

Table Two: Proposed Natural Resource Management Mechanisms

Stakeholder	Proposed Natural Resource Management Mechanisms
Civil-Society Organizations (CSOs)	<p>There are many Civil Society Organizations (CSOs) – including both organizations registered with the government and those that are not – which work in areas related to environmental protection and natural resource management in Myanmar. The main work of these CSOs is highlighting problems and advocating for solutions from the perspective of grassroots community members. The work of these CSOs uses two main approaches: conservation and rights-based approaches. Both approaches often include environmental awareness, education and training, policy development, advocacy activities.</p> <ol style="list-style-type: none"> 1) Conservation approach: “Conservation organizations tend to focus specifically on environmental protection, although with varying strategies to achieve their common goal.” 2) Rights-based approach: “Organizations that are using a rights-based approach work from a perspective of sustainable development and livelihoods and subsequently focus on issues such as food security, land tenure and rights, and community development and organizing.”ⁱ <p>It should also be noted that many CSO are issue-based, and thus have not necessarily produced reform proposals for natural resource management mechanisms across all sectors or all areas of Myanmar. In general, the work of most CSOs is based on a belief that Myanmar’s current legal framework for the management of natural resources is vastly inadequate, especially in terms of participation for the people living in areas where natural resources are being exploited. The following vision statement from the Burma Environment Working Group is illustrative of the principals guiding the activities of most CSOs working on environmental protection and natural resource management in Myanmar: <i>“In order to take steps towards ecologically and socially responsible development in [Myanmar], [the country] must have a sound policy framework for environmental protection and sustainable development that enables citizens to take part in decision making about their own development, and ensures responsible private sector investment.”</i>ⁱⁱ</p> <p>The following list is a general overview of some of the proposed changes to existing natural resource management</p>

mechanisms put forward by CSOs:

- All natural resource-related laws (and rules, regulations and procedures) should be clarified and harmonized where there is potential for overlap or contradiction.
- During decentralization, the roles and responsibilities of the different Ministries at different levels must be clarified, including the elimination of any dual-reporting or overlap.
- The decentralization of revenue collection and natural resource management mechanisms should be concluded at the same time since they are intimately connected.ⁱⁱⁱ
- Revenue transparency is crucial for local communities to benefit from natural resource exploitation. All aspects of revenue-collection (profit-sharing, taxes, royalties, fees, signing bonuses, etc.) and revenue-sharing must be fully reported on a regular basis and made available to the public.^{iv}
- Decentralization of the current natural resource management mechanisms to the State/Region governments are proposed because political representatives at that level will be better able to meet the concerns of and involve local people in decision-making process, especially in ethnic areas.
- There must be public oversight of the decentralization process to ensure that the new State/Region and local-levels mechanisms will actually create greater accountability for local people, rather than just a simple transfer of authority from unaccountable Union-level bodies to unaccountable State-level bodies. Accountability mechanisms could include state-level budget monitoring mechanisms, participatory EIA processes, community-based environmental monitoring initiatives, etc.
- Natural resource exploitation projects are often drivers of land confiscation in ethnic areas.
- Natural resource exploitation projects are often drivers of conflict in ethnic areas.^v Tatmadaw troops are often tasked to guard and secure areas around natural resource development projects and related infrastructure.^{vi}
- All mega-development projects should be suspended until proper legal frameworks are established.

- All mega-development projects should be suspended until the political dialogue advances and a sustainable peace is negotiated.^{vii}
- Free, Prior and Informed Consent (FPIC) should be achieved from local communities for all natural resource development projects. The key aspects of FPIC are: that effected communities must give their approval of all development projects before the project starts, in a way that is free from coercion and based on all relevant information.^{viii}
- Constitution should include recognition of the rights of Indigenous Peoples' to institute customary land land-use systems, and to participate in development decisions in their territory.^{ix}
- Greater contract transparency; with the full-scope of implementation plans and revenue arrangement made publicly available.
- Mega-development contracts negotiated by the SPDC former military junta should be re-negotiated.
- Need for an effective EIA system; that is participatory, independent, and follows global best practice.
- Community consultations must be actual consultations where the community's perspectives are input into the project development process; versus the current situation where the projects have already been approved by the central government and the community consultations are simply a formality and have no actual impact on the project.^x
- Need for comprehensive environmentally-focused oversight and monitoring (from ECDs and/or community organizations) of all natural resource exploitation projects. Monitoring should be conducted at all stages: planning, implementation, closing-down.
- Need for the regular compilation of reliable data on all aspects of all natural resource sectors including the environmental, health, economic and social costs of natural resource extraction projects.

- People depend on natural resources and the environment for their livelihood; all management strategies must take into account the impact on people and their livelihoods.
- Fair compensation for dislocation and government-initiated land acquisition; specifically land must be priced at current market rates, and relocation sites must be of equal or better quality with a consideration given to livelihood opportunities.
- The community-led community forestry model should be expanded.^{xi}

Environmentally-focused civil society organizations

It is next to impossible to provide a comprehensive overview of the specific positions and proposals of all CSOs working in Myanmar, but we can get a general feel for their positions by looking more closely at a targeted cross-section of environmentally-focused CSOs.

In order to provide a representative sample of CSOs that are actively engaged in natural resource management issues, the members of the Myanmar Alliance for Transparency and Accountability (MATA) and Burma Environmental Working Group (BEWG) were selected for closer examination. MATA is a civil society alliance with has more than 400 members that supports civil society actors to collaboratively advocate for transparency and accountability in all sectors across Myanmar. In order to get a representative sample of MATA's more active members, the nine MATA member organizations involved in the EITI Multi-stakeholder group (MSG) have been chosen.^{xii} The BEWG is a civil society alliance with 10 members that "envision[s] a Burma in which a democratic government and a strong civil society work together effectively to safeguard ecological and cultural diversity and ensure that the country's development policies provide equitable benefits to all."^{xiii}

The following table outlines any proposals for the reform of natural resource management mechanisms (or lack thereof) made by the nine MATA-MSG members and the ten BEWG members.

