) (e.g. reserve forest and public protected forest) than for forests on VFV lands<sup>32</sup>, though the term PFE is not legally defined in Myanmar. Discussions are ongoing for the transfer of an amount of forested VFV land to ‘forest land’.</li> <li>• REDD+ PaMs that specifically address agriculture as a driver of deforestation are equally in line with the criterion, since conversion to agriculture has been identified as an important driver of forest loss in Myanmar. Improving agricultural production is a key goal for the government, however the focus in documents such as the Agriculture Development Strategy and Investment Plan (2018/19–2022/23) is on increasing productivity in existing cultivation</li> </ul>
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<sup>32</sup> Myanmar UN-REDD Programme. 2019. Policies, Laws and Regulations (PLRs) that can help to address the Cancun safeguards for REDD+ in Myanmar (Summary by safeguard). <http://www.myanmar-redd.org/wp-content/uploads/2018/10/PLR-Review-Safeguards-Summary-Report-May-2019-final.pdf>

	<p>areas. Relevant REDD+ PaMs include promoting alternative livelihood options for farmers and sustainability measures in commodity supply chains.</p> <p><b>What has been done so far to ensure this criterion is respected:</b></p> <ul style="list-style-type: none"> <li>Regarding the definition and mapping of natural forests, an NFI Field Manual was released and tested in 2019; field testing was carried out in landscapes including four natural forest types: evergreen forests, mixed evergreen and deciduous forests, dry forests and sub-tropical hill forests. Further field testing is planned in 2020.</li> </ul> <p><b>Implementation responsibilities:</b></p> <ul style="list-style-type: none"> <li>The Forest Department (MONREC) is responsible for mapping forest and leads the development of NFI and NFMS.</li> <li>The Central Committee for Management of VFV lands, chaired by the Minister of MOALI, considers applications to reallocate VFV lands.</li> <li>MONREC is responsible for approving/rejecting requests to use forest land for other purposes.</li> <li>The Myanmar Investment Commission (or the relevant regional or state investment committee for investments under US\$ 5 million) is responsible for approving investment permits; MONREC is represented in the National Investment Commission, while State/Region committee members are appointed by the relevant Chair.</li> <li>ECD (MONREC) is responsible for examining IEEs/EIAs and issuing Environmental Compliance Certificates (ECCs).</li> <li>The agencies implementing REDD+ PaMs, with coordination by the future NCU, will be responsible for ensuring that REDD+ PaMs do not directly or indirectly lead to the conversion of natural forests to other uses, including plantations.</li> </ul> <p><b>Key gaps/challenges:</b></p> <ul style="list-style-type: none"> <li>There is no official definition of natural forest and the mapping protocol to allow the differentiation of natural forests and plantations in the NFI is still under development. However, most forest plantations in Myanmar are carried out with native tree species and, at least in the case of government plantations, are managed with long rotation periods (60 or more years) so that older plantations gradually merge with the surrounding natural, or semi-natural forests, which makes differentiation increasingly difficult over time.</li> <li>There are no specific provisions in the PLR framework that would prevent REDD+ PaMs being used for the conversion of natural forest, including to plantations, or to prevent REDD+ implementation areas being converted to other uses, <i>should such an action receive approval from the relevant authorities</i>. In addition, the responsibilities for approving forest conversion are distributed among a number of institutions.</li> </ul>
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	<ul style="list-style-type: none"> <li>• There is a risk that REDD+ PaMs could unintentionally lead to the conversion of natural forest areas, due to limited availability and/or accessibility of accurate forest maps for staff of REDD+ implementing agencies, and limited capacity to assess risks of indirect land use change linked to REDD+ PaMs (see also Principle G).</li> </ul> <p><b>Measures to address gaps:</b></p> <ul style="list-style-type: none"> <li>• Agree on a clear, nationally appropriate definition of natural forests that can be used across all aspects of REDD+, and develop accurate information on the spatial distribution of natural forests within and outside the official forest land; this information should be made available to all those who plan and implement REDD+ PaMs.</li> <li>• Develop specific guidance for agencies engaged in the planning and implementation of REDD+ PaMs, including on the proper adherence to requirements related to impact assessment (including EIA where applicable) and FPIC; this guidance should include a requirement to map or otherwise clarify land cover and land uses in the proposed intervention area, including the distribution of natural forest.</li> </ul>
<p><b>Criterion E2.</b> Planning of REDD+ Policies and Measures (both at the level of REDD+ strategies or programmes and at the level of individual policies or measures) should be based on sound information about their potential positive or negative social and environmental impacts, including impacts on important areas for biodiversity and ecosystem services; this may require</p>	<p><b>How this criterion is addressed:</b></p> <ul style="list-style-type: none"> <li>• PLRs providing a mechanism for identifying and managing possible negative environmental impacts of projects or programmes are the Environmental Conservation Law (2012), the Environmental Conservation Rules (2014) and the EIA Procedure (2015), which together set out the mandates and processes for EIAs and the development of Environmental Management Plans (EMPs). Please see Criterion B2 for more information on IEE/EIA/SEA processes in Myanmar, and their applicability to REDD+ PaMs. The EIA Procedure (2015) includes provisions for the assessment of cumulative impacts and the Ministry may require SEAs for some strategies/programs.</li> <li>• In addition to environmental impacts, the EIA Procedure covers social, socio-economic, health, personal safety and cultural impacts of interventions. The procedures for raising grievances on content and process of EIAs and the draft Guidelines for Public Participation in EIA (once adopted) can also help to ensure that social considerations are reflected in the planning and implementation of REDD+ PaMs, in cases where EIA is applied.</li> <li>• With regard to the identification of appropriate locations for PaMs, some forms of land use zonation and accompanying rules for the type of permitted activities are provided by:             <ul style="list-style-type: none"> <li>○ The Forest Law (2018) with regard to forest land and protected forest areas,</li> <li>○ The Protection of Biodiversity and Protected Areas Law (2018) for other categories of protected areas,</li> <li>○ The Law Amending the VFV Lands Management Law (2018) and the Farmland Law (2012).</li> </ul> </li> </ul>

<p>analysis or collection of new data. Cumulative effects, landscape-scale impacts and indirect impacts should be included in the analysis.</p>	<ul style="list-style-type: none"> <li>• The definition of “promoted geographies” under the Myanmar Investment Law may provide an incentive for prioritizing projects (including REDD+ PaMs) to achieve a specific benefit (in this case socio-economic development of under-developed regions).</li> <li>• The National Land Use Policy (2016) states that in the development of land use plans, “agricultural and ecological conservation zones” should be established to encourage protection of land resources.</li> <li>• The FPIC process, which is to be applied to certain REDD+ PaMs, will also support the collection and sharing of information about the potential impacts of REDD+ PaMs on affected communities (see Criterion B1 for more information).</li> <li>• The Environmental Conservation Law (2012) provides MONREC with the powers to issue environmental standards or guidelines to prescribe environment-friendly practices for various types of land management activities, and to propose economic incentives and conditions for sustainable development that is compatible with environmental conservation. Such guidelines or standards on land management activities could be used to ensure the application of good practice in REDD+ PaMs and thus reduce the risk of negative impacts. However, no such guidelines or standards have been issued so far.</li> <li>• Existing guidelines and standards from other sources that are relevant for REDD+ PaMs include the Myanmar Criteria &amp; Indicators for Sustainable Forest Management and the Reduced Impact Logging guidelines.</li> </ul> <p><b>What has been done so far to ensure this criterion is respected:</b></p> <ul style="list-style-type: none"> <li>• During 2017-2018, the Myanmar UN-REDD Programme conducted a participatory assessment of the potential benefits and risks of proposed REDD+ PaMs, which included identification of likely benefits and risks, and development of proposed measures to reduce risks and enhance benefits<sup>33</sup> (please see Section 2.2 for more detail).</li> <li>• During the development of the NRS, recommendations were also compiled on how to reduce risks and enhance benefits through appropriate design and implementation of the REDD+ PaMs and other measures related to the application of the safeguards. See also Criterion E3 on enhancing the positive impacts of REDD+.</li> </ul>
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<sup>33</sup> The full summary of benefits and risks identified by safeguard is available at: <http://www.myanmar-redd.org/wp-content/uploads/2017/10/Myanmar-benefits-and-risks-summary-by-safeguards-July-2019.pdf>

	<ul style="list-style-type: none"> <li>• A number of PaMs in the NRS can help to increase capacities for the application of EIA and other environmental legislation, such as “Build capacities of government and other agencies to support stakeholders implementing REDD+ PaMs”; and “Undertake awareness raising and training to support REDD+ PaMs”.</li> </ul> <p><b>Implementation responsibilities:</b></p> <ul style="list-style-type: none"> <li>• ECD (MONREC) is responsible for examining IEEs/EIAs and issuing Environmental Compliance Certificates (ECCs).</li> <li>• The agencies implementing REDD+ PaMs, with coordination by the future NCU, will be responsible for ensuring that decisions on REDD+ PaMs (including their location, approaches to be used and any risk-mitigating measures) are based on sound information about their potential impacts.</li> <li>• The future NCU will be responsible for coordinating any updates to the NRS and adjustments to the portfolio of REDD+ PaMs, including assessments of potential impacts of proposed new measures and approaches, and identification of measures to reduce risks and enhance benefits.</li> </ul> <p><b>Key gaps/challenges:</b></p> <ul style="list-style-type: none"> <li>• The EIA Procedure (2015) provides limited guidance on the assessment of cumulative and indirect impacts, such as those that might be caused by land use displacement (see also Principle G). Please see Criterion B2 for other challenges related to the implementation of EIA processes. There is also no formal process for assessing the impacts of PaMs that do not require an IEE/EIA.</li> <li>• Although mentioned in the PLR framework, little progress has been made on identifying important areas for biodiversity and ecosystem services, including “agricultural and ecological conservation zones”.</li> <li>• There is currently a lack of well-documented, tested and nationally endorsed standards and guidelines for socially and environmentally sustainable practices in agriculture, natural resource management, etc., to guide the implementation of certain REDD+ PaMs.</li> <li>• There is currently no certification system for forest products or products from plantations that addresses environment-friendly management and harvesting practices.</li> </ul> <p><b>Measures to address gaps:</b></p> <ul style="list-style-type: none"> <li>• Specific guidance for agencies engaged in the planning and implementation of REDD+ PaMs, including guidance on the proper adherence to requirements related to impact assessment/EIA and FPIC (see recommendation under E1), should cover aspects of particular relevance to REDD+ safeguards such as: accessing appropriate data and information as a basis for the assessment of potential impacts, including both social and environmental and positive</li> </ul>
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	<p>and negative impacts; assessing the risk of indirect land use change; and using assessment results to adjust plans and implementation approaches in order to reduce any identified risks and promote delivery of benefits (see also Criteria E3 and E4).</p> <ul style="list-style-type: none"> <li>• Implementation of land use planning (under the National Land Use Policy, 2016) as well as the One Map Myanmar initiative and the development of the NFI/NFMS could help to address gaps related to the identification of areas important for biodiversity and ecosystem services and other factors relevant to prioritizing areas for REDD+ PaMs.</li> <li>• The piloting of REDD+ PaMs, such as those related to sustainable agricultural practices and commodity supply chains, should generate standards and guidelines for environmentally and socially sustainable implementation of such PaMs when they are rolled out at a wider scale.</li> </ul>
<p><b>Criterion E3.</b> REDD+ Policies and Measures should be selected, designed and implemented in a way that not only avoids or minimizes negative impacts but also enhances positive ones. This may involve prioritization of some PaMs over others or combining PaMs in a complementary way. Stakeholders from all relevant sectors should be involved in identifying the best ways to increase the positive impacts of REDD+.</p>	<p><b>How this criterion is addressed:</b></p> <ul style="list-style-type: none"> <li>• See Criterion E2 for information on regulations and processes relevant to identifying and managing the potential impacts of REDD+ PaMs, and Criterion B2 for more information on requirements under the EIA Procedure (2015) related to the development of EMPs to mitigate/manage any potential impacts that have been identified.</li> <li>• See Criterion D1 for more information on PLRs and coordination bodies/mechanisms that are relevant to the involvement of stakeholders in the planning of REDD+ PaMs and associated processes (e.g. land use planning).</li> <li>• As noted under Criterion D1, Myanmar's NRS has been designed through an extensive stakeholder engagement process. In its discussion of Myanmar's REDD+ approach, the Strategy notes that the approach will ensure that PaMs are designed to address greenhouse gas emissions and to generate non-carbon benefits.</li> </ul> <p><b>What has been done so far to ensure this criterion is respected:</b></p> <ul style="list-style-type: none"> <li>• The national assessment of the potential benefits and risks of REDD+ implementation carried out in 2017-2018, as well as the participatory process to develop the NRS (see Criteria E2 and D1), have helped Myanmar to respect this criterion. The assessment of benefits and risks examined not only potential negative impacts and how to avoid/reduce them, but also potential positive impacts and how to enhance them. It was conducted with extensive stakeholder participation at the national and subnational levels, including government, CSO and community representatives from relevant sectors. See Criteria E2 and D1 for more information on the development of recommendations on how to reduce risks and enhance benefits, which informed the design of the proposed PaMs for the NRS.</li> <li>• PaMs in the NRS have been designed to complement each other in ways that will reduce potential negative impacts and increase benefits; for example, a number of PaMs are expected to help with balancing the social and</li> </ul>

	<p>environmental benefits of REDD+, such as: “Develop and implement participatory protected area management plans, including sustainable financing measures”; and “Promote alternative livelihoods for farmers who might otherwise expand cultivated areas into forested land”.</p> <p><b>Implementation responsibilities:</b></p> <ul style="list-style-type: none"> <li>• ECD (MONREC) is responsible for examining IEEs/EIAs and issuing Environmental Compliance Certificates (ECCs).</li> <li>• The agencies implementing REDD+ PaMs will be responsible for designing and implementing REDD+ PaMs to reduce negative impacts and enhance positive impacts, with coordination by the future NCU.</li> <li>• The future NCU will be responsible for coordinating any updates to the NRS and adjustments to the portfolio of REDD+ PaMs, including assessments of potential impacts of proposed new measures and approaches, and identification of measures to reduce risks and enhance benefits.</li> </ul> <p><b>Key gaps/challenges:</b></p> <ul style="list-style-type: none"> <li>• Although an assessment of benefits and risks, and efforts to integrate these considerations into the design of PaMs, have occurred at the national level, the identification and management of impacts at site level require further consideration.</li> <li>• There is no formal process for assessing the impacts (positive or negative) of PaMs that do not require an IEE/EIA.</li> <li>• Existing guidance and methodologies for impact assessment are often focused on preventing harm; there is less experience and good practice available on how to use impact assessments to inform the enhancement of benefits.</li> </ul> <p><b>Measures to address gaps:</b></p> <ul style="list-style-type: none"> <li>• See recommended measures under E2. Specific guidance for agencies engaged in the planning and implementation of REDD+ PaMs, including guidance on requirements related to impact assessment/EIA, should cover the need to develop measures/plans both for reducing negative impacts and for enhancing positive impacts.</li> </ul>
<p><b>Criterion E4.</b> Priority benefits to be supported through appropriate selection, design and implementation of REDD+ Policies and</p>	<p><b>How this criterion is addressed:</b></p> <ul style="list-style-type: none"> <li>• Numerous PLRs and initiatives relate to the priority benefits identified under this criterion and are covered in other sections of this Summary. For example, information provided under Principle C looks at the PLRs and processes that support recognition of land rights in the context of REDD+ PaMs, while the section on Principle D examines PLRs and processes that provide opportunities for the participation of stakeholders, including those from vulnerable groups, in REDD+ PaMs (which can contribute to enhancing their wellbeing and sustainable livelihood options).</li> </ul>



