






Centralized National Risk Assessment for Myanmar

FSC-CNRA-MM V1-0 EN

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Contact for comments:	FSC International Center - Performance and Standards Unit - Adenauerallee 134 53113 Bonn, Germany
	 +49-(0)228-36766-0  +49-(0)228-36766-30  policy.standards@fsc.org
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Risk assessments that have been finalized for Myanmar

Controlled Wood categories		Risk assessment completed?
1	Illegally harvested wood	YES
2	Wood harvested in violation of traditional and human rights	YES
3	Wood from forests where high conservation values are threatened by management activities	YES
4	Wood from forests being converted to plantations or non-forest use	YES
5	Wood from forests in which genetically modified trees are planted	YES

Risk designations in finalized risk assessments for Myanmar

Indicator	Risk designation (including functional scale when relevant)
Controlled wood category 1: Illegally harvested wood	
1.1	Specified risk
1.2	N/A for natural forest Specified risk for plantations
1.3	Specified risk
1.4	Specified risk
1.5	Specified risk
1.6	Specified risk
1.7	Specified risk
1.8	Specified risk
1.9	Specified risk
1.10	Specified risk
1.11	Specified risk
1.12	Specified risk
1.13	Specified risk
1.14	N/A
1.15	N/A
1.16	Specified risk
1.17	Specified risk
1.18	Specified risk
1.19	Specified risk
1.20	Specified risk
1.21	N/A
Controlled wood category 2: Wood harvested in violation of traditional and human rights	
2.1	Specified Risk for Kachin, Shan and Rakhine States; Low Risk for the rest of the country
2.2	Specified risk for right to freedom of association and collective bargaining; for child labour; for forced labour and for discrimination against women and ethnic groups in the labour market.
2.3	Specified risk
Controlled wood category 3: Wood from forests where high conservation values are threatened by management activities	
3.0	Low risk
3.1	Specified risk
3.2	Specified risk
3.3	Specified risk
3.4	Specified risk
3.5	Specified risk
3.6	Specified risk

Controlled wood category 4: Wood from forests being converted to plantations or non-forest use	
4.1	Specified risk
Controlled wood category 5: Wood from forests in which genetically modified trees are planted	
5.1	Low risk

Risk assessments

Controlled wood category 1: Illegally harvested wood

Overview

LAND CLASSIFICATION: In Myanmar there is a fundamental misalignment between land use and land administration, and primary and secondary forests and long fallows shifting cultivation are the main anomalies. Myanmar's land is classified into:

- urban municipal areas (under the Settlement and Land Records Department SLRD municipal jurisdiction);
- settled agriculture (under Ministry of Agriculture and Irrigation (MOAI) jurisdiction);
- Permanent Forest Estate (or PFE) (under the jurisdiction of the Ministry of Natural Resources and Environmental Conservation - MONREC); and lastly the problematic 'Unclassified Forests / Land at disposal of government / Vacant, Fallow and Virgin (VFV) land' where the land is under the jurisdiction of the GAD, but any trees are under the jurisdiction of the Forest Department (FD) within the MONREC.

FOREST CATEGORIES: Myanmar covers 67.66 million ha (mha). The Permanent Forest Estate is estimated at 19.78 mha (FAO, 2010). Within this, Reserved Forests are the major category (12.18 mha). Protected Public Forests (PPF) cover 4.09 mha and Protected areas 3.51 mha. Reserved forests have detailed management planning, whereas PPF are not managed for intensive timber production but for local needs.

NOTE: It is impossible to find definitive data on land category extent as different departments give data with large margins of discrepancy. 'Unclassified forests' (UF) are those forest areas which the Forest Department has not gazetted as forests, so remain under jurisdiction of the MoALI, although MTEt and its contractors extract timber from them on an ad hoc basis.

FOREST OWNERSHIP: all ownership of land in Myanmar is vested in the government. Management of some village forest areas has been granted to local Community Forest User Groups.

FOREST PERMIT TYPES: The Forest Department is responsible for management and conservation of forests; they grant extraction permits to extract specified quantities and types of timber to Myanmar Timber Enterprise (MTE). MTE in turn may subcontract the extraction to private sector companies. The permit requires the agent to deliver the timber to the designated landing area. Payment is calculated based on the volume extracted.

TIMBER HARVESTING REGULATION PROTOCOL & AUTHORITY: Trees for felling are marked by FD. Felled logs are then checked at the skidding site and hammer marked by FD and MTE or subcontractor staff. Logs may be inspected at FD checkpoints in transit. Logs are then checked against the permit by FD staff on arrival at the landing site. According to Modified Procedure – which is applied in conflict areas – logs are only checked at the depot against extraction permit [National Code of Forest Harvesting 1999).

TRANSPARENCY & CORRUPTION: According to the Corruption Perceptions Index 2016 from Transparency International, which measures perceived levels of public sector corruption in countries around the world using a score of 0–100 (where 0 is highly corrupt and 100 is completely clean) Myanmar is ranked 136th

out of 176 countries assessed. It has scored a corruption index of 28, meaning it has a perception of very high corruption. Myanmar has performed consistently poorly on Transparency International's Corruption Perceptions Index. Forestry has been one of the sectors most affected by corruption, with illegal logging and cross-border trade accounting being a major driver for deforestation in the country (Forest Legality Alliance 2015).

World Bank compiles a set of governance indicators, Worldwide Governance Indicators (WGI), for all world economies. The WGI country reports are based on six aggregate governance indicators. Countries are ranked (percentile rank model) for each of the six governance indicators on a scale from 0 to 100 where 0 corresponds to lowest rank and 100 corresponds to highest rank (better governance). Myanmar's rank for 2016 was: Voice and Accountability 24.14/100, Political Stability and Absence of Violence 23.33/100, Government Effectiveness 16.35/100, Regulatory Quality 18.75/100, Rule of Law 16.83/100, and Control of Corruption 30.77/100.

Myanmar established an Anti-Corruption Law and Anti-Corruption Commission to address transparency and illegality issues. The Commission is to be an independent body of respected staff, separate from the legislative, administrative and judicial branches of the government. Similarly, the Commission's members cannot be affiliated with state-owned companies, anyone who has declared bankruptcy or those who have been previously charged with corruption. According to the current law, a finding of corruption will result in a maximum 15 years sentence for politicians. Other authorities can serve up to 10 years for a violation, and others can serve up to seven years (Forest Legality Alliance 2015).

Note: The FLEGT-VPA process is in place but not concluded. FSC risk assessments are based on the current situation of the country. Once the VPA for Myanmar has been signed, FSC intends to revise the CNRA, subject to the relevance and impact for this category. Furthermore, the CNRA draft for category 1 was shared with experts from the European Forest Institute (EFI) and the Palladium Group, organizations that are providing support to the FLEGT-VPA process in the country. The comments/recommendations were taken into consideration in the assessment of this category, if applicable.

Sources of information:

- Transparency International (2017): Country Page – Myanmar. Available at: <https://www.transparency.org/country/MMR>
- FAO (2010): Global Forest Resources Assessment 2010, Country Report Myanmar. Available here: <http://www.fao.org/docrep/013/a1576E/a1576E.pdf>
- Forest Legality Alliance (web). Accessed 2015. <http://www.forestlegality.org/risk-tool/country/myanmar>
- National Code of Forest Harvesting (2000).
- World Bank (2017): Worldwide Governance Indicators- Myanmar 1996-2016. Available at: <http://info.worldbank.org/governance/wgi/index.aspx#reports>

Sources of legal timber in Myanmar

Forest classification type	Permit/license type	Main license requirements (forest management plan, harvest plan or similar?)	Clarification
Reserved Forest; Public Protected Forest; Unclassified Forest	permit to enter in the forests and conduct harvesting operations	Harvest specified number of trees of 1. teak or 2. other species above girth limit within felling season and deliver to depot.	
Unclassified Forest under conversion to other land use	FD permit to clear trees	Harvest all trees and deliver those commercial species above girth threshold to depot	

Risk assessment

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
Legal rights to harvest			
1.1 Land tenure and management rights	<p>Applicable laws and regulations</p> <p>Forest Policy, 1995. http://www.burmalibrary.org/docs20/1995-Forest_Policy+1996-Forest_Policy_Statement-en-tu.pdf</p> <p>Forest Law, 1992. Law No. 8/92. - Chapter IV "Management of Forest Land" - Chapter V "Establishment of Forest Plantation", - Chapter VI "Permission of Extraction of Forest Produce http://www.burmalibrary.org/docs15/1992-SLORC_Law1992-08-Forest_Law-en.pdf</p> <p>State owned enterprise law</p> <p>Forest Rules, 1995.</p>	<p>Non-government sources:</p> <ul style="list-style-type: none"> • EIA (2012): Appetite for destruction - China's trade in illegal timber. http://www.eia-international.org/wp-content/uploads/EIA-Appetite-for-Destruction-lo-res.pdf • FAO (2009): Myanmar forestry outlook study. Working Paper No. APFSOS II/WP/2009/07. http://www.fao.org/docrep/014/am252e/am252e00.pdf • FAO (2010): Global Forest Resource Assessment 2010: Country Report Myanmar. http://www.fao.org/docrep/013/i1757e/i1757e.pdf • Gay, Y. (2008): The 2008 Myanmar Constitution: Analysis and Assessment. http://www.burmalibrary.org/docs6/2008_Myanmar_constitution--analysis_and_assessment-Yash_Ghai.pdf • ITTO (2004): Tropical Forest Update 14 /1 2004 13 • Karhl, F., Weyerhaeuser, H., and Su, Y. (2004): Navigating the Border: An Analysis of the China-Myanmar Timber Trade. Forest Trends. http://www.forest-trends.org/documents/files/doc_120.pdf • Oberndorf, R.D. (2012): Legal Review of Recently Enacted Farmland Law and Vacant, Fallow and Virgin 	<p>Overview of Legal Requirements All land in Myanmar is by definition owned by the state. However, certain rights to management of forest land can be granted to communities or private companies.</p> <p>The forest law provides the ability for people to extract forest products from forest land (Reserve Forest and Protected Public Forest) on a non-commercial scale without a permit (Ch. VI, 17). Commercial extraction requires a permit, but in reality all extraction is vested in the Myanmar Timber Enterprise (MTE).</p> <p>Description of Risk Based on available sources of information (Karhl, et. al., 2004 and Oberndorf 2012), the main risk related to land tenure and management rights are considered to be where: 1. The security status of the area does not permit union state control of resources (e.g. Kachin State),</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p>Only in Burmese: http://www.burmalibrary.org/docs20/1995-Forest_Rules-bu.pdf</p> <p>The Vacant, Fallow and Virgin (VFV) Lands Management Law, 2012. Law No.10 of 2012. http://www.burmalibrary.org/docs22/2012-03-30-VacantFallowAndVirginLands-10-en+bu-red.pdf</p> <p>Community Forestry Instructions, 1995. http://share4dev.info/kb/output_view.asp?outputID=5360</p> <p>Legal Authority</p> <p>Permanent Forest Estate & Unclassified Forest: Ministry of Environmental Conservation and Forestry - Forestry Department. However, land in Unclassified Forest ('Vacant, Fallow and Virgin' and agricultural land) is under jurisdiction of Ministry of Agriculture and Irrigation.</p> <p>Legally required documents or records</p> <p>Timber Extraction Contract (for contractors), Extraction Permit, FD approved Forest management plan,</p>	<p>Lands Management Law. Food Security Working Group's Land Core Group.</p> <ul style="list-style-type: none"> • Roy, R. D. (2005): Traditional Customary Laws and Indigenous Peoples in Asia. Minority rights group international. http://www.refworld.org/pdfid/469cbfb70.pdf • Springate-Baginski, O. and Than, M. M. (2011): Community Forestry in Myanmar: Some field realities. http://www.burmalibrary.org/docs13/CF+Myanmar+report++FUG+case+studies-op75-red.pdf • Stibig, H-J., Stolle, F. Dennis, R. and C. Feldkötter (2007): Forest Cover Change in Southeast Asia - The Regional Pattern. European Commission Joint Research Centre. http://publications.jrc.ec.europa.eu/repository/bitstream/1111111/477/1/eur%2022896%20forest%20change%20pattern%20se-asia.pdf • Tint, Springate-Baginski and Gyi (2011): Community forestry in Myanmar – progress and potential. ECCDI. http://www.burmalibrary.org/docs13/Community+Forestry+in+Myanmar-op75-red.pdf • Transparency International (2017): Corruption Perception Index 2016 - Myanmar. https://www.transparency.org/news/feature/corruption_perceptions_index_2016 • U4 Expert Answer (2012): Overview of corruption in Burma (Myanmar). https://www.u4.no/publications/overview-of-corruption-in-burma-myanmar/. https://www.u4.no/publications/overview-of-corruption-in-burma-myanmar/ • UNOP (2011): Myanmar: Unrepresented Nations and People's Organization (UNPO) Submission to the UN Office of the High Commissioner for Human Rights Universal Periodic Review: 10th Session of the UPR Working Group, January 2011. http://lib.ohchr.org/HRBodies/UPR/Documents/Session10/MM/UNPO_UnrepresentedNationsandPeople'sOrganization_eng.pdf 	<p>2. Areas where overlapping land classifications mean that the legal classification of the land category and the legal use of the land is conflicting (e.g. mining, infrastructure establishment, plantation establishment, pipeline establishment, conversion for agriculture etc.).</p> <p>3. Unofficial land claims and shifting cultivation: forest areas may be converted to agriculture against the law in cases where people illegally encroach on forest areas. The timber from such areas may enter the supply chain of timber.</p> <p>4. Areas near conflict zones historically inhabited by communities which have been displaced by the recent conflict</p> <p>Due to implications on the legal definition and ambiguity of land rights it is important to distinguish between the legal classification of land on which forest grows and the management processes: forests may grow on legal forest estate land (where the legal status has been settled by Forest Department (FD), but large areas of forests are also found on land NOT legally classified as 'forest land'. Therefore, these forest areas are not under FD purview but under Ministry of Agriculture and VFV jurisdiction. This discrepancy in the legal classification creates a legal vacuum regarding the forest on these lands, and lack of clarity of the legal framework governing the harvesting (and conversion) of them.</p> <p>Risk Conclusion Given the general risk of corruption in Myanmar, the ranking of Myanmar in both Transparency International's Corruption Perceptions Index (136</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	Hammer mark registration records, Pre-harvest survey and marking books.	<ul style="list-style-type: none"> • UPI (2012): Myanmar in a deforestation crisis. Downloaded on 26 May 2013: http://www.upi.com/Science_News/2012/08/22/Myanmar-in-deforestation-crisis/UPI-50031345670650/ • Woods, K. and Canby, K. (2011): BASELINE STUDY 4, MYANMAR. Overview of Forest Law Enforcement, Governance and Trade. The European Forest Institute. http://www.euflegt.efi.int/files/attachments/euflegt/baseline_study_4___myanmar_final_.pdf • World Bank (2017): Worldwide Governance Indicators-Myanmar 1996-2016. http://info.worldbank.org/governance/wgi/index.aspx#reports • Wyler, L. S. (2008): Burma and Transnational Crime. CRA report for Congress. http://www.fas.org/spp/crs/row/RL34225.pdf 	<p>in 2016, with a score of 28 out of 100) and the World Bank's Worldwide Governance Indicators 2016 – and the specific risks identified here – the risk for this indicator has been assessed as specified.</p> <p>Threshold (2) is met: Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.</p>
1.2 Concession licenses	<p>Applicable laws and regulations</p> <p>Forest Law, 1992. Law No. 8/92. - Chapter V "Establishment of Forest Plantation", Section (13), (14), (15) and - Chapter VI "Permission of Extraction of Forest Produce", Section 18.</p> <p>http://www.burmalibrary.org/docs15/1992-SLORC_Law1992-08-Forest_Law-en.pdf</p> <p>Community Forestry Instructions, 1995, Section (12), (13) "Duration of land lease for the establishment of community forest" http://share4dev.info/kb/output_view.asp?outputID=5360</p>	<p>Non-government sources:</p> <ul style="list-style-type: none"> • EIA (2012): Appetite for destruction - China's trade in illegal timber. http://www.eia-international.org/wp-content/uploads/EIA-Appetite-for-Destruction-lo-res.pdf • FAO (2009): Myanmar forestry outlook study. Working Paper No. APFSOS II/WP/2009/07. http://www.fao.org/docrep/014/am252e/am252e00.pdf • FAO (2010): Global Forest Resource Assessment 2010: Country Report Myanmar. http://www.fao.org/docrep/013/i1757e/i1757e.pdf • Gay, Y. (2008): The 2008 Myanmar Constitution: Analysis and Assessment. http://www.burmalibrary.org/docs6/2008_Myanmar_constitution--analysis_and_assessment-Yash_Ghai.pdf • ITTO (2004): Tropical Forest Update 14 /1 2004 13 • Karhl, F., Weyerhaeuser, H., and Su, Y. (2004): Navigating the Border: An Analysis of the China-Myanmar Timber Trade. Forest Trends. http://www.forest-trends.org/documents/files/doc_120.pdf 	<p>Overview of Legal Requirements</p> <p>The Forest department may permit investors to lease land or to use land for the term actually required based on the categories of business, industrial business or agricultural, livestock breeding business and investment volume up to 50 years in the first instance (Foreign Investment Law 2012). This opportunity is only applicable for the establishment of plantations.</p> <p>Since all natural forest land is owned by the state and the extraction rights are given directly and exclusively to MTE, one cannot talk about concession licensing in Myanmar for natural forest.</p> <p>Description of Risk</p> <p>Again it is important to distinguish between land legally classified as forest land (Reserved Forest Land) (under jurisdiction of MONREC/forest department) from forest, which are not classified as</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p>Forest Rules, 1995, Chapter 3.</p> <p>Only in Burmese: http://www.burmalibrary.org/docs20/1995-Forest_Rules-bu.pdf</p> <p>Myanmar Citizens Investment Law, 1994 http://www.wipo.int/edocs/lexdocs/laws/en/mm/mm014en.pdf</p> <p>Foreign Investment Law, 2012, - Section 31 http://export.gov/thailand/static/Foreign%20Investment%20Law_Latest_eg_th_055982.pdf</p> <p>Foreign Investment Rule, 2013. - Chapter V, Section 30, 49, 50, and 54 (a) and (b). http://www.burmalibrary.org/docs21/2013-Foreign_Investment_Rules-en-Myanmar_Legal.pdf</p> <p>Legal Authority</p> <p>Ministry of Environmental Conservation and Forestry</p> <p>Legally required documents or records</p> <p>Permit to enter the forests</p> <p>Timber Extraction Contract (for contractors), FD approved Forest management plan,</p>	<ul style="list-style-type: none"> • Oberndorf, R.D. (2012): Legal Review of Recently Enacted Farmland Law and Vacant, Fallow and Virgin Lands Management Law. Food Security Working Group's Land Core Group. • Roy, R. D. (2005): Traditional Customary Laws and Indigenous Peoples in Asia. Minority rights group international. http://www.refworld.org/pdfid/469cbfb70.pdf • Springate-Baginski, O. and Than, M. M. (2011): Community Forestry in Myanmar: Some field realities. http://www.burmalibrary.org/docs13/CF+Myanmar+report+-+FUG+case+studies-op75-red.pdf • Stibig, H-J., Stolle, F. Dennis, R. and C. Feldkötter (2007): Forest Cover Change in Southeast Asia - The Regional Pattern. European Commission Joint Research Centre. http://publications.jrc.ec.europa.eu/repository/bitstream/1111111/477/1/eur%2022896%20forest%20change%20pattern%20se-asia.pdf • Tint, Springate-Baginski and Gyi (2011): Community forestry in Myanmar – progress and potential. ECCDI. http://www.burmalibrary.org/docs13/Community+Forestry+in+Myanmar-op75-red.pdf • Transparency International (2017): Corruption Perception Index 2016 - Myanmar. https://www.transparency.org/news/feature/corruption_perceptions_index_2016 • U4 Expert Answer (2012): Overview of corruption in Burma (Myanmar). https://www.u4.no/publications/overview-of-corruption-in-burma-myanmar/ • UNOP (2011): Myanmar: Unrepresented Nations and People's Organization (UNPO) Submission to the UN Office of the High Commissioner for Human Rights Universal Periodic Review: 10th Session of the UPR Working Group, January 2011. http://lib.ohchr.org/HRBodies/UPR/Documents/Session10/ 	<p>forest estate, but is under administrative jurisdiction of MOAI. A major source of timber is from conversion of these forest areas for agricultural plantations, where the harvesting processes are opaque and likely to be 'high risk'. A conflicting land classification and unclear legal basis for forest harvesting, management and/or conversion, obviously makes clarification of the legality of such operations difficult, if not impossible. This issue strongly underlines the weak overall governance of the natural resources sector in Myanmar, together with the general risk of corruption in Myanmar (based on ranking in both Transparency International's Corruption Perception Index 2016 (136 in 2016, with a score of 28 out of 100) and the World Bank's Worldwide Governance Indicators 2016).</p> <p>Risk Conclusion As concessions are not applicable for natural forest this indicator is N/A for natural forest.</p> <p>In the case of plantations, the risk for this indicator has been assessed as specified. Threshold (2) is met: Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	Hammer mark registration records, Pre-harvest survey and marking books,	<p>MM/UNPO_UnrepresentedNationsandPeople'sOrganizatio n_eng.pdf</p> <ul style="list-style-type: none"> • UPI (2012): Myanmar in a deforestation crisis. Downloaded on 26 May 2013: http://www.upi.com/Science_News/2012/08/22/Myanmar-in-deforestation-crisis/UPI-50031345670650/ • Woods, K. and Canby, K. (2011): BASELINE STUDY 4, MYANMAR. Overview of Forest Law Enforcement, Governance and Trade. The European Forest Institute. http://www.euflegt.efi.int/files/attachments/euflegt/baseline_study_4___myanmar___final_.pdf • World Bank (2017): Worldwide Governance Indicators- Myanmar 1996-2016. http://info.worldbank.org/governance/wgi/index.aspx#report • Wyler, L. S. (2008): Burma and Transnational Crime. CRA report for Congress. http://www.fas.org/sgp/crs/row/RL34225.pdf 	
1.3 Management and harvesting planning	<p>Applicable laws and regulations</p> <p>Myanmar Forest Policy, 1995 http://www.burmalibrary.org/docs20/1995-Forest_Policy+1996-Forest_Policy_Statement-en-tu.pdf</p> <p>Forest Law, 1992. Law No. 8/92. - Chapter IV - Section 11, (c), Section 4 -Chapter II, Chapter 4, section 28, 31 and 33, -Chapter 5. http://www.burmalibrary.org/docs15/1992-SLORC_Law1992-08-Forest_Law-en.pdf</p> <p>National Code of Forest Harvesting, 2000, Forest Department (MONREC)</p>	<p>Non-government sources:</p> <ul style="list-style-type: none"> • Castrén, T. (2010): Timber trade and wood flow–study – Myanmar. Regional Environmental Technical Assistance 5771 Poverty Reduction & Environmental Management in Remote Greater Mekong Subregion (GMS) Watersheds Project (Phase I). http://www.mekonginfo.org/assets/midocs/0002331-environment-timber-trade-and-wood-flow-study-myanmar.pdf • EIA (2012): Appetite for destruction - China's trade in illegal timber. http://www.eia-international.org/wp-content/uploads/EIA-Appetite-for-Destruction-lo-res.pdf • FAO (2010): Global Forest Resource Assessment 2010: Country Report Myanmar. http://www.fao.org/docrep/013/i11757e/i11757e.pdf • Forest Certification Committee of Myanmar (2013): Timber Harvesting and traceability verification in Myanmar. 	<p>Overview of Legal Requirements</p> <p>Ten years' forest management plans shall be formulated based on the extrapolation of annual inventory data, from which annual management plans are prepared. Note that there is no real annual inventory happening in Myanmar. The data are extrapolated by the Planning and Statistic Department on the basis of the inventory, forest master plan and the 10-year district management plan.</p> <p>Description of risk</p> <p>In general, the inventory data are reported to be inaccurate.</p> <p>Based on available sources of information there are clear indications, that the forest management planning (done by FD) is often based on limited information from the field, and low quality data on</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p>Management Plan Manual, 1996, Forest Department (MONREC)</p> <p>Forest Rules, 1995, Chapter 3.</p> <p>Only in Burmese: http://www.burmalibrary.org/docs20/1995-Forest_Rules-bu.pdf</p> <p>Standing Order for Subordinates, 1959</p> <p>Forest Department (MONREC)</p> <p>Working Plans Manual, 1938</p> <p>Forest Department (MONREC)</p> <p>Departmental Instructions for Forest Officers, 1955: - Timber Extraction Permit between MTE and sub-contractors MTE Extraction Manual, 1936. D.I, Section (165),</p> <p>Forest Department (MONREC)</p> <p>State Timber Board Act, 1950.</p> <p>Forest Department (MONREC)</p> <p>Legal Authority</p> <p>Ministry of Environmental Conservation and Forestry, District Forest Department.</p>	<ul style="list-style-type: none"> • Nay San Lin (2006): Assessment of impacts of harvesting practices on teak bearing forests in the east Bago Yoma of Myanmar. MSc. thesis. • Oberndorf, R.D. (2012): Legal Review of Recently Enacted Farmland Law and Vacant, Fallow and Virgin Lands Management Law. Food Security Working Group's Land Core Group. • Tint, Springate-Baginski and Gyi (2011): Community forestry in Myanmar – progress and potential. ECCDI. http://www.burmalibrary.org/docs13/Community+Forestry+in+Myanmar-op75-red.pdf • Transparency International (2017): Corruption Perception Index 2016 - Myanmar. https://www.transparency.org/news/feature/corruption_perceptions_index_2016 • Woods, K. and Canby, K. (2011): BASELINE STUDY 4, MYANMAR. Overview of Forest Law Enforcement, Governance and Trade. The European Forest Institute. http://www.euflegt.efi.int/files/attachments/euflegt/baseline_study_4___myanmar___final_.pdf • World Bank (2017): Worldwide Governance Indicators- Myanmar 1996-2016. http://info.worldbank.org/governance/wgi/index.aspx#report • Zaw, U. K. (2003): Current State of the Development and Implementation of the National Code of Harvesting Practices in Myanmar. http://www.rinya.maff.go.jp/code-h2003/PART_4/U_Kin_Zaw.pdf 	<p>growth and yield. Also the production figures outlined in the annual allowable cut (AAC) are not always adhered to – the timber production statistics of Myanmar clearly indicates that the AAC has be surpassed based on political decisions to increase production – and not based on a scientific approach to estimating the production capacity of the forest</p> <p>In forest areas where control over resources is exercised by the FD, there are indications that the forest management planning is carried out. However, limited incentives, lack of capacity and inadequate salaries lower staff motivation and this seems to affect the quality of the management plans. Also, the data available on growth and forest composition is very limited.</p> <p>Also, there are clear indications from available reports that the management plans are not in fact implemented in the forest due to the lack of capacity of the FD and the fact that MTE is responsible for all timber extraction and does not have responsibility to implement other forest management activities (managed by the FD). Thus, the timber extraction itself (done by MTE) is often done with little regard to the management plan (Woods and Canby, 2011).</p> <p>Risk conclusion Given the general risk of corruption in Myanmar, the ranking of Myanmar in both Transparency International's Corruption Perceptions Index (136 in 2016, with a score of 28 out of 100) and the World Bank's Worldwide Governance Indicators 2016 – and the significant risk that management</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p>Legally required documents or records</p> <p>Approved management plan, Instruction for tree selection, Operational Extraction plan (MTE Form AC) Completion report by FD (post-harvest) Timber Extraction Contract (for contractors)</p>		<p>plans are based on inaccurate data, are not prepared as required and are not adequately implemented in the forest – the risk for this indicator has been assessed as specified. Threshold (2) is met: Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.</p>
1.4 Harvesting permits	<p>Applicable laws and regulations</p> <p>Forest Law, 1992. Law No. 8/92. - Chapter VI "Permission of Extraction of Forest Produce", Section 17, 18 (a) and 21 http://www.burmalibrary.org/docs15/1992-SLORC_Law1992-08-Forest_Law-en.pdf</p> <p>Departmental Instructions for Forest Department, Forest Department (MONREC)</p> <p>Forest Rules, 1995 - Chapters 3, 4, 5, 45, 46 and 47.</p> <p>Only in Burmese: http://www.burmalibrary.org/docs20/1995-Forest_Rules-bu.pdf</p> <p>State Timber Board Act, 1950, Forest Department (MONREC)</p> <p>Environmental Conservation Law, 2012,</p>	<p>Non-government sources:</p> <ul style="list-style-type: none"> • FAO (2009): Myanmar forestry outlook study. Working Paper No. APFSOS II/WP/2009/07. http://www.fao.org/docrep/014/am252e/am252e00.pdf • FAO (2010): Global Forest Resource Assessment 2010: Country Report Myanmar. http://www.fao.org/docrep/013/i1757e/i1757e.pdf • Forest Certification Committee of Myanmar (2013): Timber Harvesting and traceability verification in Myanmar. • Nay San Lin (2006): Assessment of impacts of harvesting practices on teak bearing forests in the east Bago Yoma of Myanmar. MSc. thesis. • Springate-Baginski, O. and Than, M. M. (2011): Community Forestry in Myanmar: Some field realities. http://www.burmalibrary.org/docs13/CF+Myanmar+report++FUG+case+studies-op75-red.pdf • Tint, Springate-Baginski and Gyi (2011): Community forestry in Myanmar – progress and potential. ECCDI. http://www.burmalibrary.org/docs13/Community+Forestry+in+Myanmar-op75-red.pdf • Transparency International (2017): Corruption Perception Index 2016 - Myanmar. https://www.transparency.org/news/feature/corruption_perceptions_index_2016 	<p>Overview of Legal Requirements As MTE has been granted the responsibility for extracting all timber in the state forest. MTE may sub-contract extraction to contractors. It is estimated that sub-contractors are responsible for approximately 50% of all official timber harvesting. The actual harvest permit is managed by the Forest department who also carries out marking of trees to be harvested. Upon finalization of marking the harvest permit is issued to MTE, who then either harvest themselves or subcontract.</p> <p>Description of Risk There is no transparent process for MTE to select contractors. This opens up the potential for corruption and cronyism.</p> <p>As a result, quality assurance is not guaranteed, and providing sub-contracts to the companies is likely to result in harvesting from different compartments and different timber species; which in turn results in undesired outcomes and violation of the AAC sustained yield.</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p>http://www.burmalibrary.org/docs15/2012-environmental_conservation_law-PH_law-09-2012-en.pdf</p> <p>Myanmar Timber Enterprise (MTE) Extraction Manual - Chapter I</p> <p>Standing Orders for Extraction Staff. MTE</p> <p>Legal Authority</p> <p>Ministry of Natural Resources and Environmental Conservation</p> <p>Forest Department and District Forest department.</p> <p>Legally required documents or records</p> <p>Permit to enter in the forests and to conduct harvesting operations Approved harvesting plan, Instruction for felling (by MTE), Registration of marking hammers Completion report by MTE (post-harvest) Selection Marking Report with Marking Note Books MTE hammer marking Records of joint measurement by FD and MTE Harvesting Monitoring Report Timber Extraction Contract (for contractors)</p>	<ul style="list-style-type: none"> • Woods, K. and Canby, K. (2011): Baseline Study 4, Myanmar. Overview of Forest Law Enforcement, Governance and Trade. The European Forest Institute. http://www.euflegt.efi.int/files/attachments/euflegt/baseline_study_4___myanmar___final_.pdf • World Bank (2017): Worldwide Governance Indicators- Myanmar 1996-2016. http://info.worldbank.org/governance/wgi/index.aspx#report • Zaw, U. K, (2003): Current State of the Development and Implementation of the National Code of Harvesting Practices in Myanmar. http://www.rinya.maff.go.jp/code-h2003/PART_4/U_Kin_Zaw.pdf 	<p>There are indications from available reports, that this process may be compromised by rent seeking behavior of forest department officials which indicates that there may be a risk that harvest permits are being issued on a wrongful basis.</p> <p>Risk Conclusion Given the general risk of corruption in Myanmar, the ranking of Myanmar in both Transparency International's Corruption Perceptions Index (136 in 2016, with a score of 28 out of 100) and the World Bank's Worldwide Governance Indicators 2016 – and the specific risks identified here – the risk for this indicator has been assessed as specified. Threshold (2) is met: Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
Taxes and fees			
<p>1.5 Payment of royalties and harvesting fees</p>	<p>Applicable laws and regulations</p> <p>Forest Law, 1992. Law No. 8/92. Sections 20(b), 21(c), 22, and 49. http://www.burmalibrary.org/docs15/1992-SLORC_Law1992-08-Forest_Law-en.pdf</p> <p>Departmental Instructions for Forest Officers (DI), Forest Department (MONREC)</p> <p>Environmental Conservation Law, 2012, Section 16 http://www.forestlegality.org/sites/default/files/country_documents/Environmental%20Conservation%20Law%20No%209%2012%20%282012%29_Myanmar_0.pdf</p> <p>MTE Extraction Manual, 1936 and Standing Orders,</p> <p>Forest Management Plan Section 9.10.15.</p> <p>Forest Department (MONREC)</p> <p>Legal Authority</p> <p>Ministry of Environmental Conservation and Forestry</p> <p>Legally required documents or records</p> <p>MTE hammer marking forms Form Forest S18/Teak</p>	<p>Non-government sources:</p> <ul style="list-style-type: none"> • Deloitte (2014): 'Tax Alert - Changes of tax laws to reduce tax evasion and illegal trade in Myanmar', April 2014. http://www.forestlegality.org/sites/default/files/country_documents/FINAL_Tax%20Alert_April_2014_Myanmar_0.pdf • FAO (2009): Myanmar forestry outlook study. Working Paper No. APFSOS II/WP/2009/07. http://www.fao.org/docrep/014/am252e/am252e00.pdf • FAO (2010): Global Forest Resource Assessment 2010: Country Report Myanmar. http://www.fao.org/docrep/013/i1757e/i1757e.pdf • Transparency International (2017): Corruption Perception Index 2016 - Myanmar. https://www.transparency.org/news/feature/corruption_perceptions_index_2016 • Woods, K. and Canby, K. (2011): BASELINE STUDY 4, MYANMAR. Overview of Forest Law Enforcement, Governance and Trade. The European Forest Institute. http://www.euflegt.efi.int/files/attachments/euflegt/baseline_study_4___myanmar___final_.pdf • World Bank (2017): Worldwide Governance Indicators- Myanmar 1996-2016. http://info.worldbank.org/governance/wgi/index.aspx#report 	<p>Overview of Legal Requirements Royalties must be paid for all timber extraction operations.</p> <p>Description of Risk In timber extraction operations carried out in areas where government maintains control of resources, there are reportedly relatively well-established systems for royalty payments. However, corruption at all levels in the forest sector means that avoidance of payment of royalties is a significant risk. Cases have also been noted where logs are harvested illegally and given the royalty hammer marks through corruption, as well as where the royalty hammer marks were re-used for other logs that have been illegally harvested.</p> <p>In addition, the royalty payment system does not function in conflict areas where the Myanmar Union Government has no or limited control of resources. Also timber harvested illegally for purposes of land development may not have been subject to royalty payments.</p> <p>Risk Conclusion Given the general risk of corruption in Myanmar, the ranking of Myanmar in both Transparency International's Corruption Perceptions Index (136 in 2016, with a score of 28 out of 100) and the World Bank's Worldwide Governance Indicators 2016 – and the specific risks identified here – the risk for this indicator has been assessed as specified.</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	Form Forest S18/non-teak MTE form D Records of joint measurement by FD and MTE Harvesting Monitoring Report Form C and D (joint measuring forms at landing)		Threshold (2) is met: Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.
1.6 Value added taxes and other sales taxes	<p>Applicable laws and regulations</p> <p>The Commercial Tax Law, 1990. http://tax.mofcom.gov.cn/tax/taxfront/en/article.jsp?c=30125&tn=3&id=be203f282bb948ab9eb10f816afdc9e2</p> <p>Legal Authority</p> <p>Internal Revenue Department (IRD)</p> <p>Legally required documents or records</p> <p>Tax receipts and invoices</p>	<p>Government sources:</p> <ul style="list-style-type: none"> - Internal Revenue Department (IRD) - http://www.mof.gov.mm/en/content/internal-revenue-department <p>Non-government sources:</p> <ul style="list-style-type: none"> • Htet Naing Zaw (2013): "28 Tax Revenue Officials Implicated in Corruption Case", The Irawaddy 18 July 2013. http://www.irawaddy.org/corruption/28-tax-revenue-officials-implicated-in-corruption-case.html • Transparency International (2017): Corruption Perception Index 2016 - Myanmar. https://www.transparency.org/news/feature/corruption_perceptions_index_2016 • U4 Expert Answer (2012): Overview of corruption in Burma (Myanmar). https://www.u4.no/publications/overview-of-corruption-in-burma-myanmar/ • World Bank (2017): Worldwide Governance Indicators- Myanmar 1996-2016. http://info.worldbank.org/governance/wgi/index.aspx#report • World Bank (2014): 'Myanmar Enterprise Survey 2014: Early Findings'. http://www.ifc.org/wps/wcm/connect/19541f80461149509ea1bf9916182e35/Myanmar+Enterprise+Survey+2014.pdf?MOD=AJPERES. 	<p>Overview of Legal Requirements</p> <p>There is no value-added tax in Myanmar. Commercial tax is levied as a turnover tax on goods and services. The commercial tax is an additional tax upon certain commercial transactions, but it has not been expanded to the concept of a value-added tax. It applies only to the specific transactions listed in the Commercial Tax Law. However, in 2017 there were discussions of an export tax law which also included timber.</p> <p>Description of Risk</p> <p>The level of corruption in Myanmar (based on ranking in both Transparency International's Corruption Perception Index 2016 (136 in 2016, with a score of 28 out of 100) and the World Bank's Worldwide Governance Indicators 2016) implies significant risk that taxes are not being paid as required.</p> <p>Taking into consideration the limited data availability to assess this indicator, and the corruption present in the country, the precautionary approach has been applied, thus the risk for this indicator is considered specified.</p> <p>Risk Conclusion</p> <p>Specified risk.</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			Threshold (2) is met: Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.
1.7 Income and profit taxes	<p>Applicable laws and regulations</p> <p>Income Tax Law, 1974</p> <p>http://www.mof.gov.mm/sites/default/files/incometaxlawenglish.pdf</p> <p>Myanmar Companies Act (CA)</p> <p>The Commercial Tax Law, 1990. Law No. 8/90.</p> <p>http://tax.mofcom.gov.cn/tax/taxfront/en/article.jsp?c=30125&tn=3&id=be203f282bb948ab9eb10f816afdc9e2</p> <p>Legal Authority</p> <p>Internal Revenue Department (IRD)</p> <p>Legally required documents or records</p> <p>Tax receipts and invoices</p>	<p>Government sources:</p> <ul style="list-style-type: none"> - Ministry of Finance and Revenue (2015). Internal Revenue Department (IRD). http://www.mof.gov.mm/en/content/internal-revenue-department <p>Non-government sources:</p> <ul style="list-style-type: none"> • Htet Naing Zaw (2013): "28 Tax Revenue Officials Implicated in Corruption Case", The Irawaddy 18 July 2013. http://www.irawaddy.org/corruption/28-tax-revenue-officials-implicated-in-corruption-case.html • Transparency International (2017): Corruption Perception Index 2016 - Myanmar. https://www.transparency.org/news/feature/corruption_perceptions_index_2016 • U4 Expert Answer (2012): Overview of corruption in Burma (Myanmar). https://www.u4.no/publications/overview-of-corruption-in-burma-myanmar/ • World Bank (2017): Worldwide Governance Indicators- Myanmar 1996-2016. http://info.worldbank.org/governance/wgi/index.aspx#report • World Bank (2014): 'Myanmar Enterprise Survey 2014: Early Findings'. http://www.ifc.org/wps/wcm/connect/19541f80461149509ea1bf9916182e35/Myanmar+Enterprise+Survey+2014.pdf?MOD=AJPERES. 	<p>Overview of Legal Requirements</p> <p>An enterprise established under the Myanmar Companies Act, an entity established under the Myanmar Foreign Investment Law (MFIL), and a registered Myanmar branch of a foreign entity that enjoys incentives under the MFIL, are all subject to income tax at 25%. A registered Myanmar branch of a foreign entity that does not enjoy incentives under the MFIL, and other non-resident entities, are subject to income tax at the higher rate of 35%.</p> <p>The tax year follows the fiscal year, starting 1 April and ending 31 March. The annual tax return must be filed with the Internal Revenue Department by 30 June of the following income year. If a business is dissolved, an income tax return must be filed within one month from the time the business was discontinued. Tax returns for capital gains under the income tax law are to be submitted within one month after the capital asset was disposed of. In addition, taxpayers are required to file tax returns for withholding tax, commercial tax and individual income tax on a monthly or quarterly basis.</p> <p>Commercial tax is levied as a turnover tax on goods and services. The commercial tax is an additional tax upon certain commercial transactions, but it has not been expanded to the concept of a value-added tax. It applies only to the specific transactions listed in the Commercial Tax Law.</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<p>Description of Risk The level of corruption in Myanmar (based on ranking in both Transparency International's Corruption Perception Index 2016 (136 in 2016, with a score of 28 out of 100) and the World Bank's Worldwide Governance Indicators 2016) implies significant risk that taxes are not being paid as required.</p> <p>Taking into consideration the limited data availability to assess this indicator, and the corruption present in the country, the precautionary approach has been applied, thus the risk for this indicator is considered specified.</p> <p>Risk Conclusion Specified risk. Threshold (2) is met: Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.</p>
Timber harvesting activities			
1.8 Timber harvesting regulations	<p>Applicable laws and regulations</p> <p>MTE Extraction Manual, 1936</p> <p>Standing Orders for Extraction Staff of MTE</p> <p>National Code of Forest Harvesting, 2000, Forest Department (MONREC)</p> <p>Forest Law, 1992. Law No. 8/92.</p> <p>http://www.burmalibrary.org/docs15/1992-SLORC_Law1992-08-Forest_Law-</p>	<p>Non-government sources:</p> <ul style="list-style-type: none"> • FAO (2009): Myanmar forestry outlook study. Working Paper No. APFSOS II/WP/2009/07. http://www.fao.org/docrep/014/am252e/am252e00.pdf • FAO (2010): Global Forest Resource Assessment 2010: Country Report Myanmar. http://www.fao.org/docrep/013/i1757e/i1757e.pdf • Forest Certification Committee of Myanmar (2013): Timber Harvesting and traceability verification in Myanmar. • Nay San Lin (2006): Assessment of impacts of harvesting practices on teak bearing forests in the east Bago Yoma of Myanmar. MSc. thesis. • Springate-Baginski, O. and Than, M. M. (2011): Community Forestry in Myanmar: Some field realities. 	<p>Overview of Legal Requirements</p> <p>The National Code of Forest Harvesting has the objectives to provide guidelines and prescriptions to all stakeholders so that the forest environment, particularly the remaining stands, forest soil and water are least disturbed during and after the course of forest harvesting, and to maximize economic returns from forests whilst maintaining the regenerative capacity and species diversity of forest, ensuring the health and safety of forest workers and protecting culturally and biologically significant sites as well as road maintenance and quarry management. It is the responsibility of the FD to ensure that the Code is being followed by MTE or MTE contractors during timber extraction.</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p>en.pdf,</p> <p>Forest Rules, 1995 Only in Burmese: http://www.burmalibrary.org/docs20/1995-Forest_Rules-bu.pdf</p> <p>Departmental Instruction Section 165, Forest Department (MONREC)</p> <p>Forest Management Plan Section 4.1, Sections 9.1 to 9.5. Forest Department (MONREC)</p> <p>Legal Authority</p> <p>Ministry of Environmental Conservation and Forestry, District Forest Department. MTE</p> <p>Legally required documents or records</p> <p>Boundary maps Selection marking report Harvesting monitoring report Operational Extraction plan (MTE Form AC) Felling and Log registers (MTE form B and C)</p>	<p>http://www.burmalibrary.org/docs13/CF+Myanmar+report+-FUG+case+studies-op75-red.pdf</p> <ul style="list-style-type: none"> • Tint, Springate-Baginski and Gyi (2011): Community forestry in Myanmar – progress and potential. ECCDI. http://www.burmalibrary.org/docs13/Community+Forestry+in+Myanmar-op75-red.pdf • Transparency International (2017): Corruption Perception Index 2016 - Myanmar. https://www.transparency.org/news/feature/corruption_perceptions_index_2016 • Woods, K. and Canby, K. (2011): BASELINE STUDY 4, MYANMAR. Overview of Forest Law Enforcement, Governance and Trade. The European Forest Institute. http://www.euflegt.efi.int/files/attachments/euflegt/baseline_study_4_myanmar_final_.pdf • World Bank (2017): Worldwide Governance Indicators- Myanmar 1996-2016. http://info.worldbank.org/governance/wgi/index.aspx#report • Zaw, U. K, (2003): Current State of the Development and Implementation of the National Code of Harvesting Practices in Myanmar. http://www.rinya.maff.go.jp/code-h2003/PART_4/U_Kin_Zaw.pdf 	<p>Both MTE and FD also follow the Reduced Impact Logging guidelines.</p> <p>In Myanmar the responsibility of forest management and timber extraction are completely separate activities, divided between the FD and MTE respectively. This institutional arrangement imposes artificial separation between different aspects of forest management and timber harvesting. This separation creates the risk that harvesting practices do not generally meet the Code since incentives to follow harvest restrictions are skewed towards extraction rather than management. This reality also creates incentives for rent seeking behavior by FD officers.</p> <p>Description of Risk It has been reported in available sources (e.g. Woods and Canby, 2011), that harvest restrictions and regulations are not followed in the forest.</p> <p>It is concluded that the risk that forest harvesting laws, regulations and rules are being violated in the forest is significant.</p> <p>Risk Conclusion Given the general risk of corruption in Myanmar, the ranking of Myanmar in both Transparency International's Corruption Perceptions Index (136 in 2016, with a score of 28 out of 100) and the World Bank's Worldwide Governance Indicators 2016 – and the specific risks identified here – the risk for this indicator has been assessed as specified.</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			Threshold (2) is met: Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.
1.9 Protected sites and species	<p>Applicable laws and regulations</p> <p>Forest Law, 1992. Law No. 8/92. Section 8B "Declaration of reserved trees"</p> <p>http://www.burmalibrary.org/docs15/1992-SLORC_Law1992-08-Forest_Law-en.pdf</p> <p>The Protection of Wildlife and Conservation of Natural Areas Law, 1994.</p> <p>http://displacementsolutions.org/wp-content/uploads/THE-PROTECTION-OF-WILDLIFE-AND-CONSERVATION-OF-AND-PROTECTION-OF-NATURAL-AREAS-LAW-1994.pdf</p> <p>National Code of Forest Harvesting, 2000</p> <p>Forest Department (MONREC)</p> <p>MTE extraction manual, 1936</p> <p>MONREC, Forest Department, Notification 583/94: Section 3C, Section 15.</p> <p>Environmental Conservation Law, 2012. Law No 9/2012. http://www.forestlegality.org/sites/default/files/country_documents/Environmental%</p>	<p>Non-government sources:</p> <ul style="list-style-type: none"> • FAO (2009): Myanmar forestry outlook study. Working Paper No. APFSOS II/WP/2009/07. http://www.fao.org/docrep/014/am252e/am252e00.pdf • FAO (2010): Global Forest Resource Assessment 2010: Country Report Myanmar. http://www.fao.org/docrep/013/i1757e/i1757e.pdf • Transparency International (2017): Corruption Perception Index 2016 - Myanmar. https://www.transparency.org/news/feature/corruption_perceptions_index_2016 • Woods, K. and Canby, K. (2011): BASELINE STUDY 4, MYANMAR. Overview of Forest Law Enforcement, Governance and Trade. The European Forest Institute. http://www.euflegt.efi.int/files/attachments/euflegt/baseline_study_4_myanmar_final.pdf • World Bank (2011): Worldwide Governance Indicators- Myanmar 1996-2011. http://info.worldbank.org/governance/wgi/pdf/c146.pdf • Clarke, J. E. (2010): Biodiversity and protected areas Myanmar. Regional Environmental Technical Assistance 5771 Poverty Reduction & Environmental Management in Remote Greater Mekong Sub region (GMS) Watersheds Project (Phase I). http://www.mekonginfo.org/assets/midocs/0002035-environment-biodiversity-and-protected-areas-myanmar.pdf • Forest Certification Committee of Myanmar (2013): Timber Harvesting and traceability verification in Myanmar. • Nay San Lin (2006): Assessment of impacts of harvesting practices on teak bearing forests in the east Bago Yoma of Myanmar. MSc. thesis. • U4 Expert Answer (2012): Overview of corruption in Burma (Myanmar). 	<p>Overview of Legal Requirements</p> <p>The Protection of Wildlife and Conservation of Natural Areas Law defines protected areas and animal species that are found in Notification 583/94. National Forest Policy 1995 has among its goals, 'to strengthen wildlife management through the establishment of a network of national parks, wildlife reserves and sanctuaries'. A further goal is to expand the existing protected area system (see below) to encompass 5% of land area, and ultimately 10%.</p> <p>Description of Risk</p> <p>Clarke (2010) lists the following main threats to species and protected area conservation:</p> <ul style="list-style-type: none"> - Political instability: Separatist movements render some areas of the country unmanageable. This has hampered progress in designating additions to the protected area system and in enforcing existing legislation. For example, Brunner et al. (1998) reported tensions between central government and the Karen National Union over protected area declarations in Karen State. - Public indifference: Rural inhabitants in general are not in sympathy with government attempts to manage protected areas and conserve biodiversity, or are completely unaware of why these initiatives are being taken. Many groups are antagonistic towards any government action. - Encroachment on forests: Encroachment leading to loss of habitat is widespread, including inside wildlife protected areas, the reason being to open land for permanent or shifting cultivation.