Civil-Society Organization	Proposed natural resource management mechanisms
88 Generation (Agribusiness and Farmer	Detailed proposals or policies (in English language) regarding

	Affairs Department) [MATA-MSG]	specific natural resources management mechanisms were not readily available through internet searches.
	Arakan Oil Watch (AOW) ^{xiv} [BEWG]	<p>Arakan Oil Watch focuses on the management of natural resource revenues, especially from the oil and gas sector. The following quote from the 2012 report “Burma’s Resource Curse: The case for revenue transparency in the oil and gas sector”^{xv} outlines AOW’s basic position:</p> <p>There is therefore an urgent need for Burma to manage oil and gas revenues with greater transparency and accountability as well as to reform its military-dominated economy to ensure that the benefits of the country’s resources are shared more equitably among its people and for the country’s sustainable development. If Burma prioritizes the protection of peoples and the environment in extraction projects and manages the revenues from the sale of its resources transparently, the country’s non-renewable resources can be used sustainably for the benefit of current and future generations, decreasing the pace and need to extract resources from additional areas.</p> <p>Mechanisms and systems for public disclosure of money flows, independent revenue management and auditing, civil society input, and equal benefit sharing currently exist in international standards of revenue transparency and are put into practice in oil and gas producing countries around the world. This report provides key lessons from these countries that Burma can draw on to improve the management of its oil and gas revenues and work toward ending its resource curse.</p>
	Bridging Rural Integrated Development and Grassroots Empowerment (BRIDGE) [BEWG]	Bridging Rural Integrated Development and Grassroots Empowerment (BRIDGE) works to facilitate and strengthen the capacities of people in Kachin State to manage their own natural resources. BRIDGE supports local communities to help them set up alternative economic activities and create their own rules for sustainable use of their forests. This includes training communities and helping them apply their traditional knowledge to manage

		natural resources sustainably, as well as providing practical help to communities establishing their own community forests. ^{xvi}
	Dawei Development Association (DDA) ^{xvii} [MATA-MSG]	<p>Dawei Development Association advocates for the rights of people living in the area slated for the development of the Dawei deepsea port and SEZ. DDA does not have any specific proposals/policies on natural resource management mechanisms. That being said, in their report “Voices From The Ground” DAA outlines it’s major concerns as follows:</p> <ul style="list-style-type: none"> • land is a critical livelihood asset for most people • local people require access to detailed information about development projects in their area • local people require meaningful consultation regarding development projects in their area • local people require a fair and transparent compensation process • project proponents (companies, governments, etc.) have legal obligations to respect and protect the human rights of communities and individuals affected by any development projects in their area^{xviii}
	EarthRights International (ERI) ^{xix} [BEWG]	EarthRights International (ERI) engages in a variety of areas of work include research and documentation, legal advocacy, education programs for civil society, and works alongside affected community groups to prevent human rights and environmental abuses associated with large-scale natural resource projects in Burma. ^{xx}
	EcoDev / ALARM ^{xxi} [MATA-MSG]	EcoDev/ALARM works in “community led natural resource management” but detailed proposals/policies regarding specific natural resource management mechanisms were not readily available through internet searches. ^{xxii}

	Green Trust [MATA-MSG]	Detailed proposals or policies (in English language) regarding specific natural resources management mechanisms were not readily available through internet searches.
	Kachin Development Networking Group (KDNG) ^{xxiii} [BEWG]	<p>KDNG outlined a policy agenda for reform of current natural resource management mechanisms in its report “Kachin State Natural Resources Development Policy Discussion Paper.”^{xxiv} For KDNG, reforming the constitution to devolve decision-making power over natural resource management is the most important reform at this time.</p> <p>The KNDG policy paper states “Social problem and environmental destruction became seriously alarming because of the centralized mega development projects and unsystematic exploitation of natural resources by the Burmese government in last 20 years. The local participation in decisions or management of resources is not included in development programs. We can see the result of this peace process so far is similar to the previous one. The solution is clear: first address constitutional inequalities before beginning large scale development so that Kachin State peoples can benefit from the development of our resources. All the mega development projects must be stopped during the peace process. These non-renewable resources must be developed only when our political structures are ready to ensure that the process does minimal harm and resources are used sustainably.”</p>
	Karen Environmental and Social Action Network (KESAN) ^{xxv} [BEWG & MATA-MSG]	<p>KESAN’s proposals for the reform of natural resource management mechanisms can be summed up with the following objectives:</p> <ul style="list-style-type: none"> • To assist in securing access to lands, water, forests, and the agricultural biodiversity that is the basis of Karen people’s

		<p>lives.</p> <ul style="list-style-type: none"> • To strengthen and inform civil society networks that advocate for good environmental governance. • To advocate for local, state and national policies and practices that safeguard the environment and the rights of local people while protecting against unsustainable and harmful development.^{xxvi}
	The Lahu National Development Organization (LNDO) [BEWG]	<p>LNDO has worked to monitor environmental destructive development in eastern Shan State.^{xxvii}</p> <p>Detailed proposals or policies (in English language) regarding specific natural resources management mechanisms were not readily available through internet searches.</p>
	Network for Environmental and Economic Development (NEED) ^{xxviii} [BEWG]	<p>Detailed proposals or policies (in English language) regarding specific natural resources management mechanisms were not readily available through internet searches.</p>
	The Pa-Oh Youth Organization (PYO) [BEWG]	<p>Detailed proposals or policies (in English language) regarding specific natural resources management mechanisms were not readily available through internet searches.</p>
	Paung Ku ^{xxix} [MATA-MSG]	<p>Detailed proposals or policies (in English language) regarding specific natural resources management mechanisms were not readily available through internet searches.</p>
	Sein Yaung Soe / Myanmar China Pipeline Watch Committee ^{xxx} [MATA-MSG]	<p>Media reports say that Sein Yaung Soe/Myanmar China Pipeline Watch Committee released a Situation Report including nine recommendations, but an English version of these were not readily available online.^{xxxi}</p>

		Detailed proposals or policies (in English language) regarding specific natural resources management mechanisms were not readily available through internet searches.
	Shan Sapawa Environmental Organization (Sapawa) [BEWG]	<p>Shan Sapawa Environmental Organization's "vision is a just and peaceful Shan State free of environmental destruction and exploitation. The mission of Sapawa is to empower Shan communities to protect their rights and livelihoods, and preserve their natural resources, and to expose the destruction of the environment and human rights violations occurring in Shan State to local peoples as well as the international community, in order to find ways to prevent such violations."^{xxxii}</p> <p>Detailed proposals or policies (in English language) regarding specific natural resources management mechanisms were not readily available through internet searches.</p>
	Shwe Gas Movement (SGM) ^{xxxiii} [BEWG & MATA-MSG]	<p>The Shwe Gas Movements proposals for natural resource mechanisms can be summed-up with the following points pulled from its advocacy reports:</p> <ul style="list-style-type: none"> • The constitutional denial of states' local authority over resources precludes fair distribution and development; the Burmese government should develop, ratify, and implement new legislation and amend the 2008 Constitution, revoking the ability of the government (and its state-owned enterprises) to function despite a lack of transparency. • Laws governing fiscal transparency and environmental responsibility are virtually non-existent; the Burmese government should develop, ratify, and implement

