

Myanmar's Climate Change Commitments and Indigenous Peoples' Rights

Myanmar is known for its cultural and biological diversity, with a long coastline, four river basins, and forests covering the drier center of the country and the mountainous regions along the borders it shares with India, China, Thailand, Laos, and Bangladesh. The country is known for its rich endowment of natural resources, including natural teak forests, jade, minerals, and oil and natural gas. Ethnic groups living in Myanmar include Karen, Kachin, Chin, Shan, Kayah, Mon, and many others. After decades of civil war, authoritarian rule, and international isolation, in recent years Myanmar has been undertaking a political and economic transition, including holding elections in 2015.

The government of Myanmar signed the Paris Agreement on 22nd April, 2016. Myanmar is currently developing its Nationally Determined Commitment (NDC), outlining its voluntary national targets for mitigating climate change based on the Intended NDC (INDC) which was submitted at COP 21 in 2015.

The following recommendations are based on a consultation workshop that the indigenous peoples' (IP) network Promotion of Indigenous and Nature Together (POINT) organized on 2 October 2017 with civil society and local community representatives from around the country.



Map Source: <http://asiapacific.anu.edu.au/maponline/base-maps/myanmar-constituencies>

NDC Development and Implementation

“Parties should when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity.”

The Paris Agreement 1/CP.21

For equitable and effective implementation of Myanmar's NDC in line with the Paris Agreement:

- Include commitments in the NDC to recognize the rights of indigenous peoples and local communities, women, and other vulnerable

or marginalized groups in all climate change mitigation and adaptation actions

- Ensure the full and effective participation of these groups, including indigenous peoples, local communities, and women, in the development and implementation of the NDC.
- Establish a national-level platform for local communities and indigenous peoples to share knowledge, skills, and technology, to help shape the development and implementation of the NDC, and to coordinate with the equivalent UNFCCC international platform that was established in COP21.
- Coordinate targets, strategies, and mechanisms within the forest sector (including REDD+, EITI, and FLEGT), the energy sector, and across sectors.

Forest Sector Commitments

Forest protection, sustainable management, and regeneration are essential for climate change mitigation and adaptation in Myanmar. Between 2010-2015, Myanmar's annual deforestation rate was 1.7% and the country lost around 546,000 ha of forest per year, which was the third largest net loss of area in the world during that period¹.

Myanmar's forest sector commitment in the INDC is to designate more areas as Permanent Forest Estate (PFE), a land administration category under the management of Ministry of Natural Resources and Environmental Conservation (MONREC). The targets are to expand the designation of Reserved Forests, which are managed for timber, and Public Protected Forests (PPF), which are buffer zones of less commercially valuable forests, to cover 30% of the country's land area, and to expand Protected Areas to cover 10% of the country's area. These targets are also part of the 30-Year National Forestry Master Plan (2001-2030). The PFE would have to be expanded by about 6 million ha to reach these targets.

The expansion of PFE does not recognize the rights of indigenous people and local communities to their forests and restricts access to the forest resources that are essential for their livelihoods, health, and cultural traditions. Expansion of the PFE can undermine local forest governance, including customary tenure, leading to deforestation. PFE is also designated over rotational agriculture areas, redefining subsistence upland agriculture as illegal deforestation.

Forest Classification	Land area (2015)	Target land area (2030)
Reserved Forest (RF)	18.01%	
Protected Public Forest (PPF)	6.05%	
Total RF and PPF	24.06%	30%
Protected Area system (PAS)	5.75%	10%
Permanent Forest Estate	29.81%	40%

Table 1: Forest Classification Data (2015) from Myanmar Forest Department, published in the National Biodiversity Strategy and Action Plan (NBSAP)

National and International Commitments to Recognize Customary Tenure

- National REDD+ Environmental and Social Safeguards Principle 1
- National Land Use Policy of Myanmar Chapter 8
- NBSAP Targets 3, 5, and 18
- UNDRIP
- UNFCCC framework agreement, *Cancun Safeguards, Annex 1 of COP16, 2010*

Instead of expanding the PFE under current conditions, the forest sector must recognize the value of communities, customary tenure, and traditional knowledge in protecting, managing, and restoring forests. These reforms are in line with the national Forest Policy (1995), which sets providing for basic needs and public participation as policy imperatives, and the National Land Use Policy, which recognizes customary land tenure. In order to implement the NDC equitably and effectively and in accordance with these national policies, it is necessary to:

- Recognize the customary tenure rights of IPs and local communities over land and forests that are traditionally managed and protected
- Extend the PFE through community-led forest management through customary tenure, community forestry, and community conserved areas
- Demarcate PFE boundaries transparently, recognizing informal and customary tenure rights, with effective participation from local communities and other government departments
- Revise forest laws, rules, procedures, and instructions to legalize sustainable collection of timber and non-timber forest products for the livelihoods, food security, nutrition, and health of forest-dwelling communities
- Reform forest governance to increase transparency and sustainability of the forest sector, especially timber management, through FLEGT, EITI, and other initiatives

1 According to FAO. (2015). *Global Forest Resources Assessment 2015: Country Report Myanmar*. Rome, Italy.

Energy Sector Commitments

Myanmar's Climate Change Strategy and Action Plan's ultimate goal is to plot out climate resilient, low carbon, and sustainable development pathway for the country. For the energy sector, this means choosing a development strategy that minimizes social and environmental impacts while expanding access to energy to the public and for economic development.