<p>Measures include promoting land rights, enhancing the wellbeing of poor, vulnerable and/or marginalized groups, supporting sustainable livelihoods of indigenous peoples and local communities, enhancing gender equality, supporting social peace and stability, protecting areas of high value for biodiversity or ecosystem services (in particular conservation of soil and water resources), increasing habitat connectivity, reducing or reversing land degradation, reducing pollution, and building the capacity of government staff and local stakeholders (e.g. to implement / comply with existing laws, to participate in decision-making and to adopt</p>	<ul style="list-style-type: none"> <li>Specifically regarding the identified potential benefit of enhancing gender equality, Myanmar's National Strategic Plan for the Advancement of Women (2013-2022) aims to put in place enabling systems, structures and practices for the advancement of women, gender equality, and the realization of women's rights. It includes a section on women and the environment, whose key objective is to strengthen systems, structures and practices to ensure women's meaningful participation in the management and safeguarding of natural resources and the environment and in adapting to climate change.</li> <li>The Myanmar UN-REDD Programme has also carried out a gender analysis in the context of NRS development, and the NRS includes an 'Assessment of the interest of women's groups and Indigenous Peoples'. The Programme's guidelines on stakeholder engagement (developed in 2016) and communications strategy (updated in 2018) aim to meet the needs of all relevant stakeholder groups, taking account of differential needs linked to gender and ethnicity, as well as those of people with disabilities. Several proposed PaMs also specifically aim to promote gender equitable opportunities in the forest and agricultural sectors (see below).</li> <li>The priority benefits listed in this criterion were identified through the multi-stakeholder national safeguards clarification process, drawing on the results of the participatory benefits and risks assessment described under criterion E2. The benefits and risks assessment also generated recommendations on the design of PaMs to better support the delivery of these benefits.</li> </ul> <p><b>What has been done so far to ensure this criterion is respected:</b></p> <ul style="list-style-type: none"> <li>The selection and design of REDD+ PaMs to date supports the delivery of priority benefits, including but not limited to the following PaMs: <ul style="list-style-type: none"> <li>Build capacities of government and other agencies to support stakeholders implementing REDD+ PaMs.</li> <li>Implement the Land Use Policy 2016, particularly Part VIII regarding land tenure security and the recognition of customary rights.</li> <li>Promote alternative livelihoods for farmers who might otherwise expand cultivated areas into forested land.</li> <li>Within the context of the work of the UPDJC, engage with EAOs, political leaders, representatives of ethnic people, NGOs and religious leaders to develop cooperation on sustainable forest management.</li> <li>Ensure that environmental accounting systems include the economic value of non-extractive forest uses and ecosystem functions.</li> <li>Incentivize adoption of alternative fuels and development of distribution networks.</li> </ul> </li> </ul>
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sustainable land use practices).	<ul style="list-style-type: none"> <li>○ Promote farmers' and forest users' associations, equitably for women and men, as a means to raise rural incomes</li> <li>○ Establish gender-responsive Forestry and Agricultural/Agroforestry Extension services in rural and upland areas</li> </ul>
	<p><b>Implementation responsibilities:</b></p> <ul style="list-style-type: none"> <li>• The agencies implementing REDD+ PaMs, with coordination by the future NCU, will be responsible for designing and implementing REDD+ PaMs to reduce negative impacts and enhance positive impacts, including the ones mentioned in Criterion E4.</li> <li>• The future NCU will be responsible for coordinating any updates to the NRS and adjustments to the portfolio of REDD+ PaMs, including the design of proposed new measures and approaches in a way that reduces risks and enhances potential benefits.</li> </ul>
	<p><b>Key gaps/challenges:</b></p> <ul style="list-style-type: none"> <li>• There is a need to identify and facilitate access to data (likely held in a number of ministries/organizations) that can be used to plan PaMs in a way that supports priority benefits (e.g. maps of areas important for biodiversity conservation or areas at risk of land degradation), and to set baselines for measuring progress against this safeguard criterion.</li> <li>• In order for poor, vulnerable and/or marginalized groups to more fully participate in and benefit from REDD+, there is a need for capacity development and improved information sharing; please see Criterion D1 for more details on challenges and suggested measures related to stakeholder participation.</li> </ul>
	<p><b>Measures to address gaps:</b></p> <ul style="list-style-type: none"> <li>• See recommended measures under E2 and E3. Specific guidance for agencies engaged in the planning and implementation of REDD+ PaMs, including guidance on requirements related to impact assessment/EIA, should cover the need to develop measures/plans both for reducing negative impacts and for enhancing positive impacts, including the priority benefits identified in this criterion.</li> <li>• Data on baselines and trends related to the delivery of the identified priority benefits should be collected and/or made more easily accessible; the development of an M&amp;E framework for REDD+, as well as of the NFI/NFMS and the SIS, should be used as an opportunity to achieve this.</li> </ul>
	<p><b>How this criterion is addressed:</b></p>

<p><b>Criterion E5.</b> REDD+ Policies and Measures that involve land use or management planning should be supported by capacity-building and transparency measures to ensure that environmental and social objectives are appropriately considered and not neglected due to a lack of data, awareness or understanding or a competing interest in short-term economic benefit.</p>	<ul style="list-style-type: none"> <li>• Other sections of this Summary provide information on relevant PLRs and REDD+ specific processes related to land use and management planning, including the sections on criteria B1, B2, B3, and B4 with regard to transparency and information sharing, forest governance, coordination of land use planning, inclusion of social and environmental objectives, and enhancing data availability/capacity. The section on Principle C includes information on rights related to land use planning and land acquisition. The sections on criteria E2 and E3 cover the consideration of social and environmental impacts of PaMs, including through IEE/EIA/SEA requirements where relevant.</li> <li>• The sections on criteria B4 and E1 outline existing and planned information systems and initiatives that may contribute to the provision of useful data for land use and management planning, such as the NFI/NFMS, MIMU, and One Map Myanmar.</li> <li>• In Myanmar's NRS, there are a number of PaMs that seek to support land use or management planning: <ul style="list-style-type: none"> <li>○ Develop and implement a national land use plan with territorial planning for areas with high potential for REDD+.</li> <li>○ Implement the Land Use Policy 2016, particularly Part VIII regarding land tenure security and the recognition of customary rights.</li> <li>○ Establish participatory and gender equitable land use planning approaches at region/state, district and township level.</li> <li>○ Support inclusion of proposals in work plans of national Land Use Council or subnational Land Use Committees or other work committees defined by the government.</li> <li>○ Within the context of the work of the UPDJC, engage with EAOs to develop cooperation on (a) detecting movement of illegal timber; (b) PA establishment and management.</li> </ul> </li> </ul> <p><b>What has been done so far to ensure this criterion is respected:</b></p> <ul style="list-style-type: none"> <li>• No information is available yet.</li> </ul> <p><b>Implementation responsibilities:</b></p> <ul style="list-style-type: none"> <li>• The agencies implementing REDD+ PaMs, with coordination by the NCU, will be responsible for guiding and implementing PaMs involving land use and management planning, including necessary activities to access data and build capacity; Land Use Committees are also likely to be involved.</li> </ul> <p><b>Key gaps/challenges:</b></p> <ul style="list-style-type: none"> <li>• There is a lack of regulatory requirements on the consideration of social and environmental objectives in planning processes, particularly at the broader policy level.</li> </ul>
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	<ul style="list-style-type: none"> <li>• See gaps identified under Criterion B4, related to the limited availability, transparency and consistency of land related data, and gaps mentioned under E2 and E3 related to impact assessment.</li> </ul>
<p><b>Criterion E6.</b> Monitoring of REDD+ Policies and Measures should include regular tracking of social and environmental impacts against a pre-implementation baseline, taking into account the possible benefits and risks identified during the planning stage, as a basis for continued improvement of REDD+ practice.</p>	<p><b>Measures to address gaps:</b></p> <ul style="list-style-type: none"> <li>• As noted under Criterion B4, the development of implementation or investment plans for REDD+ PaMs should also include consideration of data and capacity needs. Any activities to build capacity for REDD+ planning and implementation should also be monitored as part of REDD+ M&amp;E.</li> </ul> <p><b>How this criterion is addressed:</b></p> <ul style="list-style-type: none"> <li>• The EIA Procedure (2015) includes a requirement for regular tracking of social and environmental impacts by the project proponent. The project proponent shall submit monitoring reports to MONREC, in line with a schedule in the EMP or periodically as prescribed by the Ministry. Moreover, MONREC, relevant Government departments and organizations have the right to conduct monitoring of project activities to check compliance. Please see Criterion B2 for more information on EIA; as this Procedure will apply to REDD+ PaMs, the provision on reporting will also apply where relevant.</li> <li>• Implementation of the REDD+ Programme will also be subject to the monitoring processes usually applied for large-scale government programmes<sup>34</sup>. According to the NRS, the NCU will lead monitoring of PaMs implementation, in order to understand if they are having their intended impact and to generate data for the operation of the future BSS. A set of indicators will be developed for monitoring each PaM, while the REDD+ implementing agencies will provide data for the indicators. Local Civil Society Organizations will be invited to undertake validation. The results of monitoring will be made publicly available on the Myanmar REDD+ website and information will be updated at least twice a year. In addition, a five-yearly review of the results achieved across the NRS is anticipated.</li> <li>• The NFI and the wider NFMS will also play an important role in monitoring the results of REDD+. While the main role of the NFMS in REDD+ monitoring is to provide information on achieved results in terms of greenhouse gas emission reductions and carbon sequestration, some of the data produced will be relevant to assessing social and environmental impacts as well. Reporting of results in terms of greenhouse gas emission reductions documented by</li> </ul>

<sup>34</sup> For example, the National Reforestation and Rehabilitation Programme (NRRP) has Project Monitoring Committees at central level and the level of individual zones; Zone-level Monitoring Committees collect progress reports from implementation teams and present these to the Central Project Monitoring Committee.

	<p>the NFMS is the responsibility of the ECD, MONREC. Results will be submitted by the Forest Department, through the NFMS/TWG-MRV, to the National REDD+ Taskforce for review before being sent to the ECD for inclusion in a Technical Annex to a Biennial Update Report for submission to the UNFCCC. Information collected by the NFMS that is expected to be of use in tracking some of the social and environmental impacts of REDD+ includes NFI data related to biodiversity, forest condition and socio-economic aspects of forest use, although an explicit socio-economic survey component of the NFMS is presently not planned. The data produced by the NFMS on changes in forest distribution and condition can also be combined with other data (e.g. on important areas for biodiversity and ecosystem services) to derive information on non-carbon benefits of REDD+.</p> <ul style="list-style-type: none"> <li>• The data produced by the NFMS on changes in forest distribution and condition can also be combined with other data (e.g. on important areas for biodiversity and ecosystem services) to derive information on non-carbon benefits of REDD+.</li> <li>• The design of Myanmar's SIS aims to track progress against the safeguards, including outcomes relating to the social and environmental impacts of REDD+. Indicators for the SIS are under development; where new data collection related to PaMs implementation, especially at the local level, is needed, relevant indicators will also be integrated into the overall REDD+ M&amp;E framework (see above).</li> </ul> <p><b>What has been done so far to ensure this criterion is respected:</b></p> <ul style="list-style-type: none"> <li>• No information is available yet.</li> </ul> <p><b>Implementation responsibilities:</b></p> <ul style="list-style-type: none"> <li>• The regular tracking of EMPs is the responsibility of project proponents and ECD, MONREC.</li> <li>• The Forest Department is in charge of the NFI/NFMS.</li> <li>• The future NCU will be responsible for developing the REDD+ M&amp;E framework and for compiling monitoring reports from the data supplied by the REDD+ implementing agencies; the SIS database will be hosted by the Central Statistical Organization, while the lead institution for safeguards and SIS overall will be the NCU.</li> </ul> <p><b>Key gaps/challenges:</b></p> <ul style="list-style-type: none"> <li>• See Criterion E4 for gaps related to data availability for tracking environmental and social impacts.</li> </ul> <p><b>Measures to address gaps:</b></p> <ul style="list-style-type: none"> <li>• See Criterion E4 for measures related to monitoring of social and environmental impacts.</li> <li>• In addition, the development of the REDD+ M&amp;E framework shall where possible integrate priority indicators for collecting information on social and environmental impacts and the safeguards.</li> </ul>
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Principle F. REDD+ Policies and Measures in Myanmar should be designed and implemented to avoid or minimize risks of reversals <sup>35</sup>	
<p><b>Criterion F1.</b> When the feasibility and potential impacts of proposed REDD+ Policies and Measures are analyzed, an analysis of risks of non-permanence should be included; this should consider the possibility of unintended incentives (e.g. by land use becoming more profitable), as well as risks linked to long-term funding, legal security or external influences like climate change or socio-economic change.</p>	<p><b>How this criterion is addressed:</b></p> <ul style="list-style-type: none"> <li>• The process to develop the NRS has included an analysis of drivers of forest change and extensive consultation with stakeholders, including discussions on the feasibility of PaMs. Inputs from stakeholders at national and subnational level were integrated into the design of PaMs. See Criterion D1 for more information on the NRS consultations.</li> <li>• The benefits and risks analysis carried out during the process to develop the national safeguards approach included analysis of the risks of non-permanence, or reversals, for proposed REDD PaMs, as well as consideration of ways to enhance the long-term sustainability of REDD+. Please see Criterion E2 for more information on the assessment of benefits and risks. In addition, further assessment of impacts will occur as part of ongoing planning for the implementation of REDD+ PaMs. For some PaMs, this may include IEE/EIA (in accordance with the EIA Procedure 2015), and FPIC processes for PaMs likely to have impacts at the local level.</li> </ul>
	<p><b>What has been done so far to ensure this criterion is respected:</b></p> <ul style="list-style-type: none"> <li>• As mentioned above, the participatory assessment of benefits and risks included identification of risks of reversals, suggested possible measures to reduce these risks, and generated recommendations for the design of PaMs<sup>36</sup>. Examples of the types of risks of reversals include identified include the following, as well as events like forest fires: <ul style="list-style-type: none"> <li>○ Improved efficiency, productivity or profitability of non-forest land uses or commercial activities based on timber and fuelwood could result in an unintended incentive for expansion of cultivated land or overexploitation of forest resources, thus potentially reversing the success of PaMs in reducing deforestation and forest degradation, as well as any positive impacts on biodiversity and ecosystem services.</li> <li>○ Plantations may not be maintained over the long term, as political will and support towards their development may change, and a lack of continued awareness raising programmes on plantation management may mean that the respective practices are not sustained.</li> </ul> </li> </ul>

<sup>35</sup> The term 'reversal' describes a situation where initial success of a REDD+ PaM are reversed at a later date, and the trajectory of emissions returns to business-as-usual. This can happen for example when the forest that has been conserved or restored through a REDD+ measure is subsequently destroyed. Reversals of the success of REDD+ PaMs can occur due to external factors (such as fluctuations in international markets or climate change), or due to flaws in the design of PaMs (e.g. when an intervention is not financially sustainable in the long term).