		<p>domestic environmental policies that meet international environmental norms and standards.</p> <ul style="list-style-type: none"> Without establishing a true federalist system providing authority to ethnic states and regions, communities will not be satisfied with the implementation of new national measures, hence conflicts and civil wars will remain unresolved.^{xxxiv xxxv}
	Wan Lark Rural Development Foundation [MATA-MSG]	Detailed proposals or policies (in English language) regarding specific natural resources management mechanisms were not readily available through internet searches.
	<p><u>Civil-society forums</u></p> <p>A statement produced following the Chin National Conference (Hakha, 15 November 2013) contained two points dealing with natural resource management mechanisms:</p> <ul style="list-style-type: none"> 07. The CNC urges that the State government be allowed to play a more important role when it comes to rights and issues related to land and natural resources; that priority be given to the consent and involvement of the indigenous people; that a clear system be defined through which the incomes obtained from the natural resources projects will be shared equally between the Union and the States; and that transparency and accountability be ensured when dealing with issues related to land and natural resources. 10. The CNC urges that the government collaborate with community-based organizations, scholars and experts in relevant fields to make policies and laws that guarantee the construction of road communications, support of long-term loans with lower interest rates, rights of land ownership, development of sustainable agriculture, and establishment of agricultural and livestock breeding education centres in order to create and implement a system that will ensure food security in villages across Chin State.^{xxxvi} <p>The Arakan State Conference (Kyaukphyu, 28 April 2014) made a number of recommendations regarding natural resource management mechanisms:</p>	

	<ul style="list-style-type: none"> • Rakhine State should receive a 50% share of all revenues from oil and gas projects in their region for state development • Rakhine State's electricity should be generated by natural gas • Management of natural resources in Rakhine state should be devolved to the state government level • Greater transparency and local participation in contract negotiations^{xxxvii} <p>A statement produced following the Myanmar Civil Society Organizations Forum (attended by 650 participants representing 257 organizations, 16 October 2014) contained a few recommendations related to natural resource management:</p> <ul style="list-style-type: none"> • To allow State and Region Governments to be elected by corresponding State and Region parliaments and to maintain full power • To abolish or repeal oppressive laws including, land laws, • To cease from implementing large scale investment projects across the country, including the border areas, that do not benefit the people in the country and to stop on-going projects should the people wish so^{xxxviii} <p>A statement from the Coalition of Indigenous Peoples in Myanmar/Burma (21 July 2015) has publicly called for Myanmar's laws and policies to accommodate "the collective rights of indigenous peoples to their lands, territories, and natural resources, including customary land use practices with regard to forests, rivers, and other land, as well as agricultural land" among other issues.^{xxxix}</p>
Myanmar-based think tanks	<p>While not dealing with the reform of natural resource management mechanisms specifically, current discussions around state/region governance reform include natural resources management. A report from MDRI-CESD / The Asia Foundation titled "State and Region Governments in Myanmar," has outlined some of the key governance reform issues that directly relate to natural resource management:</p> <ul style="list-style-type: none"> • Rationalize the administration and human resources of state and region government in order to clarify the roles and responsibilities of the state and region departments through law and regulation. • Deepen the deconcentration process within union Ministries, thereby strengthening the capacity of

	<p>subnational line Ministry departments to take on increasing roles (falls short of full devolution).</p> <ul style="list-style-type: none"> • Broaden the scope of state and region government responsibilities by amending the Schedule Two of the 2008 Constitution to give greater powers to state/region governments; including state/region management of more significant natural resources, and approval and oversight of natural resource extraction and development concessions.^{xi} • Strengthen public expenditure management, budgeting and resource allocation to give state/region governments greater information about resource availability, ability to collect tax revenues, and control over final budgets. • Develop a transparent and rules-based intergovernmental fiscal system that shares wealth and revenues among subnational units in a way seen as fair and equitable by all; including the people, national government, military, state and region governments, ethnic and regional parties, and the non-state armed groups. • Strengthen the political autonomy of the state/region government: a crucial strategic choice in Myanmar's decentralization process will be if, and when, to move this restricted form of decentralization towards fuller devolution involving more political autonomy and downward accountability for state and region governments. • Coordinating institutions to develop subnational governance vision and policies: need for a more detailed and broader-based consensus on decentralization policy and strategy that considers the long-term vision of the state's responsibilities at different levels and the sequence of reforms, recognize diversity in the capacity and needs of local governments, and focus on empowering and building local government capacity through implementation.^{xli}
Ethnic Armed Organizations	<p>Most Ethnic Armed Organizations have some form of natural resource management policies, although in practice the actual management of natural resources in EAO-controlled areas may or may not follow these policies. Mechanisms for the management of natural resource have been discussed in the peace process, but often only highlighting areas of concern without outlining specific policies, regulations, etc. It is difficult to make a definitive list</p>

of the proposed natural resource mechanisms for all EAOs but the following list is an overview of some of the main concerns and policy recommendations put forward by EAOs:

- Centralization of natural resource management is depriving ethnic people of the benefits from their own land.
- Centralization of natural resource management is driving conflict.
- Tatamaw troop movements - and resulting clashes - are often related to securing natural resource rich areas, projects and related infrastructure.
- The suspension of mega-development projects until the political dialogue advances and a sustainable peace is negotiated.
- Contracts for natural resource exploitation projects in ethnic areas were negotiated without the involvement of ethnic leadership, and should be renegotiated.
- Many EAOs have parallel natural resource management institutions that can serve as a model in decentralization process.
- Ethnic leadership and local people must be involved all decision-making processes regarding natural resource exploitation projects in their areas. Local knowledge and ideas will contribute to more successful projects.^{xlii}
- Locals must benefit from natural resource exploitation.
- End outflow of natural resource revenues from ethnic areas. Revenues must go to ethnic areas where natural resource exploitation projects are taking place.
- Profit-sharing and revenue-sharing from the natural resource sector should be a founding principal of the new federal system.^{xliii}

