



Meeting Minutes Drafting Group for Myanmar's Summary of Information on Safeguards

Third Meeting

Date & time: 27 November 2019, 08:30am – 17:00pm

Venue: 1st floor, Forest Department, Nay Pyi Taw

1. Meeting objectives

- Provide feedback on current draft of the summary
- Provide specific information to questions related to members' areas of expertise [CH2][MNS3]
- Discuss and agree how to address comments on the draft Sol received via the national workshop and online comment period.

2. Meeting participants

Nineteen participants attended the meeting, including fourteen women. As well as the UN-REDD Myanmar National Programme Director, Dr. Thaug Naing Oo, and eight Drafting Group Members, a number of representatives from the same government departments, the UN-REDD Programme, and the National Sol consultant also joined the meeting. The Departments/Organizations joining at the meeting were:

- Department of Ethnic Rights, Ministry of Ethnic Affairs
- Department of Social Welfare, Ministry of Social Welfare, Relief and Resettlement
- Department of Agriculture, Ministry of Agriculture, Livestock and Irrigation
- Forest Research Institute, Forest Department, Ministry of Natural Resources and Environmental Conservation
- Environmental Conservation Department, Ministry of Natural Resources and Environmental Conservation
- Chin Human Rights Organization (CHRO)
- Myanmar Environmental Rehabilitation-conservation Network (MERN)
- Promotion Of Indigenous and Nature Together (POINT)

The participants list is provided in Annex 1.

3. Content

The agenda of the meeting is included in Annex 2.

Following welcoming remarks provided by Dr. Thaug Naing Oo May Nwe Soe (National Sol Consultant) gave an overview of the meeting agenda and recapped progress against the Sol development work plan. The latest version of the Sol development workplan (as of November 2019) is provided in Annex 3.

3.1 Discussion on Comments/Suggestions received on Sol

May Nwe Soe, with the support of Ms. Charlotte Hicks (UNEP-WCMC) led the discussion on comments/suggestions received on Sol through the national consultation workshop in late October and the online comment period in November. The table of comments was shared with DG members prior to the meeting. The outcomes of the discussion and agreed revisions to the Sol are shown in the below table:

Section	Comments/Suggestions	Suggested Response [CH4]	Action
3 Safeguard A1 -Address	National Environmental Policy (2019), instead of 2018	Noted – year changed	
3 Safeguard A1 -Address	Myanmar Climate Change Strategy and Action Plan, instead of National Climate Change and Action Plan	Noted - name changed	
3 Safeguard A1 -Address	The implementation of National Land Use Policy and Forest Law are already not complied with Safeguards as they are not considered about land tenure/land rights and community's preferences. I.e. a conflict between following national PLRs and international obligations on human rights	Safeguard A is only about the alignment of REDD+ with national policies/ programmes and conventions. Whether or not land tenure and community rights are addressed should be covered under safeguard B/C. However, under A2, recognition of the conflict between national PLRs and international human rights obligations has been added as a challenge and a measure has been suggested. This has also been cross-referenced under C1.	
3 Safeguard A1 -Address	<p>As most forest areas in Myanmar are not effectively controlled by the Government and some are controlled by EAOS, REDD+ Myanmar will work with 10 EAOs who signed on NCA and NCA signatory action plan will come out. NRS is consistent with the NCA commitment for cooperation on environment.</p> <p>UN-REDD Myanmar Programme will work with EAOs to come up with EAO NCA signatories action plan on REDD+. Consistent with NRS. NCA-S EAO working group on land & environment. Ch 6-7 of NCA mentions env, NR, EITI; NCA itself relevant to go into SGA</p>	The National Ceasefire Agreement (NCA) has been added under A1 as a priority national policy. Further detail on planned coordination with EAOs for REDD+, such as a possible joint action plan, has been added under B3.	
3 Safeguard A1 -Respected	270 comments were received during National Validation Workshop of NRS and all comments were incorporated to the NRS	Noted – this section has been updated under A1 and D1.	
3 Safeguard A1 -Respected	The final NRS is approved from Taskforce with the Endorsement of NE5C and will be submitted to Cabinet through MONREC to get the approval.	Noted – this section has been updated.	
3 Safeguard A1 Implementation Responsibilities	As NE5C was established by the National Environmental Policy/Presidential Order and not by the law, the NE5C doesn't have the	A gap regarding the need to strengthen the legal framework on climate change has been added under A1. A suggested	

