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

DRAFT SEPTEMBER 2019
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(MONREC CITATION?)
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<th>Acronym</th>
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<tr>
<td>AAC</td>
<td>Annual Allowable Cut</td>
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<td>CF</td>
<td>Community Forestry</td>
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<td>CHRO</td>
<td>Chin Human Rights Organization</td>
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<td>CSO</td>
<td>Central Statistics Organization</td>
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<td>DG</td>
<td>Drafting Group</td>
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<td>EAO</td>
<td>Ethnic Armed Organization</td>
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<td>ECD</td>
<td>Environmental Conservation Department</td>
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<td>EIA</td>
<td>Environmental Impact Assessment</td>
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<td>ESF</td>
<td>Environmental and Social Framework</td>
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<td>FD</td>
<td>Forest Department</td>
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<td>FPIC</td>
<td>Free, Prior and Informed Consent</td>
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<td>FREDA</td>
<td>Forest Resource Environment Development and Conservation Association</td>
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<td>FRI</td>
<td>Forest Research Institute</td>
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<td>GAD</td>
<td>General Administrative Department</td>
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<td>GCF</td>
<td>Green Climate Fund</td>
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<td>GHGs</td>
<td>Greenhouse Gases</td>
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<td>GRM</td>
<td>Grievance Redress Mechanism</td>
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<td>GoM</td>
<td>Government of Myanmar</td>
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<td>IEE</td>
<td>Initial Environmental Examination</td>
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<tr>
<td>INGO</td>
<td>International Non-Governmental Organization</td>
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<tr>
<td>MCCSAP</td>
<td>Myanmar Climate Change Strategy and Action Plan</td>
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<tr>
<td>MERN</td>
<td>Myanmar Environmental Rehabilitation-conservation Network</td>
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<tr>
<td>MOALI</td>
<td>Ministry of Agriculture, Livestock and Irrigation</td>
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<td>Ministry of Planning and Finance</td>
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<tr>
<td>MRV</td>
<td>Measurement, Reporting and Verification</td>
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<td>MTE</td>
<td>Myanmar Timber Enterprise</td>
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<td>NCA</td>
<td>Nationwide Ceasefire Agreement</td>
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<td>NCU</td>
<td>National Coordination Unit</td>
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<td>NDC</td>
<td>Nationally Determined Contribution</td>
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<td>NFI</td>
<td>National Forest Inventory</td>
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<td>National Forest Monitoring and Information System</td>
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<td>National Land Use Council</td>
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<td>NRS</td>
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<td>PAs</td>
<td>Protected Areas</td>
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<td>Abbreviation</td>
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<td>PaMs</td>
<td>Policies and Measures</td>
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<td>Policies, Laws and Regulations</td>
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<td>POINT</td>
<td>Promotion of Indigenous and Nature Together</td>
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<td>Q&amp;A</td>
<td>Questions and Answers</td>
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<tr>
<td>REDD+</td>
<td>Reducing Emissions from Deforestation and forest Degradation, plus the conservation and enhancement of forest carbon stocks, and the sustainable management of forests</td>
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<td>SDG</td>
<td>Sustainable Development Goals</td>
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<td>SFM</td>
<td>Sustainable Forest Management</td>
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<td>SIS</td>
<td>Safeguards Information System</td>
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<td>SOI</td>
<td>Summary of Information</td>
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<td>TWG</td>
<td>Technical Working Group</td>
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<td>TWG-D&amp;S</td>
<td>Technical Working Group on Drivers and Strategy</td>
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<td>TWG-SES</td>
<td>Technical Working Group on Stakeholder Engagement and Safeguards</td>
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<td>UAGO</td>
<td>Union Attorney General’s Office</td>
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<td>UNEP-WCMC</td>
<td>UN Environment World Conservation Monitoring Centre</td>
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<td>UNFCCC</td>
<td>United Nations Framework Convention on Climate Change</td>
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<td>UN-REDD Programme</td>
<td>United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries</td>
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<td>UPDJC</td>
<td>Union Peace Dialogue Joint Committee</td>
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<td>VFV Law</td>
<td>The Vacant, Fallow and Virgin Land Law</td>
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EXECUTIVE SUMMARY

>> to be added later
1. INTRODUCTION

1.1 Context and purpose of this Summary

The ‘Cancun safeguards’ 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 Combating 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 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 (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 Myanmar’s national approach to addressing and respecting the Cancun safeguards.

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 SDG targets in Myanmar. By establishing a transparent and efficient process for applying these safeguards at the national level, the GoM 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. Myanmar’s Safeguards Roadmap 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, such as assessment of benefits and risks of REDD+, and development of a national safeguards clarification, are described in detail in Section 2).

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The purpose of this first Summary of Information (SOI) to provide a ‘baseline’, describing:

- How the safeguards have been considered during the REDD+ Readiness phase in Myanmar, including how they have been interpreted in the national context;
- How 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: 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); IP/EN Network.

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 individual conversations with them to obtain information for the SOI;
- A National Consultation workshop involving approximately 50 participants from government and non-government organizations, held in October 2019;
- An online comment period during November 2019; and numerous rounds of expert review by people working with the Myanmar UN-REDD Programme and other related initiatives.

A list of consultations related to the preparation of this SOI is provided in Annex 1.

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 under 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 the 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.”
The goal aligns with the Myanmar Climate Change Strategy and Action Plan (MCCSAP) and contributes to 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 forests constitute a major part of both its mitigation and adaptation components.

**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 REDD+, 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).

**Drivers of Forest Change**

A major activity in the development of the NRS was a detailed analysis of the drivers of change in Myanmar’s forests as well as 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 include:

**Direct drivers:**

- Agriculture as a driver of deforestation 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, pulses and other commodities. Such concessions are almost always based on allocation from “Vacant, Fallow and Virgin” (VFV) land.

- 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

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4 The VFV Land Law (2012) 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 are now reserved by the State. Virgin land is defined as wild land and wild forest land where cultivation has never occurred.
environmental impacts (pollution) as well as health and human rights issues are a major concern.

- **Hydropower**, though Myanmar’s current hydropower production is modest (3,221 MW installed capacity) there is pressure to expand hydropower to meet electrification targets. The total area of forest lost would be relatively small if all proposed hydropower installations are established.

- **Infrastructure development** for roads and urban areas 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), where the imposition of high timber harvesting targets beyond the Annual Allowable Cuts (AAC) together with unsustainable revenue targets of the Myanmar Timber Enterprise (MTE) has 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, the cutting of unmarked trees in legal harvesting areas, 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 costs of alternatives.

- **Shifting cultivation**, though there is no recent estimate of the extent of land under shifting cultivation in Myanmar. Most farmers living in rural upland areas (about 42% of 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**

- Institutional arrangements, including overlapping and conflicting mandates, and weak coordination between ministries, which make it easier to convert forests to other uses; 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 forest 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


**Myanmar first Summary of Information (SOI)**

- Insufficient government capacity and limited participation of local people in natural resource management.

**Barriers to conservation, sustainable management and enhancement**

- Barriers to the sustainable management of forests in Myanmar are identified 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 links to land tenure and the rights of local communities, combined with individual and institutional capacity gaps.
- Barriers to enhancement also include capacity limitations, but also the need to design 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 will 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 of 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 forestry and agriculture sectors.

**Myanmar’s National REDD+ Strategy**

The NRS will be implemented throughout the territory of the Union of Myanmar, prioritizing the application of PaMs in areas subject to drivers of deforestation or forest degradation, or where 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 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 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, but considers: the targets set by the strategy itself or in relevant national and international policy documents; and the need to constantly review changes in drivers, the efficacy of PaMs, changes in the political situation, and changes in governmental institutional mandates. The NRS is thus considered is a “living document” and may be reviewed and modified at any time (with review no later than five years after approval).

The PaMs set out in the NRS are described fully in the Strategy document itself. They 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

2. MYANMAR’S NATIONAL SAFEGUARDS APPROACH

The primary aim of REDD+ is to reward developing countries for reducing the emissions of greenhouse gases (GHGs) into the atmosphere by maintaining and enhancing forest carbon stocks in developing countries. 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 accords with national goals and circumstances and makes full use of existing systems in the country. It also allows a country to consider what the international frameworks on 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.

2.1 Development of Myanmar’s national safeguard approach

The development of the national safeguards approach has been carried out under the auspices of Myanmar’s TWG-SES) with substantial involvement of a broad range of stakeholders, experts and the Myanmar National UN-REDD Programme. The steps for developing Myanmar’s approach to the safeguards, as set out in the country’s Safeguards Roadmap, are summarized as follows:

1. Stakeholder engagement, including continuous updating of stakeholder mapping, training and capacity-building, and exchange of information on safeguards;
2. Assessing environmental and social benefits and risks of potential PaMs, including through national and subnational multi-stakeholder consultations;
3. Identifying, assessing and strengthening existing policies, laws and regulations (PLRs), their implementation and related institutional arrangements;
4. Carrying out a national clarification of the Cancun safeguards;
5. Identifying, assessing and strengthening systems and sources of information relevant to the safeguards, including development of methods for collecting, validating and publishing information, and setting up relevant institutional arrangements;
6. Defining institutional and procedural arrangements for applying the safeguards to REDD+ implementation

Technical Working Groups and stakeholder engagement

An inclusive institutional structure for stakeholder participation and consultation has been established for developing and implementing REDD+ in Myanmar. The first level within this
structure is the technical working groups (TWGs). The main role of the TWGs is to provide information and decision support to the REDD+ Taskforce\(^5\) and advisors on proposals and options in their area of expertise, 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: Department of Electrical Power Planning, Ministry of Electricity and Energy (MOEE); Budget Department, Ministry of Planning and Finance (MOPF); General Administration Department, Ministry of Home Affairs (MOHA); Department of Fisheries, Ministry of Agriculture, Livestock and Irrigation (MOALI); Union Attorney General’s Office (UAGO); Environmental Conservation Department, MONREC; Forest Department, MONREC; Myanmar Environmental Rehabilitation-Conservation Network (MERN); Forest Resource Environmental Development and Conservation Association (FREDA); Biodiversity and Nature Conservation Association (BANCA); Knowledge Space (KS); and Myanmar Indigenous People (IP)/ Ethnic Minorities (EM) Network.

### 2.2 Key steps in developing the safeguards approach

**The Safeguards Roadmap**: developed in 2017 and 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 align 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).

\(^5\) 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.

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 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 is an important step, feeding into the design of the PaMs as well as other elements in Myanmar’s safeguards approach. Myanmar undertook an assessment of benefits and risks 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;
- A national-level workshop 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 design of PaMs and the NRS.

A table showing the summarized benefits and risks identified per 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’ – 8. A summarized version of this table is also provided at Annex 3, highlighting key benefits and risks identified.

**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 how the existing PLR framework may support the country to address and respect the safeguards. It 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. 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 p.15 below) may, therefore, have special importance for ensuring that the safeguards are still applied to interventions that may take place in EAO-controlled areas. Information obtained in the review of PLRs has been presented in Section 3 below on how safeguards are addressed and informs the recommendations of gap-filling measures.

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National clarification of safeguards: The development of a national clarification of the Cancun safeguards has formed an essential step in Myanmar’s Safeguards Roadmap and involved substantial stakeholder input via workshops 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 safeguard principle and criteria are being addressed and respected.

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 address and respect the safeguards. For example, the development and piloting of guidelines on Free, Prior and Informed Consent (FPIC) and the proposed REDD+ GRM will both play an important role in helping Myanmar to respect the safeguards throughout REDD+ implementation. A number of these procedures and instruments are already under development and testing through the Myanmar UN-REDD Programme. Some processes may also be developed through specific PaMs (such as the identification and mapping of natural forests, which can then be used in the planning and implementation of a range of actions), 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 are described below.

Free, Prior and Informed Consent (FPIC) guidelines

As REDD+ may lead to changes in resource uses that could have an impact on the rights of local community members and indigenous peoples, the right to give or withhold their consent will be implemented 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 on FPIC and related issues have also been prepared. These include the ‘Guidelines for Stakeholder Engagement in Policies and Programmes for

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Sustainable Forest Management and REDD+\textsuperscript{12}, which contain information on FPIC and an ‘Appraisal Checklist for FPIC’. The Forest Department (MONREC) has also developed a set of FPIC guidelines. Piloting of FPIC guidelines is taking place in Mon State in 2019, which is expected to result in refined guidance specific to Myanmar.

**Grievance Redress Mechanism (GRM)**

A GRM for REDD+ in Myanmar has been proposed, which will manage any complaints that are raised in connection with REDD+. The proposed design of the REDD+ GRM\textsuperscript{13} includes four main levels: 1) village, 2) township, 3) district/regional, and 4) national. Moreover, as REDD+ is a nationwide program, a GRM Working Group (GRMWG) is proposed for each level where complaints and/or issues are received. This will ensure grievances received are resolved effectively and in a timely manner. A pilot study is being conducted in 2019 and its results will be reflected in the final design of the REDD+ GRM and the development of guidelines. Following recommendations from a national workshop in March 2019, the Village Tract level was selected for the GRM pilot, which will be carried out in 12 Village Tracts of Paung Township, Mon State.

2.4 Other safeguards frameworks relevant to Myanmar

The seven Cancun safeguards are 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 GCF is a funder of REDD+ PaMs and also makes results-based payments. The GCF adopted an Environmental and Social Policy in 2018\textsuperscript{14}, which sets out how the GCF integrates environmental and social considerations into its decision-making and operations to manage environmental and social risks and impacts and improve outcomes.

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. Projects funded by the World Bank are required to meet the safeguards obligations specified in the Bank’s Environmental and Social Framework (ESF)\textsuperscript{15}.

2.5 Safeguards Information System

Myanmar began developing a design for its SIS in 2018, under the auspices of the TWG-SES, and with substantial stakeholder input. 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. The following section summarizes the key design elements according to the current state of discussions: objectives; information needs and structure; institutional roles and


\textsuperscript{13} See PLR review: \url{http://www.myanmar-redd.org/wp-content/uploads/2018/10/Report-on-PLR-review.pdf}


\textsuperscript{15} For more information on the World Bank’s ESF, please see: \url{https://projects-beta.worldbank.org/en/projects-operations/environmental-and-social-policies}
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responsibilities; and proposed technological arrangements. The design of Myanmar’s SIS is more fully described in its ‘Report on SIS Design’\textsuperscript{16}.

**Objectives of Myanmar’s SIS.** The 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 needs 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, there are several criteria, and then narrative text and/or proposed indicators under each criterion, which will be complemented by narrative text. It is understood that the current set of proposed indicators will need further refinement and prioritization, and not all criteria will be covered by indicators in the first iteration of the SIS.

**Systems and sources of information.** 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 Administration Department (GAD) and the Environmental Conservation Department (ECD). More detail on the likely providers of information is provided in Table 1 below. In addition, the SIS will be linked to the NFMS in the future; a number of planned elements of Myanmar’s NFMS that are expected to contribute to its SIS, with information particularly relevant to Safeguards A, B, E, F and G. The SIS will also integrate information from REDD+ monitoring and evaluation. A portion of information needed for Myanmar to show that it is addressing and respecting the safeguards will only be available through collection of new data, and the most likely sources for this information will be through M&E of the country’s REDD+ implementation. 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:

Table 1: SIS roles and responsibilities in Myanmar

<table>
<thead>
<tr>
<th>SIS functions / roles</th>
<th>Institution/s</th>
</tr>
</thead>
<tbody>
<tr>
<td>‘Patron’ of the SIS (High-level support for setting up the SIS, e.g. ensuring that the necessary mandates, inter-institutional arrangements and processes are put in place).</td>
<td>Ministerial level: MONREC. Data requests may also be issued by the Permanent Secretary of MONREC, on behalf of the Minister.</td>
</tr>
<tr>
<td>Lead institution(s) for implementation of safeguards and SIS (Institution with overall responsibility to ensure that REDD+ safeguards are addressed and respected, and a functioning SIS is put in place).</td>
<td>The Forest Department (MONREC) is currently the lead institution for all work relating to REDD+ implementation and coordination, and therefore also leading 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.</td>
</tr>
<tr>
<td>Host of SIS database (Operating the SIS database and webpage, including collating data from all contributing organizations).</td>
<td>The Central Statistics 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.</td>
</tr>
</tbody>
</table>
| Providers of data / information (To be fulfilled by a range of organizations from various sectors, and most likely from the national, subnational and local/site level) | The following institutions have been identified as the main potential data providers for the SIS:
- Forest Department / MONREC (including via the National Forest Monitoring System, NFMS)
- ECD / MONREC;
- Department of Agriculture, Department of Agricultural Land Management and Statistics, Department of Rural Development / MOALI;
- General Administrative Department (GAD), including local GAD offices
- Central Statistical Organization / MOPF
- Department of Ethnic Rights / Ministry of Ethnic Affairs (MoEA)
- Dry Zone Greening Department / MONREC
- Anti-Corruption Commission
- Department of Population / Ministry of Immigration and Population (MOIP) |
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- Department of Social Welfare, Department of Disaster Management / Ministry of Social Welfare, Relief and Resettlement
- Department for Development for Border Areas and National Races / Ministry of Border Affairs
- Social Security Board / Ministry of Labor
- Department of Meteorology and Hydrology / Ministry of Transport and Communication.
- NGOs

The first phase of the SIS will focus on data held by a smaller number of agencies: MONREC, MOALI, GAD, CSO and MoEA.

### Data processing, analysis and interpretation

(Processing of data, interpretation of data, and the production of text for the database/website).

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.

### Review/validation of data and/or text

(Assessing the completeness, consistency and accuracy of information, as well as the appropriateness of the conclusions drawn from it).

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.

### Production of reports, including the SoI

The SIS is expected to contribute to a number of reporting processes; reporting is to be coordinated by the proposed REDD+ NCU:

- The development of SoIs, for submission to the UNFCCC
- Information on safeguards for inclusion in Biennial Update Reports (BURs), also for the UNFCCC
- Regular national reporting on REDD+ implementation

### Approval of SIS content and reports

Final sign-off of SIS information for publication (e.g. shared online or in reports) will be by MONREC.

### Submission of SoI to UNFCCC

Responsibility for this currently lies with MONREC.