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p>20Conservation%20Law%20No%209%2012%20%282012%29_Myanmar_0.pdf</p> <p>Legal Authority</p> <p>Ministry of Environmental Conservation and Forestry, Wildlife and Nature Conservation Division (NWDC), District Forest Department.</p> <p>National Commission on Environmental Affairs (NCEA)</p> <p>Legally required documents or records</p> <p>Completion report of Harvesting (Form AJ)</p>	<p>https://www.u4.no/publications/overview-of-corruption-in-burma-myanmar/</p> <ul style="list-style-type: none"> • UNOP (2011): Myanmar: Unrepresented Nations and People's Organization (UNPO) Submission to the UN Office of the High Commissioner for Human Rights Universal Periodic Review: 10th Session of the UPR Working Group, January 2011. http://lib.ohchr.org/HRBodies/UPR/Documents/Session10/MM/UNPO_UnrepresentedNationsandPeople'sOrganization_eng.pdf • UPI (2012): Myanmar in a deforestation crisis. Downloaded on 26 May 2013: http://www.upi.com/Science_News/2012/08/22/Myanmar-in-deforestation-crisis/UPI-50031345670650/ • World Bank (2017): Worldwide Governance Indicators- Myanmar 1996-2016. http://info.worldbank.org/governance/wgi/index.aspx#report • Wyler, L. S. (2008): Burma and Transnational Crime. CRA report for Congress. http://www.fas.org/sgp/crs/row/RL34225.pdf • Zaw, U. K, (2003): Current State of the Development and Implementation of the National Code of Harvesting Practices in Myanmar. http://www.rinya.maff.go.jp/code-h2003/PART_4/U_Kin_Zaw.pdf 	<ul style="list-style-type: none"> - Unsustainable harvesting: Increasing pressure is placed on forests, including protected wildlife areas, by demands for firewood and other non-timber forest products. Poaching is a major problem in many areas. Wild animals are harvested for local consumption and to support a lucrative cross border trade, chiefly with China. - Logging: Forests are under increasing pressure through demands for timber. Most protected wildlife areas have suffered or are suffering damage from logging. A switch in recent years towards logging evergreen dipterocarp forest threatens moist tropical forest; and intensified teak removal threatens biodiversity in mixed deciduous forest. Unsustainable harvesting in the dry central zone has led to severe deforestation but the most northerly forests are reported to be virtually intact. - Inadequate protected areas: Generally, it is considered that the protected areas in Myanmar are too small to contain viable populations of protected species. - Inadequate management resources: The Forest Department's Nature & Wildlife Conservation Division (NWCD) has insufficient financial and manpower resources and equipment to manage existing protected areas and guard against encroachment, poaching and gathering of non-timber forest products. <p>Other sources confirm these challenges (UPI, 2012; Nay San Lin, 2006).</p> <p>Risk Conclusion It is concluded that legally protected species and areas are generally at risk of logging or illegal poaching or destruction of habitat. Given the</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<p>general risk of corruption in Myanmar, the ranking of Myanmar in both Transparency International's Corruption Perceptions Index (136 in 2016, with a score of 28 out of 100) and the World Bank's Worldwide Governance Indicators 2016, the risk for this indicator has been assessed as specified. Threshold (2) is met: Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.</p>
<p>1.10 Environmental requirements</p>	<p>Applicable laws and regulations</p> <p>Forest Policy, 1995 http://www.burmalibrary.org/docs20/1995-Forest_Policy+1996-Forest_Policy_Statement-en-tu.pdf</p> <p>Forest Law, 1992. Law No. 8/92. http://www.burmalibrary.org/docs15/1992-SLORC_Law1992-08-Forest_Law-en.pdf</p> <p>Forest Rules, 1995</p> <p>Only in Burmese: http://www.burmalibrary.org/docs20/1995-Forest_Rules-bu.pdf</p> <p>National Code of Forest Harvesting, 2000 Forest Department (MONREC) MTE extraction manual, 1963</p> <p>Management Plan Section 9.7</p> <p>Forest Department (MONREC)</p>	<p>Non-government sources:</p> <ul style="list-style-type: none"> • FAO (2009): Myanmar forestry outlook study. Working Paper No. APFSOS II/WP/2009/07. http://www.fao.org/docrep/014/am252e/am252e00.pdf • FAO (2010): Global Forest Resource Assessment 2010: Country Report Myanmar. http://www.fao.org/docrep/013/i1757e/i1757e.pdf • Transparency International (2017): Corruption Perception Index 2016 - Myanmar. https://www.transparency.org/news/feature/corruption_percptions_index_2016 • Woods, K. and Canby, K. (2011): BASELINE STUDY 4, MYANMAR. Overview of Forest Law Enforcement, Governance and Trade. The European Forest Institute. http://www.euflegt.efi.int/files/attachments/euflegt/baseline_study_4___myanmar_final_.pdf • World Bank (2011): Worldwide Governance Indicators- Myanmar 1996-2011. http://info.worldbank.org/governance/wgi/pdf/c146.pdf • Clarke, J. E. (2010): Biodiversity and protected areas Myanmar. Regional Environmental Technical Assistance 5771 Poverty Reduction & Environmental Management in Remote Greater Mekong Sub region (GMS) Watersheds Project (Phase I). http://www.mekonginfo.org/assets/midocs/0002035-environment-biodiversity-and-protected-areas-myanmar.pdf 	<p>Overview of Legal Requirements The legal framework for protection of environmental values in Myanmar, and in the forest areas of Myanmar is extremely weak.</p> <p>The Myanmar Forest Policy has as the first policy imperatives:</p> <p>3.1 Protection – Safeguarding soils, water catchments, ecosystems, biodiversity and plant and animal genetic resources, scenic reserves and national heritage sites.</p> <p>3.2 Sustainability – Managing the forests to ensure in perpetuity the level of benefit both tangible and intangible for the present and future generations. It also implies the maintenance and rational use and enhancement of the forest resources base to ensure ecological resilience and its contribution to socio- economic growth on a continuous basis.</p> <p>Also the Policy contains direct reference to improved protection and management related to environmental issues (5.2 and 6.2). These objectives to manage forests in a sustainable and environmental responsible way are also reflected in the Forest Law (Chapter IV). However, although forest management is aimed at conserving the environment (including soil and water) the</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p>Departmental instructions for control of forest encroachment. Forest Department (MONREC)</p> <p>National Biodiversity Strategy and Action Plan (NBSAP), 2011 http://www.cbd.int/doc/world/mm/mm-nbsap-01-en.pdf</p> <p>Legal Authority</p> <p>District Forest Department</p> <p>Legally required documents or records</p> <p>Forest Management Plan Harvesting Plan Exploration Report (MTE Form AC) Field inspection reports</p>	<ul style="list-style-type: none"> • Forest Certification Committee of Myanmar (2013): Timber Harvesting and traceability verification in Myanmar. • Nay San Lin (2006): Assessment of impacts of harvesting practices on teak bearing forests in the east Bago Yoma of Myanmar. MSc. thesis. • U4 Expert Answer (2012): Overview of corruption in Burma (Myanmar). https://www.u4.no/publications/overview-of-corruption-in-burma-myanmar/ • UNOP (2011): Myanmar: Unrepresented Nations and People's Organization (UNPO) Submission to the UN Office of the High Commissioner for Human Rights Universal Periodic Review: 10th Session of the UPR Working Group, January 2011. http://lib.ohchr.org/HRBodies/UPR/Documents/Session10/MM/UNPO_UnrepresentedNationsandPeople'sOrganization_eng.pdf • UPI (2012): Myanmar in a deforestation crisis. Downloaded on 26 May 2013: http://www.upi.com/Science_News/2012/08/22/Myanmar-in-deforestation-crisis/UPI-50031345670650/ • Woods, K. and Canby, K. (2011): BASELINE STUDY 4, MYANMAR. Overview of Forest Law Enforcement, Governance and Trade. The European Forest Institute. http://www.euflegt.efi.int/files/attachments/euflegt/baseline_study_4___myanmar___final_.pdf • World Bank (2017): Worldwide Governance Indicators- Myanmar 1996-2016. http://info.worldbank.org/governance/wgi/index.aspx#report • Wyler, L. S. (2008): Burma and Transnational Crime. CRA report for Congress. http://www.fas.org/sgp/crs/row/RL34225.pdf • Zaw, U. K, (2003): Current State of the Development and Implementation of the National Code of Harvesting Practices in Myanmar. http://www.rinya.maff.go.jp/code-h2003/PART_4/U_Kin_Zaw.pdf 	<p>requirements of the Law and the Forest Rules are not legally enforceable.</p> <p>The National Code of Forest Harvesting include guidelines for carrying out pre-harvest management zoning as well as pre-harvest planning (tree selection and marking, buffer zone demarcation, infrastructure planning, skid track location, and directional felling).</p> <p>Concrete forest management rules related to environmental protection are only found in the National Code of Forest Harvesting and included as sections in the template for forest management plans. In principle the Code does provide a very useful framework for managing forest and harvest operations in an environmental responsible way; however, the Code has not been promulgated as a requirement, and must therefore be considered a guideline only. Therefore, it is difficult to evaluate the specific risk of environmental regulations in forest management.</p> <p>Description of Risk The fact that the Forest Policy and the Forest Law have strong focus on environmental protection must be considered when evaluating risks of legal violations. Forest management practices that are believed to be in violation of the policy and law imperatives, must be considered to be illegal. It is therefore considered that the Code of Forest Harvesting should be treated as a reference when evaluating environmental practices in forest activities, and used as a reference to verify conformance. Available resources clearly underline the lack of implementation of relevant rules and</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<p>regulations, as well as the high risk of corruption. Also, as mentioned in indicator 1.8. Timber harvesting regulations, the separation of responsibility for forest management activities and the extraction of timber between the FD and the MTE, creates incentives towards corruption and legal violations.</p> <p>Risk Conclusion Based on reports of environmental destruction and unsustainable harvest practices in Myanmar, the general risk of corruption in Myanmar and the ranking of Myanmar in both Transparency International's Corruption Perceptions Index (136 in 2016, with a score of 28 out of 100) and the World Bank's Worldwide Governance Indicators 2016, the risk for this indicator has been assessed as specified.</p> <p>Threshold (2) is met: Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.</p>
1.11 Health and safety	<p>Applicable laws and regulations</p> <p>Occupational Health and Safety Law http://www.myanmar-responsiblebusiness.org/pdf/2017-11-Occupational-Safety-and-Health-Law_unofficial_translation.pdf</p> <p>National Code of Forest Harvesting (2000). Forest Department (MONREC)</p> <p>MTE extraction Manual, 1936</p>	<p>Government sources: - Ministry of Labour (MOL) (N.Y): http://www.mol.gov.mm/en/</p> <p>Non-government sources: • ILO (2014): National profile on occupational safety and health: Myanmar - http://www.ilo.org/safework/areasofwork/national-occupational-safety-and-health-systems-and-programmes/WCMS_242224/lang--en/index.htm • Shwe Yee Saw Myint (2012). Myanmar to draft first labour safety law. Myanmar Times. 21. December 2012. http://mmtimes.com/index.php/national-news/3625-myanmar-to-draft-first-labour-safety-law.html</p>	<p>Overview of Legal Requirements The Forest Law and Rules do not mention health and safety. The only reference to requirements for health and safety in the forest sector are included in the National Code of Forest Harvesting and the MTE extraction manual section 10. The Code contains a number of safety-related requirements, such as safety equipment to be used in the forest, etc.</p> <p>Description of Risk Little information has so far been available about the working conditions of Myanmar forest workers, but the issue has to be considered a risk given</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p>NAT Lex (Legislation on Myanmar employment and health and safety). http://www.ilo.org/dyn/natlex/natlex_browse.country?p_lang=en&p_country=MMR</p> <p>Legal Authority</p> <p>Ministry of Labour</p> <p>Ministry of Environmental Conservation and Forestry</p> <p>Legally required documents or records</p> <p>Forest management Plan</p>	<ul style="list-style-type: none"> • Transparency International (2017): Corruption Perception Index 2016 - Myanmar. https://www.transparency.org/news/feature/corruption_perceptions_index_2016 • U4 Expert Answer (2012): Overview of corruption in Burma (Myanmar). https://www.u4.no/publications/overview-of-corruption-in-burma-myanmar/ • UNOP (2011): Myanmar: Unrepresented Nations and People's Organization (UNPO) Submission to the UN Office of the High Commissioner for Human Rights Universal Periodic Review: 10th Session of the UPR Working Group, January 2011. http://lib.ohchr.org/HRBodies/UPR/Documents/Session10/MM/UNPO_UnrepresentedNationsandPeople'sOrganization_eng.pdf • UPI (2012): Myanmar in a deforestation crisis. Downloaded on 26 May 2013: http://www.upi.com/Science_News/2012/08/22/Myanmar-in-deforestation-crisis/UPI-50031345670650/ • Woods, K. and Canby, K. (2011): BASELINE STUDY 4, MYANMAR. Overview of Forest Law Enforcement, Governance and Trade. The European Forest Institute. http://www.euflegt.efi.int/files/attachments/euflegt/baseline_study_4___myanmar___final_.pdf • World Bank (2017): Worldwide Governance Indicators- Myanmar 1996-2016. http://info.worldbank.org/governance/wgi/index.aspx#report 	<p>evidence from other sectors such as production in factory settings, where health and safety issues have been raised as a problem. Key issues include neglect of basic safety protocols in felling and skidding, and hearing damage due to lack of simple ear protection in factories. Lack of ear protection is therefore also likely in forest. Additionally, the lack of transparency of the system regulating health and safety constitutes a risk factor.</p> <p>Taking into consideration the information above and the lack of available data to assess law enforcement of health and safety requirements in harvesting activities, precautionary approach has been applied, thus this indicator is considered specified risk.</p> <p>Risk Conclusion Specified risk. Threshold (2) is met: Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.</p>
1.12 Legal employment	<p>Applicable laws and regulations</p> <p>Social Security Law, 2012 (draft) http://www.icnl.org/research/library/files/Myanmar/socsec.pdf</p> <p>Minimum Wages Act, 2013</p>	<p>Non-government sources</p> <ul style="list-style-type: none"> • Chen, M. (2011). "Burma's new labor law: Built to fail or shifting toward democracy?". In These Times, December 15, 2011. http://inthesetimes.com/working/entry/12430/burmas_new_labor_law_built_to_fail_or_shifting_toward_democracy/ 	<p>Overview of Legal Requirements</p> <p>Recent changes have indicated progress in the development of legal frameworks related to employment. Myanmar has had a track record of involving forced labour and the use of convict labour (ILO, 2014).</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p>http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=90652&p_classification=12.02</p> <p>Settlement of labour dispute law, 2012 http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=90651&p_country=MMR&p_count=86</p> <p>Leave and Holiday Act, 1951 http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=88687</p> <p>Workman's Compensation Act, 1923 2012-L-90652 http://www.burmalibrary.org/docs15/2005-SPDC_Law2005-04-Law_Ameniding_the%20Workmen%27s%20Compensation_Act-1923-en.pdf</p> <p>Employment and Training Act, 1950 http://www.mol.gov.mm/en/wp-content/uploads/2016/10/ESD_Law_Eng.pdf</p> <p>Labour Organisation Law No. 7, 2011 http://www.icnl.org/research/library/files/Myanmar/about.pdf</p> <p>Labour organisation rules, 2011 http://www.burmalibrary.org/docs15/2012-Labour_Organization_Rules-Notification_1-2012-en-red-crop.pdf</p> <p>Settlement of labour dispute rules, 2012</p>	<ul style="list-style-type: none"> • ILO (2014): National profile on occupational safety and health: Myanmar - http://www.ilo.org/safework/areasofwork/national-occupational-safety-and-health-systems-and-programmes/WCMS_242224/lang--en/index.htm • Michaels, S. (2013). ILO Lifts All Restrictions on Burma. The Irrawaddy. 19. June 2013. http://www.irrawaddy.org/archives/37901 Transparency International (2017): Corruption Perception Index 2016 - Myanmar. https://www.transparency.org/news/feature/corruption_perceptions_index_2016 • U4 Expert Answer (2012): Overview of corruption in Burma (Myanmar). https://www.u4.no/publications/overview-of-corruption-in-burma-myanmar/ • UNOP (2011): Myanmar: Unrepresented Nations and People's Organization (UNPO) Submission to the UN Office of the High Commissioner for Human Rights Universal Periodic Review: 10th Session of the UPR Working Group, January 2011. http://lib.ohchr.org/HRBodies/UPR/Documents/Session10/MM/UNPO_UnrepresentedNationsandPeople'sOrganization_eng.pdf • UPI (2012): Myanmar in a deforestation crisis. Downloaded on 26 May 2013: http://www.upi.com/Science_News/2012/08/22/Myanmar-in-deforestation-crisis/UPI-50031345670650/ • Woods, K. and Canby, K. (2011): BASELINE STUDY 4, MYANMAR. Overview of Forest Law Enforcement, Governance and Trade. The European Forest Institute. http://www.euflegt.efi.int/files/attachments/euflegt/baseline_study_4__myanmar__final_.pdf • World Bank (2017): Worldwide Governance Indicators- Myanmar 1996-2016. http://info.worldbank.org/governance/wgi/index.aspx#report 	<p>The ILO has recent lifted the remaining restrictions on Myanmar - The restrictions, which were imposed by the UN agency in 2000, included a recommendation that its 185 member states limit relations with Burma to avoid perpetuating forced labor in the country, a major problem under the former military regime, which ceded power to a nominally civilian government in 2011 (Michaels, 2013). However, rights activists say forced labour remains a major problem in many of Myanmar's border states, where clashes continue to break out between ethnic armed groups and the government's army despite ceasefire agreements.</p> <p>Description of Risk In southeast Myanmar's Karen State, forced labour has been imposed by the Border Guard Force (BGF) which is controlled by the government's army. Earlier this year, residents in two villages in Papun District were forced to gather building materials for BGF soldiers, serve as messengers, perform sentry duties and complete domestic duties in the army camp, according to a report released in April 2016 by the Karen Human Rights Group.</p> <p>In east Myanmar's Shan State, rights groups also cite continuing forced labour at the hands of government soldiers and ethnic minority militias. In April (2013 ed.), after clashes in March despite a ceasefire, hundreds of internally displaced persons were reluctant to leave temporary settlement camps because they feared forced labour, according to a report by Radio Free Asia.</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p>http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=99284</p> <p>Factories Act, 1951 http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=88477&p_country=MMR&p_count=86&p_classification=14&p_classcount=5</p> <p>Legal Authority</p> <p>Ministry of Environmental Conservation and Forestry</p> <p>Legally required documents or records</p> <p>Employment contracts</p>	<ul style="list-style-type: none"> • Karen Human Rights Group (2016): 'Thaton Situation Update: Thaton Township, July to October 2015', accessed 27 April 2016 at <http://khrhg.org/sites/default/files/15-101-s1_0.pdf>. • Radio Free Asia (2013): Refugees Fear Fighting, Forced Labor in Burma's Shan State. Radio Free Asia 12 April 2013 http://www.rfa.org/english/news/myanmar/shan-04122013174152.html?searchterm:utf8:ustring=shan+state+forced+labor 	<p>In the past year, reports of forced labour have also come out of Kachin State, Chin State, Arakan State and other border states.</p> <p>The ILO acknowledges that despite progress, forced labour continues in Myanmar and has urged its member states to provide financial support to improve working conditions in the country. In June 2013, the ILO pledged to continue working with Myanmar's government toward the goal of eliminating all forms of forced labour by 2015, and to monitor working conditions as foreign companies rush in to take advantage of what is widely seen as one of the world's last untapped markets.</p> <p>Risk Conclusion</p> <p>Given the general risk of corruption in Myanmar, the ranking of Myanmar in both Transparency International's Corruption Perceptions Index (136 in 2016, with a score of 28 out of 100) and the World Bank's Worldwide Governance Indicators 2016 – and the specific risks identified here – the risk for this indicator has been assessed as specified.</p> <p>Threshold (2) is met: Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.</p>
Third parties' rights			
1.13 Customary rights	<p>Applicable laws and regulations</p> <p>Forest Law, 1992. Law No. 8/92. Section 15, 17 and 20</p>	<p>Non-government sources:</p> <ul style="list-style-type: none"> • Global Witness (2003): A Conflict of Interests The uncertain future of Burma's forests A Briefing Document by Global Witness. October 2003. http://www.globalwitness.org/library/conflict-interest-english • Oberndorf, R.D. (2012): Legal Review of Recently Enacted Farmland Law and Vacant, Fallow and Virgin 	<p>Overview of Legal Requirements</p> <p>The constitution does not recognize customary rights. The Land use policy does and the Forest Law recognizes use of land for communities for non-commercial purposes.</p> <p>The rights to extract forest products rests with the state, villagers can be given permission to extract</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p>http://www.burmalibrary.org/docs15/1992-SLORC_Law1992-08-Forest_Law-en.pdf</p> <p>Forest Rule, 1995 -Chapter 5 (Sections 45 and 46) Only in Burmese: http://www.burmalibrary.org/docs20/1995-Forest_Rules-bu.pdf</p> <p>Community Forestry Instructions, 1995 - 5(e), http://share4dev.info/kb/output_view.asp?outputID=5360</p> <p>Management Plan, -Sections 9.3.2.2 and 9.4.2.2 "People Participation in Forest Management Planning" Forest Department (MONREC)</p> <p>Land policy (forthcoming) Vacant, Fallow, and Virgin Land Law (VFV Law) (2012) http://www.burmalibrary.org/docs13/VFVLM_Law-en.pdf</p> <p>Legal Authority</p> <p>Ministry of Environmental Conservation and Forestry</p> <p>Legally required documents or records</p> <p>Land Use Certificates; Forest User Group certificate; customary land use evidence</p>	<p>Lands Management Law. Food Security Working Group's Land Core Group.</p> <ul style="list-style-type: none"> • Roy, R. D. (2005): Traditional Customary Laws and Indigenous Peoples in Asia. Minority rights group international. http://www.refworld.org/pdfid/469cbfb70.pdf • Springate-Baginski, O. and Than, M. M. (2011): Community Forestry in Myanmar: Some field realities. http://www.burmalibrary.org/docs13/CF+Myanmar+report++FUG+case+studies-op75-red.pdf • Thaug, T., L. (2007): Identifying conservation issues in Kachin State. Myanmar The state, community and the environment. Australia National University. • Tint, Springate-Baginski and Gyi (2011): Community forestry in Myanmar – progress and potential. ECCDI. http://www.burmalibrary.org/docs13/Community+Forestry+i n+Myanmar-op75-red.pdf • Transparency International (2017): Corruption Perception Index 2016 - Myanmar. https://www.transparency.org/news/feature/corruption_perceptions_index_2016 • U4 Expert Answer (2012): Overview of corruption in Burma (Myanmar). https://www.u4.no/publications/overview-of-corruption-in-burma-myanmar/ • UNOP (2011): Myanmar: Unrepresented Nations and People's Organization (UNPO) Submission to the UN Office of the High Commissioner for Human Rights Universal Periodic Review: 10th Session of the UPR Working Group, January 2011. http://lib.ohchr.org/HRBodies/UPR/Documents/Session10/MM/UNPO_UnrepresentedNationsandPeople'sOrganization_eng.pdf • Woods, K. and Canby, K. (2011): BASELINE STUDY 4, MYANMAR. Overview of Forest Law Enforcement, Governance and Trade. The European Forest Institute. 	<p>only limited amounts of products and never Teak trees (which are owned solely by the state).</p> <p>The Community Forest (CF) Instructions provide options for villagers to resume control – in a more formal way – of resources that they are already using. However, implementation has so far been limited and results vary greatly. There are many examples showing that CF rights are being violated, especially to make way for industrial land development.</p> <p>In Myanmar, for large villages (more than 50 households) within an area classified as Reserve Forest or Public Protected Forest/Protected Area with paddy land, the housing area would be de-gazetted and reclassified as Settlement Land under the authority of the General Administration Department, and the paddy land would be de-gazetted and be reclassified as Farmland (land use certificates issued and land registered); while any other agricultural land or forest land that the villagers utilize could come under a CF arrangement.</p> <p>Description of Risk For forest areas being used for agriculture, development or reclassification – where such areas are under the authority of the General Administration Department (variously described as unclassified forest, public forest, or virgin land) – regulations seem to be unclear; and associated procedures are not transparent. Apparently different objectives and interests of MOECA and MOAI result in conflicts over land resources. However, under the Vacant, Fallow, and Virgin</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	(may be verbal); and documentation of benefit sharing	http://www.euflegt.efi.int/files/attachments/euflegt/baseline_study_4___myanmar___final_.pdf • World Bank (2017): Worldwide Governance Indicators- Myanmar 1996-2016. http://info.worldbank.org/governance/wgi/index.aspx#report	<p>Land Law (VFV Law) (2012) the community could request that the land they are using be reclassified as farmland, or it could be classified as forestland and MOECAAF could let them come under a CF arrangement as part of the land use planning process. Again, this seems to be a grey area because there is no clear process for this type of land use planning, and there are competing interests between sectoral ministries.</p> <p>Due to the weak legal framework surrounding customary rights it is hard to describe specifically the risk of specific legal requirements being violated in this regard. However, it is reported that those few legal rights there are mentioned, are not being followed and the risk for their enforcement is specified.</p> <p>Risk Conclusion Given the general risk of corruption in Myanmar, the ranking of Myanmar in both Transparency International's Corruption Perceptions Index (136 in 2016, with a score of 28 out of 100) and the World Bank's Worldwide Governance Indicators 2016 – and the risks identified here – the risk for this indicator has been assessed as specified. Threshold (2) is met: Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.</p>
1.14 Free prior and informed consent	Applicable laws and regulations Forest Policy, 1995 http://www.burmalibrary.org/docs20/1995-Forest_Policy+1996-	Non-government sources: • Boot, W. (2013): “Burma Business Roundup (May 24)”. The Irrawaddy 25 May 2013. http://www.irrawaddy.org/archives/35446 • Global Witness (2003): A Conflict of Interests The uncertain future of Burma’s forests A Briefing Document by	Overview of Legal Requirements The Forest Policy clearly states as an objective (5.10): ‘To enlist people’s participation in forest sector development activities in order to provide ‘people-based development’ and also create public awareness and mass motivation for protection and

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p>Forest_Policy_Statement-en-tu.pdf</p> <p>Community Forestry Instructions, 1995 http://share4dev.info/kb/output_view.asp?outputID=5360</p> <p>Forest Rule, 1995, - Chapter (2) "Constitution of Reserved Forest and Declaration of Protected Public Forest" Only in Burmese: http://www.burmalibrary.org/docs20/1995-Forest_Rules-bu.pdf</p> <p>Forest Law, 1992. Law No. 8/92. http://www.burmalibrary.org/docs15/1992-SLORC_Law1992-08-Forest_Law-en.pdf</p> <p>Legal Authority</p> <p>N/A</p> <p>Legally required documents or records</p> <p>N/A</p>	<p>Global Witness. October 2003. http://www.globalwitness.org/library/conflict-interest-english</p> <ul style="list-style-type: none"> • Oberndorf, R.D. (2012): Legal Review of Recently Enacted Farmland Law and Vacant, Fallow and Virgin Lands Management Law. Food Security Working Group's Land Core Group. • Roy, R. D. (2005): Traditional Customary Laws and Indigenous Peoples in Asia. Minority rights group international. http://www.refworld.org/pdfid/469cbfb70.pdf • Springate-Baginski, O. and Than, M. M. (2011): Community Forestry in Myanmar: Some field realities. http://www.burmalibrary.org/docs13/CF+Myanmar+report+-FUG+case+studies-op75-red.pdf • Thaug, T., L. (2007): Identifying conservation issues in Kachin State. Myanmar The state, community and the environment. Australia National University. • Tint, Springate-Baginski and Gyi (2011): Community forestry in Myanmar – progress and potential. ECCDI. http://www.burmalibrary.org/docs13/Community+Forestry+i+n+Myanmar-op75-red.pdf • Transparency International (2017): Corruption Perception Index 2016 - Myanmar. https://www.transparency.org/news/feature/corruption_perceptions_index_2016 • U4 Expert Answer (2012): Overview of corruption in Burma (Myanmar). https://www.u4.no/publications/overview-of-corruption-in-burma-myanmar/ • UNOP (2011): Myanmar: Unrepresented Nations and People's Organization (UNPO) Submission to the UN Office of the High Commissioner for Human Rights Universal Periodic Review: 10th Session of the UPR Working Group, January 2011. http://lib.ohchr.org/HRBodies/UPR/Documents/Session10/MM/UNPO_UnrepresentedNationsandPeople'sOrganization_eng.pdf 	<p>conservation of forests.' However minimal legal framework has been established to attain this.</p> <p>The Forest Rules include requirements for the Forest Settlement Officer to announce the establishment of new (or affirmation of existing) Reserve Forest areas to the public within 30 days from the establishment. Stakeholders then have 90 days to submit any claims.</p> <p>The Rules however do not mention any requirements for Free, Prior and Informed Consent (FPIC).</p> <p>Myanmar was one of 144 states that endorsed the United Nations Declaration on the Rights of Indigenous Peoples in September 2007. However, Myanmar has not ratified this Declaration, or implemented it in national legislation. Article 32 is about Indigenous Peoples' rights to Free, Prior and Informed Consent (FPIC): States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories...". Article 10 about forcible relocation of Indigenous people, and the need for FPIC and Article 26 about land rights, are also relevant articles for Indigenous peoples in Myanmar.</p> <p>Description of Risk Earth Rights International (ERI) campaigns director Paul Donowitz has been quoted in the Irrawaddy online newspaper:</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
		<ul style="list-style-type: none"> • Woods, K. and Canby, K. (2011): BASELINE STUDY 4, MYANMAR. Overview of Forest Law Enforcement, Governance and Trade. The European Forest Institute. http://www.euflegt.efi.int/files/attachments/euflegt/baseline_study_4___myanmar___final_.pdf • World Bank (2017): Worldwide Governance Indicators- Myanmar 1996-2016. http://info.worldbank.org/governance/wgi/index.aspx#report 	<p>“The concept of Free, Prior, and Informed Consent (FPIC), which is gaining acceptance as a best practice in extractive developments, is totally absent in [Myanmar] ... There has not been one legitimate example of a company practicing FPIC in [Myanmar], where the recent norm has been local communities informed that pipelines, mines, dams, and special economic zone projects will be displacing them just prior to their displacement.” (Source: http://www.irrawaddy.org/archives/35446)</p> <p>Risk Conclusion Although the concept of FPIC is not implemented in Myanmar, there is also no law requiring this, therefore there can be no risk related to this indicator. The risk rating has therefore been assigned as Not Applicable (N/A).</p>
1.15 Indigenous peoples rights	<p>Applicable laws and regulations</p> <p>Forest Law, 1992. Law No. 8/92. http://www.burmalibrary.org/docs15/1992-SLORC_Law1992-08-Forest_Law-en.pdf</p> <p>Community Forestry Instructions, 1995, http://share4dev.info/kb/output_view.asp?outputID=5360</p> <p>Management Plan, Sections 9.3.2.2 and 9.4.2.2 "People Participation in Forest Management Planning". Forest Department (MONREC)</p> <p>Constitution of the Republic http://www.burmalibrary.org/docs5/Myanmar_Constitution-2008-en.pdf</p>	<p>Non-government sources:</p> <ul style="list-style-type: none"> • Global Witness (2003): A Conflict of Interests The uncertain future of Burma's forests A Briefing Document by Global Witness. October 2003. http://www.globalwitness.org/library/conflict-interest-english • Oberndorf, R.D. (2012): Legal Review of Recently Enacted Farmland Law and Vacant, Fallow and Virgin Lands Management Law. Food Security Working Group's Land Core Group. • Roy, R. D. (2005): Traditional Customary Laws and Indigenous Peoples in Asia. Minority rights group international. http://www.refworld.org/pdfid/469cbfb70.pdf • Springate-Baginski, O. and Than, M. M. (2011): Community Forestry in Myanmar: Some field realities. http://www.burmalibrary.org/docs13/CF+Myanmar+report+-FUG+case+studies-op75-red.pdf • Thaug, T., L. (2007): Identifying conservation issues in Kachin State. Myanmar The state, community and the environment. Australia National University. 	<p>Overview of Legal Requirements Myanmar has high ethnic diversity, officially containing 135 major ethnic groups and seven ethnic minority states, in addition to seven divisions populated mainly by the Burmese majority.</p> <p>The 2008 Constitution grants some rights to ethnic nationalities. Art. 365 provides for the enforceable right of Myanmar citizens to freely develop literature, culture, arts, customs and traditions 'that they cherish'. Article 365 also provides that 'any particular action which might affect the interests of one or several other of the national races shall be taken...' only after obtaining the 'settlement of those affected'. However, these protections and the exercise of these rights are circumscribed as they must be in accordance with the law, which is itself restrictive, and must avoid any act detrimental to national solidarity. Moreover, Art. 365 applies</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p>Wildlife and Protected Area Law No 37/2002 http://displacementsolutions.org/wp-content/uploads/THE-PROTECTION-OF-WILDLIFE-AND-CONSERVATION-OF-AND-PROTECTION-OF-NATURAL-AREAS-LAW-1994.pdf</p> <p>Legal Authority</p> <p>Ministry of Environmental Conservation and Forestry</p> <p>Legally required documents or records</p> <p>No specific documentation at present. In future potentially constitutional reform for federal devolution of resource governance; Land policy</p>	<ul style="list-style-type: none"> • Tint, Springate-Baginski and Gyi (2011): Community forestry in Myanmar – progress and potential. ECCDI. http://www.burmalibrary.org/docs13/Community+Forestry+in+Myanmar-op75-red.pdf • Transparency International (2017): Corruption Perception Index 2016 - Myanmar. https://www.transparency.org/news/feature/corruption_perceptions_index_2016 • U4 Expert Answer (2012): Overview of corruption in Burma (Myanmar). https://www.u4.no/publications/overview-of-corruption-in-burma-myanmar/ • UNOP (2011): Myanmar: Unrepresented Nations and People's Organization (UNPO) Submission to the UN Office of the High Commissioner for Human Rights Universal Periodic Review: 10th Session of the UPR Working Group, January 2011. http://lib.ohchr.org/HRBodies/UPR/Documents/Session10/MM/UNPO_UnrepresentedNationsandPeople'sOrganization_eng.pdf • Woods, K. and Canby, K. (2011): Baseline Study 4, Myanmar. Overview of Forest Law Enforcement, Governance and Trade. The European Forest Institute. http://www.euflegt.efi.int/files/attachments/euflegt/baseline_study_4___myanmar___final_.pdf • World Bank (2017): Worldwide Governance Indicators- Myanmar 1996-2016. http://info.worldbank.org/governance/wgi/index.aspx#report 	<p>only to Myanmar citizens; tens of thousands of indigenous peoples there may not have proper identification documents that would grant them citizenship.</p> <p>Forest and conservation laws in Myanmar require the consultation of local communities and the consideration of community rights and benefits. Article 6 of the 1992 Forest Law requires the consultation of local communities in the process of demarcation of the boundaries of reserved or protected public forest (but makes no specific reference to indigenous peoples). Article 7(a) of the Wildlife and Protected Area Law No 37/2002 provides for communities living in the proposed protected area to make claims to a Settlement Committee within 90 days of the announcement. Section 9 of this law provides that the authorities '...will review the community claims...a) arrange that communities' rights and benefits are guaranteed, b) can establish a buffer zone and within this zone provide customary land use rights and establish a record'</p> <p>The main ethnic groups living in the seven ethnic minority states of Myanmar are the Karen, Shan, Mon, Chin, Kachin, Rakhine and Karenni. Other main groups include the Nagas, who live in north Myanmar and are estimated to number about 100,000, constituting another complex family of Tibetan–Burmese language sub-groups. To these long-established minorities should be added more recent arrivals, who now constitute substantial numbers in the country, such as the Indians, Pa-O, Wa, Kokang, Palaung, Akha, Lahu, etc.</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<p>Within the Constitution of Myanmar, there is reference to the recognition of different ethnic groups– referred to as 'National Races' (Article 22a). There are no provisions, however, specifically tailored to protect these National Races in terms of policies implemented by the Government.</p> <p>While the constitution distinguishes between legislatures at different levels (states, regions, and self-administered zones) the system of the executive is unified. In other words, the executive at every level is subject to the overriding authority of the President. Another element is the presence of the Tatmadaw at every level. These factors centralize control over ethnic states.</p> <p>Description of Risk There are no laws or regulations that recognise Indigenous Peoples' rights to own or manage forest resources according to Indigenous law or rules. Therefore, the risk of violation of Indigenous Peoples' legal rights is not applicable since they have none.</p> <p>However, it should be emphasized that ethnic conflict is commonplace in Myanmar; and is one of the reasons for the number of violent conflicts that are still ongoing in some regions of the Union. Although Indigenous Peoples' rights are not well protected by law, it is still considered that a significant risk exists of armed conflict or violation of human rights. Since there is no legislation there cannot be violation. The risk mentioned here however shall be taken into account in Category 2 assessment.</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			Risk Conclusion N/A
Trade and transport			
1.16 Classificati on of species, quantities, qualities	<p>Applicable laws and regulations</p> <p>MTE Extraction manual, 1936 and Standing orders and DI for forest officers, Myanmar Selection System, Management Plan, Section 2.3 "Forest Resource Base". Inspect the logs from felling to delivering to measuring points by hammer marks of FD and MTE timber harvesting forms</p> <p>Standing Orders for Extraction Staff Chapter 11, Classification of Grade (star), Chapter 13, Hardwood Extraction "Classification of species and group". MTE</p> <p>Management Plan, Section 2.3 "Forest Resource Base". Forest Department (MONREC)</p> <p>Legal Authority</p> <p>Ministry of Environmental Conservation and Forestry</p> <p>Legally required documents or records</p> <p>Joint measuring forms (Form C and Form D) Trucking slips (Form D) Completion report (Form AJ)</p>	<p>Non-government sources:</p> <ul style="list-style-type: none"> • EIA (2014): Data corruption: Exposing the true scale of logging in Myanmar. https://www.illegal-logging.info/sites/default/files/EIA-Data-Corruption-FINAL.pdf • Transparency International (2017): Corruption Perception Index 2016 - Myanmar. https://www.transparency.org/news/feature/corruption_perc_eptions_index_2016 • U4 Expert Answer (2012): Overview of corruption in Burma (Myanmar). https://www.u4.no/publications/overview-of-corruption-in-burma-myanmar/ • UNOP (2011): Myanmar: Unrepresented Nations and People's Organization (UNPO) Submission to the UN Office of the High Commissioner for Human Rights Universal Periodic Review: 10th Session of the UPR Working Group, January 2011. http://lib.ohchr.org/HRBodies/UPR/Documents/Session10/MM/UNPO_UnrepresentedNationsandPeople'sOrganization_eng.pdf • UPI (2012): Myanmar in a deforestation crisis. Downloaded on 26 May 2013: http://www.upi.com/Science_News/2012/08/22/Myanmar-in-deforestation-crisis/UPI-50031345670650/ • Woods, K. and Canby, K. (2011): BASELINE STUDY 4, MYANMAR. Overview of Forest Law Enforcement, Governance and Trade. The European Forest Institute. http://www.euflegt.efi.int/files/attachments/euflegt/baseline_study_4_myanmar_final_.pdf • World Bank (2017): Worldwide Governance Indicators- Myanmar 1996-2016. http://info.worldbank.org/governance/wgi/index.aspx#report 	<p>Overview of Legal Requirements</p> <p>All logs harvested from Reserve Forest shall be marked with hammer marks of the MTE agency, as well as royalty receipt stand (along with other stamps). All logs shall be recorded in the pre-harvest inventory and tallied in in the tracking note. Tracking notes are prepared at landing site for transport to the Agency depot. Information contained on the tracking note shall include: species name, revenue number, standing tree (aka stump serial number), grade, measurements, district and region, date and truck number. This information in principal shall be available for each log until the point of sales at the auctions in Yangon. Or sales elsewhere (for non-teak species).</p> <p>Description of Risk</p> <p>Documentation related to movement of timber and classification of grades, species and volumes is an area particularly vulnerable to corruption since approval of the different types of documents often requires approval or verification by several different entities –all of which could have an interest in rent seeking (i.e. when a company, organization or individual uses their resources to obtain an economic gain from others without reciprocating any benefits back to society through wealth creation) (UPI, 2012, EIA, 2014).</p> <p>Furthermore, there is a significant level of corruption in Myanmar, based on the ranking of this country in both Transparency International's</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	Deport registers (Form AT/AU, Form AO) (see Timber Harvest Work Flow tab)		Corruption Perceptions Index (136 in 2016, with a score of 28 out of 100) and the World Bank's Worldwide Governance Indicators 2016. Taking into consideration the information above, and the fact that available data is limited to assess the law enforcement for this indicator, the precautionary approach has been applied, thus this indicator is considered specified risk. Risk Conclusion Specified risk. Threshold (2) is met: Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.
1.17 Trade and transport	<p>Applicable laws and regulations</p> <p>Forest Law, 1992. Law No. 8/92. Departmental Instructions of FD and MTE. http://www.burmalibrary.org/docs15/1992-SLORC_Law1992-08-Forest_Law-en.pdf</p> <p>MTE Extraction Manual (1936), Chapter 2 "Transportation by train" Standing Orders, Chapter 9, Departmental Instructions of FD and MTE.</p> <p>Legal Authority</p> <p>Ministry of Environmental Conservation and Forestry</p> <p>Legally required documents or records</p>	<p>Non-government sources:</p> <ul style="list-style-type: none"> • Castrén, T. (2010): Timber trade and wood flow—study – Myanmar. Regional Environmental Technical Assistance 5771 Poverty Reduction & Environmental Management in Remote Greater Mekong Subregion (GMS) Watersheds Project (Phase I). http://www.mekonginfo.org/assets/midocs/0002331-environment-timber-trade-and-wood-flow-study-myanmar.pdf • Forest Certification Committee of Myanmar (2013): Timber Harvesting and traceability verification in Myanmar. • Transparency International (2017): Corruption Perception Index 2016 - Myanmar. https://www.transparency.org/news/feature/corruption_perc_eptions_index_2016 • U4 Expert Answer (2012): Overview of corruption in Burma (Myanmar). https://www.u4.no/publications/overview-of-corruption-in-burma-myanmar/ • UNOP (2011): Myanmar: Unrepresented Nations and People's Organization (UNPO) Submission to the UN 	<p>Overview of Legal Requirements</p> <p>The Forest Act, Section 39(1)(b), prohibits the import, export, collection or moving of any forest product without prior written permission from the forest authorities. The Act contained specific rules for the transport of timber, the establishment of sawmills, duty on forest product, and the seizure of cattle or elephants trespassing in a reserved forest. Penalties under the Act include: imprisonment for a term that may extend to six months, or a fine, or both.</p> <p>Legislation and regulations for harvesting and transportation of forest products are in place, with the Forest Department carrying out legality verification of timber and monitoring and inspection of harvesting practices, including checking log hammer marks against official documents at the depot, critical control points and wood processing factories. Although the system is implemented, the actual log transport and ownership transfer</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p>Removal pass</p> <p>Permit to cut</p> <p>Joint measuring forms (Form C and Form D)</p> <p>Trucking slips (Form D)</p> <p>Completion report (Form AJ)</p> <p>Deport registers (Form AT/AU, Form AO)</p> <p>Specification list/Measurement/packing list</p> <p>(see Timber Harvest Work Flow tab)</p>	<p>Office of the High Commissioner for Human Rights Universal Periodic Review: 10th Session of the UPR Working Group, January 2011. http://lib.ohchr.org/HRBodies/UPR/Documents/Session10/MM/UNPO_UnrepresentedNationsandPeople'sOrganization_eng.pdf</p> <ul style="list-style-type: none"> • UPI (2012): Myanmar in a deforestation crisis. Downloaded on 26 May 2013: http://www.upi.com/Science_News/2012/08/22/Myanmar-in-deforestation-crisis/UPI-50031345670650/ • Woods, K. and Canby, K. (2011): BASELINE STUDY 4, MYANMAR. Overview of Forest Law Enforcement, Governance and Trade. The European Forest Institute. http://www.euflegt.efi.int/files/attachments/euflegt/baseline_study_4_myanmar_final_.pdf • World Bank (2017): Worldwide Governance Indicators-Myanmar 1996-2016. http://info.worldbank.org/governance/wgi/index.aspx#report 	<p>processes and regulations are complex and involve multiple transactions and controls, which opens the door to corruption and human error.</p> <p>Description of Risk This indicator is considered to be especially susceptible to the risk of corrupt behaviour and the risk that transport or trade documents are filled in corruptly must be considered as significant.</p> <p>Furthermore, there is a significant level of corruption in Myanmar, based on the ranking of this country in both Transparency International's Corruption Perceptions Index (136 in 2016, with a score of 28 out of 100) and the World Bank's Worldwide Governance Indicators 2016.</p> <p>Taking into consideration the information above, and the fact that available data is limited to assess the law enforcement for this indicator, the precautionary approach has been applied, thus this indicator is considered specified risk.</p> <p>Risk Conclusion Specified risk. Threshold (2) is met: Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.</p>
1.18 Offshore trading and transfer pricing	<p>Applicable laws and regulations</p> <p>There are currently no transfer pricing regulations and rulings in Myanmar.</p>	<p>Non-government sources:</p> <ul style="list-style-type: none"> • Castrén, T. (2010): Timber trade and wood flow—study – Myanmar. Regional Environmental Technical Assistance 5771 Poverty Reduction & Environmental Management in Remote Greater Mekong Subregion (GMS) Watersheds Project (Phase I). http://www.mekonginfo.org/assets/midocs/0002331- 	<p>Overview of Legal Requirements There are currently no transfer pricing regulations and rulings in Myanmar (KPMG, 2016). However, the Commercial Tax Law does stipulate tax obligation for companies in Myanmar making it illegal to transfer undisclosed income overseas.</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p>Tax regulations related to foreign accounts are included in the Income Tax Law, and the Commercial Tax Law</p> <p>http://globalthink.jp/wp/wp-content/uploads/2015/10/Income-Tax-Law.pdf</p> <p>http://www.mof.gov.mm/sites/default/files/CommercialTaxLawEnglish_1.pdf</p> <p>Forest Law, 1992. Law No. 8/92. http://www.burmalibrary.org/docs15/1992-SLORC_Law1992-08-Forest_Law-en.pdf</p> <p>Legal Authority</p> <p>Internal Revenue Department (IRD)</p> <p>Legally required documents or records</p> <p>N/A</p>	<p>environment-timber-trade-and-wood-flow-study-myanmar.pdf</p> <ul style="list-style-type: none"> • Forest Certification Committee of Myanmar (2013): Timber Harvesting and traceability verification in Myanmar. • Transparency International (2017): Corruption Perception Index 2016 - Myanmar. https://www.transparency.org/news/feature/corruption_perceptions_index_2016 • KPMG (2016): Myanmar tax profile. https://home.kpmg.com/content/dam/kpmg/pdf/2016/07/tax-profile-myanmar.pdf • U4 Expert Answer (2012): Overview of corruption in Burma (Myanmar). https://www.u4.no/publications/overview-of-corruption-in-burma-myanmar/ • UNOP (2011): Myanmar: Unrepresented Nations and People's Organization (UNPO) Submission to the UN Office of the High Commissioner for Human Rights Universal Periodic Review: 10th Session of the UPR Working Group, January 2011. http://lib.ohchr.org/HRBodies/UPR/Documents/Session10/MM/UNPO_UnrepresentedNationsandPeople'sOrganization_eng.pdf • UPI (2012): Myanmar in a deforestation crisis. Downloaded on 26 May 2013: http://www.upi.com/Science_News/2012/08/22/Myanmar-in-deforestation-crisis/UPI-50031345670650/ • Woods, K. and Canby, K. (2011): BASELINE STUDY 4, MYANMAR. Overview of Forest Law Enforcement, Governance and Trade. The European Forest Institute. http://www.euflegt.efi.int/files/attachments/euflegt/baseline_study_4__myanmar__final_.pdf • World Bank (2017): Worldwide Governance Indicators- Myanmar 1996-2016. http://info.worldbank.org/governance/wgi/index.aspx#report 	<p>There is no penalty for transfer pricing manipulation (as there is no legal requirement), nor is there an explicit penalty for not having transfer pricing documentation. However, for tax shortfalls in general, a penalty not exceeding 10% of the tax may be imposed. In Myanmar, the tax return filed annually with the tax authority will be reviewed by the IRD before an assessment is made. Once the final assessment letter is issued, the taxpayer can settle the amount of tax assessed by the IRD. The IRD retains the right (backdated for three years) to reassess the company, but this period can be extended where any tax evasion is suspected. However, there is no precedent case where the IRD has revisited the company with the Myanmar Investment Commission (MIC) permit.</p> <p>Description of Risk</p> <p>Through personal communications it has been indicated that companies in Myanmar practice a system whereby timber products are being sold to foreign buyers at a lower rate than the actual price (the price is manipulated); while the real (and higher) price is transferred to accounts in other countries, such as Singapore. This allows for non-payment of tax. The offshore accounts are then allegedly used as 'black' money for payments of bribes.</p> <p>Risk Conclusion</p> <p>Given the general risk of corruption in Myanmar, the ranking of Myanmar in both Transparency International's Corruption Perceptions Index (136 in 2016, with a score of 28 out of 100) and the World Bank's Worldwide Governance Indicators 2016 – and the specific risk identified above – the</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			risk for this indicator has been assessed as specified. Threshold (2) is met: Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.
1.19 Custom regulations	<p>Applicable laws and regulations</p> <p>Myanmar Customs Act, http://www.myanmarcustoms.gov.mm/n-tse</p> <p>Control of Export and Import Acts, http://www.burmalibrary.org/docs11/Import-Export_(Temporary)_Act.pdf</p> <p>Forest Law, 1992. Law No. 8/92. http://www.burmalibrary.org/docs15/1992-SLORC_Law1992-08-Forest_Law-en.pdf</p> <p>Legal Authority</p> <p>Ministry of Environmental Conservation and Forestry, Ministry of Revenue</p> <p>Legally required documents or records</p> <p>Export Licence Certified letter from the FD for exporting wood products Export declaration from Customs Certificate of Myanmar Origin Fumigation Report Phytosanitary Certificate</p>	<p>Non-government sources:</p> <ul style="list-style-type: none"> • Castrén, T. (2010): Timber trade and wood flow—study – Myanmar. Regional Environmental Technical Assistance 5771 Poverty Reduction & Environmental Management in Remote Greater Mekong Subregion (GMS) Watersheds Project (Phase I). http://www.mekonginfo.org/assets/midocs/0002331-environment-timber-trade-and-wood-flow-study-myanmar.pdf • EIA (2012): Appetite for destruction - China's trade in illegal timber. http://www.eia-international.org/wp-content/uploads/EIA-Appetite-for-Destruction-lo-res.pdf • Global Witness (2005): A choice for China: ending the destruction of Burma's Northern frontier forests. http://www.globalwitness.org/library/choice-china-ending-destruction-burmas-frontier-forests • Global Witness (2009): A disharmonious trade: China and the continued destruction of Burma's northern frontier forests. http://www.globalwitness.org/library/disharmonious-trade-china-and-continued-destruction-burmas-northern-frontier-forests • ITTO (2004): Tropical Forest Update 14 /1 2004 13 • Karhl, F., Weyerhaeuser, H., and Su, Y. (2004): Navigating the Border: An Analysis of the China-Myanmar Timber Trade. Forest Trends. http://www.forest-trends.org/documents/files/doc_120.pdf • Transparency International (2017): Corruption Perception Index 2016 - Myanmar. https://www.transparency.org/news/feature/corruption_perc_options_index_2016 	<p>Overview of Legal Requirements</p> <p>The Forest Act, Section 39(1)(b), prohibits the import, export, collection or moving of any forest product without prior written permission from the forest authorities. The Act contained specific rules for the transport of timber, the establishment of sawmills, duty on forest product, and the seizure of cattle or elephants trespassing in a reserved forest. Penalties under the Act include: imprisonment for a term that may extend to six months, or a fine, or both.</p> <p>Legislation and regulations for harvesting and transportation of forest products are in place, with the Forest Department carrying out legality verification of timber and monitoring and inspection of harvesting practices, including checking log hammer marks against official documents at the depot, critical control points and wood processing factories. Although the system is implemented, the actual log transport and ownership transfer processes and regulations are complex and involve multiple transactions and controls, which opens the door to corruption and human error.</p> <p>All wood is considered legal if it has the stamps of the state-owned Myanmar Timber Enterprise (MTE) under the Ministry of Environmental Conservation and Forests (MOECAAF) and is exported via Yangon's seaports. Requiring wood exports to move through Yangon was designed to withdraw timber revenue away from illegal timber</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
		<ul style="list-style-type: none"> • U4 Expert Answer (2012): Overview of corruption in Burma (Myanmar). https://www.u4.no/publications/overview-of-corruption-in-burma-myanmar/ • Woods, K. and Canby, K. (2011): Baseline Study 4, Myanmar. Overview of Forest Law Enforcement, Governance and Trade. The European Forest Institute. http://www.euflegt.efi.int/files/attachments/euflegt/baseline_study_4___myanmar_final_.pdf • World Bank (2017): Worldwide Governance Indicators- Myanmar 1996-2016. http://info.worldbank.org/governance/wgi/index.aspx#report • Wyler, L. S. (2008): Burma and Transnational Crime. CRA report for Congress. http://www.fas.org/sgp/crs/row/RL34225.pdf • Zaw, U. K. (2003): Current State of the Development and Implementation of the National Code of Harvesting Practices in Myanmar. http://www.rinya.maff.go.jp/code-h2003/PART_4/U_Kin_Zaw.pdf 	<p>traffickers based in border regions where the state had little or no control. This has increased volumes of timber exported via Yangon. This move has helped the Government capture more timber revenue.</p> <p>Description of Risk Through reports of illegal export of timber from Myanmar, it is clear that risks exist that logs and timber products are exported illegally without the required Customs approvals, or with approval obtained corruptly. The risk must be considered significant.</p> <p>Risk Conclusion Given the general risk of corruption in Myanmar, the poor ranking of Myanmar in both Transparency International's Corruption Perceptions Index (136 in 2016, with a score of 28 out of 100) and the World Bank's Worldwide Governance Indicators 2016 - the risk for this indicator has been assessed as specified. Threshold (2) is met: Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.</p>
1.20 CITES	<p>Applicable laws and regulations</p> <p>The Protection of Wildlife and Conservation of Natural Areas Law, http://displacementsolutions.org/wp-content/uploads/THE-PROTECTION-OF-WILDLIFE-AND-CONSERVATION-OF-AND-PROTECTION-OF-NATURAL-AREAS-LAW-1994.pdf</p>	<p>Non-government sources:</p> <ul style="list-style-type: none"> • Castrén, T. (2010): Timber trade and wood flow–study – Myanmar. Regional Environmental Technical Assistance 5771 Poverty Reduction & Environmental Management in Remote Greater Mekong Subregion (GMS) Watersheds Project (Phase I). http://www.mekonginfo.org/assets/midocs/0002331-environment-timber-trade-and-wood-flow-study-myanmar.pdf 	<p>Overview of Legal Requirements Myanmar became a party to CITES in 1997. The following CITES species are available in Myanmar:</p> <ul style="list-style-type: none"> - <i>Taxus wallichiana</i> aka Himalayan Yew, is listed under Appendix II of CITES, with all plant parts and derivatives considered applicable – except seeds and pollen and finished products packaged and ready for retail trade. The small evergreen tree is listed as being endangered on the IUCN Red List; with its status being attributed to overexploitation particularly for its leaves and bark which are used

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p>Forest Department, Notification 583/94: Section 3 and Section 15. Forest Department (MONREC)</p> <p>Forest Law, 1992. Law No. 8/92. http://www.burmalibrary.org/docs15/1992-SLORC_Law1992-08-Forest_Law-en.pdf</p> <p>Legal Authority</p> <p>Ministry of Environmental Conservation and Forestry, Forest Department</p> <p>Legally required documents or records</p> <p>CITES permit</p>	<ul style="list-style-type: none"> • EIA (2012): Appetite for destruction - China's trade in illegal timber. http://www.eia-international.org/wp-content/uploads/EIA-Appetite-for-Destruction-lo-res.pdf • Global Witness (2005): A choice for China: ending the destruction of Burma's Northern frontier forests. http://www.globalwitness.org/library/choice-china-ending-destruction-burmas-frontier-forests • Global Witness (2009): A disharmonious trade: China and the continued destruction of Burma's northern frontier forests. http://www.globalwitness.org/library/disharmonious-trade-china-and-continued-destruction-burmas-northern-frontier-forests • ITTO (2004): Tropical Forest Update 14 /1 2004 13 • Karhl, F., Weyerhaeuser, H., and Su, Y. (2004): Navigating the Border: An Analysis of the China-Myanmar Timber Trade. Forest Trends. http://www.forest-trends.org/documents/files/doc_120.pdf • Transparency International (2017): Corruption Perception Index 2016 - Myanmar. https://www.transparency.org/news/feature/corruption_perceptions_index_2016 • U4 Expert Answer (2012): Overview of corruption in Burma (Myanmar). https://www.u4.no/publications/overview-of-corruption-in-burma-myanmar/ • Woods, K. and Canby, K. (2011): Baseline Study 4, Myanmar. Overview of Forest Law Enforcement, Governance and Trade. The European Forest Institute. http://www.euflegt.efi.int/files/attachments/euflegt/baseline_study_4_myanmar_final_.pdf • World Bank (2017): Worldwide Governance Indicators- Myanmar 1996-2016. http://info.worldbank.org/governance/wgi/index.aspx#report • Wyler, L. S. (2008): Burma and Transnational Crime. CRA report for Congress. http://www.fas.org/sgp/crs/row/RL34225.pdf 	<p>to produce the anti-cancer drug paclitaxel. This tree is found in Myanmar, but there are currently no trade restrictions there.</p> <p>- Rauwolfia serpentin (commonly known as Serpentine Root, Snakewood, Snake-root Devil-pepper, Rauwolfia Root, Serpentine Wood or Sarpaganda) is a flowering tree species known for its medicinal properties although it is not a commercially important species in the context of the timber trade. The species is listed under Appendix II of CITES, with all plant parts and derivatives considered applicable except seeds and pollen and finished products packaged and ready for retail trade.</p> <p>Description of Risk Although Myanmar acceded to CITES in 1997, there is ample evidence of a thriving wildlife trade between Myanmar and each of China, Thailand and India. Reports of trade in species of plants and animals listed within the CITES Appendices are frequent in Myanmar. The risk that plants and animals are traded illegally is considered a definite one.</p> <p>Risk Conclusion Based on the available information, the risk for this indicator has been assessed as specified. Threshold (2) is met: Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
		<ul style="list-style-type: none"> Zaw, U. K, (2003): Current State of the Development and Implementation of the National Code of Harvesting Practices in Myanmar. http://www.rinya.maff.go.jp/code-h2003/PART_4/U_Kin_Zaw.pdf 	
Diligence/due care procedures			
1.21 Legislation requiring due diligence/due care procedures	<p>Applicable laws and regulations</p> <p>No such legislation at present.</p> <p>Legal Authority</p> <p>N/A</p> <p>Legally required documents or records</p> <p>N/A</p>	N/A	N/A

Recommended control measures

The recommended control measures here are only indicative in nature, and are not mandatory. Organizations shall evaluate and devise appropriate control measures to mitigate the risks identified in this risk assessment as applicable.