<sup>36</sup> The full summary of benefits and risks identified by safeguard is available at: <http://www.myanmar-redd.org/wp-content/uploads/2017/10/Myanmar-benefits-and-risks-summary-by-safeguards-July-2019.pdf>

	<ul style="list-style-type: none"> <li>○ If investments in alternative livelihoods, improved agricultural practices or alternative sources of energy fail, farmers may be forced to expand their cultivated area or resort to unsustainable farming practices to make up for the loss.</li> </ul> <p><b>Implementation responsibilities:</b></p> <ul style="list-style-type: none"> <li>• The agencies implementing REDD+ PaMs, with coordination by the future NCU, will be responsible for ensuring that risks of non-permanence are adequately considered in the planning and implementation of PaMs.</li> <li>• The future NCU will be responsible for coordinating any updates to the NRS and adjustments to the portfolio of REDD+ PaMs, including assessment of risks of non-permanence related to any proposed new measures and approaches, and identification of measures to reduce those risks.</li> </ul> <p><b>Key gaps/challenges:</b></p> <ul style="list-style-type: none"> <li>• As yet there is no systematic or formal process for updating information on the benefits and risks of REDD+ PaMs, e.g. whether there have been any changes or lesson learned related to the risks of non-permanence, or for consideration of risks of non-permanence during reviews of the NRS and the PaMs portfolio. Such a process may be developed as part of the expected review of the NRS.</li> <li>• Capacity-building may be necessary for staff in REDD+ implementing agencies on assessing and managing risks of non-permanence, as some aspects of this can be methodologically difficult (e.g. identifying and responding to potential changes in environmental and socio-economic conditions that could affect the success of a REDD+ PaM).</li> </ul> <p><b>Measures to address gaps:</b></p> <ul style="list-style-type: none"> <li>• The guidance to be provided to REDD+ implementing agencies should include information on requirements related to all safeguards, including identifying and managing risks of non-permanence.</li> <li>• The REDD+ M&amp;E framework, should include selected indicators related to the long-term sustainability and permanence of REDD+ PaMs, which should also be reflected in the SIS (see also Criterion F4 below).</li> </ul>
<p><b>Criterion F2.</b> Where risks of non-permanence have been identified, these should be addressed through appropriate</p>	<p><b>How this criterion is addressed:</b></p> <ul style="list-style-type: none"> <li>• Please see Criterion F1 for information on how risks of non-permanence of REDD+ PaMs have been identified in Myanmar so far. The processes to develop the National REDD+ Strategy and to assess the potential benefits and risks of REDD+ have included: the participatory development of suggested measures to reduce risks and enhance benefits; and the formulation of recommendations for the design of PaMs.</li> </ul>

<p>selection, design and implementation of Policies and Measures.</p>	<ul style="list-style-type: none"> <li>• Recommendations for the design and implementation of PaMs in ways that reduce the risks of non-permanence were provided to the NRS team in 2019 and will be incorporated into the investment plan/action plans for individual PaMs.</li> <li>• In addition to the design of PaMs, a number of additional instruments to be adopted for REDD+ implementation in Myanmar will help to reduce the risks of non-permanence, including: the application of FPIC, to ensure long-term community support for REDD+ PaMs; and the development of an equitable BSS.</li> <li>• It is further recognized that some elements of the PLR framework as well as certain PaMs (please see below) may also contribute to the long-term sustainability of REDD+ and permanence of REDD+ results. For example, the National Land Use Policy, once operationalized, will allow for the development of land use plans and thus reduce the risk of uncontrolled expansion of cultivated areas; the Agriculture Development Strategy and Investment Plan (2018-19 – 2022-23) calls for increased productivity in existing cultivation areas, which may help to reduce conversion pressure which may help to reduce conversion pressure; and the Forest Law (2018) has strengthened the legal basis for community forestry, thus increasing the prospects for its long-term success.</li> </ul>
	<p><b>What has been done so far to ensure this criterion is respected:</b></p> <ul style="list-style-type: none"> <li>• See above for a description of steps carried out during the development of the NRS.</li> <li>• REDD+ PaMs that can contribute to addressing the risks of non-permanence include but are not limited to: <ul style="list-style-type: none"> <li>○ Develop and implement jurisdictional land use plans with sub-national participatory and gender-equitable land-use planning (agreeing land use plans with stakeholders helps to reduce the risk of areas allocated to REDD+ PaMs being used for other purposes in the future).</li> <li>○ Implement incentivized community co-managed monitoring programmes (to help protect forest areas from over-harvesting and forest degradation).</li> </ul> </li> </ul>
	<p><b>Implementation responsibilities:</b></p> <ul style="list-style-type: none"> <li>• The agencies implementing REDD+ PaMs, with coordination by the future NCU, will be responsible for ensuring that risks of non-permanence are adequately considered in the design and implementation of PaMs.</li> <li>• The future NCU will be responsible for coordinating any updates to the NRS and adjustments to the portfolio of REDD+ PaMs, including assessment of risks of non-permanence related to any proposed new measures and approaches, and identification of measures to reduce those risks.</li> </ul>
	<p><b>Key gaps/challenges:</b></p>



	<ul style="list-style-type: none"> <li>• High level political processes, such as changes in national policy, may still have a negative impact on the permanence of REDD+ results (but may be outside the sphere of influence of the REDD+ initiative).</li> <li>• At sub-national level, political processes and coordination between different agencies may also affect permanence of REDD+.</li> </ul> <p><b>Measures to address gaps:</b></p> <ul style="list-style-type: none"> <li>• See measures proposed under Criterion F1.</li> <li>• PaMs related to coordination between sectors and to the improvement of land-use planning processes can play an important role in addressing risks related to non-permanence.</li> </ul>
<p><b>Criterion F3.</b> The National Forest Monitoring System should be designed to allow the detection and management of reversals.</p>	<p><b>How this criterion is addressed:</b></p> <ul style="list-style-type: none"> <li>• As mentioned under Criterion B4, a 5-year project to design, develop, plan and implement a National Forest Inventory (NFI) and National Forest Monitoring and Information System (NFMS) is currently underway.</li> <li>• The NFMS will encompass two components: the strengthening of the satellite-based land monitoring system, including the use of modern open source and open access-based remote sensing capacities and techniques; and the enhancement of field inventory capacities including the establishment of a new comprehensive NFI.</li> <li>• According to the NRS, based on present MRV capacities (with some targeted improvements) Myanmar is able to monitor land use changes of key land cover classes and can calculate activity data with approach 2 according to Intergovernmental Panel on Climate Change (IPCC) guidelines. The goal is to measure activity data with approach 3 capabilities in the future, i.e. also be able to express detected changes in a spatially explicit manner. Although specific capacities and methodologies for the detection and management of reversals have yet to be developed, these will be proposed in the future development of the NFMS.</li> <li>• The REDD+ M&amp;E framework should include selected indicators related to the long-term sustainability and permanence of REDD+ PaMs; this is expected to be reflected in the SIS, which may also include an indicator related to the detection and management of reversals.</li> </ul> <p><b>What has been done so far to ensure this criterion is respected:</b></p> <ul style="list-style-type: none"> <li>• No information available yet; NFMS is still under development.</li> </ul> <p><b>Implementation responsibilities:</b></p> <ul style="list-style-type: none"> <li>• The Forest Department, MONREC, is responsible for designing the NFMS including NFI, and for carrying out MRV for REDD+.</li> </ul>

	<p><b>Key gaps/challenges:</b></p> <ul style="list-style-type: none"> <li>• There is as yet no explicit methodology to define, detect, and manage reversals in the draft design of the NFMS. Capacities and methods for detecting and managing reversals as well as for further developing activity data and for more detailed emission factor calculation, based on existing data in the Forest Department, need to be strengthened.</li> </ul> <p><b>Measures to address gaps:</b></p> <ul style="list-style-type: none"> <li>• Guidance/standard operating procedures for the NFMS should incorporate a) definition of reversals and criteria for detecting potential incidences of reversals, and b) protocols for the reporting and subsequent management of such incidences.</li> </ul>
<p><b>Criterion F4.</b> Lessons learned from the detection of reversals should be reflected in the design of future Policies and Measures.</p>	<p><b>How this criterion is addressed:</b></p> <ul style="list-style-type: none"> <li>• The implementation of REDD+ PaMs and the results achieved will be monitored and evaluated through a number of processes: <ul style="list-style-type: none"> <li>○ Regular monitoring and review of REDD+ implementation (see Criterion E6 above).</li> <li>○ Monitoring of forest and land cover change through the NFMS, and calculation of REDD+ results (see Criterion F3).</li> <li>○ Tracking how all safeguards are addressed and respected through the SIS (see Criterion F3).</li> </ul> </li> <li>• Although methodologies and capacities still need to be developed, it is expected that detectable and measurable reversals will be analysed to determine its causes and appropriate response measures, and such occurrences will be reported transparently. The lessons learned from such analyses would be incorporated into the annual and five-yearly review of the NRS. The NRS and the design and implementation of REDD+ PaMs, e.g. the investment plan/action plans, can then be improved taking into consideration these lessons.</li> </ul> <p><b>What has been done so far to ensure this criterion is respected:</b></p> <ul style="list-style-type: none"> <li>• No information available yet.</li> </ul> <p><b>Implementation responsibilities:</b></p> <ul style="list-style-type: none"> <li>• The future REDD+ NCU will be responsible for coordinating M&amp;E processes, such as reporting by REDD+ implementing agencies, updating the NRS and implementation plans, and coordinating reporting related to the safeguards.</li> </ul> <p><b>Key gaps/challenges:</b></p> <ul style="list-style-type: none"> <li>• Monitoring and review processes for the NRS are still under development, as are capacities and methodologies for the NFMS.</li> </ul>

	<p><b>Measures to address gaps:</b></p> <ul style="list-style-type: none"> <li>• Terms of reference for the annual/five yearly review of the NRS should specify the documentation and analysis of lessons learned from any occurrences of reversals and/or displacement (see also Principle G). This review may also draw on information collected through the M&amp;E framework related to the permanence/long-term sustainability of REDD+ PaMs (see F1).</li> </ul>
<p><b>Principle G. REDD+ Policies and Measures in Myanmar should be designed and implemented to avoid or minimize displacement of emissions<sup>37</sup></b></p>	
<p><b>Criterion G1.</b> When the feasibility and potential impacts of proposed REDD+ Policies and Measures are analyzed, an analysis of risks of displacement of emissions should be included; this should consider the possibility of indirect land use change (land use shifting from one area to another), as well as the overall impact of a PaM on greenhouse gas emissions (e.g. even PaMs that successfully reduce</p>	<p><b>How this criterion is addressed:</b></p> <ul style="list-style-type: none"> <li>• The process to develop the NRS has included an analysis of drivers of forest change (including indirect drivers) and extensive consultation with stakeholders, including discussions on the feasibility of PaMs. Inputs from stakeholders at national and subnational level were integrated into the design of PaMs. See Criterion D1 for more information on the NRS consultations.</li> <li>• The benefits and risks analysis carried out during the process to develop the national safeguards approach included analysis of the risks of displacement, or leakage, for proposed REDD PaMs. Please see Criterion E2 for more information on the assessment of benefits and risks. In addition, further assessment of impacts will occur as part of ongoing planning for the implementation of REDD+ PaMs. For some PaMs, this may include IEE/EIA (in accordance with the EIA Procedure 2015), and FPIC processes for PaMs likely to have impacts at the local level.</li> <li>• Aspects related to other priority ecosystems considered relevant to this Criterion have been discussed with stakeholders, e.g. through development of the national clarification and drafting of SIS indicators. Potential priority other ecosystems for consideration under this criterion include carbon-rich ecosystems like peatlands and specific forest ecosystems like mangroves, and other ecosystems that may be at risk of displacement of agriculture and livelihood pressures, such as grasslands and wetlands.</li> <li>• The NFMS is a national scale system and therefore potentially able to detect displacement within the national land area, if dimensions and physical expressions of displacement are large and frequent enough to be measured. Please</li> </ul>

<sup>37</sup> Displacement of emissions occurs when a REDD+ PaM successfully reduces emissions from one source or in one area, but at the same time causes increased emissions from another source or area.

<p>deforestation could have an adverse impact on emissions if land use is shifted to other ecosystems that are rich in carbon, e.g. peatlands, or if wood-based fuels or products are replaced with alternatives that themselves cause high emissions).</p>	<p>see Criterion G3 for more information on the expected operation of the NFMS as it related to detection of displacement.</p> <p><b>What has been done so far to ensure this criterion is respected:</b></p> <ul style="list-style-type: none"> <li>• As mentioned above, the participatory assessment of benefits and risks included identification of risk of displacement, suggested possible measures to reduce these risks, and generated recommendations for the design of PaMs<sup>38</sup>. Examples of the identified risks of displacement include: <ul style="list-style-type: none"> <li>○ If PaMs do not consider the need to meet demand for agricultural products, crop cultivation and livestock grazing could simply be displaced to other areas, leading to conversion or degradation of forest or other ecosystems and negating the success of PaMs in reducing emissions, as well as any associated benefits for biodiversity and ecosystem services.</li> <li>○ Alternative fuels may themselves have a high carbon footprint, cancelling out some or all of the emission savings from reduced use of fuelwood and charcoal; for example, increased land demand for the production of biofuels or alternative feed stocks for charcoal production could directly or indirectly lead to forest conversion; collection of plant material such as bamboo or grass for biofuel production may lead to carbon emissions from the degradation of natural ecosystems through overharvesting; and improved access to equipment for the use of LPG fuel or electricity could encourage increased overall consumption of fossil fuels with associated emissions.</li> <li>○ Measures to reduce demand for timber may lead to overall increased emissions and other environmental impacts such as pollution, e.g. if timber is replaced with concrete or steel as a building material.</li> <li>○ Strengthened law enforcement in some areas may lead to increased demand for illegally or unsustainably sourced forest products and commodities from other places.</li> </ul> </li> </ul> <p><b>Implementation responsibilities:</b></p> <ul style="list-style-type: none"> <li>• The agencies implementing REDD+ PaMs, with coordination by the future NCU, will be responsible for ensuring that risks of displacement are adequately considered in the planning and implementation of PaMs.</li> <li>• The future NCU will be responsible for coordinating any updates to the NRS and adjustments to the portfolio of REDD+ PaMs, including assessment of risks of displacement related to any proposed new measures and</li> </ul>
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<sup>38</sup> The full summary of benefits and risks identified by safeguard is available at: <http://www.myanmar-redd.org/wp-content/uploads/2017/10/Myanmar-benefits-and-risks-summary-by-safeguards-July-2019.pdf>

	<p>approaches, and identification of measures to reduce those risks. The main departments and institutions responsible for policy and management related to forest and other ecosystems, are the Forest Department and the National Coastal Resources Management Committee (NCRMC).</p> <p><b>Key gaps/challenges:</b></p> <ul style="list-style-type: none"> <li>• As yet there is no systematic or formal process for updating information on the benefits and risks of REDD+ PaMs, e.g. whether there have been any changes or lesson learned related to the risks of displacement. There is also no formal process for consideration of risks of displacement during reviews of the NRS and the PaMs portfolio (although it is expected that related analysis will take place).</li> <li>• Capacity-building may be necessary for the staff of REDD+ implementing agencies on assessing and managing risks of displacement, as some aspects of this can be methodologically difficult (e.g. identifying and responding to potential indirect land use change factors that could affect the success of a REDD+ PaM).</li> <li>• There is a lack of information, including spatial data, on the location, extent and health of other ecosystems considered important for conservation/sustainable management (see Principle E).</li> </ul> <p><b>Measures to address gaps:</b></p> <ul style="list-style-type: none"> <li>• The guidance to be provided to REDD+ implementing agencies should include information on requirements related to all safeguards, including identifying and managing risks of displacement, including in forest and other ecosystems.</li> <li>• Information on priority ecosystems in Myanmar should be identified and shared where relevant and possible, such as information on key biodiversity areas, Red List of ecosystems, protected areas, etc.</li> <li>• The REDD+ M&amp;E framework should include selected indicators related to the risks of displacement from REDD+ PaMs (see also Criterion G4 below).</li> </ul>
<p><b>Criterion G2.</b> Where risks of emissions displacement have been identified, these should be addressed through appropriate selection, design and implementation of Policies and Measures.</p>	<p><b>How this criterion is addressed:</b></p> <ul style="list-style-type: none"> <li>• Please see Criterion F1 for information on how risks of displacement related to REDD+ PaMs have been identified so far. The processes to develop the NRS and to assess the potential benefits and risks of REDD+ have included: the participatory development of suggested measures to reduce risks and enhance benefits; and the formulation of recommendations for the design of PaMs.</li> <li>• Recommendations for the design and implementation of PaMs in ways that reduce the risks of displacement were provided to the NRS team in 2019 and will be incorporated into the investment plan/action plans for individual PaMs.</li> </ul>