### Review of SIS operations and identification of areas for improvement

This process should be coordinated by the lead institution and involve the relevant government agencies as well as stakeholder representatives.

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**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. An
online database is envisaged, first containing on 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 SIS 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 that will transparently share information with REDD+ stakeholders and the public 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.

### 3. 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 participants, including at a national multi-stakeholder workshop in Nay Pyi Taw in June 2018. It also incorporates feedback received during an online commenting period in October/November 2018, and feedback from additional consultations conducted by CHRO. The draft was discussed by the National REDD+ Task Force in January 2019, where it was decided to approve the document and share it with the Executive Committee of the Forest Department. Following this step, the national safeguards clarification was finalized in May 2019.

The following section of the SOI sets out the principles and criteria of Myanmar’s national safeguards clarification, followed by information on how these criteria are being addressed, and where possible, how they are being respected (recognizing that at this early stage of REDD+ planning and implementation in Myanmar, full information on the respect of safeguards is not yet available). Institution responsibilities for key PLRs and/or safeguards instruments are also noted. In addition, notable gaps that have been identified in how safeguards are addressed and respected are also provided, along with planned measures to address these gaps in the future (e.g. where possible during the first phase of the NRS).

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Figure 1: Proposed institutional arrangements for Myanmar

**MONREC (Minister / Permanent Secretary)**
- Appoints/confirms SIS host if needed
- Authorizes requests for data
- Approves final SIS content/reports for release

**SIS Working Group**
- Made up of data providers, NGO, university and ethnic group representatives. Supports SIS host and lead in analyzing, reviewing, interpreting and updating data, and assists in preparation of reports.

**Key agencies and organizations (e.g. MOALI, GAD, CSO, FD, ECD, NGOs, GRM, etc.)**
- Provide specific/identified data to the SIS host
- Participate in SIS working group (see below) to review and interpret data and guide SIS operations

**SIS host (CSO – to be confirmed)**
- Based on clear ToR/operating procedures: collects data from a) data providers and b) other data sources, e.g. REDD+ M&E, NFMS; processes data as needed and liaises with safeguards lead for analysis and interpretation and production of narrative text; sets up and administers database; updates information following review.

**Safeguards lead (NCU – to be confirmed)**
- Ensures application of the safeguards
- Helps to process, analyze and review data, assessing progress against the safeguards, and produces narrative text
- Coordinates SIS and development of related reports

**Multi-stakeholder process to develop and validate SoI**

**SIS online database**

**Summaries of Information (SoI)**

**Other reporting (e.g. BUR, REDD+ reporting)**
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

<table>
<thead>
<tr>
<th>Criterion A.1. 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.</th>
<th>How this criterion is addressed:</th>
</tr>
</thead>
<tbody>
<tr>
<td>The following set of national policies and programmes have been identified as key priorities in Myanmar, with which REDD+ should align and support where possible (see Annex 4 for more detail):</td>
<td>• 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.</td>
</tr>
<tr>
<td>o National Forest Policy (1995) and National Forest Law (2018)</td>
<td>• The 1995 Forest Policy calls for the establishment of a Forest Policy Advisory Board under the Ministry in charge of Forestry (currently MONREC), in order to review forest policy implementation and establish coordination with</td>
</tr>
<tr>
<td>o Myanmar Climate Change Strategy and Master Plan (2018-2030) and Myanmar Climate Change Policy (2019)</td>
<td></td>
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<tr>
<td>o National Land Use Policy (2016)</td>
<td></td>
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<tr>
<td>o Myanmar Sustainable Development Plan (2018-2030)</td>
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<tr>
<td>o National Strategic Plan for the Advancement of Women (2013-2022)</td>
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<tr>
<td>o Myanmar National Social Protection Strategic Plan (2014)</td>
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</tbody>
</table>
other sectors including harmonization at policy interfaces. In 2019, 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 Forest Rules, with members from Forest Department and international and national NGOs.

- The UAGO reviews new laws but this is not done with policies and strategies; each sector runs its own process to develop a strategy/policy and has responsibility to ensure alignment with other sectors.
- When laws and policies are submitted to the Cabinet for approval, there is also discussion if there are contradictions with other laws and policies.
- A number of processes/bodies currently take on a coordinating function, or may in the future, which are relevant to the alignment of REDD+ PaMs with the objectives of other policies, programmes and international agreements: The National Environmental Conservation and Climate Change Central Committee (NE5C), 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 REDD+ Task Force, which currently supervises the implementation of all REDD+ Readiness activities, and will coordinate and monitor all REDD+ activities;
  - The REDD+ Technical Working Groups, whose role is to support decisions on proposals and options for in their area of expertise taking into account relevant and available advice and guidance, and to provide information/recommendations to the REDD+ Task Force;
  - The National Land Use Council (NLUC), which was established to implement the National Land Use Policy and related laws, chaired by a Vice-President, with membership of the relevant Union Ministers and Chief Ministers of the Regions or States. The NLUC shall establish Land Use Committees in all Regions or States or Union Territories. The NLUC and Committees shall play an important role in coordinating land use between various sectors;
  - The Coastal Resources Management Central Committee, 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.
**Other cross-sectoral coordinating bodies bring together government and non-government actors, such as the Environmental Sector Working Group (chaired by the Environmental Conservation Department, UN Habitat and Embassy of Finland) and Disaster Risk Reduction Working Group (chaired by the Department of Disaster Management and UNDP), and guide policy development and implementation in their respective areas.**

### What has been done so far to ensure this criterion is respected:

- 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:
  - Identification of priority national policies and programmes, and international agreements, that REDD+ PaMs should be aligned with through the national safeguards clarification (see Annex 4) and in the National Strategy, which 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.
  - Cross-sectoral discussions on the NRS and the PaMs has taken place within the TWGs, with concerned ministries and expert focus groups, which has contributed to the alignment of the NRS with the goals and concerns of various sectors.
  - Consultations with stakeholders including ethnic groups have also been carried out at sub-national and national level as part of the PaMs development process.
  - The establishment of coordinating bodies such as the REDD+ Task Force and TWGs (see above).
  - Final validation and approval of the NRS also offers opportunities to ensure alignment and address any conflicts, through a national validation workshop, approval by the REDD+ Taskforce, inputs sought from the NE5C, and final submission to Cabinet by MONREC.

- Several REDD+ PaMs address the need for improved cross-sectoral coordination, including: “Improve inter-ministerial planning and coordination through strengthening of existing coordination bodies at national level”; and “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”.

### Implementation responsibilities:
### (DRAFT for comment – Sept 2019)

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- 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.
- The future NCU and REDD+ Taskforce will be responsible for ensuring the ongoing coordination of the implementation of REDD+ with national policies and programmes.
- The NE5C is responsible for overall coordination of national efforts to mitigate and adapt to climate change, including REDD+.

### Key gaps/challenges:

- The Basic Principles of the Forest Law are not sufficient to ensure that all REDD+ PaMs are designed to be consistent with the objectives of national forest programmes and other priority national policies and programmes, as they are not linked to a specified operational mechanism. No procedures are set out in the Law for verifying that planned actions are indeed supportive of identified policies. In addition, REDD+ PaMs outside of the forestry sector (e.g. related to energy or agriculture), would not be covered by the Forest Law.
- 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.

### Measures to address gaps:

- Additional coordinating bodies for REDD+ have been established; the memberships of these bodies, 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 of the PaMs are represented.
- Myanmar’s SIS shall include indicators to track the contribution of REDD+ to a number of priority national policy objectives (see Annex 4).

### Criterion A.2. REDD+ Policies and Measures in Myanmar should be designed and implemented so that they are consistent with the objectives of relevant international

### How this criterion is addressed:

- The following set of international conventions and commitments and their national implementation strategies have been identified as key priorities in Myanmar, with which REDD+ should align and support where possible (see Annex 6 for more detail):
  - Convention on Biological Diversity (CBD)/National Biodiversity Strategies and Action Plans (NBSAP)
  - United Nations Convention to Combat Desertification (UNCCD)/ National Action Program to Combat Land Degradation
conventions and agreements, such as the CBD, UNCCD, UNFCCC, CITES, the Ramsar Convention, CEDAW, UNDRIP, UN Convention against Corruption, international policies and initiatives, such as the SDGs and FLEGT, as well as national strategies and plans for the implementation of these commitments.

<table>
<thead>
<tr>
<th>Conventions and Agreements</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>United Nations Framework Convention on Climate Change (UNFCCC)</td>
<td>Nationally Determined Contribution to Paris Agreement</td>
</tr>
<tr>
<td>Convention on International Trade in Endangered Species (CITES)</td>
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<tr>
<td>Ramsar Convention on Wetlands of International Significance</td>
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</tr>
<tr>
<td>The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)</td>
<td>National Strategic Plan for the Advancement of Women</td>
</tr>
<tr>
<td>The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)</td>
<td></td>
</tr>
<tr>
<td>UN Convention on Social, Economic and Cultural Rights</td>
<td></td>
</tr>
<tr>
<td>UN Convention against Corruption / Anti-Corruption Law (2013)</td>
<td>Sustainable Development Goals (SDGs) / Myanmar Sustainable Development Plan (MSDP)</td>
</tr>
<tr>
<td>Forest Law Enforcement, Governance and Trade (FLEGT)</td>
<td></td>
</tr>
</tbody>
</table>

- 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.
- As described under Criterion A1, the 2018 Forest Law supports implementation of the PaMs in accordance with international agreements relating to the conservation and management of forests. In addition, the Forest Law 2018’s objectives include alignment with the international agreements when implementing the programmes related with forest conservation, natural resources and environmental conservation, and climate change and disaster risk reduction.
- As mentioned under Criterion A1, a number of coordinating bodies have already been formed that as well as helping to ensure consistency with national policies and objectives, can play a role in coordinating with Myanmar’s international commitments.

**What has been done so far to ensure this criterion is respected:**
- 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 analysis of how REDD+ can support key international commitments in Myanmar’s Nationally Determined Contribution to the Paris Agreement, and the Sustainable Development Goals.

**Implementation responsibilities:**
Myanmar first Summary of Information (SOI)

- Forest Department and the REDD+ Taskforce have been responsible for developing the Myanmar NRS to date, including ensuring its alignment with key international commitments.
- The future REDD+ NCU and REDD+ Taskforce will be responsible for ensuring the ongoing coordination of the implementation of REDD+ with international commitments.
- The NE5C is responsible for overall coordination of national efforts to mitigate and adapt to climate change, including REDD+.

**Key gaps/challenges:**
- 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.
- 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.

**Measures to address gaps:**
- See measures identified under Criterion A1 regarding membership of REDD+ coordinating bodies.
- Myanmar’s SIS will include indicators to track the contribution of REDD+ to a number of priority international commitments, such as the NDC and the National Biodiversity Strategy and Action Plan (NBSAP) (see Annex 4).

Principle B. REDD+ Policies and Measures in Myanmar should support transparent and effective national forest governance structures, taking into account national legislation and sovereignty

**Criterion B.1. REDD+ Policies and Measures in Myanmar should be implemented in a transparent manner; this means that decisions relating to the selection and location of activities, will be based on information available to the public.**

**How this criterion is addressed:**

Transparency and information-sharing:
- 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 the land acquisition processes are managed; the Land Acquisition Act (1894) has provisions on information in relation to land that is required for 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).
Myanmar first Summary of Information (SOI)

- 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 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; general information on the

- 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.

- The Ethnic Rights Protection Law (2015) and its Rule (2019) included a provision that investors have to explain their project activities to communities.

- The global UN-REDD Programme’s 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.

- A Phase 1 REDD+ Communications Strategy was developed by the Myanmar UN-REDD Programme, and a revised Strategy covering Phases 2 and 3 has recently been endorsed by the National REDD+ Taskforce. 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.

Preventing/addressing corruption:

- The Anti-Corruption Law (2013) establishes the Anti-Corruption Commission 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 cases.

- The Forest Law (2018) (articles 44-46) makes provision for legal prosecution of any forestry staff members engaged in corruption or breaking the law.

- 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.

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### 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.

#### 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.
- 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”

#### Accountability:
- 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 2012 VFV Land and Farmland Laws) and on conducting environmental impact assessments (EIA Procedure, 2015).
- 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.
- The administration of REDD+ implementation in Myanmar is required to follow [existing financial reporting regulations](#). Phases 2 and 3 of REDD+ require investment funds and processes to manage result-based payments. 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 Environment Management Fund (EMF) and the Myanmar Biodiversity Foundation (MBF) to manage results-based payments. Both these funds are under development.

### What has been done so far to ensure this criterion is respected:
- The FPIC process is currently being piloted in 12 Village Tracts of Mon State. Based on the results and recommendations from this pilot study, the guidelines for FPIC will be developed (see Section 2 for more information).
- See Criterion D2 for more information on the development of the REDD+ NRS, including information sharing associated with this process.
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- 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 established as a means for information sharing.

**Implementation responsibilities:**
- 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.
- Agencies responsible for planning and implementation of particular REDD+ PaMs will be responsible for administering FPIC processes, including information sharing.
- The Forest Department and Myanmar UN-REDD Programme Management Unit are currently responsible share information related to REDD+ knowledge and activities; the future Myanmar REDD+ NCU will take over this role.
- Anti-Corruption Commission and CPU within the Ministries are responsible to take action for anti-corruption case of REDD+.
- MONREC will responsible for the financial accountability of REDD+ implementation.

**Gaps/challenges:**
- Several challenges exist related to the transparency of land use planning. Implementation of the NLUP is constrained by capacity limitations and Subnational Land Use Committee have yet to be established. In addition, the VFV Land Central Management Committee’s decision-making process for how VFV land is allocated to new uses is currently unclear (e.g. how it manages conflicts between different ministries over proposed land use).
- 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, there is no comprehensive law on the right to access to information. There is also as yet no plan to develop such a law.
- 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, language or technological barriers (such as lack of internet access).
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- 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.
- 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).
- There is no comprehensive legal framework on public procurement.

Measures to address gaps:
- 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 shared transparently.
- Develop clear, comprehensive guidance 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.

Criterion B.2. 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 use planning and management planning, awarding of concessions, and application of legal

How this criterion is addressed:
Forestry operations and sustainable management of forests:
- **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 (2016), and recent logging bans (e.g. a 10-year ban on logging in the Bago Mountain Range). Timber is sourced from natural production forests under state management (Reserved Forests, Protected Public Forests and Unclassified Forests). The Forest Department sets the AAC each year based on 10-year district forest management plans, and is responsible for issuing logging permits.
- A number of FLEGT initiatives 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 VPA process. There is ongoing capacity building for the Forest Department and Myanmar Timber Enterprise (MTE), and Forest Department is preparing a draft Timber Legality Definition Matrix.
- The NRS aims to ensure sustainable forest management through advocacy, awareness raising and on-going training in the short-term. Over the mid to long term, effective regulatory control over sustainable timber harvesting needs
to be established so that “emergency” measures such as logging bans are not required. Moreover, the Strategy includes a recommendation to support the development of systems and controls ensuring sustainable forest management. See section on ‘respect’ below for more detail on PaMs.

**Land-use planning and management:**

- Over 70 different laws govern land management in Myanmar\(^\text{19}\), and responsibilities are divided among a number of ministries such as MOALA for agricultural land and MONREC for forest land. The National Land Use Policy (2016) aims to harmonize existing laws and governs land use planning, including 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)), VFV Land Law (2012) and Farmland Law (2012) are also relevant for land use planning (see Criterion B2 and B4 for more information).
- 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.

**Concessions:**

- 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 systems (such as maximum size limits for land leases and resolution of disputes over land rights). A National Land Law is still being prepared.
- The VFV Land Law (2012) states that the Central VFV Land 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 land for agricultural development, mining and other permitted purposes through long-term leases on State land.

\(^\text{19}\) 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](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)
• The Myanmar Investment Commission, according to the Investment Law (2016) may grant permits to investors, and Chapter X11 of this Law 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.

• In the case of large-scale agricultural concessions issued under previous administrations, the process needs to take account of the original land-use and the tenure rights of local communities. This work is likely to be conducted in collaboration with other partners.

**EIA and SEA:**

• 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 Procedures (2015). Initial Environmental Examination (IEE) 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 this Procedure, projects are first submitted to MONREC for careening to determine whether an IEE or full EIA is required, and whether an Environmental Management Plan (EMP) would also be needed; all types of REDD+ interventions shall require screening and may require IEE/EIA.

• The EIA Procedure (2015) also requires a section on cumulative impact assessment in an EIA report and Chapter X 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 organizations) be screened in accordance with strategic environmental assessment guidelines and those with significant impacts may be required to assess and mitigate these impacts. SEA guidelines are not available.

What has been done so far to ensure this criterion is respected:

• 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 concessions, and EIA/SEA. Relevant PaMs include:  
  - Forestry: “Secure political commitment to Sustainable Forest Management (SFM) and penalties for breaches”, “Establish and implement regulatory and policy reform promoting and facilitating sustainable domestic timber production” and “Empower and incentives law enforcement agencies to prioritize legal action against individuals”.
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- **Land use planning:** “Develop a national land use plan and implement territorial land use planning with emphasis on areas with high potential for REDD+”; and “Establish participatory and gender equitable land use planning approaches at Region/State, District and Township level”.
- **Impact assessment requirements** will be included in “Build capacities of government agencies to provide support to stakeholders implementing REDD+ PaMs”.
- According to the UAGO, more than 200 EIA reports and 10,000 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.

### Implementation responsibilities:
- The National Land Use Council is responsible for 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 Land Management Committee is responsible for the implementation of the VFV Lad Law (2012).
- Forestry operations and FLEGT activities are the responsibility of Forest Department, MONREC, along with other related agencies.
- 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. Responsibility for SEAs lies with MONREC.
- The future NCU and REDD+ implementing agencies will be responsible for guiding and implementing PaMs.

### Gaps/challenges:
- 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.
- For challenges related to land use planning and management, please see Criterion B3.
- 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, understanding and application of the mitigation hierarchy, and the role of EIA consultants as objective experts. 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 are under development but have yet to be released, while no guideline is available on SEA.
(DRAFT for comment – Sept 2019)

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Measures:
- 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 shall also include indicators to track contributions to transparency, accountability and rule of law in these areas.
- 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.