- Expand energy access to the public using renewable and low-impact technologies. The INDC targets 6 million people living in rural areas to gain access to electricity from micro-hydro, biomass, wind, and solar mini-grid technologies.
- Increase the role of renewable energy throughout the energy sector.
- Promote technology transfer, capacity building, and funding to minimize the environmental impacts of energy sector development

Regulation of the energy sector is essential. Hydropower is included in the INDC as a renewable source of energy, but large dams are

controversial and deeply unpopular with the public. The suspension of the Myitsone Dam, which would flood the cultural heartland of the Kachin people, in 2011 was widely hailed as a sign of political reform. During the previous government, plans were made to build large hydropower dams² on the mainstems of the Salween and Ayeyarwady rivers³ in conflict areas without proper impact assessment, compensation, or community consent

- **FPIC:** Energy infrastructure projects, especially hydropower, must receive the Free, Prior, and Informed Consent (FPIC) of affected communities, including communities that hold customary tenure over the areas that will be impacted.
- **EIA:** For all energy infrastructure projects, especially hydropower and coal plants, a full Environmental Impact Assessment must be conducted transparently and shared with affected communities, and Environmental Management Plans must be monitored for compliance.

FPIC in Myanmar Law, Policy, and Plans

- Ethnic Rights Protection Law *Chapter 5a* and bylaw *Chapter 4 article 13*
- National Land Use Policy *FPIC should be conducted during EIA process*
- Environmental Impact Assessment (EIA) procedures *require public consultation*
- National REDD+ Social and Environmental Safeguards *recognize the right to FPIC*
- Strategic Framework for National Environmental Policy *The public has the right to access information and to participate in decisions that could affect their lives and property*
- National Biodiversity Strategy and Action Plan *Target 18.2: By 2020, FPIC principles are institutionalized in government, private sector, and donor programs*

2 Including multiple 2,000 MW dams on both rivers and on the Salween one 4,540 MW, and one 7,110 MW dam

3 There are currently no mainstream dams on either the Ayeyarwady or the Salween

Climate Change Adaptation

Myanmar has consistently been ranked as one of the most vulnerable countries in the world to extreme weather events⁴. The National Climate Change Strategy and Action Plan outlines the risks that Myanmar will increasingly face from climate change. Mangrove deforestation along the coast increases vulnerability to cyclones and storm surges. Heavier rainfall and shorter monsoons threaten landslides in the uplands and flooding along river basins. Most agriculture in Myanmar is rainfed and at risk from less predictable monsoon seasons and increased drought, especially in the central dry zone.

Climate-smart agriculture

Recognizing community led-forest management and customary tenure advances both mitigation and adaptation, such as restoring mangroves through community forestry to reduce vulnerability to cyclones and storm surges.

Agricultural resilience is a priority adaptation in the INDC. The NDC should acknowledge the contributions of traditional

including so that knowledge and practices to improve agricultural resilience to climate change⁵ including by planting multiple crops and crop varieties and by maintaining genetic crop diversity through seed saving and exchange.

Disaster Risk Reduction

- Provide information to the public about natural disaster emergency response systems in multiple ethnic languages and through multiple media to ensure public awareness.
- Dedicate and transparently manage funding for emergency response to natural disasters and disaster risk reduction (DRR)
- Full and effective participation of indigenous peoples, local communities, and ethnic affairs ministers in the development of climate change adaptation strategies and disaster risk reduction plans in accordance with the Paris Agreement 7/CP.21 paragraph 5.



ပွိုင့် (ရိုးရာဝန်းကျင်ဖြင့်တင်ရေးအဖွဲ့)

အမှတ် (၆၈၇)၊ ကြို့ကုန်း၊ ဂလမ်း(တောင်)၊ အရှေ့ကြို့ကုန်း၊ အင်းစိန် - ရန်ကုန်။

ရုံးဖုန်း / ၀၉-၂၅၄ ၂၄၉ ၄၉၄

ဖေ့(စ်)ဘွတ်လိပ်စာ / <https://www.facebook.com/PromotionOfIndigenousandNatureTogether>

အင်တာနက်လိပ်စာ / www.pointmyanmar.org

အီးမေးလ် / point.org.mm@gmail.com

4 Krefl S., Eckstein D., Dorsch L., & Fisher L., (2017). *Global Climate Risk Index 2017*. Available from: www.germanwatch.org

5 Government of Myanmar, (January 2017). *Draft Myanmar National Climate Change Strategy*, p. 18.