	<ul style="list-style-type: none"> <li>• In addition to the design of PaMs, instruments to be adopted for REDD+ implementation in Myanmar will help to reduce the risks of displacement, such as: the development of an equitable BSS; and the application of FPIC for PaMs expected to have impacts at the local level.</li> <li>• It is also recognized that there are elements of the PLR framework (such as the targets in the Myanmar NDC related to forest cover, clean energy and low carbon development), as well as a number of PaMs, that will also contribute to reducing some of these risks (please see section on ‘respect’ below for examples of PaMs).</li> </ul> <p><b>What has been done so far to ensure this criterion is respected:</b></p> <ul style="list-style-type: none"> <li>• See above for a description of steps carried out during the development of the NRS.</li> <li>• REDD+ PaMs that can contribute to addressing the risks of emissions displacement include but are not limited to: <ul style="list-style-type: none"> <li>○ Amend investment regulations to include penalties for unauthorized forest clearance and environmental damage (such amendments may make it more difficult for forest clearance that may have taken place in one forest area to simply find a new area to clear).</li> <li>○ Revise PA establishment processes, supporting diversification of PA arrangements (which may allow communities to carry out sustainable livelihood activities within/around some protected areas rather than shifting to new locations).</li> <li>○ Establish gender-responsive Forestry and Agricultural/ Agroforestry Extension services in rural and hill areas (as improved extension services may support farmers to improve yields/incomes from land they already cultivate, rather than expanding to new areas).</li> <li>○ Accelerate rural electrification, including use of biomass waste, hydro/solar/wind for generation (as the promotion of renewable energy sources may reduce emissions compared to charcoal/fuelwood use).</li> </ul> </li> </ul> <p><b>Implementation responsibilities:</b></p> <ul style="list-style-type: none"> <li>• The agencies implementing REDD+ PaMs, with coordination by the future NCU, will be responsible for ensuring that risks of displacement are adequately considered in the design and implementation of PaMs.</li> <li>• The future NCU will be responsible for coordinating any updates to the NRS and adjustments to the portfolio of REDD+ PaMs, including assessment of risks of displacement related to any proposed new measures and approaches, and identification of measures to reduce those risks.</li> </ul> <p><b>Key gaps/challenges:</b></p>
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	<ul style="list-style-type: none"> <li>• High level political processes, such as changes in national policy, and socio-economic trends (e.g. market trends) may still have a negative impact on the permanence of REDD+ results (but may be outside the sphere of influence of the REDD+ initiative).</li> <li>• At sub-national level, political processes and coordination between different agencies may also affect displacement risks for REDD+.</li> </ul> <p><b>Measures to address gaps:</b></p> <ul style="list-style-type: none"> <li>• See measures proposed under Criterion G1.</li> <li>• PaMs related to coordination between sectors (e.g. on energy and land use) and to the improvement of livelihoods can play a role in addressing risks related to displacement.</li> </ul>
<p><b>Criterion G3.</b> The National Forest Monitoring System should be designed to allow the detection and management of emissions displacement caused by indirect land use change.</p>	<p><b>How this criterion is addressed:</b></p> <ul style="list-style-type: none"> <li>• As mentioned under Criterion B4, a 5-year project to design, develop, plan and implement a National Forest Inventory (NFI) and National Forest Monitoring and Information System (NFMS) is currently underway.</li> <li>• The NFMS will encompass two components: the strengthening of the satellite-based land monitoring system, including the use of modern open source and open access-based remote sensing capacities and techniques; and the enhancement of field inventory capacities including the establishment of a new comprehensive NFI.</li> <li>• According to the NRS, based on present MRV capacities (with some targeted improvements), Myanmar is able to monitor land use changes of key land cover classes and can calculate activity data with approach 2 according to Intergovernmental Panel on Climate Change (IPCC) guidelines. The goal is to measure activity data with approach 3 capabilities in the future, i.e. also be able to express detected changes in a spatially explicit manner. Although specific capacities and methodologies for the detection and management of displacement have yet to be developed, these will be proposed in the future development of the NFMS.</li> <li>• The REDD+ M&amp;E framework should include selected indicators related to the sustainability and impacts of REDD+ PaMs; this is expected to be reflected in the SIS, which may also include an indicator related to the detection and management of displacement.</li> </ul> <p><b>What has been done so far to ensure this criterion is respected:</b></p> <ul style="list-style-type: none"> <li>• No information available yet; NFMS is still under development.</li> </ul> <p><b>Implementation responsibilities:</b></p>

	<ul style="list-style-type: none"> <li>• The Forest Department, MONREC, is responsible for designing the NFMS, including NFI, and for MRV for REDD+.</li> </ul> <p><b>Key gaps/challenges:</b></p> <ul style="list-style-type: none"> <li>• There is as yet no explicit methodology to define, detect, and manage reversals in the draft design of the Myanmar NFMS. Capacities and methods for detecting and managing displacement, as well as for further developing activity data and for more detailed emission factor calculations, based on existing data in the Forest Department, need to be strengthened.</li> </ul> <p><b>Measures to address gaps:</b></p> <ul style="list-style-type: none"> <li>• Guidance/standard operating procedures for the NFMS should incorporate a) a definition of displacement and criteria for detecting potential incidences of displacement, and b) protocols for the reporting and subsequent management of such incidences.</li> </ul>
<p><b>Criterion G4.</b> Lessons learned from the detection of emissions displacement should be reflected in the design of future Policies and Measures.</p>	<p><b>How this criterion is addressed:</b></p> <ul style="list-style-type: none"> <li>• The implementation of REDD+ PaMs and the results achieved will be monitored and evaluated through a number of processes: <ul style="list-style-type: none"> <li>◦ Regular monitoring and review of REDD+ implementation (see Criterion E6 above).</li> <li>◦ Monitoring of forest and land cover change through the NFMS, and calculation of REDD+ results (see Criterion G3).</li> <li>◦ Tracking how all safeguards are addressed and respected through the SIS (see Criterion G3).</li> </ul> </li> <li>• Although methodologies and capacities still need to be developed, it is expected that any detection of displacement will be analyzed to determine its causes and appropriate response measures, and such occurrences will be reported transparently. The lessons learned from such analyses would be incorporated into the annual and five-yearly review of the NRS. The design and implementation of REDD+ PaMs, e.g. investment/action plans, can then be improved taking into consideration these lessons.</li> </ul> <p><b>What has been done so far to ensure this criterion is respected:</b></p> <ul style="list-style-type: none"> <li>• No information available yet.</li> </ul> <p><b>Implementation responsibilities:</b></p> <ul style="list-style-type: none"> <li>• The future REDD+ NCU will be responsible for coordinating M&amp;E processes, such as reporting by REDD+ implementing agencies, updating the NRS and implementation plans, and coordinating reporting related the safeguards.</li> </ul>



	<b>Key gaps/challenges:</b> <ul style="list-style-type: none"><li>• Monitoring and review processes for the NRS are still under development, as are capacities and methodologies for the NFMS.</li></ul>
	<b>Measures to address gaps:</b> <ul style="list-style-type: none"><li>• Terms of reference for the annual/five yearly review of the NRS should specify the documentation and analysis of lessons learned from any occurrences of reversals and/or displacement (see also Principle F). This review may also draw on information collected through the M&amp;E framework related to the sustainability and impacts of REDD+ PaMs (see G1).</li></ul>

## 4. CONCLUSION AND OUTLOOK

Myanmar's National Approach to the safeguards helps the country to meet the UNFCCC's safeguards requirements in a way that accords with national goals and circumstance and makes full use of existing systems in the country. By doing this, it can contribute to the long-term sustainability of REDD+ in the country.

The objective of this first SoI is to provide a 'baseline' of information, describing how the safeguards have been considered and interpreted during the REDD+ Readiness phase in Myanmar, how the safeguards will be addressed and respected during implementation of REDD+, what initial actions have been taken, and what challenges remain and what are the priority measures for the near future. In addition to recommending a set of measures to address gaps and challenges related to addressing and respecting the safeguards, the priority next steps to ensure that the national safeguards approach is built upon include:

- Improvement of identified key policy and institutional arrangements to support the addressing and respecting of the safeguards during the implementation of REDD+ PaMs;
- Further developing, piloting and applying the REDD+ specific safeguards procedures, instruments and guidance to help REDD+ planning and implementing agencies to comply with the national safeguards approach;
- Operationalization of the Myanmar's SIS, including the development of an online database integrating information from a number of priority information sources and establishment of an SIS Working Group;
- Identification of opportunities to pilot selected aspects of safeguards and SIS operationalization, such as testing guidance on safeguards for implementing agencies and initiating collection of data for the SIS;
- Confirmation of processes for the preparation of future SoIs, based on lessons learned from Myanmar's first SoI, e.g. refining the role of Drafting Group and TWG-SES, future consultation processes, future document structure, and continued identification of measures to address gaps/challenges;
- Integration of safeguards considerations into the development of the REDD+ M&E framework to ensure information related to safeguards is collected efficiently;
- Further development of stakeholder engagement, communication channels and capacity development, particularly for REDD+ implementation, through the implementation of the NRS.

As shown by the information presented in this Summary, Myanmar has made strong progress in developing its national approach to the safeguards, including identifying the PLRs that will assist the addressing and respecting of the safeguards, the development of additional instruments, and the identification measures to strengthen the application of the safeguards as well as next steps. Myanmar's national approach to the safeguards helps the country to meet the UNFCCC's safeguards requirements in a way that aligns with national goals and circumstances and makes full use of existing systems. It can thus contribute to the long-term sustainability of REDD+ in the country.

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### **Laws:**

- The Constitution (2008)
- The Forest Law (2018)
- The Environmental Conservation Law (2012)
- The Farmland Law (2012)
- The Law Amending the Vacant, Fallow and Virgin Land Law (2018)
- The Anti-Corruption Law (2013)
- The Ethnic Rights Protection Law (2015)
- The Protection of Biodiversity and Protected Areas Law (2018)
- The Myanmar Investment Law (2016)
- The Investment Law (2016)
- Employment and Skills Development Law (2013)
- Law of Protection of the Farmer Rights and Enhancement of their Benefits (2013)
- Land Acquisition, Resettlement and Rehabilitation Law (draft, 2019) Annual National Planning Law (issued every year)
- Annual Union Budget Law (issued every year)

### **Policies and strategies**

- Agriculture Development Strategy and Investment Plan (2018/19-2022/23)
- Myanmar Sustainable Development Plan (2018-2030)
- National Forest Policy (1995)
- National Land Use Policy (2016)
- Myanmar National Social Protection Strategic Plan (2014)
- National Strategic Plan for the Advancement of Women (2013-2022)
- National Environmental Policy (2019)
- Myanmar Climate Change Strategy and Action Plan (2018-2030)
- National Biodiversity Strategy and Action Plan (2015-2020)
- Myanmar Action Plan for Disaster Risk Reduction (2017)
- Development Assistance Policy (2018)

**Acts**

- The Land and Revenue Act (1879)
- The Land Acquisition Act (1894)

**Procedures/Instructions**

- Community Forestry Instructions (2019)
- EIA Procedure (2015)

**Rules and regulations**

- The Myanmar Investment Rules (2017)
- The Farmland Rules
- The Environmental Conservation Rules (2014)
- The Forest Rules (Draft, 2019)
- Regulation on Financial Management (2017)
- The VFV Lands Management Rules (2012)

**Agreements**

- The National Ceasefire Agreement (2015)

## Annex 1: List of Consultations for Preparation of Sol

The preparation of Myanmar's First Summary of Information (SoI) began in early 2019 with the development of a draft table of contents and workplan, and in May 2019 the formation of a multi-stakeholder Drafting Group (DG). The DG included representatives from 10 government and non-government organizations: Department of Ethnic Rights, Ministry of Ethnic Affairs; Union Attorney General Office; Department of Social Welfare, Ministry of Social Welfare, Relief and Resettlement; Department of Agriculture, Ministry of Agriculture, Livestock and Irrigation; Environmental Conservation Department, Ministry of Natural Resources and Environmental Conservation; Chin Human Rights Organization (CHRO); Myanmar Environmental Rehabilitation-conservation Network (MERN); Promotion Of Indigenous and Nature Together (POINT); and Indigenous People and Ethnic Nationalities Network (IP/EN).

During the preparation of the SoI, three Drafting Group Meetings and one National Consultation Workshop were held, with participation as follows:

### *First Drafting Group Meetings (3<sup>rd</sup> May 2019)*

No	Name	Designation	Departments/Organization
1	Daw Nwe Ni Maung	Assistant Director	Department of Ethnic Rights
2	Daw Aye Win	Director	Union Attorney General Office
3	Daw Aye Aye Thin	Assistant Director	Department of Social Welfare
4	Daw Khin Swe Tint	Staff Officer	Department of Agriculture
5	Mai Thin Yu Mon	Programme Director	Chin Human Rights Organization
6	Dr. Yu Ya Aye	Assistant Director	Forest Research Institute, Forest Department
7	Dr. Ingyin Khaing	Assistant Director	Forest Research Institute, Forest Department
8	Dr. Phyu Phyu Lwin	Assistant Director	Forest Research Institute, Forest Department
9	U Hla Doi	Programme Coordinator	Promotion Of Indigenous and Nature Together (POINT)
10	U Saw Junip		Indigenous People and Ethnic Nationalities Network (IP/EN)
11	U Paing Htet Thu	Senior Programme Assistant	Myanmar Environmental Rehabilitation-conservation Network (MERN)
12	Ms. Charlotte Hicks	Technical Officer	UNEP-WCMC
13	Mr. Alexis Corblin	Regional Technical Advisor	UNEP
14	Daw May Nwe Soe	Consultant	UNEP

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15	U Min Soe	Stakeholder Engagement Officer	Myanmar UN-REDD Programme
16	Mr. Timothy Boyle	Chief Technical Advisor	Myanmar UN-REDD Programme
17	Daw Khin Hnin Myint	National Programme Coordinator	Myanmar UN-REDD Programme
18	Daw Thit Thit Han	Communication Officer	Myanmar UN-REDD Programme
19	Daw Phyo Pa Pa Han	Programme Assistant	Myanmar UN-REDD Programme

*Second Drafting Group Meetings (12<sup>nd</sup> July 2019)*

No	Name	Designation	Departments/Organization
1	Daw Nwe Ni Maung	Assistant Director	Department of Ethnic Rights
2	Daw Aye Win	Director	Union Attorney General Office
3	Daw Khin May Win Kyaw	Staff Officer	Department of Social Welfare
4	Daw Khin Swe Tint	Staff Officer	Department of Agriculture
5	Daw Su Su Win	Deputy Staff Officer	Environmental Conservation Department
6	Dr. Phyu Phyu Lwin	Assistant Director	Forest Research Institute, Forest Department
7	U Hla Doi	Programme Coordinator	Promotion Of Indigenous and Nature Together (POINT)
8	U Pyae Phyo Maung	Programme Officer	Promotion Of Indigenous and Nature Together (POINT)
9	U Kyaw Kyaw Myo	Programme Officer	Myanmar Environmental Rehabilitation-conservation Network (MERN)
10	Daw Khaing Tun	Interpreter	
11	Daw Sandar Minwai	Programme Assistant	Myanmar UN-REDD Programme
12	Ms. Charlotte Hicks	Technical Officer	UNEP-WCMC
13	Daw May Nwe Soe	Consultant	UNEP
14	U Min Soe	Stakeholder Engagement Officer	Myanmar UN-REDD Programme
15	Daw Khin Hnin Myint	National Programme Coordinator	Myanmar UN-REDD Programme
16	Daw Thit Thit Han	Communication Officer	Myanmar UN-REDD Programme
17	Daw Phyo Pa Pa Han	Programme Assistant	U Myanmar UN-REDD Programme

*Third Drafting Group Meetings (27<sup>th</sup> November 2019)*

No	Name	Designation	Departments/Organization
1	Dr. Thaung Naing Oo	Director	Forest Research Institute, Forest Department