Criterion B.3. 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, including by fully operationalizing existing coordination bodies, making sure that social and environmental objectives are given adequate weight in the process.

How this criterion is addressed:
- Different categories of land in Myanmar come under the authority of different ministries and are governed by a large number of 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 land, chaired by Minister of MOALI, and the State/Region Management Committees for VFV govern VFV land (according to the VFV Land Law, 2012). These bodies include representatives from different relevant departments and play a role in coordinating land policies among the government sectors.
- 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 protecting against illegal land confiscation.
- 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).
- 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.
- A number of ethnic group bodies, such as 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. 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.

- Under the Union Peace Dialogue Joint Committee (UPDJC), as working committee on ‘Policies on Land and Environmental Affairs’ involves representatives from EAOs, the Tatmadaw, Hluttaw, political parties and MOPF, which can support better coordination on land and environmental policies.
- REDD+ specific coordination bodies, such as the REDD+ Taskforce and TWGs, include members from different government departments and organizations that 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.
- 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 “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”.

**What has been done so far to ensure this criterion is respected:**

- 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.

**Implementation responsibilities:**

- 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 Committee will be responsible at State/Regional level.
- 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.

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20 ‘Tatmadaw’ refers to the armed forces; ‘Hluttaw’ refers to the legislature.
The future REDD+ NCU and REDD+ implementing agencies will be responsible for guiding and implementing PaMs.

Gaps/challenges:
- Consistent application of laws across the whole of the national territory is difficult, due to multiple institutions and PLRs governing land use and the existence of parallel land management systems in areas controlled by EAOs.
- 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.
- 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.

Measures to address gaps:
- The planning and implementation of REDD+ PaMs that support improved land use planning and coordination with EAOs shall also promote the consideration of social and environmental objectives, e.g. through appropriate IEE/EIA/SEA and FPIC processes.
- Terms of reference and membership for 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.

Criterion B.4. When REDD+ Policies and Measures are planned, availability of data and institutional/stakeholder capacity for their effective implementation should be considered and identified deficits should be addressed.

How this criterion is addressed:
- The Forest Law (2018) mandates the Forest Department to carry out inventory activities, and the State Forest Policy (1995) 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 detail/procedures are provided, 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.
- 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 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.

- 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 Statistics Organization (CSO); One Map Myanmar; the Myanmar Information Management Unit (MIMU).
- In order to address capacity deficits, 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. In addition, the PaM “Develop or revise MONREC and MOALI competency frameworks to support implementation of REDD+, particularly at local level” aims to improve competencies in relevant ministries.
- 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 existing forests, shifting cultivation, and encroachment “hotspots”, with online registry”; “Build capacities of government and other agencies to support stakeholders implementing REDD+ PaMs”; and “Undertake awareness raising and training to support REDD+ PAMs”.

**What has been done so far to ensure this criterion is respected:**
- The NFI, NFMS and PaMs in the NRS have been designed to support improved data and capacity building, as noted above. Information on how this criterion is respected during implementation is not yet available.

**Implementation responsibilities:**
- 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. Forest Department and the REDD+ Taskforce are responsible for the development of the NFMS and NFI.
- The Forest Department (MONREC) is responsible for capacity building in forest sector. The future Myanmar REDD+ NCU and identified ministries will be responsible for implementing the REDD+ Competency Framework.

**Gaps/challenges:**
- 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 not yet any systematic/instituted process to assess capacity needs for REDD+ planning and implementation, and to develop and implement activities to address these needs, on a regular basis.
Measures to address gaps:

- 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+.
- Any activities to build capacity for REDD+ planning and implementation should be monitored as part of a future REDD+ monitoring and evaluation framework.
- 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 social and environmental factors.

Principle C. REDD+ Policies and Measures in Myanmar must be designed and implemented to respect the knowledge and rights of indigenous peoples and members of local communities.

Criterion C.1. REDD+ Policies and Measures 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)

How this criterion is addressed:

- **Definition of “indigenous peoples”**: There is no commonly used definition of ‘indigenous peoples’ in the Myanmar PLR framework. However, several laws and regulations do reference ‘indigenous peoples’ and ‘ethnic nationalities’:
  - 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”.
  - The 2008 Constitution refers to “national races” and “ethnic nationalities”, a list of the ethnic groups that are officially recognized in Myanmar.

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21 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. There doesn’t have follow up plan or process to identify on definition yet.

22 When ‘members of local communities’ are identified, care should be taken not to exclude persons who have been displaced by conflict or natural disaster.
| as locally recognized and customary rights). | • 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.  
• 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’.  

**Definition of “members of local communities”:**  
• The Community Forestry Instructions (2016) 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. A 5-year residency requirement is also included in the Ward / Village Tract Administration Law (2012), in order to access services available to local citizens.  

**Rights to land and resources:**  
• Myanmar’s PLR framework provides some protection of officially recognized land tenure rights, especially for holders of a land use certificate or other form of legal documentation: in 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 Biodiversity and Protected Areas Law 2018); or as a precondition for an investment project (under the Land Acquisition Act 1894 and the Investment Rules 2017). According to the Investment Rules (2017), duties relating to the authorization of land rights can be assigned to a State or Regional Committee.  
• 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.  
• The Farmland Law (2012) supports tenure security, since farmers can apply for indefinite land use certificates (LUC’s). The rights covered by LUC’s include the right of possession, and the right to sell, mortgage, lease, exchange and gift, in whole or in part. Constraints imposed by LUC’s include not changing the originally cultivated crop without permission, and not allowing any part of the farmland to lie fallow. |
• The Biodiversity and Protected Areas Law (2018) also includes mention of customary rights; it states that the Director General shall, with the approval of the Ministry, make provisions for customary rights and privileges of the people in the region where it is proposed to establish a protected area.

• The Community Forestry Instructions (2016) 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. Moreover, members will receive the assistance of the Forest Department in protection against encroachment and illegal logging or extraction of non-timber forest products.

• The National Reforestation and Rehabilitation Programme (NRRP) (2017-2027) is undertaking the establishment of community forests and new plantations in degraded forest areas and restoration of natural forests. To avoid the involuntary resettlement of local communities, NRRP is only implemented in areas where the local communities are not 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.

• 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.

**Involuntary resettlement:**

• 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 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.

• Procedures for settling grievances are provided in the Farmland Law (2012), VFV Land Law (2012) and to some degree in the Forest Law (2018) and the 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. 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.
• According to the Ethnic Rights Protection Laws (2015) and Rule (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.

• 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.

• The UN-REDD Myanmar Programme is preparing FPIC guidelines with 12 elements that need consideration in REDD+ projects to effectively prepare for engagement with rights-holder to implement a consent process, and to maintain consent. The Programme is undertaking a pilot exercise in Mawlamying District, Mon State, to test and improve 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).

What has been done so far to ensure this criterion is respected:
• Information not yet available.

Implementation responsibilities:
• 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. MONREC is responsible for SEAs.
• The Ministry of Ethnic Affairs is responsible for implementation of the Ethnic Rights Protection Law (2015).
• MOALI is responsible for implementation of the Farmland Law (2012) and Rules.
• The future NCU and REDD+ implementing agencies will be responsible for guiding and implementing PaMs, including respecting the rights of indigenous peoples and local communities to land and resources.

Gaps/challenges:
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- Myanmar does not have a consistently applied definition for ‘indigenous peoples’ or ‘ethnic group’. The terms in use are not synonymous with the definition of indigenous people as provided in the EIA Procedure, and are translated differently in Myanmar Language. It is reported that some ethnic groups have questioned whether the term “indigenous peoples” should be applied to them, and that the definition of “ethnic groups” from the Ethnic Rights Protection Law (2015) is contentious, e.g. as ethnic groups may or may not be native to some areas (e.g. displaced people).
- ‘Members of local communities’ similarly is not fully defined. When ‘members of local communities’ are identified, care should be taken not to exclude persons who have been displaced by conflict or natural disaster. There are stakeholder concerns related to the 5-year residency requirement, which may affect the implementation of some REDD+ PaMs.
- A key concern is whether the livelihoods of traditional farmers and other land users without formally documented use rights (such as users of forest resources or people practicing shifting cultivation) could be affected by REDD+ implementation. There is limited protection in the current PLR framework for traditional use rights of such groups, and even less people with undocumented land use rights. In addition, the Farmland rules (2012) ban shifting cultivation, 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.
- 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.
- Existing programmes (such as the NRRP) have not yet fully applied the IEE/EIA/SEA requirements or FPIC guidelines pertinent to such programmes.

**Measures to address gaps:**

- As noted in the clarified Principle C, a clear and commonly 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 gap.
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- Build the capacity of government staff for conducting participatory and inclusive planning processes, including meeting the requirements of the EIA Procedure and the application of FPIC. Raise awareness of 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.

- Provisions on participatory management approaches (e.g. under the Forest Law and the Biodiversity and Protected Areas Law) should be strengthened. In the case of the Community Forestry Instructions (2016), given that Community Forestry plays an important role in some of the proposed PaMs, options should be considered to strengthen the instructions by recognizing them in a law, to increase their applicability outside of the designated forest area.

- Through the information systems being developed to support REDD+ (e.g. NFMS) and related initiatives (e.g. One Map), improve the availability and access to information on land tenure, land classification and land use rights.

| Criterion C.2. REDD+ Policies and Measures 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 land uses and rights | How this criterion is addressed: Definition of ‘vulnerable groups’

- The Myanmar National Social Protection Strategic Plan (2014) 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.

Land uses and rights

- Criterion C1 provides more detailed information on PLRs related to rights to land and resources. 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 customary land tenure rights and procedures of the ethnic nationalities, taking into account to protect all land use rights whether they are registered or not. However, the National Land Law foreseen under the policy has not yet been passed.

- The Biodiversity and Protected Areas Law (2018) makes provisions for customary rights and privileges of the people if it is proposed to establish the protected area in their location, though it does not explicitly recognize customary tenure. It allows for co-management of protected areas between protected area authorities and local
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<table>
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<th>communities, and the definition of buffer zones to allow development activities without having adverse impacts on the core zone.</th>
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<tr>
<td>- 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 rights. Rights to cultivate land categorized as “vacant, fallow or virgin” (VFV) land can be allocated by the VFV Central Committee under the VFV Land Law. Rights to forest land can be given a legal status by obtaining a community forestry certificate under the Community Forestry Instructions (2016), while the establishment of plantations can be granted through permission under the Forest Law 2018.</td>
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Implementation of EIA/SEA:

- 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).
- As noted under Criterion C1, FPIC is to be applied to REDD+ PaMs; 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.
- 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”.

What has been done so far to ensure this criterion is respected:

- Information not yet available.

Implementation responsibilities:

- 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.
- MONREC is responsible for the implementation of the Biodiversity and Protected Areas Law (2018).
- 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).
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- The Central Committee for the Management of VFV land, chaired by Minister of MOALI, and the State/Region VFV Land Management Committees are responsible for implementing the VFV Land Law (2012).
- The Ministry of Ethnic Affairs is responsible for implementation of the Ethnic Rights Protection Law (2015).
- The future NCU and REDD+ implementing agencies will be responsible for guiding and implementing PaMs, including avoiding negative impacts on vulnerable groups and implementing necessary impact assessments.

Gaps/challenges:
- There is no consistently applied definitions of ‘vulnerable groups’, ‘undocumented rights’ and ‘customary rights’ across the Myanmar PLR framework. In the context of REDD+, the National Social Protection Strategic Plan definition of vulnerable groups may be insufficient, as it does not include ethnic groups and displaced people.
- 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. In terms of the of VFV land, land selected for reallocation is not always investigated (as would be required by the VFV Rules) to ensure that it is indeed vacant, and it is unclear how conflicts between sectors over VFV land reallocation are resolved.
- Due to a lack of information about their rights or a lack of capacity to assert them, or due to a lack of awareness about the needs of vulnerable groups, there is the 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.
- Although the Farmland Law, VFV Land Law and 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.
- 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.
- Existing programmes (such as the NRRP) have not yet fully applied the IEE/EIA/SEA requirements or FPIC guidelines pertinent to such programmes.

Measures to address gaps:
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Criterion C.3. REDD+ Policies and Measures must be designed and implemented with respect for the cultural heritage and customary practices of indigenous peoples and local communities.

How this criterion is addressed:

**Definition of ‘cultural heritage’ and ‘customary practices’**

- UNESCO defines ‘cultural heritage’ as tangible and intangible cultural heritage: tangible culture heritage includes movable, immovable and underwater culture heritage and intangible cultural heritage includes oral traditions, performing arts and rituals.
- Several PLRs in Myanmar refer to customary practices or rights; see Criterion C2.

**Respect for cultural heritage and customary practices**

- 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.
- 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.

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23 Including tangible and intangible heritage, place-based, movable and immovable heritage and beliefs.

Myanmar’s National Biodiversity Strategy and Action Plan (NBSAP) 2015-2020 include goals related with traditional knowledge and access and benefit sharing. For example, Target 18 states that by 2020 the traditional knowledge, innovations and practices for 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 with the full and effective participation of indigenous and local communities at all relevant levels.

A National Competent Authority for the implementation of the Nagoya Protocol has been formed. Consultations and trainings on “the Current State of Traditional Knowledge in Myanmar and Possible Options for its protection’ have been held during 2018 and 2019.

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 Protocol. Guidelines for the Protection of Traditional Knowledge, Ethical Code of Conduct for research and a Community Protocol are also being developed.

What has been done so far to ensure this criterion is respected:

- A number of REDD+ PaMs have been designed to consider the role of 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”.

Implementation responsibilities:

- Forest Department and ECD, MONREC, are responsible for implementing the NBSAP and commitments under the Nagoya Protocol.
- The future NCU and REDD+ implementing agencies will be responsible for guiding and implementing PaMs, including consideration of customary practices and cultural heritage.

Gaps/challenges:

- As noted under Criterion C2, there is no consistently applied definition of ‘customary rights’ across the Myanmar PLR framework.

Measures to address gaps:
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- Guidance to REDD+ implementing agencies on processes for planning and implementing PaMs, related to IEE/EIA/SEA and FPIC, 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 REDD+ implementation.

**Criterion C.4.** 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).

**How this criterion is addressed:**
- As described under Criterion C1, FPIC processes are to be applied to REDD+ PaMs.
- 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. 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 have a right to receive the compensation, although the level of compensations are different depending on certain factors.

**What has been done so far to ensure this criterion is respected:**
- Information not yet available.

**Implementation responsibilities:**
- The future REDD+ NCU and REDD+ implementing agencies will be responsible for guiding and implementing PaMs, including implementing necessary impact assessments and FPIC processes.
- Forest Department is currently responsible for implementing necessary assessments and consultation processes for NRRP, community forest establishment and other related initiatives.
- 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).
- The Ministry of Ethnic Affairs is responsible for implementation of the Ethnic Rights Protection Law (2015).
- The General Administration Department, of the Ministry of Home Affairs, is responsible for the implementation of Land Acquisition Act (1894).

**Gaps/challenges:**
- Refer to C1 for the gaps/challenges related with FPIC and involuntary resettlement of indigenous peoples and local communities.
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<tr>
<th>Criterion C.5. 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.</th>
<th>Measured:</th>
<th>• Refer to C1 for measures proposed related to FPIC.</th>
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<tr>
<td><strong>How this criterion is addressed:</strong></td>
<td><strong>Rights to benefit-sharing:</strong></td>
<td>• Although there are no specific legislations explicitly dealing with REDD+ benefit sharing in the Myanmar legal framework, a number of PLRs and associated processes are relevant:</td>
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<td>o The Community Forestry Instructions (2016) support non-monetary benefit sharing within Community Forest User Groups, where benefits are to be shared equally in accordance with the group’s Management Plan (article 22).</td>
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<td>o Please see Criterion C3 for information on the Nagoya Protocol on Access and Benefit Sharing.</td>
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<td>o 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.</td>
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<td>• 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 benefit-sharing. Please see Criterion B1 for information on the use of funds for handling results-based payments. The BSS is to abide by the following principles:</td>
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<td>o Fair and equitable sharing of benefits, as well as “pro-poor”, meaning that benefits accruing to poorer stakeholders are proportionately greater than to wealthier or institutional stakeholders;</td>
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<td>o Fully transparent, meaning that all data and information used to calculate benefits, including the methodology used, should be fully available;</td>
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<td>o Based on broad stakeholder consultation;</td>
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<td>o Capable of transferring benefits to all stakeholders, governmental and non-governmental, including EAO’s.</td>
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<td><strong>What has been done so far to ensure this criterion is respected:</strong></td>
<td>• Forest Department has established 3,883 groups for community forestry on 521,688 acres, as of March 2018.</td>
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<td><strong>Implementation responsibilities:</strong></td>
<td>• The implementation of Community Forestry Instructions (2016) is the responsibility of Forest Department, MONREC</td>
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The implementation of Nagoya Protocol is the responsibility of ECD (MONREC) and MOALI.

The development and implementation of a future BSS is the responsibility of the future NCU.

Gaps/challenges:

- 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 and genetic resources.

Measures to address gaps:

- 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 are considered.

Criterion C.6. 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 Measures on the rights of indigenous peoples and members of local communities.

How this criterion is addressed:

- According to the EIA Procedure (2015), an Environmental Management Plan (EMP) 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 finalized in 2017 by a multi-sector working group, but have not yet been adopted. The Guidelines propose a requirement to develop a Public Participation Plan for the EIA process that includes complaints management and grievance redress mechanisms.
- The National Community Driven Development Project (NCDDP), funded by the World Bank and implemented since 2013, 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 committee is 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 is 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
(DRAFT for comment – Sept 2019)
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<th>its identification of a clear focal body and addressing complaints within an effective timeframe. A recording and documentation system have also been applied.</th>
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<td>• The proposed Grievance Redress Mechanism (GRM) for REDD+ in Myanmar will cover four main levels: 1) Village, 2) Township, 3) District/Regional and 4) National Level. A GRM Working Group (GRMWG) has also been proposed at each level where complaints and/or issues are received. The Pilot Study on GRM approach is being conducted in Mon State that results will be reflected in the REDD+ GRM Design.</td>
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### What has been done so far to ensure this criterion is respected:
- No information available as yet.