	<ul style="list-style-type: none"> • Support for transfer of exploration and extraction licensing authority to the state-level. • Support for community forestry. 										
Ceasefire Agreements (State and Union-level)	<p>Language on natural resource management and related issues is surprisingly sparse in the texts of the bilateral ceasefire agreements signed between the government and EAOs. Considering that greater autonomy over natural resource management is often cited as one of the key concerns of ethnic minority peoples' in Myanmar, and one of the key drivers of armed conflict, the almost complete lack of any mention of these issues is strange and begs the question why this core issue has not been addressed during ceasefire negotiations.^{xliv}</p> <p>The following table provides an overview of all mention (or lack of mention) of natural resource management mechanisms and related issues across the State and Union-level ceasefires.</p> <table> <tr> <th>Ethnic Armed Organization</th><th>Language related to natural resource management in bilateral ceasefire agreements</th></tr> <tr> <td>ALP</td><td>N/A^{xlv}</td></tr> <tr> <td>CNF</td><td> <u>2nd Union Level agreement - 9 December 2012</u> <ul style="list-style-type: none"> • Environmental Impact Assessments required for development projects in Chin State; agree to form a committee with experts; the principles of Free Prior and Informed Consent to be observed for natural resource extraction. (Point 6)^{xlvi} </td></tr> <tr> <td>DKBA</td><td>N/A^{xlvii}</td></tr> <tr> <td>KIO</td><td>N/A^{xlviii}</td></tr> </table>	Ethnic Armed Organization	Language related to natural resource management in bilateral ceasefire agreements	ALP	N/A ^{xlv}	CNF	<u>2nd Union Level agreement - 9 December 2012</u> <ul style="list-style-type: none"> • Environmental Impact Assessments required for development projects in Chin State; agree to form a committee with experts; the principles of Free Prior and Informed Consent to be observed for natural resource extraction. (Point 6)^{xlvi} 	DKBA	N/A ^{xlvii}	KIO	N/A ^{xlviii}
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	KNPP	<u>9 June 2012 agreement</u> <ul style="list-style-type: none"> Agree to let the public and NGOs study large-scale development plans including YwarThit dam. (Point 6)^{xlix}
	KNU	<u>6 April 2012 agreement</u> <ul style="list-style-type: none"> Agree to report land issues to state premier for solution before new land laws are enacted (Point 9) Agree to recognized ethnic organization and KNU land tenure system and to address customary land rights and land issues involving IDPs (Point 10) Agree to solve jointly for fair settlement of land disputes^l
	NDAA	<u>2011 negotiations</u> Included a number of specific proposals relating to natural resource management, on which agreement could not be reached: <ul style="list-style-type: none"> To allow the NDAA access to mining, coal and gold exploration and production. (Point 5) To send researchers to the area to assess natural resources. (Point 7) To allow access to teak wood trading for 10,000 tons, as well as 10,000 tons of other hardwoods. (Point 8)^{li}
	NMSP	<u>1 February 2012 agreement</u> <ul style="list-style-type: none"> Agree on solving land issues of the Mon people. (Point 12)^{lii}
	NSCN-K	N/A ^{liii}
	PNLO	N/A ^{liv}
	SSPP / SSA-N	N/A ^{lv}
	RCSS / SSA-S	N/A ^{lvi}

	<table border="1"> <tr> <td data-bbox="413 345 774 418">UWSA</td><td data-bbox="774 345 1829 418">N/A^{lvii}</td></tr> </table> <p>The text of the ‘draft National Ceasefire Agreement’ (draft-NCA) – an agreement to agree on the draft agreement was signed in Yangon on 31 March 2015^{lviii} – very likely includes some language on natural resource management and related issues, but to date an English language version of the draft NCA was not readily available online.</p>	UWSA	N/A ^{lvii}
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State-level governments and ministries	<p>Since the creation of State and Region governments after the establishment of a reformed system of government in 2011 (as designed in the 2008 Constitution) politicians and bureaucrats at the state-level have been adjusting to their new roles, and in some cases have made proposals for reform to the current natural resource management mechanisms. Some key examples of proposed mechanisms from the state-level government actors are:</p> <ul style="list-style-type: none"> • Shan State’s ‘Fund for Poverty Reduction and Environmental Conservation’ stipulates that mine sites must pay an up-front flat fee according to the size and type of mine; often 2,500,000 kyat for a small-scale mine of less than 50 acres.^{lix} The revenue collected by the Fund is to be used for extending small loans to farmers at the discretion of the Shan State cabinet. • The Shan State Minister for Forestry and Mines has proposed that all the tax revenue from natural resources in Shan should be split about 70-30 (State-Union). • The Kachin State government has demanded levies from gem mining companies to pay for construction of road to the Hpakant area. • At a conference in June 2015, the Kachin State Minister for Forestry and Mines signaled that the Kachin State government wants to work to end illegal logging in the state. He urged the Chinese government to develop a plan to stop illegal timber smuggling from Kachin State into China.^{lx} • There have been complaints that the State-level Ministries of Forestry and Mining lack adequate authority and 		

	human resources to properly monitor conservation activities.
Union-level governments and ministries	<p>Union Ministries are working to flesh-out and harmonize the complicated (some might say convoluted) network of Laws and regulations that make-up Myanmar’s natural resource management system. However, this process is very slow (answering the question why the process is so slow is beyond the scope of this paper, but it is likely due to vested interests imposing political constraints on, as well as the general poor functioning of, the Myanmar bureaucracy; which is highly inefficient even by normal bureaucratic standards).</p> <p>Some of the significant changes to Myanmar’s current natural resource management system proposed by actors within the Union-level government are:</p> <ul style="list-style-type: none"> • Amendments to the 1994 Mining Law (still in process) include transferring the responsibility for licensing small-scale and artisanal mines to state and region governments or self-administered zones, although with revenues from these mines being deposited in the Union Ministry of Mines account.^{lxi} • Ministry of Mines is currently working with the Geological Survey of Finland on a project titled “Sustainable Development of Mineral Resources in Myanmar” to improve the management of Myanmar’s mining sector.^{lxii} • The Union Forest Department has been working in cooperation with International Center for Integrated Mountain Development (ICIMOD) to create demonstration agroforestry farms using Sloping Agriculture Land Technology (SALT) as way to find alternatives to shifting cultivation. • Draft Environmental Impact Assessment Procedures have been written but not passed into Law.^{lxiv} • Policymakers have suggested that the Indonesian revenue-sharing structure may be a good model for Myanmar as a country with many regions and a diversity of natural resources.^{lxv} • The drafting of a new Electricity Law was completed in 2013 (the drafting process started in 2006), but the regulations in the new Law have yet to be enacted meaning that the rules from the 1984 Electricity Law are still in effect.^{lxvi} One of the key changes in the new Law is that authority over hydropower projects with generating capacity under 30MW will be devolved to the State-level governments. Some other key provisions in the new Electricity Law are : <ul style="list-style-type: none"> ○ The Ministry of Electrical Power (with approval from the Union government) has the authority to give