	right to issue the regulations. A Climate Change Law which can establish the NE5C might be needed. However, the role of NE5C can also be put under the Environmental Conservation Law 2012 through amending this law. This law already established the NECC, but unclear whether name will be changed to NE5C when the law is revised.	measure – e.g. through the amendment of the ECL or the development of a new climate change law – has also been added.	
3 Safeguard A1 Gaps/Challenges	It is not necessary to mention the procedure in the law/rules and so should omit the sentence of “no procedures are set out in the law for verifying that planned actions are indeed supportive of identified policies”.	This section has been updated to reflect that laws do not set out procedures, and the potential revision of the Forest Law (2018) noted.	
3 Safeguard B1 Addressed	How much consistency is there (e.g. percentage) between Myanmar’s REDD+ FPIC guidelines and UN-REDD FPIC guidelines?	It is not possible to assign a percentage consistency between the two guidelines; however, the FPIC section has been updated to note the consistency between the proposed Myanmar guideline and global guidance.	
3 Safeguard B1 Addressed	Under the sub-title Corruption, translation of Myanmar Timber Enterprise was as same meaning with Forest Department. Therefore, should edited in translation or deleted. Suggest to review the context of MTE; revise wording of PaM.	Noted – the translation has been corrected. However, as MTE is in the name of the PaM, it should remain. The comment on the wording of the PaM has been passed on to the NRS team.	
3 Safeguard B1 Implementation Responsibilities	MOPF is responsible to implement the Public Procurement Policy	Noted – this has been added to the section on implementation responsibilities.	
3 Safeguard B1 Gaps/Challenge	The Law on Public Procurement and Assets Disposal is under process and now in Cabinet; instead of no comprehensive legal framework on public procurement.	Noted – this information has been added under B1.	
3 Safeguard B2 Addressed	To include Community Forestry, Private Forest Plantation, Village owned Forest, traditionally managed forest under the state management forest to produce timber	Noted – after discussion with the DG and PMU, a clarified and more comprehensive list of timber sources has been added.	
3 Safeguard B2 Addressed	Suggested that for SFM, should interpret and revise the Sustainable Forest Management and mean annual increment.	This is understood to be a recommendation regarding how SFM could be improved.	Added reference AMI; PMU to check relevant selection on SFM
3 Safeguard B2	MONREC is responsible for supervising SEA but the	Noted – this text has been updated throughout the SOI.	

Implementation Responsibilities	implementation should be done by third party	References to the SEA guidelines have also been updated.	
3 Safeguard B4 Addressed	Should be Participatory National Forest Inventory, instead of NFI Another term is “NFI with a human rights-based approach”.	This refers to the name of the project that is supporting the NFI; criterion D3 has been updated to reflect the participatory nature of the NFI.	
3 Safeguard B4 Measures	When collecting the information (data on land, forest, etc), should coordinate and collaborate with INGOs and NGOs. INGOs and NGOs which are working with government should have their capacity built along with govt to fill gaps country wide	A suggested measure related to this has been added under B4.	
3 Safeguard B4 Measures	Information collection or information flow should be officially processed though formulating laws or signing MOU.	A recommendation related to the development of a law on access to information has been added under B1.	
3 Safeguard C	Should develop the basic framework on Indigenous People and Community-conserved Territories and Areas (ICCA)/ should build ICCA platform and connect with ICCA news group/ REDD+ should be implemented, based on the basic framework of ICCA	This is understood as a recommendation for the NRS but also more widely for protected area policy. It is noted that objective 4 of the NRS and one PaM in particular already refer to ICCA. The language around this has been strengthened under C1 and C3.	
3 Safeguard C	Should develop Indigenous People Rights Act. Indigenous People Rights Act should be linked with Forest Law and should be prepared by the Indigenous People themselves.	It is noted that this suggestion has been put forward not just in relation to REDD+. Under C1, a recommendation has been added regarding strengthening the PLR framework for indigenous rights, including options such as an Act, inclusion in new land law, etc, and that such a process should have substantive involvement of indigenous people’s representatives.	
3 Safeguard C	Shifting cultivation should be recognized and the way to identify the shifting cultivation in the ethnic group areas that might be silviculture, forest conservation or etc should be identified.	This is understood as a recommendation for the NRS and policy more broadly. It is noted that the recognition of shifting cultivation through ICCA (in one proposed PaM) is a short-term approach, and that a longer-term solution is needed whereby communities practicing stable shifting cultivation can have rights to land recognized. This issue has been added under C1.	