Indicator	Recommended control measures
1.1 Land tenure and management rights	<p>Generic</p> <ul style="list-style-type: none"> - Land registry shall confirm ownership and validity of property deed. - Tax authorities shall confirm valid tax registration. - The business register shall confirm valid business licenses to operate within the jurisdiction. - In areas with land ownership conflicts, consultation with neighbours, local communities and others shall confirm that land tenure rights are clear. - Stakeholder consultation shall confirm that registration of FME has been granted following legally prescribed processes. - Stakeholder consultation shall confirm that legal status of the operation or rights for conducting the established activities are not subject to court orders or other legally established decisions to cease operations. - The management contract or other agreements with the owner shall indicate clear management rights. - Valid business registration documents shall exist. - The issuance of legal rights and registration shall be subject to public disclosure prior to commencement of any activities within FMUs. - Inspections of harvesting site shall confirm that harvesting takes place within property limits (including felling, transport and log landings). <p>Country Specific</p> <ul style="list-style-type: none"> - In areas with land ownership conflicts, consultation with neighbours, local communities and others shall confirm that land tenure rights are clear. Where grievances are not resolved in this way a due legal process is necessary and harvesting must desist until owner information is obtained. - A valid and approved forest management plan shall exist and be placed in the public domain - Contractors shall have a valid timber extraction contract covering the relevant area of extraction. - Timber extraction shall be verified to be carried out under a valid Timber Extraction Permit. - Inspections of the harvesting site shall confirm that harvesting takes place within property limits (including felling, transport and log landings). - Timber shall not be extracted from areas under civil conflict, where the territorial jurisdiction of the state is not validated by citizens, but is contested. (To extract valuable resources under such conditions can be interpreted as a hostile act of war.) - Clear evidence that corruption has not impacted the supply chain, where relevant.
1.2 Concession licenses	<p>Country specific</p> <ul style="list-style-type: none"> - Proper legal procedures for obtaining Timber Extraction Permit shall be followed. - Valid concession license agreements shall exist. - The process of obtaining concessions shall follow an open and transparent process based on clear criteria and be confined to eligible organisations. - Independent stakeholder consultation shall confirm that legal procedures for obtaining concession licenses have been followed. - There shall be evidence that the granting of extraction rights or subcontracting of extraction has been conducted without corruption. - Clear evidence that corruption has not impacted the supply chain, where relevant.
1.3 Management and harvesting planning	<p>Generic</p> <ul style="list-style-type: none"> - Maps showing harvesting areas (in compliance with the harvesting plan). - Document review: approved harvesting plan and management plan. - Field visits to verify that the contractors have a Timber Extraction Contract. - Approved forest management plans shall exist for the FMU where the harvesting is taking place. <p>Country specific</p> <ul style="list-style-type: none"> - Approved forest management plans shall exist for the FMU where the harvesting is taking place.

Indicator	Recommended control measures
	<ul style="list-style-type: none"> - Forest management plans shall contain all legally required information and procedures. - Annual operating or harvesting plans shall be in place and approved by legally competent authorities. - Annual operating or harvesting plans shall contain information and procedures, according to all legal requirements. - The contents of the operating and harvesting plans shall be consistent with approved forest management plans. - Plans for carrying out harvesting operations shall be subject to public disclosure and objections prior to commencement if legally required. - Harvesting restrictions shall be identified in management plans and maps if legally required. - Harvesting inventories shall be conducted according to legal requirements. - Field verifications shall indicate that the contents of the harvesting plans are adhered to in the field. - Stakeholder consultation shall indicate that the forest management plan has been approved according to legally prescribed process and be free of corrupt practices. - The contents of the management plan shall be technically sound and consistent in meeting legal requirements. - All documentation to be up-to-date, relating explicitly to spatial mapping of the forest estate which may be triangulated on the ground, and placed in the public domain for third party scrutiny. - Clear evidence that corruption has not impacted the supply chain, where relevant.
1.4 Harvesting permits	<p>Generic</p> <ul style="list-style-type: none"> - Field visits to verify that harvesting is carried out within permitted boundaries. - Harvesting and extraction permits (license or similar legal document governing the harvesting of forest resources) shall exist. - Harvesting limits shall be clearly defined in the forest management plan. - Authorities shall confirm the validity of harvesting permit. - Stakeholder consultation shall confirm that a harvesting permit has been issued according to the relevant laws and regulations by the legally designated competent authority. - There shall be evidence to document that the harvest permit has been issued without the use of corruption - Field inspection shall confirm that harvesting takes place within limits given in the harvesting permit. - Field inspection shall confirm that information regarding area, species, volumes and other details given in the harvesting permit are correct and within limits prescribed in the legislation. - Clear evidence that corruption has not impacted the supply chain, where relevant.
1.5 Payment of royalties and harvesting fees	<p>Generic</p> <ul style="list-style-type: none"> - Receipts shall exist for payments of harvesting related royalties, taxes, harvesting fees and other charges. - Volumes, species and qualities given in sales and transport documents shall match the paid fees. - Classification of species, volumes and qualities shall match the royalties and fees paid. <p>Country specific</p> <ul style="list-style-type: none"> - Log Marking books confirming the payment of royalties shall be consistent with the logs (Royalty Mark). - Joint measuring forms verify the logs' measurement and markings (Forms C and D). - Royalty hammer marks and two rows of serial numbers on logs shall be correctly applied and verified by reference to records. - Clear evidence that corruption has not impacted the supply chain, where relevant.
1.6 Value added taxes and other sales taxes	<p>Generic</p> <ul style="list-style-type: none"> - Sales documents shall include applicable sales taxes. - Receipts for payment sales taxes shall exist. - Volumes, species and qualities given in sales and transport documents shall match the fees paid.

Indicator	Recommended control measures
	<ul style="list-style-type: none"> - Sales prices shall be in line with market prices. - Harvested species, volumes and qualities shall match the sales documents. - Authorities shall confirm that operation is up-to-date in payment of applicable sales taxes. - Consultation with financial authority to verify that all required income and profit taxes have been paid <p>Country specific</p> <ul style="list-style-type: none"> - Consultation with financial authority to verify that all required income and profit taxes have been paid. - Tax receipts and invoices shall be consistent with materials and volumes. - Clear evidence that corruption has not impacted the supply chain, where relevant.
1.7 Income and profit taxes	<p>Generic</p> <ul style="list-style-type: none"> - Consultation with financial authority to verify that all required income and profit taxes have been paid. <p>Country specific</p> <ul style="list-style-type: none"> - Evidence that income tax derived from logging has been paid. Where discrepancies between actual and declared export volumes are consistently apparent, the evident lack of enforcement requires sanctions against responsible individuals in the financial authorities for complicity in crime. - Consultation with financial authority to verify that all required income and profit taxes have been paid. Where evidence of tax evasion is made public, authorities must enforce laws and sanction offenders. - Clear evidence that corruption has not impacted the supply chain, where relevant.
1.8 Timber harvesting regulations	<p>Generic</p> <ul style="list-style-type: none"> - Harvesting shall be conducted within the authorised boundaries of the FMU. - Harvesting shall not take place in areas where harvesting is legally prohibited. - Tree species or selected trees found within the FMU for which felling is prohibited shall be listed in operational plans. - Harvesting restrictions shall be observed in the field. - Tree species or selected trees found within the FMU for which felling is prohibited shall be marked in the field <p>Country specific</p> <ul style="list-style-type: none"> - The area shall be demarcated on harvest maps and on the ground. - AAC shall be adhered to. - All trees selected for harvesting shall be marked by the FD. - No trees without appropriate FD marks shall be logged. - Harvesting restrictions shall be followed in the field. - Logs shall be marked with Revenue mark (Akauk) - Field verification shall confirm that felling techniques follow the harvesting plan and instructions (avoid felling on adjacent trees, avoid damage to residual stand, avoid damage to trees being felled, exercise proper scaling and bucking). - Skidding shall be carried out to the prescribed Measuring Point (MP). - Clear evidence that corruption has not impacted the supply chain, where relevant.
1.9 Protected sites and species	<p>Country specific</p> <ul style="list-style-type: none"> - All legally protected areas (including species habitats) shall be included in the management plan or related documentation if required by the legislation. - Legal established procedures for surveying, managing and protecting endangered or threatened species within the management unit shall be followed. - Nature protection regulations relating to protected areas, set-aside areas, protected species and hunting restrictions shall be followed.

Indicator	Recommended control measures
1.10 Environmental requirements	<p>Generic</p> <ul style="list-style-type: none"> - All legally protected areas (including species habitats) shall be included in the management plan or related documentation if required by the legislation. - Legal established procedures for surveying, managing and protecting endangered or threatened species within the management unit shall be followed. - Nature protection regulations relating to protected areas, set-aside areas, protected species and hunting restrictions shall be followed. <p>Country specific</p> <ul style="list-style-type: none"> - An appropriate Management Plan shall be in place and approved by the legally competent authority. - Requirements for pre-harvest planning shall be followed. - Harvesting operations shall follow the Code of Harvesting and the Management Plan - Over-logged areas shall have been excluded from harvesting. - Trees not marked for felling shall not be cut. - Buffer zones shall be demarcated on the ground and restrictions followed. - Environmental restrictions shall be followed in the field, such as requirements related to soil damage, buffer zones, retention trees, seasonal restrictions etc. - Clear evidence that corruption has not impacted the supply chain, where relevant.
1.11 Health and safety	<p>Generic</p> <ul style="list-style-type: none"> - Occupational health and safety requirements shall be observed by all personnel involved in harvesting activities. - All requirements on prevention of air and water pollution shall be followed and shall be verified through reports monitoring pollution (when applicable). <p>Country specific</p> <ul style="list-style-type: none"> - All safety and health regulations shall be followed and all required safety equipment shall be used. - Interviews with staff and contractors shall confirm that legally required protection equipment is required/provided by the organisation. • Clear evidence that corruption has not impacted the supply chain, where relevant.
1.12 Legal employment	<p>Country specific</p> <ul style="list-style-type: none"> - All workers are employed according to regulations and required contracts are in place. - Persons involved in harvesting activities shall be covered by obligatory insurances. - Persons involved in harvesting activities shall hold required certificates of competence for the functions they carry out. - At least the legally established minimum salaries shall be paid for personnel involved in harvesting activities. - Salaries shall be paid officially and declared by the employer according to requirements for personnel involved in harvesting activities. - Minimum age shall be observed for all personnel involved in harvesting activities. - Minimum age shall be observed for all personnel involved in hazardous work. - Stakeholders shall confirm that there is no forced or compulsory labour associated with harvesting activities.
1.13 Customary rights	<p>Generic</p> <ul style="list-style-type: none"> - Stakeholder consultation shall confirm that customary rights are observed during harvesting activities. <p>Country specific</p> <ul style="list-style-type: none"> - Stakeholder consultation shall confirm that customary rights are observed during harvesting activities (This is likely to be universally unattainable until the issue of lack of land tenure security is properly addressed through implementation of a fair, future land policy.) - Observations shall conform that community forestry rights are not being violated (if applicable). - Clear evidence that corruption has not impacted the supply chain, where relevant.

Indicator	Recommended control measures
1.14 Free prior and informed consent	N/A
1.15 Indigenous peoples rights	N/A
1.16 Classification of species, quantities, qualities	<p>Country specific</p> <ul style="list-style-type: none"> - Products shall be correctly classified (species, quantities, qualities etc.) on sales documents, Customs declarations and other legally required documents. - Evidence shall be provided upon request (photographs or labelling). - Physical control including verification that the present material is equivalent to what has been invoiced and marked.
1.17 Trade and transport	<p>Generic</p> <ul style="list-style-type: none"> - Requirements related to transport means (e.g. trucks) shall always be followed. - Species and product types shall be traded legally. - Required trade permits shall exist and be documented. - All required transport documents shall exist and be documented. - Volume, species and qualities shall be classified according to legal requirements. - Documents related to transportation, trade or export shall be clearly linked to the specific material in question. <p>Country specific</p> <ul style="list-style-type: none"> - Required trade permits shall exist and be documented. - All required transport documents shall exist and be documented. - Volume, species and qualities shall be classified according to legal requirements. - Documents related to transportation, trade or export shall be clearly linked to the specific material in question. - Clear evidence that corruption has not impacted the supply chain, where relevant.
1.18 Offshore trading and transfer pricing	<p>Country specific</p> <ul style="list-style-type: none"> - If illegal in the country of the supplier or sub-supplier, the products shall not have been traded through countries known as 'tax havens'. - There shall be no illegal manipulation in relation to transfer pricing. • Clear evidence that corruption has not impacted the supply chain, where relevant.
1.19 Custom regulations	<p>Generic</p> <ul style="list-style-type: none"> - Products shall be correctly classified (type, Customs code, species, quantities, qualities, etc.). - All required import and exports permits shall be in place. <p>Country specific</p> <ul style="list-style-type: none"> - Products shall be correctly classified (type, Customs code, species, quantities, qualities, etc.). - Customs seal on containers shall not have been tampered with. - FD approval for export shall be valid. - All required export permits and letters shall be in place. - Clear evidence that corruption has not impacted the supply chain, where relevant.
1.20 CITES	Country specific

Indicator	Recommended control measures
	<ul style="list-style-type: none"> - All cross-border trade of CITES-listed species shall be documented and accompanied by required export, import and re-export certificates issued by competent authorities (CITES Management Authorities). - Clear evidence that corruption has not impacted the supply chain, where relevant.
1.21 Legislation requiring due diligence/due care procedures	N/A

Controlled wood category 2: Wood harvested in violation of traditional and human rights

Risk assessment

Indicator	Sources of Information	Functional scale	Risk designation and determination
2.1. The forest sector is not associated with violent armed conflict, including that which threatens national or regional security and/or linked to military control.	See detailed analysis below.	Country (except Kachin, Shan and Rakhine States) Kachin, Shan and Rakhine States	<p>Low Risk</p> <p>The following 'low risk' thresholds apply: (1) The area under assessment is not a source of conflict timber; except in Kachin, Shan and Rakhine states; AND (2) The country is not covered by a UN security ban on exporting timber; AND (3) The country is not covered by any other international ban on timber export; AND (4) Operators in the area under assessment are not involved in conflict timber supply/trade; except in Kachin, Shan and Rakhine states; AND (5) Other available evidence does not challenge 'low risk' designation; except in Kachin, Shan and Rakhine states.</p> <p>Specified risk</p> <p>The following 'Specified risk' thresholds apply: (6) The area under assessment is a source of conflict timber; only in Kachin, Shan and Rakhine states AND/OR (7) Operators in the area under assessment are involved in conflict timber supply/trade, (identified entities should be specified whenever possible and in compliance with the law); only in Kachin, Shan and Rakhine states</p>
2.2. Labour rights are respected including rights as specified in ILO Fundamental Principles and Rights at work.	See detailed analysis below.	Country	<p>Specified risk</p> <p>The following specified risk thresholds apply: (14) The applicable legislation for the area under assessment contradicts indicator requirement(s); AND (15) There is substantial evidence of widespread violation of key provisions of the ILO Fundamental Principles and Rights at work.</p>

2.3. The rights of Indigenous and Traditional Peoples are upheld.	See detailed analysis below.	Country	<p>Specified risk</p> <p>The following specified risk thresholds apply, based on the evidence: (23) The presence of IP and/or TP is confirmed or likely within the area. The applicable legislation for the area under assessment contradicts indicator requirement(s) (refer to 2.2.6); AND (24) Substantial evidence of widespread violation of IP/TP rights exists; AND (26) There is evidence of conflict(s) of substantial magnitude pertaining to the rights of IP and/or TP. Laws and regulations and/or other legally established processes do not exist that serve to resolve conflicts in the area concerned, or, such processes exist but are not recognized by affected stakeholders as being fair and equitable. Note under threshold No 20 applies.</p>
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Recommended control measures

The recommended control measures here are only indicative in nature, and are not mandatory. Organizations shall evaluate and devise appropriate control measures to mitigate the risks identified in this risk assessment as applicable.

Indicator	Recommended control measures
2.1	Intentionally left blank - Organizations shall evaluate and devise appropriate control measures to mitigate the risks identified in this risk assessment as applicable.
2.2	Intentionally left blank - Organizations shall evaluate and devise appropriate control measures to mitigate the risks identified in this risk assessment as applicable.
2.3	(1) Clear evidence that a forest operation is not taking place in a territory claimed by IP OR (2) clear evidence that the FMU is managed by the governance structures of Indigenous Peoples, OR (3) Clear evidence that the involved indigenous peoples have freely ceded their territorial and/or use rights in an agreement or settlement with the government, OR (4) An (FPIC) agreement with the IPs with rights in the FMU after a fair, transparent, cultural appropriate and inclusive procedure.

Detailed analysis

Sources of information	Evidence	Scale of risk assessment	Risk indication ¹
Context (the following are indicators that help to contextualize the information from other sources) <ul style="list-style-type: none"> Searching for data on: level of corruption, governance, lawlessness, fragility of the State, freedom of journalism, freedom of speech, peace, human rights, armed or violent conflicts by or in the country, etc. 			
World Bank: Worldwide Governance Indicators - the WGIs report aggregate and individual governance indicators for 215 countries (most recently for 2005–2015), for six dimensions of governance: Voice and Accountability; Political Stability and Absence of Violence; Government Effectiveness; Regulatory Quality; Rule of Law; Control of Corruption http://info.worldbank.org/governance/wgi/index.aspx#home	http://info.worldbank.org/governance/wgi/index.aspx#reports (click on table view tab and select Country) In 2015 (latest available year) Myanmar scores between 7.21 (for Regulatory Quality) and 16.83 (for Control of Corruption) on the percentile rank among all countries for all six dimensions (the scores range from 0 (lowest rank) to 100 (highest rank) with higher values corresponding to better outcomes).	Country	
World Bank Harmonized List of Fragile Situations:	http://siteresources.worldbank.org/EXTLICUS/Resources/511777-1269623894864/FY15FragileSituationList.pdf Myanmar features on the Harmonized List of Fragile Situations because of a harmonized average CPIA country rating of 3.2 or less (3.0 in the case of Myanmar). CPIA is Country Policy and Institutional Assessment; Rating of countries against a set of 16 criteria grouped in four clusters: economic management, structural policies, policies for social inclusion and equity, and public sector management and institutions.	Country	
Committee to Protect Journalists: Impunity Index CPJ's Impunity Index calculates the number of unsolved journalist murders as a percentage of each country's population. For this index, CPJ examined journalist murders that occurred between January 1, 2005, and December 31, 2015, and that remain unsolved. Only those nations with five or more unsolved cases are included on this index.	https://cpj.org/reports/2015/10/impunity-index-getting-away-with-murder.php Myanmar does not feature on this Impunity Index	Country	
Human Rights Watch: http://www.hrw.org	https://www.hrw.org/sites/default/files/world_report_download/wr2016_web.pdf <i>Human Rights Watch World Report 2016</i> "Burma The transition from military to civilian rule in Burma that started in 2011 slowed down and reversed in some sectors in 2015. Despite a significantly improved environment for freedom of expression and media, in key areas the	Country	

¹ A risk indication is provided for each source analyzed, except in the first part that addresses the general country context as that is not a risk indicator. A cumulative risk assessment for each risk indicator is provided in the row with the conclusion on each risk indicator, based on all the sources analyzed and evidence found.

government's commitment to improving its human rights faltered or failed. The landslide victory of the opposition National League for Democracy (NLD) in November elections, the first relatively open national elections in 25 years, seemed poised to reenergize reforms in some areas, but it was too early to gauge at time of writing.

Elections

Nationwide parliamentary elections were held on November 8, with 91 parties and hundreds of independent candidates contesting over 1,100 seats. The NLD won a majority of seats in both national houses of parliament and in regional and state assemblies, with more than 85 percent of seats.

[...] Due to changes in political party laws and enforcement of the draconian 1982 Citizenship Law, the applications of more than 50 Muslim candidates were disallowed during candidate eligibility screening, including those of two sitting ruling party members of parliament who identify as Rohingya Muslims. Neither the USDP nor the NLD fielded a Muslim candidate anywhere in Burma, and no Muslim citizen was voted into parliament nationwide.

The nationwide repeal of temporary citizenship cards (the so-called white cards) disenfranchised over 800,000 people who had previously been permitted to vote in the 2008 constitutional referendum and the 2010 elections, many of them Rohingya in Arakan State.

Despite these serious defects, the two-month campaign was surprisingly open, with few reports of intimidation, violence, or irregularities. [...]

Constitution

Despite calls from ethnic communities and opposition parties, the Burmese military refused to permit consideration of any amendments to the 2008 constitution in the national parliament in June and July. The constitution allocates 25 percent of parliamentary seats to the military and requires 75 percent of parliament to vote to approve constitutional changes, giving the military an effective veto.

Religious Minorities

Discrimination and threats against the Muslim minority in Burma, a manifestation of growing ultra-nationalism, intensified in Burma in 2015 with the increased prominence of the Buddhist-monk-led Association for the Protection of Race and Religion, known by its Burmese acronym Ma Ba Tha. Ma Ba Tha successfully urged the government to draft and pass four so-called "race and religion protection laws": The Population Control Law, passed in May; and the Buddhist Women's Special Marriage Law, the Religious Conversion Law, and the Monogamy Law, passed in August. The four laws are discriminatory and violate religious freedom by, for example, creating special rules for Buddhist women who marry—or seek to marry—non-Buddhist men; introducing vaguely defined acts against Buddhism as grounds for divorce, forfeiture of child custody and matrimonial property, and potential criminal penalties; and empowering authorities to limit the number of children that members of designated groups can have.

In contrast, the parliament did not pass the comprehensive Violence Against Women Law, a bill that would have strengthened women's rights protections. Burmese civil society organization leaders who publicly criticized the laws were accused of being "traitors" by senior Ma Ba Tha officials and some reportedly faced death threats. [...]

The numbers of political prisoners in Burma rose in 2015 as the government's commitment to ending the imprisonment of activists waned. At year's end, an estimated 112 people were incarcerated for alleged violations of the flawed Peaceful Assembly Law and other political offenses, a notable rise in cases since the large prisoner amnesties of 2012. At least 486 more were facing trial. [...]

On March 5, plainclothes police auxiliaries, suspected to be members of the Swann Arr Shin (Masters of Force), which had not been deployed against protesters since 2007, assaulted a small group of student protesters and activists from the 88 Generation Peace and Open Society Group who were peacefully assembling to criticize the government's education law. Police then arrested the protesters. [...]

Land rights activists in Burma are regularly arrested and charged with unlawful assembly and trespass for protesting land appropriation and displacement. Authorities arrested a number of land rights activists and farmers in Karen State in June and August who had been calling for compensation and redress for land they claim was unlawfully seized. Prominent activists such as Su Su Nway were also arrested in 2015, and authorities sentenced a number of leaders of the long- running protests in the Letpadaung copper mine case in Monya, including veteran activist Naw Ohn Hla, to four years in prison for peaceful protests they led outside the Chinese embassy in Rangoon. [...]

Refugees

The maritime exodus of Rohingya Muslims dramatically increased in 2015, with Rohingya families departing from Burma and Bangladesh on smuggling vessels, at times joined by large numbers of Bangladeshi migrant workers. The United Nations estimates that 94,000 people made the journey between January 2014 and May 2015. In May 2015, some 5,000 people on boats were abandoned by smugglers and denied entry to Thailand, Malaysia, and Indonesia, with at least 70 dying during the ordeal. [...]

A regional conference in Bangkok on May 29 hosted by Thailand and attended by 17 countries failed to adequately address the dispossession and abuse of Rohingya in Arakan State that continues to fuel the maritime crisis. [...]

Some 140,000 mostly Rohingya Muslims remain in internally displaced person camps in Arakan State, subject to strict restrictions on movement and access to basic services. Although access by humanitarian agencies to the camps improved somewhat in 2015, allowing for provision of limited health and education services, the situation remains dire. Poor conditions in the camps and the threat of renewed violence against the Rohingya are an important driver of maritime exodus. [...]

	<p>Ethnic Conflict and Forced Displacement</p> <p>Armed conflict between the Burmese military and non-state armed groups escalated in 2015. Clashes between the Burmese army and Kachin Independence Army (KIA) troops continued sporadically, reportedly involving disputes over natural resource extraction.</p> <p>In northern Shan State, fighting between the army and the Ta-ang National Liberation Army (TNLA), often in conjunction with insurgents from the Arakan Army and Shan State Army-North, continued throughout the year and several thousands of civilians were displaced by conflict. In central Shan State, fighting between the Burmese army and Shan rebel forces escalated around the November elections, displacing some 6,000 civilians. [...]</p> <p>In March, fighting began in the northern Shan State special region of Kokang between the army and forces of the Myanmar National Democratic Alliance Army (MNDAA). Burmese forces used airstrikes and heavy artillery bombardments, allegedly indiscriminately, during the fighting against the MNDAA. Tens of thousands of civilians were displaced in Kokang areas, with many fleeing to China.</p> <p>The government sought to conclude a nationwide ceasefire with 16 non-state armed groups in 2015. Instead, conflict escalated to levels not seen since before the fighting in Kachin State entered an uneasy truce in 2013. Some 130,000 Kachin civilians remain internally displaced in camps, with many IDPs in KIA-controlled areas receiving little international assistance, largely due to Burmese army obstruction.</p> <p>Child Soldiers</p> <p>The Burmese military continues to recruit and use child soldiers, as do many paramilitary and militia forces under Burmese army command, and child soldiers have reportedly been recruited and deployed by many non-state armed groups as well." (p. 137-144)</p>		
<p>US AID: www.usaid.gov Search on website for [country] + 'human rights'</p>	<p>https://www.usaid.gov/burma/our-work/democracy-human-rights-and-rule-law <i>Burma - Democracy, Human Rights, and Rule of Law</i> "After more than six decades of isolation, authoritarian rule, and civil conflict, Burma embarked on an ambitious path towards democratic governance and peace. While the peaceful and historic 2015 parliamentary election was an important step in Burma's long struggle for democracy, significant challenges remain. Decades without rule of law, free speech or democratic and political processes all pose unique challenges to the transition."</p>	Country	
<p>Global Witness: www.globalwitness.org Search on website for [country] + 'human rights'</p>	<p>https://www.globalwitness.org/en/campaigns/myanmar/#more Myanmar For decades Myanmar has been run by a military dictatorship that ruled with one iron fist and stole with the other. Resources like gas, gems, and timber were shackled to a war economy and treated as the private businesses of elite military families. Indigenous groups have been systematically and brutally driven from their homes, their ancestral lands and forests turned over to crony tycoons. Exports feed consumption in the rich world and generate vast</p>	Country	

	<p>revenues for the elite, yet one-third of children under five are stunted from long-term malnutrition.</p> <p>Since 2011, a new government under former general Thein Sein has promised reform and change, specifically pledging to clean up the natural resource sector. Most international sanctions have been lifted and the country is open for business, with new overseas investors coming into play. [...]</p> <p>The management of land in Myanmar is similarly opaque, and fraught with conflict. We have investigated a spate of land seizures in the north of the country, where farmland owned by ethnic minorities was grabbed in military operations and transformed into plantations for rubber. As the country designs its first national land policy and law, we are pushing the government to halt the current wave of large-scale land investments and protect the rights of smallholder farmers, who make up 70 per cent of the population.”</p>		
<p>http://wwf.panda.org/about_our_earth/about_forests/deforestation/forest_illegal_logging/</p>	<p>http://wwf.panda.org/about_our_earth/deforestation/deforestation-causes/illegal_logging/ No information on Myanmar/Burma</p> <p>http://indicators.chathamhouse.org/sites/files/reports/Tackling%20Illegal%20Logging%20and%20Related%20Trade_0.pdf <i>Tackling Illegal Logging and the Related Trade - What Progress and Where Next? Chatham House Report – July 2015</i></p> <p>“Other countries that have become significant sources of illegal products for the processing countries are PNG, the Solomon Islands, Myanmar and Laos. This development is due to the growth in trade with these countries as well as the lack of progress in lowering levels of illegal logging there. [...]</p> <p>Malaysia, Myanmar and Russia, too, supply significant volumes of illegal products to the consumer countries assessed. Besides China, the main markets for illegal exports from those countries are India, Japan, South Korea and Thailand.” (p. 23)</p> <p>http://wwf.panda.org/_core/general.cfc?method=getOriginalImage&ulmgID=%26%2AR%5C%27%21%3EW5%0A <i>Map Illegal Logging – Countries with high rates of illegal logging</i> Myanmar is mentioned on this map</p>	Country	
<p>Chatham House Illegal Logging Indicators Country Report Card http://www.illegal-logging.info</p>	<p>http://www.illegal-logging.info/regions/myanmar-burma Myanmar (Burma)</p> <p>“Almost half of Myanmar’s land area is covered by forests, of which just 10% are primary forests. There has been extensive deforestation in the country, and this has increased in recent years, driven by the rapid expansion of commercial agriculture and infrastructure (Forest Trends, 2015). The annual rate of deforestation was 1.8% for the period 2010-15 (FAO, 2015).</p>	Country	

	<p>Illegal logging is a significant problem in the country, with poor governance, weak law enforcement and conflict hindering efforts to address the problem. In 2012, the EU lifted its sanctions against Myanmar, opening the way for the legal trade in timber (EIA, 2012). The following year, the government of Myanmar expressed its interest in negotiating a voluntary partnership agreement (VPA) with the EU, and preparations for the start of formal negotiations are underway (Myanmar Forest Department, 2014).”</p>		
<p>Transparency International Corruption Perceptions Index Based on expert opinion, the Corruption Perceptions Index measures the perceived levels of public sector corruption worldwide. http://www.transparency.org/</p>	<p>https://www.transparency.org/news/feature/corruption_perceptions_index_2016 Myanmar scores 28 points on the Corruption Perceptions Index 2016 on a scale from 0 (highly corrupt) to 100 (very clean). Myanmar ranks 136 out of 176 with rank nr. 1 being the cleanest country.</p>	Country	
<p>Amnesty International Annual Report: The state of the world’s human rights -information on key human rights issues, including: freedom of expression; international justice; corporate accountability; the death penalty; and reproductive rights</p>	<p>https://www.amnesty.org/en/documents/pol10/2552/2016/en/ <i>State of the Human Rights Report 2015/16</i> Authorities failed to address rising religious intolerance and incitement to discrimination and violence against Muslims, allowing hardline Buddhist nationalist groups to grow in power and influence ahead of the November general elections. The situation of the persecuted Rohingya deteriorated still further. The government intensified a clampdown on freedoms of expression, association and peaceful assembly. Reports of abuses of international human rights and humanitarian law in areas of internal armed conflict persisted. Security forces suspected of human rights violations continued to enjoy near-total impunity. BACKGROUND On 8 November, Myanmar held much anticipated general elections, which saw the opposition National League for Democracy claim the majority of seats in Parliament. A new government was scheduled to be in place by the end of March 2016. Although widely praised as being credible and transparent, the elections were otherwise marred by the disenfranchisement of minority groups and ongoing restrictions on freedom of expression. In June, the military blocked an attempt to amend the 2008 Constitution to remove its legislative veto over constitutional amendments and a clause which bars opposition leader Aung San Suu Kyi from being elected President by Parliament. [...] DISCRIMINATION There was an alarming rise in religious intolerance, and in particular anti-Muslim sentiment, with hardline Buddhist nationalist groups growing in influence. The authorities failed to address incitement to discrimination and violence based on national, racial and religious hatred. Between May and August Parliament adopted four laws aimed at “protecting race and religion”, originally proposed by hardline Buddhist nationalist groups. [...] The Rohingya minority</p>	Country	

The situation of the Rohingya minority continued to deteriorate. Most remained effectively deprived of citizenship rights under the 1982 Citizenship Law, and continued to face severe restrictions on their right to freedom of movement, limited access to life-saving health care, and denial of their rights to education and equal employment opportunities. There were ongoing reports of arbitrary arrests and torture and other ill-treatment of Rohingya in detention, as well as deaths in custody at the hands of security forces. [...]

PRISONERS OF CONSCIENCE

Authorities continued to arrest and imprison people for peacefully exercising their rights, including student protesters, political activists, media workers and human rights defenders, in particular land and labour activists.³ By the end of the year at least 114 prisoners of conscience were behind bars while hundreds of others released on bail were facing charges

– and prison – solely for the peaceful exercise of their rights. [...]

FREEDOMS OF EXPRESSION, ASSOCIATION AND PEACEFUL ASSEMBLY

Broad and vaguely worded laws were used to stifle dissent and restrict the rights to freedom of expression, association and peaceful assembly. They included the Peaceful Assembly and Peaceful Procession Law, Penal Code provisions criminalizing “unlawful assemblies”, “insulting religion” and “incitement”, and the Unlawful Associations Act among others. There were no attempts to review or amend laws which restricted these rights.

Authorities intimidated and monitored human rights defenders and peaceful activists, subjecting them to multiple forms of harassment and surveillance – including being followed; having their photo taken when attending events and meetings; searches in their offices and homes; and harassment and intimidation of their family members, colleagues or friends.

Journalists remained subjected to harassment, arrest, prosecution and imprisonment solely for carrying out their activities peacefully, leading some to self-censor.⁶

INTERNAL ARMED CONFLICT

On 15 October, the government and eight ethnic armed groups signed the Nationwide Ceasefire Agreement, aimed at putting an end to decades of armed conflicts between the military and the many armed ethnic groups. However, the authorities’ decision to exclude some armed ethnic groups from the accord meant that the seven other groups invited to sign the agreement – including all those in active conflict with the Army – chose not to do so. Fighting intensified in Kachin and Shan states, with ongoing reports of killings, enforced disappearances, rape and other crimes of sexual violence and forced labour.⁷ [...]

CORPORATE ACCOUNTABILITY

The legal framework remained inadequate to prevent businesses from causing or contributing to human rights abuses. There was no legislation prohibiting forced evictions, nor adequate environmental safeguards ensuring that people

	<p>were protected against negative human rights impacts of water, air or soil pollution caused by extractive and manufacturing industries. [...]</p> <p>IMPUNITY</p> <p>Members of the security forces continued to violate human rights with near-total impunity. Investigations into human rights violations by the security forces were rare, and when they did occur they lacked transparency and independence. Perpetrators were seldom held to account. Victims and their families continued to be denied their rights to justice, truth and reparation.⁹ (p. 261-265)</p>		
<p>Freedom House http://www.freedomhouse.org/</p>	<p>https://freedomhouse.org/report/freedom-world/freedom-world-2017</p> <p>The status of Myanmar on the Freedom in the World 2017 index is 'partly free'.</p> <p>https://freedomhouse.org/report/freedom-net/freedom-net-2017</p> <p>The status of Myanmar on the Freedom on the Net 2017 index is 'not free.'</p> <p>https://freedomhouse.org/report/freedom-press/freedom-press-2017</p> <p>The status of Myanmar on the Freedom of the Press 2017 index is 'not free'.</p> <p>https://freedomhouse.org/report/freedom-press/2017/myanmar</p> <p>"Conditions for the media in Myanmar have improved significantly since the country began its ongoing transition from military dictatorship toward electoral democracy. However, the government maintains tight control over the media sector through the use of harsh defamation and other laws. In addition to prosecutions, media workers risk threats and physical violence in response to critical or investigative coverage, particularly when it focuses on the government, the military, rebel groups, or the status and treatment of the Rohingya ethnic minority. The media are deeply polarized along political lines, and independent outlets struggle for financial sustainability."</p>	Country	
<p>Reporters without Borders: Press Freedom Index Rank nr. 1 has the best press freedom. https://index.rsf.org#!/</p>	<p>https://rsf.org/en/ranking 2017 World Press Freedom Index Burma is ranked #131 out of 180 in the 2016 World Press Freedom Index with a score of 41.82</p>	Country	
<p>Fund for Peace - Fragile States Index - the Fund for Peace is a US-based non-profit research and educational organization that works to prevent violent conflict and promote security. The Fragile States Index is an annual ranking, first published in</p>	<p><i>Fragile States Index 2017</i> Myanmar is ranked 35 out of 178 countries on the Fragile States Index. (nr 1 being the most failed state). This ranks Myanmar in the category 'Alert' (in between "High Warning" and "High Alert").</p>	Country	

	<p>Timber extracted from Myanmar's frontier forests is flowing into China in illegal transactions worth hundreds of millions of dollars a year, according to a report published yesterday.</p> <p>The research, by the UK-based Environmental Investigation Agency (EIA) and partly financed by the UK, the European Union and the Norwegian Agency for Development Cooperation, finds that illicit timber trade between the two countries is nearing an all-time high.</p> <p>Far from being chaotic and complex, the supply chain is well structured, with a number of players colluding to ensure business runs smoothly.</p> <p>In January this year, 155 Chinese nationals were arrested for illegal logging in Myanmar and were handed life sentences in July, causing diplomatic tensions. Just a few days later, all were released in a mass presidential pardon of 6966 prisoners.</p> <p>"The saga has shone a light on the murky and clandestine trade in illicit timber occurring across the common border between Myanmar and China," said the EIA. The trade has grown over the past two decades to become one of the largest bilateral flows of illegal timber in the world. [...]</p> <p>Most wood is cut or transported through Kachin State, an area of conflict between ethnic political groups and Myanmar's government and military. The government has previously blamed ethnic groups for the illegal logging problem, accusing them of exploiting trade for profits. However, according to the EIA, the profits reach a much wider range of beneficiaries.</p> <p>"These include local government and military officials in Kachin, ethnic political groups, Kachin and Chinese businessmen, and intermediaries who play a vital role as a link between the other parties."</p> <p>[...] China remains the world's top consumer of illegal timber, importing around 30 million cubic metres between 2000 and 2013, according to earlier EIA research. Almost one-third of this came from Myanmar – much of it valuable teak and rosewood – in business worth US\$2.7 billion.</p> <p>Under Myanmar law, exports of raw timber have been banned since 2014, and finished products are supposed to only leave the country via Yangon port. Cross-border trade is forbidden. Earlier this year, government officials told The Myanmar Times that the illegal trade remains a huge problem and that they are planning further crackdowns in the north of the country. [...]</p> <p>Myanmar lost 1.7 million hectares of forest cover from 2001 to 2013. The speed of deforestation has doubled – from 97,000 hectares of forest destroyed each year before 2009 to an average of 185,000 hectares a year since, said the EIA.</p> <p>"The massive overland trade in illicit timber between Myanmar and China is destroying vital areas of forests, threatening the livelihoods of local communities, provoking conflict and violence, and fostering corruption. Urgent action by both governments is needed to stem the flow," said the report.</p> <p>https://www.insightonconflict.org/conflicts/myanmar/conflict-profile/</p>	<p>Country</p> <p>Country</p> <p>Kachin state</p> <p>Country</p> <p>Country</p> <p>Country</p> <p>Country</p>	
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	<p>Myanmar: Conflict profile</p> <p>“Myanmar, also known as Burma, has been plagued by civil war since the end of British colonial rule in 1948. Decades of fighting between ethnic minority groups and the government have resulted in large numbers of internally displaced persons and mass human rights abuses. Multi-layered conflicts broke out shortly after the political reordering the country in 1948, and the nation has been in a continuous states of armed conflict ever since, making Myanmar’s civil war the longest in the world.</p> <p>In 1962, a coup d’état replaced Myanmar’s parliamentary democracy with a military junta that ruled for the next 49 years. These years saw the impoverishment of the population, the emergence of war economies and the expansion of drug production.</p> <p>Democratisation in the country has been a patchy process, but a nominally civilian government installed in March 2011 raised hopes for democratisation and reconciliation. At the same time, however, fighting between the government and the KIA [Kachin Independence Army, LV] resumed, breaking a 17-year long ceasefire. The conflict in Kachin has created a humanitarian crisis and the military has been internationally condemned for human rights violations.</p> <p>The situation in Myanmar remains volatile, and the transition to democracy has not been without its problems. Myanmar’s Rohingya population continues to suffer oppression and there is a crucial need for an inclusive peace process.</p> <p>In 2015, Aung San Suu Kyi’s National League for Democracy Party won a comprehensive victory in national elections, helping to consolidate peaceful political change.”</p> <p>http://edition.cnn.com/2015/11/11/asia/myanmar-shan-rebels-civil-war/ <i>Myanmar’s hidden war – 11 November 2015</i></p> <p>“There are no less than 15 different armed rebel groups active in Myanmar. Some of them, like the Kachin Independence Army and the United Wa State Army, have controlled and administered large swaths of territory for years.”</p> <p>http://foreignpolicy.com/2016/09/09/can-aung-san-suu-kyi-bring-an-end-to-civil-war-in-myanmar/ <i>Can Aung San Suu Kyi Bring an End to Civil War in Myanmar? – 9 Sept 2016</i></p> <p>A fledgling peace summit brought together democracy leaders, military chiefs, and warring ethnic rebels. But it didn’t go all that smoothly. NAYPYIDAW, Myanmar — The government and military held their first peace conference with ethnic rebel groups since Aung San Suu Kyi became Myanmar’s de facto leader when her party took office in April. Last week, she managed to bring together the largest group of stakeholders yet, in an attempt to end a civil war that has plagued the country’s resource-rich frontier regions since its independence in 1948.</p>	<p>Country</p> <p>Kachin state</p> <p>Rohingya people</p> <p>Country</p> <p>Country</p>	
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	<p>The grand event, held in an enormous convention center in the sprawling, military-built capital of Naypyidaw, brought to the table government officials, lawmakers, political party delegates, military officers, and representatives of 18 ethnic armed groups. All participants in the four-day event, which ended Saturday, had a chance to present their ideas for establishing peace and a democratic federal government in Myanmar. It was the first such sharing of opinions over the country's political structure since 1947.</p> <p>Dozens of ethnic groups, which make up around 35 percent of the population and live mostly in Myanmar's rugged borderlands, have long been fighting for political autonomy. During its five-decade rule, the Bamar majority-dominated military brutally suppressed the rebellions, but the groups managed to survive through local popular support, taxing the flow of timber and jade, and large-scale involvement in the opium trade. [...]</p> <p>But the army's enduring power was on show ahead of the conference when it demanded that three rebel groups representing the ethnic Taang, Rakhine, and Kokang peoples publicly commit to ending their armed struggle — a position the NLD government endorsed. The groups refused and were barred from the event, to the dismay of the UNFC alliance [United Nationalities Federal Council (UNFC), an 11-member armed ethnic alliance, of which they are members. LV]"</p> <p>http://www.illegal-logging.info/content/illegal-myanmar-teak-importation-widespread-eu-investigation-finds</p> <p><i>Illegal Myanmar teak importation widespread to EU, investigation finds - 19 Oct 2016</i></p> <p>The Environmental Investigation Agency claims European timber importers, and the government of Myanmar, are knowingly allowing illegally harvested teak onto the EU market.</p> <p>The Environmental Investigation Agency (EIA) released allegations Tuesday about what it says is the illegal importation of Burmese teak from Myanmar to the EU.</p> <p>In a two-month undercover investigation, staff from EIA, a UK-based campaigning organization, posed as prospective buyers and approached nine importers working in five EU countries. In a brief, the organization reports that companies consistently failed to pinpoint the source of the teak they were importing, a tropical hardwood used to make furniture and to build ships. Several companies call the allegations unfounded, and argued that they cannot be held accountable for problems in a supply chain controlled by the Myanmar government.</p> <p>Only in 2012 did the EU lift a ban on timber exported from Myanmar. EIA applauded the government in August when leaders imposed a moratorium on all logging until March 2017 to allow the country's forests to recover. That means that all wood currently moving from Myanmar to international markets must come from existing stockpiles.</p>	Country	
		Country	
		Taang, Rakhine, and Kokang peoples	
		Country	
		Country	

	<p>The step of following the trail back from where a batch of timber is purchased to where it was harvested is just one aspect of the “due diligence” required of EU companies to comply with the EU Timber Regulation (EUTR), according to EIA. The EUTR is a set of laws intended to stop the flow of illegal wood into the EU that came into full effect in 2013.</p> <p>According to the investigation, businesses operating in the Netherlands, Italy, Belgium, Denmark and Germany have failed to meet this obligation, but EIA forests campaigner Peter Cooper said that the problems don’t stop there. “It’s not just these nine companies,” said Cooper in an interview with Mongabay. He cited a 2013 WWF report that found that 85 percent of timber leaving Myanmar should be considered illegal.</p> <p>The EUTR requires that companies doing business with “high risk” countries that have systemic issues affecting their logging industries make sure that they are buying from legitimate sources.</p> <p>EIA did acknowledge that the importers they met with appeared to be trying to follow the rules, but that they had stopped short of looking further upstream in the supply chain than the chokepoint at which the Myanmar Timber Enterprise (MTE) controls all timber for export.</p> <p>The importers argued that this type of upstream investigation in Myanmar just isn’t possible, or appropriate.</p> <p>“The MTE (Myanmar Timber Enterprise) do not allow anybody to go back to the forest to control,” a representative from the Danish firm Keflico told an EIA staff member posing as a potential client.</p> <p>In August Keflico “admitted to EIA that it is aware the Myanmar Timber Enterprise is providing it with parcels of teak claimed to originate from a single location when in fact these comprise logs from multiple areas with fake origin documents,” according to the EIA release.</p> <p>An agent of another company, Teak Solutions, told EIA, “We have no control over what the MTE offers for sale. We must assume that they are from the area they say and that they are legally cut.”</p> <p>The MTE did not respond to emails from Mongabay requesting comment. Peter Tsounis, the CEO of Crown-Teak, a company listed in the EIA report, said his company makes sure that all of the wood they purchase comes from the MTE or their authorized concessionaires. If there are inconsistencies in the certification process for the country’s timber, those issues should be sorted out at the government-to-government level, between the EU and Myanmar, Tsounis told Mongabay in an email.</p> <p>For a private business to circumvent the Myanmar government and carry out their own investigations in the field would be “unlawful” and dangerous, he said. [...]</p> <p>“In simple terms, no teak from Myanmar can legally be placed on the EU market due to the high risk of illegality associated with timber from that country and the lack of transparency by its Government to allow access to information</p>	Country	
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	<p>that might demonstrate compliance,” Cooper said in a press release from the EIA.”</p> <p>http://www.illegal-logging.info/content/myanmar-illegal-logging-mars-magwe%E2%80%99s-deep-forests <i>Myanmar: Illegal logging mars Magwe’s deep forests - 29 Aug 2016</i> “Residents and officials say that illegal logging is rife in the Yoma mountain ranges that span from Rakhine through Magwe to Bago. Forest near the western Yoma road has suffered the most damage, said Kyaw Ko Ko Shein from the Ngape Youth Network. Local organisations that value the environment have lobbied the government to ban logging for more than three years, but have met with little success, he said. Myanmar is the third-worst country in the world for deforestation, according to a 2015 report issued by the United Nations Food and Agricultural Organization, which said that 43 per cent of the country was covered in forest, down from 47pc in 2010. In July this year, the Ministry of Natural Resources and Environmental Conservation said logging would be prohibited in major forested areas for the rest of this year, and in the Bago mountain range for a decade, but the ban will be hard to enforce. Residents in the area say that valuable timber is not only being sold locally but also sent overland to Bangladesh. Smugglers continue to cut down trees in Mindon, Kamma, Minhla, Ngape and Sidoktaya townships, they said, storing the timber in Padan on the junction between the road from Minbu to Ann, and the Pathein-Monywa road. From there, the timber is taken to Bangladesh. Local residents in Tone Gyi and Gote Gyi villages in Ngape township said that hardwoods such as Padauk and Sagawah are among the victims of illegally logging. [...] Authorities are seizing increasing amounts of illegal timber in Magwe – over 2000 tonnes in the 2015-16 financial year, up from over 1300 tonnes in 2013-14. As of July authorities had captured over 1000 tonnes of illegal timber this year, but local residents say this is only a fraction of the amount actually being logged.”</p> <p>http://www.illegal-logging.info/content/myanmars-logging-ban-major-step-towards-forest-sector-reform <i>Myanmar's logging ban is a major step towards forest sector reform - 4 Aug 2016.</i> The new Government of Myanmar has agreed a temporary national logging ban and a 10-year logging ban in the Pegu Yoma region to give its beleaguered forests breathing space from years of unchecked exploitation.</p>	<p>Yoma mountain ranges</p> <p>Country</p> <p>Mindon, Kamma, Minhla, Ngape and Sidoktaya townships</p> <p>Magwe</p> <p>Country / Pegu Yoma region</p>	
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	<p>The national logging ban will run until the end of March 2017, in effect closing the forests for one complete logging season. All exports of round logs from the country have been banned since April 2014.</p> <p>For the duration of the new national ban, Myanmar will rely on stockpiled timber to supply its domestic wood processing industry and the international market; current stockpiles are sufficient to meet current demand for up to three years.</p> <p>Access to these stockpiles will be controlled by the Myanmar Timber Enterprise (MTE), a Government entity, and the London-based Environmental Investigation Agency (EIA) today stressed the importance of having controls in place to ensure full chain-of-custody for all stockpile sales to prevent illegally logged timber being laundered through the system.</p> <p>Credible controls will assist responsible international traders, especially those based in Europe and other markets which require full transparency before imports can be permitted.</p> <p>Faith Doherty, Team Leader of EIA's Forests Campaign, said: "This is a decision that demonstrates clear intent to tackle corruption within the forestry sector by Myanmar's National League for Democracy-led Government, which only came to power in March.</p> <p>"Of course, there is no one-policy solution to the problem and much work remains to be done, but this is a hugely encouraging and an optimistic place to start."</p> <p>The bans come after years of mismanagement and corruption in Myanmar's logging and timber trade sector which has contributed to conflict and enriched individuals; over-harvesting has been rife, with annual allowable cut targets routinely flouted and widespread illegal logging of precious timber species such as teak, padauk and Burmese rosewood.</p> <p>The catastrophic result of this free-for-all exploitation is that Myanmar suffers one of the world's worst deforestation rates. Between 2010-15, it lost a colossal 546,000 hectares of forests, about 8.5 per cent of its forest cover; only Brazil and Indonesia have worse rates.</p> <p>A further reform expected to be announced by the Government will prohibit private companies from logging in the country. The MTE previously sub-contracted to private sector firms to carry out logging, many of which had close ties to the former military government and which played a key role in over-harvesting.</p> <p>Senior EIA campaigners travelled to Naypyidaw in Myanmar last week for a first meeting with MPs from the Parliament's Natural Resources and Environment Ministry as well as with officials from the Forestry Department.</p> <p>During the visit, EIA provided an update on the illegal cross-border timber trade between Myanmar and China, following the release last September of its ground-breaking report Organised Chaos which revealed widespread timber smuggling of about 900,000m3 of logs a year, worth half a billion dollars.</p>	Country	
		Country	
		Country	

	<p>Soon after the report's release, the Chinese authorities announced a temporary suspension on wood trade across its land border with Myanmar. This suspension remains in force and EIA research shows a steep decline in the volume of wood imported via official crossings, although some of the main syndicates involved in the business have adapted to use smaller, unofficial crossings.</p> <p>Doherty added: "Taken together with the fall in the official cross-border timber trade, the new logging ban proposed by the Minister of Natural Resources and Environmental Conservation, U Ohn Win, gives grounds for hope that Myanmar is entering a new era of forest management in which conservation and transparency, rather than the old model of extract and export, are at the fore."</p> <p>http://www.illegal-logging.info/sites/files/chlogging/ForestryRiskProfile-Myanmar-04Jun15.pdf FORESTRY RISK PROFILE – Myanmar - 2015 Illegal Logging in Myanmar</p> <p>Despite official government claims, it is highly likely that a significant percentage of Myanmar's wood exports are sourced illegally from natural forests through land conversion and logging concessions (Woods 2013). The 2015 NEPCon National Risk Assessment for Myanmar identified specified risks in 20 of the 22 legal criteria and sub-criteria (2 were n/a), in summary:</p> <p>Legal Rights to harvest—there are areas where the state has limited control of forest and other land (such as Kachin and Shan states) due to the security situation, areas where overlapping land classifications mean the legal classification of land category and legal use of the land is conflicting (e.g. Conversion for infrastructure, plantation, pipelines, agriculture etc...) and areas of unofficial land claims and shifting cultivation. 50% of all harvest activities are carried out by sub-contractors to MTE, and there is limited transparency in the allocation of contracts.</p> <p>Taxes and fees—corruption at all levels in the forest sector means that tax/royalty avoidance is a significant risk, in some cases logs are harvested illegally and the royalty hammer marks re-used for other logs that has been illegally harvested, the royalty payment system does not function in conflict areas, and illegal conversion timber may not have been subject to royalty payments.</p> <p>Timber Harvesting activities - Even in relatively well-managed forests, that harvest restrictions and regulations are not followed, there are significant threats to protected areas and species, and reports of environmental destruction and unsustainable harvest practices.</p> <p>Third parties' rights- unclear regulations and procedures on the classification and re-classification of land in favour of households and communities, ethnic conflict is commonplace and although indigenous peoples rights are not well-</p>	Country	
		Country	
		Country	

	<p>protected by law, there is still a significant risk for armed conflict or violations of human rights.</p> <p>Trade and transport-significant risk of corruption in the approval of transport/import/export documentation as regulations are complex and involve multiple transactions and controls, reports of illegal transfer pricing with offshore companies, especially in Singapore, significant risk of illegal cross border trade with China and other neighbouring countries.</p> <p>[...] Although some sources, for example plantation timber may prove lower risk in some categories (forest management) the overall high level of risk of corruption and issues with timber throughout the supply chain means sourcing low risk timber from Myanmar is basically impossible.</p> <p>http://www.illegal-logging.info/sites/files/chlogging/EIA-Data-Corruption-FINAL.pdf <i>DATA CORRUPTION, Exposing the true scale of logging in Myanmar, EIA, – March 2014</i> EXECUTIVE SUMMARY</p> <ul style="list-style-type: none"> • Research by the Environmental Investigation Agency (EIA) reveals that recently published Government of Myanmar data on log harvests and timber exports during the past 15 years reveals significantly lower than reported global trade in Myanmar logs, suggesting rampant criminality and corruption in the sector. • Official export volumes from 2000-13 constitute merely 28 per cent of all recorded international trade in Myanmar logs –suggesting 72 per cent of log shipments were illicit. • Official Government-authorized harvest volumes from 2001-13 comprised only 53 per cent of recorded global imports of Myanmar logs, revealing an export-driven illegal logging rate of 47 per cent across the country. • Unauthorised and unrecorded timber exports of 16.5 million cubic metres (m³) of logs from 2000-13 were worth US\$5.7 billion. • EIA's findings demonstrate fundamental governance failures in Myanmar's timber sector. Wide-ranging reform is required to sustain forest resources and enable access to the increasing number of high-value markets sensitive to legality issues, including the EU, US, Australia and others." <p>http://www.khaosodenglish.com/news/environment/2016/09/02/illegal-logging-ravaging-myanmar-forests/ <i>Illegal Logging Ravaging Myanmar Forests - September 2, 2016</i> PINLEBU, Myanmar — The hills of northern Myanmar's Sagaing region were so legendarily thick with forests that in the days of kings, condemned criminals were ordered into the woods as a death sentence. Today illegal logging has left vast swaths of bare patches, with only a handful of old-growth stands. Despite a temporary ban on all logging by the Southeast Asian country's new government, the Associated Press found in a trip to the remote region that</p>	Country	
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	<p>loggers are still cutting down some of the remaining old trees. The AP also saw loggers illegally chopping up the wood from already felled trees for transportation and sale. Piles of such wood have been confiscated by the government, but villagers said officials can be bribed to let it through.</p> <p>Massive amounts of teak, rosewood and other hardwoods have been illegally cut and exported from Myanmar since 2011. Much of that wood was stripped from the Sagaing region, floated on the Irrawaddy River and transported to neighboring China and India.</p> <p>Myanmar has lost more than a quarter of its forests since 1990, according to the U.N. The losses have been greatest in the north, in Sagaing and neighboring Shan and Kachin states. The pace of deforestation had increased under the last government, though it banned timber exports in 2014.”</p>	Country	
From national CW RA: Info on illegal logging	Not available	country	
<p>Conclusion on country context:</p> <p>Myanmar scores very low on most indicators reviewed in this context section such as on corruption, governance, rule of law, freedom and press freedom and is considered a country with an alert status on the Fragile States Index 2017. Very serious human rights violations are reported in relation to freedom of expression, association and peaceful assembly, while authorities arrested peaceful demonstrators and imprisoned and prosecutes people for political reasons. Members of the security forces continued to violate human rights with near-total impunity. Human rights violations against the Rohingya minority are particularly severe and include arbitrary arrests, torture and other ill-treatment of Rohingya in detention, as well as deaths in custody at the hands of security forces. Reports of abuses of international human rights and humanitarian law in areas of internal armed conflict persist. Positive developments are the first relatively open national elections in November 2015, since 25 years, and a first peace summit bringing together democracy leaders, military chiefs, and warring ethnic rebels. Several reports demonstrate that illegal practices have been widespread in the forest sector for a long time, however, it is encouraging that the new Myanmar government has issued a temporary national logging ban, until March 2017, and a 10-year logging ban in the Pegu Yoma region after the previous regime already issued a temporary ban on the export of raw timber logs since April 1, 2014.</p>		Country	
<p>Indicator 2.1. The forest sector is not associated with violent armed conflict, including that which threatens national or regional security and/or linked to military control.</p>			
<p>Guidance</p> <ul style="list-style-type: none"> • Is the country covered by a UN security ban on exporting timber? • Is the country covered by any other international ban on timber export? • Are there individuals or entities involved in the forest sector that are facing UN sanctions? 			
Compendium of United Nations Security Council Sanctions Lists: www.un.org	https://scsanctions.un.org/fop/fop?xml=htdocs/resources/xml/en/consolidated.xml&xslt=htdocs/resources/xsl/en/consolidated.xsl	country	Low risk
Google: “Consolidated United Nations Security Council Sanctions List” for latest version. It is regularly updated.	<i>Consolidated United Nations Security Council Sanctions List - Generated on: 25 October 2016</i>		
US AID: www.usaid.gov	There is no UN Security Council ban on timber exports from Myanmar		
Global Witness: www.globalwitness.org	Myanmar is not covered by any other international ban on timber export.		
	There are no individuals or entities involved in the forest sector in Myanmar that are facing UN sanctions.		

