

SECTORAL POLICY RECOMMENDATIONS FOR BUILDING A FUTURE FEDERAL DEMOCRATIC UNION

(Draft)



Ethnic Nationalities Affairs Center (Union of Burma)

(January 2019)

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Acknowledgements

On behalf of the Ethnic Nationalities Affairs Center (ENAC), I would like to express my heartfelt gratitude to leaders and representatives from ethnic armed organizations (EAOs), ethnic political parties (EPPs), civil society organizations (CSOs), and community based organizations (CBOs) as well as national and international experts for their active participation in the process of developing “Sectoral Policy Recommendations for Building a Future Federal Democratic Union”.

I would also like to especially thank leaders from EAOs, and CSOs and CBOs for supporting ENAC’s field consultations at the EAOs’ headquarters. Moreover, I would like to thank leaders of political parties (PPs), CSOs, CBOs, and government officials for helping to make the field consultations possible in all seven states and Sagaing and Thanintharyi regions.

ENAC organized the development of these policies as it is crucial to have a common understanding of policies among leaders from EAOs, PPs, CSOs/CBOs who are the key stakeholders in the peace process and building a federal democratic union.

When developing the policy recommendation drafts under the leadership of the ENAC Board of Directors, a bottom-up approach and all-inclusiveness principle were adopted. With these fundamental principles, ENAC worked in different stages to include opinions and suggestions of different people from different parts of the country by conducting workshops, field consultations, and review and feedback integration workshops. However, we acknowledge that these policy recommendations are still in a draft stage and more work is needed to achieve a more comprehensive set of policy recommendations.

These policy recommendations were developed collectively by leaders from EAOs, EPPs, CSOs and CBOs and are therefore jointly owned policy recommendations (draft), while ENAC facilitated the process of policy development. We hope that these policy recommendations will be applied as a tool in political dialogues at the local and national levels and at the Union Peace Conference – 21st Century Panglong.



Zo Tum Hmung
Executive Director

Ethnic Nationalities Affairs Center (Union of Burma)

Foreword

These fundamental draft policies derived from workshops organized by the Ethnic Nationalities Affairs Center (UNFC) during a two-year period, to get common understandings among ethnic armed organizations, ethnic political parties, civil society organizations, and community based organizations who will be participating in the transition process towards peace and a future federal democratic union in Burma. On behalf of the United Nationalities Federal Council (UNFC), I especially thank individuals and organizations that contributed to this process together with the Ethnic Nationalities Affairs Center (Union of Burma).

The UNFC decided at its Central Executive Committee meeting held on 1-3 June 2016 to adopt the first edition of these sectoral policy recommendations and use them as needed for public consultations, at political dialogue, and in the drafting process of a federal constitution.

In order to collect feedback from various stakeholders, the sectoral policy recommendations were discussed in field consultations with political parties, community based organizations and civil society organizations in the states and regions. The sectoral policy recommendations were then revised and improved based on the feedback and recommendations from the field consultations. As a result, the sectoral policy recommendations have now become more comprehensive and inclusive. Moreover, as two more sectoral policy recommendations have been added to the book, this edition of the “Sectoral Policy Recommendations for Building a Future Federal Democratic Union” covers more sectors and has a wider range of representation. I would also like to suggest further development of policies for other sectors in the future.

These sectoral policy recommendations do not cover all the sectors that would meet ethnic people’s demand for equal rights. However, this is an important initiative for 11 sectors of issues to tackle in order to establish a federal democratic union. As such, I understand that these draft policy recommendations will contribute as guiding principles for every level of the peace and political dialogue process between the Government of Burma and ethnic armed organizations, as well as in the drafting process of a federal democratic union constitution.



Nai Hongsa
Chairperson

United Nationalities Federal Council (UNFC)

Chairperson

Board of Directors

Ethnic Nationalities Affairs Center (Union of Burma)

Foreword

These 11 sectoral policy recommendations for building a federal democratic union (draft) resulted from proposals and discussions made by ethnic armed organizations (EAOs), ethnic political parties (EPPs), community based organizations (CBOs) and civil society organizations (CSOs) who have participated in the peace process and been working to achieve a federal democratic union, and from ENAC workshops for a period of two years to form common understandings on the policies among the stakeholders. As a participant in the process of developing these policy recommendations from the beginning, the United Nationalities Alliance (UNA) has adopted these drafts in principle.

These policy drafts are very important for ethnic nationalities who are building a federal union on the grounds of equality. Under a federal system, the states must have the right to develop their own sectoral policies applicable for them so that division of powers will be clear between the states and union governments. I believe that these sectoral policy recommendations will be very useful when drafting such federal policies.

Since these policy recommendations have been through several consultation workshops with political parties, CSOs and CBOs from different states and regions and their feedback has been integrated, they have become even more complete in each sector and more inclusive in representation. These policy recommendations were collaboratively developed by all ethnic nationalities, and therefore are collectively owned.

Although the policy recommendations are still in a draft stage and more activities need to be done in order to create a more inclusive set of policy recommendations, I believe that they will be very helpful in today's political dialogues held at national and local levels, in the Union Peace Conference – 21st Century Panglong, and in drafting constitutions for states and the federal union.