### Implementation responsibilities:
- MOALI is responsible for procedures for settling grievances, which are provided in the Farmland Law (2012) and VFV Land Law (2012).
- MONREC is responsible for grievance procedures under the Forest Law (2018) and the Biodiversity and Protected Areas Law (2018).
- The future REDD+ NCU will be responsible to establish the GRM and to ensure grievances received related to REDD+ are resolved effectively and in a timely manner.

### Gaps/challenges:
- There are concerns that some members of minority ethnic groups may be less able to access the available mechanisms for settling complaints and grievances under the Farmland Law, the VFV Land Management Law and the Forest Law, due to language barriers. Also, the authorities in charge of these mechanisms lack sufficient staff and resources to deal with complaints and are not well coordinated with each other.

### Measures to address gaps:
- 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 timeframes via consultation with stakeholders.
- The REDD+ GRM shall be accessible in local languages for key ethnic groups in REDD+ implementation areas.
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.

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<tr>
<th>Criterion D.1. 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 rights) should be supported through appropriate arrangements (e.g. capacity-building, choice of suitable communication formats, taking into account)</th>
<th>How this criterion is addressed: Definition of relevant stakeholders</th>
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<td>• There is no definition in Myanmar’s PLR framework that would indicate who should be considered “relevant stakeholders” in the context of REDD+ PaMs. However, stakeholder mapping for REDD+ has been conducted at the national level through the TWG-SES as part of the development of the NRS.</td>
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<td>• According to the ‘Guidelines for Stakeholder Engagement in Policies and Programmes for Sustainable Forest Management and REDD+’&lt;sup&gt;25&lt;/sup&gt;, 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+ include: Government agencies (such as Forest Department, MONREC, MOALI and MOPF); formal and informal forest users; private sector entities; indigenous peoples and other forest dependent communities.</td>
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<td></td>
<td>• The Myanmar National Social Protection Strategic Plan (2014) identifies vulnerable and marginalized groups are 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.</td>
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<td><strong>Mechanisms or platforms for stakeholder participation:</strong></td>
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<td>• At the national level, a number of cross-sector mechanisms or platforms exist that help to facilitate participation or engagement in REDD+ processes. These are described in Criterion A1. A REDD+ Stakeholder Network has also been established. More information on communications channels with REDD+ stakeholders is provided under</td>
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language requirements and traditions).  

Criteria B1. The total membership of the REDD+ Stakeholder Network is 62, while the REDD+ Taskforce includes 17 members:

- 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.”

- 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.

- 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 REDD+ PaMs.

- The Guidelines for Public Participation in Myanmar’s EIA Process were finalized in 2017 by a multi-sector working group, but have not yet been adopted. The Guidelines propose a requirement to develop a Public Participation Plan for the EIA process that includes complaints management and grievance redress mechanisms.

- FPIC guidelines also require stakeholder participation. See Criterion B1.

- At the subnational level, there are a number of existing and planned structures and platforms that also facilitate stakeholder engagement in the forest and land sectors:
  - Land Use Committees at State/Region, district and local level 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 experts. The local level Land Use Committees will be tasked with conducting public consultation on proposed land use maps.
  - Recently established Township Planning and Implementation Committees, or where these do not yet exist, the Township Management Committees.

- 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. The Myanmar UN-REDD Programme has established communications with a number of EAOs and with ethnic group organizations that are close to the EAOs. An EAO specialist was hired for 6 months to help in establishing these relationships.
**What has been done so far to ensure this criterion is respected:**

- Forty-three consultation workshops have been held related to the development of the NRS at national and sub-national level, with the private sector, and with self-administrative areas and EAOs. These have involved 621 female and 1534 male participants (2155 in total).
- Awareness-raising materials about REDD+ and the NRS have been produced in 10 languages, such as Chin, Kachin, Karen, Kayah, Kokang, Mon, Pa Oh, Wa, Shan and Palaung, as well as Myanmar language.

**Implementation Responsibilities:**

- The future REDD+ NCU and REDD+ implementing agencies will be responsible for guiding and implementing PaMs, including engaging stakeholders in planning / EIA / FPIC processes. The NCU will also be responsible for broader stakeholder engagement and communication about REDD+.
- The Department of Planning (MOPF) is responsible for establishing the Township Planning and Implementation Committees.

**Gaps/challenges:**

- 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.
- The implementation of the EIA Procedure is not 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.
- Capacity-building and logistical support is needed especially for vulnerable and marginalized stakeholder groups, 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).

**Measures to address gaps:**

- 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) as well as best practice for REDD+ (e.g. for FPIC processes). This guidance can build upon the Guidelines for Stakeholder Engagement, the draft Guidelines for Public Participation in EIA, and the FPIC Guidelines currently under development.

**How this criterion is addressed:**
**Criterion D.2.** 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 and skills and appropriate legitimation 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.

- While direct participation of local stakeholders may be possible for site-level interventions, discussions at the national and state/region level may need to involve representatives selected through an appropriate mechanism. There are no provisions in Myanmar’s PLR framework about 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.

  **National peace process / NCA selection of representatives.**

  - 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 their roles and responsibilities, 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.

  - The ‘Guidelines for Stakeholder Engagement in Policies and Programmes for Sustainable Forest Management and REDD+’ include information to support addressing this criterion, including: identifying stakeholders; sample rights and duties of stakeholders in engagement processes; and communications guidance.

  **What has been done so far to ensure this criterion is respected:**

  - No information available as yet.

  **Implementation responsibilities:**

  - 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.

  **Gaps/challenges:**

  - There is a lack of agreed, formal processes for the selection of stakeholder representatives and for measures to ensure their legitimacy and accountability. Self-selection of stakeholder representatives is rarely practiced formally or systematically.

  **Measures:**
**Stakeholders or stakeholder groups should have the option to ‘self-identify’ to allow for inclusive participation. A documented process/guidance to encourage self-selection of stakeholder representatives for future consultations or engagement in REDD+ planning/implementation should be developed.**

**Terms of reference should include responsibilities for effective communication with the representatives’ constituencies; an indicator should be developed to track this through the SIS.**

### How this criterion is addressed:
- **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.
- **The Biodiversity Conservation 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 development activities without having adverse impacts on the core zone.
- **The Community Forestry Instructions (2016)** allow for substantial participation by communities, and outline the responsibilities of Forest User Groups: to establish the community forest (CF) in line with the Management Plan; sustainably manage the CF; to protect against logging from outside the CF area; to share the benefits equally in accordance with the Management Plan; to keep records systematically for reporting and income/expenditure statement; to set up internal rules and regulations; to report changes in the CF and User Group members to the Forest Department; and to follow the Forest Law and Rules, as well as regulations and instructions from the Forest Department.
- **Communities are being involved in processes related to the National Forest Inventory (NFI) and forest monitoring, such as pre-assessment, during assessment and post-assessment consultations, with emphasis in areas where conflicts between the central government and ethnic communities are still prevalent.**
- **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.
- **A number of the PaMs in the NRS explicitly include participatory approaches in their design, and would likely involve the participation of stakeholders in their implementation, such as: “Establish participatory and gender equitable land use planning approaches at region/state district and township level”; “Implement incentivized...**
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<th>Community co-managed monitoring programmes”; and “Develop and implement participatory protected area management plans, including sustainable financing measures” and “Promote farmers and producers’ associations and forest users associations, including equitably for women and men, in order to raise rural incomes”.</th>
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<tr>
<td>Please see Criteria B4 for more information on capacity building.</td>
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<th>What has been done so far to ensure this criterion is respected:</th>
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<tr>
<td>No information available as yet.</td>
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**Implementation Responsibilities:**

- Forest Department (MONREC) is responsible for the implementation of the Community Forestry Instructions (2016).
- MONREC and protected area authorities are responsible for the implementation of the Biodiversity Conservation and protected Areas Law (2018) and co-management of protected areas with local communities,
- Forest Department is responsible for carrying out the NFI.
- The future NCU and agencies implementing REDD+ PaMs are responsible promoting stakeholder participation in implementation and monitoring.

**Gaps/challenges:**

- 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, in actual implementation and monitoring of PaMs.

**Measures to address gaps:**

- Guidelines for stakeholder involvement (see measure suggested under Criteria D1) should address participation in all stages of PaMs development and implementation, including the implementation of activities and monitoring/evaluation. Guidelines should also encourage the identification of opportunities for women and other vulnerable groups to participate.
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.

Criterion E.1. Before REDD+ Policies and 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.

How this criterion is addressed:

**Definition of natural forest:**
- The term, ‘natural forest’ does not have a formal, legal definition in Myanmar, although the term is used in the 2016 Community Forestry Instructions, in the objectives of the Forest Law (2018) and the name the ‘Division of Natural Forest and Plantations’ of the Forest Department. The national codes used for land use and land cover mapping do not distinguish between natural and planted forest in Myanmar’s Forest Reference Level (submitted to the UNFCC in January 2019). The term, ‘natural forest’ does not have a formal, legal definition in Myanmar, although the term is used in the 2016 Community Forestry Instructions, in the objectives of the Forest Law (2018) and the name the ‘Division of Natural Forest and Plantations’ of the Forest Department. The national codes used for land use and land cover mapping do not distinguish between natural and planted forest in Myanmar’s Forest Reference Level (submitted to the UNFCC in January 2019). The term, ‘natural forest’ does not have a formal, legal definition in Myanmar, although the term is used in the 2016 Community Forestry Instructions, in the objectives of the Forest Law (2018) and the name the ‘Division of Natural Forest and Plantations’ of the Forest Department. The national codes used for land use and land cover mapping do not distinguish between natural and planted forest in Myanmar’s Forest Reference Level (submitted to the UNFCC in January 2019).

**Mapping of natural forests**
- The National Forest Monitoring Systems (NFMS) 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.
- The NFI will use categories for forestry 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.
- A number of REDD+ PaMs in the NRS will also support the mapping and characterization of natural forests, such as: “Undertake high resolution mapping of existing forests, shifting cultivation, and encroachment “hotspots”, with online registry” and “Prioritize cadastral surveys in areas of encroachment and high conservation value”.

**Avoiding conversion of natural forest:**
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:
- Depending on the type of forest or land in question, the regulations to be applied and the responsible agencies are different. For example, if the natural forest area is in the VFV land category, it is required to align with the VFV...

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<table>
<thead>
<tr>
<th>Law (2012); the Central Committee for the Management of VFV Land can then allocate VFV land for cultivation or other utilization. MONREC manages the forest land area and decides on whether there can be conversion of forest areas (including VFV land) to other purposes.</th>
</tr>
</thead>
<tbody>
<tr>
<td>• If the land in question is to be used for investment purposes, investors must obtain the endorsement of the relevant State/Region 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).</td>
</tr>
<tr>
<td>• 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.</td>
</tr>
<tr>
<td>• Different rules may be applied in areas under the control of EAOs. 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.</td>
</tr>
<tr>
<td>• The level of protection from conversion is usually higher for forests situated within the Permanent Forest Estate (PFE) than for forests on VFV Land. Within NRS, PaMs aiming to support the integration of VFV lands holding forest into the Permanent Forest Estate are supportive of this criterion.</td>
</tr>
<tr>
<td>• The government’s target to increase the production that could expand the agriculture areas that are the indirect drivers of deforestation.</td>
</tr>
</tbody>
</table>

What has been done so far to ensure this criterion is respected:

• No information available as yet.

Implementation responsibilities:

• Forest Department (MONREC) is responsible for mapping forest and leads the NFI and NFMS.
• The Central Committee for Management of VFV land, chaired by Minister for MOALI, is considers applications to reallocate VFV land.
• MONREC is responsible for approving/rejecting requests to use forest land for other purposes.
• The Myanmar Investment Commission (or the relevant regional or state investment committee for investments under US$ 5 million) is responsible for approving investment permits.
• ECD (MONREC) is responsible to examine IEE/EIAs and issue an Environmental Compliance Certificate (ECC).
The future NCU and agencies implementing REDD+ PaMs are responsible for ensuring that REDD+ PaMs do not directly or indirectly lead to the conversion of natural forests to other uses, including plantations.

**Gaps/challenges:**
- There is no official definition of natural forest and the inventory or mapping protocol to allow the differentiation of natural forests and plantations is still under development. However, most forest plantations in Myanmar are carried out with native tree species and, at least the 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 differentiations increasingly difficult over time.
- There are no specific provisions in the PLR framework that would prevent REDD+ PaMs being used for the conversion of natural forest, or REDD+ areas being converted to other uses, should such an action receive approval from the relevant authorities. In addition, the responsibilities for approving forest conversion are distributed among a number of institutions.

**Measures to address gaps:**
- Agree on a clear 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.
- Developing specific guidance for agencies engaged in the planning and implementation of REDD+ PaMs, including the proper adherence to requirements related to EIA and FPIC; this guidance should include a requirement to map or otherwise clarify land cover and land uses in the proposed site/s, including areas of natural forest.

**Criterion E.2. 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 likely impacts.**

- 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 Environmental Management Plans (EMPs). Please see Criterion B2 for more information on IEE/EIA/SEA processes in Myanmar, and their application 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.
- In addition to environmental impacts, the EIA Procedure covers social, socio-economic, health, personal safety and cultural impacts of interventions. Procedures for raising grievances or the draft Guidelines for Public Participation...
potential positive or negative social and environmental impacts, including impacts on important areas for biodiversity and ecosystem services; this may require analysis or collection of new data. Cumulative effects, landscape-scale impacts and indirect impacts should be included in the analysis.

in EIA (once adopted), can also help to ensure that social considerations are reflected in the planning and implementation of REDD+ PaMs, where EIA is applied.

- 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:
  - The Forest Law (2018) with regard to forest land and protected forest areas,
  - The Biodiversity and Protected Areas Law (2018) for other categories of protected areas,
  - The VFV Land Law (2012) and the Farmland Law.
- 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).
- 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.
- The FPIC process, which is to be applied to 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).

What has been done so far to ensure this criterion is respected:

- 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 likely benefits and risks, and proposals for measures to reduce risks and enhance benefits (please see Section 2.2 for more detail). Annex 3 provides a summary of key benefits and risks identified per safeguard.
- During the development of the NRS, recommendations were also made for reducing risks and enhancing benefits through the design of the REDD+ PaMs and other measures related to the implementation of the safeguards. A summary of the benefits and risks identified is provided in Annex 3. See also Criteria E3 on enhancing the positive impacts of REDD+.

Implementation responsibilities:

- ECD (MONREC) is responsible to examine IEE/EIAs and issue an Environmental Compliance Certificate (ECC).
- The future REDD+ NCU and agencies implementing REDD+ PaMs are responsible for ensuring that decision on REDD+ PaMs are based on information about their potential impacts.
**Gaps/challenges:**

- 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 Criteria B2 for other challenges related to the implementation of EIA processes.
- Although mentioned in the PLR framework, little progress has been made on identifying important areas for biodiversity and ecosystem services, such as “agricultural and ecological conservation zones”.

**Measures to address gaps:**

- Specific guidance for agencies engaged in the planning and implementation of REDD+ PaMs, including the proper adherence to requirements related to EIA and FPIC, should include aspects of particular relevance to REDD+ safeguards such as: assessing potential benefits and risks, including both social and environmental and positive and negative impacts; assessing the risk of indirect land use change; and promoting the reduction of risks and delivery of benefits through appropriate planning and implementation (see also Criteria E3 and E4).
- A number of proposed PaMs for the National REDD+ Strategy 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 stakeholder implementing REDD+ PAMs’, ‘Undertake awareness raising and training to support REDD+ PaMs’.
- Implementation of land use planning (under the National Land Use Policy, 2016) as well as the development of the 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.

**Criterion E.3. REDD+ Policies and Measures**

**How this criterion is addressed:**

- See Criterion E2 for information on regulations and processes relevant to identifying the impacts of development projects, including REDD+ PaMs, and Criterion B2 for more information on EIA Procedure (2015) requirements related to the development of EMPs to mitigate/manage impacts.
- See Criterion E2 for information on the national level assessment of potential REDD+ benefits and risks, including the development of recommendations to reduce risks and enhance benefits through the design of the PaMs and NRS.
- See Criteria D1 for more information on the involvement of stakeholders in the planning of REDD+ PaMs and associated processes (e.g. land use planning).
- 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
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| 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+. | propose economic incentives and conditions for sustainable development that is compatible with environmental conservation. **However, such guidelines have not yet been issued.**  
- Existing guidelines and standards relevant for REDD+ PaMs include the Myanmar Criteria & Indicators for Sustainable Forest Management and the Reduced Impact Logging guidelines. |
|---|---|
| **What has been done so far to ensure this criterion is respected:**  
- The national assessment of the potential benefits and risks of REDD+ implementation carried out in 2017-2018, as well as the process to develop the NRS, have helped Myanmar to respect this criterion. The assessment of benefits and risks examined both potential negative impacts and how to avoid/reduce them, as well as potential positive impacts and how to enhance them. It was also conducted with extensive stakeholder participation at the national and subnational levels, including government, CSO and community representatives from relevant sectors.  
- The National REDD+ Strategy process included extensive stakeholder consultations, as detailed under Criterion D1, to determine the feasibility and likely impacts of proposed PaMs; PaMs were revised in accordance with stakeholder and expert inputs.  
- PaMs 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 enhance the social and environmental benefits of REDD+: “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”. |
| **Implementation responsibilities:**  
- ECD (MONREC) is responsible to examine IEE/EIAs and issue an Environmental Compliance Certificate (ECC).  
- The future NCU and agencies implementing REDD+ PaMs are responsible for designing and implementing REDD+ PaMs to reduce negative impacts and enhance positive impacts. |
| **Gaps/challenges:**  
- Although an assessment of benefits and risks, and efforts to integrate these considerations into the design of PaMs, have occurred at the national level, has been conducted at national level, the identification and management of impacts at site level require further consideration.  
- 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. |
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- There is currently no certification system for forest products or products from plantations that addresses environment-friendly management and harvesting practices.