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2	Dr. Zar Chi Hlaing	Staff Officer	Forest Research Institute, Forest Department
3	Daw Tin Hnaung Aye	Range Officer	Forest Research Institute, Forest Department
4	Daw Nwe Ni Maung	Assistant Director	Department of Ethnic Rights
5	Daw Aye Aye Thin	Assistant Director	Department of Social Welfare
6	Daw Kyi Kyi Win	Staff Officer	Department of Agriculture
7	Daw Akari Win	Deputy Staff Officer	Department of Agriculture
8	U Htin Aung Kyaw	Assistant Director	Environmental Conservation Department
9	U Stony	M&E Officer	Promotion Of Indigenous and Nature Together (POINT)
10	Daw Mai Thin Yu Mon	Programme Director	Chin Human Rights Organization
1	U Paing Htet Thu	Programme Officer	Myanmar Environmental Rehabilitation-conservation Network (MERN)
12	Ms. Charlotte Hicks	Technical Officer	UNEP-WCMC
13	Daw May Nwe Soe	Consultant	UNEP
14	Daw Chaw Chaw Sein	SIS Consultant	Food And Agriculture Organization
15	Daw Khin Hnin Myint	National Programme Coordinator	Myanmar UN-REDD Programme
16	Daw Thit Thit Han	Communication Officer	Myanmar UN-REDD Programme
17	Daw Phyo Pa Pa Han	Programme Assistant	U Myanmar UN-REDD Programme
18	Mr. Timothy Boyle	Chief Technical Advisor	Myanmar UN-REDD Programme
19	Daw Sandar Minwai	Programme Assistant	Myanmar UN-REDD Programme

*National Consultation Workshop (24<sup>th</sup> November 2019)*

The National Consultation Workshop on the Draft Myanmar's First Summary of Information was organized on 24<sup>th</sup> November 2019 at Mingalar Thiri Hotel, Nay Pyi Taw, and included participants from relevant government departments, INGOs and NGOs. During the workshop, the participants provided forty-seven comments on the draft SoI (please see Table of Comments provided in Annex 3). The one-day workshop involved 55 participants in total (32 male and 23 female):

No	Name	Designation	Departments/Organization
1	Dr. Thaung Naing Oo	Director	Forest Research Institute, Forest Department
2	Dr. Ei Ei Swe Hlaing	Assistant Director	Forest Research Institute, Forest Department
3	Dr. Yu Ya Aye	Assistant Director	Forest Research Institute, Forest Department
4	Dr. Thinn Thinn	Staff Officer	Forest Department



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5	U Min Min Oo	Staff Officer	Forest Department
6	U Ngwe Thee	Deputy Director	Forest Department
7	U Sein Moe	Assistant Director	Forest Department
8	U Kyaw Swe	Chairman	Luputta CF
9	U Khin Maung Oo	Chairman	CFPPA Chan
10	U Phone Reh	Assistant Director	IP/EN - Kayah
11	U Aung Kyaw Oo	Deputy Director	Myanmar Survey Department
12	Daw Khaing Shwe Wah	Biologist	BANCA
13	U Ye Mya Win		RECOFTC
14	U Win Ko Ko Naing Tun	Project Officer	Friend of Wildlife
15	U Yan Lin Htun	Project Officer	Friend of Wildlife
16	U Paing Kui	Secretary	SDRA
17	U San Win Aung	Vice President	
18	Nhkum Brang Aung	Project Manager	KCWG/TNGL
19	Daw Ei Thinzar Aung	Field Coordinator	BANCA
20	U Min Pe Thar		MSDN
21	Zhaing Qinteng	Economist	NIPD CHINACDC
22	Cho Cho Yee	National Gender Consultant	WDD-DSW
23	U Kyaw Moe Aung	Project Coordinator	SNC
24	U Kyaw Khaing Thant Zin	Research Officer	WCS
25	U Naing Lwin Oo	Profession Assistant	FRRED
26	Mr. Franz Arnold	Chief Technical Advisor	FAO
27	Daw Moe Nwet Nwet Aung	Deputy Director	Planning Department, MOPF
28	U Kyaw Thura	Managing Director	PPA
29	U Aung Kyaw Oo	Deputy Director	Myanmar Survey Department
30	U Htein Lin Aung	Assistant Director	General Administration Department
31	U Kyaw Lwin	Assistant Director	Department of Land Management and Statistics
32	Daw Thi Thi Soe Min	Assistant Director	Environmental Conservation Department
33	U Min Lwin	Deputy Director	Department of Planning, MOALI
34	Daw Aye Sandar	Staff Officer	Environmental Conservation Department
35	Dr. San Win	Deputy Director	Environmental Conservation Department
36	Daw Aye Aye Khine	Deputy Director	BD

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37	U Thant Zin Maw	Staff Officer	Forest Department
38	Daw Nyein Aye	Superintendent Engineer	SSID/MOALI
39	Daw Su Su Hlaing	Deputy Director	DEPP/MOEE
40	U Tun Tun Zaw	Project Officer	MERN
41	Khan Nyein Nyein Maw	Project Officer	MERN
42	U Kaung Myat	Admin Assistant	MERN
43	Naw Chu Chu San	Program Assistant	MERN
44	U Kyaw Kyaw Myo	Project Officer	MERN
45	Daw Nwe Ni Maung	Assistant Director	Department of Ethnic Rights
46	Daw Aye Aye Thin	Assistant Director	Department of Social Welfare
47	Daw Aye Win	Director	Union Attorney General Office
48	Daw Mai Thin Yu Mon	Programme Director	Chin Human Rights Organization
49	Ms. Charlotte Hicks	Technical Officer	UNEP-WCMC
50	Daw May Nwe Soe	Consultant	UNEP
51	Daw Khin Hnin Myint	National Programme Coordinator	Myanmar UN-REDD Programme
52	Daw Thit Thit Han	Communication Officer	Myanmar UN-REDD Programme
53	Mr. Timothy Boyle	Chief Technical Advisor	Myanmar UN-REDD Programme
54	U Paing Htet Thu	Programme Officer	Myanmar Environmental Rehabilitation-conservation Network (MERN)
55	U Min Soe	Stakeholder Engagement Officer	Myanmar UN-REDD Programme

*Online Comments*

A period of online consultation on the draft SoI was announced on the REDD+ Myanmar Programme Website and Facebook page during 25 October 2019 to 22 November 2019, and email notification sent to members of the REDD+ Technical Working Groups, REDD+ Taskforce, and SoI DG to Only two comments were received during the online comment period.

*Review of the SoI*

In addition to review of the SoI by the DG and stakeholders, review of the draft SoI was undertaken and feedback/inputs provided by:

- The Myanmar National UN-REDD Programme Management Unit, including Dr. Thaung Naing Oo (National Programme Director), Timothy Boyle (CTA), Franz Arnold (CTA-FAO), Min Soe (Stakeholder Engagement Officer) and Khin Hnin Myint (National Programme Manager).

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- Regional UN-REDD advisors, including Alexis Corblin (UNEP) and Kin Yii Yong (UNDP).
- The UN-REDD global safeguards team, including Steven Swan (UNEP) and Victoria Suarez (UNEP).
- The UNEP-WCMC team, including Charlotte Hicks, Cordula Epple and Judith Walcott.

Annex 2: Objectives of priority national policies and international commitments that REDD+ policies and measures in Myanmar should complement or be consistent with

<b>Table A1: Relevant national policies/programmes</b>				
<b>Policy/ Programme</b>	<b>Principles / objectives</b>	<b>Institution responsible</b>	<b>Period</b>	<b>Reporting on policy/programme</b>
<b>National Forest Policy (1995)</b>	<p>Six imperatives: protection; sustainability; basic needs; efficiency; participation; public awareness.</p> <p>The Policy includes extensive objectives divided into categories:</p> <p><b>Land use:</b></p> <ul style="list-style-type: none"> <li>- To evolve a system of balanced and complimentary land use under which land is only diverted to used where it would produce most and deteriorate least;</li> <li>- To phase out existing practices which are incompatible with sound land management and which support adverse environmental consequences;</li> <li>- To discourage shifting cultivation practices causing extensive damage to forest through adoption of improved practices for better food production and a better quality of for shifting cultivators</li> </ul> <p><b>Protection &amp; management:</b></p> <ul style="list-style-type: none"> <li>- To dedicate unclassified and protected public forest areas strategically located in the country to extend existing areas under forest reserves and protected area system in order to ensure; sustainable forest management benefits for the country and its population; restoration of ecological balance and biodiversity conservation as well as checking soil erosion anti the degradation of river catchments to safeguard water supplies and the premature siltation of reservoirs;</li> <li>- To strengthen wildlife management through establishment of a network of national parks, wildlife reserves and sanctuaries.</li> </ul> <p><b>Regeneration &amp; afforestation:</b></p> <ul style="list-style-type: none"> <li>- To pursue sound programme of forest development through regeneration and rehabilitation operations to optimize productivity</li> </ul>	MONREC	N/A	Information on plans for review is missing from policy document available online.

	<p>from natural forest;</p> <ul style="list-style-type: none"> <li>- To encourage planting of fast growing multipurpose tree species in degraded forest lands, rebuilding forest and farm lands to meet industrial and domestic demand, as well as restore ecological balance.</li> <li>- Assign MTE an autonomous status so that it runs on a business enterprise basis with capability to make on the spot decisions;</li> <li>- Privatize processing units owned by MTE for increasing efficiency and improved returns over investment Phase out obsolete and outdated sawmills;</li> <li>- Liberalize foreign exchange facilities for processing industries to facilitate import of equipment/spare parts and operating supplies needed for efficiency in conversion and utilization of timber;</li> <li>- Recognize the socio-economic importance of non-wood forest products in the list of priorities for forest development.</li> </ul> <p><b>Forest industry, marketing &amp; trade:</b></p> <ul style="list-style-type: none"> <li>- To promote efficient harvesting and sustainable utilization of all forms of forest produce;</li> <li>- To upgrade and diversify appropriate wood-based industries with determined capacities commensurate with the resource flow to achieve high level of efficiency and to minimize waste of forest resources;</li> <li>- To promote the export of value-added forest products and encourage use of under-utilized species;</li> <li>- To ensure that domestic requirement of all forms of processed timber is adequately met through domestic processing;</li> </ul> <p><b>Forest research:</b></p> <ul style="list-style-type: none"> <li>- To determine the dynamics and functions of the components of natural forests and plantations of both indigenous and exotic species for the effective conservation and management of the forest resources to optimize productivity;</li> <li>- To promote problem-oriented forestry/forest products and socio-economic research to support sustainable forestry development.</li> </ul> <p><b>Forest planning:</b></p>			
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	<p>-To initiate development planning for the forestry sector to achieve sustainable development in resource production, processing and marketing, biodiversity conservation and restoration of ecological balance.</p> <p><b>Intersectoral coordination:</b></p> <p>- To establish an adequate and effective coordination/cooperation among all related sectors of the economy having influence on forestry including international agencies and institutions concerned with forestry development.</p> <p><b>Institutional strengthening:</b></p> <p>- To ensure that the basic goals of forestry, environmental protection and increased economic benefits to be derived from forest and forestry are reflected in the institutional structure;</p> <p>- To strength the forestry institutions in qualitative and quantitative terms to meet the changing needs.</p> <p><b>Budget &amp; finance:</b></p> <p>- To maintain a level of funding and investment in the forestry sector, sufficient to achieve the goals and objectives of the National Forest Policy.</p> <p><b>People's participation &amp; public awareness:</b></p> <p>- To enlist people's participation in forestry sector development activities in order to provide "people-based development" and also create public awareness and mass motivation for protection and conservation of forest.</p>			
<b>National Forest Law (2018)</b>	<ul style="list-style-type: none"> <li>• To implement the Forest Policy</li> <li>• To implement the Resources and Environmental Conservation Policy</li> <li>• To promote public participation when implementing the Forest Policy and Resources and Environmental Conservation</li> <li>• Through conserving the forests, to improve the nation's economy, to support the people's livelihoods and to receive the benefits for long-term</li> </ul>			

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	<ul style="list-style-type: none"> <li>• To implement the projects related with forest conservation, resources and environmental Conservation, and climate change and disaster risk reduction through aligning with international agreements</li> <li>• To protect the forest and biodiversity from degradation, fire, pest and disease infestation.</li> <li>• To implement the natural forest conservation and establishment of new forest estates at the same time</li> <li>• To support the requirement of domestic fuel use</li> <li>• To implement the sustainable forest management</li> </ul>			
<b>Myanmar Climate Change Strategy and Action Plan 2018-2030 and Myanmar Climate Change Policy (2019)</b>	<p><b>Myanmar Climate Change Policy (2019)</b> adopts the Myanmar Climate Change Strategy &amp; Action Plan (2018-2030). Its purpose: The purpose of this Policy is to provide long term direction and guidance to:</p> <p>(a) Take and promote climate change action on adaptation and mitigation in Myanmar;</p> <p>(b) Integrate climate change adaptation and mitigation considerations into Myanmar's national priorities and across all levels and sectors in an iterative and progressive manner; and</p> <p>(c) Take decisions to create and maximize opportunities for sustainable, low carbon, climate resilient development, ensuring benefits for all</p> <p>No quantitative targets or goals are included in the <b>Strategy &amp; Action Plan</b>, but there are six priority "areas of action":</p> <ul style="list-style-type: none"> <li>- Integrating climate change into development policies and plans</li> <li>- Establishing institutional arrangements to plan and implement response to climate change</li> <li>- Establishing financial mechanisms to mobilize and allocate resources for investment in in climate smart initiatives</li> <li>- Increasing access to technology</li> <li>- Building awareness and capacity to respond to climate change</li> </ul>	MONREC	2018-2030	To be 'based on the periodic monitoring of the progress, to be revised as needed' (according to the Policy)

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	- Promoting multi-stakeholder partnerships to support investment in climate smart initiatives			
<b>National Environmental Policy (2019) and Environmental Conservation Law (2012)</b>	<p><b>NEP (2019)</b> vision: A clean environment, with healthy and functioning ecosystems, that ensures inclusive development and wellbeing for all people in Myanmar</p> <p>NEP principles:</p> <ul style="list-style-type: none"> <li>(a) Clean environment and healthy, functioning ecosystems</li> <li>(b) Sustainable economic and social development</li> <li>(c) Mainstreaming environmental protection and management</li> </ul> <p>Series of Strategic Frameworks/action plans will be developed for implementation of the NEP.</p> <p>Objectives of the <b>Environmental Conservation Law (2012)</b>:</p> <ul style="list-style-type: none"> <li>(a) to enable to implement the Myanmar National Environmental Policy;</li> <li>(b) to enable to lay down the basic principles and give guidance for systematic integration of the matters of environmental conservation in the sustainable development process;</li> <li>(c) to enable to emerge a healthy and clean environment and to enable to conserve natural and cultural heritage for the benefit of present and future generations;</li> <li>(d) to reclaim ecosystems as may be possible which are starting to degenerate and disappear;</li> <li>(e) to enable to manage and implement for decrease and loss of natural resources and for enabling the sustainable use beneficially;</li> <li>(f) to enable to implement for promoting public awareness and cooperation in educational programmes for dissemination of environmental perception;</li> <li>(g) to enable to promote international, regional and bilateral cooperation in the matters of environmental conservation;</li> <li>(h) to enable to cooperate with Government departments, Government organizations, international organizations, non-government</li> </ul>	MONREC	N/A	Environmental Conservation Law (2012) is currently under review.