	<p>permits to local and foreign investors for large hydropower projects over 30MW;</p> <ul style="list-style-type: none"> ○ Foreigners are now able to invest in hydropower projects under 10MW (although in practice this already happens through joint-ventures); ○ Foreign investors are now able to fully own hydro and coal power plants; ○ A new Electricity Regulatory Commission (ERC) to supervise the monopolistic electric power entities has been established.^{lxvii}
Ethnic political parties & Members of Parliament	<p>Ethnic political parties and Members of Parliament (MPs) from Ethnic parties have a small role (percentage-wise) in the current political structure, but support for ethnic political parties has been growing steadily, and these parties will likely significantly increase their numbers in all levels of parliament after the November 2015 election.^{lxviii}</p> <p>Groupings of ethnic political parties – the Federal Democracy Alliance, the Nationalities Brotherhood Federation and the United Nationalities Alliance – are also a significant force that can potentially multiply the power of ethnic political parties inside and outside of parliament because they provide pre-established voting-blocs and the potential for a unified voice on important issues.</p> <p>While there is a diversity of perspectives in the policy platforms of ethnic parties and the positions of their MPs^{lxix}, the following list outlines some the significant policy proposals and concerns common among many ethnic political parties and MPs regarding natural resource management mechanisms:</p> <ul style="list-style-type: none"> • 56 political parties have put forward a framework for political dialogue which mentioned natural resources, land, and environmental policy in the Economic Sector discussion agenda.^{lxx} • MPs have complained that <i>hluttaw</i> representatives often deal with natural resource-related grievances from their constituents, but that they have very limited authority to pursue solutions to these complaints.^{lxxi} It is fair to say that many <i>hluttaw</i> MPs would like to increase their authority to react to natural resource related grievances. • Ethnic political parties want true devolution of natural resource management mechanisms. • Ethnic political parties want development decision-making processes to include real input from ethnic leadership and local communities. • Ethnic political parties want increased revenue-sharing to state governments. • Ethnic political parties want the Chief Minister appointment process reformed.^{lxxii}

	<ul style="list-style-type: none"> • There is support for the transfer of authority over the management of small-scale mines outlined in amendments to the Mining Law.^{lxxiii} • Greater contract transparency. • Value-added industries at the State-level. • Compensation for adverse environmental impacts. • Contributions to state-level infrastructure (e.g. roads). • Support Community Forestry.
Industry Organizations	<p>With Myanmar's natural resource sector being as diverse as it is, there are many investors and potential investors (both foreign and domestic) all with their own specific interest and concerns. That being said, there are some changes to Myanmar's natural resource management mechanisms that would be supported by the majority of investors and industry organizations, for example:</p> <ul style="list-style-type: none"> • Greater clarity and stability in natural resource sector regulatory environment; investors don't like unknowns, maybes, or multi-year legislation drafting processes.^{lxxiv} • Creation of a single application and contact-agency for natural resource exploration and extraction licenses, permits, etc. • An end to the practice of paying bribes and kickbacks when applying for natural resource exploration and extraction licenses, permits, etc. • In the case of significant devolution of authority over natural resource management, the new Union and State-level arrangement should not overlap and/or be contradictory, as this would simply add a layer of 'red tape.' • Devolution could mean State-level governments are more accountable to local people, thus reducing conflict between local communities and investors.

	<ul style="list-style-type: none"> • Support for a sustainable peace to be found quickly because investing in conflict areas is risky: requires expensive political-risk insurance, often causes production and export delays, can lead to bad public relations, etc. • The Myanmar Timber Merchants Association has complained about illegal logging and timber smuggling.^{lxxv}
International / regional bodies	<p>There are a tons of recommendations being made by international and regional organizations, but here are some of the significant proposed actions relating to Myanmar’s natural resource management mechanisms:</p> <ul style="list-style-type: none"> • An UNHCR report called for NCA negotiations to include provisions dealing with the land rights of IDPs and refugees; including amending the 2012 Land Laws, comparison and merging of land surveys and documents from EAOs and government departments, and the inclusion of community-based knowledge and expertise and any land reform process.^{lxxvi} • An UNHCR report has recommended some options for IDP and refugees who’s land has been allocated for other uses in their absence.^{lxxvii} • An UNHCR report has proposed that efforts be taken to ensure that communities are able to access the “everyday natural resources on which people depend, such as bamboo, leaves, cane and wild foods” in conflict areas.^{lxxviii} • Extractive Industries Transparency Initiative ‘Multi-Stakeholder Group’ has discussed the need to establish regional CSO-government EITI support groups. • Global Witness has highlighted the MOGE’s continued practice of signing secret oil and gas contracts, even after the Myanmar announced it’s intention to become an EITI compliant country.^{lxxix} • Yanghee Lee, Special Rapporteur on the situation of human rights in Myanmar, has recognized that there has

been “limited success in addressing the underlying issues at the heart of the conflict, including control over and benefit from natural resources.”^{lxxx}