Sai Nyunt Lwin
Member of the Secretariat
United Nationalities Alliance (UNA)

Introduction

It is a great pleasure to publish the 3rd edition of Sectoral Policy Recommendations for Building a Future Federal Democratic Union. With leaders and representatives from ethnic armed organizations (EAOs), ethnic political parties (EPPs), community based organizations (CBOs), civil society organizations (CSOs) and Core Working Groups (CWGs)¹, a workshop on moving forward with the 11 sectorial policy recommendations was held in Chiang Mai, Thailand in February 2018. Based on the discussions made from the workshop, the terminologies of “Interim Period” and “Refugees and IDPs” were re-defined more appropriately in this third edition. Moreover, changes to the format of the policy recommendations were also made for better clarity. To more easily distinguish it from the previous editions, the color of the third edition was also changed. However, the recommendations, guiding principles and other contents consisted in the book have not been amended.

This document is a collection of draft policies developed at a series of workshops organized by the Ethnic Nationalities Affairs Centre (ENAC). These policy drafts resulted from discussions and proposals made by EAOs², EPPs, CBOs and CSOs who are participants in the peace process and are working to achieve a federal democratic union also during this interim period, which is the period from the signing of cease-fire agreements until the signing of a future final nationwide peace accord. The ENAC workshops were organized with the purpose of building common understandings among these diverse stakeholders regarding potential policies across a range of important sectors. These policy drafts were created from the proposals and discussions made by workshop participants from EAOs, EPPs, CBOs, CSOs, and relevant international and national experts from Burma/Myanmar. The policy workshops first started in December of 2014, and to date, a total of 11 policies have been developed.

¹ Core Working Groups for different policy sectors were formed during the policy development process with representatives from EAOs, EPPs, CBOs and CSOs. Core Working Group meetings were held regularly to facilitate policy reviews, to provide input on strategic planning and to coordinate between all stakeholders

² Kachin Independence Organization (KIO), New Mon State Party (NMSP), Shan State Progress Party/Shan State Army-North (SSPP/SSA), Karen National Union (KNU), Karenni National Progressive Party (KNPP), Palaung State Liberation Front (PSLF), Chin National Front (CNF), Labu Democratic Union (LDU), Arakan National Council (ANC), Wa National Organization (WNO), Pa-Oh National Liberation Organization (PNLO), United League of Arakan/Arakan Army (ULA/AA), Restoration Council of Shan State/Shan State Army-South (RCSS/SSA)

In addition to the primary workshops, meetings to review and analyze the policy drafts were organized with participation from members of Core Working Groups (CWGs) assigned to different policy areas, as well as with leaders of EAOs. ENAC staff also travelled to different EAO administrative areas and presented the policy drafts to those responsible for specific policy areas, as well as representatives of CBOs and CSOs, in order to revise and improve the final draft policies.

On 29-30 May 2016, a final consultation workshop was held to present and compare different versions of all of the policy drafts, and to build common understandings of the revisions made to the earlier versions among the leaders of EAOs, EPPs and members of CWGs. The United Nationalities Federal Council³ adopted the policy recommendations (draft) in June 2016. Afterward, recommendations on 9 policy sectors were published for the first time as the Sectoral Policy Recommendations for Building a Future Federal Democratic Union in June 2016.

To form a common understanding on the 9 sectoral policy recommendations (draft) ENAC conducted field consultations with representatives and leaders from the National League for Democracy (NLD), Union Solidarity and Development Party (USDP), EPPs, CSOs and CBOs in Mawlamyine, Pa-an, Keng Tong, Lashio, Taunggyi, Myitkyina, Sittwe, Loikaw, Dawei, Hakha and Kalay.

Feedbacks for improvement to the drafts from the field consultations were collected. Afterwards, ENAC organized an integration workshop on 29-31 August 2017 with representatives and leaders of EAOs, United Nationalities Alliance UNA⁴ and CWGs in order to integrate the feedback to the existing drafts and revise the recommendations as a whole. In addition to the 9 sectors of the policy recommendations, two more sectors on forest and environment, and energy were developed from workshops with representatives and leaders from EAOs, UNA, CSOs, and CBOs, and were added to the existing sectors.

³ UNFC members: *Arakan National Council (ANC), Kachin Independence Organization (KIO), Karenni National Progressive Party (KNPP), Labu Democratic Union (LDU), New Mon State Party (NMSP), Shan State Progress Party (SSPP), and Wa National Organization (WNO).*

⁴ UNA members: *Arakan League for Democracy (ALD), Arakan Patriot Party (APP), Chin League for Democracy Party (CLDP), Chin Progressive Party (CPP), Danu National Democracy Party (DNDP), The Kachin National Congress (KNC), Karen National Party (KNP), Kayan National Party (KNP), Khumi (Khami) National Party (KNP), Mon National Party (MNP), Mro National Democracy Party (MNDP), Shan Nationalities League for Democracy (SNLD), Shan-ni and Northern Shan Ethnic Solidarity Party (SNSP), Shan State Kokang Democratic Party (SSKDP), and Zomi Congress for Democracy (ZCD).*

The two additional sectors – Forest and Environmental Policy Recommendations (draft) and Energy Policy Recommendations (draft) – have not been adopted by UNFC, and field consultations on these two sectors have not yet been organized as widely as the other sectors. However, the UNA has adopted all the 11 sectors in principle.