From national CW RA			
Guidance <ul style="list-style-type: none"> Is the country a source of conflict timber? If so, is it at the country level or only an issue in specific regions? If so – which regions? Is the conflict timber related to specific entities? If so, which entities or types of entities? 			
www.usaid.gov Conflict Timber is defined by US AID as: - conflict financed or sustained through the harvest and sale of timber (Type 1), - conflict emerging as a result of competition over timber or other forest resources (Type 2) Also check overlap with indicator 2.3	https://www.usaid.gov/news-information/congressional-testimony/aug-21-2015-aa-jonathan-n-stivers-house-asia-pacific-property-rights <i>Testimony of Assistant Administrator Jonathan N. Stivers before the House Subcommittee on Asia and the Pacific - August 21, 2015</i> “Burma In Burma, where disputes over land and resource ownership have fueled armed conflict for decades, secure land rights are central to reforms. Years of forcible and uncompensated land confiscation have historically been a source of conflict and abuse. While the democratic openings in recent years have enabled increased engagement by civil society on land confiscation issues, land activists have been subject to arrest and detainment. Addressing land rights will be essential for Burma’s economic development, as well as for efforts to mitigate conflict and enhance national reconciliation. [...] The Government of Burma is currently in the process of drafting and adopting a national land use policy that will ultimately inform the development of a national land law. As part of this, USAID supports active, broad-based citizen participation in what has been an unprecedented public comment and multi-stakeholder consultation process with civil society. The draft policy has been developed using information garnered from public consultations held in all 14 states and regions in the country and from non-government technical experts, academic institutions, donors and NGOs, media reports, and various parliamentary commissions on land use issues.”	Country Country	Specified risk Low risk
www.globalwitness.org/campaigns/environment/forests	https://www.globalwitness.org/en/campaigns/myanmar/#more Myanmar For decades Myanmar has been run by a military dictatorship that ruled with one iron fist and stole with the other. Resources like gas, gems, and timber were shackled to a war economy and treated as the private businesses of elite military families. Indigenous groups have been systematically and brutally driven from their homes, their ancestral lands and forests turned over to crony tycoons. Exports feed consumption in the rich world and generate vast revenues for the elite, yet one-third of children under five are stunted from long-term malnutrition. Since 2011, a new government under former general Thein Sein has promised reform and change, specifically pledging to clean up the natural resource sector. Most international sanctions have been lifted and the country is open for business, with new overseas investors coming into play. [...] Much has changed in Myanmar in recent years. There is now a real opportunity to help millions of people benefit from their resources, but only if	Country Country	Specified risk Low risk

	the international community and Myanmar government work together to deliver on the reformist rhetoric.”		
Human Rights Watch: http://www.hrw.org/	<p>https://www.hrw.org/sites/default/files/world_report_download/wr2016_web.pdf <i>Human Rights Watch World Report 2016</i> Ethnic Conflict and Forced Displacement Armed conflict between the Burmese military and non-state armed groups escalated in 2015. Clashes between the Burmese army and Kachin Independence Army (KIA) troops continued sporadically, reportedly involving disputes over natural resource extraction. In northern Shan State, fighting between the army and the Ta-ang National Liberation Army (TNLA), often in conjunction with insurgents from the Arakan Army and Shan State Army-North, continued throughout the year and several thousands of civilians were displaced by conflict. In central Shan State, fighting between the Burmese army and Shan rebel forces escalated around the November elections, displacing some 6,000 civilians. [...] In March, fighting began in the northern Shan State special region of Kokang between the army and forces of the Myanmar National Democratic Alliance Army (MNDAA). Burmese forces used airstrikes and heavy artillery bombardments, allegedly indiscriminately, during the fighting against the MNDAA. Tens of thousands of civilians were displaced in Kokang areas, with many fleeing to China. The government sought to conclude a nationwide ceasefire with 16 non-state armed groups in 2015. Instead, conflict escalated to levels not seen since before the fighting in Kachin State entered an uneasy truce in 2013. Some 130,000 Kachin civilians remain internally displaced in camps, with many IDPs in KIA-controlled areas receiving little international assistance, largely due to Burmese army obstruction.”</p>	Kachin State Northern Shan State Country	Specified risk Specified risk Specified risk
World Resources Institute: Governance of Forests Initiative Indicator Framework (Version 1) http://pdf.wri.org/working_papers/gfi_tenure_indicators_sep09.pdf Now: PROFOR http://www.profor.info/node/1998	This work resulted in a publication: Assessing and Monitoring Forest Governance: A user's guide to a diagnostic tool (available on this page) published by PROFOR in June 2012. This tool has not yet been applied to Myanmar.	Country	Low risk
Amnesty International Annual Report: The state of the world's human rights -information on key human rights issues, including: freedom of expression; international justice; corporate accountability; the death penalty; and reproductive rights http://www.amnesty.org	<p>https://www.amnesty.org/en/documents/pol10/2552/2016/en/ <i>State of the Human Rights Report 2015/16</i> INTERNAL ARMED CONFLICT “On 15 October, the government and eight ethnic armed groups signed the Nationwide Ceasefire Agreement, aimed at putting an end to decades of armed conflicts between the military and the many armed ethnic groups. However, the authorities’ decision to exclude some armed ethnic groups from the accord meant that the seven other groups invited to sign the agreement – including all those in active conflict with the Army – chose not to do so. Fighting intensified in Kachin and Shan states, with ongoing reports of killings, enforced disappearances, rape and other crimes of sexual violence and forced labour.”</p>	Kachin and Shan States	Specified risk

	<p>https://www.amnesty.org/en/latest/news/2016/09/suu-kyi-visits-un-and-us/ <i>Myanmar at the UN: Keep pressure up on human rights – 14 Sept 2016</i> “We have seen encouraging changes as Myanmar eases out from under the shadow of military rule. But there is still a lot more to do to ensure a decisive break with the country’s ugly past of human rights violations,” said Rafendi Djamin, Amnesty International’s Director for South East Asia and the Pacific. [...] A new quasi-civilian government, led by Aung San Suu Kyi, came to power in March 2016 after a resounding victory of her party, the National League for Democracy (NLD), in the 2015 elections. Upon taking office, it faced a daunting series of human rights challenges. In addressing those challenges, the NLD’s power is severely constrained by the enduring influence of the Myanmar military, which continues to control key ministries and can block constitutional changes with a quarter of all seats in parliament.”</p>	Country	Specified risk
<p>World Bank: Worldwide Governance Indicators - the WGIs report aggregate and individual governance indicators for 213 economies (most recently for 2004–2014), for six dimensions of governance: Voice and Accountability; Political Stability and Absence of Violence; Government Effectiveness; Regulatory Quality; Rule of Law; Control of Corruption http://info.worldbank.org/governance/wgi/index.aspx#home Use indicator 'Political stability and Absence of violence' specific for indicator 2.1</p>	<p>http://info.worldbank.org/governance/wgi/index.aspx#reports In 2015 (latest available year) Myanmar scores 10.48 for Political Stability and Absence of Violence/Terrorism (the scores range from 0 (lowest rank) to 100 (highest rank) with higher values corresponding to better outcomes).</p>	Country	Specified risk
<p>Greenpeace: www.greenpeace.org Search for 'conflict timber [country]'</p>	<p>No information on conflict timber in Myanmar found.</p>	Country	Low risk
<p>CIFOR: http://www.cifor.org/ http://www.cifor.org/publications/Corporate/FactSheet/forests_conflict.htm</p>	<p>http://www.cifor.org/publications/Corporate/FactSheet/forests_conflict.htm <i>Forests and conflict - undated</i> “There are currently violent conflicts in forested regions in Colombia, Cote D'Ivoire, Democratic Republic of the Congo, India, Indonesia, Liberia, Mexico, Myanmar, Nepal, Philippines, Sierra Leone, Solomon Islands, Sudan, and Uganda. [...] Timber incomes have financed violent conflict in Cambodia, Democratic Republic of Congo, Indonesia, Liberia, Myanmar, Sierre Leone, and other countries. While Illicit drugs are widespread in the forested regions of Bolivia, Colombia, Laos, Myanmar, and Peru.”</p>	Country	Specified risk
<p>Google the terms '[country]' and one of following terms or in combination 'conflict timber', 'illegal logging'</p>	<p>http://www.reuters.com/article/us-myanmar-forests-idUSBREA2J27K20140320 <i>Myanmar's log export ban to hurt businessmen but help forests - Mar 20, 2014</i> “Myanmar will ban the export of raw timber logs from April 1, choking off profits in a sector that provided critical funding to the country's former military rulers for decades, as a new reformist government steps up efforts to save forests. [...]”</p>	Country	Low risk

	<p>While timber remains an important income stream for Myanmar's rulers after a quasi-civilian government took over from the military in 2011, it is not as critical as before.</p> <p>To recognize Myanmar's economic and political reforms, the European Union, the United States and other countries have eased or lifted sanctions, allowing foreign investment in sectors such as telecommunications.</p> <p>The reforms are now reaching into the forestry sector, with the government ready to put conservation above profit.</p> <p>The ban is likely to hurt the forestry industry, which generates about 90 percent of export earnings from raw logs and not finished products, said Barber Cho, head of the Myanmar Timber Merchants' Association. [...]</p> <p>But the action was necessary, as the former junta had practiced "legal overproduction" that decimated Myanmar's forests for decades, Barber Cho said.</p> <p>Crippled by sanctions, chronic economic mismanagement and starved for hard currency, the generals gave logging concessions to their cronies to export raw logs in exchange for the cash needed to prop up their rule. [...]"</p> <p>http://www.mmtimes.com/index.php/national-news/16553-myanmar-china-illegal-timber-trade-still-thriving-report.html</p> <p><i>Myanmar-China illegal timber trade still thriving: report – 18 Sept 2015</i></p> <p>Timber extracted from Myanmar's frontier forests is flowing into China in illegal transactions worth hundreds of millions of dollars a year, according to a report published yesterday.</p> <p>The research, by the UK-based Environmental Investigation Agency (EIA) and partly financed by the UK, the European Union and the Norwegian Agency for Development Cooperation, finds that illicit timber trade between the two countries is nearing an all-time high.</p> <p>Far from being chaotic and complex, the supply chain is well structured, with a number of players colluding to ensure business runs smoothly.</p> <p>In January this year, 155 Chinese nationals were arrested for illegal logging in Myanmar and were handed life sentences in July, causing diplomatic tensions. Just a few days later, all were released in a mass presidential pardon of 6966 prisoners.</p> <p>"The saga has shone a light on the murky and clandestine trade in illicit timber occurring across the common border between Myanmar and China," said the EIA. The trade has grown over the past two decades to become one of the largest bilateral flows of illegal timber in the world. [...]</p> <p>Most wood is cut or transported through Kachin State, an area of conflict between ethnic political groups and Myanmar's government and military. The government has previously blamed ethnic groups for the illegal logging problem, accusing them of exploiting trade for profits. However, according to the EIA, the profits reach a much wider range of beneficiaries.</p>	Kachin State	Specified risk
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	<p>“These include local government and military officials in Kachin, ethnic political groups, Kachin and Chinese businessmen, and intermediaries who play a vital role as a link between the other parties.”</p> <p>http://foreignpolicy.com/2016/09/09/can-aung-san-su-kyi-bring-an-end-to-civil-war-in-myanmar/ <i>Can Aung San Suu Kyi Bring an End to Civil War in Myanmar? – 9 Sept 2016</i> A fledgling peace summit brought together democracy leaders, military chiefs, and warring ethnic rebels. But it didn't go all that smoothly. NAYPYIDAW, Myanmar — The government and military held their first peace conference with ethnic rebel groups since Aung San Suu Kyi became Myanmar's de facto leader when her party took office in April. Last week, she managed to bring together the largest group of stakeholders yet, in an attempt to end a civil war that has plagued the country's resource-rich frontier regions since its independence in 1948.</p> <p>The grand event, held in an enormous convention center in the sprawling, military-built capital of Naypyidaw, brought to the table government officials, lawmakers, political party delegates, military officers, and representatives of 18 ethnic armed groups. All participants in the four-day event, which ended Saturday, had a chance to present their ideas for establishing peace and a democratic federal government in Myanmar. It was the first such sharing of opinions over the country's political structure since 1947.</p> <p>Dozens of ethnic groups, which make up around 35 percent of the population and live mostly in Myanmar's rugged borderlands, have long been fighting for political autonomy. During its five-decade rule, the Bamar majority-dominated military brutally suppressed the rebellions, but the groups managed to survive through local popular support, taxing the flow of timber and jade, and large-scale involvement in the opium trade. [...]</p> <p>But the army's enduring power was on show ahead of the conference when it demanded that three rebel groups representing the ethnic Taang, Rakhine, and Kokang peoples publicly commit to ending their armed struggle — a position the NLD government endorsed. The groups refused and were barred from the event, to the dismay of the UNFC alliance [United Nationalities Federal Council (UNFC), an 11-member armed ethnic alliance, LV, of which they are members.”</p> <p>http://www.illegal-logging.info/content/myanmars-logging-ban-major-step-towards-forest-sector-reform <i>Myanmar's logging ban is a major step towards forest sector reform - 4 Aug 2016</i> “The new Government of Myanmar has agreed a temporary national logging ban and a 10-year logging ban in the Pegu Yoma region to give its beleaguered forests breathing space from years of unchecked exploitation.</p>	<p>Country</p> <p>Shan and Rakhine States</p> <p>Country</p>	<p>Low risk</p> <p>Specified risk</p> <p>Low risk</p>
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	<p>The national logging ban will run until the end of March 2017, in effect closing the forests for one complete logging season. All exports of round logs from the country have been banned since April 2014.”</p> <p>https://www.civilrightsdefenders.org/country-reports/human-rights-in-myanmar/ <i>Human Rights in Myanmar - Updated 3 November 2015</i></p> <p>“Despite the signing of a partial ceasefire agreement, ethnic conflict still persists across Myanmar, including in Kachin and Northern Shan, Karen, and Mon States. In 2011, when a 17 years old ceasefire agreement with the government of Myanmar and the Kachin Independence Army (KIA) was terminated and violence ensued, an estimated 100,000 people were displaced from their homes. Low-level fighting continues in Northern Shan State between the Myanmar Army and the Ta’ang National Liberation Army, representing an ethnic Mon-Khmer group. Human rights and civil society groups have documented violations of international humanitarian law on both sides of the conflict. The government has repeatedly denied full and unfettered access to humanitarian assistance in KIA controlled territory.”</p> <p>[see also information found on illegal logging presented in context section]</p>	Kachin and Northern Shan, Karen, and Mon States.	Specified risk
From national CW RA	Not available	Country	-
<p>Conclusion on indicator 2.1: Illegal logging and timber exports have been reported as a chronic problem in Myanmar for a long time, and forestry has been a sector that provided critical funding to the country's former military rulers and ethnic armed groups for decades. The forestry sector is still associated with ongoing violent armed conflicts in Kachin, Shan and Rakhine states, despite initiatives for peace negotiations and a ban on export of raw timber and a temporary national logging ban and a 10-year logging ban in the Pegu Yoma region. There is no UN security ban, other ban or UN sanction.</p> <p>The following ‘low risk’ thresholds apply:</p> <p>(1) The area under assessment is not a source of conflict timber²; <u>except in Kachin, Shan and Rakhine states</u>; AND</p> <p>(2) The country is not covered by a UN security ban on exporting timber; AND</p> <p>(3) The country is not covered by any other international ban on timber export; AND</p> <p>(4) Operators in the area under assessment are not involved in conflict timber supply/trade; <u>except in Kachin, Shan and Rakhine states</u>; AND</p> <p>(5) Other available evidence does not challenge ‘low risk’ designation; <u>except in Kachin, Shan and Rakhine states</u>.</p> <p>The following ‘Specified risk’ thresholds apply:</p> <p>(6) The area under assessment is a source of conflict timber; <u>only in Kachin, Shan and Rakhine states</u></p> <p>AND</p>		Country (except Kachin, Shan and Rakhine States)	Low risk
		Kachin, Shan and Rakhine States	Specified risk

² “Conflict timber” limited to include “timber that has been traded at some point in the chain of custody by armed groups, be they rebel factions or regular soldiers, or by a civilian administration involved in armed conflict or its representatives, either to perpetuate conflict or take advantage of conflict situations for personal gain - conflict timber is not necessarily illegal. Please refer to FSC-PRO-60-002a V1-0.

(7) Operators in the area under assessment are involved in conflict timber supply/trade, (identified entities should be specified whenever possible and in compliance with the law); only in Kachin, Shan and Rakhine states			
Indicator 2.2. Labour rights are respected including rights as specified in ILO Fundamental Principles and Rights at work.			
Guidance			
<ul style="list-style-type: none"> • Are the social rights covered by the relevant legislation and enforced in the country or area concerned? (refer to category 1) • Are rights like freedom of association and collective bargaining upheld? • Is there evidence confirming absence of compulsory and/or forced labour? • Is there evidence confirming absence of discrimination in respect of employment and/or occupation, and/or gender? • Is there evidence confirming absence of child labour? • Is the country signatory to the relevant ILO Conventions? • Is there evidence that any groups (including women) feel adequately protected related to the rights mentioned above? • Are any violations of labour rights limited to specific sectors? 			
general sources from FSC-PRO-60-002a V1-0 EN	information found and specific sources	scale of risk assessment	risk indication
<p>Status of ratification of fundamental ILO conventions: http://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:: or use: ILO Core Conventions Database: http://www.ilo.org/ilolex/english/docs/declworld.htm C29 Forced Labour Convention, 1930 C87 Freedom of Association and Protection of the Right to Organise Convention, 1948 C98 Right to Organise and Collective Bargaining Convention, 1949 C100 Equal Remuneration Convention, 1951 C105 Abolition of Forced Labour Convention, 1957 C111 Discrimination (Employment and Occupation) Convention, 1958 C138 Minimum Age Convention, 1973 C182 Worst Forms of Child Labour Convention, 1999</p> <p>Ratification as such should be checked under Category 1. In Cat. 2 we take that outcome into consideration. Refer to it.</p>	<p>http://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:103159 Myanmar ratified 3 of the 8 ILO Core conventions and the status of 3 of these ratified Conventions is: "in force".</p> <p>Myanmar did not ratify C98 Right to Organise and Collective Bargaining Convention, 1949; C100 Equal Remuneration Convention, 1951; C105 Abolition of Forced Labour Convention, 1957; C111 Discrimination (Employment and Occupation) Convention, 1958 and C138 Minimum Age Convention, 1973</p> <p>http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID:3250775 <i>Observation (CEACR) - adopted 2015, published 105th ILC session (2016) Forced Labour Convention, 1930 (No. 29) - Myanmar (Ratification: 1955)</i> "Regarding legislative developments, the Committee previously noted with satisfaction the adoption by Parliament of the Ward or Village Tract Administration Act of 24 February 2012 (as amended on 28 March 2012), which repealed the Village Act and the Towns Act of 1907 (section 37) and which makes the use of forced labour by any person a criminal offence punishable with imprisonment and fines (section 27A). However, the Committee notes that no action has been taken to amend article 359 of the Constitution (Chapter VIII – Citizenship, fundamental rights and duties of citizens), which exempts from a prohibition of forced labour "duties assigned by the Union in accordance with the law in the interest of the public". In its earlier comments, the Committee observed that this exception permits forms of forced</p>	<p>Country</p> <p>Country</p>	<p>Specified risk for Right to Organise and Collective Bargaining, Equal Remuneration, Discrimination and minimum age</p> <p>Specified risk for</p>

	<p>labour that exceed the scope of the specifically defined exceptions in Article 2(2) of the Convention and could be interpreted in such a way as to allow a generalized exaction of forced labour from the population. The Committee notes the Government's statement in its report that the 2008 Constitution, which has been ratified and promulgated through a national referendum with the approval of the people of Myanmar, will be amended as required. The Committee once again expresses the firm hope that the necessary measures will at last be taken with a view to amending article 359 of Chapter VIII of the Constitution in order to bring it into conformity with the Convention. Regarding the practical application of the Convention, the Committee welcomes the various measures undertaken by the Government, in collaboration with the ILO, aimed at the eradication of forced labour for men, women and children in practice. These measures include the undertaking of an extensive range of awareness-raising activities across the country, support for the continued use of the SU complaints mechanism to enable victims of forced labour to seek redress, as well as holding to account a substantial number of military personnel for their continued use of forced labour. While taking due note of the progress made towards the elimination of all forms of forced labour, the Committee observes that the use of forced labour continues in Myanmar. The Committee therefore fully endorses the conclusions concerning Myanmar made by the Governing Body and encourages the Government to pursue with vigour its ongoing efforts towards the elimination of forced labour in all its forms, in both law and practice, by fully implementing the recommendations of the Commission of Inquiry. It requests the Government to provide, in its next report, detailed information on the measures taken to that end and, in particular, on the measures taken to ensure that, in practice, forced labour is no longer imposed by the military or civil authorities, as well as the private sector. It also requests the Government to provide information on the measures taken to ensure the strict application of the national legislation, particularly the provisions of the Ward or Village Tract Amendment Act 2012, so that penalties for the exaction of forced labour under this law and the Penal Code are strictly enforced against perpetrators. The Committee also asks the Government to continue to provide information on: various practical measures aimed at the eradication of all forms of forced labour, such as the continuation and strengthening of awareness-raising activities; improvements in dealing with under-age recruitment by the military, including the release and reintegration of children, and the imposition of disciplinary and penal sanctions on military personnel; cooperation in the continued functioning of the SU complaints mechanism; and measures to budget adequate means for the replacement of forced or unpaid labour. The Committee reiterates the firm hope that all the necessary measures will be taken without delay to achieve full compliance with the Convention so as to ensure that all use of forced or compulsory labour in Myanmar is completely eliminated."</p>	Country	<p>forced labour</p> <p>Specified risk for forced labour</p>
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	<p>http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3250836:NO</p> <p><i>Direct Request (CEACR) - adopted 2015, published 105th ILC session (2016)</i> <i>Worst Forms of Child Labour Convention, 1999 (No. 182) - Myanmar</i> <i>(Ratification: 2013)</i></p> <p>"The Committee notes, however, that according to the Report of the Secretary-General on Children and Armed Conflict to the United Nations Security Council of 5 June 2015 (A/69/926 S/2015/409) (Report of the Secretary-General on children and armed conflict), a total of 357 cases of child recruitment and use by armed forces (Tatmadaw) were reported, including through the forced labour complaint mechanism of the ILO. At least 27 of the children as young as 14 years old were newly recruited in 2014. Children were reported to have been deployed to the front line as combatants and in support roles. In addition to children being recruited into the formal ranks of Tatmadaw, several incidences of the informal association of children were recorded, including as porters and scouts. This report further indicates that children were also recruited by armed groups, including through abductions. Moreover, the Report of the Secretary-General on children and armed conflict states that several positive steps have been taken by the Government, including the joint action plan signed with the United Nations in June 2012 to end and prevent the recruitment and use of children by armed forces, the endorsement of a workplan for full implementation of this action plan, and the granting of monitoring access of the United Nations to the armed forces. However, according to the Report of the Special Rapporteur on the situation of human rights in Myanmar of 23 March 2015, there are still reports of ongoing recruitment of children into the armed forces due to a quota-based recruitment system that reportedly continues in the military. The Committee requests the Government to strengthen its efforts to put a stop, in practice, to the recruitment of children under 18 years by the armed forces and armed groups. It also requests the Government to take immediate and effective measures to ensure that thorough investigations and robust prosecutions of any person, including members in the armed forces, who forcibly recruit children under 18 years of age for use in armed conflict, are carried out and that sufficiently effective and dissuasive penalties are imposed. The Committee requests the Government to provide information on the measures taken and results achieved in this respect. [...]</p> <p>However, the Committee notes that the Committee on the Rights of the Child (CRC), in its concluding observations of 2012, expressed concern at: the persistence of the economic exploitation of children, including low wages; working the same hours as adults and being engaged in dangerous and hazardous forms of work; and the lack of enforcement of the labour laws as well as the absence of systematic labour inspections (CRC/C/MMR/CO/3-4, paragraph 85). The Committee requests the Government to take the necessary measures to improve the functioning of the labour inspection system, including</p>	Country	Specified risk for child labour
		Country	Specified risk for child labour

	<p>by strengthening the capacity of the labour inspectorate so as to ensure the effective monitoring of the provisions giving effect to the Convention. It also requests the Government to provide information on the impact of the Ministerial Notification 4/2015 in eliminating the worst forms of child labour in the fisheries sector. [...]</p> <p>The UNESCO report, however, states that the inclusion of children from poor households, rural communities and ethno-linguistic groups poses a particular challenge and that there is still a disparity in access to, and the duration of, quality education opportunities for children and different population groups. Considering that education contributes to preventing children from engaging in the worst forms of child labour, the Committee encourages the Government to strengthen its efforts to improve access to free basic education for all children, including children from poor households, rural communities and ethno-linguistic groups. It requests the Government to provide information on the measures taken in this regard. The Committee also requests the Government to provide up-to-date statistics on the school enrolment, attendance and completion rates as well as drop-out rates at primary and secondary levels.”</p> <p>http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3189887:NO</p> <p><i>Observation (CEACR) - adopted 2014, published 104th ILC session (2015) Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) - Myanmar (Ratification: 1955)</i></p> <p>The Committee notes the observations made by the International Organisation of Employers (IOE) in a communication received on 1 September 2014. The Committee also notes the observations made by the International Trade Union Confederation (ITUC) in a communication received on 1 September 2014 and the Government’s reply thereto.</p> <p>General context of freedom of association. The Committee notes the information provided by the Government that, since the adoption in 2012 of the Labour Organization Law (LOL), there are now 1,384 basic labour organizations, 45 township labour organizations, two labour federations, 28 basic employers’ organizations, one township employers’ organization and one employer federation that have formed freely under the Law. The Government further indicates that the Union Minister and Chief Registrar met with the leaders of three informal labour federations, namely Federation of Trade Unions of Myanmar (FTUM), the Agricultural and Farmers’ Federation of Myanmar (AFFM) and the Myanmar Trade Union Federation (MTUF) so as to determine the means for their recognition as formal federations. Moreover, the Union Minister of Labor, Employment and Social Security and Chief Registrar engage with those leaders regularly to consult on challenges, difficulties and progress in the implementation of freedom of association. The Government also refers to a Project Advisory Committee (PAC) which has as an immediate objective to consider new or amended labour law provisions to bring the</p>	Country	Specified risk for child labour for children from poor households, rural communities and ethno-linguistic groups
		Country	Low risk for Freedom of Association and the Right to Organise

	<p>national legislation into greater conformity with international labour standards. The Government indicates that the LOL will be reviewed in cooperation with the ILO Chief Technical Adviser of the Freedom of Association Programme at the convenient time. Additionally, a cluster group has been formed to implement labour law reform and institutional capacity building under the Employment Opportunity Sector Working Group with representatives from relevant ministries, the ILO and other international agencies and institutions. The Committee notes the ITUC's observations that, while the Labour Organization Law (LOL) contains improvements, it considers that key provisions are plainly not in conformity with the Convention or are ambiguous and that implementation and enforcement are inconsistent. In addition, the ITUC considers that none of the issues raised in its 2012 observations or those raised in the direct request has been addressed by the Government. It further notes that while there has been an encouraging rise in registered trade unions, troubling issues remain with the registration process. Neither the FTUM, nor other associations of trade unions have been recognized by the Government, leaving workers without a voice at national level and with no ability to engage in formal tripartite dialogue. The Committee requests the Government to reply in detail to these comments in its next report. [...]</p> <p>The Committee further notes the information provided by the Government that section 9(d) of Act No. 15/2011 on the right to peaceful assembly and peaceful procession was repealed and the Ministry of Home Affairs has been advised with regard to the review of sections 8(d), 12(c) and (f). The ITUC however reports the continuing harassment of union leaders and workers engaged in organizing campaigns, and indicates that, despite minor amendments in 2014, the Government continues to arrest and charge workers and activists for participating in peaceful assemblies under the 15/2011 Act. Bearing in mind the concerns raised by the ITUC about continuing arrests and detentions under the Act, the Committee requests the Government to continue to provide information on the developments of this legislative review.</p> <p>Article 2 of the Convention. Legislative framework. Right of workers to establish organizations. The Committee recalls its previous comment in which it observed the concerns raised by the ITUC in relation to the minimum membership requirement to form a workers' organization at various levels. The Committee recalls that while a minimum membership requirement is not in itself incompatible with the Convention, the number should be fixed in a reasonable manner so that the establishment of organizations is not hindered. The Committee notes in this regard that section 4(a) of the LOL refers to a 30-worker requirement, but additionally refers to the need to have affiliated 10 per cent of the workers in the trade or activity for the establishment of a basic labour organization. Such a requirement could render it particularly difficult for workers to exercise their organizational rights in large enterprises. The ITUC also refers to what it considers to be an excessively rigid trade union structure which impedes the registration of higher-level trade unions and points to the</p>	Country	Specified risk for Freedom of Association and the Right to Organise
		Country	Specified risk for Freedom of Association and the Right to Organise
		Country	Specified risk for Freedom of Association and the

	<p>fact that, as yet, no national trade union confederation has been recognized under the law.</p> <p>Given the specific cases raised by the ITUC where workers have been said to have been seriously challenged in their capacity to form organizations under the requirements set out in section 4 of the LOL, the Committee requests the Government to review these requirements in consultation with workers' and employers' organizations concerned with a view to their amendment, so that the simple act of forming an organization is not subject to unreasonable requirements and in order to facilitate the recognition of national level organizations that may participate in tripartite social dialogue on matters being considered by the Government that might affect workers' socio-economic interests."</p> <p>http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3189884:NO</p> <p><i>Direct Request (CEACR) - adopted 2014, published 104th ILC session (2015) Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) - Myanmar (Ratification: 1955)</i></p> <p>"Article 3. Right of workers' organizations to elect their officers freely. The Committee notes the observations of the ITUC in relation to certain restrictions for eligibility to trade union office set out in the Rules to the Labour Organization Law (LOL), including the obligation to have been working in the same trade or activity for at least six months and the obligation for foreign workers to have met a residency requirement of five years. The Committee recalls in this regard that rules concerning eligibility based on a requirement to belong to an occupation should be more flexible either by admitting persons as candidates who have previously been employed in the occupation concerned or by exempting from the occupational requirement a reasonable proportion of the officers of an organization. As regards foreign workers, the residency requirement for eligibility should be set at a reasonable period (see General Survey on the fundamental Conventions, 2012, paragraph 102). The Committee requests the Government to review Rule 5 in consultation with the social partners and to indicate any steps taken for its modification in light of the indications above.</p> <p>Furthermore, recalling its previous comments in relation to section 26 which sets a maximum for union dues, the Committee requests the Government to indicate the measures taken to amend this provision so that workers may determine freely the amount of trade union dues when drawing up their organization's constitution and by-laws. [...]</p> <p>In its previous comments, the Committee noted the concerns raised by the ITUC in relation to the requirement that a majority of workers vote for strike action to be undertaken, and once again requests the Government to confirm that this concerns the majority of those voting, in order to ensure that this does not create an excessive obstacle to the undertaking of industrial action. It</p>	Country	<p>Right to Organise</p> <p>Specified risk for Freedom of Association and the Right to Organise</p>
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	<p>further requests the Government to confirm more generally that workers' organizations may carry out actions in protest of the economic and social policy of the Government, and that sympathy action is protected in the event that the initial action is legitimate. Finally, recalling its previous comments concerning the requirement to obtain permission from the relevant labour federation under section 40(b) in order to go on strike, the Committee requests the Government to indicate the steps taken to amend this provision so that workers' organizations may carry out their activities freely, subject only to the provisions of their own by-laws."</p>	Country	Specified risk for Freedom of Association and the Right to Organise																																												
<p>ILO Declaration on Fundamental Principles and Rights at Work. Country reports. http://www.ilo.org/declaration/lang--en/index.htm Source of several reports. Search for 'racial discrimination', 'child labour', 'forced labour', 'gender equality', 'freedom of association'</p>	<p>http://www.ilo.org/wcmstp5/groups/public/---asia/---ro-bangkok/---ilo-yangon/documents/publication/wcms_516117.pdf <i>Myanmar labour force, child labour and school to work transition survey 2015 Executive summary report</i></p> <table border="1" data-bbox="801 517 1615 922"> <thead> <tr> <th colspan="4">Table 35. Key figures from the child labour survey (p. 33)</th> </tr> <tr> <th></th> <th>Total</th> <th>Male</th> <th>Female</th> </tr> </thead> <tbody> <tr> <td>Child population (5-17 years)</td> <td>12 146 463</td> <td>6 010 459</td> <td>6 136 004</td> </tr> <tr> <td>Working child</td> <td>1 278 909</td> <td>676 208</td> <td>602 701</td> </tr> <tr> <td>Child labour</td> <td>1 125 661</td> <td>601 471</td> <td>524 190</td> </tr> <tr> <td>Hazardous child labour</td> <td>616 815</td> <td>337 318</td> <td>279 498</td> </tr> <tr> <td>Other child labour</td> <td>508 846</td> <td>264 153</td> <td>244 693</td> </tr> <tr> <td>Proportion of working children</td> <td>10.5</td> <td>11.3</td> <td>9.8</td> </tr> <tr> <td>Proportion of child labour</td> <td>9.3</td> <td>10.0</td> <td>8.5</td> </tr> <tr> <td>Proportion of hazardous child labour</td> <td>5.1</td> <td>5.6</td> <td>4.6</td> </tr> <tr> <td>Proportion of other child labour</td> <td>4.2</td> <td>4.4</td> <td>4.0</td> </tr> </tbody> </table> <p>60.5% of all working children work in the industry category agriculture, forestry and fishing, (9,4% of urban boys, 10,8% urban girls, 73,2% rural boys, 72.2% rural girls). (p. 39)</p> <p>Child labour per age group: 21 935 (0,3% of children 5-11 years), 283 060 (9.5% of children 12-14 years), 820 666 (32% of children 15-17 years) (p. 44)</p> <p>"The age composition of child labour is 73 per cent or 821,000 in the age group 15-17 years, followed by 25 per cent in the age group 12-14 years. Only 2 per cent of the child labour fall in the age group 5-11 years.</p>	Table 35. Key figures from the child labour survey (p. 33)					Total	Male	Female	Child population (5-17 years)	12 146 463	6 010 459	6 136 004	Working child	1 278 909	676 208	602 701	Child labour	1 125 661	601 471	524 190	Hazardous child labour	616 815	337 318	279 498	Other child labour	508 846	264 153	244 693	Proportion of working children	10.5	11.3	9.8	Proportion of child labour	9.3	10.0	8.5	Proportion of hazardous child labour	5.1	5.6	4.6	Proportion of other child labour	4.2	4.4	4.0	Country	Specified risk for child labour.
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	<p>Of all those engaged in hazardous child labour, 75 per cent are in the age group 15-17 years, a third of this in the age group 12-14 years (p. 45).</p> <p>[...] 54.6 per cent or 758,000 of those in the agriculture, forestry, hunting and fishery industry are engaged in hazardous child labour." (p 47)</p>		
<p>ILO Child Labour Country Dashboard: http://www.ilo.org/ipeccountriesandregions/lang-en/index.htm</p>	<p>http://www.ilo.org/ipeccountriesandregions/lang-en/index.htm <i>Child labour in Asia and the Pacific</i> Information about Myanmar not available at the time of this research (website visited on 26 October 2016 - 08:30 CET)</p>	Country	-
<p>Global March Against Child Labour: http://www.globalmarch.org/</p>	<p>http://www.globalmarch.org/content/76-countries-rank-high-child-labour-violations <i>76 countries rank high in child labour violations</i> "The Child labour Index 2012 evaluated the frequency and severity of reported child labour incidents in 197 countries. Maplecroft attributes the increase in global child labour to the economic downturn and the worsening global human security situation that has increased the number of internally displaced children and refugees who are most vulnerable to economic and labour exploitation. Understandably, the countries topping the Index as worst performers are conflict torn and authoritarian states – Myanmar (1), North Korea (2), Somalia (3), Sudan (4), DR Congo (5), Zimbabwe (6), Afghanistan (7), Burundi (8), Pakistan (9) and Ethiopia (10). Challenging economic conditions in many countries due to the financial crisis continuing from 2008, and the consequent reduced donor money for education, etc. have also contributed to more children trapped in work to support their families."</p>	Country	Specified risk for child labour
<p>Office of the United Nations High Commissioner for Human Rights (OHCHR), Committee on Rights of the Child: http://www.ohchr.org/EN/HRBodies/CRC/Pages/CRCIndex.aspx</p>	<p>http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fMMR%2fCO%2f3-4&Lang=en <i>Concluding observations of the Committee on Rights of the Child: Myanmar - 14 March 2012</i> "Child rights and the business sector 21. While noting aspects of the State party's legislation regarding labour standards, the Committee notes the absence of a legislative framework regulating the prevention of, protection against and reparation of the adverse impacts of activities by private and State-owned companies, mainly in the extractive and large-scale energy-related sectors. The Committee is especially concerned at the effects of child labour, particularly forced and hazardous labour, living conditions of children, environment degradation, health hazards and barriers to their freedom of movement. (p. 4-5) [...]" Non-discrimination 35. The Committee reiterates its concern (CRC/C/15/Add.237 para. 27) about the multiple forms of discrimination that persist in the State party, particularly those against girls and children in vulnerable and disadvantaged situations, such as children from ethnic and religious minority groups (including Rohingya children), children from remote and border areas, internally displaced</p>	Country Country	Specified risk for child labour Specified risk for discrimination against children in vulnerable and

	<p>children, children in street situations, children affected by HIV/AIDS, children with disabilities, orphans and children in situation of poverty. (p. 7) [...]</p> <p>Economic exploitation, including child labour 85. While noting that a plan of action aimed at eliminating child labour has been developed, the Committee is concerned about: (a) The widespread use of child labour in unacceptable conditions, including at an early age or in dangerous conditions, in the food-processing, street-vending, refuse-collecting and light-manufacturing industries, restaurants, teashops and family agricultural activities, as well as in large-scale development projects in the extractive and energy industries; (b) The minimum legal age for the employment of children (set at 13 years of age); (c) The persistence of economic exploitation of children, including low wages, working the same hours as adults and being engaged in dangerous and hazardous forms of work; (d) The lack of enforcement of the labour laws; and (e) The absence of systematic labour inspections. (p. 19-20) [...]</p> <p>Sale, trafficking and abduction 91. The Committee notes the State party's overall efforts in combating human trafficking. In particular, the Committee welcomes the accession to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime; the signature of the Memorandum on Coordinated Mekong Ministerial Initiative against Trafficking; the adoption of the Anti-Trafficking in Persons Law in 2005; the adoption of the Five-Year National Plan of Action to Combat Human Trafficking (2007–2011); the establishment of the Central Body for Suppression of Trafficking in persons in 2006 and the plan to organize a special police force for child protection. It also notes the State party's significant efforts to combat international sex trafficking of women and girls and to protect repatriated victims of cross-border sex trafficking. However, the Committee remains concerned that: (a) The State party is a source country for men, women and children who are subjected to trafficking in persons, specifically forced labour, and for women and children in forced prostitution in other countries; (b) Trafficking and sexual exploitation of women and girls persist in the country for the purpose of prostitution, particularly in urban areas; and (c) The State party has made limited efforts to prevent and protect victims of internal trafficking and lacks information on the number of children victims of trafficking. (p. 21-22)</p> <p>Children belonging to minority or indigenous groups</p>	<p>Country</p> <p>Country</p>	<p>disadvantaged situations</p> <p>Specified risk for child labour</p> <p>Low risk for forced labour</p> <p>Specified risk for discrimination against</p>
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	<p>96. The Committee reiterates its concern (CRC/C/15/Add.237, para. 27) that children belonging to ethnic, indigenous, religious and other minority groups, in particular Rohingya children, face multiple restrictions and forms of discrimination and continue to be denied access to basic rights, including the right to food, health care, education, survival and development, as well as the right to enjoy their culture and to be protected from discrimination.</p> <p>97. The Committee recalls its previous concluding observations (CRC/C/15/Add.237) and urges the State party to gather additional information on all ethnic minorities and other marginalized groups and to elaborate policies and programmes to fully ensure the implementation of their rights without discrimination. The Committee recommends in particular that the State party take effective measures to improve access to education and primary health care for children in the northern Rakhine State. The Committee also recommends that the State party take into account the Committee's general comment No. 11 (2009) on indigenous children and their rights under the Convention." (p. 23)</p>	Country / Rakhine state	children belonging to ethnic, indigenous, religious and other minority groups, in particular Rohingya children
<p>Committee on the Elimination of Discrimination against Women http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx (Use the link to 'Key documents' on the left hand side. Go to 'observations' and search for country.) (Refer to CW Cat. 1) Or: Right top select country click on CEDAW treaty, click on latest reporting period and select concluding observations</p>	<p>http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fMMR%2fCO%2f4-5&Lang=en <i>Concluding observations of the Committee on the Elimination of Discrimination against Women on the combined fourth and fifth periodic reports of Myanmar – 25 July 2016</i> Definition of discrimination against women</p> <p>10. The Committee remains concerned at the lack of a comprehensive definition of discrimination against women, which encompasses both direct and indirect discrimination in both the public and private spheres, in line with article 1 of the Convention. It recalls that the lack of such a definition constitutes an impediment to the full application of the Convention in the State party.(p. 3) [...]</p> <p>Constitution, discriminatory laws and lack of legal protection</p> <p>14. The Committee commends the State party on establishing a parliamentary commission for the assessment of legal affairs and special issues, which is currently reviewing more than 140 national laws to ensure compliance with international human rights treaties. The Committee regrets that its previous concluding observations regarding existing discriminatory provisions (see CEDAW/C/MMR/ CO/3, para. 10) have not been fully addressed, notwithstanding efforts to repeal and amend all laws that discriminate against women. The Committee is particularly concerned:</p> <p>(a) That the Constitution still contains references to women as mothers, which may reinforce the stereotype that the primary role of women is to bear children;</p> <p>(b) That Chapter 8, section 352, of the Constitution, despite the prohibition therein of discrimination on the basis of sex in the making of appointments to government posts, still provides that "nothing in this section</p>	Country	Specified risk of discrimination against women

	<p>shall prevent the appointment of men to the positions that are naturally suitable for men only”;</p> <p>(c) That, in May and August 2015, the State party adopted the Buddhist Women Special Law, the Population Control and Health-Care Law, the Religious Conversion Law and the Monogamy Law, which discriminate against women and have a negative impact on the enjoyment of their rights under the Convention;</p> <p>(d) That the revision and enactment of several laws that would promote gender equality are still pending, including an anti-discrimination bill, a bill on the prevention of violence against and protection of women, the Penal Code, the Electoral Code and the Citizenship Law of 1982;</p> <p>(e) That there is no comprehensive law guaranteeing protection against forced displacement or programmes focusing on women who are vulnerable to forced evictions, in particular those belonging to ethnic minority groups such as the Rohingya. (p. 4) [...]</p> <p>Stereotypes and harmful practices</p> <p>24. The Committee remains concerned at the persistence of patriarchal attitudes and discriminatory stereotypes regarding the roles and responsibilities of women and men in the family and in society. It is particularly concerned at the persistence of such stereotypes in educational textbooks, which may have an impact on educational choices and the sharing of family and domestic responsibilities between women and men. The Committee is also concerned at:</p> <p>(a) The lack of a comprehensive strategy to eliminate patriarchal attitudes and discriminatory stereotypes, which are partly fomented by religion;</p> <p>(b) The lack of data on child marriage and other harmful practices in the State party;</p> <p>(c) Discriminatory stereotypes faced by ethnic minority women, in particular Muslim women in Rakhine State. (p. 7) [...]</p> <p>Employment</p> <p>36. The Committee welcomes the State party's efforts since 2008 to increase the participation of women in the labour market and the implementation of a minimum wage policy in 2013. It is concerned, however, at the wide gender wage gap, the limited implementation and monitoring of the principle of equal pay for work of equal value and the concentration of women in the informal employment sector. The Committee is also concerned at the limited amount of disaggregated data on cases of sexual harassment in the workplace and on measures taken to address those cases. It notes with concern that the right to maternity leave is not applicable to all types of employment and that there is a lack of information on women domestic workers. The Committee also notes with concern that the State party has not ratified the Equal Remuneration Convention, 1951 (No. 100), the</p>	<p>Country / Rakhine state</p> <p>Country</p> <p>Country</p>	<p>Specified risk of discrimination against women, in particular ethnic minority women, in particular Muslim women in Rakhine State</p> <p>Low risk for minimum wage</p> <p>Specified risk for equal remuneration (discrimination against) for women</p>
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	<p>Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and the Domestic Workers Convention, 2011 (No. 189), of the International Labour Organization. (p. 12) [...]</p> <p>Women in northern Rakhine State and other ethnic minorities</p> <p>44. The Committee, recalling its previous concluding observations (see CEDAW/C/MMR/CO/3, para. 42), notes with concern that the situation of women in northern Rakhine State has not improved. The Committee is particularly concerned:</p> <p>(a) That the protracted displacement of women and girls, mainly of Kaman and Rohingya background, has led to their living under oppressive conditions with limited access to basic services, including education, employment and health care, and restricted their ability to move freely;</p> <p>(b) That local requirements that women and girls receive permits before travelling place undue restrictions on their movement, which poses significant obstacles for women and girls in gaining access to education, health care and emergency medical care and other basic services; [...]</p> <p>(e) That limited access to birth registration and identification papers, combined with the application of the outdated Citizenship Law of 1982, renders many women and girls virtually stateless; [...] (p. 14)</p>	Rakhine State	Specified risk of discrimination against women
Human Rights Watch: http://www.hrw.org/	No specified risk information found regarding labour rights in Myanmar	Country	Low risk for labour rights
<p>Child Labour Index 2014 produced by Maplecroft. http://maplecroft.com/portfolio/new-analysis/2013/10/15/child-labour-risks-increase-china-and-russia-most-progress-shown-south-america-maplecroft-index/</p>	<p>https://maplecroft.com/portfolio/new-analysis/2013/10/15/child-labour-risks-increase-china-and-russia-most-progress-shown-south-america-maplecroft-index/</p> <p>Child Labour Index 2014</p> <p>Myanmar is labeled "Extreme Risk"</p> <p>"Maplecroft's ranking of 197 countries includes 83 countries rated 'extreme risk,' with Eritrea, Somalia, DR Congo, Myanmar, Sudan, Afghanistan, Pakistan, Zimbabwe, Yemen and Burundi comprising the 10 countries where the problem of child labour is greatest. Although none of these countries have shown significant improvement over the past year, Myanmar has moved from its position of 1st (as the worst performing country worldwide) in all six previous editions of the Child Labour Index, to 3rd in the 2014 Index. This reflects improving government commitments and capacities to combat child labour. However, the situation remains grave. For example, children are recruited as child soldiers by military and rebel groups to perform non-combatant tasks. In addition, children from Myanmar are increasingly vulnerable to unsafe migration and trafficking for labour exploitation, both within the country and cross border."</p>	Country	Specified risk for child labour
	<p>http://digitalcommons.ilr.cornell.edu/cgi/viewcontent.cgi?article=2191&context=globaldocs <i>Timber – undated, but includes references from 2010.</i></p> <p>"According to the U.S. Department of Labor (2010), timber is produced with forced labor in Peru, Brazil and Myanmar (Burma). [...] In Myanmar, bamboo</p>		