3 Safeguard C	Should draw on the participatory mapping related with how the ethnic groups manage the land and forests. Participatory Mapping has been done in 10 villages of Kachin State for land use planning.	Noted – this information and a recommendation related to participatory mapping has been added under C2.	Done- added to C2
3 Safeguard C	Multi-stakeholder group consultation system for SEA [under implementation responsibilities]	There is not currently any multi-stakeholder working group system related to SEA. References to MONREC and implementing agency responsibilities related to EIA/SEA have been updated throughout (see above).	
3 Safeguard C	Strengthen the ethnic group’s public hearing system through Members of Parliament/Sub-national governments	This is understood as a recommendation regarding strengthening the voice/communication channels for ethnic groups (and local people more broadly). Some additional information on the public hearing system and role of MPs has been added under C6.	
3 Safeguard C	Should learn the relevant gazetteer in ethnic groups areas	The recommendation is unclear. However, a suggested measure on mapping/improving ethnic group information has been added to B4.	
3 Safeguard C	Should research on policies, laws and regulations in Myanmar; policies and laws should be developed from bottom up.	This is understood as a broader recommendation regarding how PLRs are developed in Myanmar, beyond the scope of the SOI. It’s noted that PLRs have already been reviewed in the context of REDD+ and the safeguards.	
3 Safeguard C1 Addressed	Regarding the definition of “Local Communities” in Ward or Village Tract Administration Law 2012”, it refers to the qualification of Village Tract Administrator, not refers to local communities.	Noted – the relevant section of C1 has been corrected.	
3 Safeguard C1 Addressed	Regarding land acquisition, the Land Acquisition, Resettlement and Rehabilitation Law has been enacted on 19 August 2019.	Noted – this Law is not active/signed yet, however multiple sections of the SOI that refer to the previous Act have been checked and updated where needed.	

3 Safeguard C1 Addressed	Replace CFI (2019), in the place of CFI 2016	Noted – multiple sections of the SOI that refer to the CFI have been checked and updated where needed.	
3 Safeguard C1 Addressed	VFV Land Law 2018, Paragraph (30-b and c) should also be mentioned: Management of the following types of land shall not be governed by this law: (b) Customary lands designated under traditional culture of the local ethnic people: (b) the lands currently used for religious, social, education, health and transportation purposes of the public and ethnic people	Noted – this has been added under C1. In addition, other references to the previous VFV Law (2012) have been checked and updated where needed, as it is now the Law amending the VFV Law (2018).	
3 Safeguard D1 Addressed	To include Civil Society Organizations (CSOs) in the list of key stakeholders that should be engaged in designed and implementation of REDD+ PaMs.	Noted – this section has been updated; however, CSOs were not listed in the programme document being referred to.	
3 Safeguard D Addressed	To adopt the Guidelines for Public Participation in Myanmar's EIA process as soon as possible	Noted – references to the draft guidelines have been checked and updated, including in the recommendation to adopt the Guidelines.	
3 Safeguard D1 Implementation Responsibilities	As Forest Department should lead implementation of REDD+, Township Planning Implementation Committee should be formed with relevant government representatives, Hluttaw, Township elders and etc. led by Forest Department, instead of being led by MOPF	In the context of REDD+ implementation, State/Regional REDD+ committees have been proposed in the NRS. At township/district level, it is expected that REDD+ would involve the new Land Use Committees. MOPF usually leads current Township planning committees, via GAD, and may lead Land Use Committees as well. Forest departments will continue to lead the development of district forest management plans. There is a need to harmonise local level land use plans and forest management plans. Responsibilities for planning have been clarified and a measure related to harmonizing plans has been added under D1.	