In the “moving forward” workshop held in February 2018, participants identified policies that should be implemented during the current peace process, and policies to be implemented in the long term and their implementation methods were laid out. Moreover, it was agreed that advocacy on the policies should be conducted to government departments, the Parliament, state governments and the international community.

These sectoral policy recommendations may not be perfect. However, they have gone through several stages of review and revision through workshops and consultations with the collective efforts of various stakeholders.

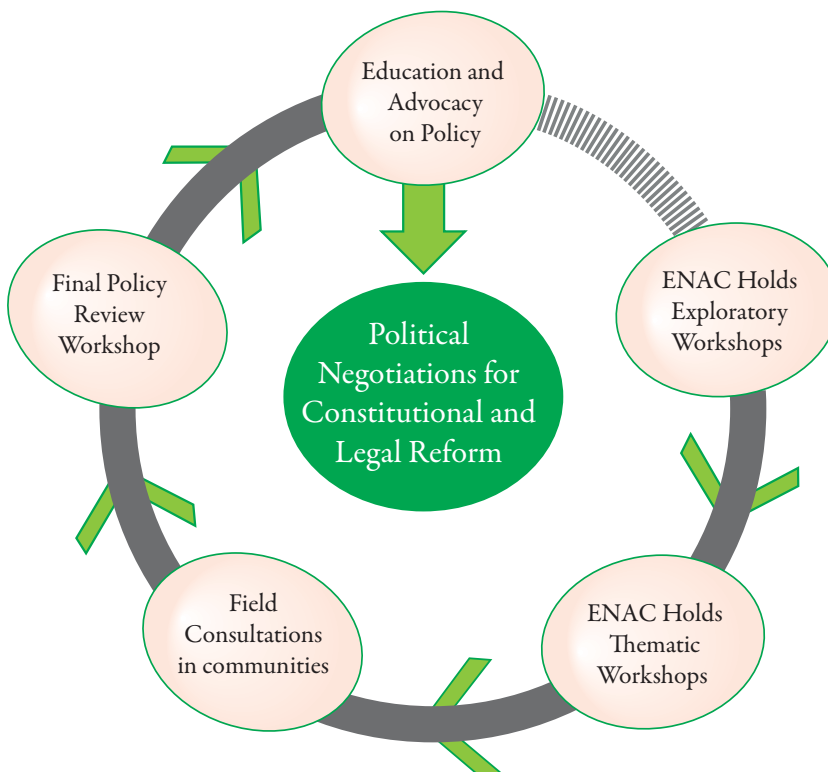
With the intention to inform the public of Burma, the hope to contribute to the political dialogue process between the Burmese Government and ethnic armed organizations, and to provide a set of guiding principles for the creation of a federal democratic constitution, ENAC is glad to present to the public and all peace actors the third edition of Sectoral Policy Recommendations for Building a Future Federal Democratic Union.