<p>http://digitalcommons.ilr.cornell.edu/cgi/viewcontent.cgi?article=2191&context=globaldocs (p. 30-33 are specific on timber)</p>	<p>and the hardwood teak are produced with forced labor. In Burma, government agents force timber workers to experience brief periods of unpaid labor. [...] One of the biggest challenges of the timber supply chain is illegal logging. For Brazil, The International Labor Organization (ILO) confirmed that the areas with a “high incidence of slave labor are the same regions that also have a higher overall incidence of violence as well as a high incidence of deforestation” (ILO in Sakamoto 2009). In the case of Myanmar, despite a U.S. embargo of teak, smuggling across the border into Thailand and China means that wood harvested with forced labor may end up in products exported to America (Winn 2009).” (p. 30-33)</p>	Country	Specified risk for slave labour
<p>The ITUC Global Rights Index ranks 139 countries against 97 internationally recognised indicators to assess where workers’ rights are best protected, in law and in practice. The Survey provides information on violations of the rights to freedom of association, collective bargaining and strike as defined by ILO Conventions, in particular ILO Convention Nos. 87 and 98 as well as jurisprudence developed by the ILO supervisory mechanisms. There are 5 ratings with 1 being the best rating and 5 being the worst rating a country could get. http://www.ituc-csi.org/new-ituc-global-rights-index-the?lang=en</p>	<p>http://www.ituc-csi.org/IMG/pdf/survey_ra_2016_eng.pdf <i>The ITUC Global Rights Index 2016</i> Myanmar is labelled 3 which stands for: “Regular violations of rights: Governments and/or companies are regularly interfering in collective labour rights or are failing to fully guarantee important aspects of these rights. There are deficiencies in laws and/or certain practices which make frequent violations possible.”</p>	Country	Specified risk for rights to freedom of association, collective bargaining and strike
<p>Gender wage gap (in OECD countries) http://www.oecd.org/gender/data/genderwagegap.htm</p>	<p>http://www.oecd.org/about/membersandpartners/list-oecd-member-countries.htm Myanmar is not a member of the OECD</p>	Country	-
<p>World Economic Forum: Global Gender Gap Index http://reports.weforum.org/global-gender-gap-report-2015/ Search for country rankings for the adjusted and the unadjusted pay gap</p>	<p>http://reports.weforum.org/global-gender-gap-report-2015/ <i>The Global Gender Gap Report 2015</i> “The Global Gender Gap Index 2015 ranks 145 economies according to how well they are leveraging their female talent pool, based on economic, educational, health-based and political indicators.” Myanmar does not feature in the Global Gender Gap Index 2015</p>	Country	-
<p>use, if applicable: http://www.ilo.org/global/research/global-reports/global-wage-report/lang--en/index.htm <i>Global Wage Report</i> (Use latest version) “The Global Wage Report analyses the evolution of real wages around the world, giving a unique picture of wage trends and relative purchasing power globally and by region.”</p>	<p>Myanmar is not included in the Global Wage Report 2014/15</p>	Country	-
<p>http://www.globalslaveryindex.org/ The Global Slavery Index estimates the number of people in modern slavery in 167 countries. The Global Slavery Index answers the following questions:</p>	<p>http://www.globalslaveryindex.org/index/ <i>Global slavery index 2016</i></p>		

<p>What is the estimated prevalence of modern slavery country by country, and what is the absolute number by population? How are governments tackling modern slavery? What factors explain or predict the prevalence of modern slavery?</p>	<p>Myanmar ranks 9 out of 167 countries with 1 indicating the highest incidence of modern slavery.</p> <p>“The 2016 Global Slavery Index estimates 515,100 people or 0.956% percent of the total population live in conditions of modern slavery in Myanmar. This is based on a random-sample, nationally representative survey undertaken in 2015, that sought to identify instances of both forced marriage and forced labour within the general population (survey conducted in Spanish language).</p> <p>The lowest percentage is 0.018% and the highest percentage is 4.373%.</p> <p>http://www.globalslaveryindex.org/region/asia-pacific/ <i>How many people are in modern slavery in Asia Pacific?</i> “The abuse of workers on Thai fishing vessels operating in South East Asian waters has become increasingly well documented.[15] [...] Ongoing reports of worker exploitation in seafood pre-processing facilities were also evident, with workers from Myanmar, Cambodia and Laos working excessive hours in oppressive and abusive conditions.[18] Much of the seafood processed was distributed to the global market.” [...] Though many North Koreans were employed in neighbouring China and Russia, there was also evidence of workers in Angola, Cambodia, Ethiopia, Malaysia, Mongolia, Myanmar and Qatar.[31]</p>	<p>Country</p>	<p>Specified risk for slave labour</p>
<p>Google the terms '[country]' and one of following terms 'violation of labour rights', 'child labour', 'forced labour', 'slave labour', 'discrimination', 'gender pay/wage gap, 'violation of labour union rights' 'violation of freedom of association and collective bargaining'</p>	<p>http://www.ituc-csi.org/myanmar-national-trade-union?lang=en <i>Myanmar: National Trade Union Centre Officially Registered - 28 July 2015</i> “The official registration of CTUM and the legislation on statutory minimum wages are the first steps. There are tough challenges ahead. The ITUC and the international trade union movement will continue to support the CTUM and the independent trade unions in Myanmar for better legislation, decent jobs, sustainable living wages, and democracy at the workplace.”</p> <p>http://www.ituc-csi.org/myanmar-employers-must-accept <i>Myanmar: Employers Must Accept Minimum Wage - 3 July 2015</i> “The government has announced a minimum wage of US\$3.20 per day following a year of consultations between unions, government and employers. Sharan Burrow, ITUC General Secretary, said “The new minimum wage will still leave workers and their dependents just above the global severe poverty line of US\$1.25 per person, and many will still struggle to make ends meet. Now, just like the American Chamber of Commerce’s global campaign to undermine minimum wages and decent work, some companies in Myanmar are trying to stop workers getting even that basic level of income in order to survive. This is yet another example of the corrupt supply chain business model which impoverishes workers while shovelling more money into the pockets of the richest few.”</p>	<p>Country</p>	<p>Low risk for freedom of association</p>
		<p>Country</p>	<p>Low risk for minimum wages</p>

	<p>http://www.ituc-csi.org/countries-at-risk-2013-report-on <i>2013 Countries at risk, violations of trade union rights</i> "Burma/Myanmar There have been positive developments in Burma/Myanmar over the past year, though much work remains to be done. In September 2012, the Federation of Trade Unions – Burma (FTUB), now Federation of Trade Unions – Myanmar (FTUM), and its leaders were permitted to return to the country following decades in exile and to continue their trade union activity. FTUM General Secretary Maung Maung has established an office in Yangon and, in roughly six months, the Federation counts over 130 affiliated unions with 18,000 members. Freedom of Association The Labour Organizations Law, adopted in October 2011, took effect on March 2012 with the promulgation of implementing regulations. This created a legal framework for the establishment and operation of trade unions – undoubtedly a major step forward from the long-standing situation in which freedom of association was prohibited both in law and practice. A new Settlement of Labour Dispute Law was enacted on March 28, 2012, which now provides rules for the resolution of disputes through conciliation and arbitration, as well as regulating industrial action. The new laws, while a meaningful improvement, do not however fully afford the rights guaranteed under ILO Convention 87. The law contains, for example, a minimum membership requirement which is far too high (10 per cent of the workplace), is overly prescriptive on union structure and internal organisation, limits the right to strike, and provides inadequate protection against anti-union discrimination – which is a very serious problem. The constitution also still contains provisions that could undermine the exercise of free association. In practice, over 400 basic-level unions have been registered in the last year, reflecting a strong demand for a collective voice at work. Workers report, however, that some union organisers and leaders suffer retaliation for their legally-protected activity. Further, the dispute resolution procedures are not always effective in providing the necessary remedies. In particular, the newly established arbitration councils do not yet have the tools necessary to enforce its decisions – especially as to reinstatement. Further, agreements reached between employers and workers through the conciliation process are not always respected and are not enforced as binding agreements. Recently, when workers attempted to organise unions in four government ministries, the leaders were forcibly transferred to distant locations when the government learned of the union activity. Furthermore, an anti-union memo allegedly had been circulated describing the best methods to avoid a union. The labour ministry had explained that workers had the right to freedom of association, but other government ministries expressed that this was not their policy. The lack</p>	Country	Low risk for freedom of association
		Country	Specified risk for freedom of association

	<p>of a clear prohibition in the law regarding anti-union conduct short of dismissal is a serious failing in the new legislation. In private sector manufacturing, sweatshop labour conditions, including excessive hours, low wages and health and safety violations are common. Child labour is also alleged. There are insufficient numbers of labour inspectors, and workers allege that they are subject to corruption by employers.⁵⁶ [...]</p> <p>Forced Labour Reduced but Not Eliminated</p> <p>In 1997, the ILO established a Commission of Inquiry on Forced Labour, which in 1998 made three specific recommendations to the Government of Burma: to amend its laws, to eliminate forced labour in practice and to strictly enforce penal sanctions against those responsible. The Government's failure to comply with these recommendations led to the cut-off of ILO technical cooperation in 1999 and, in 2000, a resolution calling on member states to take appropriate measures (sanctions) to bring the country into compliance with its international obligations. Today, the Villages Act and the Towns Act has been amended, which brings the definition of forced labour into line with ILO Convention 29, though the Constitution remains to be amended. The adequacy of the penal sanctions as to civilian perpetrators (one-year maximum) may also be too low. The ILO and the government also adopted in June 2012 a joint strategy to ensure that the government fully complies with the Commission of Inquiry's recommendations by the end of 2015. Since the joint strategy was adopted, the Government and the ILO have engaged in numerous awareness-raising activities, and the Government at the highest levels has made statements to the effect that forced labour must end.⁵⁷</p> <p>In practice, forced labour is reduced but continues, however, with credible reports of various forms of unpaid forced labour conscripted primarily by the military in 2012-13, particularly in the state Rakhine.⁵⁸ Forced labour is most prevalent in areas where the military is engaged in on-going conflicts, such as Arakan State and Kachin State. This includes, for example, portering, road construction, road-repair and military camp construction, fence building and road clearing and food production for troops. Impunity remains high for those responsible for forced labour.</p> <p>Penal sanctions for the exaction of forced or compulsory labour have not yet been strictly enforced against military or civilians' perpetrators. The Liaison Office report, submitted to the ILO Governing Body in March 2013, notes the prosecution of 329 persons – five under Penal Code and 324 under the military regulations. Those imprisoned for this crime have risen from four to 11 in recent months. However, the ILO Committee of Experts reports that “disciplinary measures have been taken against 166 military personnel and action taken under section 374 of the Penal Code against 170 other government officials and five military personnel.” Regardless, from available information, the majority of the penalties imposed appear to be disciplinary. The Commission of Inquiry had importantly stated in 1998 that, “The power to</p>	Country	Specified risk for freedom of association
		Country	Specified risk for forced labour
		Arakan and Kachin States	Specified risk for forced labour

	<p>impose compulsory labour will not cease to be taken for granted unless those used to exercising it are actually brought to face criminal responsibility.” [...]</p> <p>What needs to happen in 2013?</p> <ul style="list-style-type: none"> • Anti-union discrimination of all forms and at all times must be clearly prohibited in law and in practice, with sufficiently dissuasive sanctions. • Labour laws must be amended to conform with international standards. • Forced labour must be eliminated as soon as possible.” (p. 23-25) <p>http://lup.lub.lu.se/luur/download?func=downloadFile&recordId=1977213&fileId=1977541</p> <p><i>Combating human rights violations and forced labour in Myanmar: the approach of the UN and the ILO – spring 2011</i></p> <p>“According to the ILO, forced labour in Myanmar falls largely into three broad categories: (1) forced labour exacted by the military, such as portering, sentry duty and labour to support commercial activity; (2) forced labour exacted by the civilian authorities, for instance public works such as infrastructure repair, maintenance and construction; and (3) forced and/or under-age recruitment into the military.249” (p. 48-49) [...]</p> <p>In its report, the [ILO] Commission [of Inquiry] described in detail the types of forced labour performed, which will now be briefly mentioned: [...]</p> <p>e) Work on agriculture, logging, and other production projects for civilian authorities</p> <p>Villagers, and to a lesser extent urban residents, were forced to work on a variety of projects undertaken by civilian authorities. This could include cultivation of rice and other food crops, and would be used by the military or sold, without compensation being paid to the workers. The workers would be used for the whole process, from clearing the land to harvesting the crops. For logging, villagers would have to fall the trees and saw them into timber. The workers would not be paid and would have to provide their own tools and equipment.254” (p. 49-50)</p> <p>http://sea-globe.com/myanmar-census-child-labour-school-education/</p> <p><i>Huge numbers of Myanmar’s children forced to work - March 31, 2016</i></p> <p>Newly released census data shows that more than 20% of the country’s 10 to 17 year olds are in work</p> <p>More than 1.5 million school-age children between 10 and 17 years of age in Myanmar are forced to work, according to data released on Tuesday from a 2014 census, [2014 Myanmar Population and Housing Census] the country’s first in three decades.</p> <p>“After the census, we found that over 1.5 million children aged between 10 and 17 have to work, though they should go to school,” said Khaing Khaing Soe of the Ministry of Immigration and Population. The figure represents 21% of children in that age group.</p>	Country	Specified risk for forced labour
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	<p>Children have long been a mainstay of Myanmar's workforce, and the census found that more than 840,000 youngsters were employed as agricultural workers, more than 136,000 in small-scale manufacturing businesses, and more than 74,000 in construction.”</p> <p>http://www.reuters.com/article/us-myanmar-rohingya-forcedlabour-idUSKCN0PC2L720150702 <i>Forced labor shows back-breaking lack of reform in Myanmar military – 2 July 2015</i></p> <p>In the fertile river valleys near Myanmar's border with Bangladesh, stateless Rohingya Muslims say there is no let-up in soldiers forcing them into hard labor, despite the government launching a campaign three years ago to end the practice.</p> <p>The military, which ruled the former Burma for nearly half a century before handing power to a semi-civilian government in 2011, has vowed to end forced labor. President Thein Sein, a former general, promised in 2012 to eradicate what was once a military custom within three years.</p> <p>But army units in the north of Myanmar's restive Rakhine state still routinely force minority Rohingya to porter loads, tend military-owned fields and maintain military infrastructure, according to interviews with 16 villagers in three hamlets. [...]</p> <p>In the area, villagers described cases in which two local units - Light Infantry Battalion 552 and Light Infantry Battalion 352 - pressed scores of villagers into work in recent months, sometimes accompanied by beatings or threats of violence.</p> <p>Behind forced labor in Rakhine State is a cocktail of military impunity, racism, and a system that encourages local army units to be economically self-reliant, said Chris Lewa, head of the Arakan Project, a rights group that focuses on the Rohingya.</p> <p>The Arakan Project has received information on up to 8,000 Rohingya, including hundreds of children, forced to work in 2014, Lewa said. The military was the overwhelming perpetrator.</p> <p>"Anyone can take advantage of Rohingya. The authorities treat them as beasts of burden, as slaves," she said.</p> <p>Forced labor has actually dropped in much of Rakhine State where police or civilian agencies are in control, but persists in border areas like Buthidaung township in Rakhine, which is dotted with military bases, she said.”</p> <p>http://www.fortifyrights.org/publication-20160315.html <i>Myanmar: Investigate Forced Labor of Rakhine Buddhists in Western Myanmar - 15 March 2016</i></p> <p>Myanmar Army soldiers forced ethnic-Rakhine civilians to dig graves and carry supplies under the threat of death during recent fighting with the Arakan Army</p>	Country	Specified risk for child labour
		Rakhine State	Specified risk for forced labour

	<p>in Rakhine State, Fortify Rights said today. The forced labor occurred in December 2015 and January 2016 in Kyauktaw Township.</p> <p>“President Thein Sein’s administration failed to take forced labor seriously, and that’s partly why we’re still documenting it throughout the country,” said Matthew Smith, Executive Director of Fortify Rights. “The authorities in Myanmar should put an end to these endemic abuses and compensate survivors.”</p> <p>Over the course of an 11-day preliminary investigation in Rakhine State, Fortify Rights and our partners documented seven cases of forced labor by the Myanmar Army in December 2015 and January 2016 in Kyauktaw Township, Rakhine State. All cases involved civilians forced to engage in manual labor and portering for Myanmar Army soldiers. [...]</p> <p>The Arakan Army has also been accused of using forced labor. The Chin Human Rights Organization (CHRO) reported that the Arakan Army forced ethnic Khumi-Chin civilians in Paletwa Township to bury a Myanmar Army captain killed in the fighting and porter supplies to the Bangladesh border in March 2015. CHRO also documented the recruitment of child soldiers by the Arakan Army.</p> <p>The Government of Myanmar should investigate these allegations and hold all perpetrators of forced labor to account, Fortify Rights said. [...]</p> <p>Clashes between the Myanmar Army and Arakan Army began in April 2015, reportedly resulting in scores of casualties and displacing hundreds of ethnic Rakhine and Chin civilians.”</p> <p>http://www.nationmultimedia.com/news/opinion/30294378 <i>Inside Myanmar’s forgotten ‘slave labour’ camps - September 03, 2016</i> Investigation into junta-era gulags reveals beatings, bribery and profit by selling convict labour to private companies</p> <p>In the sweltering midday heat, several dozen convicts shackled at the ankles hacked with hoes at shrubs and grass in a field in Myanmar’s northern Shan State. [...]</p> <p>A months-long investigation by Myanmar Now, an independent website supported by the Thomson Reuters Foundation, reveals that brutal beatings are just one of many rights abuses common in Myanmar’s penal system, which activists describe as state-sponsored slavery.</p> <p>Dozens of interviews with ex-convicts and former prison officials paint a picture of dire working conditions and rampant corruption among guards who force prisoners to pay bribes to escape beatings and heavy labour.</p> <p>The investigation also showed that prisons profit by selling convict labour to private companies for hefty fees, in violation of international conventions on forced labour that Myanmar has ratified.</p> <p>The Ministry of Home Affairs said it would look into Myanmar Now’s findings but declined to comment further.</p>	Rakhine state	Specified risk for forced labour
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	<p>Released by Fortify Rights, a Southeast Asia-based human rights organization, the report also highlights other discriminatory policies applied to the Rohingya, including restrictions on marriage, childbirth and construction of places of worship. The group said the 79-page report, "Policies of Persecution," is based primarily on 12 leaked official documents and a review of public records. "The impacts of these restrictions are severe and have been well-documented for decades, but the official orders have been kept out of the public domain," said Matthew Smith, executive director of Fortify Rights.</p> <p>The report, for example, highlights a government document that states that Rohingya Muslims with permission to marry must "limit the number of children, in order to control the birth rate so that there is enough food and shelter." Security forces, according to Fortify Rights, were also empowered by government officials to do spot checks on Rohingya homes and to confirm women are birth mothers of children, including by forcing them to breast feed in the presence of soldiers.</p> <p>The Rohingya population—concentrated in Rakhine state, which borders Bangladesh—are widely hated in Myanmar, which is predominantly Buddhist, and seen as foreign and often illegal immigrants. Myanmar's 1982 citizenship law doesn't name the Rohingya a legitimate ethnic minority group, and denies them most citizenship rights. The Rohingya say they have been living in the country for generations.</p> <p>Violent religious clashes in recent years have forced most Rohingya from their homes and into squalid camps where more than 140, 000 still live in dire conditions, dependent on humanitarian aid for their survival. At least 150 have also been killed in these clashes, including in other parts of the country where anti-Muslim violence has spread."</p> <p>http://myanmar.unfpa.org/news/myanmar%E2%80%99s-gender-status-analysis-gets-go-ahead</p> <p><i>Myanmar's Gender Status Analysis gets the go-ahead - 18 January 2015</i> Yangon - Myanmar's Ministry of Social Welfare, Relief and Resettlement (MSWRR) has given its endorsement for publishing the country's Gender Situation Analysis (GSA); a publication that consolidates existing data in Myanmar on gender equality and women's rights in the current socio-economic and political context of Myanmar. [...]</p> <p>The two-day validation workshop took place 16-17 January in Nay Pyi Taw [...]</p> <p>Over the two days, several participants shared their experiences of women having to meet higher qualification standards to gain entry into certain professions, only then to have to train longer before they become qualified and after that, required to practice longer before they are promoted.</p> <p>MSWRR will work over the next weeks to integrate final suggestions and changes into the GSA from the validation workshop in order to be ready, after official processes are completed, for release in June.</p>	Country	<p>n of Rohingya people</p> <p>Specified risk for discrimination of women in the labour market</p>
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	<p>http://mm.one.un.org/content/dam/unct/myanmar/docs/unct_mm_UNWomen_Report_Gender%20Situation%20Analysis.pdf GENDER EQUALITY AND WOMEN'S RIGHTS IN MYANMAR - A SITUATION ANALYSIS - 2016 Labor force participation rate Gender differences in access to economic opportunities are frequently established in relation to differences in labor market participation. As with other areas of analysis, there is limited data that can capture labor force dynamics in Myanmar. The last Labor Force Survey was conducted in the early 1990s, and any data available after that are essentially projections from that survey's findings. Although recent sample surveys, such as the IHLC Survey, provide a snapshot of the working lives of people in Myanmar, the absence of comprehensive labor force survey data makes it extremely difficult to assess where women are employed in the economy and at what levels. According to the latest IHLC Survey findings, 128 the labor force participation rate in 2010/129 in all sectors was 67%, which was around two-thirds of the population aged 15 or older.¹³⁰ There was a difference between urban and rural participation rates, at 60% and 70%, respectively (Table 2.6). There was also a substantial gap between the female and male labor force participation rates, at 54% and 82%, respectively (Table 2.6).¹³¹ The overall labor force participation rate for women increased over the 5 years for which data were available. The increase in the female rate (a 6.7% increase) was double the increase for men (a 3% increase) between 2005 and 2010. (p. 40) [...] Given the large differences between the male and female labor force participation rates (Table 2.6), underemployment was also more prevalent among females (at 41%) than among males (at 35%). Considering the gender parity in enrollment at the primary and secondary school levels and the larger proportion of women in higher education, the differences in the male–female labor participation rates and women's underemployment are concerns. While this gap between women's education and employment begs more rigorous exploration, it certainly points to the inadequate realization of women's rights and lack of optimization of women's potential for sustainable human development." [...] Table 2.9 provides sex-disaggregated data on employment by sector for 2010. The agriculture sector [including hunting and forestry, LV] is the largest employer of women workers, accounting for half of all women's employment, followed by services and then manufacturing. [...] (p. 42) <i>Wage differentials</i> On average, although the ratio of women to men for hourly wages in industry declined over time (Table 2.12), it remained as large as 90%. Gender segregation by industry and occupation and differences in human capital or productivity are arguably some of the factors that lead to wage differentials." (p. 46) [...]</p>	Country	Specified risk for discrimination of women in the labour market
		Country	Low risk for gender pay gap

	<p>Women's right to access and owning land tends to be highly insecure.¹⁵⁹ There are also several legal concerns. While women retain equal rights under the 2008 Constitution to enter into land-tenure contracts and to administer property, there is no guidance on how women can, in practical cases, defend their rights upon divorce or death of their husband. In addition, religious customary laws that govern matters of succession, inheritance, and marriage often do not afford women equal access to, or control over, land. Many of these customs provide men greater economic and decision-making power in domestic affairs, thereby allowing husbands or sons to inherit property. The newest land legislation—the Farmland, the Vacant, Fallow and Virgin Lands Management Act, 2013—requires that land be registered in the name of the head of household rather than explicitly recognizing equal rights of women to inherit land or be granted use rights for vacant, fallow, and virgin land. A mechanism for joint ownership of property between husbands and wives is not available in the current legislative framework. [...] (p. 49)</p> <p>In 1995, Daw S. Mar Jee analyzed the gender division of labor in upland farming communities, where men were responsible for felling trees to clear forestland for cultivation, while it was women who tilled the soil with hand spades once the land was cleared. Activities such as planting and weeding, which are more time consuming, were also done by women." [...] (p. 50)</p> <p>Wage gaps</p> <p>Despite government commitments to ensure equal pay for work of equal value,¹⁶⁸ there appear to be differences in wages paid to men and women in agriculture. Depending on the nature of the work and region, men are commonly paid between MK1,500 (\$1.50) and MK3,000 (\$3) and women between MK1,000 (\$1) and MK2,500 (\$2.50) per day.¹⁶⁹ The 2012 UNDP study conducted in a small sample of villages near Inle Lake (Hilly Zone) found that despite women's important role in agriculture-related livelihood activities, they earned less than men for the same type of work.¹⁷⁰ [...] (p. 52) [...]</p> <p>Forestry</p> <p>Forests are an important economic resource base for agricultural communities and provide income and resources for shelter, household economic, and food security. Forestry ranks third by way of economic activities for the household workforce in agriculture, with 13.1% of the population from male-headed and 11.3% of the population from female-headed households engaged in forest-related activities. Traditionally, women gather not only firewood from forests but also collect forest products, such as mushrooms, wild fruits, nuts, wild vegetables, and medicinal herbs. Men hunt wild animals and cut logs and bamboo. The sale and export of timber, such as teak, is a key forest-related contribution to the economy. The timber industry is dominated by men. Women are involved in this sector as collectors, producers, and users of non-timber forest products, such as bamboo and rattan, mushrooms, nuts, and medicinal plants, which Myanmar has in abundance.¹⁷⁶ (p. 54)</p>	<p>Country</p> <p>Country</p>	<p>Specified risk for gender pay gap</p> <p>Specified risk for discrimination of women in the labour market</p>
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	<p>Enablers and Obstacles to Women's Full and Equal Participation with Men in the Economy</p> <p>Policy and legislation are important reference points to ensure equal opportunities for women's full and equal participation with men in the economy and to codify rights and entitlements. In Myanmar, according to the CEDAW Committee, although the Constitution guarantees nondiscrimination in government employment, Article 352 seems to be in contravention of this larger principle.²³¹ It states: "The Union shall, upon specified qualifications being fulfilled, in appointing or assigning duties to civil service personnel, not discriminate for or against any citizen of the Republic of the Union of Myanmar, based on race, birth, religion, and sex. However, nothing in this Section shall prevent appointment of men to the positions that are suitable for men only." The Union Civil Service Board continues to designate certain positions as suitable only for men and can block applications from women. The board—consisting of five male members—is responsible for recruitment at the lowest level of gazetted civil service officers and their training. Despite the constitutional guarantees of nondiscrimination in government employment, vacancies are still listed as male-only positions.²³² [...]</p> <p>The Farmland and the Vacant, Fallow and Virgin Lands Management Act adopted in March 2012 to stimulate land reform is one piece of legislation needing attention. It requires further adjustments to fully protect the land rights of smallholders and poor farmers. Land reform experts note that there is no specific recognition of different and traditional forms of land use in the new land law, such as communal tenure practices of some ethnic communities that still operate under customary law in upland and forested areas. Nor do the laws explicitly state the equal right of women to register and inherit land or be granted land-use rights for vacant, fallow, and virgin land for themselves.²³³ (p. 76)</p> <p>In Myanmar as in many other countries, men are generally regarded as heads of households, breadwinners, leaders, public figures, innovators, and producers, while women are seen as wives, mothers, and religious celibates. If they transgress any of these ideal-type roles that society deems appropriate for women, they may be dubbed "troublesome" or "wayward." Men are seen as strong, courageous, productive, rational, and intelligent, while women are seen as weak, docile, fickle, irrational, less productive, impure during menstruation, nimble, and meticulous. (p. 77)</p> <p>[...] women in Myanmar, as in many other contexts, continue to be marginalized from access to productive assets such as land and other forms of capital, which then diminishes their productivity. Marginalization from landownership and use has the ripple effect of marginalization from other resources because land is a principal form of collateral, and lack of landownership or certified use rights also reinforces the stereotype that women are not farmers. Differential access to these productive inputs results from a combination of barriers to market access (including discrimination and</p>	Country	Specified risk for discrimination of women in the labour market
		Country	Specified risk for gender discrimination
		Country	Specified risk for gender discrimination
		Country	Specified risk for gender discrimination

	differential pricing in land and credit markets) and institutional constraints (including land rights and financial rules and regulations). In several countries, these reflect discriminatory preferences within households that favor men in the allocation of productive resources.” (p. 78)		
Additional general sources	Additional specific sources		
From national CW RA	Not available	Country	-
<p>Conclusion on Indicator 2.2:</p> <ul style="list-style-type: none"> Not all social rights are covered by the relevant legislation in Myanmar. The Labour Organizations Law (LOL), in effect since March 2012, created a legal framework for the establishment and operation of trade unions. A new Settlement of Labour Dispute Law was enacted on March 28, 2012, which now provides rules for the resolution of disputes through conciliation and arbitration, as well as regulating industrial action. The new laws, while a meaningful improvement from the long-standing situation in which freedom of association was prohibited both in law and practice, do not however fully afford the rights guaranteed under ILO Convention 87. The law contains, for example, a minimum membership requirement which is far too high (10 per cent of the workplace, section 4(a) of the LOL), is overly prescriptive on union structure and internal organization (e.g. section 26 sets a maximum for union dues), limits the right to strike (requirement that a majority of workers vote for strike action to be undertaken, instead of the majority of those voting and the requirement to obtain permission from the relevant labour federation under section 40(b) in order to go on strike), and provides inadequate protection against anti-union discrimination – which is a very serious problem. No action has been taken to amend article 359 of the Constitution (Chapter VIII – Citizenship, fundamental rights and duties of citizens), which exempts from a prohibition of forced labour “duties assigned by the Union in accordance with the law in the interest of the public”. This exception permits forms of forced labour that exceed the scope of the specifically defined exceptions in Article 2(2) of Convention 29 and could be interpreted in such a way as to allow a generalized exaction of forced labour from the population. The lack of a comprehensive definition of discrimination against women, which encompasses both direct and indirect discrimination in both the public and private spheres, in line with article 1 of Convention on the Elimination of Discrimination against Women; Chapter 8, section 352, of the Constitution, despite the prohibition therein of discrimination on the basis of sex in the making of appointments to government posts, still provides that “nothing in this section shall prevent the appointment of men to the positions that are naturally suitable for men only”. In May and August 2015, the State party adopted the Buddhist Women Special Law, the Population Control and Health-Care Law, the Religious Conversion Law and the Monogamy Law, which discriminate against women, while revision and enactment of several laws that would promote gender equality are still pending, including an anti-discrimination bill, a bill on the prevention of violence against and protection of women, the Penal Code, the Electoral Code and the Citizenship Law of 1982. The right to freedom of association and collective bargaining is not upheld. Besides legal shortcomings mentioned above, continuing harassment of union leaders and workers engaged in organizing campaigns is reported, and indicates that, despite minor amendments in 2014, the Government continues to arrest and charge workers and activists for participating in peaceful assemblies under the 15/2011 Act. There is an insufficient number of labour inspectors, and workers allege that they are subject to corruption by employers. In the ITUC Global Rights Index 2016 Myanmar is labelled ‘3’ which stands for: “Regular violations of rights. There is evidence confirming compulsory and/or forced labour in Myanmar. The 2016 Global Slavery Index estimates 515,100 people or 0.956% percent of the total population live in conditions of modern slavery in Myanmar. Forced labour is most prevalent in areas where the military is engaged in on-going conflicts, such as Arakan State and Kachin State and in the 30 labour camps, dubbed “agriculture and livestock breeding career training centres” where prisoners work on plantations run by the Correctional Department, or are put to work at private plantations and local farms. It is reported that up to 8,000 Rohingya, including hundreds of children, were forced to work in 2014. Forced labour in Myanmar includes work on agriculture, logging, and other production projects for civilian authorities. 		Country	Specified risk for right to freedom of association and collective bargaining; for child labour; for forced labour and for discrimination against women and ethnic groups in the labour market.

- There is evidence confirming discrimination in respect of employment and/or occupation, and/or gender. Besides legal shortcomings to prevent such discrimination mentioned above, and despite limited available data, the data available suggest a wide gender wage gap, limited implementation and monitoring of the principle of equal pay for work of equal value and the concentration of women in the informal employment sector. The persistence of patriarchal attitudes and discriminatory stereotypes regarding the roles and responsibilities of women and men in the family and in society and in particular discriminatory stereotypes faced by ethnic minority women, in particular Muslim women in Rakhine State. Displacement of women and girls, mainly of Kaman and Rohingya background, has led to their living under oppressive conditions with limited access to basic services, including education, employment and health care, and restricted their ability to move freely. There was a substantial gap between the female and male labor force participation rates, at 54% and 82% and considering the gender parity in enrollment at the primary and secondary school levels and the larger proportion of women in higher education, it certainly points to the inadequate realization of women's rights and lack of optimization of women's potential for sustainable human development. The agriculture sector, including hunting and forestry, is the largest employer of women workers, accounting for half of all women's employment respectively.

- There is evidence confirming significant child labour; Myanmar is labeled "Extreme Risk" in the Child Labour Index 2014. The Myanmar labour force, child labour and school to work transition survey 2015 found that 1,125,661 children are engaged in child labour, 54.6 per cent or 758,000 of those in the agriculture, forestry, hunting and fishery industry are engaged in hazardous child labour. The 2014 Myanmar Population and Housing Census found that more than 1.5 million school-age children between 10 and 17 years of age in Myanmar are forced to work. This figure represents 21% of children in that age group.

- Myanmar ratified 3 of the 8 ILO Core conventions and the status of 3 of these ratified Conventions is: "in force". Myanmar did not ratify C98 Right to Organise and Collective Bargaining Convention, 1949; C100 Equal Remuneration Convention, 1951; C105 Abolition of Forced Labour Convention, 1957; C111 Discrimination (Employment and Occupation) Convention, 1958 and C138 Minimum Age Convention, 1973

- There is evidence that any groups (including women) do not feel adequately protected related to the rights mentioned above: see information on discrimination in respect of employment and/or occupation, and/or gender above. Ethnic discrimination has resulted in a lack of access to education, health care and employment. More than 140,000 Rohingya people crowd into woefully inadequate camps where "they are closely monitored by the authorities, conscripted into forced labor and barred from travel outside their villages without permission. Myanmar's 1982 citizenship law doesn't name the Rohingya a legitimate ethnic minority group, and denies them most citizenship rights and it has been reported that the Myanmar government has in place official policies that deny Rohingya Muslims the same rights as others in the country.

- Violations of labour rights are not limited to specific sectors.

The following specified risk thresholds apply:

(14) The applicable legislation for the area under assessment contradicts indicator requirement(s);

AND

(15) There is substantial evidence of widespread violation of key provisions of the ILO Fundamental Principles and Rights at work.

Indicator 2.3. The rights of Indigenous and Traditional Peoples are upheld.

Guidance:

- Are there Indigenous Peoples (IP), and/or Traditional Peoples (TP) present in the area under assessment?
- Are the regulations included in the ILO Convention 169 and is UNDRIP enforced in the area concerned? (refer to category 1)

- Is there evidence of violations of legal and customary rights of IP/TP?
- Are there any conflicts of substantial magnitude [footnote 6] pertaining to the rights of Indigenous and/or Traditional Peoples and/or local communities with traditional rights?
- Are there any recognized laws and/or regulations and/or processes in place to resolve conflicts of substantial magnitude pertaining to TP or IP rights and/or communities with traditional rights?
- What evidence can demonstrate the enforcement of the laws and regulations identified above? (refer to category 1)
- Is the conflict resolution broadly accepted by affected stakeholders as being fair and equitable?

general sources from FSC-PRO-60-002a V1-0 EN	information found and specific sources	scale of risk assessment	risk indication
ILO Core Conventions Database http://www.ilo.org/ilolex/english/docs/declworld.htm - ILO Convention 169 Or use: http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11001:0::NO::	http://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:103159 Myanmar did not ratify ILO Convention 169	Country	Specified risk
Survival International: http://www.survivalinternational.org/	http://www.survivalinternational.org/galleries/moken-sea-gypsies The Moken are a semi-nomadic Austronesian people, who live in the Mergui Archipelago, a group of approximately 800 islands in the Andaman Sea that is claimed both by Burma and Thailand. Thought to have migrated to Thailand, Burma and Malaysia from Southern China approximately 4,000 years ago, the Moken have traditionally lived on hand-built wooden boats called kabang for most of the year, migrating in flotillas between islands according to factors such as subsistence needs, wind patterns, security concerns and disease. They have historically shunned material possessions and rejected outside technology. From May to October, when the south-western monsoon brings heavy rain and big seas, they have traditionally lived – as the semi-nomadic families still do – in temporary stilt houses on the eastern side of the islands, where they find protection from blustery winds. Today, their maritime existence that recognizes no national boundaries is endangered. A peaceable people, they have frequently been persecuted by the Burmese and Thai governments, both of whom are wary of their border-less lives, and have tried to settle the Moken permanently in national parks. Their semi-nomadic numbers have diminished in recent years due to political and post-tsunami regulations, companies drilling for oil off-shore, governments seizing their lands for tourism development and industrial fishing. [...] Many Moken now live permanently in bamboo hut ‘villages’, selling handicrafts as souvenirs and working as boatmen, gardeners and garbage collectors for the tourist industry.”	Mergui Archipelago	Specified risk for rights of Moken people
Human Rights Watch: http://www.hrw.org/	https://www.hrw.org/news/2016/10/21/burma-aid-blocked-rakhine-state <i>Burma: Aid Blocked to Rakhine State - October 21, 2016</i>		

	<p>“Recent violence in northern Rakhine State has led the army to deny access to aid agencies that provide essential health care and food to people at grave risk,” said Brad Adams, Asia director. “The Rohingya and others have been especially vulnerable since the ethnic cleansing campaign in 2012, and many rely on humanitarian aid to survive.”</p> <p>On October 9, 2016, armed men attacked three police outposts in Maungdaw township near the border with Bangladesh, killing nine police officers and seizing weapons. The President’s Office blamed a previously unknown Rohingya group called Aqa Mul Mujahidin for the attacks, though other officials have said it is unclear who was responsible.</p> <p>Government security forces declared the area an “operation zone” and began sweeps to find the attackers. According to senior members of the government, security forces have killed 30 people, while five members of the security forces have also been killed. However, reporting is heavily reliant on government sources as journalists have been denied access.</p> <p>Rohingya activists have alleged that government forces have committed serious abuses during the current operations, including summary executions and the burning of villages. [...]</p> <p>Rohingya constitute approximately a third of Rakhine State’s population of over three million people. The Muslim minority has long suffered from discrimination and a host of serious human rights violations, including restrictions on the rights to freedom of movement, access to health care, and education. Successive Burmese governments have effectively denied Rohingya citizenship under Burma’s discriminatory 1982 Citizenship Law. [...]</p> <p>“The Burmese government has a responsibility to search for and arrest those who attacked the border posts,” Adams said. “But it is required to do so in a manner that respects human rights, ensures that the area’s people get the aid they need, and allows journalists and rights monitors into the area.”</p> <p>https://www.hrw.org/news/2015/06/25/thailand/burma-sea-nomads-vulnerable-abuse</p> <p><i>Thailand/Burma: Sea Nomads Vulnerable to Abuse, Protect Sea Moken People’s Basic Rights, Create Path to Citizenship - June 25, 2015</i> (Bangkok) – The governments of Thailand and Burma should immediately end discrimination and other rights abuses against the Moken, sea nomads who are among the few remaining hunter-gatherer populations in Southeast Asia, Human Rights Watch said in a new report today. Approximately 3,000 Moken live mostly on small boats within the Mergui archipelago along Burma’s southern coast, while another 800 are settled in Thailand.</p> <p>The 25-page report, “Stateless at Sea: The Moken of Burma and Thailand,” describes in words and photographs serious violations of the rights of the Moken by state authorities – particularly the Burmese navy – including extortion, bribery, arbitrary arrest, and confiscation of property. Human Rights Watch also examines tightening immigration and maritime conservation laws</p>	<p>Rakhine State</p> <p>Mergui archipelago</p>	<p>Specified risk for rights of Rohingya people</p> <p>Specified risk for rights of Moken people</p>
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	<p>that threaten their freedom of movement and traditional lifestyle. Most Moken are stateless, making them extremely vulnerable to human rights abuse and depriving them of access to medical care, education, and employment opportunities. [...]</p> <p>The Moken are listed as one of the 135 recognized “ethnic races” of Burma under the 1982 Citizenship Act, but the issuance of national ID cards to the Moken has been inconsistent, hindering their travel within Burma. The Burmese government is required to provide national ID cards to all who are entitled; to ensure birth registration documents are issued to all Moken children; and to provide the Moken equal access to social welfare, education, health, and other services provided to other Burmese citizens. The Moken have also suffered from violent attacks and seizure of property by the Burmese navy.”</p>		
Amnesty International http://amnesty.org	No information found on indigenous peoples in Myanmar	Country	Low risk
The Indigenous World http://www.iwgia.org/regions	<p>http://www.iwgia.org/publications/search-pubs?publication_id=740 <i>The Indigenous world 2016</i> “BURMA</p> <p>Burma’s diversity encompasses over 100 different ethnic groups.¹ The Burmans make up an estimated 68 percent of Burma’s 51.5 million people. The country is divided into seven mainly Burman-dominated regions and seven ethnic states. The Burmese government refers to those groups generally considered indigenous peoples as “ethnic nationalities”. This includes the Shan, Karen, Rakhine, Karenni, Chin, Kachin and Mon. However, there are more ethnic groups that are considered or see themselves as indigenous peoples, such as the Akha, Lisu, Lahu, Mru and many others.</p> <p>Burma has been ruled by a succession of Burman-dominated military regimes since the popularly-elected government was toppled in 1962. Despite positive steps taken by President Thein Sein (installed in 2011) and his nominally civilian administration, many critical issues remain unaddressed, such as ongoing human rights violations and military offensives in ethnic nationality areas, and a lack of significant legislative and institutional reforms. The general election held on 8 November 2015 saw Aung San Suu Kyi’s National League for Democracy (NLD) unseat the Union Solidarity and Development Party (USDP) in a landslide. The transfer of power is due to take place in March 2016.</p> <p>Burma voted in favour of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), adopted by the UN General Assembly in 2007, but has not signed the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), nor ratified ILO Convention No. 169. It is party to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child (CRC), though so far it has failed to take into account many</p>	<p>Country</p> <p>Country</p> <p>Country</p>	<p>Presence of indigenous peoples</p> <p>Specified risk for rights of IPs</p> <p>Specified risk for rights of IPs</p>

	<p>of the CEDAW and CRC committees' respective recommendations.”</p> <p>Ceasefire negotiations and conflict in ethnic minority states In 2015, the government continued ceasefire negotiations with ethnic armed groups amid ongoing armed conflict between the Tatmadaw (Burma Army) and several of the ethnic armed groups. In February, the government signed a preliminary peace deal with representatives from the Karen National Union (KNU), the Democratic Karen Benevolent Army (DKBA), the Karen National Union/Karen National Liberation Army Peace Council (KNU/KNLA Peace Council), and the Restoration Council of Shan State/Shan State Army-South (RCSS/SSA-S). However, the government refused to extend invitations to the entire United Nationalities Federal Council (UNFC), a coalition of ethnic armed groups. The UNFC had proposed in January that the peace agreement should establish a federal union, including political guarantees for ethnic groups—a proposal that the government rejected. In March, the ethnic armed groups' peace agreement negotiation team, the Nationwide Ceasefire Coordination Team (NCCT) and the government's Union Peace-making Working Committee (UPWC) concluded a draft text for the nationwide ceasefire agreement, agreeing to leave chief points of contention until later, a decision that not all ethnic armed groups were comfortable with. In August, President Thein Sein turned down the KNU's request to include the Myanmar National Democratic Alliance Army (MNDAA), the Ta'ang National Liberation Army (TNLA), and the Arakan Army in the agreement due to the ongoing conflict involving these groups in the Kokang Self-Administered Zone, Shan State. On 15 October, President Thein Sein signed the nationwide ceasefire with seven ethnic armed organizations and one other organization after more than two years of negotiations (see The Indigenous World 2015).² The remaining ten organizations refused to sign the agreement until the government agreed to include several smaller groups in the ceasefire.³ The Women's League of Burma (WLB) criticized the government for failing to guarantee the meaningful participation of women in the peace process, reflected in the fact that only four women were involved in the negotiations.⁴ Amid the nationwide ceasefire negotiations, armed conflict between the Tatmadaw and the Kachin Independence Army (KIA), which began in June 2011 (see The Indigenous World 2012), continued in Kachin and Northern Shan States throughout 2015. Clashes between the Tatmadaw and several ethnic armed groups in Kachin and Shan, Karen, Chin, and Rakhine States also continued, with Tatmadaw offensives against the KIA and the Shan State Army-North (SSA-N) intensifying after the two ethnic armed groups refused to sign the nationwide ceasefire. On 6 October, the Tatmadaw launched air and ground missile attacks against the Shan State Progress Party (SSPP)/SSA-N in Mongyawng and Monghsu Townships, Shan State. The attacks resulted in the displacement of around 10,000 people from Kyethi, Monghsu, and</p>	<p>Regions of seven ethnic groups that signed ceasefire</p> <p>Kachin, Shan, Karen, Chin and Rakhine States</p>	<p>Low risk for rights of IPs</p> <p>Specified risk for rights of IPs</p>
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	<p>Mongyawng Townships.⁵ More than 100,000 people in Kachin and Shan States have been displaced since the conflict restarted in 2011.⁶</p> <p>Impact of conflict on ethnic minority populations Reports on the shooting and shelling of civilians, abductions, the use of civilians as human shields and for forced labour by the Tatmadaw emerged throughout the year. Activists, farmers, and land rights defenders in conflict-affected ethnic nationality areas were also subjected to violence and intimidation for their involvement in land rights disputes. On 2 July, unknown assailants shot and killed Karen land rights defender Saw Johnny in front of his house in Eindea Village, Hpa-an Township, Kayin State. Tatmadaw soldiers in conflict zones continued to subject indigenous women to sexual violence. [...] In August, the UN Special Rapporteur on the rights of indigenous peoples, Victoria Tauli-Corpuz, said that the militarization of conflict over indigenous land in Burma had led to gang rape, sexual enslavement, and the killing of tribal women and girls.⁸</p> <p>Continued persecution of Rohingya The government made no progress during 2015 with regard to granting basic rights to Rohingya Muslims, an ethnic minority in Rakhine State bordering Bangladesh. The government repeatedly denied the existence of the term “Rohingya”, negating their existence as an ethnic minority and ignoring recommendations made in the UN resolutions on Burma to amend the 1982 Citizenship Law and grant them citizenship.⁹ An estimated 140,000 people – most of them Rohingya – remained displaced within Rakhine State in 2015 as a result of the 2012 violence. Legislation approved in 2015 further restricted Rohingya rights. In February, President Thein Sein issued an executive order invalidating temporary ID (white) cards, held mainly by Rohingya. The invalidation of temporary ID cards deprived Rohingya of the right to vote as well as of any form of official documentation. In addition, security forces continued to commit human rights abuses against Rohingya in 2015. In October, a legal analysis prepared by the Allard K Lowenstein International Human Rights Clinic at Yale Law School found “strong evidence” of genocide against Rohingya.¹⁰ Since the beginning of the year, tens of thousands of Rohingya have fled Burma by boat and via trafficking networks as a result of their ongoing persecution.</p> <p>Legislative reforms The parliaments of Burma’s seven ethnic nationality states played minimal roles throughout the year. In Naypyidaw, the National Parliament (dominated by the USDP and military-appointed MPs) achieved marginal results in the area of ethnic minority rights. The approval of the 2015 Ethnic Rights Protection Law and changes to the final version of the National Education Law, approved in June, allow ethnic minority languages, culture, and tradition to be</p>	<p>Kachin, Shan, Karen, Chin and Rakhine States</p> <p>Rakhine State</p> <p>Seven ethnic nationality States</p>	<p>Specified risk for rights of IPs</p> <p>Specified risk for rights of Rohingya people</p> <p>Specified risk for participation in decision-making</p>
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	<p>incorporated into school curricula for primary school students. However, constitutional amendments fell short of effecting amendments to articles related to federalism or which favoured ethnic minority rights. On 8 July, proposed changes to Article 261 of the Constitution, which outlines provisions for the appointment of chief ministers of states and regions by the President, and was strongly supported by ethnic minority MPs, failed to garner enough favourable votes for its amendment. Despite repeated commitments to guarantee fundamental rights to freedom of expression, association, and peaceful assembly, the government made no attempt in 2015 to repeal or further revise laws restricting these rights and end the targeting of peaceful protesters. Burma has yet to sign the International Covenant on Civil and Political Rights (ICCPR) to guarantee these rights. On 16 July, Burma signed the International Covenant on Economic, Social and Cultural Rights (ICESCR).</p> <p>November general election On 8 November, Burma held its first openly-contested general election in 25 years. Ethnic minority parties constituted 61.5% of the 91 political parties that contested the polls. Ethnic minority parties won 18 seats out of 168 in the Amyotha Hluttaw (House of Nationalities) and 37 out of 323 seats up for election in the Pyithu Hluttaw (House of Representatives).¹¹ The NLD, led by Nobel Peace Prize laureate Aung San Suu Kyi, won 390 out of 491 seats up for election in the Amyotha Hluttaw and the Pyithu Hluttaw. However, the election was marred by the disenfranchisement of hundreds of thousands of Rohingya as a result of the expiry of their temporary ID cards. In addition, the Union Election Commission (UEC) disqualified more than 60 Muslim candidates from running in the election. The UEC also cancelled voting in more than 400 village-tracts and seven townships in Shan, Kachin, Mon, and Kayin States and in Bago Region, preventing several hundred thousand people from ethnic minority groups from casting their vote, due to concerns over armed conflict in these areas.”</p>	<p>Seven ethnic nationality States</p> <p>Shan, Kachin, Mon, and Kayin States and in Bago Region</p>	<p>Specified risk for rights of IPs</p> <p>Specified risk for participation in decision-making</p>
<p>United Nations Special Rapporteur on the rights of indigenous peoples http://www.ohchr.org/en/issues/ipeoples/srindigenouspeoples/pages/sripeoplesindex.aspx</p>	<p>http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session24/Documents/A-HRC-24-41-Add3_en.pdf <i>Report of the Special Rapporteur on the rights of indigenous peoples, James Anaya, Addendum - Consultation on the situation of indigenous peoples in Asia - 31 July 2013</i></p> <p>“7. The groups in Asia that fall within the international rubric of “indigenous peoples” include groups such as those referred to as “tribal peoples”, “hill tribes”, “scheduled tribes” or “adivasis”. The international concern for indigenous peoples, as manifested most prominently by the United Nations Declaration on the Rights of Indigenous Peoples extends to those groups that are indigenous to the countries in which they live and have distinct identities and ways of life, and that face very particularized human rights issues related to histories of various forms of oppression, such as dispossession of their lands and natural resources and denial of cultural expression. Within the Asian</p>		