3 Safeguard D2	When stakeholder representatives are selected, it should be through the identified criteria to avoid the elite's capture. However, because Myanmar has many ethnic groups it is not possible to identify the criteria to align with every group. Therefore, the criteria for the selection of stakeholder's representatives should be up to each group.	Reference to self-selection processes has been updated, and an additional measure proposed related to the comprehensive identification of stakeholder groups, communication on stakeholder rights, roles and responsibilities, and how GRM can allow stakeholders to provide feedback on stakeholder representatives/selection processes.	
3 Safeguard E1 Addressed	Suggested to change the term "Natural Forest" to "Forest" in forest mapping because it is difficult to classify the natural forest in forest mapping whether on ground mapping or satellite image mapping. Otherwise, can the term "Natural Forest" be change to "National Forest" that means nation-wide forest? Other say we should not change the term, as the safeguard focus is on Natural Forest. Myanmar also has many ethnic peoples and the terms may be conflict if it is changed to "National Forest", that looks like meaning of national ownership.	The safeguard specifically mentions "Natural Forest" because, when REDD+ is implemented, natural forests may be at varying degrees of risk of being replaced with fast growing trees, for example. It is therefore important to try to identify and monitor areas of natural forest. Myanmar can define what the term natural forest means in its national context. The National Forest Inventory (NFI) represents an opportunity to identify natural forest types.	
3 Safeguard E1 Addressed	In the sentence "the government's target to increase the production that could expand the agriculture areas that are the indirect drivers of deforestation", is this specifically for type of forest, like forest in VFV or for what types of forest?	This section has been clarified: agricultural expansion is a direct, not an indirect driver, and it is noted that MOALI is focused on increasing yields rather than increasing the area under cultivation. PaMs aimed at addressing this driver as a risk of natural forest conversion are also referenced.	
3 Safeguard E1 Addressed	EAOs like KNU have their forest law and manage the forest according to their regulations. To avoid the conversion of natural forest, how to consider management the forest between the different systems of EAOs and government? Consistency on rule and regulation should be reviewed especially in EAO's areas	Noted – the address section of E1 has been updated to recognise the issue of different forest governance systems, as well as the analysis that has been carried out. Coordination with EAOs under B3 is cross referenced.	
3 Safeguard E1 Respected	Mapping of Natural Forest has been doing. Participants suggested that "the paragraph of Mapping of	Need more detail especially if adding under respect. May & Charlotte to talk to FAO team.	Check with FD staff; gap/measure related

	National Forest under safeguard E1” is also relevant to Respected Component. Thus, its paragraph should be put both Addressed component and Respected component		to definition already included.
3 Safeguard E4 Addressed	To mention specifically about Gender Equality - which kind of benefits can be received by the women due to gender equality? Is there equality between men and women taking part in REDD+ process?	Comment is unclear. Please see related comment below on gender equality.	
3 Safeguard E4 Addressed	Instead of “without carbon emission”, lowest carbon emission in SOI Myanmar Version	Noted – Myanmar version will be checked	Check in Myanmar Version
3 Safeguard E4 measures	Awareness raising activities should be conducted in order to promote the aspect of gender equality and equity, especially involvement of women in REDD+	Noted – language on strengthening gender equality added to D1 and E4.	
3 Safeguard F1 Addressed	Depending on the political will, REDD+ activities can be reversed not only in private smallholder plantation but also all REDD+ activities can be reversed.	Noted – text under F1 corrected; the risk does not just apply to smallholder plantations.	Corrected under F1
3 Safeguard F1 Addressed	To include forest fire in risks	Noted – forest fire was not identified as a priority risk by stakeholders under Principle F during benefits & risks analysis. However, the risk of fire in plantations is noted under Principle E. The language on risks of reversals has been clarified, see above as well.	
3 Safeguard F3 Addressed	To add Forest Law 2018, Section 9 under Address aspect: Section 9 mentions the duties and responsibilities of FD which include the forest resources information collection and dissemination that will upgrade the information management of Forest. This can help to address the Safeguard F3.	Noted – this information is most relevant to criterion B4 and so has been added there.	
3 Safeguard G1 Addressed	To omit the sentence “non-forest ecosystems that may be at risk of displacement of agriculture and	The risk of displacement of pressures as well as emissions into both forest and non-forest	