Policy Development Process

Crucial Actors

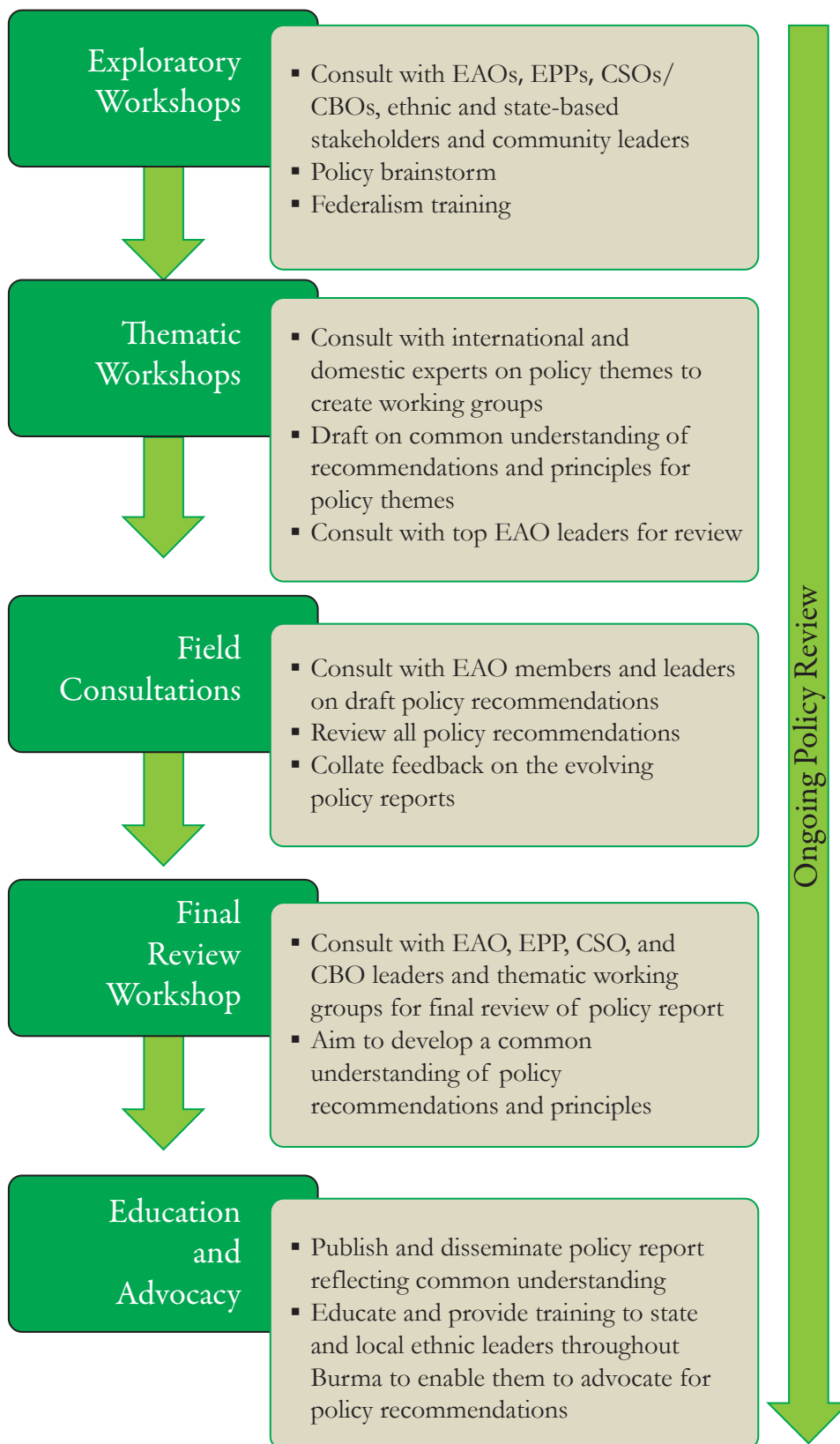


Informing Political Dialogue and Negotiations



Policy Development Sectors

ENAC Policy Sectors	<ul style="list-style-type: none">• Agriculture• Education• IDPs and Refugees• Health• Humanitarian Aid• Land Rights• Natural Resource Management• Taxation• Trade and Investment• Forest and Environment• Energy
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Publication, Education and Training

ENAC's policy report is published, distributed, and used for public education and engagement

Political Negotiations

Policy recommendations inform political negotiations as bargaining tools.

Constitutional and Legal Reform

Negotiated policy recommendations serve as guidelines for the creation of a federal constitution and legal system.

I. HEALTH POLICIES (DRAFT)



Background

The first education and health policy workshop was held on April 24-25, 2015, by the Ethnic Nationalities Affairs Center (ENAC) with the participation of leaders of ethnic armed organizations (EAOs), ethnic political parties (EPPs), representatives from community based organizations (CBOs), and civil society organizations (CSOs). Another workshop was held for members of EAOs on May 30-31, 2015, to review and revise the previous version of the draft. Again, members of CBOs and CSOs were brought together at a workshop on October 23-24, 2015, for another round of review and revision. After having gone through several steps of review and revisions, ENAC took the revised version of the policy draft to the administrative areas of several EAOs and presented it to those responsible from EAOs, and representatives of CBOs and CSOs for their input and revision, from January to May, 2016.

In order to build a common understanding of policy, the new input and revision from ENAC's field trips, along with different versions of the policy draft, were discussed on May 29-30, 2016, and again on August 29-30, 2017, among the leaders of EAOs, EPPs, and members of Core Working Groups (CWGs) whose members were assigned to different policy topics. This health policy draft is the result.

The policy recommendation drafts were published for the first time in June 2016. Subsequently, consultations to review and improve the draft were held in states and regions throughout the country with leaders and representatives from the National League for Democracy, Union Solidarity and Development Party, EPPs, CBOs, and CSOs from November 2016 to June 2017. In order to form a common understanding from the inputs gathered at the consultations, an integration workshop was held on August 29-31, 2017 with representatives and leaders from EAOs, the United Nationalities Alliance and members of the CWGs. The workshop integrated the inputs and finalized the draft policy recommendations for publication of the third edition.

Introduction

To develop health policy, analysis was carried out to identify problems regarding the health situation in Burma. Despite strong opposition from people, particularly ethnic nationalities of Burma, the 2008 Constitution has been used to create a centralized health policy framework, which is ineffective. Common problems include: insufficient funds for health care, insufficient basic health infrastructure¹, poor road infrastructure to access health services, an insufficient number of both well-trained health care providers and of medicines, a failure to properly provide public health services, as well as corruption and mishandling of financial and medicinal aid provided by the international community.

In ethnic areas these problems were found to be worse and public health care has been largely ignored by the central government, especially in the conflict-affected areas of ethnic states. Since the initiation of the peace process, the central government has discouraged and tightly controlled cross-border aid given to the areas administered by EAOs. At the same time, the Burma Army has increased its control and influence over public health mechanisms. Despite the increasing emergence of private clinics and hospitals, there has been a lack of policy connection between these private health services and the public health services. There is a necessity for Burma's overall health mechanisms to improve national level health indicators through the implementation of a federal democratic health system.