- Myanmar endorsed the United Nations Declaration on the Rights of Indigenous Peoples in September 2007; key Articles relating to natural resources management include Article 32 on FPIC, and Article 10 on forced relocation.
- Other int’l mechanisms not yet incorporated into domestic law: Convention on Biological Diversity (CBD), National Sustainable Development Strategy (NSDS) as part of MDGs published in 2009, and 30 other international treaties that have elements relating to the environment. (see BEWG PPP pg22-23)
- The Asian Development Bank has recommended that “all investment in the coal sector should be undertaken by the private sector, through PSCs,” and have provided a detailed overview of potential coal developments in the Energy Assessment report.
- An Asian Development Bank energy assessment report has indentified a number of barriers to harnessing Myanmar’s renewable energy resources; including a lacks of a supportive legal framework, limited financing of research, and a policy of subsidizing petroleum prices.^{lxxxi}
- The civil society EITI International Board of representatives has called on “the Myanmar EITI multi-stakeholder group to agree steps to ensure that civil society has the freedom to operate and speak freely on transparency and natural resource governance issues, in line with the requirements of the EITI” in response to physical crackdowns on peaceful protest and measures to limit free expression of civil society actors in relation to extractive projects.^{lxxxii}

ⁱ BEWG PPP pg8

ⁱⁱ BEWG PPP page 9

ⁱⁱⁱ Any changes to natural resource management or revenue-sharing arrangements will affect three processes underway in Myanmar, and in turn be shaped by them. These are: i. Economic restructuring: exploration and mapping of new resources, increasing transparency of existing revenue flows, and privatization and corporatization of state-owned enterprises; ii. Political/constitutional reform: further decentralization, electoral processes, and potential changes to the 2008 Constitution; iii. Peace processes: ceasefire negotiations and a framework for political dialogue with ethnic armed groups. It is important for actors focused on one area of the reform to consider the linkages between the three, and to handle the sequence and timing of any fiscal decentralization or resource-wealth sharing carefully. (MDRI-CESD pg34)

^{iv} “In order to move to a country-wide, transparent system, such reporting should be routinized or derivation should be recorded in the national accounts.” (MDRI-CESD page 27)

^v Burma Rivers Watch and Karen Rivers Watch press releases on this issues can be found here: <http://www.burmapartnership.org/2015/01/ethnic-communities-salween-dams-are-fueling-war-and-must-be-stopped/> and <http://www.burmapartnership.org/2012/03/investors-haste-to-build-big-dams-is-undermining-fragile-peace-process-in-karen-state/>

^{vi} A Karen Rivers Watch report from November 2014 outlines increasing Tatmadaw and Border Guard Force troops movements in the areas around the proposed Hat Gyi Dam on the Salween River; see “Afraid To Go Home: Recent violent conflict and human rights abuses in Karen State” http://burmacampaign.org.uk/media/afraid_to_go_home_recent_violent_conflict_and_human_rights_abuses_in_karen_state.pdf

^{vii} KDNG Policy Discussion Paper

^{viii} OXFAM Guide to FPIC <https://www.oxfam.org.au/explore/mining/free-prior-and-informed-consent/>

^{ix} Coalition of Indigenous Peoples in Myanmar/Burma press release from 21 July 2015: “2008 Constitution doesn’t mention the rights of Indigenous People’s right to participation of development decisions, customary land rights, or FPIC. Current draft National Land Use Policy privileges investors and doesn’t address land-use concerns of ethnic minorities, and it should be amended to recognize ‘the collective rights of indigenous peoples to their lands, territories, and natural resources, including customary land use practices with regard to forests, rivers, and other land, as well as agricultural land.’” Snaing, Yen. “Indigenous Rights Coalition in Burma Plans UPR Submission,” 21 July 2015. The Irrawaddy. <http://www.irrawaddy.org/burma/indigenoustrightscoalitioninburmaplansuprsubmission.html>

^x Nyein Nyein. “Mongton Dam Consultations a ‘Rubber Stamp’: Community Groups,” The Irrawaddy: 9 June 2015. <http://www.irrawaddy.org/burma/mongton-dam-consultations-a-rubber-stamp-community-groups.html>

^{xi} “As part of its forestry programme, BRIDGE supports local communities to help them set up alternative economic activities and create their own rules for sustainable use of their forests.” (BEWG PPP report page ???)

^{xii} See Table 1. <http://myanmar-responsiblebusiness.org/pdf/2014-10-11-Briefing-Paper-CSOs-and-Extractives-Industries-Myanmar.pdf>

^{xiii} <http://www.bewg.org/en/about-bewg>

^{xiv} <http://www.burmapartnership.org/tag/arakan-oil-watch/>

^{xv} Arakan Oil Watch (2012). “Burma’s Resource Curse: The case for revenue transparency in the oil and gas sector” <http://www.burmacampaign.org.uk/images/uploads/Burmas-Resource-Curse.pdf>

- xvi <http://bewg.org/en/pubs/finish/4/64>
- xvii <http://www.ddamyanmar.com/>
- xviii Dawei Development Association (September 2014). “Voices From The Ground: concerns over the Dawei Special Economic Zones and related projects” <http://www.ddamyanmar.com/wp-content/uploads/2014/10/Voice-from-the-Ground-Engonline-1.pdf>
- xix <http://www.earthrights.org/>
- xx <http://bewg.org/en/pubs/finish/4/64>
- xxi <http://www.cifor.org/forestsasia/speaker/win-myo-thu/>
- xxii See “Economically progressive Ecosystem Development group (EcoDev)” entry at <http://www.mernmyanmar.org/membercontact.php>
- xxiii <http://www.kdng.org/>
- xxiv <http://www.kdng.org/press-release/455-press-statement-of-kdng-kachin-state-natural-resources-development-policy-discussion-paper.html>
- xxv <http://www.kesan.asia/>
- xxvi <http://www.kesan.asia/index.php/who-we-are>
- xxvii Lahu National Development Organization “Undercurrents: Monitoring Development on Burma’s Mekong,” Issue 1, January 2005. <http://www.burmariversnetwork.org/images/stories/publications/english/undercurrents1.pdf> & Lahu National Development Organization “Undercurrents: Monitoring Development on Burma’s Mekong,” Issue 2, July 2006. <http://www.burmariversnetwork.org/images/stories/publications/english/undercurrents2.pdf>
- xxviii <http://www.need-burma.org/>
- xxix <https://www.facebook.com/PaungKu>
- xxx <https://www.facebook.com/MyanmarChinaPipelineWatch>
- xxxi <http://www.mmtimes.com/index.php/national-news/3748-pipeline-companies-to-investigate-new-complaints-official.html>
- xxxii <http://bewg.org/en/pubs/finish/4/64>
- xxxiii <http://www.shwe.org/>
- xxxiv Shwe Gas Movement (September 2013). “Drawing The Line: the case against China’s Shwe Gas Project, for better extractive industries in Burma” <http://burmacampaign.org.uk/media/DrawingTheLine.pdf>
- xxxv Shwe Gas Movement (June 2013). “Good Governance and the Extractive Industry in Burma: Complications of Burma’s Regulatory Framework” <http://www.burmalibrary.org/docs15/SGM-Governance-2013-06-en-red.pdf>
- xxxvi <http://www.chinlandguardian.com/index.php/chin-news/item/2029-statement-of-the-chin-national-conference>
- xxxvii “Arakan National Conference calls for Rakhine to get 50% of oil and gas revenues,” 29 April 2014, Mizzima News online. <http://archive-3.mizzima.com/mizzima-news/development/item/11125-arakan-national-conference-calls-for-rakhine-to-get-50-of-oil-and-gas-revenues/11125-arakan-national-conference-calls-for-rakhine-to-get-50-of-oil-and-gas-revenues>
- xxxviii http://www.asienhaus.de/uploads/tx_news/Statement_-_Myanmar_CSOs_Forum_English.pdf
- xxxix <http://www.irrawaddy.org/burma/indigenous-rights-coalition-in-burma-plans-upr-submission.html>