	<p>region, the distribution and diversity of such groups varies by country, as does the terminology used to identify them and legal recognition accorded to them. These groups, some of which span State borders, include, among others, the [...] (h) Shan, Kayin (Karen), Rakhine, Kayah (Karenni), Chin, Kachin and Mon of Myanmar, commonly known as ethnic nationalities and officially referred to as national races;”</p> <p>https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/173/83/PDF/G1517383.pdf?OpenElement <i>Report of the Special Rapporteur on the rights of indigenous peoples, Victoria Tauli Corpuz - 6 August 2015</i></p> <p>53. Examples of violence against women in a military context include the following: [...]</p> <p>(c) In the States of Karen, Karenni, Mon and Shan, Myanmar, indigenous women are in daily contact with the soldiers of the Burmese army that occupies the area. The Rapporteur has found that rape of indigenous women is not only a form of “entertainment” for the soldiers, but part of a strategy to demoralize and weaken the indigenous communities. Soldiers reportedly use rape to coerce women into marriage and to impregnate women as part of the forced cultural assimilation policy;</p> <p>(d) In Fiji, India, Myanmar, Nepal, the Philippines, Thailand and Timor-Leste, the militarization of conflict over indigenous land has led to gang-rape, sexual enslavement and killing of tribal women and girls; (p. 15)</p>	<p>Country</p> <p>States of Karen, Karenni, Mon and Shan</p>	<p>Presence of indigenous peoples</p> <p>Specified risk for rights of IPs</p>
<p>UN Human Rights Council Universal Periodic Review http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx</p>	<p>https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/290/35/PDF/G1529035.pdf?OpenElement <i>UN Human Rights Council, Report of the Working Group on the Universal Periodic Review – Myanmar - 23 December 2015</i></p> <p>144. The following recommendations will be examined by Myanmar, which will provide responses in due time, but no later than the thirty-first session of the Human Rights Council, in March 2016:</p> <p>144.28 Take further steps towards the promotion of the human rights situation in Myanmar, especially for ethnic, religious and linguistic minorities and vulnerable groups (Bahrain);</p> <p>144.30 Support the active and meaningful participation of women, “ethnic groups”, internally displaced persons and refugees in the implementation of the Nationwide Ceasefire Agreement, including the national dialogue (Finland); (p. 21)</p> <p>144.47 Take the necessary steps to eliminate discrimination faced by ethnic minorities and ensure that they enjoy their right to culture and their religious freedom is protected (Mexico);</p> <p>144.48 Take necessary measures in law and in practice to put an end to all forms of discrimination against minorities, especially ethnic and religious minorities (France);</p>	<p>Country</p>	<p>Specified risk for participation in decision-making</p>

	<p>145.55 Amend the 1982 Citizenship Law to give the Rohingya and all other religious minorities and ethnic groups access to full citizenship rights (Iceland);</p> <p>145.58 Repeal all discriminatory legal provisions such as granting citizenship on the basis of ethnicity or race and providing for different citizenship categories (Slovenia);</p> <p>145.59 Repeal the provisions establishing different categories of citizenship and remove any indication of ethnicity in identity documents (Mexico);</p> <p>145.61 Grant the right to full citizenship to Muslim Rohingya in Rakhine State and allow them to decide their ethnic belonging (Saudi Arabia); (p. 28)</p> <p>145.65 Implement concrete measures to combat religious and ethnic intolerance, restore full citizenship rights of the Rohingya and eliminate requirements for citizenship that discriminate on the basis of race, religion, ethnicity or any other status. Resume recognition of the Rohingya as an ethnic group legitimately residing in Myanmar (Sweden);</p> <p>145.66 End discrimination against members of the Rohingya population and members of other minority groups, including by providing a pathway to or restoring citizenship for stateless persons without requiring them to accept ethnic designations they do not agree with, removing restrictions on freedom of movement, and revising discriminatory legislation, including the 1982 Citizenship Act and the four “race and religion” laws (United States of America);</p> <p>145.67 Ensure that national legislation is in accordance with the United Nations Declaration on the Rights of Indigenous Peoples (Denmark);” (p. 29)</p> <p>https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/194/21/PDF/G1519421.pdf?OpenElement <i>Summary of 47 stakeholders’ submissions1 to the universal periodic review of Myanmar - 28 August 2015</i></p> <p>“3. Administration of justice, including impunity, and the rule of law</p> <p>46. ALRC noted that, despite Recommendation 104.3774, Myanmar had failed to initiate any step in ensuring the country’s judicial independence.⁷⁵ According to International Commission of Jurists (ICJ), judges rendered decisions based on orders coming from government and military officials.⁷⁶ Corruption was prevalent.⁷⁷</p> <p>47. ICJ stated that more than 1,000 lawyers had been disciplined over the past 20 years, with many having their licenses revoked or suspended. As many as 200 lawyers who had been disbarred for political reasons might remain without licenses.⁷⁸ International Bar Association’s Human Rights Institute (IBAHRI) expressed similar concern.⁷⁹</p> <p>48. IBAHRI indicated that Myanmar guaranteed access to legal aid only in cases attracting the death penalty.⁸⁰</p> <p>49. ALRC noted that, in Myanmar, the police did not perform its functions as a discrete professional civilian force but as a paramilitary and intelligence agency under command of the armed forces.⁸¹</p>	Country	Specified risk for rights of IPs
	<p>Country</p>	Country	Specified risk for access to justice

	<p>50. ICJ stated that the Writ of Habeas Corpus was guaranteed in article 378 (a) of the Constitution. However, it had never been issued and nobody appeared to have been able to bring proceedings to challenge the lawfulness of their detention before a court.⁸² [...]</p> <p>53. Joint Submission 13 (JS13) indicated that, since 2011, systematic sexual violence against ethnic populations by the Myanmar military had continued, with near total impunity.⁸⁵ Impunity for military perpetrators was enshrined in Article 445 of the 2008 Constitution.⁸⁶ JS10 stated that prosecution of cases involving human rights violations by the military was undertaken in private through the court-martial system and that the vast majority of women and girls did not receive redress.⁸⁷ [...]</p> <p>55. AI stated that the authorities had yet to conduct an independent, impartial and effective investigation in to the large-scale and widespread violence erupted between Buddhist communities and mostly Rohingya communities in Rakhine State in 2012, or to bring all those responsible to justice.⁸⁹</p> <p>12. Minorities and indigenous peoples</p> <p>92. SEDF stated that, in NRS, the Rohingya had experienced severe violence and displacement since June 2012 in retaliation to the rape and murder of a Rakhine Buddhist girl. By October, attacks against Muslims extended beyond Rohingya to include Muslim Kaman, an ethnic group officially recognized by the Government. According to SEDF, the Government responded inadequately to this violence. It launched an investigation, which yielded little results and no reparations for Rohingya Muslims.¹⁴¹</p> <p>93. ODVV indicated that the Government continued to reject a United Nations report of the break out of violence in Rakhine State in January 2014, in which men, women, and children had been reportedly killed.¹⁴²</p> <p>94. CSW stated that the Rohingya Muslims continued to be denied their citizenship rights, as the 1982 Citizenship Law remained in force. The law had a very serious impact on the country's Rohingya population, which was estimated at around one million and which continued to be stateless.¹⁴³</p> <p>95. AP reported that a proposal to reform the 1982 Citizenship Law had been submitted to Parliament in November 2012. However, in July 2013, President Thein Sein confirmed that there would be no amendment to that law.¹⁴⁴</p> <p>96. The Equal Rights Trust (ERT) noted that the term 'Rohingya' was rejected by Myanmar and that the Rohingya had not been allowed to self-identify in national census in 2014. This resulted in outbreaks of violence and the vast majority of Rohingya not being recorded in the census.¹⁴⁵</p> <p>97. AP stated that, in July 2014, the Government had started a citizenship verification process in Rakhine State, in which Rohingyas had to self-identify as Bengali to apply. A draft Rakhine State Action Plan indicated that those who refused to participate and those who did not meet required criteria would be relocated to camps or deported elsewhere.¹⁴⁶</p>	Rakhin State	Specified risk for rights of Rohingya and Kaman people
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	<p>98. AP continued that a law allowing a referendum to amend the Constitution was approved by Parliament on 2 February 2015, reaffirming the right of white card (temporary ID card) holders to vote. However, the Government subsequently announced that white cards would expire on 31 March 2015 and would have to be handed over by 31 May 2015. On 17 February, the Constitutional Tribunal ruled that allowing white card holders the right to vote was unconstitutional.¹⁴⁷</p> <p>99. ERT stated that restrictions for the Rohingya on marriages and birth had led to thousands of unregistered children. They were denied evidence to support future applications for citizenship, thus increasing the numbers of stateless persons in Rakhine State.¹⁴⁸</p> <p>100. JS7 stated that there was no accurate information about the number of indigenous peoples in Myanmar/Burma. The Government claimed that all full citizens of Myanmar/Burma were 'indigenous' (taing yin tha), and on that basis, denied the applicability of the UN Declaration on the Rights of Indigenous Peoples to Myanmar/Burma.¹⁴⁹</p> <p>15. Right to development, and environmental issues [...]¹⁰⁹. JS2 and JS7 noted that, in 2012, the Government passed the Farmland Law and the Vacant, Fallow, and Virgin Land Law, which established that any land not officially registered with the Government could be allocated to domestic and foreign investors. These laws had effectively legalized and facilitated land grabs.¹⁵⁹</p> <p>110. JS1, JS2 and JS7 stated the 'Draft Land Use Policy' released in 2014 ostensibly sought to address the issues of land confiscation, yet it primarily served to benefit big business at the expense of smallholder farmers.¹⁶⁰</p>	Country	Specified risk for land rights of IPs
<p>UN Human Rights Committee http://www.ohchr.org/EN/HRBodies/CCPR/Pages/CCPRIndex.aspx search for country Also check: UN Committee on the Elimination of All Forms of Racial Discrimination http://www.ohchr.org/EN/HRBodies/CERD/Pages/CERDIndex.aspx</p>	<p>Myanmar has not ratified the International Covenant on Civil and Political Rights nor the International Convention on the Elimination of All Forms of Racial Discrimination.</p>	Country	Specified risk for civil and political rights and for discrimination
<p>Intercontinental Cry http://intercontinentalcry.org/</p>	<p>http://www.scribd.com/doc/216154458/Indigenous-Struggles-2013 <i>Indigenous Struggles 2013</i> "In a controversial move, Aung San Suu Kyi, Burma's pro-democracy leader and Nobel Peace laureate, urged communities affected by a copper mine in Sagaing Division's Monywa District to cease their opposition and accept an offer of compensation for lands that the government seized to make way for the project. Dismayed by Suu Kyi's recommendation, the affected</p>	Sagaing Division's Monywa District	Specified risk for land rights

	<p>communities vowed to continue their protests. Three locals also announced their intention to sue president Thein Sein for his alleged role in a violent crackdown last November.” (p. 27)</p> <p>http://intercontinentalcry.org/wp-content/uploads/2013/01/Indigenous-Struggles-2012.pdf <i>Indigenous Struggles 2012</i> “Naga Youth in Burma formed a new group to resist the construction of the Tamanthi Dam which is located at Homlin township in Naga area, Myanmar. Once completed, the Dam reservoir would flood some 1400 sq kms, permanently displacing 53 Naga villages, 15 villages inhabited by both Naga and Kuki people and 14 Kuki villages. At least 2400 people were already relocated at gun point.” (p. 14)</p>	Homlin township in Naga area	Specified risk for land rights of IPs
<p>Forest Peoples Programme: www.forestpeoples.org FPP’s focus is on Africa, Asia/Pacific and South and Central America.</p>	<p>http://www.forestpeoples.org/sites/fpp/files/news/2015/02/Yangon%20conference%20report%2020.02.2015_0.pdf <i>YANGON CONFERENCE ON HUMAN RIGHTS AND AGRIBUSINESS IN SOUTHEAST ASIA – PROCEEDINGS – November 2014</i> “Land use governance in Myanmar - U Tin Maung Than, Myanmar Ministry of Environmental Conservation and Forestry Myanmar is inhabited by over 100 national races with different cultures, customs and traditions in relation to land use. According to the 2014 census, the population of the country is 51 million. Land related issues have emerged as the most critical, particularly in terms of land rights and land conflict. The government of Myanmar recognises that it needs to deal with the land issue on several fronts, including in terms of land use administration, land tenure security, land use rights, land dispute resolution, foreign investment, sustainable economic growth, effective environmental protection and social harmonization. As of 2012, cultivated land constituted 17.62% of Myanmar’s land (or 11,920,000 ha), with fallow land representing 0.48%, cultivated virgin land 7.94%, reserve forces 26.95%, other forest land 22.68% and other land 24.33%. [...] Permanent Forest Estates (PFE) are largest in the states of Saging (11,273 square miles) and Shan (12,083 square miles), followed by Kachin (7,084 square miles), Thanintharyi (4,940 square miles) and Bago (6,207 square miles) and constitute a total of 63,977 square miles across the country. Forest cover has progressively decreased since 1990, from 57.97% of total land in 1990 to just under 47% in 2010. Under Myanmar’s Constitution of 200819 (Article 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 of the Union; b) Shall enact necessary law to supervise extraction and utilisation of State-owned natural resources by economic forces; c) Shall permit citizens’ right to private property, right of inheritance, right of private initiative and patent in accord with the law.</p>	Country	Specified risk for land rights

	<p>[...] Myanmar sees great importance in adequate land and resource management towards ensuring that vulnerable communities are protected from climate change impacts, natural disasters, livelihood threats and threats to food security and biodiversity. Ecosystem degradation, drought and desertification, compounded with Green House Gas (GHG) emissions are also issues of concern. To resolve this, the government will be undertaking steps towards constitutional reform, land reform, land tenure reform, land management reform and land administration reform.</p> <p>[...] From the highest level of the Land Policy, we will be focusing on process, institutions, spatial infrastructure and cadastres, right down to the land parcel unit. There are many challenges to the process we are carrying out, the main one being land disputes, which require a long-term plan, awareness and coordination to resolve efficiently. Other challenges include the ill-regulated development of the land market (leading to instability of the economy and land prices, inappropriate investments, land grabbing and land speculation); weak protections of peoples' needs (eg in terms of poverty reduction, addressing the development gap) and; strategic planning and implementation (low inputs for land management, lack of consultation with stakeholders, lack of coordination and monitoring). [...]</p> <p>Challenges at the level of policy and legislation are also numerous, and include: the lack of a simplified (comprehensive) National Land Law; weak harmonization of land-related laws, rules and regulations; the diversity of customary rights of the country's many ethnic groups; the lack of a systematic land use planning and management scheme and; the lack of urban planning. Social issues are also at stake, including the limited livelihood opportunities of local communities and resulting poverty, issues related to illegal residence and farming, land-related disputes among stakeholders, and limited knowledge and awareness of the law. At the technical level, the country is still weak in terms of institutional capacity to deal with land related issues, has limited Geospatial Information System (GIS) facilities and human resources, limited land-use related data and information, and suffers from an inconsistency of land use maps and land recording systems across the various Ministries.</p> <p>A Central National Land Resource Management Committee has been set up, which consists of a Land Commission and relevant government Ministries, which are examining a wide range of sources, including statistics, on land use, technologies, the law, policy and tax. The Land Use Policy formulation process was started under the Land Use Allocation and Scrutinising Committee (LUASC), formed under a Presidential Order, chaired by the Union Minister of MOECF and composed of 25 members who are representatives from concerned government Ministries and agencies. A series of working group meetings and stakeholder consultations have been held to draw up the draft Land Use Policy, and we are now at the fifth version of this draft. Examples of consultation include the National Workshop on Land Resource Management</p>	<p>Country</p> <p>Country</p> <p>Country</p> <p>Country</p> <p>Country</p>	<p>Specified risk for land rights</p> <p>Specified risk for participation in decision-making</p> <p>Specified risk for land rights</p> <p>Specified risk for (awareness of) land rights</p> <p>Specified risk for participation in decision-making</p>
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	<p>for Rural and Urban Development Projects, held on 15th August 2014 in Nay Pyi Taw, and the Public Consultation Meeting held on 18th October 2014 in Yangon. The objectives of the National Law Use Policy are to benefit the people and country, to harmonise land use systems, to achieve a balance between development and conservation, to protect the land use rights of citizens and to improve the land administration system. The Policy is composed of 12 sections which cover a wide range of land-related topics, such as land use management, planning and changing land use, granting concessions or leases on State-owned lands, procedures relating to land acquisition, compensation, relocation and restitution, land disputes resolution and appeal, matters relating to assessment of land revenue, fees for land transfers and stamp duty, land use rights of ethnic nationalities, equal rights between men and women in land tenure and land use management, harmonization of laws and enactment of new laws, monitoring and evaluation, and research and development.</p> <p>The draft Policy provides a blueprint for long-term scalable improvements in the land sector. It also includes a plan for surveying and relocating illegal forest and protected public forest residents who have been living in these areas for many years. As of 15th March 2013, it was recorded that 1,823,969.46 acres of land were being illegally occupied (2.3% of village land, 34.3% of paddy land, 46.7% of farmland, 7.1% of home gardens, 6.5% of perennial crop lands and 3.1% of religious or communal lands).</p> <p>The government is using mapping technologies for district level land-use mapping, to measure the current status of land-use and land cover, including slopes, soil types, forest administration status, rain fall and watershed areas. Participatory land-use management planning activities have also been held at the township level, such as in Chaung Wa village in Taungoo district (30th April 2014) and in Myauk Ye Kyi village in Tanguoo district (1st May 2014). The proposed pilots to be carried out will work towards legal harmonization, carrying out a national land inventory, carrying out participatory land-use planning, securing land and resource rights at the village and/or community levels, developing local dispute resolution mechanisms, developing an open access spatial database (One Map Myanmar) and ensuring that all pilots are related and interlinked. These pilots are intended to support the implementation of the National Land Use Policy and are currently being designed. Inputs from stakeholders are being sought to help with their design, in a 'learning by doing' approach which also incorporates a capacity-building element. [...] The participatory land-use planning will make use of data from the Land Information United and link the village level to the district level planning processes, using a bottom-up multi-stakeholder approach and at the same time building the capacity of government staff.</p> <p>One Map Myanmar will constitute an open access database that unifies and presents all of Myanmar's land-related spatial data. It will be managed by the Central National Land Management Committee and can then be overlaid with</p>	<p>Country</p> <p>Country</p>	<p>Low risk for land rights</p> <p>Specified risk for land rights</p> <p>Low risk for land rights</p>
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	<p>further data on ownership/use rights, administrative responsibility, land cover, use and suitability, and socio-economic data.</p> <p>Myanmar's efforts towards securing land resource tenure rights will require a focus on increasing land tenure security of villages and communities, resource boundary mapping, the formal recognition of land-use rights, recognition of rights in the name of collective communities or ethnic groups, linking the village level land-use planning process and development of local land dispute resolution mechanisms, and supporting the adjudication of village tract administrative boundaries.</p> <p>Developing dispute resolution mechanisms will be achieved through mechanism piloting towards settling historical land disputes, and disputes emerging during systematic land registration procedures and the regulations of village tract administrative boundaries. Administrative appeals procedures will be improved and alternative forms of dispute resolution explored.</p> <p>Implementation activities of the Department of Agriculture for the enhancement of agribusiness in Myanmar - Kyin Kyin Win, Ministry of Agriculture and Irrigation [...]</p> <p>Land utilisation in Myanmar as of 2012 – 2013 was composed of reserved forest (27.1%), other forest (22.5%), fallow land (0.6%), cultivable waste land (7.9%), net sown land (17.5%) and other land (24.4%).</p> <p>Discussion</p> <p>MNHRC: In Myanmar the land use history has changed over time – the British government passed the first Land and Revenue Act, which is still in existence but supplemented by subsequent ordinances. In that Act, people can own land. Then the policy on land ownership was revised through the enactment of the Land Nationalisation Act (1953). At that time, most new landowners did not know about the law or how to use it. Prior to 1953, all lands were in effect vested in rich people (absentee landlords). The Land Nationalisation Act sought to ensure that the rights of all people working the land were secured. The new Law of 2012 provides for land ownership of these peoples. However, there are many unsettled or difficult to settle cases of land disputes, including cases resulting from land confiscation and land purchased by companies. After 1988, all land shifted into the hands of business owners or the military or government authorities – at the time, land use rights and owners did not have legal documents of entitlement to land. It was a very complicated time. After 2011, with the burgeoning of democracy and constitutional reform, people started to come to know about their rights, including their right to speak up and talk freely. Many complaints have been raised by farmers from villages and the coastal areas. It is in response to this situation that the new Law of 2012 has been issued. These days, farmers can own the land or can sell it for money, which was not possible in the past. Farmers want to sell their land or go to urban areas or abroad – they prefer to sell land. It is not only ministries that</p>	Country	Low risk for land rights
		Country	Specified risk for land rights

	should support community development – companies have a responsibility too in this regard. Ministries alone cannot bear the full responsibility.” (p. 20-24)		
Society for Threatened Peoples: http://www.gfbv.de/index.php?change_lang=english	https://www.gfbv.de/fileadmin/redaktion/Reporte_Memoranden/2014/Rohingya-Memorandum_ENGLISH.pdf <i>The Rohingya People in Burma – The World’s most persecuted Minority - March 2014</i> The Citizenship Act of 1982 left the Rohingya stateless. The Rohingya do not appear on the official list of the country’s 135 peoples, even though they have been living in Burma since the 8th century. The government of Burma claims that the Rohingya are "Bengali immigrants" that must to be sent back to Bangladesh. President Thein Sein has even threatened to expel the entire ethnic group. Because the Rohingya are no longer considered to be citizens, they are treated as people without rights – and they don’t get official ID documents. Couples who want to get married need a permit, which often takes years to be granted. Spouses – if they belong to the Rohingya – are not allowed to have more than two children. Rohingya people are often exploited as forced laborers and the authorities tend to collect arbitrary taxes from them or to confiscate their land. [...] Most of the Rohingya in Burma live in Rakhine State (formerly Arakan). They are scattered around the local capital Sittwe, living in small villages and – since June 2012 – also in refugee camps. Their situation in the city is similar to an open-air prison: They are not allowed to leave the Aumngalar district of Sittwe, even if they need to be treated in a hospital. They are trapped in their own city. Those who reside in the villages live in a permanent state of fear of being attacked by Buddhist extremists. Many of them have lost one of their few opportunities to grow food: often, family members don’t return from the rice fields because they were murdered. Religiously motivated violence against the Rohingya has increased significantly since June 2012. Many villages and Rohingya settlements were burned down by angry mobs, women are raped and men beaten to death with sticks while the Burmese police simply watch or even participate in the attacks. Rohingya who survive the massacres have no other choice than to flee to refugee camps. [...]The now approximately 800,000 to 1.3 million Muslim Rohingya have been living in the multiethnic state of Burma, where the majority of the population is Buddhist, since the Eighth Century – descending from traders who once settled in the region.”	Rakhine State	Specified risk for rights of Rohingya people
Regional human rights courts and commissions: - Inter-American Court of Human Rights http://www.corteidh.or.cr/index.php/en - Inter-American Commission on Human Rights http://www.oas.org/en/iachr/ http://www.oas.org/en/iachr/indigenous/ - African Commission on Human and Peoples' Rights - African Court on Human and Peoples' Rights - European Court of Human Rights	http://www.nationmultimedia.com/politics/Aseans-shameful-silence-over-Thai-rights-crisis-30286160.html <i>Asean’s shameful silence over Thai rights crisis, May 18, 2016</i> No one in Southeast Asia should expect their civil rights to be protected by the Association of Southeast Asian Nations (Asean). Six years since it was launched, the Asean Intergovernmental Commission on Human Rights (AICHR) has yet to take any action.	ASEAN region	Specified risk for rights of IPs.

	<p>The Asean principle of non-interference has led to a reluctance to speak out against neighbours' rights abuses, a shameful case in point furnished by junta-ruled Myanmar. Now, that shame is deepening thanks to the silence over Thailand's deepening human rights crisis.</p> <p>While the international community's rising concern resulted in concrete recommendations for Thailand during the United Nations Human Rights Council's Periodic Review in Geneva last week, representatives from Asean member countries were conspicuous by their silence, declining to make serious comment on the ongoing violation of civil and political rights in Thailand.</p>		
<p>Data provided by National Indigenous Peoples', Traditional Peoples organizations;</p>	<p>Coalition of Indigenous Peoples in Myanmar/Burma - All Arakan Students' Youths' Congress (AASYC), Arakan Rivers Network (ARN), Bago Yoma Care, Chin Human Rights Organization (CHRO), Karen Environmental and Social Network (KESAN), Karen Human Rights Group (KHRG), Karen Lawyer Network (KLN), KMSS-Loikaw, Karen River Watch (KRW), Lisu Youth Development Organization, Myanmar Indigenous Peoples/Ethnic Nationalities Network (Myanmar IP/EN Network), Myay Latt Community, Forestry (Magwe Region), Mon Multi-media Institute (M3I), Mro Youth Action Group (MYAG), Mon Youth Forum (MYF), Mrauk U Environmental Conservation Association, Naga Students and Youth Federation-Myanmar (NSYF-M), Naga Students and Youth Federation-Yangon (NSYF-M), Pantanaw Karen Literature and Culture Committee, Pantanaw Karen Youth (PKY), Promotion of Indigenous and Nature Together (POINT), SHANAH, Youth Circle (YC), Won-Lark Rural Development Foundation (Arakan). http://www.burmalibrary.org/docs21/NEED-Coalition_of_IPs_in_Myanmar-2015-03-Submission_to_UPR-en-red.pdf <i>Joint submission to the UN Universal Periodic Review, March 2015</i> <i>23rd Session of the UPR Working Group of the Human Rights Council - November 2015</i> "This joint submission by the Coalition of Indigenous Peoples in Myanmar/Burma focuses on the collective rights of indigenous peoples, particularly the thematic areas of land, territories, and natural resources, development, and language and cultural rights, with militarization, self-determination, and free, prior and informed consent (FPIC) as cross-cutting issues. [...]"</p> <p>A. INDIGENOUS PEOPLES IN MYANMAR/BURMA 1. There is no accurate information about the number of indigenous peoples in Myanmar/Burma, partly due to the lack of understanding about the internationally-recognised concept of indigenous peoples. However, Myanmar/Burma is considered one of the most ethnically diverse countries in Southeast Asia.</p>		

	<p>2. The government recognizes eight broad ethnic categories: Kachin, Karen, Karenni, Chin, Mon, Burman, Arakan, and Shan.1 Since independence from British colonial rule in 1948, the non-Burman ethnic groups in Myanmar/Burma have strongly asserted their distinct identities as ‘ethnic nationalities’, fighting for self-determination.</p>	Country	Presence of IPs
	<p>3. According to the 1982 Citizenship Law, those ‘ethnic groups’ who have been present in the current geographical area of Myanmar/Burma since before 1823 (the beginning of the first British annexation) are considered taing yin tha, which is usually translated as ‘indigenous’ people. According to the provisional results of the 2014 census, the total population of Myanmar/Burma is 51.41 million. 50.21 million people were directly counted, and an additional 1.20 million people were estimated to live in inaccessible conflict areas in Arakan, Karen and Kachin States.2 The broad ethnic categories of Kachin, Karen, Karenni, Chin, Mon, Arakan, and Shan do not reflect the rich diversity of Myanmar/Burma’s indigenous peoples. For example, the Naga and Tavoy (Dawei) do not identify with any of those broad categories. For the 2014 census, the government used 135 sub-groups under the main ethnic categories, but this is highly controversial and was heavily criticized for being not just inaccurate, but divisive.3 To date, no census figures on the ethnic composition of Myanmar/Burma have been released.</p>	Country	Presence of IPs
	<p>4. The government claims that all full citizens of Myanmar/Burma are ‘indigenous’ (taing yin tha), and on that basis dismisses the applicability of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) to Myanmar/Burma. Indigenous rights activists use the Myanmar language term htanay taing yin tha for indigenous peoples, based on the international concept, using the criteria of non-dominance in the national context, historical continuity, ancestral territories, and self-identification. There is a need for a national-level dialogue to identify and recognize indigenous peoples in Myanmar/Burma, based on the international concept and the UNDRIP.4</p>	Country	Specified risk for rights of IPs
	<p>B. NORMATIVE AND INSTITUTIONAL FRAMEWORK OF THE STATE</p> <p>5. In terms of the rights of indigenous peoples, the government of Myanmar/Burma voted in favour of the UNDRIP in 2007. Myanmar/Burma has acceded to the Convention on the Rights of the Child (CRC), and therefore has obligations to uphold the rights of indigenous children. 5 In addition, Myanmar/Burma ratified the UN Convention on Biological Diversity, and has obligations to respect and protect traditional indigenous knowledge for environmental conservation by law and practice.6</p> <p>6. Myanmar/Burma’s 2008 Constitution makes no mention of indigenous peoples, their collective rights, or customary land use practices in indigenous peoples’ territories. When it comes to ownership of land and natural resources, the Constitution stipulates that, “the Union [of Myanmar] is the ultimate owner of all lands and natural resources”. The lack of recognition of the people’s</p>	Country	Specified risk for land rights

<p>rights to own land directly contradicts with the basic principle that the State's power is derived from its citizens.⁷</p> <p>7. In 2012, the government passed the Farmland Law and the Vacant, Fallow, and Virgin Land Law, which established that any land not officially registered with the government can be allocated to domestic and foreign investors. These laws, together with the Foreign Investment Law and Special Economic Zone Law have effectively legalized and facilitated land grabs. Indigenous peoples are especially vulnerable, as they often do not have recognized government land titles, and they are not afforded protection for customary and communal land management, such as shifting cultivation.⁸</p> <p>8. After criticism of these laws, the government established the Land Allocation and Utilization Scrutiny Committee (LAUSC) and released a draft National Land Use Policy (NLUP) for consultation in October 2014. However, the consultation has been rushed, with limited participation, and this flawed process has resulted in the draft NLUP falling short of international norms and best practices.⁹ It gives special privileges to business investors, which could spark more land grabs within the country.</p> <p>9. The draft NLUP includes a chapter on "Land Use Rights of Ethnic Nationalities", with references to customary land tenure. However, the formulations are vague and require clarification to ensure that there is full recognition and registration of land use and tenure rights of indigenous peoples, especially shifting cultivation practices.¹⁰ Indigenous rights activists also want to ensure that the draft NLUP's customary land tenure protections are not limited to agricultural land, but should include forests, pastures and other lands and resources on which indigenous and other communities depend for their livelihoods.</p> <p>10. The Myanmar National Human Rights Commission (MNHRC) was first established in September 2011 by presidential decree, and an enabling law was later passed in parliament in March 2014. However, the MNHRC is not impartial or independent of the government and does not operate in line with the Paris Principles. The majority of complaints received by the MNHRC concern land, but the body has been ineffective at investigating and resolving such complaints.¹¹</p> <p>11. In 2012, the Farmlands Investigation Commission (FIC) was established as a parliamentary body to investigate land grabbing in Myanmar/Burma. Its first report, submitted in March 2013, found that the military had forcibly seized about 250,000 acres of farmland from villagers, according to complaints received. However, the FIC lacks direct powers to resolve cases.¹²</p> <p>Peace process in Myanmar/Burma¹³</p> <p>12. Since late 2011, the Myanmar/Burma government has signed preliminary bilateral ceasefire agreements with 14 major ethnic armed groups (EAGs) in the country.¹⁴ However, in non-ceasefire areas such as Kachin State, 127 clashes were reported by the media in 2013. By comparison, over the same</p>		
	Country	Specified risk for land rights
	Country	Specified risk for participation in decision-making
	Country	Specified risk for land rights
	Country	Specified risk for land rights
	Country	Specified risk for access to justice
	Country	Specified risk for land rights
Country	Specified risk for land rights	

	<p>period 62 clashes were reported in ceasefire areas, in many cases linked to control over territory and natural resources. 15 Collectively, EAGs representing Myanmar/Burma's indigenous peoples pressed the government for a Nationwide Ceasefire Agreement (NCA) and framework for political dialogue. Disagreements over the understanding and definition of 'federalism' as a framework for self-determination, to be included in the political dialogue, are an obstacle. There have only been limited public consultations about the process organised by some EAGs, and little in the way of public consultation organised by the government.</p> <p>13. The various bilateral ceasefire agreements remain in effect, in principle although not in practice. Some of the bilateral agreements contain provisions for the protection of the collective rights of indigenous peoples, but these important provisions have not yet been implemented.</p> <p>14. For example, the 2012 preliminary ceasefire agreement between the Karen National Union (KNU) and the government agreed to recognize land title certificates issued by the KNU. Unlike the government's land policies, the KNU land policy protects customary and communal land rights, requiring FPIC for land transfer.</p> <p>15. Three agreements signed between the Chin National Front (CNF) and the government in 2012 include provisions that require environmental impact assessments for all development projects, and FPIC for extracting natural resources.16 There is also a provision to determine the terms of reference for implementing a system in which locals define their own development priorities.17 In relation to language and cultural rights, there is a provision for the teaching of Chin languages at primary education level.18</p> <p>C. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND</p> <p>16. The information presented in this section is not a comprehensive account of human rights violations (HRVs) in indigenous peoples' areas, but the cases are emblematic of patterns of HRVs in all indigenous peoples' areas across Myanmar/Burma.</p> <p>LAND, TERRITORIES, AND NATURAL RESOURCES</p> <p>17. Indigenous peoples have the right to their special and important spiritual relationship with their lands, waters, and natural resources, and to pass these rights to future generations. They have the right to own and develop these lands and resources, in accordance with their traditions and customary laws. Indigenous peoples also have the right to be compensated when their lands, territories or natural resources have been confiscated, occupied, or damaged.19</p> <p>18. In Myanmar/Burma, these collective rights are routinely violated. Indigenous peoples' land is being confiscated at an alarming rate, in connection with militarization, infrastructure and extractive industry projects, as</p>	<p>Country</p> <p>Karen State</p> <p>Chin State</p> <p>Country</p> <p>Country</p>	<p>Specified risk for rights of IPs</p> <p>Low risk for land rights and FPIC</p> <p>Low risk for land rights and FPIC</p> <p>Specified risk for land rights</p> <p>Specified risk for FPIC</p>
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	<p>well as business and large-scale plantation projects. The right to FPIC with regards to such projects is not respected, and impact assessments (IAs) are seldom conducted or made public. Indigenous peoples are rarely compensated for land that is confiscated or damaged, and when compensation is issued, it often falls below market value of the land. Indigenous peoples are subsequently losing the ability to manage their territories.</p> <p>19. Under current legislation, IAs are not required, but environmental impact assessment (EIA) procedures are being drafted. [...]</p> <p>Land Confiscation</p> <p>20. Militarization is closely connected with land confiscation. Although Myanmar/Burma's indigenous populations have reported growing numbers of land grabs in relation to recent harmful development projects, the majority of reported cases go back several decades, committed predominantly by the former military regime. These largely remain unresolved.</p> <p>21. In Southeast Myanmar/Burma, indigenous peoples' lands have been confiscated for a variety of business and development projects, including dam construction, mining, logging, large-scale plantation projects and road construction.²⁰ Instead of seeking FPIC, in some cases, villagers have been misled into signing contracts relinquishing their land rights.²¹ In a number of cases, community members have been forced to pay money to continue using the land, or hand over produce from the land to the confiscating authority, which is a form of forced labour.²²</p> <p>22. Land confiscation in Mon State significantly increased after the 1995 ceasefire with the New Mon State Party. Since then, 1,800 acres of land have been grabbed by the Myanmar/Burma Army, as recently as December 2014. Military land grabs are being driven by increased foreign investment and rising price of rubber. ²³</p> <p>23. The Myanmar/Burma Army has consistently confiscated land, demarcated it as 'Tatmadaw (Myanmar/Burma Army) Land,' and then refused access to the original occupants.²⁴ Since the January 2012 ceasefire between the Karen National Union and the Union government, indigenous peoples have seen an increase in militarization.²⁵ Land confiscation has occurred both for the expansion of existing Myanmar/Burma Army bases, the building of new army facilities, and the development of military-owned agricultural production. In 2014 in Leik Tho Sub-Township, Taw Oo (Taungoo) township, Bago Region, the Myanmar/Burma Army also confiscated 200-300 acres of villagers' farmland. In these cases, they do not allow villagers to enter into the area even though they have not implemented any projects on the land as of yet.</p> <p>24. Chin State is still heavily militarized with 54 Myanmar/Burma Army camps in the area, although the ceasefire is holding. The Myanmar/Burma Army based in Matupi township seized more than 960 of farmland belonging to Chin subsistence farmers in Phaneng village, for "military use" in April 2012.²⁶ In June 2013, efforts by Chin villagers in Mindat township to appeal for restitution</p>	<p>Country</p> <p>Mon State</p> <p>Karen State</p> <p>Chin State</p>	<p>Specified risk for land rights</p> <p>Specified risk for land rights</p> <p>Specified risk for land rights</p> <p>Specified risk for land rights</p>
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	<p>ongoing land confiscation with limited or no compensation for their losses. To date, it is unclear if IAs have been conducted, as no results have been made publicly available. In September 2013, 10 villagers from Madaya Island were convicted under Article 18 of the Peaceful Assembly and Procession Law, after protesting against the negative impacts of the Shwe gas project without official permission. A leading Arakanese activist sought permission to hold the protest on four separate occasions, but each request was denied.³¹ [...]</p> <p>30. In Kyiakmayaw Township, Mon State, over the last five years, five different companies³³ with close ties to the Myanmar/Burma Army and government have been planning cement projects which would involve blast mining of limestone at Ni Don and Pyar Taung mountains, to be used in cement production at factories to be constructed nearby. To date, the projects have already been characterized by corruption, misinformation, and land confiscation.³⁴</p> <p>31. All five companies offered compensation that is far below the true market value. For example, Zaykbar Company is known to have offered villagers 350,000 kyat per acre for land this is worth 2.5-4 million kyat. Many villagers still have not received any compensation. The companies often used coercion to take land from villagers who did not fully understand their rights. Much of the land in Kyiakmayaw is known as "freehold" land, which is ancestral land that has been passed on from generation to generation. Pacific Link purposefully targeted land for acquisition for which people did not have written legal titles. For now, activity by these companies seems to have stalled for unknown reasons, and some villagers have returned to reclaim and cultivate their land that was taken. However, a new company has arrived on the scene, Thailand's Siam Cement Group, which plans to build a 3.7 billion USD cement factory in the area.³⁵ [...]</p> <p>Logging Concessions and Deforestation</p> <p>34. Logging concessions and deforestation are frequently linked with militarization, dam projects, large-scale plantation projects and road construction. Deforestation from logging and large-scale plantations have made it difficult for local people to find thatch for housing and firewood, both essential to their sustainable ways of life.⁴⁰</p> <p>35. In September 2011 in G--- village, Ler Mu Lah sub-township in Mergui/Tavoy (Myeik) township in central Tenasserim Region (Tanintharyi), an oil palm company confiscated and deforested 700 acres of ancestral land next to the village in order to plant oil palm trees, without providing any compensation to the villagers.⁴¹</p> <p>36. In Kanpetlet township, Chin State, teak logging concessions have been granted to Manawphyushin AK company, which has close ties to Kanpetlet Member of Parliament (MP) Thura Aung Ko, a former Brigadier-General in the Myanmar/Burma Army. In 2013, teak trees in the Yechawng and Lepung village tracts of Kanpetlet township were cut down and sold for profit by the</p>	Country	Specified risk for land rights, due to lack of awareness about land rights
	Country	Country	Specified risk for rights of IPs
	Chin State	Chin State	Specified risk for FPIC

	<p>company, without the FPIC of the local people or any benefit to their communities.⁴² Paletwa township, Chin State, has a vast swath of forests with various kinds of hardwoods and other native flora and fauna. In 2013, soldiers from LIB 289 based in the area were illegally smuggling a hardwood known as ironwood (xyliadolabriformis or pyinkado in Myanmar language) out of Paletwa for sale in Arakan State.⁴³</p> <p>DEVELOPMENT⁴⁴ 37. Indigenous peoples have the right to determine their own strategies for the development or use of their lands or territories and other resources, as well as the right to enjoy their own means of subsistence and sustainable environmental management.⁴⁵ 38. In Myanmar/Burma, control over land, and natural resources for development projects in indigenous peoples' territories is driving violent conflict and related human rights violations. The government and their foreign investor partners have imposed their notions of development on indigenous peoples, without FPIC, IAs, or any kind of meaningful consultation processes. Foreign investors are promoting harmful development projects in conflict areas without conducting any PCIA. These harmful projects have serious impacts, and pose a direct threat to traditional and sustainable livelihoods.”</p>	Country	Specified risk for FPIC
Data provided by Governmental institutions in charge of Indigenous Peoples affairs;	See information presented above in FPP publication: Land use governance in Myanmar by U Tin Maung Than, Myanmar Ministry of Environmental Conservation and Forestry.	Country	-
Data provided by National NGOs; NGO documentation of cases of IP and TP conflicts (historic or ongoing);	See above: Summary of 47 stakeholders' submissions ¹ to the universal periodic review of Manmar.	Country	-
National land bureau tenure records, maps, titles and registration (Google)	<p>https://www.land-links.org/wp-content/uploads/2016/09/USAID_Land_Tenure_Burma_Profile.pdf USAID COUNTRY PROFILE - PROPERTY RIGHTS AND RESOURCE GOVERNANCE – BURMA [...]LAND ADMINISTRATION AND INSTITUTIONS The Ministry of Agriculture and Irrigation (MoAI) is responsible for implementing national policies on agriculture. It is comprised of thirteen departments, including six that are responsible for planning, water resources, irrigation, mechanization, settlement and land records. Myanmar Agricultural Services (MAS), MoAI's largest unit, is responsible for field operations relating to extension, research, land use, seed multiplication and plant protection. The Irrigation Department, also within MoAI, oversees all aspects of irrigation design, construction, operation and maintenance. Other major departments are the Settlement and Land Records Department (SLRD), several State Economic Enterprises, and the Agricultural University at Yezin. The SLRD oversees land management, administers the land-tax system and conducts national agricultural surveys following cropping periods. Following passage of the 2012 Farmland Law and the Vacant, Fallow and Virgin Lands Management Law (VFV Law) the SLRD is responsible for recording and registering interests</p>		

	<p>in farmland and vacant, fallow and virgin land and for issuing LUCs to farmers whose use rights have been approved by Farmland Management Body (Oberndorf 2012; UNDP n.d).</p> <p>Both MAS and the SLRD maintain staff at state, division, district and township levels. Other MoAI departments active at the field level maintain and coordinate their presence through Agricultural Supervision Committees (ASCs) (UNDP n.d.).</p> <p>The 2012 Farmland Law added a department to MoAI. The Farmland Management Body (FMB), which replaced the former Land Committee, is comprised of officials from MoAI and SLRD. The central FMB forms FMBs at the region, state, district, township, ward and village tract levels, and delegates responsibilities to them. Delegated responsibilities include: reviewing applications for farmland use; formally recognizing and approving rights to use farmland; submitting approved farmland rights to the SLRD for registration; conducting farmland valuations for tax and compensation purposes; issuing warnings, levying penalties and rescinding use rights where use conditions are not met; and resolving disputes relating to farmland allocation and use. The central FMB provides "guidance and control" relating to: land disputes; certain transfers of land use rights; shifting taungya cultivation; allocation of alluvial land; and issuance and registration of LUCs. In addition, the central FMB revokes land-use rights under various circumstances and approves regional and state-level requests to use farmland for certain purposes, such as for housing and human settlement (Oberndorf 2012; UOB Farmland Law 2012b).</p> <p>The 2012 VFV Law also created the CCFV, a national level multi-ministerial body formed at the president's discretion. In coordination with relevant ministries and regional and state governments, the committee oversees the granting and monitoring of use rights for virgin, vacant and fallow lands for agricultural, mining and other purposes. According to the VFV Law, the committee's responsibilities include: receiving various ministry and lower-level government recommendations for the use of vacant, fallow and virgin land; receiving land-use applications from individuals, private investors, government entities and nongovernmental organizations; rescinding or modifying vacant, fallow and virgin land use rights; helping rightholders obtain technical assistance, inputs and loans; and resolving disputes related to vacant, fallow and virgin land use in coordination with other government entities. The committee is also responsible for forming task forces and special groups at the regional and state level for scrutinizing applications for use rights; as well as special boards to determine rightholder compliance with granted use rights (Oberndorf 2012; UOB Foreign Investment Law 2012c).</p> <p>In July 2012, the government formed two new entities in recognition of the need to address land classification, land tenure insecurity and land-related conflict in Burma. The Land Allotment and Utilization Scrutiny Committee, a cabinet-level body in the executive branch, is led by the Ministry of Environmental Conservation and Forestry and focuses on national land-use</p>	Country	Low risk for land rights
		Country	Low risk for land rights
		Country	Low risk for land rights
		Country	Low risk for land rights

	<p>policy, land use planning and allocation of land for investment. The Land Confiscation Inquiry Commission is a parliamentary body within the government's legislative branch. It investigates land disputes and whether confiscation has been carried out in compliance with the law. According to the parliament's speaker, U Khin Myint, the committee will focus on cases involving all types of land, not just farmland. It commenced work in September 2012 (Myanmar Times 2012a; Oberndorf 2012).</p> <p>Burma's president has appointed a National Human Rights Commission, which has indicated that the great majority of the complaints it receives each day relate to land disputes. Although the commission has indicated interest in addressing these, it is not clear that the resolution of land disputes lies within its mandate (Displacement Solutions 2012). (p. 17-18)</p> <p>http://www.forestpeoples.org/sites/fpp/files/news/2015/02/Yangon%20conference%20report%2002.2015_0.pdf</p> <p>YANGON CONFERENCE ON HUMAN RIGHTS AND AGRIBUSINESS IN SOUTHEAST ASIA – PROCEEDINGS – November 2014</p> <p>“Land use governance in Myanmar - U Tin Maung Than, Myanmar Ministry of Environmental Conservation and Forestry [...]</p> <p>At the technical level, the country is still weak in terms of institutional capacity to deal with land related issues, has limited Geospatial Information System (GIS) facilities and human resources, limited land-use related data and information, and suffers from an inconsistency of land use maps and land recording systems across the various Ministries.</p> <p>A Central National Land Resource Management Committee has been set up, which consists of a Land Commission and relevant government Ministries, which are examining a wide range of sources, including statistics, on land use, technologies, the law, policy and tax. The Land Use Policy formulation process was started under the Land Use Allocation and Scrutinising Committee (LUASC), formed under a Presidential Order, chaired by the Union Minister of MOECA and composed of 25 members who are representatives from concerned government Ministries and agencies.”</p> <p>http://www.burmalibrary.org/docs21/NEED-Coalition_of_IPs_in_Myanmar-2015-03-Submission_to_UPR-en-red.pdf</p> <p>Joint submission to the UN Universal Periodic Review, March 2015 23rd Session of the UPR Working Group of the Human Rights Council - November 2015</p> <p>“7. In 2012, the government passed the Farmland Law and the Vacant, Fallow, and Virgin Land Law, which established that any land not officially registered with the government can be allocated to domestic and foreign investors. These laws, together with the Foreign Investment Law and Special Economic Zone Law have effectively legalized and facilitated land grabs. Indigenous peoples are especially vulnerable, as they often do not have recognized government</p>	Country	Specified risk for land rights
		Country	Specified risk for land rights
		Country	Specified risk for land rights

	<p>land titles, and they are not afforded protection for customary and communal land management, such as shifting cultivation.”</p> <p>http://data.unhcr.org/thailand/download.php?id=297 <i>Questions and Answers on Land Issues in Myanmar - UNHCR</i> What are the land laws and practices in MYA? Prior to displacement, most camp residents held some security over land in rural Myanmar through a traditional land use system that was created and functioned at the community level. However, this customary system is not recognized under Myanmar’s national land laws, which has made it difficult for some to retain their land or re-claim land on which they once resided. There are many laws and regulations relating to land in Myanmar. However, the four most relevant for those in camps may be the Constitution of the Republic of the Union of Myanmar (2008), the Farmland Law (2012), the Vacant, Fallow, and Virgin Lands Management Law (2012), and the Lower Myanmar Town and Village Lands Act (1898)¹ Taken together, these four laws stipulate that all land in Myanmar is owned by the government. The government has the authority to grant individuals, corporations, or development projects the right to use that land, particularly when it has been left vacant or is not being farmed. [...] How do I re-claim my land? In practice, if land on which a person once lived or farmed is sitting empty and has not been re-allocated, most are able to simply return to their land. Once there, farmers have a right under the new laws to obtain a certificate that grants them greater security over the land. This “Land Use Certificate” is available by application through the Township Land Records Department Office. It should be noted, however, that this process does not confer ownership. It has also been criticized as complicated and expensive and land titles are reportedly difficult to obtain. [...] How do I obtain compensation or re-claim my land if it is now being used by another family/business/ project? 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: <ul style="list-style-type: none"> <input type="checkbox"/> 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 <input type="checkbox"/> Lodging a complaint with the respective Land Utilization Management Committees at the District and Township levels.⁴ <input type="checkbox"/> Lodging a complaint with the respective Ministers for National Race Affairs. <input type="checkbox"/> Forming a committee at the local level to seek the return of land or compensation for the use of land or loss of livelihood. </p>	<p>Country</p> <p>Country</p> <p>Country</p>	<p>Specified risk for land rights</p> <p>Specified risk for land rights</p> <p>Specified risk for land rights</p>
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	<ul style="list-style-type: none"> □ 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. <p>While these methods have had a small degree of success, in practice it is very difficult to secure land or compensation once it has been confiscated or re-allocated.</p> <p>https://www.land-links.org/wp-content/uploads/2016/09/USAID_Land_Tenure_Burma_Profile.pdf USAID COUNTRY PROFILE - PROPERTY RIGHTS AND RESOURCE GOVERNANCE – BURMA</p> <p>“Because all land in Burma ultimately belongs to the state, citizens and organizations depend upon use-rights, but do not own land. [...] Forcible and uncompensated land confiscation is a source of conflict and abuse in Burma, and protests and fear of “land grabs” have escalated as the state opens its markets to foreign investors and pursues policies to dramatically increase industrial agricultural production. Burma has rich water, forest and mineral resources. However, a rapid expansion of resource extraction efforts in the past three decades has led to widespread land and water pollution, deforestation and forced relocation. [...] Populations relying upon customary tenure arrangements, which the government does not recognize, as well as smallholder farmers whose land use does not align with how land has been classified or who did not report their land use to the government in the past, are vulnerable to being removed from their land without receiving compensation. [...] (p. 1-2)</p> <p>Although the law recognizes customary practices regarding succession, inheritance and marriage, the laws of Burma do not recognize the authority of other customary land-use practices. Earlier, the British had recognized the authority of a few such practices for certain Upland areas in northern and western Burma. For example, the Kachin Hills Manual respected the customary authority of Kachin headmen to rule on land uses within the community, and the Chin Hills Regulation of 1896 and the Chin Special Division (Extension of Laws) Act of 1948 recognized the Chin’s customs. Today, however, Burma’s statutory laws do not recognize customary land-use practices (BEWG 2011). [...] (p. 10)</p> <p>About 49% (31,773,000 hectares) of Burma is forested. Naturally regenerated forests account for 81% (25,736,130 hectares) of this amount, while 10% (3,192,000 hectares) is classified as old-growth (primary) forest and 3% (988,000 hectares) is planted forest. [...]</p>	Country	Specified risk for land rights
		Country	Specified risk for land rights
		Country	Specified risk for land rights
		Country	Specified risk for land rights