**Measures:**
- See recommended measure under E2. Specific guidance for agencies engaged in the planning and implementation of REDD+ PaMs, including requirements related to impact assessment, should cover the need to develop measures/plans for reducing negative impacts and enhancing positive impacts.
- 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.

**Criterion E.4. Priority benefits to be supported through appropriate selection, design and implementation of REDD+ Policies and 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**

<table>
<thead>
<tr>
<th>How this criterion is addressed:</th>
</tr>
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<tbody>
<tr>
<td>- Numerous PLRs and initiatives relate to the priority benefits identified under this criterion and are covered in other sections of this Summary. For example, Principle C looks at how land rights can be supported, while Principle D examines opportunities for the participation of stakeholders, including those from vulnerable groups.</td>
</tr>
<tr>
<td>- Regarding 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, with the 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.</td>
</tr>
<tr>
<td>- The Myanmar UN-REDD Programme has also carried out a gender analysis in the context of NRS development; the NRS includes an ‘Assessment of the interest of women’s groups and Indigenous Peoples’.</td>
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<tr>
<td>- The priority benefits listed in this criterion were identified through the multi-stakeholder national safeguards clarification processes, as well as the participatory benefits and risks assessment described in under criterion E2, which also generated recommendations to inform the design of PaMs to better support the delivery of these benefits.</td>
</tr>
<tr>
<td>- As noted in Criterion D1, in the Myanmar’s NRS has also been designed through an extensive stakeholder process, and in its discussion of Myanmar’s REDD+ approach, notes that it will ensure that PaMs are designed to address greenhouse gas emissions and to generate non-carbon benefits.</td>
</tr>
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</table>

**What has been done so far to ensure this criterion is respected:**
**Criterion E.5. REDD+ Policies and Measures that involve land use or management planning**

<table>
<thead>
<tr>
<th><strong>How this criterion is addressed:</strong></th>
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<tbody>
<tr>
<td>• Other sections of this Summary provide information on relevant PLRs and REDD+ specific processes related to land use and management planning, including criterion B2, B3, and B4 on forest governance, coordination of land use planning, inclusion of social and environmental objectives, and data availability/capacity. Principle C includes</td>
</tr>
</tbody>
</table>

**Implementation responsibilities:**

- The selection and design of REDD+ PaMs to date supports the delivery of priority benefits, including but not limited to the following PaMs:
  - Build capacities of government and other agencies to support stakeholders implementing REDD+ PaMs.
  - Implement the Land Use Policy 2016, particularly Part VIII regarding land tenure security and the recognition of customary rights.
  - Promote alternative livelihoods for farmers who might otherwise cultivated areas into forested land.
  - Within the context of the work of the UPDJC, engage with EAO’s, political leaders, representatives of ethnic people, NGOs and religious leaders to develop cooperation on sustainable forest management.
  - Ensure that environmental accounting systems include the economic value of non-extractive forest uses and ecosystem functions.
  - Incentivize adoption of alternative fuels and development of distribution networks.

<table>
<thead>
<tr>
<th><strong>Implementation responsibilities:</strong></th>
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</thead>
<tbody>
<tr>
<td>• The future REDD+ NCU and agencies implementing REDD+ PaMs are responsible for designing and implementing REDD+ PaMs to reduce negative impacts and enhance positive impacts.</td>
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</table>

**Gaps/challenges:**

- There is a lack of accessible data on the areas important for the delivery of priority benefits (e.g. areas important for biodiversity conservation) and to set baselines for measuring progress against this safeguard criterion.

<table>
<thead>
<tr>
<th><strong>Measures to address gaps:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>• See recommended measures under E2 and E3. Specific guidance for agencies engaged in the planning and implementation of REDD+ PaMs, including requirements related to impact assessment, should cover the need to develop measures/plans for reducing negative impacts and enhancing positive impacts.</td>
</tr>
<tr>
<td>• In the development of any M&amp;E framework for REDD+ implementation, as well as in supporting systems such as the NFMS and SIS, improve the collection and availability of baseline data and data on trends in the delivery of identified priority benefits.</td>
</tr>
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**Implementation responsibilities:**

- The future REDD+ NCU and agencies implementing REDD+ PaMs are responsible for designing and implementing REDD+ PaMs to reduce negative impacts and enhance positive impacts.
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**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.

- Information on rights related to land use planning and acquisition. Criterion E2 and E3 cover the consideration of social and environmental impacts of PaMs, including through IEE/EIA/SEA requirements.
- Criteria B4 and E1 also outline existing and planned information systems and activities that may contribute to the provision of useful data for land use and management planning, such as the NFMS, MIMU, and One Map Myanmar.
- In Myanmar’s NRS, there are a number of PaMs that seek to support land use or management planning:
  - Develop and implement a national land use plan with territorial planning for areas with high potential for REDD+.
  - Implement the Land Use Policy 2016, particularly Part VIII regarding land tenure security and the recognition of customary rights.
  - Establish participatory and gender-equitable land use planning approaches at region/state district and township level.
  - Incorporate forested VFV land into PFE, supported by strengthened VFV land management committees.
  - 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.
  - 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.

**What has been done so far to ensure this criterion is respected:**

- No information available yet.

**Implementation responsibilities:**

- The future NCU and agencies implementing REDD+ PaMs are responsible PaMs involving land use and management planning; Land Management Committees are also likely to be involved.

**Gaps/challenges:**

- There is a lack of regulatory requirements for consideration for the consideration of social and environmental objectives, particularly at the broader policy level.
- See gaps identified under Criterion B4, related to the limited availability, transparency and consistency of land related data, and under E2 and E3 related to impact assessment.

**Measures to address gaps:**
**Criterion E.6.** 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.

<table>
<thead>
<tr>
<th>How this criterion is addressed:</th>
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<tr>
<td>- The EIA Procedure (2015) includes the requirement for regular tracking of social and environmental impacts by the project proponent. The project proponent shall submit monitoring reports to MONREC, as provided in 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 Criteria B2 for more information on EIA; as this will apply to REDD+ PaMs, the provision on reporting will also apply.</td>
</tr>
<tr>
<td>- Implementation of the REDD+ Programme will also be subject to the normal monitoring processes of large-scale government programmes. 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 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 NRS is anticipated.</td>
</tr>
<tr>
<td>- The NFI and NFMS will also play an important role in monitoring the results of REDD+. Reporting of results documented by the NFMS is the responsibility of the ECD, MONREC. Results will be submitted by the Forest Department, through the NFMS/TWG, 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. The NFMS is expected to also be a source of information on aspects of the safeguards, including some social and environmental impacts (e.g. related to biodiversity, socio-economic conditions of forest use, etc.), although an explicit socio-economic survey component of the NFMS is presently not planned.</td>
</tr>
<tr>
<td>- Myanmar’s SIS is designed 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).</td>
</tr>
</tbody>
</table>

**What has been done so far to ensure this criterion is respected:**
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- No information available yet.

**Implementation responsibilities:**
- The regular tracking of EMPs is the responsibility of project proponents and ECD, MONREC.
- The Forest Department is in charge of measurement, reporting and verification (MRV) for REDD+ in Myanmar; ECD is responsible for reporting results to the UNFCCC.
- The future NCU will be responsible for developing the REDD+ M&E framework and for compiling monitoring reports; the SIS database will be hosted by the Central Statistics Organization, while the lead institution for safeguards and SIS overall will remain the NCU.

**Gaps/challenges:**
- See Criterion E4 for gaps related to data for tracking environmental and social impacts.

**Measures to address gaps:**
- See Criterion E4 for measures related to monitoring of social and environmental impacts.
- In addition, the development of the REDD+ M&E framework shall where possible integrate indicators for collecting information on social and environmental impacts and the safeguards.

**Principle F. REDD+ Policies and Measures in Myanmar should be designed and implemented to avoid or minimize risks of reversals**

**Criterion F.1.** 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

**How this criterion is addressed:**
- The process to develop the NRS has included 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.
- 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.

**What has been done so far to ensure this criterion is respected:**

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27 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).
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<table>
<thead>
<tr>
<th>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.</th>
</tr>
</thead>
<tbody>
<tr>
<td>• The participatory assessment of benefits and risks included identification of risk of reversals, suggested measures to reduce these risks, and generated recommendations for the design of PaMs (please see Annex 3 for a summary of benefits and risks identified). The identified risks of reversals include those mentioned in the criterion, e.g. related to incentives, long-term commitments, and socio-economic factors:</td>
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**Implementation responsibilities:**

- The future REDD+ NCU is responsible for coordinating the development of PaMs in the NRS, including considering the risks of non-permanence.

**Gaps/challenges:**

- As yet there is no systematic or regular 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.
- Capacity-building may be necessary for assessing and managing risks of non-performance, 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).

**Measures to address gaps:**

- The guidance to be provided to REDD+ implementing agencies should include information on all safeguards, including identifying and managing risks of non-permanence.
**Criterion F.2.** Where risks of non-permanence have been identified, these should be addressed through appropriate selection, design and implementation of Policies and Measures.

**How this criterion is addressed:**
- Please see Criterion F1 for information on how risks of non-permanence have been identified. The process to develop the National REDD+ Strategy as well as 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.
- Recommendations for the design and implementation of PaMs in ways to reduce the risks of non-permanence were provided to the NRS team in 2019 and will be incorporated into investment/action plans for individual PaMs. In addition, it is recognized that some PaMs will also contribute to the long-term sustainability of REDD+ and permanence of REDD+ results.
- 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.

**What has been done so far to ensure this criterion is respected:**
- REDD+ PaMs that can contribute to addressing the risks of non-permanence include but are not limited to:
  - Establish participatory and gender equitable land use planning approaches at region/state, district and township level (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).
  - Develop a national land use plan and implement territorial land use planning with emphasis on areas with high potential for REDD+ (appropriate land use planning helps to reduce the risk of areas allocated to REDD+ PaMs being used for other purposes in the future).
  - Implement incentivized community co-managed monitoring and other forms of independent monitoring programmes (to help protect forest areas from over-harvesting and forest degradation).

**Implementation responsibilities:**
- The future REDD+ NCU is responsible for coordinating the design and implementation of PaMs in the NRS, including addressing the risks of non-permanence.

**Gaps/challenges:**
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### Criterion F.3. The National Forest Monitoring System should be designed to allow the detection and management of reversals.

<table>
<thead>
<tr>
<th>Measured outcomes</th>
<th>How this criterion is addressed:</th>
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</thead>
<tbody>
<tr>
<td>• 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).</td>
<td>• 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.</td>
</tr>
<tr>
<td>• At sub-national level, political processes and coordination between different agencies may also affect permanence of REDD+.</td>
<td>• NFMS development encompasses 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.</td>
</tr>
<tr>
<td></td>
<td>• 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. Future NFMS capabilities.</td>
</tr>
<tr>
<td></td>
<td>• The SIS will also include indicators related to the detection and management of reversals.</td>
</tr>
</tbody>
</table>

#### What has been done so far to ensure this criterion is respected:
- No information available yet; NFMS is still being designed.

#### Implementation responsibilities:
- The Forest Department, MONREC, is responsible for designing the NFMS and NFI and for MRV for REDD+.

#### Gaps/challenges:
- There is no explicit methodology to define, detect, and manage reversals in the draft design of the NFMS. In parallel, capacities for further developing activity data and for more detailed emission factor calculation, based on existing data in the Forest Department, need to be strengthened.

#### Measures to address gaps:
- See measures proposed under Criterion F1.
- 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.
**Criterion F.4. Lessons learned from the detection of reversals should be reflected in the design of future Policies and Measures.**

**How this criterion is addressed:**
- The implementation of REDD+ PaMs and the results achieved will be monitored and evaluated through a number of processes:
  - Regular monitoring and review of REDD+ implementation (see Criterion E6 above).
  - Monitoring of forest and land cover change through the NFMS, and calculation of REDD+ results (see Criterion F3).
  - Tracking how safeguards, including Principle F, are addressed and respected through the SIS (see Criterion F3).
- Detectable and measureable reversals will be analyzed to determine its causes and appropriate response measures, and such occurrences will be reported transparently. The lessons learned from such analyses shall be incorporated into the annual and five-yearly review of the NRS. The design and implementation of REDD+ PaMs, e.g. investment/action plans, will be improved taking into consideration these lessons.

**What has been done so far to ensure this criterion is respected:**
- No information available yet.

**Implementation responsibilities:**
- The future REDD+ NCU will be responsible for M&E processes and updating the NRS and implementation plans, as well as coordinating reporting related the safeguards.

**Gaps/challenges:**
- Monitoring and review processes for the NRS are still under development.

**Measures to address gaps:**
- Terms of reference for the annual/five yearly review of the NRS shall specify consideration of lessons learned from any occurrences of reversals and/or displacement (see Principle G).
**Principle G. REDD+ Policies and Measures in Myanmar should be designed and implemented to avoid or minimize displacement of emissions**

**Criterion G.1.** 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 deforestation could have an adverse impact on emissions if land use is shifted to other ecosystems that are rich in carbon, e.g.

**How this criterion is addressed:**
- The process to develop the NRS has included 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.
- 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.
- Some aspects related to other ecosystems considered relevant to this Criterion have been discussed with stakeholders, e.g. through development of the national clarification and SIS indicators, and include carbon-rich ecosystems like peatlands, and non-forest ecosystems that may be at risk of displacement of agriculture and livelihood activities, such as grasslands and wetlands.
- 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.

**What has been done so far to ensure this criterion is respected:**
- The participatory assessment of benefits and risks included identification of risk of displacement, suggested measures to reduce these risks, and generated recommendations for the design of PaMs (please see Annex 3 for a summary of benefits and risks identified). The identified risks of displacement include factors mentioned in the criterion, e.g. related to indirect land use change and overall impacts on GHG emissions:
  - 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 non-forest ecosystems and negating the success of PaMs in reducing emissions, as well as any associated benefits for biodiversity and ecosystem services.

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28 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.
peatlands, or if wood-based fuels or products are replaced with alternatives that themselves cause high emissions).

<table>
<thead>
<tr>
<th>Implementation responsibilities:</th>
</tr>
</thead>
<tbody>
<tr>
<td>• The future REDD+ NCU is responsible for coordinating the development of PaMs in the NRS, including considering the risks of displacement.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Gaps/challenges:</th>
</tr>
</thead>
<tbody>
<tr>
<td>• As yet there is no systematic or regular 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.</td>
</tr>
<tr>
<td>• Capacity-building may be necessary for 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).</td>
</tr>
<tr>
<td>• There is a lack of information, including spatial data, on the location and extent of other ecosystems considered important for conservation/sustainable management (see Principle E).</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Measures to address gaps:</th>
</tr>
</thead>
<tbody>
<tr>
<td>• The guidance to be provided to REDD+ implementing agencies should include information on all safeguards, including identifying and managing risks of displacement.</td>
</tr>
<tr>
<td>• The SIS and potentially the REDD+ M&amp;E framework shall include indicators related to the risks of displacement from REDD+ PaMs (see also Criterion F4 below).</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Criterion G.2. Where risks of emissions displacement have been addressed:</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Please see Criterion F1 for information on how risks of displacement have been identified. The process to develop the NRS as well as to assess the potential benefits and risks of REDD+ have included: the participatory development of the NRS as well as to assess the potential benefits and risks of REDD+ have included: the participatory development...</td>
</tr>
</tbody>
</table>
of suggested measures to reduce risks and enhance benefits; and the formulation of recommendations for the design of PaMs.
- Recommendations for the design and implementation of PaMs in ways to reduce the risks of displacement were provided to the NRS team in 2019, and will be incorporated into investment/action plans for individual PaMs. In addition, it is recognized that some PaMs will also contribute to reducing some of these risks.
- 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 displacement, such as the development of an equitable BSS.

**What has been done so far to ensure this criterion is respected:**
- REDD+ PaMs that can contribute to addressing the risks of emissions displacement include but are not limited to:
  - 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 dimply find a new area to clear).
  - 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).
  - 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).
  - 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).

**Implementation responsibilities:**
- The future REDD+ NCU is responsible for coordinating the design and implementation of PaMs in the NRS, including addressing the risks of displacement.

**Gaps/challenges:**
- 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).
- At sub-national level, political processes and coordination between different agencies may also affect displacement risks for REDD+.
Measures to address gaps:
- See measures proposed under Criterion G1.
- PaMs related to coordination between sectors (e.g. on energy and land use) and to the improvement of livelihoods can play an important role in addressing risks related to displacement.

Criterion G.3. The National Forest Monitoring System should be designed to allow the detection and management of emissions displacement caused by indirect land use change.

How this criterion is addressed:
- 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.
- NFMS development encompasses 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.
- 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. Future NFMS capabilities.
- The SIS will also include indicators related to the detection and management of displacement.

What has been done so far to ensure this criterion is respected:
- No information available yet; NFMS is still being designed.

Implementation responsibilities:
- The Forest Department, MONREC, is responsible for designing the NFMS and NFI, and for MRV for REDD+.

Gaps/challenges:
- There is no explicit methodology to define, detect, and manage reversals in the draft design of the NFMS. In parallel, capacities for further developing activity data and for more detailed emission factor calculation, based on existing data in the Forest Department, need to be strengthened.

Measures to address gaps:
- Guidance/standard operating procedures for the NFMS shall incorporate a) definition of displacement and criteria for detecting potential incidences of displacement, and b) protocols for the reporting and subsequent management of such incidences.

How this criterion is addressed:
### Criterion G.4. Lessons learned from the detection of emissions displacement should be reflected in the design of future Policies and Measures.

- The implementation of REDD+ PaMs and the results achieved will be monitored and evaluated through a number of processes:
  - Regular monitoring and review of REDD+ implementation (see Criterion E6 above).
  - Monitoring of forest and land cover change through the NFMS, and calculation of REDD+ results (see Criterion G3).
  - Tracking how safeguards, including Principle G, are addressed and respected through the SIS (see Criterion G3).
- 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 shall be incorporated into the annual and five-yearly review of the NRS. The design and implementation of REDD+ PaMs, e.g. investment/action plans, will be improved taking into consideration these lessons.

### What has been done so far to ensure this criterion is respected:
- No information available yet.

### Implementation responsibilities:
- The future REDD+ NCU will be responsible for M&E processes and updating the NRS and implementation plans, as well as coordinating reporting related the safeguards.