^{xi} “Responsibility for concessions, currently centralized and contentious for many state and region stakeholders, could be shared between the central and state/region government, or subject to state and region project appraisals. Involving state and region authorities in the Extractive Industries Transparency Initiative (EITI) structures and processes could help build capacity for these roles.”

<https://asiafoundation.org/resources/pdfs/StateandRegionGovernmentsinMyanmarCESDTAF.PDF>

^{xli} Pages 76-81 in Nixon, Hamish, et al. (2013). “State and Region Governments in Myanmar,” MDRI-CESD / The Asia Foundation.

<https://asiafoundation.org/resources/pdfs/StateandRegionGovernmentsinMyanmarCESDTAF.PDF>

^{xlii} “We undertook this mission at the invitation of the KNU’s 3rd Brigade and central headquarters. There had previously been plans to construct a large dam on the Bawgata River. The KNU rejected this approach, and proposed instead the construction of two or more smaller dams – with a focus on identifying and addressing the environmental and social impacts of any hydropower project. The KNU insisted that the community should be consulted at all stages of the project.” South, Ashley. “Norwegian support for hydropower: peacebuilding through best practice,” 21 October 2014. Democratic Voice of Burma (English website). <https://www.dvb.no/news/norwegian-support-for-hydropower-peacebuilding-through-best-practice/45265>

^{xliii} “Revenue sharing has been discussed ‘in principle’ at many levels and forums, including in the peace process, though there is little specificity about what is to be shared, to what purpose, and how.” (MDRI-CESD)

^{xliv} Reasons for clashes and ceasefire violations, page 16, *Deciphering Myanmar’s Peace Process: a reference guide 2015*

<http://mmpeacemonitor.org/images/2015/august/dec-myan-peace-process-2015-eng.pdf>

^{xlv} <http://www.mmpeacemonitor.org/images/pdf/RSLP-Government.pdf>

^{xlvi} <http://www.mmpeacemonitor.org/images/pdf/CNF-Government-Union-level.pdf>

^{xlvii} <http://www.mmpeacemonitor.org/images/pdf/Kalo-Htoo-Baw.pdf> & <http://www.mmpeacemonitor.org/images/pdf/Kalo-Htoo-Baw-Dec2011.pdf>

^{xlviii} <http://www.mmpeacemonitor.org/images/pdf/7points-agreement-kio-and-govt-eng.pdf>

^{xlix} <http://www.mmpeacemonitor.org/images/pdf/loikaw2012-2.pdf>

ⁱ KNU Press Release related to the Ceasefire Agreement <http://www.mmpeacemonitor.org/images/pdf/The-KNU-Press-Release-on1st.pdf>

^{li} <http://www.mmpeacemonitor.org/images/pdf/NDAA-Proposed-Terms.pdf>

^{lii} <http://www.mmpeacemonitor.org/images/pdf/NMSP-Government-feb2012.pdf>

^{liii} <http://www.mmpeacemonitor.org/images/pdf/NSCN-K-Government.pdf>

^{liv} http://www.mmpeacemonitor.org/images/pdf/20120825_five_points_state_level_agreement.pdf &

http://www.mmpeacemonitor.org/images/images/20130323_pnlo_govt_agreement.jpg &

http://www.mmpeacemonitor.org/images/pdf/20130323_pnlo_govt_union_level_agreement_eng.pdf

^{lv} <http://www.mmpeacemonitor.org/images/pdf/SSPP-SSA-N-Government.pdf>

^{lvi} <http://www.mmpeacemonitor.org/images/pdf/SSA-S-Government-19may2012.pdf> & <http://www.mmpeacemonitor.org/images/pdf/SSA-S-Government-16jan2012.pdf> & <http://www.mmpeacemonitor.org/images/pdf/SSA-S-Government.pdf>

^{lvii} http://www.mmpeacemonitor.org/images/images/20130712_5_points_agreement_of_uwsa.jpg & <http://www.mmpeacemonitor.org/images/pdf/UWSA-Government.pdf>

^{lviii} http://www.burmalibrary.org/docs21/BCES-2015-05-BP24-CF_Agreement-red.pdf

lix (MDRI-CESD NR&SG page 30-31)

lx Eleven Myanmar. "Myanmar, China forest reserves trade." June 2015. <http://www.elevenmyanmar.com/local/myanmar-china-forest-resources-trade>

lxi (MDRI-CESD NR&SG page 30)

lxii "MoU on Sustainable Development of Mineral Resources in Myanmar signed with Finland" <http://www.burmalibrary.org/docs17/NLM2014-03-18.pdf>

lxiii "Deputy Minister of Mines H.E. U Than Tun Aung discusses the enormous potential of Myanmar's mining industry" <http://www.european-times.com/countries/minister-mines/>

lxiv Draft of the EIA Procedures from 2013 can be found here http://www.burmalibrary.org/docs15/2013-03-draft_eia_rules-en.pdf

lxv (MDRI-CESD pg42)

lxvi The Draft Electricity Law (2013) can be found here http://www.burmalibrary.org/docs18/2013-Electricity_Bill-en.pdf

lxvii "Myanmar's New Electricity Law" <http://www.dfdl.com/resources/news/942-myanmars-new-electricity-law>

lxviii "Ethnic political parties hold 43 seats (10%) out of 431 seats in the Union Pyithu Hluttaw, 29 seats (13%) in the Amyotha Hluttaw. In the state and region parliaments, they hold 106 seats (12%) out of 883 total seats." MDRI-CESD NR&SG page 38.