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	organizations and individuals in matters of environmental conservation.			
<b>National Land Use Policy (2016)</b>	<p>Objectives of the <b>National Land Use Policy</b> (2016):</p> <p>(a) To promote sustainable land use management and protection of cultural heritage areas, environment, and natural resources for the interest of all people in the country;</p> <p>(b) To strengthen land tenure security for the livelihoods improvement and food security of all people in both urban and rural areas of the country;</p> <p>(c) To recognize and protect customary land tenure rights and procedures of the ethnic nationalities;</p> <p>(d) To develop transparent, fair, affordable and independent dispute resolution mechanisms in accordance with rule of law;</p> <p>(e) To promote people centered development, participatory decision making, responsible investment in land resources and accountable land use administration in order to support the equitable economic development of the country;</p> <p>(f) To develop a National Land Law in order to implement the above objectives of National Land Use Policy.</p>	National Land Use Council		The National Land Use Council is to periodically conduct monitoring and evaluation on implementation of/ compliance with the National Land Use Policy and related laws. The findings from monitoring and evaluation, assessments and recommendations shall be annually reported to parliament, Union Government and relevant departments and the public.
<b>National Biodiversity Strategy and Action Plan</b>	<p><b>NBSAP vision:</b> Conservation, management and utilization of biodiversity in a sustainable manner for sound and resilient ecosystems and national posterity. It has 20 targets organized under 5 strategic goals. One relevant target per goal is provided here:</p> <ul style="list-style-type: none"> <li>- Strategic Goal A. Address the underlying causes of biodiversity loss by mainstreaming biodiversity across government and society (Target 2: By 2020, at the latest, biodiversity values have been integrated into national and local development and poverty reduction strategies and planning processes and are being incorporated into national accounting, as appropriate, and reporting systems)</li> <li>- Strategic Goal B. Reduce the direct pressures on biodiversity and promote sustainable use (Target 5: By 2020, the rate of loss of all natural habitats, including forests, is at least halved and where feasible</li> </ul>	MONREC	NBSAP: 2015-2020	National reports to the CBD

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	<p>brought close to zero, and degradation and fragmentation is significantly reduced)</p> <ul style="list-style-type: none"> <li>- Strategic Goal C. Improve the status of biodiversity by safeguarding ecosystems, species and genetic diversity (Target 11: By 2020, at least 17 percent of terrestrial and inland water areas, and 10 percent of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem services, are conserved...)</li> <li>- Strategic Goal D: Enhance the benefits to all from biodiversity and ecosystem services (Target 15: By 2020, ecosystem resilience and the contribution of biodiversity to carbon stocks has been enhanced, through conservation and restoration, including restoration of at least 15 percent of degraded ecosystems, thereby contributing to climate change mitigation and adaptation and to combating desertification)</li> <li>- Strategic Goal E. Enhance implementation through participatory planning, knowledge management and capacity building (Target 19: By 2020, knowledge, the science base and technologies relating to biodiversity, its values, functioning, status and trends, and the consequences of its loss, are improved, widely shared and transferred, and applied)</li> </ul>			
<p><b>Myanmar Action Plan for Disaster Risk Reduction (2017)</b></p>	<p>Vision: Protect lives, economy, heritage and environment, through an inclusive approach towards sustainable development in Myanmar.</p> <p>Guiding principles:</p> <ul style="list-style-type: none"> <li>• The Government of Myanmar will be the prime driver of disaster risk reduction interventions; however it calls for all-of-society, including private sector, engagement and partnership.</li> <li>• The identification, implementation, monitoring and evaluation of priority actions will be ‘inclusive’ and address the special needs of women, children, people with disabilities and the elderly population.</li> <li>• The priority actions will ensure ‘flexibility’ to meet special needs at the ground level and emerging needs due to the changing risk environment.</li> </ul>	<p>Under National Disaster Management Committee (NDMC), the Disaster Management Work Committee chaired by the Union Minister for Social</p>	<p>To 2020; long-term vision to 2030.</p>	<p>Annual reports to be submitted by MAPDRR Secretariat. Impact assessment after 5-7 years.</p>

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	<ul style="list-style-type: none"> <li>• The priority actions will be at a national level, however the focus will be to build resilience at the community level. Regional/state and self-administered zone governments will be key in reducing and managing risk.</li> <li>• The action plan will be result oriented and measure changes in addressing risk through tracking disaster impacts.</li> <li>• The priority actions will use a multi-hazard approach.</li> <li>• The identification and prioritization of actions will be based on disaster risk and the impact of interventions.</li> <li>• The priority action will be implemented to prevent new emerging risks; an unplanned development such as the construction of a building, bridge, etc. without following standard codes, can increase existing risks, reduce existing and manage residual one which is the disaster risk that remains even when effective disaster risk reduction measures are in place, and for which emergency response and recovery capacities must be maintained.</li> </ul>	Welfare, Relief and Resettlement		
<b>Myanmar Sustainable Development Plan (2018-2030)</b>	<p>Vision: The economic policy of the Union of Myanmar is people-centered and aims to achieve inclusive and continuous development. It aims to establish an economic framework that supports national reconciliation, based on the just balancing of sustainable natural resource mobilization and allocation across the States and Regions.</p> <p>Objectives:</p> <ol style="list-style-type: none"> <li>1. To support national reconciliation and the emergence of a united democratic federal Union.</li> <li>2. To achieve balanced economic development across the States and Regions.</li> <li>3. To create opportunities for the emergence of capable and skilled new generations for the benefit of the country.</li> <li>4. To establish an economic system that can achieve and maintain positive development outcomes through the participation, innovation and efforts of all citizens.</li> </ol>	Ministry of Planning and Finance, MSDP Implementation Unit	2018-2030	MSDP indicator framework

	<p>Pillars:</p> <p>1. Peace and stability, e.g. Strategy 1.3: Promote greater access to justice, individual rights and adherence to the rule of law; Strategy 2.5: Enhancing the efficiency and competitiveness of State Economic Enterprises</p> <p>2. Prosperity and partnership, e.g. Strategy 3.2: Support job creation in industry and services, especially through developing small-and medium-sized enterprises; Strategy 3.6: Build a priority infrastructure base that facilitates sustainable growth and economic diversification</p> <p>3. People and planet, e.g. Strategy 4.4: Increase secure access to food that is safe and well-balanced; Strategy 5.1: Ensure a clean environment together with healthy and functioning ecosystems; Strategy 5.2: Increase climate change resilience, reduce exposure to disasters and shocks while protecting livelihoods, and facilitate a shift to a low-carbon growth pathway</p>			
<b>Constitution of Myanmar (2008)</b>	<p>Basic Principles of the Union include:</p> <p>3. The State is where multi-National races collectively reside.</p> <p>7. The Union practices genuine, disciplined multi-party democratic system.</p> <p>13. There shall be a Region Hluttaw in each of the seven Regions, and a State Hluttaw in each of the seven States.</p> <p>15. For National races with suitable population, National races representatives are entitled to participate in legislature of Regions or States and Self-Administered Areas concerned.</p> <p>21. (a) Every citizen shall enjoy the right of equality, the right of liberty and the right of justice, as prescribed in this Constitution. (b) No citizen shall be placed in custody for more than 24 hours without the permission of a Court. (c) Every citizen is responsible for public peace and tranquillity and prevalence of law and order. (d) Necessary law shall be enacted to make citizens' freedoms, rights, benefits, responsibilities and restrictions effective, steadfast and complete.</p>			

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	<p>23. The Union shall: (a) enact necessary laws to protect the rights of the peasants; (b) assist peasants to obtain equitable value of their agricultural produce</p> <p>29. The Union shall provide inputs, such as technology, investments, machinery, raw materials, so forth, to the extent possible for changeover from manual to mechanized agriculture.</p> <p>34. Every citizen is equally entitled to freedom of conscience and the right to freely profess and practice religion subject to public order, morality or health and to the other provisions of this Constitution.</p> <p>37. The Union : (a) is the ultimate owner of all lands and all natural resources above and below the ground, above and beneath the water and in the atmosphere in the Union; (b) shall enact necessary law to supervise extraction and utilization of State-owned natural resources by economic forces; (c) shall permit citizens right of private property, right of inheritance, right of private initiative and patent in accord with the law.</p> <p>45. The Union shall protect and conserve natural environment.</p> <p>Chapter VIII sets out 'Citizen, Fundamental Rights and Duties of the Citizens'</p>			
<p><b>National Strategic Plan for the Advancement of Women (2013-2022)</b></p>	<p>Objective: All women in Myanmar are empowered and able to fully enjoy their rights with the support of the Government of the Republic of the Union of Myanmar. Enabling systems, structures and practices are created for the advancement of women, gender equality, and the realization of women's rights.</p> <p>Priority areas are based on the 12 Priority Areas of the Beijing Platform for Action and CEDAW. Section 17 covers 'Women and the Environment' including key objective to strengthen systems, structures and practices to ensure women's meaningful participation in the management and safeguarding of natural resources, the environment and in adapting to climate change.</p>	<p>Myanmar National Committee for Women's Affairs, Ministry of Social Welfare, Relief and Resettlement</p>	<p>2013-2022; action plans will be developed and implemented according to the calendar year.</p>	<p>Art. 25. The Management Committee for NSPAW will review progress towards the objectives of NSPAW and the extent to which efforts are leading towards meeting anticipated outcomes according to the core indicators. The monitoring framework, including data collection mechanisms, will be reviewed annually and will continue to be developed and</p>

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				refined. Reporting guidelines and timelines will be developed by the Management Committee for NSPAW
<b>Myanmar National Social Protection Strategic Plan (2014)</b>	<p>Myanmar's vision for social protection is an inclusive, equitable and sustainable system that:</p> <ul style="list-style-type: none"> <li>(a) Contributes to human capital by facilitating access to essential social services, such as education, health, housing and water;</li> <li>(b) Protects people from risks and shocks;</li> <li>(c) Addresses economic and social vulnerabilities and food insecurity over the life cycle and promotes economic opportunities; and</li> <li>(d) Alleviates social exclusion.</li> </ul>	Social Protection Working Committee (SPWC), chaired by Ministry for Social Welfare, Relief and Resettlement		Monitoring and evaluation of the overall social protection system will be the responsibility of the SPWC. High level indicators have been established in the Monitoring and Evaluation Table. The TSG and development partners will be tasked with developing and supporting national monitoring and evaluation mechanisms for the overall Strategy as well as specific programmes.
<b>National Ceasefire Agreement between the Government of the Republic of the Union of Myanmar and Ethnic Armed Organizations (2015)</b>	<p>Objectives of the NCA:</p> <ol style="list-style-type: none"> <li>1. Begin an inclusive political dialogue process based on an agreed framework following the signing and implementation of the National Ceasefire, with the aim of achieving just and sustainable peace.</li> <li>2. Form a (Joint Ceasefire Monitoring Committee) to carry out the following: implementing provisions of the National Ceasefire Agreement; monitoring adherence to the code of conduct; investigating alleged violations; and undertaking problem-solving measures.</li> <li>3. Reaffirms all promises and previous agreements signed between the Government of the Republic of the Union of Myanmar and Ethnic Armed Organizations.</li> </ol>	Tatmadaw and EAOs should comply with provisions; Union Peace Dialogue Joint Committee (UPDJC); Joint Ceasefire Monitoring Committee (JCMC);	N/A	JCMC ToR included in the NCA, includes JCMCs at State and local levels, and verification teams.

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	4. Include all relevant Ethnic Armed Organizations in the collective signing of the National Ceasefire Agreement by recognizing the political aspirations behind the resistance movements of the Ethnic Armed Organizations and aim to strengthen the Union spirit. Chapter 6 covers environmental and natural resource management affairs.			
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<b>Table A2: Relevant international treaties/convention</b>				
<b>Treaty/ Convention name &amp; year</b>	<b>Status</b>	<b>Objective/s</b>	<b>Relevant national documents</b>	<b>Comments</b>
<b>Convention on Biological Diversity (CBD) (1992)</b>	Signed: 11 Jun 1992 Ratified: 25 Nov 1994	Conservation of biological diversity. The sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources.  See Table A1. for objectives of <b>Myanmar's NBSAP</b> .	National Biodiversity Strategy and Action Plan 2015-2020 (see Table A1)  6th National Report to CBD (2018)	New reporting format appears to have less detail than in previous report (5th NR, 2014)
<b>Convention on Wetlands of International Importance, especially as Waterfowl Habitat (RAMSAR) (1971)</b>	Signed: 17 Mar 2005 Accession: 17 Nov 2014	The conservation and wise use of all wetlands through local and national actions and international cooperation, as a contribution towards achieving sustainable development throughout the world.	COP13 National Report (2018)  National Wetland Policy and Strategic Actions (2019); National Wetland Action Plan	Myanmar has 4 Ramsar sites <a href="https://www.informea.org/en/countries/MM/map">https://www.informea.org/en/countries/MM/map</a>
<b>United Nations Convention to Combat Desertification</b>	Accession: 2 Jan 1997	To combat desertification and mitigate the effects of drought in countries experiencing serious drought and/or desertification, particularly in Africa, through effective action at all levels, supported by international cooperation and partnership arrangements, in the framework of an	Myanmar National Action Programme (NAP) for combating desertification (2005)	No voluntary LDN targets

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<b>(UNCCD) (1994)</b>		<p>integrated approach which is consistent with Agenda 21, with a view to contributing to the achievement of sustainable development in affected areas.</p> <p>The main objectives of <b>Myanmar's NAP</b> are:</p> <ul style="list-style-type: none"> <li>(i) to enhance the place of forestry and woody vegetation within sound land husbandry, so as to ensure that the whole system contributes effectively to the production of goods and services and to the wider aim of food security;</li> <li>(ii) to enhance the benefits to the community by appropriate use of forest resources and to involve the community in their expansion, diversification, management, conservation and rehabilitation;</li> <li>(iii) to create awareness among politicians and the public of the contribution of forestry to sustained use of the resource base; to minimize damage and degradation caused by desertification, salinity, droughts and torrential phenomena to food security and rural development;</li> <li>(iv) to ensure that forestry is made a vital part of national plans regarding food security, conservation and prevention of desertification.</li> </ul>	<p>National report to UNCCD (2014)</p> <p>National report to UNCCD (2018)</p>	
<b>United Nations Framework Convention on Climate Change (UNFCCC) (1994)</b>	<p>Signed: 11 Jun 1992 Ratified: 25 Nov 1994</p> <p>Paris Agreement: Signed: 22 Apr 2016 Ratified: 19 Sep 2017</p>	<p>To achieve, in accordance with the relevant provisions of the Convention, stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.</p> <p>Relevant targets from <b>NDC (2015)</b>:</p> <ul style="list-style-type: none"> <li>- Myanmar's NDC presents the same <b>vision</b> as the MCCSAP: achieving climate resilient, low-carbon, resource efficient and inclusive development as a contribution to sustainable development.</li> <li>- By 2030, Myanmar's <b>permanent forest estate (PFE)</b> target is to increase national land area as forest land with</li> </ul>	<p>1st Nationally Determined Contribution to Paris Agreement (2015)</p> <p>National Adaptation Programme of Action (NAPA) (2012)</p> <p>Myanmar Climate Change Strategy and Action Plan (see Table A1)</p>	<p>Existing national forest targets were used in the current NDC; NDC undergoing update in 2019-2020.</p> <p>NAP is under development, likely with GCF support.</p>