Goals

As the right to health is everyone's basic right, the aim of this policy is to create a federal democratic health system that provides equal access to basic health services to every citizen in every area in the country, with participation from the government, all ethnic health organizations (EHOs), EPPs, CBOs, and CSOs.

¹ For example, hospitals and clinics.

Guiding Principles

1. When carrying out the development and implementation of the national health policy, states shall have the right to develop and implement their own health policies, in accordance with a federal democratic system.
2. Universal Health Coverage (UHC)² should be the primary health strategy, based upon the fundamental human right that guarantees health protection and basic health services for every citizen; health policy should be based upon principles of equality and equity.

Policy Recommendations

(a) Policy Recommendations During Interim Period³

1. Existing health organizations set up by ethnic armed organizations in ethnic areas shall be allowed to freely carry out their health services while implementing universal health coverage strategy in accordance with World Health Organization's (WHO) goals and principles.
2. Existing health organizations set up by EAOs shall have the right to implement existing health projects and new projects.
3. Health governance systems set up by the EAOs must also be recognized.
4. Health staff working in the Ethnic health organizations (EHOs) set up by the EAOs must be recognized.
5. While carrying out the implementation of health programs in the areas administered by EAOs, the approval of the local EHOs must be acquired.
6. Health-related humanitarian and development assistance must be in accordance with the existing health systems set up by the local ethnic health organizations and CBOs.

² The World Health Organization of the United Nations has defined universal health coverage as follows: all people can use the promotive, preventive, curative, rehabilitative and palliative health services they need, of sufficient quality to be effective, while also ensuring that the use of these services does not expose the user to financial hardship.

³ Interim Period means the period from the signing of a ceasefire agreement to the signing of a national peace accord.

(b) General Policy Recommendations

1. EHOs and CSOs shall be included in every level of drafting and amending the National Health Policy.
2. Health policies relating to fast-spreading infectious diseases must be included in National Security Policy.
3. In order to ensure the systematic development of private health services, government must promote, regulate, and coordinate with private health services.
4. While carrying out the implementation of health programs, the government shall cooperate with all sectors.
5. The federal democratic union government shall allocate budget for national health care services for the ethnic areas according to the principle of equity.
6. The state governments shall have the right to govern and manage health care services, employ health staff, and allocate the health care budget.
7. The states shall have the right to independently exercise traditional health care practices beneficial to the public without centralization regardless of the type democratic system practiced in the country.
8. Local people with sufficient local language skills shall be given priority in participation in health trainings and in employment of health staff within the state.
9. The advancement of health staff's capacity and the development of the health technological system to efficiently carry out health services shall be ensured.
10. Public health care programs must be prioritized in drafting health programs.
11. Reform of public health care programs must prioritize areas located far from existing health facilities, rural areas, as well as ethnic populations in the border areas.
12. Traditional medicine and health practices beneficial to the public must be researched and supported, so that they can be revived and strengthened for the long-term benefit of communities and meet international standards.
13. Respective state governments and the federal union government must ensure provision of free health care for the elderly, pregnant women, children under five years old, orphans, and disabled and poor citizens.

14. Free health care for children under five years old and free basic reproductive and maternal health care must be provided.
15. Provision of health care and rehabilitation services for drug users must be prioritized.
16. The quality of medicine, food, and nutrition must be monitored and controlled effectively in line with the WHO's principles and regulations.
17. A public health insurance system shall be developed and implemented.

■ 2. EDUCATION POLICIES (DRAFT)



Background

This draft education policy is a result of workshops on Education and Health Policies held on April 24-25, 2015, by the Ethnic Nationalities Affairs Center (ENAC), with the attendance and participation of leaders of ethnic armed organizations (EAOs), ethnic political parties (EPPs), and representatives from community based organizations (CBOs), and civil society organizations (CSOs). Another workshop was held for members of EAOs on May 30-31, 2015, to review and revise the previous version of the draft. Again, members of CBOs and CSOs were brought together at a workshop on October 23-24, 2015, for another review and revision after the previous workshop. After having gone through several steps of review and revisions, ENAC took the revised version of the policy draft to the administrative areas of several EAOs and presented it to those responsible from EAOs, as well as representatives of CBOs and CSOs for their input and revision from January to March, 2016. In order to build a common understanding of the policy, the new input and revisions from ENAC's field trips together with different versions of the policy draft, were discussed on May 29-30, 2016, and again on August 20-30, 2017, among the leaders of EAOs, EPPs and members of Core Working Groups (CWGs), whose members were assigned to different policy topics. This education policy draft is the result.

The policy recommendation drafts were published for the first time in June 2016. Subsequently, consultations to review and improve the draft were held in states and regions throughout the country with leaders and representatives from the National League for Democracy, Union Solidarity and Development Party, EPPs, CBOs, and CSOs from November 2016 to June 2017. In order to form a common understanding from the inputs gathered at the consultations, an integration workshop was held on August 29-31, 2017, with representatives and leaders from EAOs, the United Nationalities Alliance and members of the CWGs. The workshop integrated the inputs and finalized the draft policy recommendations for publication of the third edition.