lxix The MDRI-CESD NR&SG report concludes that while there is some common ground amongst ethnic political parties, thus far the discussion of these issues has been very surface-level which implies that difference will likely emerge as more-detailed policy platforms are developed. The report concludes that "public debate so far has mainly not distinguished between the issues of natural resource concessions, revenues, ownership, and environmental impact [and] revenue sharing has been discussed 'in principle' at many levels and forums, including in the peace process, though there is little specificity about what is to be shared, to what purpose, and how." MDRI-CESD NR&SG page 38.

lxx "Political framework of 56 political parties (unofficial translation)" Appendix 2:3 in *Deciphering Myanmar's Peace Process: a reference guide 2015* <http://mmpeacemonitor.org/images/2015/august/dec-myan-peace-process-2015-eng.pdf>

lxxi One MP was quoted as saying "[t]he authority and power of the *hluttaw* representative is still very weak and they cannot implement all the requested activities even though they record the people's needs." MDRI report "State and Region Governments in Myanmar" pg 61

lxxii Efforts to amend Article 261 of the 2008 Constitution to enable State Parliaments to elect their own Chief Ministers recently failed, even with the support of the USDP, because of the Tatmadaw's 25% veto on any constitutional amendments. Moe, Wai. "Burma's Political Establishment Is at War With Itself," 21 July 2015. Foreign Policy.

lxxiii "Policymakers interviewed stated that the draft amended [Mining Law] will include a category for 'medium scale' mining, transfer the control of permits for 'small scale' and artisanal mining to state/region government control." (MRDI-CESD)

lxxiv For example, an analysis of the draft Electricity Law highlighted important gaps in the new Law and outlined how these gaps are a cause for concern of potential investors: "Hydro and coal projects are not mentioned in Notification 49, so it may be concluded that they may be 100 percent foreign owned. In this context of change, however, it is still advisable to potential investors for projects of this nature to check with MOEP before proceeding."

<http://www.dfdl.com/resources/news/942-myanmars-new-electricity-law>

lxxv Eleven Myanmar. "Illegal logging incurs US\$ 200 million worth of losses every year according to the Myanmar Timber Merchants Association," 4 December 2013. <http://www.illegal-logging.info/content/millions-lost-illegal-timber-trade-china>

^{lxxvi} “The NCA, and other multilateral and bilateral negotiations, should contain commitments in principle to addressing land rights issues, with detailed arrangements to be discussed as a key element of nationwide political dialogue. Key concerns include: Recognising that many refugees and IDPs have lost Housing, Land and Property (HLP) during more than half-a-century of armed conflict; devising a system to record and address HLP rights issues, including frameworks for restitution and/or compensation; addressing the phenomena of ‘secondary settlement’ and land disputes. Revision of Myanmar’s inequitable 2012 land laws (as part of a nationwide political dialogue, or otherwise) should include recognition of, and measures to protect and respect, customary land tenure systems (including traditional upland farming). Discussion and negotiation are needed on the relationship between EAG land surveys and documentation, and those undertaken and provided by the state. Such processes should draw on the extensive capacities within civil society focused on land rights issues – both national entities, and regional ethnic national civil society organizations (CSOs) and CBOs focused on land management, human rights, environmental issues, and other related fields.” <http://www.ashleysouth.co.uk/files/South%20and%20Jolliffe%20UNHCR%20PDES%20March%202015.pdf>

^{lxxvii} UNHCR “Questions and Answers on Land Issues in Myanmar” : “There are a number of formal and informal channels that may be utilized for redress when land has been confiscated or appropriated by another. These include:

- Lodging a written complaint with the Land Investigation Commission or the Rule of Law and Stabilization Committee. This should be done by August 2014.³
- Lodging a complaint with the respective Land Utilization Management Committees at the District and Township levels.⁴
- Lodging a complaint with the respective Ministers for National Race Affairs.
- Forming a committee at the local level to seek the return of land or compensation for the use of land or loss of livelihood.
- Submitting written complaints to authorities, including the Government, KNU, and private companies, stipulating the amount and value of land that has been affected.
- Negotiating with businesses, armed groups, or government officials on the terms of land use.
- Non-Compliance – simply refusing to allow others to occupy or utilize the land.”

^{lxxviii} “Forced Migration and the Myanmar Peace Process” : “As well as land, it is crucial that similar considerations are made to ensure that everyday natural resources on which people depend, such as bamboo, leaves, cane and wild foods, are available to local communities. These kinds of arrangements may depend primarily on local level agreements between lower-level commanders and authorities from different sides (as well as local communities), but could be encouraged by efforts of higher-level authorities to acknowledge such matters in talks.”

<http://www.ashleysouth.co.uk/files/South%20and%20Jolliffe%20UNHCR%20PDES%20March%202015.pdf>

^{lxxix} <https://www.globalwitness.org/campaigns/oil-gas-and-mining/myanmar-oil-and-gas/>

^{lxxx} <http://yangon.sites.unicnetwork.org/2015/03/17/statement-by-ms-yanghee-lee-special-rapporteur-on-the-situation-of-human-rights-in-myanmar-28th-session-of-the-human-rights-council-item-4-16-march-2015-geneva/>

^{lxxxi} Barriers (from ADB Energy Assessment) : “While Myanmar has abundant renewable energy resources, harnessing them is hampered by several factors: (i) lack of a fully transparent institutional and legal framework to support exploration, development, and deployment; (ii) limited financial capital to support research and development, market-based investment programs, and development of physical infrastructures; (iii) lack of human resource capacity; and (iv) subsidized power and petroleum prices, which make it difficult for wind and solar energy alternatives to compete. Establishment of a more supportive environment for development of Myanmar’s renewable energy resources should include the following: (i) more information on the resource potential; (ii)

improved inter-ministerial cooperation and coordination; (iii) promotion of private sector participation; (iv) clarification of government policy regarding renewable energy; and (v) technology dissemination regarding family-size biogas digesters, mini-hydropower plants, and other options for rural use.”

^{xxxii} <http://www.publishwhatyoupay.org/pwyp-news/csos-on-eiti-board-call-for-myanmar-to-lift-restrictions-on-civil-society-spacev/>