### Gaps/challenges:
- Monitoring and review processes for the NRS are still under development.

### Measures to address gaps:
- Terms of reference for the annual/five yearly review of the NRS shall specify consideration of lessons learned from any occurrences of reversals (Principle F) and/or displacement.
4. CONCLUSION

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 to provide a ‘baseline’, 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+, and what initial actions have been taken as well as what are the priority next steps for the near future. The priority next steps to ensure that the national safeguards approach is built upon and that the safeguards are being effectively addressed and respected in Myanmar 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 apply 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. role of Drafting Group and TWG-SES, future consultation processes, and future structure of document;
- 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.
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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


MONREC and 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).

MONREC and Myanmar UN-REDD Programme (2019), National Clarification of the UNFCCC REDD+ safeguards (Cancun safeguards) for Myanmar


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National PLRS referred to in the Summary

Laws:
- The Forest Law (2018)
- The Environmental Conservation Law (2012)
- The Farmland Law (2012)
- The Vacant, Fallow and Virgin Land Law (2012)
- The Anti-Corruption Law (2013)
- The Biodiversity Conservation and Protected Areas Law (2018)
- The Myanmar Investment Law (2016)
- Employment and Skills Development Law (2013)

Policies and strategies:
- Myanmar Sustainable Development Plan (2018-2030)
- National Land Use Policy (2016)
- Myanmar National Social Protection Strategic Plan (2014)
- National Strategic Plan for the Advancement of Women (2013-2022)

Acts
- The Land Acquisition Act (1894)

Procedures/Instructions
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- Community Forestry Instructions (2016)

Rules

- The Myanmar Investment Rules (2017)
- The Farmland Rules
- The Environmental Conservation Rules (2014)

Agreements

### Annex 1: Glossary of terms

The following list of terms is based on ‘A Glossary of Term Related to Forests and Climate Change’ provided by the Myanmar UN-REDD Programme. It has been edited to focus on terms relevant to this SOI.

<table>
<thead>
<tr>
<th>Term</th>
<th>Usage</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Addressing safeguards</td>
<td>UNFCCC</td>
<td>A common understanding is that ‘addressing safeguards’ refers to a body of policies, laws and regulations, and associated institutional arrangements, that are in place on paper to deal with the potential benefits and risks associated with REDD+ actions.</td>
</tr>
<tr>
<td>Benefit-sharing mechanism</td>
<td>Gen</td>
<td>The principles, models and processes developed and applied to distribute benefits, both direct and indirect, of project activities, including project funding, between different participants and stakeholders.</td>
</tr>
<tr>
<td>Biennial Update Report (BUR)</td>
<td>UNFCCC</td>
<td>BURs are reports to be submitted by non-Annex I Parties, containing updates of national Greenhouse Gas (GHG) inventories, including a national inventory report and information on mitigation actions, needs and support received. The first BUR were due to be submitted by December 2014 and then every two years. However, flexibility is given to Least Developed Country Parties (LDCs) and Small Island Developing States (SIDS), which may submit such reports at their discretion.</td>
</tr>
<tr>
<td>Biodiversity</td>
<td>Gen</td>
<td>The total diversity of all organisms and ecosystems at various spatial scales (from genes to entire biomes).</td>
</tr>
<tr>
<td>Cancun Agreement</td>
<td>UNFCCC</td>
<td>A set of significant decisions adopted at COP16 in Cancun, Mexico in 2010.</td>
</tr>
<tr>
<td>Cancun safeguards</td>
<td>UNFCCC</td>
<td>The seven safeguards countries should promote and support when implementing REDD+ actions agreed as part of the Cancun Agreement.</td>
</tr>
<tr>
<td>Capacity building</td>
<td>Gen</td>
<td>In the context of climate change, the process of developing the technical skills and institutional capability in developing countries and economies in transition to enable them to address effectively the causes and results of climate change.</td>
</tr>
<tr>
<td>Carbon stock</td>
<td>Gen</td>
<td>The quantity of carbon in a carbon pool measured in metric tons per land unit</td>
</tr>
<tr>
<td>Climate change adaptation</td>
<td>Gen</td>
<td>Adaptation refers to adjustments in ecological, social, or economic systems in response to actual or expected climatic stimuli and their effects or impacts. It refers to changes in processes, practices, and structures to moderate potential damages or to benefit from opportunities associated with climate change.</td>
</tr>
</tbody>
</table>

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30 The column “Usage” refers to the context where the term is used. UNFCCC = United Nations Framework Convention on Climate Change; UNFCCC KP = The Kyoto Protocol under the UNFCCC; VM = Voluntary carbon Market projects; and Gen = General terms used both in the context of UNFCCC and VM or in general technical language use for forestry and land use.
<table>
<thead>
<tr>
<th>Term</th>
<th>Source</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Climate change mitigation</td>
<td>Gen</td>
<td>A range of policies and various economy-wide packages of policy instruments have been effective in reducing GHG emissions in different sectors such as the energy or the forest sector.</td>
</tr>
<tr>
<td>Co-benefits</td>
<td>UNFCCC</td>
<td>The benefits arising from REDD+ (other than reducing GHG emissions), such as alleviating poverty, protecting the environment, enhancing biodiversity, improving forest governance and protecting human rights. In UNFCCC decisions the term non-carbon benefits has been used covering the same benefits.</td>
</tr>
<tr>
<td>Community forestry</td>
<td>Gen</td>
<td>Community forestry is a forest management concept where a forest resource is managed collectively by local people, usually with timber and non-timber forest product extraction. This can happen under different tenure systems.</td>
</tr>
<tr>
<td>Conference of the Parties (COP)</td>
<td>UNFCCC</td>
<td>The term used to describe the regular meeting of state parties to the UN Framework Convention on Climate Change. This is the body with authority to take decisions under the Convention.</td>
</tr>
<tr>
<td>Conservation of forest carbon stocks</td>
<td>UNFCCC</td>
<td>One of the five activities included in REDD+ which aim to maintain carbon stocks in contrast to losing forest carbon through deforestation and forest degradation.</td>
</tr>
<tr>
<td>Convention on Biodiversity (CBD)</td>
<td>Gen</td>
<td>The Convention of Biological Diversity is a global agreement addressing all aspects of biological diversity: genetic resources, species, and ecosystems.</td>
</tr>
<tr>
<td>Corruption</td>
<td>Gen</td>
<td>The abuse of entrusted power for private gain.</td>
</tr>
<tr>
<td>Country Approach to safeguards</td>
<td>UNFCCC</td>
<td>A country approach to safeguards allows a country to respond to international safeguard frameworks by building on existing governance arrangements that, combined with national policy goals, can be used to operationalize the Cancun safeguards.</td>
</tr>
<tr>
<td>Customary rights</td>
<td>Gen</td>
<td>Customary rights’ to lands and resources refers to patterns of long-standing community land and resource usage in accordance with Indigenous Peoples’ and local communities’ customary laws, values, customs, and traditions, including seasonal or cyclical use, rather than formal legal title to land and resources issued by the State.</td>
</tr>
<tr>
<td>Deforestation</td>
<td>Gen</td>
<td>Conversion of forest to non-forest.</td>
</tr>
<tr>
<td>Displacement</td>
<td>UNFCCC</td>
<td>When activities to reduce emissions from deforestation or forest degradation in one area shift the pressure to another area and increase emissions there. The same concept is called leakage when working with projects such as CDM projects.</td>
</tr>
<tr>
<td>Driver</td>
<td>Gen</td>
<td>Refers to both direct and indirect causes of deforestation and forest degradation. Expansion of the agricultural area is a direct driver of deforestation while the population growth is an indirect driver.</td>
</tr>
<tr>
<td>Ecosystem</td>
<td>Gen</td>
<td>The interactive system formed from all living organisms and their physical and chemical environment within a given area. Ecosystems cover a hierarchy of spatial scales and can comprise the entire globe, biomes at the continental scale or small, well-circumscribed systems such as a small pond.</td>
</tr>
</tbody>
</table>
### Myanmar first Summary of Information (SOI)

<table>
<thead>
<tr>
<th><strong>Term</strong></th>
<th><strong>Definition</strong></th>
<th><strong>Source</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Ecosystem services Gen</td>
<td>The benefits people obtain from the environment. Ecosystem services are the transformation of natural assets including soil, plants and animals, air and water, into things that we value. They can be viewed as provisioning such as food and water; regulating, for example, flood and disease control; cultural such as spiritual, recreational, and cultural benefits; or supporting, like nutrient cycling, that maintain the conditions for life on earth.</td>
<td></td>
</tr>
<tr>
<td>Enhancement of forest carbon stocks UNFCCC</td>
<td>One of the five activities included in REDD+, which aim to enhance forest carbon stocks that can be converted to CO$_2$ removals and recognized as a REDD+ result.</td>
<td></td>
</tr>
<tr>
<td>Equity and equitable Gen</td>
<td>Are defined as just, impartial and fair to all parties.</td>
<td></td>
</tr>
<tr>
<td>FAO forest definition Gen</td>
<td>Land with tree crown cover (or equivalent stocking level) of more than 10 per cent and area of more than 0.5 hectares (ha). The trees should be able to reach a minimum height of 5 meters (m) at maturity in situ. Includes areas normally forming part of the forest area which are temporarily unstocked as a result of human intervention or natural causes but which are expected to revert to forest.</td>
<td></td>
</tr>
<tr>
<td>Food security Gen</td>
<td>Having access to sufficient, safe, nutritious food to maintain a healthy and active life.</td>
<td></td>
</tr>
<tr>
<td>Forest carbon stock Gen</td>
<td>The quantity of carbon held within a forested area at a specified time. An increase in forest carbon stocks means the forest is removing CO$_2$ from the atmosphere and a decrease in forest carbon stocks means the forest is emitting CO$_2$ to the atmosphere.</td>
<td></td>
</tr>
<tr>
<td>Forest degradation Gen</td>
<td>The term used to describe the condition of a forest that has been reduced in its natural capacity for providing goods and services, but not below the threshold of the forest definition of the country. In the context of climate change this often refers only to reduction in forest carbon stocks.</td>
<td></td>
</tr>
<tr>
<td>Forest management Gen</td>
<td>A branch of forestry concerned with scientifically sound interventions in forests based on planned activities and long-term objectives (or sustainable management, as opposed to purely extractive logging). In the context of climate change, this is usually in order to maintain or enhance carbon stocks in forests..</td>
<td></td>
</tr>
<tr>
<td>Forest reference emission levels/forest reference levels UNFCCC</td>
<td>Are the benchmarks for assessing country’s performance expressed in metric tons of CO$_2$e/year. FREL is generally used for emissions and FRL is used for removals.</td>
<td></td>
</tr>
<tr>
<td>Fragmentation Gen</td>
<td>The transformation of a contiguous patch of forest into several smaller, disjointed patches surrounded by other land uses.</td>
<td></td>
</tr>
<tr>
<td>Free, prior and informed consent UNFCCC</td>
<td>The principle that a smallholder or community has the right to give or withhold their consent to proposed projects that may affect the land they own, occupy or otherwise use.</td>
<td></td>
</tr>
<tr>
<td>Term</td>
<td>Abbreviation</td>
<td>Definition</td>
</tr>
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</tr>
<tr>
<td>Full and effective participation</td>
<td>UNFCCC</td>
<td>Meaningful influence of all relevant rights holder and stakeholder groups throughout the process.</td>
</tr>
<tr>
<td>Gender responsive</td>
<td>Gen</td>
<td>Is to understand and give consideration to socio-cultural norms and discriminations in order to acknowledge the different rights, roles &amp; responsibilities of women and men in the community and the relationships between them. Gender sensitive policy, program, administrative and financial activities, and organizational procedures will: differentiate between the capacities, needs and priorities of women and men; ensure that the views and ideas of both women and men are taken seriously; consider the implications of decisions on the situation of women relative to men; and take actions to address inequalities or imbalance between women and men.</td>
</tr>
<tr>
<td>Global Environment Facility (GEF)</td>
<td>UNFCCC</td>
<td>The GEF is a multilateral facility established in 1991 that provides grants to developing countries for projects that address a variety of environmental problems. The GEF is also the formally designated financial mechanism for several multilateral agreements, including the UNFCCC.</td>
</tr>
<tr>
<td>Governance</td>
<td>Gen</td>
<td>Governance is generally described to encompass the interaction of laws and other norms, institutions, and processes in a society; how decisions are being made; as well as how and if responsible actors or decision-makers are held to account (if at all).</td>
</tr>
<tr>
<td>Green Climate Fund (GCF)</td>
<td>UNFCCC</td>
<td>At COP 16 in Cancun in 2010, Governments established a Green Climate Fund as an operating entity of the financial mechanism of the Convention under Article 11. The GCF will support projects, programmes, policies and other activities in developing country Parties. The Fund will be governed by the GCF Board.</td>
</tr>
<tr>
<td>Greenhouse gas (GHG)</td>
<td>Gen</td>
<td>The atmospheric gases responsible for causing global warming and climate change. The major GHGs are carbon dioxide ($CO_2$), methane ($CH_4$) and nitrous oxide ($N_2O$). Less prevalent - but very powerful - greenhouse gases are hydro fluorocarbons (HFCs), perfluorocarbons (PFCs) and sulphur hexafluoride (SF6).</td>
</tr>
<tr>
<td>Grievance redress mechanism (GRM)</td>
<td>Gen</td>
<td>A process for receiving, hearing, responding to and attempting to resolve Grievances within a reasonable time period.</td>
</tr>
<tr>
<td>High conservation values area</td>
<td>Gen</td>
<td>A natural habitat with conservation values considered being of outstanding significance or critical importance, requiring appropriate management for its maintenance.</td>
</tr>
<tr>
<td>Human rights</td>
<td>Gen</td>
<td>Are the fundamental rights and freedoms that belong to every person in the world, based on core principles like dignity, fairness, equality, respect and autonomy, including but not limited to the rights enshrined in relevant international treaties, conventions and other instruments.</td>
</tr>
<tr>
<td>Indicators</td>
<td>Gen</td>
<td>Agreed list of quantitative markers for monitoring progress towards desired goals and targets. The CCB Standards include indicators under each criterion that third-party auditors must use.</td>
</tr>
</tbody>
</table>
### Myanmar first Summary of Information (SOI)

<table>
<thead>
<tr>
<th>Concept</th>
<th>Source</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indigenous peoples</td>
<td>Gen</td>
<td>No internationally accepted definition of indigenous peoples exists. Common characteristics often applied under international law, and by United Nations agencies to distinguish indigenous peoples include: residence within or attachment to geographically distinct traditional habitats, ancestral territories, and their natural resources; maintenance of cultural and social identities, and social, economic, cultural and political institutions separate from mainstream or dominant societies and cultures; descent from population groups present in a given area, most frequently before modern states or territories were created and current borders defined; and self-identification as being part of a distinct indigenous cultural group, and the desire to preserve that cultural identity.</td>
</tr>
<tr>
<td>Intended nationally determined contributions (INDC)</td>
<td>UNFCCC</td>
<td>At COP20 in Lima it was decided that each country should submit an INDC covering the contribution towards achieving the objective of the Convention as set out in its Article 2, including how the Party considers that its INDC is fair and ambitious, in light of its national circumstances. An INDC can also include an adaptation component.</td>
</tr>
<tr>
<td>Land tenure</td>
<td>Gen</td>
<td>The relationship, whether legally or customarily defined, through which people, as individuals or groups, own or hold rights to use land.</td>
</tr>
<tr>
<td>Land Use, land Use Change and Forestry (LULUCF)</td>
<td>UNFCCC</td>
<td>This is one of six sectors in countries GHG inventories. It is further divided into six land use categories (forest land, cropland, grassland, wetlands, settlements and other lands).</td>
</tr>
<tr>
<td>Landscape</td>
<td>Gen</td>
<td>Landscape comprises the visible features of an area of land, including the physical elements of landforms such as (ice-capped) mountains, hills, water bodies such as rivers, lakes, ponds and the sea, living elements of land cover including indigenous vegetation, human elements including different forms of land use, buildings and structures, and transitory elements such as lighting and weather conditions.</td>
</tr>
<tr>
<td>Leakage</td>
<td>Gen</td>
<td>The unexpected loss of anticipated carbon benefits due to the displacement of activities in the project area to areas outside the project, resulting in carbon emissions. Leakage can negate some or all of the carbon benefits generated by a project. Although not often acknowledged, leakage can also be positive, if best practices are adopted outside of the project area and gain widespread use, e.g. the displacement of logging due to forest conservation activities.</td>
</tr>
<tr>
<td>Measurement, reporting and verification – MRV</td>
<td>UNFCCC</td>
<td>The collection of data and information at a national (or sub-national) level, and performance of the necessary calculations for estimating emission reductions or enhancement of carbon stocks and associated uncertainties against a reference level.</td>
</tr>
</tbody>
</table>
### Myanmar first Summary of Information (SOI)