	<p>An estimated 70% of Burma's 32.5 million rural residents depend on forests for their basic needs, including household materials, fuelwood, fodder and food as well as wildlife for hunting, while an estimated 500,000 people rely on forests for employment (FAO 2012b; Boot 2012; Htun 2012)." (p. 28) [...]</p> <p>The 1995 Community Forestry Instruction (CFI) is a legal framework to promote community participation in forestry. The CFI provides that the following areas are suitable for the establishment of community forests: reserved and non-reserved forests authorized by the government and the lands which could be managed by the government; village-owned firewood plantations established with the permission of the Director General of the Forest Department (FD); private lands whose owners agree to community use of their property, and lands which are owned by governmental or non-governmental organizations (Tint 2011).</p> <p>The procedure for registering community forest under the CFI involves the formation of a community Forest User Group (FUG). The FUG must prepare a thorough Forest Management Plan, and then apply for registration to the Land Records Department and the FD (or Forest Estate, for reserve forest areas), at the township, district and national levels. If the application is successful, the FUG receives a Community Forest Establishment Certificate with 30-year tenure (renewable for 15 years at a time). The FUG is obliged to follow its management plan, and must not exceed its projected exploitation of forest products. Surplus forest products can be sold to non-members of the village at reasonable prices. The FD is required to provide the users group with seeds and seedlings necessary for the first period of extraction from the community forest, and technical assistance and expertise necessary for the establishment, management, conservation and development of the community forest (Tint 2011; COHRE 2007). [...]</p> <p>Tenure issues</p> <p>With the exception of allocations made under the CFI, Burma's laws do not allow local communities to claim rights to use or access forest resources. Communities that depend upon forests are therefore not able to resist state allocation of those forests to businesses for logging, mining, establishing plantations and other commercial activities that remove the forest. The removal of forests or the denial of community access to forests can severely compromise community food security (BEWG 2011).</p> <p>Transparency and a lack of documentation have resulted in weak forestland tenure security. The Forest Law does not clarify the procedure by which the MoECAF may change the classification of any area of reserved forest land; nor does the law specify the standards to be applied when making such a change. As a result, rural populations that have traditionally used areas of reserved forest land for generations are technically in violation of the Forest Law. While various rights of use over forestlands may be granted under the Forest Law – such as for "village firewood plantation" or "local supply plantation" – the law does not make clear the procedure for granting use rights. There is similarly no</p>	Country	Low risk for land rights (for CFUG with a Community Forest Establishment Certificate)
	<p>With the exception of allocations made under the CFI, Burma's laws do not allow local communities to claim rights to use or access forest resources. Communities that depend upon forests are therefore not able to resist state allocation of those forests to businesses for logging, mining, establishing plantations and other commercial activities that remove the forest. The removal of forests or the denial of community access to forests can severely compromise community food security (BEWG 2011).</p> <p>Transparency and a lack of documentation have resulted in weak forestland tenure security. The Forest Law does not clarify the procedure by which the MoECAF may change the classification of any area of reserved forest land; nor does the law specify the standards to be applied when making such a change. As a result, rural populations that have traditionally used areas of reserved forest land for generations are technically in violation of the Forest Law. While various rights of use over forestlands may be granted under the Forest Law – such as for "village firewood plantation" or "local supply plantation" – the law does not make clear the procedure for granting use rights. There is similarly no</p>	Country	Specified risk for land rights
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	<p>clear mechanism in the Farmland Law or other legal texts to convert areas of reserve forest land to farmland. The CCVFV may make a request from MoECAAF that these lands be used for state economic development under the VFV Law. Mechanisms exist by which community forestry arrangements can be secured for virgin land areas. The Forestry Department of MoECAAF and the MoAI currently have overlapping authority over these areas of land (Oberndorf 2012).</p> <p>While Community Forestry under the CFI is a promising initiative, studies have documented certain problems, such as insufficient local agro-forestry planning as well as the lack of participation by women and marginalized groups, both of which negatively affect food security (BEWG 2011).</p>	Country	Specified risk for participation in decision-making
Relevant census data	<p>http://www.dop.gov.mm/moip/index.php?route=product/category&path=54 <i>The 2014 Myanmar Population and Housing Census</i> The website of the ministry of Labour, Immigration and Population of Myanmar presents reports with results of the 2014 Myanmar Population and Housing Census, however the reports presented do not include information on ethnic categories.</p> <p>http://www.burmalibrary.org/docs21/NEED-Coalition_of_IPs_in_Myanmar-2015-03-Submission_to_UPR-en-red.pdf <i>Joint submission to the UN Universal Periodic Review, March 2015</i> <i>23rd Session of the UPR Working Group of the Human Rights Council - November 2015</i> A. INDIGENOUS PEOPLES IN MYANMAR/BURMA 1. There is no accurate information about the number of indigenous peoples in Myanmar/Burma, partly due to the lack of understanding about the internationally-recognised concept of indigenous peoples. However, Myanmar/Burma is considered one of the most ethnically diverse countries in Southeast Asia. 2. The government recognizes eight broad ethnic categories: Kachin, Karen, Karenni, Chin, Mon, Burman, Arakan, and Shan.¹ Since independence from British colonial rule in 1948, the non-Burman ethnic groups in Myanmar/Burma have strongly asserted their distinct identities as 'ethnic nationalities', fighting for self-determination. 3. According to the 1982 Citizenship Law, those 'ethnic groups' who have been present in the current geographical area of Myanmar/Burma since before 1823 (the beginning of the first British annexation) are considered taing yin tha, which is usually translated as 'indigenous' people. According to the provisional results of the 2014 census, the total population of Myanmar/Burma is 51.41 million. 50.21 million people were directly counted, and an additional 1.20 million people were estimated to live in inaccessible conflict areas in Arakan, Karen and Kachin States.² The broad ethnic categories of Kachin, Karen, Karenni, Chin, Mon, Arakan, and Shan do not reflect the rich diversity of</p>	Country	Specified risk for rights of IPs

	<p>Myanmar/Burma's indigenous peoples. For example, the Naga and Tavoy (Dawei) do not identify with any of those broad categories. For the 2014 census, the government used 135 sub-groups under the main ethnic categories, but this is highly controversial and was heavily criticized for being not just inaccurate, but divisive.³ To date, no census figures on the ethnic composition of Myanmar/Burma have been released.</p> <p>4. The government claims that all full citizens of Myanmar/Burma are 'indigenous' (taing yin tha), and on that basis dismisses the applicability of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) to Myanmar/Burma. Indigenous rights activists use the Myanmar language term htanay taing yin tha for indigenous peoples, based on the international concept, using the criteria of non-dominance in the national context, historical continuity, ancestral territories, and self-identification. There is a need for a national-level dialogue to identify and recognize indigenous peoples in Myanmar/Burma, based on the international concept and the UNDRIP.⁴</p>	Country	Specified risk for rights of IPs
- Evidence of participation in decision making; - Evidence of IPs refusing to participate (e.g. on the basis of an unfair process, etc.);	See sources above.	Country	-
National/regional records of claims on lands, negotiations in progress or concluded etc.	See sources above.	Country	-
Cases of IP and TP conflicts (historic or ongoing).) Data about land use conflicts, and disputes (historical / outstanding grievances and legal disputes)	See sources above.	Country	-
Social Responsibility Contracts (<i>Cahier des Charges</i>) established according to FPIC (Free Prior Informed Consent) principles where available	Not applicable	Country	-
Google the terms '[country]' and one of following terms 'indigenous peoples organizations', 'traditional peoples organizations', 'land registration office', 'land office', 'indigenous peoples', 'traditional peoples', '[name of IPs]', 'indigenous peoples+conflict', 'indigenous peoples+land rights'	<p>http://www.myanmar-responsiblebusiness.org/publications/indigenous-peoples-rights-and-business-in-myanmar.html <i>BRIEFING PAPER - Indigenous Peoples' Rights and Business in Myanmar FEBRUARY 2016</i></p> <p>National laws governing the rights of ethnic nationalities The 2008 Constitution grants some rights to ethnic nationalities. Art. 365 provides for the enforceable right of Myanmar citizens to freely develop literature, culture, arts, customs and traditions 'that they cherish'. Article 365 also provides that 'any particular action which might affect the interests of one or several other of the national races shall be taken...' only after obtaining the 'settlement of those affected'. However, these protections and the exercise of these rights are circumscribed as they must be in accordance with the law, which is itself restrictive, and must avoid any act detrimental to national solidarity. Moreover, Art. 365 applies only to Myanmar citizens; tens of thousands of indigenous peoples there may not have proper identification documents that would grant them citizenship. Art. 22 of the Constitution provides for '(i) development of language, literature, fine arts and culture of the</p>	Country	Specified risk for rights of IPs

	<p>national races; and (ii) promotion of solidarity, mutual amity and respect and mutual assistance among the national races; and promotion of socio-economic development including education, health, economy, transport and communication, of less-developed national races.’ 45</p> <p>The 2015 Protection of the Rights of National Races Law gives further effect to Article 22 of the 2008 Constitution, and in particular to provide a basis for the government to establish a Minister for National Races. However, according to the MCRB consultation with indigenous groups, there was no consultation with such groups during the drafting process. Article 3 of the Protection of the Rights of National Races Law includes the purposes of the law: (e) ‘to aim for the socio-economic development of less-developed national races including education, health, economics and transportation’. While Article 3 of the law provides for ‘access to equal citizenship rights for all ethnic groups’, and ‘for ethnic groups to have full access to rights enshrined in the Constitution’, it does not explicitly protect ethnic minorities against discrimination.⁴⁶</p> <p>The Protection of the Rights of National Races Law states further that no one can behave with intent to incite hatred, animosity and disunity among ‘national races’ and that ethnic rights and entitlements cannot be restricted without a sound reason. Chapter 4 establishes a Minister for National Races to be appointed by the President with the approval of the Union Legislature. The Ministry’s mandate in Chapter 5 includes ‘(e) [to] carry out all round development activities including education, health, economics and transportation of less developed national races for their socio-economic development’ and article (j) [to] ‘carry out activities to develop, maintain, protect and improve language, literature, arts, culture and traditions of minority and endangered national races’.⁴⁷</p> <p>There is already a Minister for Border Affairs, appointed by the military under the provisions of the 2008 Constitution.⁴⁸ According to the Ministry of Border Affairs website, its mandate is ‘...to effectively and systematically carry out development measures of border areas and national races....’.⁴⁹ The differentiation between the mandates of the existing Ministry of Border Affairs and the yet to be established Ministry of National Races was not clear at the time of writing.</p> <p>Article 5 uses the phrase for indigenous peoples hta-nay tain-yin-tha - which is not included in the Definitions in Article 1 of the Law - and was inserted late in the Parliamentary process. It states that ‘hta-nay tain-yin-tha ‘should receive complete and precise information about extractive industry projects and other business activities in their areas before project implementation so that negotiations between the groups and the Government/companies can take place.’ The significance of this is further analysed below.</p> <p>Myanmar law does not mention the UN Declaration on the Rights of Indigenous People (UNDRIP) or FPIC. However, mention of FPIC has been made in the context of a few other government documents copied from or</p>	Country	Specified risk for participation in decision-making
		Country	Specified risk for discrimination against IPs
		Country	Low risk for access to information
		Country	

	<p>drafted by other sources such as those relating to REDD+ (Reducing Emissions from Deforestation and Forest Degradation) 50 and extractives. Having said that, there is no evidence of implementation of FPIC in REDD+ in Myanmar. The US-Myanmar Joint Statement on Good Governance and Transparency in the Energy Sector states that it is the objective of both Governments to manage the energy sector transparently. The statement emphasizes that transparency also helps companies to operate with the free prior and informed consent of affected communities.⁵¹</p> <p>Forest and conservation laws in Myanmar also require the consultation of local communities and the consideration of community rights and benefits. Article 6 of the 1992 Forest Law⁵² requires the consultation of local communities in the process of demarcation of the boundaries of reserved or protected public forest (but makes no specific reference either to communities or indigenous peoples). Article 7(a) of the Wildlife and Protected Area Law No 7/2002 provides for communities living in the proposed protected area to make claims to a Settlement Committee within 90 days of the announcement. Section 9 of this law provides that the authorities ‘...will review the community claims...a) arrange that communities’ rights and benefits are guaranteed, b) can establish a buffer zone and within this zone provide customary land use rights and establish a record’.⁵³</p> <p>Myanmar’s Environmental Impact Assessment Procedure, dated 29 December 2015,⁵⁴ sets out definitions of environmental impacts (which importantly include social impacts) and makes specific mention of ‘indigenous peoples’ (translated in Burmese by another term, tain-yin-tha myo-nweh-su): 2(h) Environmental Impact means the probable effects or consequence on the natural and built environment, and people and communities of a proposed Project or businesses or activities or undertaking. Impacts can be direct or indirect, cumulative, and positive or adverse or both. For purposes of this Procedure, Environmental Impacts include occupational, social, cultural, socio-economical, public and community health, and safety issues. Moreover, social impacts include Involuntary Resettlement and relating to Indigenous People. 2(v) Indigenous People means people with a social or cultural identity distinct from the dominant or mainstream society, which makes them vulnerable to being disadvantaged in the processes of development. It is not clear where this definition of ‘indigenous people’ was derived from in the ADB supported the Ministry on the EIA Procedures; and as mentioned above, the Burmese word used differs from that in the Ethnic Nationalities Law.</p> <p>The Environmental Impact Assessment Procedure (Art. 7) states further that: ‘Projects that involve Involuntary Resettlement or which may potentially have an Adverse Impact on Indigenous People shall comply with specific procedures separately issued by the responsible ministries. Prior to the issuance of such specific procedures, all such Projects shall adhere to international good practice (as accepted by international financial institutions including the</p>	Country	Specified risk for FPIC
		Country	Specified risk for rights of IPs
		Country	Low risk for rights of IPs

	<p>and formal recognition of their land resource property rights.⁶⁷ Indeed, the Government has already expropriated land in Myanmar's borderlands where indigenous peoples have practiced shifting cultivation for decades.⁶⁸</p> <p>The Land Core Group, a consortium of local and international organizations in Myanmar, has provided a useful overview of the various types of land expropriations by the Government. These include state sponsored agricultural projects; agro-industrial plantations of private companies; large industrial development projects, especially industrial zones; and large public infrastructure projects. ⁶⁹ However, much of the land expropriated has not been used and has in fact been left vacant. But the land has not been returned to its original owners, who had often farmed the land productively before the expropriation. Indigenous peoples are among those affected by these land takings, with little or no recourse to remedy. Land rights experts have recommended that the Government formally recognize customary law for land use rights and provide mechanisms for communal ownership of land.⁷⁰</p> <p>In a positive development, during October 2014 the Government initiated consultations with civil society groups on a draft National Land Use Policy, with a view towards the drafting of a new national land use law. Consultation, including with indigenous groups continued during 2015. The final version of the National Land Use Policy was issued on 30 January 2016⁷¹.</p> <p>Article 7(d) states that one of its Guiding Principles is 'To recognize and protect private and communal property rights of citizens as included in the constitution;', thereby acknowledging communal land use rights by indigenous peoples. Article 68 provides that customary land of 'ethnic groups...shall be transparently reviewed, registered, and protected as "customary land"', Article 70 calls for formal recognition, reclassification and recognition of customary land rights relating to shifting or rotating cultivation, commonly used by indigenous peoples. While consultation with stakeholders is mentioned throughout the document, there is only one mention of free prior and informed consent (FPIC). Article 33(f) provides for FPIC and environmental and social impact assessments (ESIAs) in order to address the problem of land speculation and monopolization, but does not appear to call for FPIC specifically for indigenous peoples. The wording of this clause is vague, as 'land speculation and monopolization' are not defined in the Policy, so it is not clear what they constitute in practice. There is also a lack of clarity about when FPIC and ESIA will need to be applied and a lack of consistency with the new EIA Procedures.</p> <p>The formal adoption of the National Land Use Policy is the first step in the drafting and enactment of a new overarching Land Law. However, scores of laws relating to land will need to be reviewed, revised and adopted by the new Parliament in order to comply with the provisions of the Policy, which will presumably be reflected in the Umbrella Land Law.</p>	Country	Specified risk for land rights
		Country	Low risk for land rights
		Country	Specified risk for FPIC

	The Policy does appear to provide protection of customary and communal land tenure rights for ethnic nationalities/indigenous peoples, and recognizes their use of swidden agriculture. Whether these provisions will translate into adequate protection for indigenous land rights in practice remains to be seen.” (p. 20-21)		
Additional general sources for 2.3	Additional specific sources	scale of risk assessment	risk indication
	<p>http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fMMR%2fCO%2f4-5&Lang=en <i>Concluding observations of the Committee on the Elimination of Discrimination against Women on the combined fourth and fifth periodic reports of Myanmar – 25 July 2016</i> Rural women 42. The Committee notes the State party’s efforts aimed at promoting rural development, including the issuance of farmland use certificates to women. The Committee is concerned, however, at the low participation of rural women in decision-making, in particular in the formulation of policies, and their limited access to education, employment and health care. The Committee is particularly concerned that rural women face difficulties in gaining access to basic services owing to conflict in certain rural areas. It also notes with concern reports of forced evictions from land, mainly by the military, with that land then granted to foreign companies under concession. (p. 13-14) [...]</p> <p>http://www.ituc-csi.org/countries-at-risk-2013-report-on <i>2013 Countries at risk, violations of trade union rights</i> Other Causes for Concern [...] Land confiscation also remains a very serious problem, as peasant farmers are ejected from their land to make way for new infrastructure projects meant to attract investment.⁶⁰ Indeed, Special Rapporteur Tomas Ojeda recently stated, “Given the expected wave of privatisations and the increase in foreign investment, along with accelerated economic development, there is likely to be an increase in land confiscations, development induced displacement and other violations of economic, social and cultural rights. Myanmar has an obligation to refrain from and protect against forced evictions from homes and land.”⁶¹ Indeed, protests over the expansion of a copper mine, a joint project between the Burmese military and a Chinese weapons manufacturer, turned violent last year. Burmese military used white phosphorous to displace the protestors, leaving dozens injured, some with severe burns. The protestors denounced the “unlawful confiscation” of more than 7,800 acres of land and a large number of forced evictions to allow for the mine’s expansion. A parliamentary commission investigating the mine found in March 2013 that the project should continue, even though it would not create local jobs and did not contain adequate environmental protection measures.</p>	Country	Specified risk for land rights
		Country	Specified risk for land rights

	<p>The report also failed to demand the punishment of those police involved in the violent crackdown.</p> <p>http://www.burmapartnership.org/2015/07/activist-su-su-nway-arrested-for-trespassing/ <i>Activist Su Su Nway Arrested for Trespassing – 24 July 2015</i> “RANGOON — Labor rights activist Su Su Nway was arrested on Thursday on charges of trespassing in relation to her support for farmers claiming their lands had been seized by the military. The well-known rights advocate and former political prisoner was apprehended by police in Inn Da Kaw Township, Pegu Division, according to her husband Kyaw Kyaw Htwe. Kyaw Kyaw Htwe, himself an activist associated with the 88 Generation Peace and Open Society, said his wife had been involved in the land grab case since 2013 and had not faced legal action or harassment until late last year, when authorities warned her not to enter the disputed property as it belonged to the military. Villagers claimed that more than 1,000 acres of their farmlands had been unfairly acquired under the former military regime. Su Su Nway went to the area several times to examine their claims and liaise with authorities on their behalf. [...]”</p> <p>https://www.adb.org/sites/default/files/institutional-document/209596/gender-equality-womens-rights-myanmar.pdf <i>GENDER EQUALITY AND WOMEN’S RIGHTS IN MYANMAR - A SITUATION ANALYSIS - 2016</i> The Farmland and the Vacant, Fallow and Virgin Lands Management Act adopted in March 2012 to stimulate land reform is one piece of legislation needing attention. It requires further adjustments to fully protect the land rights of smallholders and poor farmers. Land reform experts note that there is no specific recognition of different and traditional forms of land use in the new land law, such as communal tenure practices of some ethnic communities that still operate under customary law in upland and forested areas. Nor do the laws explicitly state the equal right of women to register and inherit land or be granted land-use rights for vacant, fallow, and virgin land for themselves.233 (p. 76)</p> <p>http://burmacampaign.org.uk/media/A_HRC_32_18_AEV.pdf <i>Situation of human rights of Rohingya Muslims and other minorities in Myanmar - Report of the United Nations High Commissioner for Human Rights – 28 June 2016</i> 2. Myanmar is one of the most ethnically diverse countries in Asia. The Citizenship Law of 1982 recognizes eight major “national ethnic groups”: Bamar (approximately two thirds of the population), Chin, Kachin, Kayah,</p>	<p>Country</p> <p>Country</p> <p>Country</p>	<p>Specified risk for land rights</p> <p>Specified risk for land rights</p> <p>Presence of IPs</p>
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	<p>Kayin, Mon, Rakhine and Shan. According to lists published in various government documents, the eight groups may be broken down further into 135 recognized "national ethnic groups". An estimated 90 per cent of the population are Buddhists, 4 per cent Muslims, 4 per cent Christians and under 2 per cent Hindus. Most Christians belong to ethnic minorities, including the Chin, the Kachin and the Kayin. Among the Muslim population, the Kaman are a community belonging to one of the 135 recognized ethnic groups, as are Bamar Muslims. Other Muslim groups include "Chinese Muslims" and "Indian Muslims".</p> <p>3. Rohingya Muslims represent the largest percentage of Muslims in Myanmar, with the majority living in Rakhine State. They self-identify as a distinct ethnic group with their own language and culture, and claim a long-standing connection to Rakhine State. Successive Governments have rejected these claims, and the Rohingya were not included in the list of recognized ethnic groups. Most Rohingya are stateless.</p> <p>4. In 2014, in the first census conducted by the Government of Myanmar in 30 years, a directive prohibited Rohingya from identifying as such, which led to their de facto exclusion from official figures.¹ Although the data on ethnicity and religion have yet to be released, the publication of census data disaggregated by religion is one priority included in the 100-day plan of the Ministry of Labour, Immigration and Population. The lack of data combined with lack of access to parts of the country pose significant challenges to the analysis of the situation of minorities in Myanmar.</p> <p>5. Ethnic and religious minorities in Myanmar have a complex and contested history. Even though the agreement adopted at the Panglong Conference in 1947 envisaged the creation of a federal union based on voluntary association and political equality, Burma (then the official name of Myanmar), upon its independence in 1948, became a quasi-federal union largely dominated by the Bamar ethnic group. Subsequent claims by ethnic minorities for self-determination, greater autonomy and the equitable sharing of power and resources have driven non-international armed conflicts, varying in scope and intensity. After the military seized power in 1962, ethnic minorities were increasingly excluded from positions of authority, facing restrictions in, inter alia, education, the use of minority languages and religious freedom. [...]</p> <p>8. On 15 October 2015, the Government and eight of the more than 20 ethnic armed groups in Myanmar signed a nationwide ceasefire agreement. Nonetheless, armed conflict persists in Kachin and northern Shan States, while sporadic skirmishes have broken out in Chin, Kayin and Rakhine States. The new Government – the most ethnically diverse Government in decades – has proposed a "21st-century Panglong Conference" to advance the peace process. [...]</p> <p>Many Rakhine contest the claims of the Rohingya to a distinct ethnic heritage and historic links to Rakhine State, viewing the Rohingya as "Bengali" ("illegal immigrants"), with no cultural, religious or social ties to Myanmar. Some</p>	<p>Rakhine State</p> <p>Rakhine State</p> <p>Country</p> <p>Kachin, northern Shan, Chin, Kayin and Rakhine States</p> <p>Rakhine</p>	<p>Presence of Rohingya people</p> <p>Specified risk for rights of Rohingya people</p> <p>Specified risk for rights of IPs</p> <p>Specified risk for rights of IPs</p> <p>Specified risk for</p>
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<p>Rakhine also hold the perception that international assistance has focused on the Rohingya, to their detriment. The Rohingya have been subject to longstanding discrimination by past military Governments. Although officially recognized as an ethnic group, the Kaman Muslims in Rakhine State also face entrenched discrimination and other human rights violations (see A/HRC/28/72, para. 41). [...]</p> <p>10. Against this backdrop, tensions have occasionally erupted into violence. The most recent major outbreak in June and October 2012 led to hundreds of cases of injury and death, the destruction of property and the displacement of 140,000 people (see A/67/383, paras. 56–58, and A/HRC/22/58, paras. 47–48). Around 120,000 individuals remain in camps for internally displaced p in central Rakhine State, with ongoing segregation between Rakhine and Rohingya communities. [...]</p> <p>12. Access to justice for victims of human rights violations and abuses has, in the meantime, been sorely lacking. The military and other security forces have generally enjoyed impunity. Endemic corruption and limited capacity and will to conduct effective investigations and prosecutions add to a general lack of public trust in the administration of justice. Structural issues affecting the independence of the judiciary and legal professionals remain. Judicial independence has been further undermined by the undue influence of the executive branch and its interference in politically sensitive cases. Social and cultural stigma deters victims of sexual and gender-based violence from reporting. Minorities face other obstacles that limit further their access to justice, including language, geography and fear of reprisal. [...]</p> <p>18. The Constitution of Myanmar of 2008 offers some protection to recognized “national races”, requiring the Government to assist in developing their language, literature and culture; to promote solidarity and respect among them; and to promote their socioeconomic development. Chapter VIII of the Constitution protects the rights to equality and non-discrimination, education and health care, and prohibits forced labour and arbitrary detention. Many rights are, however, reserved for “citizens”, whereas international human rights law generally requires the State to respect, protect and fulfil the human rights of all individuals within its jurisdiction or control.¹¹ Moreover, the Constitution imposes limitations on several fundamental rights,¹² or permits their suspension on vague or impermissible grounds.¹³</p> <p>19. The right to nationality is a fundamental human right.¹⁴ The Citizenship Law of 1982, which provides for three types of citizenship, contravenes the principle of nondiscrimination, as the acquisition of nationality is based primarily on ethnicity rather than on objective criteria.¹⁵ “Full” citizenship may be obtained through four different mechanisms. Automatic acquisition of “full” citizenship is reserved for “nationals such as the Kachin, Kayah, Karen (Kayin), Chin, Burman (Bamar), Mon, Arakan (Rakhine) or Shan and ethnic groups who settled in Myanmar before 1823.”¹⁶ The list of 135 recognized “national ethnic groups” whose members may acquire citizenship automatically does not</p>	State	rights of Rohingya people and Kaman
	Country	Specified risk for access to justice
	Country	Specified risk for rights of IPs
	Country	Specified risk for rights of Rohingya people

	<p>include the Rohingya or people of Chinese, Indian or Nepali descent. “ [...] 20. In 2015, the Parliament adopted a package of laws seeking to “protect race and religion”. The laws discriminate against ethnic and religious minorities and women, in violation of the State’s international obligations. The Religious Conversion Law established a State-regulated system for changing religion, which contravenes the right to freedom of religion or belief.¹⁷ The Population Control Health-care Law adopts a selective and coercive approach to population control, including a potential requirement of 36 months between births, which would violate a woman’s right to choose the number and spacing of her children.¹⁸ The law could be used to target areas with significant minority communities. The Buddhist Women’s Special Marriage Law seeks to “protect” Buddhist women marrying non-Buddhist men, in contravention of a woman’s right to choose freely her spouse.¹⁹ [...] 22. Since the 1990s, however, extremist or ultra-nationalist Buddhist organizations have actively promoted messages of hatred and intolerance against Muslims and other religious minorities. Groups including the Organization for the Protection of Race and Religion (known as MaBaTha) spread messages based on fear and hatred, compare Muslims to animals, use derogatory language and present Muslims as a threat to the “Buddhist State”.²¹ During a public rally in Yangon in May 2015, a politician encouraged the crowd to “kill and bury” all Rohingya; the crowd cheered and repeated his statements (A/HRC/31/79, p. 37). Such rhetoric fuels enmity and discord. Recently, ultra-nationalist Buddhist organizations also targeted moderate Buddhists, interfaith activists, women’s rights activists and the Special Rapporteur.²² [...] 56. Decades of armed conflicts, varying in scope and intensity, have taken place against a complex backdrop of long-standing grievances against the Bamar-dominated central Government and military. Successive Special Rapporteurs have consistently reported allegations of violations of international humanitarian law and human rights law in the context of these conflicts. The absence of adequate accountability mechanisms has resulted in impunity, thereby eroding further the rule of law and undermining sustainable peace and reconciliation. While the signing of a nationwide ceasefire agreement is a significant step, it is only a starting point. Inclusive political talks – with the full participation of ethnic minority communities, including women representatives – are critical to address the root causes of conflict and long-standing grievances of ethnic communities. The new Government’s proposal for a national peace conference is welcome. 57. In the context of armed conflict, allegations of violations of international humanitarian law and human rights law involving the military have included the deliberate targeting of and indiscriminate attacks against civilians, the use of child soldiers, forced displacement, the summary execution of civilians and captured fighters, forced labour, arbitrary arrest and detention, torture and ill-treatment, and sexual violence. Credible reports detail practices that include</p>	Country	Specified risk for rights of IPs
		Country	Specified risk for rights of Rohingya people

	<p>recognize the customary laws or practices upon which ethnic communities rely. Under current laws and regulations, no person or community has any land use rights or an ability to make claims within any lands categorized as state forest, agricultural “wasteland,” or in an agribusiness concession. As a result, farmer-led protests — many of which are violent — are growing in number and strength across the country, challenging the new government’s political legitimacy and more liberal economic model of development.¹⁴ Thousands of past and recent land concessions are now being challenged by forcibly evicted communities across the country.¹⁵ (p. x) [...]</p> <p>Land Use Rights in Forest Reserves</p> <p>Local communities are largely excluded from any access and use rights to land categorized as forest reserves or PPFs, a legacy from the British era. A few exceptions exist, such as in village firewood plots, or if a special permit is applied for village use such as for house building. The lack of forest use rights to non-corporate entities presents a serious human rights and livelihoods concern — since the lack of forest and use rights contributes to poverty and food/resource insecurity — that demands further attention and advocacy. In June 2013, the MOECAF passed legislation that bestows formal permanent agricultural use rights to qualifying villages that reside within forest reserves and have been cultivating in that area for generations prior to the establishment of the particular forest reserve.⁴⁴ This legislation was considered a key innovative piece of the MOECAF’s good governance reform. However, it must be permanent agriculture, and not shifting cultivation (which is mostly practiced by communities), and only holds for communities under fifty households. It is yet unclear, however, how well this will be implemented and honored, and how resource use, access, and security will change for these communities on the ground.” (p. 10)</p>	Forest Reserves	Specified risk for land rights
From national CW RA	Not available	Country	-
<p>Conclusion on Indicator 2.3:</p> <ul style="list-style-type: none"> The 1982 Citizenship Law recognizes eight broad ethnic categories of Kachin, Karen, Karenni, Chin, Mon, Burman, Arakan, and Shan. The Burmans make up an estimated 68 percent of Burma’s 51.5 million people. The country is divided into seven mainly Burman-dominated regions and seven ethnic states. However, the seven non-Burman ethnic categories do not reflect the rich diversity of Myanmar/Burma’s indigenous peoples. For example, the Naga and Tavoy (Dawei) do not identify with any of those broad categories. The Burmese government refers to those groups generally considered indigenous peoples as “ethnic nationalities”. For the 2014 census, the government used 135 sub-groups under the main ethnic categories, but this is highly controversial and was heavily criticized for being not just inaccurate, but divisive. The list of 135 recognized “national ethnic groups” whose members may acquire citizenship automatically does not include the Rohingya, even though they have been living in Burma since the 8th century descending from traders who once settled in the region and claiming a distinct ethnic heritage and historic links to Rakhine State. Rohingya Muslims continue to be denied their citizenship rights, as the 1982 Citizenship Law remains in force. The term ‘Rohingya’ was rejected by Myanmar and the Rohingya had not been allowed to self-identify in national census in 2014. Legislation approved in 2015 further restricted Rohingya rights. The invalidation of temporary ID cards deprived Rohingya of the right to vote as well as of any form of official 		Country	Specified risk

documentation. Rohingya constitute approximately one third of Rakhine State's population of over three million people. No accurate information about the number of indigenous peoples in Myanmar/Burma was available at the time of writing, because no census figures on the ethnic composition of Myanmar/Burma had been released.

- The 2008 Constitution grants some rights to "ethnic nationalities". Art. 365 provides for the enforceable right of Myanmar citizens to freely develop literature, culture, arts, customs and traditions 'that they cherish'. Article 365 also provides that 'any particular action which might affect the interests of one or several other of the national races shall be taken...' only after obtaining the 'settlement of those affected', meaning that these actions must be agreed to by the people affected by these actions (some kind of FPIC), . However, these protections and the exercise of these rights are circumscribed as they must be in accordance with the law, which is itself restrictive, and must avoid any act detrimental to national solidarity. Moreover, Art. 365 applies only to Myanmar citizens; tens of thousands of indigenous peoples there may not have proper identification documents that would grant them citizenship. Art. 22 of the Constitution provides for '(i) development of language, literature, fine arts and culture of the national races; and (ii) promotion of solidarity, mutual amity and respect and mutual assistance among the national races; and promotion of socio-economic development including education, health, economy, transport and communication, of less-developed national races.' The 2015 Protection of the Rights of National Races Law gives further effect to Article 22 of the 2008 Constitution, and in particular to provide a basis for the government to establish a Minister for National Races. However, there was no consultation with indigenous peoples during the drafting process.

Myanmar's 2008 Constitution makes no mention of indigenous peoples, their collective rights, or customary land use practices in indigenous peoples' territories. When it comes to ownership of land and natural resources, the Constitution stipulates that, "the Union [of Myanmar] is the ultimate owner of all lands and natural resources". The 1995 Community Forestry Instruction (CFI) is a legal framework to promote community participation in forestry. The procedure for registering community forest under the CFI involves the formation of a community Forest User Group (FUG). While Community Forestry under the CFI is a promising initiative, studies have documented certain problems, such as insufficient local agro-forestry planning as well as the lack of participation by women and marginalized groups. With the exception of allocations made under the CFI, Burma's laws do not allow local communities to claim rights to use or access forest resources. In 2012, the government passed the Farmland Law and the Vacant, Fallow, and Virgin Land Law, which established that any land not officially registered with the government can be allocated to domestic and foreign investors. Indigenous peoples are therefore especially vulnerable for state allocation of those forests to businesses for logging, mining, establishing plantations and other commercial activities, as they often do not have recognized government land titles, and they are not afforded protection for customary and communal land management, such as shifting cultivation. Some ethnic nationality armed groups, including the New Mon State Party and the Karen National Union, administer their own systems of land registration, in some cases including recognition of communal rights, customary rights, and shifting cultivation. A positive development could be the new National Land Use Policy for which a final version was issued on 30 January 2016. The Policy does appear to provide protection of customary and communal land tenure rights for ethnic nationalities/indigenous peoples, and recognizes their use of swidden agriculture. Whether these provisions will translate into adequate protection for indigenous land rights in law and practice remains to be seen.

Myanmar's Environmental Impact Assessment Procedure, dated 29 December 2015, sets out definitions of environmental impacts (which importantly include social impacts) and makes specific mention of 'indigenous peoples' (translated in Burmese by the term *tain-yin-tha myo-nweh-su*). Indigenous People means people with a social or cultural identity distinct from the dominant or mainstream society, which makes them vulnerable to being disadvantaged in the processes of development. Projects that involve Involuntary Resettlement or which may potentially have an adverse Impact on Indigenous People shall comply with specific procedures separately issued by the responsible ministries. Prior to the issuance of such specific procedures, all such projects shall adhere to international good practice (as accepted by international financial institutions including the World Bank Group and Asian Development Bank) on

Involuntary Resettlement and Indigenous Peoples'. Therefore, adherence to international standards is now a requirement for projects requiring an EIA, not just an option.

Myanmar law does not mention FPIC. However, mention of FPIC has been made in the context of a few other government documents copied from or drafted by other sources such as those relating to REDD+ (Reducing Emissions from Deforestation and Forest Degradation), but there is no evidence of implementation of FPIC in REDD+ in Myanmar. Myanmar voted in favour of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), but the Government claims that all full citizens of Myanmar are 'indigenous' (taing yin tha), and on that basis, denied the applicability of the UN Declaration on the Rights of Indigenous Peoples to Myanmar. Myanmar did not ratify ILO Convention 169.

- After the military seized power in 1962, ethnic minorities were increasingly excluded from positions of authority resulting in decades of armed conflict between the Myanmar military and ethnic armed groups. Minority groups have suffered a wide range of human rights violations and abuses, including forced displacement, forced labour, arbitrary arrest and detention, torture and ill-treatment, and sexual violence. Abuses by ethnic armed groups against civilians have also been reported. On 15 October 2015, President Thein Sein signed a nationwide ceasefire with seven ethnic armed organizations and one other organization after more than two years of negotiations. The remaining ten organizations refused to sign the agreement until the government agreed to include several smaller groups in the ceasefire. Nevertheless, armed conflict between the Myanmar army (Tatmadaw) and the Kachin Independence Army (KIA) continued in Kachin and Northern Shan States throughout 2015. Clashes between the Tatmadaw and several ethnic armed groups in Kachin and Shan, Karen, Chin, and Rakhine States also continued. An estimated 140,000 people – most of them Rohingya – remain displaced within Rakhine State in 2015 as a result of violence conducted in 2012. In Kachin State armed conflict caused significant displacement; 96,000 people remain internally displaced, while fighting in 2015 caused the displacement of an additional 100,000 people. 8 November 2015, Burma held its first openly-contested general election in 25 years, won by the National League for Democracy (NLD), led by Nobel Peace Prize laureate Aung San Suu Kyi. The election was marred by the disenfranchisement of hundreds of thousands of Rohingya as a result of the expiry of their temporary ID cards. In addition, the Union Election Commission (UEC) disqualified more than 60 Muslim candidates from running in the election. The UEC also cancelled voting in more than 400 village-tracts and seven townships in Shan, Kachin, Mon, and Kayin States and in Bago Region, preventing several hundred thousand people from ethnic minority groups from casting their vote. A first peace conference with ethnic rebel groups took place in September 2016.
- Indigenous peoples' land is being confiscated at an alarming rate, in connection with militarization, infrastructure and extractive industry projects, as well as business and large-scale plantation projects. The right to FPIC with regards to such projects is not respected, and impact assessments (IAs) are seldom conducted or made public. Indigenous peoples are rarely compensated for land that is confiscated or damaged, and when compensation is issued, it often falls below market value of the land. A rapid expansion of resource extraction efforts in the past three decades has led to widespread land and water pollution, deforestation and forced relocation. Populations relying upon customary tenure arrangements, which the government does not recognize, as well as smallholder farmers whose land use does not align with how land has been classified or who did not report their land use to the government in the past, are vulnerable to being removed from their land without receiving compensation. Between 2010 and 2013, the two remote regions where the government has allocated the most private large-scale agribusiness concessions are also the two regions with the greatest extent of Myanmar's remaining carbon-rich and biodiverse forests, most heavily populated by ethnic minority groups, and the location of some of Myanmar's most violent conflicts over land. The government identified many challenges with regard to land governance in Myanmar, including land disputes, ill-regulated development of the land market (leading to e.g. land grabbing), lack of consultation with stakeholders, the lack of a systematic land use planning and management scheme, limited land-use related data and information, and an inconsistency of land use maps and land recording systems across the various Ministries.

- There are conflicts of substantial magnitude pertaining to the rights of Indigenous Peoples; Forcible and uncompensated land confiscation is a source of conflict and abuse in Burma. Thousands of past and recent land concessions are now being challenged by forcibly evicted communities across the country and there are many unsettled or difficult to settle cases of land disputes, including cases resulting from land confiscation and land purchased by companies. Armed conflict and clashes between the Myanmar army (Tatmadaw) and ethnic armed groups continue, as the nationwide ceasefire has not yet been signed by a majority of the ethnic armed groups.
- There are recognized laws and/or regulations and/or processes in place to resolve conflicts of substantial magnitude pertaining to TP or IP rights and/or communities with traditional rights, but these are not recognized by affected stakeholders as being fair and equitable; There are a number of formal and informal channels that may be utilized for redress when land has been confiscated or appropriated. While these methods have had a small degree of success, in practice it is very difficult to secure land or compensation once it has been confiscated or re-allocated. Activists, farmers, and land rights defenders in conflict-affected ethnic nationality areas were also subjected to violence and intimidation for their involvement in land rights disputes. In 2012, the Farmlands Investigation Commission (FIC) was established as a parliamentary body to investigate land grabbing in Myanmar/Burma. Its first report, submitted in March 2013, found that the military had forcibly seized about 250,000 acres of farmland from villagers, according to complaints received. However, the FIC lacks direct powers to resolve cases. The Myanmar National Human Rights Commission (MNHRC) was first established in September 2011 by presidential decree, and an enabling law was later passed in parliament in March 2014. However, the MNHRC is not impartial or independent of the government and does not operate in line with the Paris Principles. The majority of complaints received by the MNHRC concern land, but the body has been ineffective at investigating and resolving such complaints. Myanmar had failed to initiate any step in ensuring the country's judicial independence. According to the International Commission of Jurists (ICJ), judges rendered decisions based on orders coming from government and military officials. Access to justice for victims of human rights violations and abuses has been sorely lacking. The military and other security forces have generally enjoyed impunity. Endemic corruption and limited capacity and will to conduct effective investigations and prosecutions add to a general lack of public trust in the administration of justice. Minorities face other obstacles that limit further their access to justice, including language, lack of knowledge about their rights, geography and fear of reprisal.

The following specified risk thresholds apply, based on the evidence:

(23) The presence of IP and/or TP is confirmed or likely within the area. The applicable legislation for the area under assessment contradicts indicator requirement(s) (refer to 2.2.6); AND

(24) Substantial evidence of widespread violation of IP/TP rights exists; AND

(26) There is evidence of conflict(s) of substantial magnitude pertaining to the rights of IP and/or TP. Laws and regulations and/or other legally established processes do not exist that serve to resolve conflicts in the area concerned, or, such processes exist but are not recognized by affected stakeholders as being fair and equitable. Note under threshold No 20 applies.

Controlled wood category 3: Wood from forests in which high conservation values are threatened by management activities

Overview

Country description

Myanmar is the largest country in the mainland of Southeast Asia with a total area of 678,500 square kilometers (262,000 sq.mi). This country lies between latitudes 9° and 29°N and longitudes 92° and 102°E. Myanmar is also bordered by Chittagong division of Bangladesh and the Mizoram, Manipur, Nagaland and Arunachal Pradesh states of India in the northwest. The north and northeast of Myanmar are bordered with the Tibet and Yunnan province for a Sino-Burman, in total of 2,185 km (1,358 mi). It is bordered by Laos and Thailand to the southeast region. Myanmar has 1,930 km (1,200mi) of contiguous coastline along the Bay of Bengal and Andaman Sea to the southwest and the south, which forms one quarter of its total perimeter. The country has three parallel chains of forestclad mountain ranges that run north to south from the eastern extremity of the Himalayan mountain range, the Western Yoma or Rakhine Yoma, the Bago Yoma and the Shan Plateau. These three mountain chains divide the country into three river systems, the Ayeyarwady, the most important river in the country, the Sittaung and the Thanlwin.

Myanmar has three seasons – a hot dry season that runs approximately from March to April, a wet season, influenced by the monsoon winds, that runs approximately from May to October, and a cooler dry season that runs from November to February. Central Myanmar has an annual rainfall of less than 1,000 mm while the Rakhine coastal area receives more than 5,000 mm per year. The average highest temperature in Central Myanmar during the months of March and April is about 43.3°C while in Northern Myanmar, it is about 36.1°C and on the Shan Plateau, between 29.4°C and 35°C (FAO 2015). Due to a long range of latitudes from south to north and differences in elevation from sea level to snow-capped mountains, Myanmar is endowed with many different ecosystems (and associated forests types) including montane, humid lowland, dry and sub-humid land, wetland and marine ecosystems as well as anthropogenic agricultural ecosystems.

Forest resources

Myanmar is reported to contain the second largest area of tropical forest in Asia after Indonesia. According to the Global Forest Resources Assessment 2015-Country Report developed by FAO³, around 44.2% or about 29,041,000 ha of Myanmar is covered by forest of which 11% (3,192,000 ha) is classified as primary forest. However, uncertainty exists about the quality and status of the remaining forest and estimates has been made that the statistics do not accurately reflect the actual extent of forest with a commercially viable standing stock. Some estimates put the forest cover to be much less than 44.2%; as low as 24%. Even if the FAO data may contain inaccuracies, the data does show that Myanmar has seen significant reduction in forest cover during the last two decades. Between 1990 and 2015, Myanmar lost an average of 407,100 ha or 1.2% of its forest cover per year. In total, between 1990 and 2015, it is estimated that Myanmar has

³ Available online at: <http://www.fao.org/3/a-az283e.pdf>

lost about 10,177,000 ha of its forest cover⁴. Approximately 4% of Myanmar's forest cover comprises tidal forest (including coastal & dune forest and swamp forest), 16% evergreen forest (both tropical wet evergreen and tropical semi evergreen forest), 34% mixed deciduous forest (including the commercial teak forests the country is well known for), 5% dry upper mixed deciduous, 10% dry forest (*than - dahat* and thorn forest), 5% by deciduous dipterocarp or *indaing* forest, 26% by hill and temperate evergreen forest⁵. Logging concessions are located in all forest types except tidal and thorn forest.

Forest plantations (comprising teak, native hardwood species, softwoods and some short rotation eucalyptus) cover an estimated 881,948 ha and are widely distributed across the country. Over half of the area is commercial hardwood plantations including teak, with the balance being watershed protection plantations, eucalyptus and softwood plantations grown for pulp and paper production, as well as village or smallholder plantations.

Forest Classification

The entire territory of Myanmar is owned by the state and hence all forest land is formally state property. The responsibility for management of forest resources rests with the Forest Department (FD), a division of the Ministry of Environmental Conservation and Forestry (MOECAF). According to the old 1902 Forest Law, 'Forest Land' was made up of 'Reserved Forests' and 'Unclassified Forests' (UFs).

Reserved Forest is all forest legally gazetted as permanent forest. Reserved Forest may be allocated to protection or production purposes. In Reserved Forest designated for timber production the Forest Department is responsible for management planning and resource inventory, and the Myanmar Timber Enterprise, a state agency, is responsible for timber harvesting and extraction.

Unclassified Forest is not legally protected and the Forest Department had no legal authority over it; these forests are therefore vulnerable to uncontrolled exploitation. However, the 1992 Forest Law provides the option for the Minister of Forestry to declare UFs as "Protected Public Forest", for the purpose of "conservation for sustainable production" thereby giving the Forest Department jurisdiction to manage and protect them.

Forest Sector Regulation

Myanmar's evolving governance structures combined with a weak rule of law have allowed significant deforestation and degradation of the country's forests to go unchecked. However, Myanmar does have two key forestry laws and policies in place: (1) the 1992 Forest Law, and (2) the 1995 Forest Policy. The 1992 Forest Law supports conservation initiatives, sustainable forestry practices, and socio-economic benefits, and encourages private sector and community participation in forest management.

The Forest Rules define regulations governing the management of reserved forest (areas reserved for permanent forest use and managed by the state), the declaration of areas as protected public forest, the management of forest land, the establishment of forest plantations, and the procedures for obtaining permission to extract forest produce.

⁴ Source: FAO (2015). Global Forest Resource Assessment 2015: Desk reference. Rome. <http://www.fao.org/3/a-i4808e.pdf>

⁵ Source: Kress, W. J., DeFilipps, R. A., Farr, E. & Kyi, D. Y. Y. (2003). A Checklist of the Trees, Shrubs, Herbs, and Climbers of Myanmar (No. 582.16 C514). National Museum of Natural History, Washington, DC (EUA). http://botany.si.edu/pubs/cusnh/vol_45.pdf

The implementation of the 1992 Forest Law was facilitated by the subsequent Forest Policy, approved by the Ministry of Forestry in July 1995. This policy - carefully modeled after other international policies pertaining to sustainable development and forestry - focuses on sustainable production, satisfying basic needs, institutional strengthening, and improvements in efficiency, forest and biodiversity protection, and participatory forestry. It also formalized the commitment and intent of the Government to ensure sustainable development of forest resources while conserving wildlife, plants and ecosystems.

The Forest Policy also sets specific objectives and measures addressing environmental protection and management, reforestation, forest industry and trade, forest research, institutional strengthening, and people's participation and public awareness. The 1995 Policy identified six imperatives necessary to achieve Sustainable Forest Management (SFM) certification, which the government must give the highest priority, in order to achieve broader national goals and objectives. These imperatives are:

- Protection of soil, water, wildlife, biodiversity and environment
- Sustainability of forest resources to ensure perpetual supply of both tangible and intangible forest benefits for all generations
- Basic needs of the people for fuel, shelter, food and recreation
- Efficiency to harness, in a socio-environmentally friendly manner, the full economic potential of the forest resources
- Participation of the people in the conservation and utilization of the forests
- Public awareness about the vital role of the forests in the well-being and socio-economic development of the nation.

Finally, the Forest Policy states that Myanmar's protected area must cover at least 5% of the total land area of the country. This was revised in 2000, creating a thirty-year target of protecting 10% of total land area instead of only 5%. Data reported to the FAO indicates that 4.46 million ha of forest (~6.8% of its land area) are located within protect areas⁶. According to government data, there are currently 46 established and proposed terrestrial protected areas, ranging from bird to wildlife sanctuaries and national parks and reserves.

The first National Biodiversity Strategy and Action Plan (NBSAP) of Myanmar, adopted in 2012 and revised and updated in 2015 to ensure alignment with the CBD's Strategic Plan for Biodiversity 2011-2020 and the Aichi Biodiversity Targets contains strategic directions on the themes including: (i) strengthening conservation of priority sites; (ii) mainstreaming biodiversity into other policy sectors; and (iii) implementing focused conservation actions for priority species. Priority actions have been established for each strategic direction, and a set of 9 action plans, based on the strategic directions, has been established for five-year periods toward the sustainable management of a number of sectors including: forests; wildlife conservation and protected areas; and freshwater resources.

In addition, Myanmar Agenda 21 was developed in 1997 and was a collaborative effort made by various government agencies including the National Commission for Environmental Affairs in order to form the National Land Commission to steer a process of sustainable land use management. It is divided into 4 Parts and 19 Chapters, and it reviews policies to be undertaken for improving environmental protection in Myanmar. It is also creating national framework legislation on the environment to improve coordination and cooperation between ministries on issues related to the environment; and creating legislation that requires environmental impact assessments to be done before any development project is undertaken. The Agenda 21 Framework is as follows:

⁶ Source: FAO (2015). Global Forest Resources Assessment 2015: Desk reference. <http://www.fao.org/3/a-i4808e.pdf>

- Strengthening protected area management
- Promoting international cooperation
- Developing a national database of biodiversity
- Strengthening laws and legislation for biodiversity conservation management
- Protecting threatened and endangered species of plants and animals
- Strengthening sustainable use of natural resources
- Enhancing institutional capacity for biodiversity conservation and management
- Promoting education awareness and involvement of local communities in biodiversity conservation and management
- Studying the economic issues related to biodiversity

The Environmental Conservation Law, also known as the Pyidaungsu Hluttaw Law No. 9/2012, implements the Myanmar National Environmental Policy. The Law is designed “to reclaim ecosystems as may be possible which are starting to degenerate and disappear” and to ensure that “The relevant Government departments and Government organizations shall, in accord with the guidance of the Union Government and the Committee, carry out the conservation, management, beneficial use, sustainable use and enhancement of regional cooperation of...forest resources.”

The CFI states that community forestry certificates can be issued to a forest user group (FUG) for 30 years lease. To qualify for a community forestry certificate, a FUG must commit itself to manage the forest systematically, according to the forest management plan they develop. As of July 2016, there were 848 forest user groups (FUG) with legal community forestry certificates, managing approximately 85,253 hectares of forest⁷. The Forestry Master Plan (2001-2030) has set a target of almost one million hectares of community forests to be established by 2030. However, so far, no community forests have begun harvesting timber on a commercial scale.

On April 1, 2014, Myanmar’s Ministry of Environmental Conservation and Forestry began implementing a log export ban. Prior to the ban, all unprocessed logs legally designated for export were allowed to be exported if they bore the official stamp from the MTE. Now, transporting unprocessed timber from Myanmar to another country is prohibited. In addition to the log export ban, the Government changed the term for harvesting licenses of sawnwood and plywood mills from one year to five years, to promote the establishment of more processing facilities.

In April 2016 Myanmar instated a one-year ban on harvesting in state forests. This has now lapsed and harvesting has recommenced. During the 12-month ban, illegal harvesting continued, with 50,000 tons reported to have been seized by the authorities.

⁷ Sources: 2013 figures available in IIED (2014). Unleashing the Potential of Community Forest Enterprises in Myanmar. <http://pubs.iied.org/pdfs/13571IIED.pdf>; July 2016 figures obtained from Planning & Statistics Department of the Forest Department.

Forest management

The foundation of Myanmar's forest management system still in place today was first established by the British colonists in the late 1800s. Myanmar became world renowned for their scientific forestry management system in the early 20th century, known then as the Burma Selection System (BSS), and now Myanmar (MSS). While this application of scientific forestry broke down in the 1970s for political-economic reasons, relatively comprehensive legislation and regulations for harvesting and transportation of forest products are still in place. For example, the Forest Department is supposed to verify legality of timber as well as monitor and inspect harvesting practices, which includes checking log hammer marks with official documents at the depot and wood-processing factories. Implementing these regulations, however, has been hampered by a lack of resources and other constraining factors that seriously undermine the MSS⁸.

There are five different sources of timber in Myanmar:

- Myanmar Timber Enterprise (MTE) forests - Managed by the State using the MSS and Annual Allowable Cut standards
- Natural Forest Logging Concessions - limited numbers, largely allocated by/to locals
- Natural Forest Land Conversion - Timber from forest clearing operations prior to development of land concessions for other uses
- Plantations - Timber sourced from tree farms
- Community Forests - Rural communities co-manage forests with Forest Department for non-commercial timber production

For MTE forests, the Forest Department draws up 10-year and annual management plans. The MTE then formulates its annual harvest plans in compliance with FD's annual extraction targets. MTE subcontracts harvesting and extraction to private companies. The extent of the sub-contracts has been estimated to account for about 75% of the total annual log production in the country. MTE subcontractors must follow MTE harvest plans.

In conflict forest areas e.g. Rakhine state, where government staff members cannot work, MTE allows sub-contractors to apply the Modified Procedure (MP). Under MP the FD does not select trees for harvest, and field inspection is conducted by the sub-contractor. This procedure permits sub-contractors to identify and fell trees above the prescribed girth limit in the allotted forest area, log and transport them to a secure point (location) where MTE measurement takes place⁹.