		<p>the following percent of total land area):</p> <ul style="list-style-type: none"> <li>• Reserved Forest (RF) and Protected Public Forest (PPF) = 30% of total national land area</li> <li>• Protected Area Systems (PAS) = 10% of total national land area</li> </ul> <p>- To increase access to <b>clean sources of electricity</b> amongst communities and households currently without access to an electric power grid system. Indicative goal: Rural electrification through the use of at least 30% renewable sources as to generate electricity supplies.</p> <p>- To increase the number of <b>energy efficient cook-stoves</b> disseminated in order to reduce the amount of fuel wood used for cooking. Indicative goal: To distribute approximately 260,000 cook stoves between 2016 and 2031.</p> <p>- To decrease the rate of <b>deforestation</b> so that a significant mitigation contribution from the sector can continue to be realized:</p> <ul style="list-style-type: none"> <li>• To preserve natural forest cover to maintain biodiversity and ecosystems in Myanmar</li> <li>• To realize the co-benefits of the policy such as reducing soil erosion, thereby decreasing the risk of floods and landslides that may occur near rivers</li> <li>• To increase the resilience of mangroves and coastal communities which are at risk of flooding.</li> <li>• To increase capacity Sustainable Forest Management.</li> </ul> <p>- <b>Climate change &amp; environment:</b></p> <ul style="list-style-type: none"> <li>• To achieve climate resilient, low-carbon, resource efficient and inclusive development as a contribution to the overall policy for sustainable development.</li> <li>• To mainstream environment and climate change into the national policy development and reform agenda.</li> <li>• To strengthen the climate change related institutional and policy environment through sharing of technical knowledge</li> </ul>		
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		<p>and best practice, training and institutional support.</p> <ul style="list-style-type: none"> <li>• To promote evidence-based planning and policy making through the integration of climate change mitigation experience into sub-national, state and regional development planning initiatives.</li> <li>• To increase awareness of climate change at national, state and region and local level.</li> <li>• To promote an economy based on green growth.</li> <li>• To consistently monitor and take stock of the status of national environmental quality(i.e. through the use of standardized indicators).</li> </ul>		
<b>Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (1975)</b>	<p>Signed: 13 Jun 1997</p> <p>Accession: 11 Sep 1997</p>	CITES aims to ensure that international trade in specimens of wild animals and plants does not threaten their survival.	2017 Annual Report	<p>Each party required to submit annual reports as well as biennial implementation reports</p> <p>CITES Trade Database: <a href="https://trade.cites.org/">https://trade.cites.org/</a></p>
<b>International Covenant on Economic, Social and Cultural Rights (1966)</b>	<p>Signature: 16 Jul 2015</p> <p>Ratification: 6 Oct 2017</p>	To ensure that each State Party to the Covenant undertakes to take steps, individually and through international assistance and co-operation, with a view to achieving progressively the full realization of the economic, social and cultural rights recognized in the Covenant by all appropriate means, including particularly the adoption of legislative measures.	Myanmar 2nd Cycle UPR (2015)	Universal Periodic Review (UPR) is a review of the human rights records of all UN Member States.
<b>Convention on the Elimination of All Forms of Discrimination against Women 1980 (CEDAW)</b>	<p>Accession: 22 Jul 1997</p>	<p>To ensure that States Parties condemn discrimination against women in all its forms and pursue by all appropriate means and without delay a policy of eliminating discrimination against women</p> <p>See Table A1 for Myanmar National Strategic Plan for the Advancement of Women (2013-2022)</p>	Myanmar 2nd Cycle UPR (2015)	

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<b>Forest Law Enforcement, Governance and Trade (FLEGT) Voluntary Partnership Agreement (VPA)</b>	Inception of process: 2015	<p>The EU published the Forest Law Enforcement, Governance and Trade (FLEGT) Action Plan in 2003, which sets out a range of measures available to the EU and its member states to tackle illegal logging in the world's forests: these 7 measures together aim to prevent the importation of illegal timber into the EU, improve the supply of legal timber and increase demand for timber from responsibly managed forests.</p> <p>A VPA is a bilateral trade agreement between the EU and a timber-exporting country outside the EU. A VPA aims:</p> <ul style="list-style-type: none"> <li>- to guarantee that any wood exported from a timber-producing country to the EU comes from legal sources</li> <li>- to help the partner country stop illegal logging by improving forest governance and regulation</li> </ul> <p>In January 2015, the FLEGT inception workshop took place and marked the beginning of Myanmar's FLEGT process. Currently, Myanmar is in a preparation phase. The purpose of this phase is to prepare and establish strong foundations for a successful negotiation should Myanmar and the EU decide to negotiate a VPA.</p>		
<b>Sustainable Development Goals (SDGs) (2015)</b>	In 2015, countries adopted the 2030 Agenda for Sustainable Development and its 17 Sustainable Development Goals. Up to 2030.	<p>The SDGs build on the success of the Millennium Development Goals (MDGs) and aim to go further to end all forms of poverty, promoting prosperity while protecting the planet.</p> <p>The NRS specifically notes role of forests and REDD+ in achieving the following SDGs:</p> <ul style="list-style-type: none"> <li>SDG 1: No poverty</li> <li>SDG 2: No hunger</li> <li>SDG 5: Gender equality</li> <li>SDG 10: Reduced inequalities</li> <li>SDG 13: Climate Action</li> </ul>	<p>Myanmar country profile 2019</p> <p>Myanmar SDG indicator baseline report (2017)</p>	CSO is developing Myanmar's SDG database

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		SDG 15: Life on land  See table A1 for information on the Myanmar Sustainable Development Plan (2018-2030)		
<b>United Declaration on the Rights of Indigenous Peoples (UNDRIP) (2007)</b>	In 2006, Myanmar voted in favor.	It establishes a universal framework of minimum standards for the survival, dignity and well-being of the indigenous peoples of the world and it elaborates on existing human rights standards and fundamental freedoms as they apply to the specific situation of indigenous peoples.		

**Annex 3: Table of comments received on Myanmar's first Summary of Information and responses**

**Table of Comments received on SoI Draft version October 2019**

Section	Page	Comments/Suggestions	Source and Date	Response
3 Safeguard A1 - Address	22	National Environmental Policy (2019), instead of 2018	Environmental Conservation Department, National, Workshop, 24 <sup>th</sup> October 2019	Noted – year changed
3 Safeguard A1 - Address	22	Myanmar Climate Change Strategy and Action Plan, instead of National Climate Change and Action Plan	Environmental Conservation Department, National Workshop, 24 <sup>th</sup> October 2019	Noted - name changed
3 Safeguard A1 - Address		The implementation of National Land Use Policy and Forest Law are already not complied with Safeguards as they are not considered about land tenure/land rights and community's preferences. I.e. a conflict between following national PLRs and international obligations on human rights	Chin Human Rights Organization (CHRO), National Workshop, 24 <sup>th</sup> October 2019	Safeguard A is only about the alignment of REDD+ with national policies/programmes and conventions. Whether or not land tenure and community rights are addressed should be covered under safeguard B/C. However, under A2, recognition of the conflict between national PLRs and international human rights obligations has been added as a challenge and a measure has been suggested. This has also been cross-referenced under C1.
3 Safeguard A1 - Address	23	As most forest areas in Myanmar are not effectively controlled by the Government and some are controlled by EAOS, REDD+ Myanmar will work with 10 EAOs who signed on NCA and NCA signatory action plan will come out. NRS is consistent with the NCA commitment for cooperation on environment.	Myanmar REDD+ PMU, National Workshop, 24 <sup>th</sup> October 2019	The National Ceasefire Agreement (NCA) has been added under A1 as a priority national policy. Further detail on planned coordination with EAOs for REDD+, such as a possible joint action plan, has been added under B3.

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		Work with EAOs to come up with EAO NCA signatories action plan on REDD+. Consistent with NRS. NCA-S EAO working group on land & environment. Ch 6-7 of the NCA mentions environment, natural resources, EITI; NCA itself relevant to go into SG A.		
3 Safeguard A1 - Respected	24	270 comments were received during National Validation Workshop of NRS and all comments were incorporated to the NRS	Myanmar REDD+ PMU, National Workshop, 24 <sup>th</sup> October 2019	Noted – this section has been updated under A1 and D1.
3 Safeguard A1 - Respected	24	The final NRS is approved from Taskforce with the Endorsement of NE5C and will be submitted to Cabinet through MONREC to get the approval.	Myanmar REDD+ PMU, National Workshop, 24 <sup>th</sup> October 2019	Noted – this section has been updated.
3 Safeguard A1 - Implementation Responsibilities	25	As NE5C was established by the National Environmental Policy and not by the law, the NE5C doesn't have the right to issue the regulations. A Climate Change Law which can establish the NE5C might be needed. However, the role of NE5C can also be put under the Environmental Conservation Law 2012 through amending this law. This law already established the NECC, but unclear whether name will be changed to NE5C when the law is revised.	Myanmar REDD+ PMU, Forest Department; Environmental Conservation Department, National Workshop, 24 <sup>th</sup> October 2019	A gap regarding the need to strengthen the legal framework on climate change has been added under A1. A suggested measure – e.g. through the amendment of the ECL or the development of a new climate change law – has also been added.
3 Safeguard A1 - Gaps/Challenges	25	It is not necessary to mention the procedure in the law/rules and so should omit the sentence of “no	Forest Department, National Workshop, 24 <sup>th</sup> October 2019	This section has been updated to reflect that laws do not set out procedures, and the

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		procedures are set out in the law for verifying that planned actions are indeed supportive of identified policies”.		potential revision of the Forest Law (2018) noted.
3 Safeguard B1 - Addressed	28	How much consistency is there (e.g. percentage) between Myanmar’s REDD+ FPIC guidelines and UN-REDD FPIC guidelines?	Working Group -B, National Workshop, 24 <sup>th</sup> October 2019	It is not possible to assign a percentage consistency between the two guidelines; however, the FPIC section has been updated to note the consistency between the proposed Myanmar guideline and global guidance.
3 Safeguard B1 - Addressed	29	Under the sub-title ‘Corruption’, translation of Myanmar Timber Enterprise was as same meaning with Forest Department. Therefore, should be edited in translation or deleted. Suggest to review the context of MTE; revise wording of PaM.	Working Group -B, National Workshop, 24 <sup>th</sup> October 2019	Noted – the translation has been corrected. However, as MTE is in the name of the PaM, it should remain. The comment on the wording of the PaM has been passed on to the NRS team.
3 Safeguard B1 - Implementation Responsibilities	30	MOPF is responsible to implement the Public Procurement Policy	Working Group -B, National Workshop, 24 <sup>th</sup> October 2019	Noted – this has been added to the section on implementation responsibilities.
3 Safeguard B1 - Gaps/Challenge	31	The Law on Public Procurement and Assets Disposal is under process and now in Cabinet; instead of no comprehensive legal framework on public procurement	Working Group -B, National Workshop, 24 <sup>th</sup> October 2019	Noted – this information has been added under B1.
3 Safeguard B2 - Addressed	31	To include Community Forestry, Private Forest Plantation, Village owned Forest, traditionally managed forest under the state management as the forest types to produce timber	Working Group -B, National Workshop, 24 <sup>th</sup> October 2019	Noted – after discussion with the DG and PMU, a clarified and more comprehensive list of timber sources has been added.
3 Safeguard B2 - Addressed	31	Suggested that for SFM, should interpret and revise the Sustainable Forest Management and mean annual increment.	Working Group -B, National Workshop, 24 <sup>th</sup> October 2019	This is understood to be a recommendation regarding how SFM could be improved.

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3 Safeguard B2 - Implementation Responsibilities	34	MONREC is responsible for supervising SEA but the implementation should be done by third party	Working Group -B, National Workshop, 24 <sup>th</sup> October 2019	Noted – this text has been updated throughout the SoI. References to the SEA guidelines have also been updated.
3 Safeguard B4 - Addressed	37	Should be Participatory National Forest Inventory, instead of NFI Another term is “NFI with a human rights-based approach”.	Working Group -B, National Workshop, 24 <sup>th</sup> October 2019	This refers to the name of the project that is supporting the NFI; criterion D3 has been updated to reflect the participatory nature of the NFI.
3 Safeguard B4 - Measures	39	When collecting the information (data on land, forest, etc), should coordinate and collaborate with INGOs and NGOs. INGOs and NGOs which are working with government should have their capacity built along with Govt to fill gaps country wide	Working Group -B, National Workshop, 24 <sup>th</sup> October 2019	A suggested measure related to this has been added under B4.
3 Safeguard B4 - Measures	39	Information collection or information flow should be officially processed though formulating laws or signing MOU.	Working Group -B, National Workshop, 24 <sup>th</sup> October 2019	A recommendation related to the development of a law on access to information has been added under B1.
3 Safeguard C	39-52	Should develop the basic framework on Indigenous People and Community-conserved Territories and Areas (ICCA)/ should build ICCA platform and connect with ICCA news group/ REDD+ should be implemented, based on the basic framework of ICCA	Working Group C, National Workshop, 24 <sup>th</sup> October 2019	This is understood as a recommendation for the NRS but also more widely for protected area policy. It is noted that objective 4 of the NRS and one PaM in particular already refer to ICCA. The language around this has been strengthened under C1 and C3.
3 Safeguard C	39-52	Should develop Indigenous People Rights Act. This Act should be linked with Forest Law and should be prepared by the Indigenous People themselves.	Working Group C, National Workshop, 24 <sup>th</sup> October 2019	It is noted that this suggestion has been put forward not just in relation to REDD+. Under C1, a recommendation has been added regarding strengthening the PLR framework for indigenous rights, including options such as an Act, inclusion in new land law, etc, and



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				that such a process should have substantive involvement of indigenous people's representatives.
3 Safeguard C	39- 52	Shifting cultivation should be recognized and the way to identify the shifting cultivation in the ethnic group areas that might be silviculture, forest conservation or etc should be identified.	Working Group C, National Workshop, 24 <sup>th</sup> October 2019	This is understood as a recommendation for the NRS and policy more broadly. It is noted that the recognition of shifting cultivation through ICCA (in one proposed PaM) is a short-term approach, and that a longer-term solution is needed whereby communities practicing stable shifting cultivation can have rights to land recognized. This issue has been added under C1.
3 Safeguard C	39- 52	Should draw on the participatory mapping related with how the ethnic groups manage the land and forests. Participatory Mapping has been done in 10 villages of Kachin State for land use planning.	Working Group C, National Workshop, 24 <sup>th</sup> October 2019	Noted – this information and a recommendation related to participatory mapping has been added under C2.
3 Safeguard C	39- 52	Multi-stakeholder group consultation system for SEA [under implementation responsibilities]	Working Group C, National Workshop, 24 <sup>th</sup> October 2019	There is not currently any multi-stakeholder working group system related to SEA. References to MONREC and implementing agency responsibilities related to EIA/SEA have been updated throughout (see above).
3 Safeguard C	39- 52	Strengthen the ethnic group's public hearing system through Members of Parliament/Sub-national governments	Working Group C, National Workshop, 24 <sup>th</sup> October 2019	This is understood as a recommendation regarding strengthening the voice/communication channels for ethnic groups (and local people more broadly). Some additional information on the public hearing system and role of MPs has been added under C6.
3 Safeguard C	39- 52	Should learn the relevant gazetteer in ethnic groups areas	Working Group C, National Workshop, 24 <sup>th</sup> October 2019	The recommendation is unclear. However, a suggested measure on mapping/improving ethnic group information has been added to B4.

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3 Safeguard C	39-52	Should research on policies, laws and regulations in Myanmar; policies and laws should be developed from bottom up.	Working Group C, National Workshop, 24 <sup>th</sup> October 2019	This is understood as a broader recommendation regarding how PLRs are developed in Myanmar, beyond the scope of the SoI. It's noted that PLRs have already been reviewed in the context of REDD+ and the safeguards.
3 Safeguard C1 - Addressed	40	Regarding the definition of "Local Communities" in Ward or Village Tract Administration Law 2012", it refers to the qualification of Village Tract Administrator, not refers to local communities.	Working Group C, National Workshop, 24 <sup>th</sup> October 2019	Noted – the relevant section of C1 has been corrected.
3 Safeguard C1 = Addressed	40	Regarding land acquisition, the Land Acquisition, Resettlement and Rehabilitation Law has been enacted on 19 August 2019.	Working Group C, National Workshop, 24 <sup>th</sup> October 2019	Noted – this Law is not active/signed yet, however multiple sections of the SoI that refer to the previous Act have been checked and updated where needed.
3 Safeguard C1 - Addressed	41	Replace CFI (2019), in the place of CFI 2016	Working Group C, National Workshop, 24 <sup>th</sup> October 2019	Noted – multiple sections of the SoI that refer to the CFI have been checked and updated where needed.
3 Safeguard C1 - Addressed	41	VFV Land Law 2018, Paragraph (30-b and c) should also be mentioned: Management of the following types of land shall not be governed by this law: (b) Customary lands designated under traditional culture of the local ethnic people: (b) the lands currently used for religious, social, education, health and transportation purposes of the public and ethnic people	Working Group C, National Workshop, 24 <sup>th</sup> October 2019	Noted – this has been added under C1. In addition, other references to the previous VFV Law (2012) have been checked and updated where needed, as it is now the Law amending the VFV Law (2018).
3 Safeguard D1 - Addressed	53	To include Civil Society Organizations (CSOs) in the list of key stakeholders that should be engaged in designed and implementation of REDD+ PaMs.	Working Group D, National Workshop, 24 <sup>th</sup> October 2019	Noted – this section has been updated; however, CSOs were not listed in the programme document being referred to.