	livelihoods activities, such as grasslands and wetlands”. It is ok to put Mangrove Ecosystem under wetland ecosystem. However, also notes that displacement is a valid risk, but also need to know what forest and non-forest is (Forest Law lacks clear forest definition), and that not all ‘forest’ is under government control.	ecosystems is a valid concern. At the same time, there are issues related to the language of ‘forest’ vs ‘non-forest’ in Myanmar, including related to organizational mandates. The language under G1 has been updated to remain consistent with the language of the criterion: ‘other ecosystems’, and some more detail provided under “implementation responsibilities”.	
3 Safeguard G2 Addressed	To elaborate the words “some PaMs” in second bullet points and “a number of additional instruments” of addressed part.	Noted - some more specific terminology has been added.	

4. Next Steps

In the closing session, Ms. Charlotte Hicks provided some closing remarks and thank you message to DG members for their valuable inputs. She also outlined next steps:

- Update the Sol according to the agreed discussion points during the 3rd DG meeting
- Share the Sol in track changes to DG members for their final inputs, and to check acknowledgments
- Update the Myanmar version according to the updated English Sol
- Submit to Forest Department by mid-December 2019.

Annex-1

Participants list of first SOI draft meeting

No	Name	Title	Organization/Ministry ^[CH5]	Gender	
				Male	Female
1	Dr. Thaung Naing Oo	Director	Forest Research Institute, Forest Department	1	

2	Daw Nwe Ni Maung	Assistant Director	Department of Ethnic Rights, Ministry of Ethnic Affairs		1
3	Daw Aye Aye Thin	Assistant Director	Department of Social Welfare		1
4	Daw Kyi Kyi Win	Staff Officer	Department of Agriculture		1
5	Daw Akari Win	Deputy Staff Officer	Department of Agriculture		1
6	Mai Thin Yu Mon	Programme Director	CHRO		1
7	Dr. Zar Chi Hlaing	Staff Officer	Forest Department		1
8	Daw Tin Hnaung Aye	Range Officer	Forest Department		1
9	U Htin Aung Kyaw	Assistant Director	Environmental Conservation Department	1	
10	U Stony	M&E Officer	POINT	1	
11	U Paing Htet Thu	Senior Program Assistant	MERN	1	
12	Daw Chaw Chaw Sein	SIS Consultant	FAO		1
13	Charlotte Hicks	Technical Officer	UNEP-WCMC		1
14	May Nwe Soe	Consultant	UN Environment		1
15	Tim Boyle	CTA	UN-REDD	1	
16	Khin Hnin Myint	National Programme Coordinator	UN-REDD		1
17	Thit Thit Han	Communication Officer	UN-REDD		1
18	Phyo Pa Pa Han	Programme Assistant	UN-REDD		1
19	Sandar Min Wai	Programme Assistant	UN-REDD		1
				5	14

Agenda

<u>27 November 2019</u>		
Time	Session	Presenter/facilitator
8:30 – 9:00 am	Registration	
9:00 – 9:05 am	Welcome remarks	UN-REDD National Programme
9:05 – 9:15 am	Overview of agenda & recap of workplan	May Nwe Soe, National SOI Consultant
09:15 – 10:30	Discussion on comments received on SOI	All
<i>10:30 – 10:45 am</i>	<i>Tea break</i>	
10:30 – 12:30 pm	Discussion on comments received on SOI	All
12:30 – 1:30 pm	<i>Lunch</i>	
1:30 – 3:00 pm	Discussion on comments received on SOI	All
<i>3:00 – 3:15 pm</i>	<i>Tea break</i>	
3:15 – 4:15 pm	Discussion on comments received on SOI	All
4:15 – 4:45 pm	Any final comments from DG members	DG members
4:45 – 4:55 pm	Next steps including submission to FD	Charlotte and Tim/Khin Hnin
4:55 – 5:00 pm	Meeting close	UN-REDD National Programme