It is important to note, however, that these existing Myanmar forest management systems do not differentiate between timber products sourced from officially designated forest production areas and that emanating from the clearance of forest areas ("conversion timber") for agriculture or infrastructure (which is now a significant contributor of natural timber). Forestland conversion for economic land concessions, such as for hydropower infrastructure, mineral extraction, road projects, and most recently and severe industrial agricultural estates, is now probably the largest single source of natural timber in Myanmar and a leading cause

⁸ Source: Forest Trends (2012). Forest Certification in Myanmar. Information Brief No3. http://www.forest-trends.org/documents/files/doc_3222.pdf

⁹ Source: WWF (2013). Framework for Assessing Legality of Forest Operations, Timber Processing and Trade Annex: Myanmar. http://www.forestlegality.org/sites/default/files/country_documents/WWF%20GFTN%20%282013%29%20Framework%20for%20Assessing%20Legality%20of%20Forestry%20Operations%2C%20Timber%20Processing%20and%20Trade%20Annex.pdf

of rapid declines in forest areas. Some Myanmar foresters estimate closed forest cover to be 20-30% of the country's total land area, much lower than previous estimates¹⁰.

Timber from tree plantations is not yet considered a major contributor to the country's timber supply chain; natural forest areas are still predominately relied upon for timber supply. The forest management system in Myanmar does not differentiate the source of the timber – whether it originates from a natural forest, a plantation or an economic land concession.

Experts consulted

	Name	Organization	Area of expertise (category/sub-category)
1	U Myint Aung	Chair, Friends of Wildlife Room13, Building 22, Shwe Ohn Pin housing, Yankin, Yangon P: +95 01 558091 E1: myintaungwildlife@gmail.com	Biodiversity (PAs management)
2	U Saw Htun	Deputy Country Program Director Wildlife Conservation Society - Myanmar Program P: +95 1 524893/ 512984 F: +95 1 512838 M: +95 9 254079030 E1: shtun@wcs.org E2: sawhtunwcs@gmail.com Skype: saw.htun	Key Biodiversity Area
3	U Myint Soe Oo	Community Forest Officer Fauna &Flora International Office: No 35, 3rd Floor, Shan Gone Condo, San Chaung Township, Yangon. Office Tel: +95 (0)973 194 749 E: myint.soeoo1992@gmail.com	Community Forestry
4	U Saw Win	E Guard Consultant - E Guard Sawwin@eguardservices.com Ph 09797005162	Environmental Impact Assessment

¹⁰ Source: Forest Trends (2012). Forest Certification in Myanmar. Information Brief No 3. http://www.forest-trends.org/documents/files/doc_3222.pdf

Risk assessment

Indicator	Sources of Information	HCV Occurrence and threat assessment	Geographical/ Functional scale	Risk designation and determination
3.0	All	<p>Are there data available, sufficient for determination of HCV presence and distribution within the area under assessment, according to the requirements of the framework?</p> <p>There is limited data on HCV presence in the country but suitable proxies have been identified and experts have been consulted such that the data obtained is sufficient to draw conclusions about HCV presence and distribution across the country. See introduction text above and literature list below. With each of the HCV categories below the relevant literature is mentioned.</p> <p>b) Are there data available, sufficient for assessment of the threats to HCVs from forest management activities according to the requirements of the framework?</p> <p>There is limited data available on the impact of forest management activities on HCVs or HCV proxies in the country but the information available on forest management activities and the condition and status of the HCV proxies backed up by consultations with local experts has generated sufficient information and data to draw conclusions about the threats to HCVs from forest management activities. See introduction text above and literature list below. With each of the HCV categories below the relevant literature is mentioned.</p>	Geographical scale: Country	<p>Low risk for the country</p> <p>The following thresholds are met: (1) Data available are sufficient for determining HCV presence within the area under assessment and (2) Data available are sufficient for assessing threats to HCVs caused by forest management activities.</p>
3.1 HCV 1	1-18	<p>Occurrence</p> <p>Forests in Myanmar contain HCV 1. Whilst very few HCV assessments have been carried out in the country, Myanmar lies within the Indo-Burma biodiversity hotspot identified by Conservation International. WCS, working with a large group of conservation scientists, has identified all species of conservation concern found in the country, as currently assessed by the Red List of IUCN. This includes over 100</p>	<p>Geographical scale: Country</p> <p>Functional scale: - Protection scheme • Protected areas • Other areas</p>	<p>Specified risk for the country</p> <p>Threshold (8) is met: HCV 1 is identified and/or its occurrence is likely in the area under assessment and it is threatened by management activities.</p>

Indicator	Sources of Information	HCV Occurrence and threat assessment	Geographical/ Functional scale	Risk designation and determination
		<p>species classified as globally Endangered and Critically Endangered. For some species eg.: tiger and elephant, a conservation action plan has been developed. However, according to the International Union for Conservation of Nature (IUCN), 356 species of wild flora and fauna in Myanmar are considered to be globally threatened.</p> <p>The central flat plain of Myanmar falls within areas of significant endemism for avifauna and herpetofauna: Avifauna fauna species such as white throated babbler (<i>Crypsirina cucullata</i>), hooded treepie (<i>Turdoides gularis</i>), Burmese busklark (<i>Mirafra microptera</i>) are endemic species in central Myanmar. White browed nuthatch (<i>Sitta victoriae</i>) is endemic bird species founded in Mt. Victora in Chain Satat. And star tortoise (<i>Geochelone platynota</i>) can be found only around Minsone Taung wildlife sanctuary, Shwe Settaw wildlife sanctuary and Lawkananda park and its vicinity. Eld's deer (<i>Rucervus eldii thamin</i>) are endemic in Chatthin and Shwesattaw wildlife sanctuary. Amongst tree species, the Pride of Burma, or Thaw Ka Gyi (<i>Amherstia nobilis</i>) is endemic mainly to southern Myanmar. The very high incidence of medicinal plant endemism found within the area is largely a result of the surface-outcrops of volcanic sedimentary rocks belonging to the Popa mountain.</p> <p>In many cases the remaining habitats in Myanmar are globally important for these species survival because large tracts of habitat still remain. WCS has also identified 132 Key Biodiversity Areas (KBAs) that hold significant populations of species of high conservation concern and additional areas essential to providing biological connectivity and the maintenance of the full range of environmental services provided by, and the biodiversity contained within, the KBAs that together cover over 60% of the country.</p>		

Indicator	Sources of Information	HCV Occurrence and threat assessment	Geographical/ Functional scale	Risk designation and determination
		<p>The KBAs include wetland wildlife sanctuaries under the protected areas system as (a) Indawgyi Willdife Sanctuary (Ramsar Site), (b) Inle Wetland Wildlife Sanctuary and (c.) Moe yun gyi Wetand Wildlife Sanctuary (Ramsar Site).</p> <p>Limitations in the data however mean that the KBA and adjoining areas and associated biological corridors may not be comprehensive. For example, many species groups are too poorly studied and insufficiently known to understand their true status, and the information used to identify and prioritize KBAs is still patchy and often outdated.</p> <p>Threats and Safeguards identification and evaluation</p> <p>Only 25% of the KBAs identified in the country have legal protection, and illegal logging and hunting and overharvesting of NTFPs is prevalent in these protected areas.</p> <p>Natural forest within the permanent forest estate that is managed for timber production by the Forest Department and the Malaysian Timber Enterprise (MTE) is managed largely according to the Malaysian Selection System (MSS) with selective harvesting of commercial species above minimum diameter limits. Annual Allowable Cut (AAC) limits are defined at national level based on District level working plans. This restricts harvesting intensity based on timber productivity but as no HCV or other form of biodiversity surveys are routinely conducted prior to harvesting, it is not possible to determine that management carried out in accordance with the MSS does not pose a threat to HCV1. These areas are also subject to illegal logging by harvesting contractors, and to a lesser extent by smallholders. Most illegal logging for commercial purpose takes place near the Chinese border and the northern montane forest complex. Other areas where illegal logging is known to take place include the central Myanmar mixed deciduous forest (Alaung</p>		

Indicator	Sources of Information	HCV Occurrence and threat assessment	Geographical/ Functional scale	Risk designation and determination
		<p>Daw Kathapha and Mahamyaing) Lower Chinwin river (U Yu river), Central Myanmar Dry Zone (Chatthin and Shwe Set Taw), Rakhine Yoma Range and in the Sundaic forest of Southern Tanintharyi. Fire is also a threat to the temperate evergreen forests. Natural forest conversion for forest plantation establishment and agriculture (which produces logs that enter domestic and international supply chains) is also widespread, including in KBAs.</p> <p>Applicable to all functional scales? Laws and regulations in Myanmar provide insufficient protection for HCV1 across all functional scales.</p>		
3.2 HCV 2	5,6,8,9,19	<p>Occurrence The Dawna and Tenasserim mountain ranges and the Northern Mountain Forest Complex are the two main intact forest landscapes in the country.</p> <p>The Dawna and Tenasserim mountain ranges are the source for the region's major rivers and watersheds: The Tenasserim in Myanmar's Taninthayi Region and the Mae Khlong, Chao Phraya, Petchaburi and Lower Western watershed systems in Thailand. A mountainous region with steep hillsides and narrow valleys carved from ancient limestone, it covers 84,442 km² of which 77 percent is natural forest cover. In Myanmar, heavy rains support some of the largest areas of lowland evergreen forest remaining in the Indo-Burma biodiversity hotspot. The landscape is a tiger stronghold, containing as many as 250 of this critically endangered species and serving as the single best hope for tiger recovery across the Greater Mekong. As many as 1600 Asian elephants may roam these forests, along with endemic and endangered species such as the Siamese crocodile, Asian tapir, clouded leopard, Gurney's pitta, rufous-necked hornbill, Fea's muntjac and Kitti's hog-nosed bat, Asia's smallest mammal.</p>	<p>Geographical scale: Country</p> <p>Functional scale: - Protection scheme</p> <ul style="list-style-type: none"> • Protected areas • Other areas 	<p>Specified risk for the country</p> <p>Threshold (12) is met: HCV 2 is identified and/or its occurrence is likely in the area under assessment, and it is threatened by management activities.</p>

Indicator	Sources of Information	HCV Occurrence and threat assessment	Geographical/ Functional scale	Risk designation and determination
		<p>The Northern Mountain Forest Complex (NMFC) consists of Hkakabo Razi National Park (NP) and Hponkan Razi Wildlife Sanctuary (WS), along with a proposed Southern Extension of Hkakabo Razi NP. Hponkan Razi WS, Hkakabo Razi NP, and the proposed Southern Extension form a contiguous area of more than 11,280 km². Elevation ranges from 50 m.a.s.l. at the southern end of Hponkan Razi WS to over 5,800 m.a.s.l. The property borders India and China and includes Mt. Hkakaborazi, which at 5,881 m.a.s.l. is the highest peak in Southeast Asia. Mt. Hponkan Razi rises to 5,165 m.a.s.l.</p> <p>The Northern Mountain Forest Complex includes a suite of forest types transitioning across 5,830 m of vertical elevation. Subtropical evergreen forest at lower elevations transitions to temperate evergreen forest, mixed deciduous forest, pine-rhododendron forest, alpine meadows, and at the highest elevations into snow-capped alpine peaks. Globally threatened wildlife includes the Black Musk Deer, Red Panda, and White-bellied Heron.</p> <p>The 132 Key Biodiversity Areas (KBAs) include areas with significant populations of species of high conservation concern and additional areas essential to providing biological connectivity and the maintenance of the full range of environmental services provided by, and the biodiversity contained within, the KBAs.</p> <p>Limitations in the data however mean that the KBA and adjoining areas and associated biological corridors may not be comprehensive. For example, many species groups are too poorly studied and insufficiently known to understand their true status, and the information used to identify and prioritize KBAs is still patchy and often outdated.</p>		

Indicator	Sources of Information	HCV Occurrence and threat assessment	Geographical/ Functional scale	Risk designation and determination
		<p>Threats and Safeguards identification and evaluation</p> <p>Sundaic forest on floodplain areas in Southern Tanintharyi is mainly threatened by large scale land clearing for oil palm without impact assessment and proper procedure. Land clearing for forest and oil palm plantations generates commercial timber that is entering domestic and international supply chains.</p> <p>The Northern Forest Complex mainly faces threats from illegal logging. Illegal export to China is also major issue in the Northern Myanmar.</p> <p>Only 25% of the KBAs identified in the country have legal protection, and illegal logging and hunting and overharvesting of NTFPs is prevalent in these protected areas.</p> <p>Natural forest within the permanent forest estate that is managed for timber production by the Forest Department and the Malaysian Timber Enterprise (MTE) is managed largely according to the Malaysian Selection System (MSS) with selective harvesting of commercial species above minimum diameter limits. Annual Allowable Cut (AAC) limits are defined at national level based on District level working plans. This restricts harvesting intensity based on timber productivity but as no HCV or other form of biodiversity surveys are routinely conducted prior to harvesting, it is not possible to determine that management carried out in accordance with the MSS does not pose a threat to HCV2. These areas are also subject to illegal logging by harvesting contractors, and to a lesser extent by smallholders. Most illegal logging for commercial purpose takes place near the Chinese border and the northern montane forest complex. Other areas where illegal logging is known to take place include the central Myanmar mixed deciduous forest (Alaung Daw Kathapha and Mahamyaing) Lower Chinwin river (U Yu</p>		

Indicator	Sources of Information	HCV Occurrence and threat assessment	Geographical/ Functional scale	Risk designation and determination
		<p>river), Central Myanmar Dry Zone (Chatthin and Shwe Set Taw), Rakhine Yoma Range and in the Sundaic forest of Southern Tanintharyi. Fire is also a threat to the temperate evergreen forests. Natural forest conversion for forest plantation establishment and agriculture (which produces logs that enter domestic and international supply chains) is also widespread, including in KBAs.</p> <p>Applicable to all functional scales? Laws and regulations in Myanmar provide insufficient protection for HCV2 across all functional scales.</p>		
3.3 HCV 3	1-6, 8-10, 12	<p>Occurrence The proxy used for HCV3 is the Key Biodiversity Areas identified by WCS.</p> <p>Limitations in the data mean that the KBA and adjoining areas and associated biological corridors identified by WCS may not be comprehensive. The information used to identify and prioritize KBAs is still patchy and often outdated.</p> <p>Threats and Safeguards identification and evaluation Only 25% of the KBAs identified in the country have legal protection, and illegal logging and hunting and overharvesting of NTFPs is prevalent in these protected areas.</p> <p>The AAC and MSS restrict harvesting intensity in Reserved Forest areas within the KBAs based on timber productivity but as no HCV or other form of biodiversity surveys are routinely conducted prior to harvesting, it is not possible to determine that management carried out in accordance with the MSS does not pose a threat to HCV3. These areas are also subject to illegal logging by harvesting contractors, and to a lesser extent by smallholders, and to clearance for forest and oil palm plantation establishment.</p>	<p>Geographical scale: Country</p> <p>Functional scale: - Protection scheme</p> <ul style="list-style-type: none"> • Protected areas • Other areas 	<p>Specified risk for the country</p> <p>Threshold (17) is met: HCV 3 is identified and/or its occurrence is likely in the area under assessment and it is threatened by forest management activities</p>

Indicator	Sources of Information	HCV Occurrence and threat assessment	Geographical/ Functional scale	Risk designation and determination
		<p>The National Biodiversity Strategy & Action Plan was revised in 2015 to align it with the Aichi targets. However, there is no publically available data on progress towards the Aichi targets.</p> <p>Applicable to all functional scales? Laws and regulations in Myanmar provide insufficient protection for HCV3 across all functional scales.</p>		
3.4 HCV 4	5, 6, 9, 19-22	<p>Occurrence There is very limited data on basic ecosystem services provided in critical situations (including protection of water catchments and control of erosion of vulnerable soils and slopes) by specific forest areas in Myanmar. There are five major river basins/watersheds in Myanmar. In the absence of more detailed information, all forests within these watersheds are considered proxies for HCV 4:</p> <ol style="list-style-type: none"> 1. Ayeyarwady 2. Chindwin 3. Sittaung 4. Thanlwin 5. Kaladan <p>Threats and Safeguards identification and evaluation</p> <p>Due to a lack of coordination between different government agencies with responsibility for watershed management or activities that had a significant impact on watersheds, in 2013 a multi-agency coordinating body the National Water Resources Committee was established.</p> <p>The watershed management strategy for the country is incorporated into management plans at the forest management unit (FMU) level.</p> <p>Illegal logging and forest conversion in natural forests within the key watersheds of the country (as described above)</p>	Geographical scale: Watersheds	Specified risk for the country Threshold (22) is met: HCV 4 is identified and/or its occurrence is likely in the area under assessment and it is threatened by management activities.

Indicator	Sources of Information	HCV Occurrence and threat assessment	Geographical/ Functional scale	Risk designation and determination
		<p>threatens the flood and soil protection provided by these forests. The two intact forest landscapes described under HCV2 contain forest areas that are critical to the protection of some of these important watersheds. For example, after the devastating floods in 1998, a logging ban was imposed in China to protect trees in watersheds that could prevent future flooding. This ban, however, led Chinese companies to source timber elsewhere. Logging concessions have been provided to the Chinese to deforest an area between the N'Mai Hku area in Myanmar and China's Yunnan in the Northern Mountain Forest Complex. Building logging roads and bridges to transport logs from Myanmar to China has seriously threatened the state of Thanlwin and Ayeyarwady watersheds that border between China and Myanmar. Both legal and illegal logging between China and Myanmar has financially benefited Chinese logging companies and Myanmar's cash-deficient military government that relies on logging as a key financial source. However, such activities create vulnerability in both watersheds where loss of forests could lead to degradation of watersheds and flooding in Myanmar.</p> <p>Applicable to all functional scales? Laws and regulations in Myanmar provide insufficient protection for HCV4 across all functional scales.</p>		
3.5 HCV 5	5, 6, 9, 23-25	<p>Occurrence HCV 5 is present in the area under assessment. Whilst no information is available on use of forest-based water sources by local people, wood and NTFP collection is an important local community use of forests throughout the country. A recent study collected data from 60 sample households in three villages in Tharwady District of Myanmar to analyse the significance of NTFP income to the rural household economy. This study found that NTFPs income contributes 44.37%, and farm income and non-farm income contribute 32.55% and 23.07% to the total household income</p>	Geographical scale: Country	<p>Specified risk for the country</p> <p>Threshold (26) is met: HCV 5 is identified and/or its occurrence is likely in the area under assessment and it is threatened by management activities.</p>

Indicator	Sources of Information	HCV Occurrence and threat assessment	Geographical/ Functional scale	Risk designation and determination
		<p>respectively. The lower and middle income level households derived more NTFPs income than high income level households. For low income households, share of NTFPs income in the total household income is over 75%. Major NTFPs include poles, bamboo, rattan, thatch, firewood, charcoal, grasses, medicinal and cosmetic plants, agarwood, essential oils, elephant foot yam and others. Regression analysis showed that farm income, non-farm income and agricultural land own are scientifically and negatively correlated with the NTFPs incomes. No distribution maps exist for this wide range of products and therefore forest cover is the only available proxy for HCV5. The data available does not disaggregate information about indigenous peoples from other local communities.</p> <p>Threats and Safeguards identification and evaluation A lack of community rights to use forests combined with a lack of specific management practices to protect NTFPs within timber production areas, combined with large scale forest conversion and overexploitation of NTFPs where access is uncontrolled threatens HCV5.</p> <p>Applicable to all functional scales? Laws and regulations in Myanmar provide insufficient protection for HCV5 across all functional scales.</p>		
3.6 HCV 6	26	<p>Occurrence</p> <p>HCV 6 is present in the area under assessment. Many known cultural heritage sites of global or national cultural, archaeological or historical significance, and/or of critical cultural, ecological, economic or religious/sacred importance for the traditional cultures of local communities or indigenous peoples, are well-documented and legally protected in Myanmar under the Ministry of Culture and their associated agencies.</p>	<p>Geographical scale: Country</p> <p>Functional scale: - Protection scheme</p> <ul style="list-style-type: none"> • Protected areas • Other areas 	<p>Specified risk for the country</p> <p>Threshold (30) is met: HCV 6 is identified and/or its occurrence is likely in the area under assessment and it is threatened by management activities.</p>

Indicator	Sources of Information	HCV Occurrence and threat assessment	Geographical/ Functional scale	Risk designation and determination
		<p>Threats and Safeguards identification and evaluation</p> <p>Decades of neglect, in particular of ethnic minority sites, and the very recent ratification of international conventions relating to cultural heritage sites, suggests that it is unlikely that comprehensive protections are in place for all such sites potentially affected by forest management activities.</p> <p>Myanmar's tangible cultural heritage is one of the richest and most diverse in the Southeast Asian region, and is comparable to that of other more notable regional neighbours – namely Cambodia and Thailand. The conditions of international isolation and domestic repression affecting the country since the 1962 military takeover – particularly after the 1990s – led to a vacuum in the field of heritage conservation and most archaeological sites lie idle in ruinous conditions due to protracted periods of neglect.</p> <p>Domestically, the legal framework enacted for the safeguarding of heritage has been insufficient and, still, largely disregarded. Before the coup and during the regime, only two major laws were established by the government for cultural heritage protection: the 1957 “Antiquities Act”, which stated conditions for excavation claims, land use, as well as for movement inside and outside the country, restoration, and management of antiquities, and obligations to report discoveries of archaeological objects; and the 1998 “Protection and Preservation of Cultural Heritage Regions Law” that specifically addressed the safeguard of cultural heritage – defined as ancient monuments or sites that are required to be preserved in virtue of their historical, cultural, artistic or anthropological importance – which identified objects and competent authorities for cultural heritage protection. These two laws, which still constitute the existing legal framework for safeguarding cultural heritage in the country, have however been mostly disregarded in the past.</p>		

Indicator	Sources of Information	HCV Occurrence and threat assessment	Geographical/ Functional scale	Risk designation and determination
		<p>Heritage sites that testified a minority's cultural features or the country's cultural variety, as the Oktha-myo archaeological site of the Mon ethnic minority – ancient Myanmar inhabitants that for long resisted the central kingdom – was purposefully left to deteriorate to reject the Mon's political and artistic contribution to Burmese history and culture.</p> <p>However, in early 2013, a new National Cultural Central Committee was appointed in Myanmar under the auspices of the UN Educational, Scientific and Cultural Organization (UNESCO), which led the government to ratify the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property and the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage. In 2014 the Pyu Ancient Cities were the first sites in the country admitted to the UNESCO World Heritage List.</p> <p>Applicable to all functional scales? Laws and regulations in Myanmar provide insufficient protection for HCV6 across all functional scales.</p>		

Recommended control measures

Indicator	Recommended control measures
3.0	N/A
3.1 HCV 1	Intentionally left blank - Organizations shall evaluate and devise appropriate control measures to mitigate the risks identified in this risk assessment as applicable.
3.2 HCV 2	
3.3 HCV 3	
3.4 HCV 4	
3.5 HCV 5	
3.6 HCV 6	

Information sources

No.	Source of information	Relevant HCV category and indicator
1	Critical Ecosystem Partnership Fund (2012). Ecosystem Profile: Indo-Burma Biodiversity Hotspot, 2011 Update.. https://www.iucn.org/sites/dev/files/content/documents/indoburma_ecosystemprofile_2011_update.pdf	HCV1, 3
2	WCS (2013). Myanmar Biodiversity Conservation Investment Vision. Wildlife Conservation Society (WCS). . https://myanmarbiodiversity.org/wp-content/uploads/2016/03/2013-Myanmar-Biodiversity-Conservation-Investment-Vision.pdf	HCV1, 3
3	Tordoff, A. W., Eames, J. C., Eberhardt, K., Baltzer, M. C., Davidson, P., Leimgruber, P., Uga, U. & Than, U. A. (2005). Myanmar: Investment opportunities in biodiversity conservation. <i>Birdlife International, Yangon, Myanmar</i> . http://www.ibiblio.org/obl/docs2/biodiv.pdf	HCV1, 3
4	Fifth National Report to the CBD Republic of Myanar (2014) http://www.burmalibrary.org/docs18/mm-nr-05-en-red.pdf	HCV1, 3
5	FFI (2016). Myanmar Oil Palm Plantations. Fauna and Flora International (FFI). https://myanmarbiodiversity.org/portfolio-items/myanmar-oil-palm-plantation-a-productivity-sustainability-review/	HCV1-5
6	Woods, K. (2015). Commercial agriculture expansion in Myanmar: Links to deforestation, conversion timber, and land conflicts. <i>Forest Trends Report Series</i> . http://forest-trends.org/releases/uploads/Conversion_Timber_in_Myanmar.pdf	HCV1-5
7	Aung, U. M. (2007). Policy and practice in Myanmar's protected area system. <i>Journal of Environmental Management</i> , 84(2), 188-203. https://www.ncbi.nlm.nih.gov/pubmed/16979284	HCV1
8	Donald, P. F., Round, P. D., Dai We Aung, T., Grindley, M., Steinmetz, R., Shwe, N. M., & Buchanan, G. M. (2015). Social Reform and a Growing Crisis for Southern Myanmar's Unique Forests. <i>Conservation Biology</i> . http://onlinelibrary.wiley.com/doi/10.1111/cobi.12501/abstract	HCV1-3
9	Forest Department (2016). Brief Notes on Forestry Sector. http://www.moecaf.gov.mm/	HCV1-5
10	WCS (undated). Myanmar Key Biodiversity Areas map. https://myanmarbiodiversity.org/portfolio-items/myanmar-key-biodiversity-areas/	HCV1,3
11	Kress, W. J., DeFilipps, R. A., Farr, E. & Kyi, D. Y. Y. (2003). A checklist of the trees, shrubs, herbs, and climbers of Myanmar (No. 582.16 C514). National Museum of Natural History, Washington, DC (EUA). http://nrmh.typepad.com/the_plant_press/2003/04/checklist-of-myanmar-burma-plants-published-vol-6-issue-2.html	HCV1

No.	Source of information	Relevant HCV category and indicator
12	Government of the Republic of the Union of Myanmar, (2015). National Biodiversity Strategy and Action Plan. Ministry of Environment Conservation and Forestry. https://www.cbd.int/doc/world/mm/mm-nbsap-v2-en.pdf	HCV1,3
13	Nijman, V., & Shepherd, C. R. (2015). Trade in tigers and other wild cats in Mong La and Tachilek, Myanmar—A tale of two border towns. <i>Biological Conservation</i> , 182, 1-7. https://www.researchgate.net/publication/269141541_Trade_in_tigers_and_other_wild_cats_in_Mong_La_and_Tachilek_Myanmar_-_A_tale_of_two_border_towns	HCV1
14	Oswell, A. H. (2010). The big cat trade in Myanmar and Thailand. TRAFFIC Southeast Asia, Malaysia. http://assets.wwf.es/downloads/traffic_species_mammals61_1_.pdf	HCV1
15	Rao, M., Myint, T., Zaw, T., & Htun, S. (2005). Hunting patterns in tropical forests adjoining the Hkakaborazi National Park, north Myanmar. <i>Oryx</i> , 39(03), 292-300. https://www.researchgate.net/profile/Madhu_Rao7/publication/259874385_Hunting_patterns_in_tropical_forests_adjoining_the_Hkakaborazi_National_Park_north_Myanmar/links/00b7d52e6045d4b305000000/Hunting-patterns-in-tropical-forests-adjoining-the-Hkakaborazi-National-Park-north-Myanmar.pdf?origin=publication_list	HCV1
16	Rao, M., Rabinowitz, A., & Khaing, S. T. (2002). Status Review of the Protected-Area System in Myanmar, with Recommendations for Conservation Planning. <i>Conservation Biology</i> , 16(2), 360-368. http://onlinelibrary.wiley.com/doi/10.1046/j.1523-1739.2002.00219.x/abstract	HCV1
17	Shepherd, C. R., & Nijman, V. (2008). The trade in bear parts from Myanmar: an illustration of the ineffectiveness of enforcement of international wildlife trade regulations. <i>Biodiversity and Conservation</i> , 17(1), 35-42. https://link.springer.com/article/10.1007/s10531-007-9228-9	HCV1
18	Shepherd, C., & Nijman, V. I. N. C. E. N. T. (2008). Elephant and ivory trade in Myanmar. <i>A TRAFFIC South East Asia Report</i> . https://www.worldwildlife.org/stories/elephant-and-ivory-trade-in-myanmar	HCV1
19	Rao, M., Htun, S., Platt, S. G., Tizard, R., Poole, C., Myint, T., & Watson, J. E. (2013). Biodiversity conservation in a changing climate: A review of threats and implications for conservation planning in Myanmar. <i>Ambio</i> , 42(7), 789-804. https://www.ncbi.nlm.nih.gov/pubmed/23868440	HCV2,4
20	FAO (2009). Assessing the Protection of Forest-Based Environmental Services in the Greater Mekong Sub-Region. Food and Agriculture Organization of the United Nations (FAO).	HCV4

No.	Source of information	Relevant HCV category and indicator
	http://www.fao.org/3/a-am609e.pdf	
21	Capistrano, D., Samper, C., Lee, M. J., & Raudsepp-Hearne, C. (2005). Ecosystems and human well-being: multiscale assessments: findings of the Sub-Global Assessments Working Group of the Millennium Ecosystem Assessment (No. The Millennium Ecosystem Assessment Series no. v. 4, p. 388p). Island Press, Washington, DC, USA. https://islandpress.org/book/ecosystems-and-human-well-being-multiscale-assessments	HCV4
22	FAO (2010). Global forest resources assessment 2010, Country report: Myanmar. http://www.fao.org/docrep/013/al576e/al576e.pdf	HCV4
23	Junchang Liu & Kyaw Thu Moe (2016). Economic Contribution of Non-timber Forest Products (NTFPs) to Rural Livelihoods in the Tharawady District of Myanmar. International Journal of Sciences. Volume 5 - January 2016 (01). https://www.ijsciences.com/pub/article/904	HCV5
24	FAO. Forestry for Community Development in Myanmar: Research Issues. Proceedings of the workshop on forests for poverty reduction: changing role for research, development and training institutions. FAO Corporate Document Repository. . http://www.fao.org/docrep/008/af349e/af349e0x.htm	HCV5
25	IIED (2014). Unleashing the Potential of Community Forest Enterprises in Myanmar. International Institute for Environment and Development (IIED) http://pubs.iied.org/pdfs/13571IIED.pdf	HCV5
26	EIAS (2014). Cultural Heritage Management in Myanmar: A Gateway to Sustainable Development. European Institute for Asian Studies (EIAS). http://www.eias.org/wp-content/uploads/2016/02/EIAS_Briefing_Paper_2014-6_Facchinetti.pdf	HCV6

Controlled wood category 4: Wood from forests being converted to plantations or non-forest use

Risk assessment

Indicator	Source of information	Functional scale	Risk designation and determination
4.1	<p>Forest Law (1992) - http://www.burmalibrary.org/docs15/1992-SLORC_Law1992-08-Forest_Law-en.pdf Vacant, Fallow and Virgin Land Law (2012); article 16 http://www.burmalibrary.org/docs14/VFVM_Rules-en.pdf</p> <p>Non-government sources:</p> <ul style="list-style-type: none"> • FAO (2015) Global Forest Resources Assessment 2015 – Desk reference. Rome. Available at: http://www.fao.org/3/a-i4808e.pdf (last accessed on 28 November 2017) • FAO (2014): Global Forest Resources Assessment 2015 – Country Report, Myanmar. Rome. Available at: http://www.fao.org/3/a-az283e.pdf (last accessed on 28 November 2017) • Global Witness (2003): A Conflict of Interests The uncertain future of Burma's forests A Briefing Document by Global Witness. October 2003. http://www.globalwitness.org/library/conflict-interest-english • Oberndorf, R.D. (2012): Legal Review of Recently Enacted Farmland Law and Vacant, Fallow and Virgin Lands Management Law. Food Security Working Group's Land Core Group. • Roy, R. D. (2005): Traditional Customary Laws and Indigenous Peoples in Asia. Minority rights group international. http://www.minorityrights.org/?lid=1018 • Springate-Baginski, O. and Than, M. M. (2011): Community Forestry in Myanmar: Some field realities. http://www.burmalibrary.org/docs13/CF+Myanmar+report++FUG+case+studies-op75-red.pdf • Thaug, T., L. (2007): Identifying conservation issues in Kachin State. Myanmar The state, community and the environment. Australia National University. • Tint, Springate-Baginski and Gyi (2011): Community forestry in Myanmar – progress and potential. ECCDI. http://www.burmalibrary.org/docs13/Community+Forestry+in+Myanmar-op75-red.pdf 	-	<p>Assessment based on legality</p> <p>Content of the law:</p> <p>Conversion of forest land is permitted in Myanmar in certain circumstances, in particular through large-scale land acquisitions (LSLAs) and permits for conducting clearance.</p> <p>The new set of land and investment laws are still facilitating the conversion of forests into private agribusiness concessions (Woods 2015).</p> <p>According to Woods (2015) "the legal frameworks for the large-scale conversion of forestland and the production of the resultant conversion timber remain weak and unclear. The laws, regulations, and procedures by which agribusiness concessions are allocated are not only spread across numerous government agency jurisdictions, but are also rife with legal loopholes, special permits, and/or exemptions (or may be missing entirely)."</p> <p>Woods and Canby (2013) state that "Myanmar is now opening up to large-scale and extensive agribusiness deals (such as cassava in Hukawng Valley in Kachin State in the north and large oil palm development in Tanintharyi Division in the south) and new roads to facilitate cross-border trade are planned and under construction. The allocation of these land concessions and problems with their allocation processes is likely the most important area of concern for forest law enforcement and governance in the Mekong region, with Myanmar no exception."</p> <p>Is the law enforced?</p> <p>There is very weak governance of land concessions and limited monitoring of timber harvested during the conversion process, but it may be reasonably speculated that – as elsewhere – many companies are harvesting what can often be very high value timbers to sell, and this is occurring without the</p>

<ul style="list-style-type: none"> • Transparency International (2014): Corruption Perceptions Index 2013 - Myanmar. http://www.transparency.org/country#MMR • U4 Expert Answer (2012): Overview of corruption in Burma (Myanmar) • UNOP (2011): Myanmar: Unrepresented Nations and People's Organization (UNPO) Submission to the UN Office of the High Commissioner for Human Rights Universal Periodic Review: 10th Session of the UPR Working Group, January 2011. http://lib.ohchr.org/HRBodies/UPR/Documents/Session10/MM/UNPO_UnrepresentedNationsandPeople'sOrganization_eng.pdf • Woods, K. and Canby, K. (2011): BASELINE STUDY 4, MYANMAR. Overview of Forest Law Enforcement, Governance and Trade. The European Forest Institute. <http://www.forest-trends.org/documents/files/doc_3159.pdf>. • Woods, K. (2015). Commercial Agriculture Expansion in Myanmar: Links to Deforestation, Conversion Timber, and Land Conflicts. Accessed 14 September 2015 <http://forest-trends.org/releases/uploads/Conversion_Timber_in_Myanmar.pdf>. • World Bank (2011): Worldwide Governance Indicators- Myanmar 1996–2011. http://info.worldbank.org/governance/wgi/pdf/c146.pdf. 	<p>already very weak 'normal' systems of scrutiny – leading to probably very large volumes of unverified 'conversion timber' being exported illegally and/or mixed with verified timber. Concessions are often in some of the most ecologically important remaining forests. Land concessions also typically lead to forced evictions of customary occupants with no FPIC or consultation or compensation.</p> <p>Given the general risk of corruption in Myanmar, the ranking of Myanmar in both Transparency International's Corruption Perceptions Index and the World Bank's Worldwide Governance Indicators 2013 and the above, the law is not enforced.</p> <p>Is it possible to conclude that the spatial threshold can be met by assessing the enforcement of legislation? No, the applicable legislation is not sufficient to assess this indicator with the legally-based thresholds.</p> <p>Assessment based on spatial data</p> <p>Is it possible to conclude that the spatial threshold (0.02% or 5000 ha) is met?</p> <p>According to the Global Forest Resources Assessment 2015 for Myanmar prepared by FAO, the forest area decreased by 2,688,000 ha between the years 2010 and 2015 (from 30,785,000 ha to 28,097,000 ha), with an annual change rate of 537,600 ha/year. There is no clear data available about how much natural forest was converted to plantations or non-forest uses, but the naturally regenerated forest area decreased between 2010 and 2015 (2,688,000 ha), and the primary forest remained unchanged. Data about planted forest doesn't differentiate between reforestation and afforestation, which was 988,000 ha in 2010 and 944,000 ha in 2015.</p> <p>According to the spatial data provided above, conversion of natural forests to plantations or non-forest use in the area under assessment is above the threshold of 0.02% or 5000 hectares average net annual loss.</p> <p>Risk designation: Specified risk Threshold (4) is met: There is more than 5000 ha net average annual loss or there is more than 0.002% net average annual loss of natural forest in the assessment area in the past 5 years.</p>
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Recommended control measures

Intentionally left blank - Organizations shall evaluate and devise appropriate control measures to mitigate the risks identified in this risk assessment as applicable.

Controlled wood category 5: Wood from forests in which genetically modified trees are planted

Risk assessment

Indicator	Sources of information	Functional scale	Risk designation and determination
5.1	<ul style="list-style-type: none"> Biosafety Clearing House (2016). Country Profile – Myanmar. Available at http://bch.cbd.int/about/countryprofile.shtml?country=mm. Accessed 23 June 2016. Biosafety Scanner (2016). GM Crop report relating to: Myanmar. Available at: http://en.biosafetyscanner.org/algoritmpaese.php?nazione=Myanmar> Accessed 23 June 2016. Biosafety Scanner (2017). <i>GM Crop report relating to: Myanmar</i>. Available: http://en.biosafetyscanner.org/algoritmpaese.php, accessed 20 July 2017. FAO (2010). 'Forests and Genetically Modified Trees'. Available at http://www.fao.org/docrep/013/i1699e/i1699e.pdf. Accessed 23 June 2016 FAO (2016). <i>FAO GM Food Platform – Myanmar Country Profile</i>. Available: http://www.fao.org/food/food-safety-quality/gm-foods-platform/browse-information-by/country/country-page/en/?cty=MMR. Accessed 20 July 2017. Government of the Union of Myanmar, Ministry of Forestry and National Commission for Environmental Affairs (2009). <i>Fourth National Report to the United Nations Convention on Biological Diversity</i>. Available: https://www.cbd.int/doc/world/mm/mm-nr-04-en.pdf. Accessed 20 July 2017. Khin Su Wai, (2016) 'Scientists in Myanmar field test GMO groundnut' Myanmar Times. Available at: < https://www.geneticliteracyproject.org/2016/04/05/scientists-in-myanmar-field-test-gmo-groundnut/>. Accessed 23 June 2016. Li, Y. & Pei, Y. (2006). Biotech approaches to improve biomass production of poplar and to produce genetically modified gene free pollen and seed from genetically modified plants. p. 13 (abstracts), in: International Poplar Symposium IV. Nanjing, China, 5–9 June 2006. http://www.fao.org/docrep/013/i1699e/i1699e01.pdf. Ministry of Agriculture and Irrigation Department of Agricultural Planning Development of Biosafety Framework Project Myanmar 	-	<p>Low Risk. Thresholds 2 and 3 are met: (2) There is no commercial use of GMO (tree) species in the area under assessment, AND (3) Other available evidence does not challenge a 'low risk' designation.</p> <p>There is currently no legislation covering GMO (trees) in Myanmar. There is no available evidence of the commercial use of GM trees, and there are not currently any trials of GM trees in the country.</p>

	<p>(2006). National Biosafety Framework – Myanmar - November 2006. Available at: http://en.biosafetyscanner.org/pdf/doc/196_allegato.pdf. Accessed 23 June 2016.</p> <ul style="list-style-type: none"> • Second Regular National Report on the Implementation of the Cartagena Protocol on Biosafety (2011). Available at http://en.biosafetyscanner.org/pdf/doc/626_allegato.pdf. Accessed 23 June 2016. • Second Regular National Report on the Implementation of the Cartagena Protocol on Biosafety (2011). Available at http://en.biosafetyscanner.org/pdf/doc/626_allegato.pdf. Accessed 23 June 2016. • Su, X.-H., Zhang, B.-Y., Huang, Q.-J., Huang, L.-J. & Zhang, X.-H. (2003). Advances in tree genetic engineering in China. Paper submitted to the XII World Forestry Congress.2003, Quebec City, Canada. Available at www.fao.org/DOCREP/ARTICLE/WFC/XII/0280-B2.HTM. • The Republic of the Union of Myanmar and Ministry of Environmental Conservation and Forestry (2015). <i>National Biodiversity Strategy and Action Plan (2015-2020)</i> Available at: https://www.cbd.int/doc/world/mm/mm-nbsap-v2-en.pdf, accessed 20 July 2017. • The Republic of the Union of Myanmar (2011). <i>National Biodiversity Strategy and Action Plan</i>. Available at: https://www.cbd.int/doc/world/mm/mm-nbsap-01-en.pdf, accessed 20 July 2017. • The Republic of the Union of Myanmar (2014). <i>Fifth National Report to the Convention on Biological Diversity</i>. Available at: https://www.cbd.int/doc/world/mm/mm-nr-05-en.pdf. Accessed 20 July 2017. • USDA Foreign Agricultural Service (2011). GAIN Report Number: BM0025 - New Technologies Aiding Burmese Cotton Farmers. Available at http://en.biosafetyscanner.org/pdf/doc/467_allegato.pdf. Accessed 23 June 2016. • Wang, H. (2004). The state of genetically modified forest trees in China. In: FAO, 2004b, q.v. Available at: http://www.fao.org/docrep/013/i1699e/i1699e.pdf. 		
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	GMO Context Question	Answer	Sources of Information (list sources if different types of information, such as reports, laws, regulations, articles, web pages news articles etc.)
1	Is there any legislation covering GMO (trees)?	<p>No, although Myanmar signatory to CBD and Cartagena protocol. There are a number of exploratory activities being carried out in Myanmar for other agricultural crops, but at the time of evaluation no tree species were included in these activities.</p> <p>There is currently in place a draft <i>National Biosafety Framework</i>, but this has not been transferred into national law (Biosafety Scanner 2017)..</p> <p>According to the <i>Second Regular National Report on the Implementation of the Cartagena Protocol on Biosafety</i> published in 2011, the draft National Biosafety Framework and draft law on Biosafety have been completed during the Development of National Biosafety Framework funded by UNEP/GEF which is in the process of being approved by the Government.</p> <p>In order to implement the national framework and obligations of the protocol as a party, technical and financial assistance for capacity building are required.</p> <p>According to the <i>Fifth National Report to the Convention on Biological Diversity</i> “some biosafety measures such as inspection of genetically modified organisms (GMOs) and issuance of Non-GMO certificates are also being implemented by the Ministry of Agriculture and Irrigation, with the ultimate goal of enhancing biodiversity conservation”.</p> <p>The <i>National Biodiversity Strategy and Action Plan (2015-2020)</i> published in 2015 states that “Myanmar is a signatory to the Cartagena Protocol on Biosafety to the Convention on Biodiversity, and has committed to ensure that a precautionary approach is applied to protect biological diversity from the potential risks posed by living modified</p>	<p>Biosafety Clearing House (2016). Country Profile – Myanmar. Available at http://bch.cbd.int/about/countryprofile.shtml?country=mm. Accessed 23 June 2016.</p> <p>Biosafety Scanner (2016), GM Crop report relating to: Myanmar. Available at: http://en.biosafetyscanner.org/algoritmopaese.php?nazione=Myanmar> Accessed 23 June 2016.</p> <p>Biosafety Scanner (2017). <i>GM Crop report relating to: Myanmar</i>. Available: http://en.biosafetyscanner.org/algoritmopaese.php. Accessed 20 July 2017.</p> <p>FAO (2016). <i>FAO GM Food Platform – Myanmar Country Profile</i>. Available: http://www.fao.org/food/food-safety-quality/gm-foods-platform/browse-information-by/country/country-page/en/?cty=MMR. Accessed 20 July 2017.</p> <p>Government of the Union of Myanmar, Ministry of Forestry and National Commission for Environmental Affairs (2009). <i>Fourth National Report to the United Nations Convention on Biological Diversity</i>. Available: https://www.cbd.int/doc/world/mm/mm-nr-04-en.pdf. Accessed 20 July 2017.</p> <p>Khin Su Wai, (2016) ‘Scientists in Myanmar field test GMO groundnut’ Myanmar Times. Available at: < https://www.geneticliteracyproject.org/2016/04/05/scientists-in-myanmar-field-test-gmo-groundnut/>. Accessed 23 June 2016.</p> <p>Ministry of Agriculture and Irrigation Department of Agricultural Planning Development of Biosafety Framework Project Myanmar (2006). <i>National Biosafety Framework – Myanmar - November 2006</i>. Available at: http://en.biosafetyscanner.org/pdf/doc/196_allegato.pdf. Accessed 23 June 2016.</p>

	<p>organisms, such as herbicide resistant rice, resulting from modern biotechnology. Developing the capacity to identify and manage living modified organisms, whether imported accidentally or intentionally, is required to comply with the Cartagena Protocol and protect the genetic diversity of local land races and wild crop relatives. The process for establishing a policy on biosafety in Myanmar has been stalled after a policy was drafted, and should be renewed.”</p> <p>The previous iteration of this strategy and action plan, published in 2011 stated “The [National Biosafety Committee] will undertake the necessary measures, particularly regulating the use of genetically modified organisms and other materials that may potentially have a negative impact on biosafety and human health.”</p> <p>According to the FAO GM Foods Platform, Myanmar are “in the process of developing regulation. To this end, they state “Myanmar recognizes the ASEAN Guidelines on Risk Assessment of Agriculture-Related GMOs. Myanmar actively participated in the Meetings of the Open-ended Ad Hoc Working Group on Biosafety, and other meetings organized and sponsored by the UNEP.</p> <p>To harmonize with international regulatory requirements for the products of modern biotechnology, the Myanmar Ambassador to the United Nations signed the Cartagena Protocol on Biosafety (CPB) on 11th May2001, in New York. In July 2003, Myanmar has signed a project document with &NEP-GEF to carry out the Development of National Biosafety Frame Work. The project was started in early 2004. As an outcome of the project, the third draft of national biosafety framework was completed in 2008. According to national biosafety framework, a National Coordinating Committee (NCC) was formed with 15 members from 10 ministries and from the Justice Department and the Office of Attorney General, The NCC has appointed three responsible persons as full-time National Project Coordinators (NPC) each from the Ministry of Agriculture and Irrigation, Ministry of Forestry and Ministry of Fisheries and Livestock Breeding.</p>	<p>The Republic of the Union of Myanmar (2011). National Biodiversity Strategy and Action Plan. Available at: https://www.cbd.int/doc/world/mm/mm-nbsap-01-en.pdf. Accessed 20 July 2017.</p> <p>The Republic of the Union of Myanmar (2014). <i>Fifth National Report to the Convention on Biological Diversity</i>. Available: https://www.cbd.int/doc/world/mm/mm-nr-05-en.pdf. Accessed 20 July 2017.</p> <p>The Republic of the Union of Myanmar and Ministry of Environmental Conservation and Forestry (2015). <i>National Biodiversity Strategy and Action Plan (2015-2020)</i>. Available at: https://www.cbd.int/doc/world/mm/mm-nbsap-v2-en.pdf. Accessed 20 July 2017.</p> <p>Second Regular National Report on the Implementation of the Cartagena Protocol on Biosafety (2011). Available at http://en.biosafetyscanner.org/pdf/doc/626_allegato.pdf. Accessed 23 June 2016.</p> <p>USDA Foreign Agricultural Service (2011). GAIN Report Number: BM0025 - New Technologies Aiding Burmese Cotton Farmers. Available at http://en.biosafetyscanner.org/pdf/doc/467_allegato.pdf. Accessed 23 June 2016.</p>
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		Myanmar is currently in the stage of drafting Biosafety law.”	
2	Does applicable legislation for the area under assessment include a ban for commercial use of GMO (trees)?	<p>N/A. There is no legislation currently in force.</p> <p>The National Biosecurity Framework does establish a National Biosecurity Committee (NBC). According to the Framework, the ‘NBC will arrange for the risk assessment process in order for public interest, environmental safety and food safety for which Biosafety Technical Team (BTT) and Food and Drug Authority (FDA) under the Ministry of Health will be responsible respectively on technical matters, Environmental assessment will be made on four areas—crop, forest tree, fish/animal/feed and microorganism.’ This is the only mentioned of forest tree in the Framework.</p> <p>The <i>National Biodiversity Strategy and Action Plan (2015-2020)</i> published in 2015 states that “Myanmar [...] has committed to ensure that a precautionary approach is applied to protect biological diversity from the potential risks posed by living modified organisms”</p>	<p>Ministry of Agriculture and Irrigation Department of Agricultural Planning Development of Biosafety Framework Project Myanmar (2006). <i>National Biosafety Framework – Myanmar - November 2006</i>. Available at: http://en.biosafetyscanner.org/pdf/doc/196_allegato.pdf. Accessed 23 June 2016.</p> <p>The Republic of the Union of Myanmar and Ministry of Environmental Conservation and Forestry (2015). <i>National Biodiversity Strategy and Action Plan (2015-2020)</i> Available at: https://www.cbd.int/doc/world/mm/mm-nbsap-v2-en.pdf. Accessed 20 July 2017.</p>
3	Is there evidence of unauthorized use of GM trees?	<p>No</p> <p>According to the <i>Fourth National Report to the United Nations Convention on Biological Diversity</i>, “some minor threats are introduction of Invasive Alien Species, of Genetically Modified Organisms and climate change.” However, this point is further clarified “Biotechnology in itself is not much advanced in Myanmar but import of Genetically Modified Organism (GMO) is a possibility because of Myanmar’s geographical location and the rapid development of GMOs in the neighboring countries.”</p>	<p>A thorough internet search was carried out and no evidence or indication unauthorized use of GM trees was detected.</p> <p>Government of the Union of Myanmar, Ministry of Forestry and National Commission for Environmental Affairs (2009). <i>Fourth National Report to the United Nations Convention on Biological Diversity</i>. Available: https://www.cbd.int/doc/world/mm/mm-nr-04-en.pdf. Accessed 20 July 2017.</p>
4	Is there any commercial use of GM trees in the country or region?	<p>No.</p> <p>According to the FAO GM Foods Platform, Myanmar “does not produce any GM food or feed [...] and] may import GM food or feed and there is no authorization process.”</p> <p>The Biosafety Scanner (last updated July 2017) states that cotton is currently the only authorized GM crop in Myanmar.</p>	<p>A thorough internet search was carried out and no evidence or indication unauthorized use of GM trees was detected.</p> <p>Biosafety Scanner (2017). <i>GM Crop report relating to: Myanmar</i>. Available: http://en.biosafetyscanner.org/algoritmopaese.php. Accessed 20 July 2017.</p>

			<p>FAO (2016). <i>FAO GM Food Platform – Myanmar Country Profile</i>. Available: http://www.fao.org/food/food-safety-quality/gm-foods-platform/browse-information-by/country/country-page/en/?cty=MMR. Accessed 20 July 2017.</p>
5	<p>Are there any trials of GM trees in the country or region?</p>	<p>No. There are currently only trails of GM cotton crops in Myanmar, and no documented plans for trials of GM trees has been discovered.</p> <p>The Biosafety Scanner (last updated July 2017) states that cotton is currently the only authorized GM crop in Myanmar.</p> <p>Neighboring China is experimenting with GM Poplar, and a commercial plantation of genetically-modified poplar trees has been reported in China (Su et al., 2003)</p>	<p>Biosafety Scanner (2017). <i>GM Crop report relating to: Myanmar</i>. Available: http://en.biosafetyscanner.org/algoritmopaese.php. Accessed 20 July 2017.</p> <p>FAO (2010). 'Forests and Genetically Modified Trees'. Available at http://www.fao.org/docrep/013/i1699e/i1699e.pdf. Accessed 23 June 2016</p> <p>Li, Y. & Pei, Y. (2006). Biotech approaches to improve biomass production of poplar and to produce genetically modified gene free pollen and seed from genetically modified plants. p. 13 (abstracts), in: International Poplar Symposium IV. Nanjing, China, 5–9 June 2006. http://www.fao.org/docrep/013/i1699e/i1699e01.pdf.</p> <p>Ministry of Agriculture and Irrigation Department of Agricultural Planning Development of Biosafety Framework Project Myanmar (2006). National Biosafety Framework – Myanmar - November 2006. Available at: http://en.biosafetyscanner.org/pdf/doc/196_allegato.pdf. Accessed 23 June 2016.</p> <p>Second Regular National Report on the Implementation of the Cartagena Protocol on Biosafety (2011). Available at http://en.biosafetyscanner.org/pdf/doc/626_allegato.pdf. Accessed 23 June 2016.</p> <p>Su, X.-H., Zhang, B.-Y., Huang, Q.-J., Huang, L.-J. & Zhang, X.-H. (2003): Advances in tree genetic engineering in China. Paper submitted to the XII World Forestry Congress.2003, Quebec City, Canada. Available at: www.fao.org/DOCREP/ARTICLE/WFC/XII/0280-B2.HTM.</p> <p>Wang, H. (2004). The state of genetically modified forest trees in China. In: FAO, 2004b, q.v. Available at: http://www.fao.org/docrep/013/i1699e/i1699e.pdf.</p>

6	Are licenses required for commercial use of GM trees?	N/A. There is no legislation currently in force.	
7	Are there any licenses issued for GM trees relevant for the area under assessment? (If so, in what regions, for what species and to which entities?)	N/A	
8	What GM 'species' are used?	N/A	
9	Can it be clearly determined in which MUs the GM trees are used?	N/A	

Recommended control measures

N/A