<table>
<thead>
<tr>
<th>Multiple benefits</th>
<th>UNFCCC</th>
<th>When REDD+ prevents the loss or degradation of forest, this will result in multiple benefits in addition to protecting or enhancing carbon stocks. These include ‘ecosystem-based benefits’ are also called co-benefits or non-carbon benefits and include conservation of forest biodiversity, water regulation, soil conservation, timber, forest foods and other non-timber forest products.</th>
</tr>
</thead>
<tbody>
<tr>
<td>National adaptation programmes of actions (NAPAs)</td>
<td>UNFCCC</td>
<td>Process for the LDCs to identify priority activities that respond to their urgent and immediate needs with regard to adaptation to climate change - those needs for which further delay could increase vulnerability or lead to increased costs at a later stage.</td>
</tr>
<tr>
<td>National communication</td>
<td>UNFCCC</td>
<td>A document submitted in accordance with the Convention (and the Protocol) by which a Party informs other Parties of activities undertaken to address climate change. Most developed countries have now submitted their sixth national communications; most developing countries have completed their second national communication and are in the process of preparing their third.</td>
</tr>
<tr>
<td>National forest monitoring system</td>
<td>UNFCCC</td>
<td>This is one of the four elements REDD+ countries are requested to develop following the Cancun Agreement. The system should provide data and information that are transparent, consistent over time, and suitable for measuring, reporting and verifying anthropogenic forest related emissions by sources and removals by sinks. Decision 11/CP.19 provide further guidance, among others</td>
</tr>
<tr>
<td>National greenhouse gas inventory</td>
<td>UNFCCC</td>
<td>The national inventory is prepared according to the framework of rules supporting the United Nations Framework Convention on Climate Change (UNFCCC) and the Kyoto Protocol. All parties to these agreements must use the UNFCCC Reporting Guidelines on Annual Inventories and the supplementary reporting requirements under the Kyoto Protocol to prepare their national inventories. These guidelines establish standardised reporting formats and require detailed information on all aspects of each party’s National Inventory System, including measurement systems, data collection systems, estimation methodologies, reporting and data management.</td>
</tr>
<tr>
<td>National REDD+ strategy (NRS)</td>
<td>UNFCCC</td>
<td>This is one of the four elements REDD+ countries are requested to develop following the Cancun Agreement. Countries are requested to address, inter alia, the drivers of deforestation and forest degradation, land tenure issues, forest governance issues, gender considerations and the safeguards, ensuring the full and effective participation of relevant stakeholders, inter alia indigenous peoples and local communities.</td>
</tr>
<tr>
<td>Native or natural forests</td>
<td>Gen</td>
<td>A forest composed of indigenous trees not established by planting or/and seeding in the process of afforestation or reforestation.</td>
</tr>
<tr>
<td>Non timber forest products (NTFP’s)</td>
<td>Gen</td>
<td>Any product or service other than timber that is produced in forests. They include fruits and nuts, vegetables, fish and game, medicinal plants, resins, essences and a range of barks and fibres such as bamboo, rattans, and a host of other palms and grasses.</td>
</tr>
<tr>
<td><strong>Non-governmental organizations (NGOs)</strong></td>
<td>Gen</td>
<td>A non-governmental organization (NGO) is an organization that is neither a part of a government nor a conventional for-profit business.</td>
</tr>
<tr>
<td><strong>Party</strong></td>
<td>UNFCCC</td>
<td>A state (or regional economic integration organization such as the European Union) that agrees to be bound by a treaty and for which the treaty has entered into force.</td>
</tr>
<tr>
<td><strong>Payments for environmental (ecosystem) services (PES)</strong></td>
<td>Gen</td>
<td>The voluntary payment by a (minimum one) buyer to a (minimum one) provider to “buy” an environmental service (or a land use likely to secure that service), if, and only if the provider secures the environmental service.</td>
</tr>
<tr>
<td><strong>Permanence</strong></td>
<td>Gen</td>
<td>A key pre-requisite for the credibility of any carbon sequestration activity, particularly tree planting; that it has in place safeguards to cover the possibility that carbon removed from the atmosphere may be released in the future, for example, due to fire, disease or logging. In practice, ongoing verification of planted trees must take place where carbon offset credits have been generated for those carbon reductions.</td>
</tr>
<tr>
<td><strong>Policies and measures - PAMs</strong></td>
<td>UNFCCC</td>
<td>In REDD+, PAMs are nationally enacted policies and actions that countries undertake to reduce emissions or increase removals.</td>
</tr>
<tr>
<td><strong>Policies, laws and regulations (PLRs)</strong></td>
<td>UNFCCC</td>
<td>In the context of REDD+ PLRs is often referred to as the policies, laws and regulations in place to ensure that the REDD+ safeguards are being addressed.</td>
</tr>
<tr>
<td><strong>Protected area</strong></td>
<td>Gen</td>
<td>An area of land and/or sea especially dedicated to the protection and maintenance of biological diversity, and of natural and associated cultural resources, and managed through legal or other effective means.</td>
</tr>
<tr>
<td><strong>Readiness</strong></td>
<td>UNFCCC</td>
<td>Country actions in order to establish the required four building blocks for REDD+ (REDD+ strategy, FREL, NFMS and SIS), including capacity building, policy design, consultation and consensus building, and testing and evaluation of a REDD+ national strategy, prior to a comprehensive REDD+ implementation.</td>
</tr>
<tr>
<td><strong>REDD plus social &amp; environmental standards</strong></td>
<td>VM</td>
<td>An initiative used to provide a comprehensive framework of key issues to address with respect to the social and environmental performance of a REDD+ program. The standards provide guidance to assist with REDD+ design and also provide a mechanism for reporting on the social and environmental performance of REDD+ programs.</td>
</tr>
<tr>
<td><strong>REDD-plus (or REDD +)</strong></td>
<td>UNFCCC</td>
<td>The extra consideration in reducing greenhouse emissions beyond deforestation and forest degradation (REDD) being given to sustainable forest management and afforestation/reforestation in developing countries.</td>
</tr>
<tr>
<td><strong>REDD+ activity</strong></td>
<td>UNFCCC</td>
<td>The scope of REDD+ includes five recognised REDD+ activities: reducing emissions from deforestation, reducing emissions from forest degradation, conservation of forest carbon stocks,</td>
</tr>
<tr>
<td><strong>Reduced impact logging</strong></td>
<td>Gen</td>
<td>Logging techniques that result in significantly less damage to the surrounding forest and forest ecosystem. Examples of RIL include directional felling, trimming of inter-crown vines, and careful road planning.</td>
</tr>
<tr>
<td>----------------------------</td>
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<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Reducing emissions from deforestation &amp; forest degradation (REDD)</strong></td>
<td>Gen</td>
<td>An initiative to cut greenhouse gas emissions associated with forest clearing by the inclusion of “avoided deforestation” in carbon market mechanisms. More simply, payment in return for the active preservation of existing forests.</td>
</tr>
<tr>
<td><strong>Reforestation</strong></td>
<td>Gen</td>
<td>Reforestation is the direct human-induced conversion of non-forested land to forested land through planting, seeding and/or the human-induced promotion of natural seed sources, on land that was forested but that has been converted to non-forested land.</td>
</tr>
<tr>
<td><strong>Remote sensing</strong></td>
<td>Gen</td>
<td>A method of measuring deforestation and/or forest degradation by a recording device that is not in physical contact with the forest, such as a satellite.</td>
</tr>
<tr>
<td><strong>Resilience</strong></td>
<td>Gen</td>
<td>The capacity of a system to absorb disturbance and reorganize while undergoing change so as to retain essentially the same function, structure, and ecosystem services.</td>
</tr>
<tr>
<td><strong>Respecting safeguards</strong></td>
<td>UNFCCC</td>
<td>Respecting safeguards is commonly understood as the meaning how the PLR in place to address the safeguards are being respected in practice.</td>
</tr>
<tr>
<td><strong>Reversals</strong></td>
<td>UNFCCC</td>
<td>Re-emission of previously accounted removals, such as when an afforestation projects has generated carbon credits and then the carbon is re-emitted due to a disturbance by natural phenomena or human intervention.</td>
</tr>
<tr>
<td><strong>Rights holders</strong></td>
<td>Gen</td>
<td>Those whose rights are potentially affected by the REDD+ program, including holders of individual rights and Indigenous Peoples and others who hold collective rights.</td>
</tr>
<tr>
<td><strong>Safeguards (see also Cancun safeguards above)</strong></td>
<td>UNFCCC</td>
<td>The UNFCCC agreed on seven safeguards at COP16 in Cancun that should be promoted and supported when implementing REDD+. These include both social and environmental aspects.</td>
</tr>
<tr>
<td><strong>Safeguards information system (SIS)</strong></td>
<td>UNFCCC</td>
<td>The SIS is one of the four design elements countries need to develop. Here countries should provide information on how all the seven safeguards are being addressed and respected throughout the implementation of REDD+.</td>
</tr>
<tr>
<td><strong>Scale</strong></td>
<td>UNFCCC</td>
<td>Scale in the context of REDD+ referrers to the area included – national or subnational.</td>
</tr>
<tr>
<td><strong>Scope</strong></td>
<td>UNFCCC</td>
<td>Scope in the context of REDD+ refers to the five REDD+ activities to be included in REDD+ strategies and forest (emission) reference levels.</td>
</tr>
</tbody>
</table>
**Myanmar first Summary of Information (SOI)**

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Secondary forest</td>
<td>A forest or woodland area which has re-grown after a major disturbance but is not yet at the end point of succession (climax forest), usually distinguished by differences in ecosystem functionality, vegetation species diversity, structural complexity, among others.</td>
</tr>
<tr>
<td>Secretariat of the UNFCCC</td>
<td>The office staffed by international civil servants responsible for &quot;servicing&quot; the UNFCCC Convention and ensuring its smooth operation. The secretariat makes arrangements for meetings, compiles and prepares reports, and coordinates with other relevant international bodies. The Climate Change Secretariat, which is based in Bonn, Germany, is institutionally linked to the United Nations.</td>
</tr>
<tr>
<td>Silviculture</td>
<td>The science and practice of forest management measures aimed at controlling the establishment, growth, composition, health, and quality of forests to meet diverse needs and values of landowners and the society.</td>
</tr>
<tr>
<td>Stakeholder</td>
<td>An individual, group or body that has a legitimate stake or interest in the project and is either participating in or likely to be affected or influenced by the project.</td>
</tr>
<tr>
<td>Subnational</td>
<td>Subnational in the context of REDD+ is when implementing REDD+ in an area smaller than the full national territory.</td>
</tr>
<tr>
<td>Summary of information</td>
<td>In the context of REDD+ safeguards the summary of Information on how all the safeguards are addressed and respected should be provided to the UNFCCC.</td>
</tr>
<tr>
<td>Sustainable development</td>
<td>Development that meets the needs of the present generation without compromising the ability of future generations to meet their own needs (Brundtland Commission).</td>
</tr>
<tr>
<td>Sustainable management of forests</td>
<td>Sustainable management of forest is one of the five REDD+ activities. For all practical matters it can be considered as sustainable forest management.</td>
</tr>
<tr>
<td>Traditional knowledge</td>
<td>“...the manifestations of <em>indigenous peoples</em>+ sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts” (UN Declaration on the Rights of Indigenous Peoples).</td>
</tr>
<tr>
<td>Transparency and transparent</td>
<td>Mean that decisions taken and their enforcement are done in a manner that follows rules and regulations. It also means that information is freely available and directly accessible to those who will be affected by such decisions and their enforcement. It also means that enough information is provided and that it is provided in easily understandable forms and media (OECD, Citizens as partners, 2001).</td>
</tr>
<tr>
<td>United Nations Declaration on the Rights of</td>
<td>The UN Declaration on the Rights of Indigenous Peoples, was adopted by the United Nations General Assembly in 2007. The Declaration sets out the individual and collective rights of</td>
</tr>
</tbody>
</table>
**Myanmar first Summary of Information (SOI)**

<table>
<thead>
<tr>
<th>Indigenous Peoples</th>
<th>indigenous peoples, as well as their rights to culture, identity, language, employment, health, education and other issues.</th>
</tr>
</thead>
<tbody>
<tr>
<td>United Nations Framework Convention on Climate Change (UNFCCC)</td>
<td>An international agreement that was established in 1992 at the Rio Earth Summit. It is the overall framework guiding the international climate negotiations. Its main objective is &quot;stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic (manmade) interference with the climate system&quot;. The Kyoto Protocol is a Protocol to the UNFCCC.</td>
</tr>
<tr>
<td>Vulnerable people or groups</td>
<td>Those people or groups with high exposure to external stresses and shocks (including climate change); and with high sensitivity and low adaptive capacity to adjust in response to actual or expected changes due to their lack of secure access to the assets on which secure livelihoods are built (socio-political, cultural, human, financial, natural and physical). Forest dependency may be an important factor affecting vulnerability particularly where the project itself may change access to forest resources. In many situations marginalization exacerbates vulnerability, e.g. marginalization by gender.</td>
</tr>
</tbody>
</table>
Annex 2: Lists of Consultations for Preparation of SOI

>> to be added later
Annex 3: Summary of potential benefits and risks of REDD+ in Myanmar

This Annex provides a summarized overview of the potential benefits and risks of REDD+ PaMs that have been identified during the national benefits and risks workshop and the stakeholder engagement process. The full document was updated in July 2019 to incorporate additional inputs from the subnational consultations and consultations with ethnic nationalities on the National REDD+ Strategy. The benefits and risks have been grouped according to the Cancun safeguards. 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](http://www.myanmar-redd.org/wp-content/uploads/2017/10/Myanmar-benefits-and-risks-summary-by-safeguards-July-2019.pdf)

| Safeguard a: [REDD+] actions complement or are consistent with the objectives of national forest programmes and relevant international conventions and agreements | None of the **benefits and risks** that have been identified relate specifically to this safeguard. However, see:
- Safeguard c for benefits and risks related to consistency with conventions and agreements on the rights of indigenous people and local communities; and
- Safeguard e for benefits and risks related to consistency with conventions and agreements on labor rights, gender equality and environmental conservation. |
| --- | --- |
| **Safeguard b:** Transparent and effective national forest governance structures, taking into account national legislation and sovereignty | Potential **benefits** include:
- Enhanced transparency, accountability and rule of law;
- Increased government revenue as a result of a reduction in unregulated use of timber and other forest resources;
- Better involvement of stakeholders in the development of land use plans and management plans for protected areas;
- Strengthened collaboration on land use between different government departments, NGOs and private sector stakeholders, and between government departments and counterparts in neighboring countries or EAOs;
- Increased availability and consistency of environmental data related to land use and use rights;
- Reduced workload and expenditure of institutions involved in the gazetting of protected areas;
- Strengthening the capacity of government institutions and other stakeholders to address forest-related crimes might also lead to reduced incidence of crimes in other areas and an increase in public security.

Potential **risks** include:
- Land use plans, forest management plans and protected area management plans could be biased towards influential people, and interests of poor and vulnerable stakeholders as well as environmental considerations may not be well represented.
- An increased incentive for corruption or misappropriation of funds, if sufficient control mechanisms are not put in place. |
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<table>
<thead>
<tr>
<th>Safeguard c: Respect for the knowledge and rights of indigenous peoples and members of local communities, by taking into account relevant international obligations, national circumstances and laws, and noting that the United Nations General Assembly has adopted the United Nations Declaration on the Rights of Indigenous Peoples</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Potential benefits</strong> include:</td>
</tr>
<tr>
<td>• More consistent recognition of customary land rights.</td>
</tr>
<tr>
<td>• If PaMs are designed to help members of vulnerable groups (including women) to assert their rights and gain recognition for them, this could lead to greater equality in access to land and resources.</td>
</tr>
<tr>
<td><strong>Potential risks</strong> include:</td>
</tr>
<tr>
<td>• Processes for the recognition of customary rights may suffer from elite capture.</td>
</tr>
<tr>
<td>• If recognition of customary rights and consideration of current land use is not consistently addressed, this could result in members of local communities losing access to land and resources that are important for their livelihoods, getting into conflict with the law, or having their cultural heritage and customary practices affected.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Safeguard d: The full and effective participation of relevant stakeholders, in particular indigenous peoples and local communities (in REDD+ actions)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Potential benefits</strong> include:</td>
</tr>
<tr>
<td>• More inclusive and participatory planning processes leading to better recognition of local communities’ needs, including those of ethnic minorities, women and other disadvantaged groups.</td>
</tr>
<tr>
<td>• Improved relationships between the government, local communities and other stakeholders, opening up opportunities for collaboration and potentially facilitating the peace process in areas affected by conflict.</td>
</tr>
<tr>
<td>• Participatory planning processes and joint implementation approaches may enhance social cohesion within communities.</td>
</tr>
<tr>
<td><strong>Potential risks</strong> include:</td>
</tr>
<tr>
<td>• Stakeholder groups with low capacity to participate could be disadvantaged and not have their interests fairly represented, with negative impacts on their livelihoods.</td>
</tr>
<tr>
<td>• Streamlining of protected area gazetting could reduce the participation opportunities of stakeholders with legitimate interests in the decision, e.g. those with customary rights, and increase the risk of conflict.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Safeguard e: [REDD+] actions are consistent</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Potential benefits</strong> include:</td>
</tr>
</tbody>
</table>
with the conservation of natural forests and biological diversity, ensuring that the REDD+ actions are not used for 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>
<table>
<thead>
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<tbody>
<tr>
<td></td>
<td>More efficient allocation of suitable areas for different uses, leading to increased social and environmental benefits at the landscape level.</td>
</tr>
<tr>
<td></td>
<td>Better protection or recovery of biodiversity and ecosystem services of natural forests and other natural ecosystems.</td>
</tr>
<tr>
<td></td>
<td>Increased livelihood security, higher incomes, new job opportunities and better long-term economic perspectives as a consequence of diversified and more sustainable income sources, improved agricultural practices, increased and more reliable availability of natural resources and ecosystem services, better (and possibly cheaper) energy access, access to affordable credit, employment provided by PaMs.</td>
</tr>
<tr>
<td></td>
<td>More sustainable agricultural and forestry practices (including agroforestry) leading to enhanced provision of ecosystem services, reduced health risks and pollution, and conservation of biodiversity.</td>
</tr>
<tr>
<td></td>
<td>If plantations are located on degraded land and appropriate species and methods are selected, they may provide benefits for biodiversity and contribute to ecosystem services.</td>
</tr>
<tr>
<td></td>
<td>Environmental accounting can support more accurate reflection of the value of forests to society in government decision-making.</td>
</tr>
<tr>
<td></td>
<td>Increased awareness and knowledge on environmental issues among government staff, local communities and other stakeholders.</td>
</tr>
<tr>
<td></td>
<td>Reduced conflict between humans and wildlife (e.g. elephants) as a consequence of increased habitat area for wildlife.</td>
</tr>
<tr>
<td></td>
<td>Increased clarity over land rights and obligations of land users, reducing potential for conflict and allowing long-term plans and investments in sustainable land or forest uses.</td>
</tr>
<tr>
<td></td>
<td>Strengthening implementation of social standards in commercial agriculture and forestry operations.</td>
</tr>
<tr>
<td></td>
<td>Better access to electricity leading to improved living standards and economic opportunities (e.g. for SMEs).</td>
</tr>
<tr>
<td></td>
<td>Reduced indoor air pollution leading to health benefits.</td>
</tr>
<tr>
<td></td>
<td>Better nutrition and increased food security as a consequence of diversified agricultural production and higher incomes.</td>
</tr>
<tr>
<td></td>
<td>Reduced workload for collecting fuelwood, freeing up time for other tasks including economic activity, especially for women.</td>
</tr>
<tr>
<td></td>
<td>Reduced household expenses for energy, especially if alternative fuels are available at reasonable prices.</td>
</tr>
<tr>
<td></td>
<td>Increased efficiency of wood processing enterprises and charcoal producers, potentially resulting in lower consumer prices and/or higher income.</td>
</tr>
<tr>
<td></td>
<td>Improved gender equality in access to knowledge on good agronomic practices.</td>
</tr>
<tr>
<td></td>
<td>Increased overall public revenue due to a lower share of unregistered logging activity and illegal timber trade, less misappropriation of funds and better access to European and other international markets.</td>
</tr>
</tbody>
</table>
(DRAFT for comment – Sept 2019)