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3 Safeguard D - Addressed	54	To adopt the Guidelines for Public Participation in Myanmar's EIA process as soon as possible	Working Group D, National Workshop, 24 <sup>th</sup> October 2019	Noted – references to the draft guidelines have been checked and updated, including in the recommendation to adopt the Guidelines.
3 Safeguard D1 - Implementation Responsibilities	55	As Forest Department should lead implementation of REDD+, Township Planning Implementation Committee should be formed with relevant government representatives, Hluttaw, Township elders and etc. led by Forest Department, instead of being led by MOPF	Working Group D, National Workshop, 24 <sup>th</sup> October 2019	In the context of REDD+ implementation, State/Regional REDD+ committees have been proposed in the NRS. At township/district level, it is expected that REDD+ would involve the new Land Use Committees. MOPF usually leads current Township planning committees, via GAD, and may lead Land Use Committees as well. Forest departments will continue to lead the development of district forest management plans. There is a need to harmonize local level land use plans and forest management plans. Responsibilities for planning have been clarified and a measure related to harmonizing plans has been added under D1.
3 Safeguard D2	56	When stakeholder representatives are selected, it should be through the identified criteria to avoid the elite's capture. However, because Myanmar has many ethnic groups it is not possible to identify the criteria to align with every group. Therefore, the criteria for the selection of stakeholder's representatives should be up to each group.	Working Group D, National Workshop, 24 <sup>th</sup> October 2019	Reference to self-selection processes has been updated, and an additional measure proposed related to the comprehensive identification of stakeholder groups, communication on stakeholder rights, roles and responsibilities, and how GRM can allow stakeholders to provide feedback on stakeholder representatives/selection processes.
3 Safeguard E1 - Addressed	59	Suggested to change the term "Natural Forest" to "Forest" in forest mapping because it is difficult to classify the natural forest in forest mapping whether on ground mapping	Working Group E, National Workshop, 24 <sup>th</sup> October 2019	The safeguard specifically mentions "Natural Forest" because, when REDD+ is implemented, natural forests may be at varying degrees of risk of being replaced with fast growing trees, for example. It is

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		<p>or satellite image mapping. Otherwise, can the term “Natural Forest” be change to “National Forest” that means nation-wide forest?</p> <p>Other say we should not change the term, as the safeguard focus is on Natural Forest. Myanmar also has many ethnic peoples and the terms may be conflict if it is changed to “National Forest”, that looks like meaning of national ownership.</p>		<p>therefore important to try to identify and monitor areas of natural forest. Myanmar can define what the term natural forest means in its national context. The National Forest Inventory (NFI) represents an opportunity to identify natural forest types.</p>
3 Safeguard E1 - Addressed	60	<p>In the sentence “the government’s target to increase the production that could expand the agriculture areas that are the indirect drivers of deforestation”, is this specifically for type of forest, like forest in VFV or for what types of forest?</p>	Working Group E, National Workshop, 24 <sup>th</sup> October 2019	<p>This section has been clarified: agricultural expansion is a direct, not an indirect driver, and it is noted that MOALI is focused on increasing yields rather than increasing the area under cultivation. PaMs aimed at addressing this driver as a risk of natural forest conversion are also referenced.</p>
3 Safeguard E1 - Addressed	60	<p>EAOs like KNU have their forest law and manage the forest according to their regulations. To avoid the conversion of natural forest, how to consider management the forest between the different systems of EAOs and government? Consistency on rule and regulation should be reviewed especially in EAO’s areas</p>	Working Group E, National Workshop, 24 <sup>th</sup> October 2019	<p>Noted – the address section of E1 has been updated to recognize the issue of different forest governance systems, as well as the analysis that has been carried out. Coordination with EAOs under B3 is cross referenced.</p>
3 Safeguard E1 - Respected	60	<p>Mapping of Natural Forest has been doing. Participants suggested that “the paragraph of Mapping of National Forest under safeguard E1” is also relevant to Respected Component. Thus, its paragraph</p>	Working Group E, National Workshop, 24 <sup>th</sup> October 2019	<p>Further information related to the definition of natural forest and steps to date under the NFI have been added to E1.</p>

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		should be put both Addressed component and Respected component		
3 Safeguard E4 - Addressed	65	To mention specifically about Gender Equality - which kind of benefits can be received by the women due to gender equality? Is there equality between men and women taking part in REDD+ process?	Working Group E, National Workshop, 24 <sup>th</sup> October 2019	Comment is unclear. Please see related comment below on gender equality.
3 Safeguard E4 - Addressed	65	Instead of “without carbon emission”, lowest carbon emission in SoI Myanmar Version	Working Group E, National Workshop, 24 <sup>th</sup> October 2019	Noted – Myanmar version will be checked
3 Safeguard E4 - Measures	66	Awareness raising activities should be conducted in order to promote the aspect of gender equality and equity, especially involvement of women in REDD+	Working Group E, National Workshop, 24 <sup>th</sup> October 2019	Noted – language on strengthening gender equality added to D1 and E4.
3 Safeguard F1 - Addressed	69	Depending on the political will, REDD+ activities can be reversed not only in private smallholder plantation but also all REDD+ activities can be reversed.	Working Group F, National Workshop, 24 <sup>th</sup> October 2019	Noted – text under F1 corrected; the risk does not just apply to smallholder plantations.
3 Safeguard F1 - Addressed	69	To include forest fire in risks of reversals.	Working Group F, National Workshop, 24 <sup>th</sup> October 2019	Noted – forest fire was not identified as a priority risk by stakeholders under Principle F during benefits & risks analysis. However, the risk of fire in plantations is noted under Principle E. The language on risks of reversals has been clarified, see above as well.
3 Safeguard F3 - Addressed	72	To add Forest Law 2018, Section 9 under Address aspect: Section 9 mentions the duties and responsibilities of FD which include the forest resources information	Working Group F, National Workshop, 24 <sup>th</sup> October 2019	Noted – this information is most relevant to criterion B4 and so has been added there.

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		collection and dissemination that will upgrade the information management of Forest. This can help to address the Safeguard F3.		
3 Safeguard G1 - Addressed	74	To omit the sentence “non-forest ecosystems that may be at risk of displacement of agriculture and livelihoods activities, such as grasslands and wetlands”. It is ok to put Mangrove Ecosystem under wetland ecosystem. However, also notes that displacement is a valid risk, but also need to know what is forest and non-forest (Forest Law lacks clear forest definition), and that not all ‘forest’ is under government control.	Working Group G, National Workshop, 24 <sup>th</sup> October 2019	The risk of displacement of pressures as well as emissions into both forest and non-forest ecosystems is a valid concern. At the same time, there are issues related to the language of ‘forest’ vs ‘non-forest’ in Myanmar, including related to organizational mandates. The language under G1 has been updated to remain consistent with the language of the criterion: ‘other ecosystems’, and some more detail provided under ‘implementation responsibilities’.
3 Safeguard G2 Addressed	76	To elaborate the words “some PaMs” in second bullet points and “a number of additional instruments” of addressed part.	Working Group G, National Workshop, 24 <sup>th</sup> October 2019	Noted - some more specific terminology has been added.
3 Safeguard C1 - Addressed	39	The meaning of ethnic group should be defined according to the Ethnic Rights Protection Law, Section-1, article 2A. DG notes that some concern relates to the challenge that the definition of ethnic groups from the Ethnic Rights Protection Law is contentious; displaced people is not the key issue, but that there is confusion over terms.	Online Comment form Ethnic Rights Protection Department, 18 <sup>th</sup> November, 2019	The definition provided in the SoI is the one from article 2a of the Ethnic Rights Protection Law. To clarify the issues and challenges identified under this criterion, the text has been updated to say that the definition lacks practical guidance and the example of displaced people removed. The challenge over the inconsistency of terms in use has been emphasized and the list of various definitions made clearer. An international definition from ILO 169 has been added.

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3 Safeguard D1 - Addressed	53	When translate the term “Women with special needs” to Myanmar that should be changed to another suitable word.	Online Comment from Department of Social Welfare, 3 <sup>rd</sup> November, 2019	This is the official wording from the cited document.
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**Reviewer comments received on final draft SoI – December 2019**

Section	Comments/Suggestions	Source and Date	Response
Introduction	Include time period covered in SoI in title and text	Judith Walcott, 10/12/19 Victoria Suarez, 12/12/19	Myanmar’s first SoI is not linked to a particular time period, but rather recounts what has been done in the Readiness phase to date, focused on 2017-2019. This will be made clearer in the text. The year is on the cover page.
Introduction	Mention which REDD+ activities it applies to	Judith Walcott, 10/12/19 Victoria Suarez, 12/12/19	Noted – will use those referred to in NRS.
Introduction	More information about Myanmar’s REDD+ preparation in general, including other pillars (FREL/NFMS progress?) and when REDD+ strategy to be implemented (or if it is considered already in implementation)	Judith Walcott, 10/12/19	Noted – given length already, will mention FREL submission and NFMS status, and proposed NRS phases.
Conclusion	Add a little more analysis about how the SoI helps show how Myanmar has been effectively preparing/has enabling environment and suitable context for safeguards application during REDD+ implementation	Judith Walcott, 10/12/19	Noted – executive summary now covers this. Conclusion has been updated with additional paragraph as well.
Safeguards C / F	Outside readers may wonder about Rohingya situation in terms of rights of ethnic groups / displacement of emissions. If not referred to in SoI, may wish to have a response prepared for possible questions on this issue.	Judith Walcott, 10/12/19	Noted – the SoI covers a number of issues affecting multiple ethnic groups. Reference to displaced people under SG C has been strengthened.

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Throughout	Link to some documents instead of producing content, to reduce length	Victoria Suarez, 12/12/19	Noted – the table of benefits & risks and the glossary annexes have been replaced with links.
Introduction	How are safeguards considered in the NRS? Is there a link to NRS? What are key safeguards activities in NRS?	Victoria Suarez, 12/12/19	No link to NRS available as yet. Text on NRS and safeguards approach in general has been strengthened (see below). Investment Plan is also likely to play a role in setting out activities.
Introduction	What is the national safeguards approach? An explanation of why it is important is provided, together with details of the steps taken to develop it; however, there is no definition or description of what is actually Myanmar's national safeguards approach.	Victoria Suarez, 12/12/19	Noted. Some more explanation is provided. However, Myanmar does not have a single principle/overarching approach like 'rights-based approach', etc.
Instruments	Which other relevant safeguards procedures and instruments are already under development/being tested? (besides FPIC and GRM).	Victoria Suarez, 12/12/19	Other procedures are planned (not yet being tested, e.g. BSS) or are linked to PLRs, e.g. land use plans, EIA. A sentence added this section.
Throughout	Several topics that will be included in the SIS indicators were mentioned in the SoI. If all of these are covered, the country may end up with a long list of indicators.	Victoria Suarez, 12/12/19	Noted. Myanmar has already developed a draft list of indicators which is being screened/prioritized. Language around indicators in SGs A, E, F, G, has been double-checked.
Throughout	Suggest to review the role and potential responsibilities of the NCU. It seems it will have a lot of responsibilities.	Victoria Suarez, 12/12/19	Noted. Some of these responsibilities may be delegated to REDD+ implementing agencies but this is not defined yet. Language around NCU responsibilities has been checked.
Multiple safeguards, e.g. C, E	For some criteria international or external definitions were mentioned. Are these definitions used by the country? Would they be a basis for developing a country definition?	Victoria Suarez, 12/12/19	Stakeholders have requested that an international definition be supplied for comparison in some places, or to show the basis for the Myanmar definition in others. How these definitions fit in the country context has been made clearer where possible, e.g. C1 and E1.



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Measures to address gaps	For some criteria these measures were less comprehensive than the gaps indicated. May want to indicate that through a reiterative exercise the country can/will identify additional measures.	Victoria Suarez, 12/12/19	Noted. Not all challenges are within the scope of the REDD+ programme to address. Reference made to scope of measures in introduction.
Safeguard D	Additional gender considerations could be included to indicate how the country plans to promote equal participation, opportunities and benefits for women and men. E.g. in criterion D1, for example, it is clear that there is higher participation of men in the consultation workshops; but the gap was not highlighted, and no measures were included to promote full and effective participation of women.	Victoria Suarez, 12/12/19	Noted. Some additional references to gender considerations in existing strategies has been added, along with strengthened language in gaps/measures.
Safeguard E	For future SoIs, in relation to safeguard E, the country can consider gathering and reporting information on the nature, importance and scale of social and environmental benefits	Victoria Suarez, 12/12/19	Noted – there is not much information on this topic available as yet, but draft indicators for the SIS cover such information. For future consideration.
Safeguards F and G	Are there elements of the PLR framework of the country that help address safeguards F and G?	Victoria Suarez, 12/12/19	There are PLRs that may help to address reversals and displacement. However, Myanmar's criteria are not strongly linked to PLRs. Some additional reference to relevant PLRs has been added where feasible.
Conclusions	Are there lessons learned related to the development of this first SoI? This information could be included in the document or recorded later. It is useful for future SoIs.	Victoria Suarez, 12/12/19	Noted. Rather than include in the first SoI these will be discussed at TWG meeting next year and may be kept as reference for 2 <sup>nd</sup> SoI.
Multiple SGs	Check name of Ethnic Rights Protection Law and BCPA Law throughout	Daw Win Aye, 13/12/19	Noted. Ethnic Rights law is correctly referred to; BCPA Law has been updated throughout.

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Executive summary	Specify years of SoI	Kristin DeValue (FAO), 18/12/19	Noted. Please see above.
Executive summary	Coordination bodies may not be instruments; should specify function as instruments more clearly	Kristin DeValue (FAO), 18/12/19	Noted. Have specified relevant function more clearly if needed.
Executive summary	Clarify circumstances when REDD+ PaMs shall require FPIC	Kristin DeValue (FAO), 18/12/19	Noted. This has been clarified.
Executive summary	Will ToR for review of NRS be outsourced?	Kristin DeValue (FAO), 18/12/19	We do not have this information as yet.
2, REDD+ context	Clarify what is meant by ‘some implementation phases’ for NRS	Kristin DeValue (FAO), 18/12/19	Noted. This has been clarified.
2, SIS design	Is it certain the NFI/NFMS will contribute information related to safeguard B	Kristin DeValue (FAO), 18/12/19	Yes – it is likely to contribute information regarding the availability/transparency of data for REDD+ planning.
2, SIS design	Regarding cited version of SIS design report, August or October? Are any of these arrangements certain?	Kristin DeValue (FAO), 18/12/19	Noted, data on citation has been corrected. Arrangements are proposed, not final.
E1, address	Is the recategorization of VFV land to PFE land not quite controversial with civil society given that local communities may live on / use the VFV land?	Kristin DeValue (FAO), 18/12/19	Noted. This PaM is an older version; not currently reflected in list of PaMs so this reference has been deleted in SoI. On advice of PMU, references to PFE have been checked and minimized.
E1, measures	Regarding ‘a clear, nationally appropriate definition of natural forests’, should also be a legal definition?	Kristin DeValue (FAO), 18/12/19	Noted. However, this may not be practical at this stage; in many countries, a legal definition of natural forests does not exist.