Introduction

Successive central governments have continuously reserved full power to create education policy, and the education budget is held in the hands of the central parliament and ministers. It does not meet federal democratic standards as the governments of states and regions have no power to develop educational infrastructure¹ and mechanisms, which are instead decided solely and directly by the central Ministry of Education. In the ethnic areas, there has been a shortage of school infrastructure, poor quality materials and buildings, expensive tuition fees, a shortage of teachers, a general lack of development, the closure of schools in conflict areas, difficulties in setting up schools, the loss of educational opportunities for school-aged children, challenges in curriculum and language at school, and a practice of discrimination against women and ethnic nationalities. There has been misuse of educational funds provided by the international community for religious indoctrination in schools, and to influence, control and destroy ethnic culture and literature. Since the start of the peace process, cross-border aid given to ethnic schools in the border areas has been gradually decreasing, and now it is no longer sufficient or sustainable. Therefore, it is necessary to develop a proper educational system based on the principles of a federal democratic union, for the transitional period and the future.

Goals

As education is a fundamental human right, the goal is to create an educational system in accordance with a federal democratic union and international standards, which promotes ethnic nationalities' rights to protect their cultures, literatures, histories; improves national wellbeing; and guarantees freedom of creative thinking.

¹ Universities, colleges and school buildings.

Guiding Principles

1. A federal democratic educational system must be based on human rights.
2. Ethnic national schools and private schools must have the right to exist legally.
3. For sustainable protection and improvement of ethnic literature, culture, and history, support must be provided, reflecting the needs of each state.
4. The educational system must promote and respond to the development and sustainability of the federal democratic union.

Policy Recommendations

(a) Policy Recommendations During Interim Period²

1. Educational systems implemented by EAOs must be officially recognized and financed, and their educational staff must be provided with capacity building.
2. Curricula written by educational organizations operating under the EAOs and curricula under the states and regions must be able to connect, guided by standards of federal democratic education.
3. International providers of support for education in ethnic areas must directly contact EAOs, CBOs, and CSOs for coordination and implementation.
4. The stateless children of Burma citizens shall have access to education.

(b) General Policy Recommendations

1. State governments and legislatures shall have the right to legislate, govern and manage the education sector and allocate budgets for the sector under a federal education system.
2. Educational organizations representing people of the ethnic states must have freedom and the right to set up and operate education systems, in accordance with the standards of federal democracy.
3. Decision-making power to govern and manage education must be in the hands of relevant states, local authorities and schools.

² *Interim Period means the period from the signing of a ceasefire agreement to the signing of a national peace accord.*

4. Relevant educational institutions and private schools in every state must have the right to create entrance and skill assessment examinations, including university entrance examinations, for their own schools and institutions.
5. State governments, local administrative bodies, local ethnic educational organizations and other relevant educational organizations shall have the right to cooperate and coordinate to manage the protection and promotion of ethnic languages. If necessary, the federal government must provide support.
6. Ethnic nationality schools must have the right to open not only in their respective states, but also in other areas and states where the same ethnic people reside.
7. To enable transfer of students between different states, ethnic states must cooperate by forming agreements on the standards of education.
8. In order to sustain ethnic languages, government offices in respective ethnic states must recognize the respective ethnic language as one of the official languages.
9. Respective state governments shall have the right to make laws in order to develop an education system based on mother tongue-based multilingual education beginning from kindergarten, gradually increasing it to advanced degrees.
10. Universities and colleges must have departments for specialized studies in ethnic language literature and ethnic social studies.
11. In addition to the school education system, there must be educational departments providing internships for work experience, vocational education, and higher education relevant to occupational needs in ethnic regions.
12. Early childhood education must be free and compulsory, and must be under the education ministry.
13. Basic education from kindergarten to junior secondary³ must be free and compulsory, and senior secondary⁴ education must be free.
14. An inclusive education system must be created for everyone, including for those with handicaps, people with learning disabilities, underprivileged, and poor people and those with many barriers to educational access.

³ Junior secondary includes the levels after primary school and before high school/higher education.

⁴ Senior secondary includes the levels before high school and high school.

15. The education system should be without an age limit, and must allow for a system of lifelong learning with individuals having a free choice of studies.
16. Laws must be enacted to allow every citizen to officially transfer between non-formal and formal education systems.
17. Opportunities must be created for manual laborers to have access to education through the establishment of community and labor colleges.
18. Support for education funds and special programs in rural areas and other areas with specific needs must be increased to ensure equal access to education.
19. To implement programs, including a nutritional meal program and school health program, school administrations, departments of health from states and the federal union must cooperate.
20. Special policies must be established to create a drug-and-corruption-free education environment, and policies regarding the security of education staff and students must be set up.
21. To create curricula guided by standards of federal democratic education, the federal government must provide necessary financial and technical support to respective educational boards in states.
22. Curricula covering the histories, literatures, languages, and cultures of ethnic nationalities as well as basic health, sports, physical education, social skills, arts, civic education, political science, human rights, peace education and critical thinking must be officially prescribed.
23. Curricula covering environmental education in response to local needs must be officially adopted.
24. The education system must provide early childhood education, basic education, and higher education that is student-centered and research-based.
25. Continuous and comprehensive assessment, student-centered assessment and formative assessment must be practiced.
26. For effective learning, student-teacher ratio must be at most 25 to 1.