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Potential **risks** include:

- Insufficient consideration of environmental aspects in land use planning as a result of: powerful interests influencing the process in order to obtain short-term economic benefit.
- De-gazetting PFE land could result in a loss of protection for areas that still have some forest on them (e.g. partly degraded forest areas), or that would have potential for forest restoration.
- Processes to recognize customary land rights or increase participatory decision-making may result in non-environmentally friendly land uses, e.g. if land-holders decide to use unsustainable agricultural methods.
- Risks of negative environmental impacts from agricultural intensification.
- If supply chain measures are ineffective, there could be a ‘greenwashing effect’.
- Changes in revenue distribution and efforts to ensure domestic timber supply could have unintended effects that lead to expansion of forest use into new areas or reduced sustainability of existing uses.
- Negative environmental impacts from the generation/use of alternative energy sources, e.g. from fossil fuels, land demand for biofuels, impacts from hydropower expansions, etc.
- Negative impacts of plantations on soil and water resources and biodiversity.
- Environmental risks resulting from initiatives to increase revenue for protected areas, or as unintended consequences of investments in protected areas; for example, ecotourism development.
- If the results of environmental accounting are not interpreted appropriately, forest values which are difficult to describe in economic terms (e.g. cultural values) may be neglected.
- Poor people and other vulnerable groups may be unable to participate in or benefit from PaMs, leading to increased social inequality.
- Conflicts over the use of land and resources could arise during planning processes and efforts to clarify land tenure and use rights; development of land use plans and establishment of protected areas can also pose constraints for economic development.
- Risks for the safety and health of workers and local communities from inappropriate handling, storage and disposal of chemicals, hazardous wastes, electrical equipment or flammable and explosive substances.
- Community members/small enterprises may become exposed to financial risk due to adopting new crops, cultivation practices, marketing approaches or alternative livelihood strategies.
- Promotion of alternative fuels and measures to reduce fuelwood demand or increase supply can have an impact on the livelihoods of fuelwood selling and charcoal producing households.
- Promotion of alternative livelihood options, improved agricultural practices or increased electrification may lead to reduced traditional practices and associated cultural heritage and values.
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- Conflict with powerful stakeholders involved in illegal activities or corruption may put individual government officers, NGO staff, or members of local communities at risk.
- Establishment of fuelwood plantations and introduction of improved stoves may promote continued reliance on fuelwood and charcoal for energy and as a source of income.

### Safeguard f: Actions to address the risks of reversals

| None of the identified **benefits** relate specifically to this safeguard. |
| None of the identified **benefits** relate specifically to this safeguard. |
| Potential **risks** include: |
| Potential **risks** include: |
- Improved efficiency, productivity or profitability of non-forest land uses (e.g. agriculture or plantations) or commercial activities based on timber and fuelwood (e.g. charcoal production) could result in an unintended incentive for expansion of cultivated land or overexploitation of forest resources. |
- Private smallholder plantations may not be maintained over the long term. |
- 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. |
- Use of advanced and more efficient technology for energy generation, cooking or agriculture/plantation management may be reversed if equipment breaks or wears out and users do not have the knowledge or funds to repair or replace it. |

### Safeguard g: Actions to reduce displacement of emissions

| Potential **benefits** include: |
| Potential **benefits** include: |
- The overall carbon footprint of the energy sector may be reduced if alternative fuels and renewable energies are promoted in those situations where they have a lower footprint than fuelwood. |
- If demand for agricultural products cannot be met, crop cultivation and livestock grazing could simply be displaced to other areas, leading to conversion or degradation of forest or non-forest ecosystems. |
- 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. |
- 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. |
- Strengthened law enforcement in some areas may lead to increased demand for illegally or unsustainably sourced forest products and commodities from other places. |
Annex 4: Objectives of priority national policies and international commitments that REDD+ policies and measures in Myanmar should complement or be consistent with

<table>
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<tr>
<th>Table A1: Relevant national policies/programmes</th>
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<tr>
<td><strong>Policy/Programme</strong></td>
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<tr>
<td>National Forest Policy (1995)</td>
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</table>
### Regeneration & afforestation:
- To pursue sound programme of forest development through regeneration and rehabilitation operations to optimize productivity from natural forest;
- 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.
- Assign MTE an autonomous status so that it runs on a business enterprise basis with capability to make on the spot decisions;
- Privatize processing units owned by MTE for increasing efficiency and improved returns over investment Phase out obsolete and outdated sawmills;
- 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;
- Recognize the socio-economic importance of non-wood forest products in the list of priorities for forest development.

### Forest industry, marketing & trade:
- To promote efficient harvesting and sustainable utilization of all forms of forest produce;
- 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;
- To promote the export of value-added forest products and encourage use of under-utilized species;
- To ensure that domestic requirement of all forms of processed timber is adequately met through domestic processing;

### Forest research:
- 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;
- To promote problem-oriented forestry/forest products and socio-economic research to support sustainable forestry development.

**Forest planning:**
- 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.

**Intersectoral coordination:**
- 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.

**Institutional strengthening:**
- 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;
- To strength the forestry institutions in qualitative and quantitative terms to meet the changing needs.

**Budget & finance:**
- To maintain a level of funding and investment in the forestry sector, sufficient to achieve the goals and objectives of the National Forest Policy.

**People's participation & public awareness:**
- 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.

| National Forest Law (2018) | To implement the Forest Policy  
|                           | To implement the Resources and Environmental Conservation Policy  
|                           | To promote public participation when implementing the Forest Policy and Resources and Environmental Conservation  
|                           | Through conserving the forests, to improve the nation’s economy, to support the people’s livelihoods and to receive the benefits for long-term  
|                           | To implement the projects related with forest conservation, resources and environmental Conservation, and climate change and disaster risk reduction through aligning with international agreements  
|                           | To protect the forest and biodiversity from degradation, fire, pest and disease infestation.  
|                           | To implement the natural forest conservation and establishment of new forest estates at the same time  
|                           | To support the requirement of domestic fuel use  
|                           | To implement the sustainable forest management

|                                                                                                           | The purpose of this Policy is to provide long term direction and guidance to:  
|                                                                                                           | (a) Take and promote climate change action on adaptation and mitigation in Myanmar;  
|                                                                                                           | (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 |
|                                                                                                           | MONREC  
|                                                                                                           | 2018-2030  
|                                                                                                           | 'based on the periodic monitoring of the progress, to be revised as needed' (Policy)
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NEP principles:
(a) Clean environment and healthy, functioning ecosystems
(b) Sustainable economic and social development
(c) Mainstreaming environmental protection and management
Series of Strategic Frameworks/action plans will be developed for implementation of the NEP.

Objectives of the Environmental Conservation Law (2012):
(a) to enable to implement the Myanmar National Environmental Policy;
(b) to enable to lay down the basic principles and give guidance for |
| MONREC | N/A |

(c) Take decisions to create and maximize opportunities for sustainable, low carbon, climate resilient development, ensuring benefits for all

No quantitative targets or goals are included in the Strategy & Action Plan, but there are six priority “areas of action”:
- Integrating climate change into development policies and plans
- Establishing institutional arrangements to plan and implement response to climate change
- Establishing financial mechanisms to mobilize and allocate resources for investment in climate smart initiatives
- Increasing access to technology
- Building awareness and capacity to respond to climate change
- Promoting multi-stakeholder partnerships to support investment in climate smart initiatives
systematic integration of the matters of environmental conservation in the sustainable development process;
(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;
(d) to reclaim ecosystems as may be possible which are starting to degenerate and disappear;
(e) to enable to manage and implement for decrease and loss of natural resources and for enabling the sustainable use beneficially;
(f) to enable to implement for promoting public awareness and cooperation in educational programmes for dissemination of environmental perception;
(g) to enable to promote international, regional and bilateral cooperation in the matters of environmental conservation;
(h) to enable to cooperate with Government departments, Government organizations, international organizations, non-government organizations and individuals in matters of environmental conservation.

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<tr>
<td>(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;</td>
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<td>(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;</td>
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<tr>
<td>(c) To recognize and protect customary land tenure rights and procedures of the ethnic nationalities;</td>
<td></td>
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<tr>
<td>(d) To develop transparent, fair, affordable and independent dispute resolution mechanisms in accordance with rule of law;</td>
<td>National Land Resource Management Central Committee ?</td>
</tr>
</tbody>
</table>
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;

(f) To develop a National Land Law in order to implement the above objectives of National Land Use Policy.

**National Biodiversity Strategy and Action Plan**

**NBSAP vision:** 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:

- **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)

- **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 brought close to zero, and degradation and fragmentation is significantly reduced)

- **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...)

- **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...)

| MONREC | NBSAP: 2015-2020 | Review/update of NBSAP underway? |
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- 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)

**Myanmar Action Plan for Disaster Risk Reduction (2017)**

<table>
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<tr>
<th>Vision: Protect lives, economy, heritage and environment, through an inclusive approach towards sustainable development in Myanmar. Guiding principles:</th>
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<tr>
<td>• 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.</td>
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<tr>
<td>• 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.</td>
</tr>
<tr>
<td>• The priority actions will ensure ‘flexibility’ to meet special needs at the ground level and emerging needs due to the changing risk environment.</td>
</tr>
<tr>
<td>• 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.</td>
</tr>
<tr>
<td>• The action plan will be result oriented and measure changes in addressing risk through tracking disaster impacts.</td>
</tr>
<tr>
<td>• The priority actions will use a multi-hazard approach.</td>
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</table>

| Under National Disaster Management Committee (NDMC), the Disaster Management Work Committee chaired by the Union Minister for Social Welfare, Relief and Resettlement | To 2020; long-term vision to 2030. | Annual reports to be submitted by MAPDRR Secretariat. Impact assessment after 5-7 years. |
• The identification and prioritization of actions will be based on disaster risk and the impact of interventions.
• 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.

### Myanmar Sustainable Development Plan (2018-2030)

**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.

**Objectives:**
1. To support national reconciliation and the emergence of a united democratic federal Union.
2. To achieve balanced economic development across the States and Regions.
3. To create opportunities for the emergence of capable and skilled new generations for the benefit of the country.
4. To establish an economic system that can achieve and maintain positive development outcomes through the participation, innovation and efforts of all citizens.

**Pillars:**
1. Peace and stability, e.g. Strategy 1.3: Promote greater access to justice, individual rights and adherence to the rule of law; Strategy

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<td>Ministry of Planning and Finance, MSDP Implementation Unit</td>
<td>2018-2030</td>
<td>MSDP indicator framework</td>
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### 2.5: Enhancing the efficiency and competitiveness of State Economic Enterprises
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
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

| Constitution of Myanmar (2008) | Basic Principles of the Union include:
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<td>3. The State is where multi-National races collectively reside.</td>
<td>7. The Union practices genuine, disciplined multi-party democratic system.</td>
</tr>
<tr>
<td>13. There shall be a Region Hluttaw in each of the seven Regions, and a State Hluttaw in each of the seven States.</td>
<td>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.</td>
</tr>
<tr>
<td>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 tranquility 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.</td>
<td>23. The Union shall: (a) enact necessary laws to protect the rights of</td>
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the peasants; (b) assist peasants to obtain equitable value of their agricultural produce
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.
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.
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.
45. The Union shall protect and conserve natural environment.

Chapter VIII sets out 'Citizen, Fundamental Rights and Duties of the Citizens'

| National Strategic Plan for the Advancement of Women (2013-2022) | 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. 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 | Myanmar National Committee for Women’s Affairs, Ministry of Social Welfare, Relief and Resettlement | 2013-2022; action plans will be developed and implemented according to the calendar year. | 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 |
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in the management and safeguarding of natural resources, the environment and in adapting to climate change.

| Myanmar National Social Protection Strategic Plan (2014) | Myanmar’s vision for social protection is an inclusive, equitable and sustainable system that: (a) Contributes to human capital by facilitating access to essential social services, such as education, health, housing and water; (b) Protects people from risks and shocks; (c) Addresses economic and social vulnerabilities and food insecurity over the life cycle and promotes economic opportunities; and (d) Alleviates social exclusion. | Social Protection Working Committee, chaired by Ministry for Social Welfare, Relief and Resettlement | collection mechanisms, will be reviewed annually and will continue to be developed and refined. Reporting guidelines and timelines will be developed by the Management Committee for NSPAW |

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<thead>
<tr>
<th>Treaty/Convention name &amp; year</th>
<th>Status</th>
<th>Objective/s</th>
<th>Relevant national documents</th>
<th>Comments</th>
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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 Myanmar’s NBSAP. | 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) |
| Convention on Wetlands of International Importance, especially as Waterfowl Habitat (RAMSAR) (1971) | 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.  
National Wetland Policy and Strategic Actions (draft, 2018); National Wetland Action Plan | Myanmar has 4 Ramsar sites  
(https://www.informea.org/en/countries/MM/map)  
Unable to find copy National Wetland Policy or Action Plan |
| United Nations Convention to Combat Desertification (UNCCD) (1994) | 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 integrated approach which is consistent with Agenda 21, with a view to contributing to the achievement of sustainable development in affected areas.  
The main objectives of Myanmar’s NAP are:  
(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; | Myanmar National Action Programme (NAP) for combating desertification (2005)  
National report to UNCCD (2014)  
National report to UNCCD (2018) | No voluntary LDN targets |
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Ratified: 25 Nov 1994  
Paris Agreement:  
Signed: 22 Apr 2016  
Ratified: 19 Sep 2017 | 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.  
Relevant targets from NDC (2015):  
- 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.  
- By 2030, Myanmar’s permanent forest estate (PFE) target is to increase national land area as forest land with the following percent of total land area):  
  • Reserved Forest (RF) and Protected Public Forest (PPF) = 30% of total national land area  
  • Protected Area Systems (PAS) = 10% of total national land area  
  - To increase access to clean sources of electricity amongst | 1st Nationally Determined Contribution to Paris Agreement (2015)  
National Adaptation Programme of Action (NAPA) (2012)  
Myanmar Climate Change Strategy and Action Plan (see Table A1) | Existing national forest targets were used in the current NDC; NDC undergoing update in 2019-2020.  
NAP is under development, likely with GCF support. |
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.

- To increase the number of **energy efficient cook-stoves** 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.
- To decrease the rate of **deforestation** so that a significant mitigation contribution from the sector can continue to be realized:
  - To preserve natural forest cover to maintain biodiversity and ecosystems in Myanmar
  - 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
  - To increase the resilience of mangroves and coastal communities which are at risk of flooding.
  - To increase capacity Sustainable Forest Management.

- **Climate change & environment**:  
  - To achieve climate resilient, low-carbon, resource efficient and inclusive development as a contribution to the overall policy for sustainable development.
  - To mainstream environment and climate change into the national policy development and reform agenda.
  - To strengthen the climate change related institutional and policy environment through sharing of technical knowledge and best practice, training and institutional support.
  - To promote evidence-based planning and policy making
| Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (1975) | Signed: 13 Jun 1997  Accession: 11 Sep 1997 | CITES aims to ensure that international trade in specimens of wild animals and plants does not threaten their survival. | 2017 Annual Report | Each party required to submit annual reports as well as biennial implementation reports  
CITES Trade Database: [https://trade.cites.org/](https://trade.cites.org/) |
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<td>International Covenant on Economic, Social and Cultural Rights (1966)</td>
<td>Signature: 16 Jul 2015  Ratification: 6 Oct 2017</td>
<td>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.</td>
<td>Myanmar 2nd Cycle UPR (2015)</td>
<td>Universal Periodic Review (UPR) is a review of the human rights records of all UN Member States.</td>
</tr>
</tbody>
</table>
| Convention on the Elimination of All Forms of Discrimination against Women 1980 (CEDAW) | Accession: 22 Jul 1997 | 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  

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through the integration of climate change mitigation experience into sub-national, state and regional development planning initiatives.  
• To increase awareness of climate change at national, state and region and local level.  
• To promote an economy based on green growth.  
• To consistently monitor and take stock of the status of national environmental quality (i.e. through the use of standardized indicators).
**Forest Law Enforcement, Governance and Trade (FLEGT) Voluntary Partnership Agreement (VPA)**

| Inception of process: 2015 | 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.

A VPA is a bilateral trade agreement between the EU and a timber-exporting country outside the EU. A VPA aims:

- to guarantee that any wood exported from a timber-producing country to the EU comes from legal sources
- to help the partner country stop illegal logging by improving forest governance and regulation

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. |

| Sustainable Development Goals (SDGs) (2015) | In 2015, countries adopted the 2030 Agenda for Sustainable Development and its 17 Sustainable Development Goals 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.

The NRS specifically notes role of forests and REDD+ in achieving the following SDGs:
SDG 1: No poverty
SDG 2: No hunger | Myanmar country profile 2019
Myanmar SDG indicator baseline report (2017)
CSO is developing Myanmar’s SDG database |
| **United Declaration on the Rights of Indigenous Peoples (UNDRIP) (2007)** | **Goals. Up to 2030.** | **SDG 5: Gender equality**  
**SDG 10: Reduced inequalities**  
**SDG 13: Climate Action**  
**SDG 15: Life on land**  
See table A1 for information on the Myanmar Sustainable Development Plan (2018-2030) | **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.** |
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