27. Educational grants and financial support must be created for every level⁵ of education.
28. Local ethnic educators must be prioritized when recruiting education staff.
29. For educators and teachers, continuous support for decent living and opportunities for capacity building must be provided for their dignity and integrity. Educational staff working in areas lacking many basic needs must be provided with special benefits.
30. Every teacher and student shall have freedom to form and participate in associations and unions.
31. The Ministry of Education shall have the authority to implement the educational programs.
32. There shall not be religious influence or discrimination.
33. Every student shall have the freedom to choose subjects based on their interests rather than on their grades.
34. An ethnic language shall be used as language of instruction, and students shall have the right to study other languages as elective subjects at higher education and university levels.

⁵ *Basic education, vocational education, and higher education.*

3. LAND POLICIES (DRAFT)



Background

A workshop on land policy was held on March 25-27, 2015, organized by the Ethnic Nationalities Affairs Center (ENAC), with the attendance and active participation of leaders of ethnic armed organizations (EAOs), ethnic political parties (EPPs), and representatives from community based organizations (CBOs) and civil society organizations (CSOs). Again on May 30-31, 2015, EAOs met to go over the policy draft and make changes. Representatives of CBOs and CSOs again revised a new draft at another meeting on October 23-24, 2015. From January to March 2016, ENAC traveled with the updated policy draft to the administrative areas of several EAOs and presented it to those responsible from EAOs, as well as representatives of CBOs and CSOs for their input and revision. After several steps of review and revisions, the new input and revision from ENAC's field trips—along with different versions of the policy draft—were discussed on May 29-30, 2016. This was done to achieve a common understanding among the leaders of EAOs, EPPs and members of Core Working Groups (CWGs) whose members were assigned to different policy topics. This resulted in these draft land policies.

The policy draft was published in the states and regions in 2016 for the first time. The amendments were made from November 2016 to June 2017 with EPPs—including members of the United Nationalities Alliance (UNA)—CSOs, and CBOs. A common understanding of the amendments and supplements was a result of the consultation workshops held in the states and regions. ENAC conducted another workshop with representatives of EAOs, the UNA, and members of the CWGs on August 29-30, 2017 to integrate inputs gathered from consultations, and finalize the draft policy recommendations for publication of the third edition.

Introduction

Problems with land rights, policies, and legislation stem from a highly centralized governance system. Article 37(a) of the 2008 constitution states: “the Union 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”. Other key legislations and policies—including the 2012 Farmland Act and the Vacant, Fallow and Virgin Land Act as well as the (2014) National Land Use Policy (draft)—favor investors, the Burma Army and their allied militia, encouraging large land ownership and concessions. The current land policies and legislation do not have adequate mechanisms to address and solve problems around land and disputes over land ownership. Before and during the peace process, there has been unjust widespread

farmland confiscation in ethnic states without any guarantees of compensation over the losses. Therefore, it is necessary to create land policies that represent the interests of ethnic people, in line with international standards and a federal democratic system.

Goals

Land policies based on the principles of a federal democratic union are to be created; current unjust and outdated farmland and land laws, which discriminate against women, need to be abolished and replaced with land management and use systems that promote gender equality and sustainable land ownership for ethnic peoples.

Guiding Principles

1. Policies related to land are to be created based on ethnic customary practices and in line with international standards of federal democratic countries.
2. To create land policy that can solve current land disputes and contribute to peace building and national reconciliation based on the constitution of the federal democratic union.
3. Without damaging the ecosystem, farmers must have the right to freely cultivate their farmland and utilize grazing land in accordance with their tradition for food security.
4. Ethnic nationalities must have the right to manage land systematically and independently.

Policy Recommendations

(a) Policy Recommendations During the Interim Period¹

1. Policies relating to the interim period must be enacted in the land policy.
2. Large-scale business investments, such as special economic zones and valuable resource² extraction, which may cause harm to the environment and the local public, shall be halted.
3. Respective state governments must recognize documents proving land ownership of the ethnic nationalities. When doing so, respective state governments must also give official recognition to land title documents produced by EAOs granting ethnic people ownership and use of farmland.
4. EAOs must have land policies, laws, and implementation mechanisms for land management in their respective areas.
5. Laws prohibiting the confiscation of agricultural lands by the Burma Army, other armed groups, any organization or individual must be enacted.

(b) General Policy Recommendations

1. “Land” should be understood holistically and thereby not be separated from forest, water, and natural resources related to water.
2. Respective indigenous ethnic peoples are the original owners of their lands and the union can also have land rights.
3. No foreign citizen or temporary citizen shall be allowed to own land.
4. The procedures for land ownership, land allocation, and land use must be clearly stated in the state constitutions and the constitution of the federal democratic union.
5. The destruction of lands and buildings considered ethnic cultural heritage sites and the changing of original names of the areas shall be prohibited. Archeological sites shall be excavated and preserved.
6. There must be restrictions on the size of land³ privately, publicly and traditionally owned.

¹ *Interim Period means the period from the signing of a ceasefire agreement to the signing of a national peace accord.*

² *Valuable resources include petroleum, natural gas, underground mineral resources and teak.*

³ *The restrictions apply to individual ownership as well as cooperate ownership.*

7. When changing land usage designation of lands, such as privately owned lands, agricultural lands, religious lands or customary lands, the consent of local ethnic peoples must be obtained, and the process must be carried out in an accountable fashion.
8. Laws shall be imposed regarding the current land areas of the federal union and local consent must be obtained in order to use the land.
9. Lands owned by individuals must not be seized without their consent and appropriate compensation.
10. State governments must have the right to manage land, in accordance with the will of the indigenous ethnic peoples of the given state.
11. State governments must have the right to manage taxation of land.
12. Lands seized without the approval of respective owners shall be returned, where possible. If confiscated lands are unable to be returned, full compensation or restitution must be paid.
13. There must be legal mechanisms that are transparent and use due process based on traditional practices when solving land disputes.
14. Land administration committees shall have the authority to resolve the land disputes and land courts shall adjudicate unresolved issues. Land administration committees shall include local authorities, civil society and community representatives.
15. Women and men must have equal rights to own and manage land.
16. The publically owned land must be re-defined by the respective state governments.
17. For the purpose of conserving indigenous peoples' lands, policies must be established regarding the sale and transfer of these lands.
18. Ancestral and customary lands will be recognized and the ownership of the land shall be granted to descendants.
19. Local land-related knowledge must be included in the curriculum and taught in schools.

4. NATURAL RESOURCES POLICIES (DRAFT)



Background

A workshop on the issue of Natural Resources policy was held on March 25-27, 2015, organized by the Ethnic Nationalities Affairs Center (ENAC), as a part of Economic Policy (Part 1), and Land and Natural Resources Policies with the attendance and participation of leaders of ethnic armed organizations (EAOs), ethnic political parties (EPPs), and representatives from community based organizations (CBOs) and civil society organizations (CSOs). Again on May 30-31, 2015, EAOs met to go over the policy draft and make changes. A new draft was again made and revised during another meeting on October 23-24, 2015, by representatives of CBOs and CSOs. From January to March 2016, ENAC traveled with the updated policy draft to the administrative areas of several EAOs and presented it to those responsible from EAOs, as well as representatives of CBOs and CSOs for their input and revision. After several steps of review and revision, the new input and revisions from ENAC's field trips—along with different versions of the policy draft—were discussed on May 29-30, 2016, and again on August 29-30, 2017, to achieve a common understanding among the leaders of EAOs, EPPs, and members of Core Working Groups (CWGs) whose members were assigned to different policy topics. This resulted in these draft natural resource policies.

The policy recommendation drafts were published for the first time in June 2016. Subsequently, consultations to review and improve the draft were held in states and regions throughout the country with leaders and representatives from the National League for Democracy, Union Solidarity and Development Party, EPPs, CBOs, and CSOs from November 2016 to June 2017. In order to form common understanding from the inputs gathered at the consultations, an integration workshop was held on August 29-31, 2017, with representatives and leaders from the EAOs, the United Nationalities Alliance and members of the CWGs. The workshop integrated the inputs and finalized the draft policy recommendations for publication of the third edition.

Introduction

As the issue of natural resource management plays a very important role in peace building and national reconciliation, it must be handled properly and systematically. Especially, the rights to extract resources, to receive shared revenue directly, to control, manage and make decisions about resources must be in the hands of indigenous people of the respective state. The aforementioned rights and powers must be integrated into natural resource policies in order to be implemented and practiced in a federal democratic union, created after political dialogue during the peace process.

Goals

Ethnic nationalities' right to ownership, decision making, management and use of natural resources within the respective state must be included and enacted in the state constitutions created in line with the federal democratic constitution.

Guiding Principles

1. Local indigenous communities must have the right to sustainably manage and have decision-making power over natural resources under the governance of a federal democratic union.
2. Local communities must be prioritized when providing information and obtaining free consent in line with FPIC¹ for large-scale projects including special economic zones and valuable resource extraction.
3. Policies should prioritize development of human resources rather than reliance on natural resources.

Policy Recommendations

(a) Policy Recommendations During Interim Period²

1. Large-scale investment projects, special economic zones, and the extraction and use of valuable natural resources³ that are potentially harmful to the wellbeing of local ethnic communities must be halted.

(b) General Policy Recommendations

1. The ultimate owners of all natural resources in a state are the ethnic peoples of that state and the union can also have natural resource rights.
2. A law must be enacted ensuring the right of local ethnic peoples to practice their customary management systems over natural resources above and below the ground, above and beneath the water, and in the atmosphere.

¹ *Free Prior Informed Consent (FPIC).*

² *Interim Period means the period from the signing of a ceasefire agreement to the signing of a national peace accord.*

³ *Extraction and use of underground resources and timber, including teak.*

3. State governments must have the right to manage natural resources; matters related to the federal government shall be coordinated between the two entities.
 4. State governments' rights to extract and directly receive revenue from natural resources, and to control, manage, and make decisions over natural resources in the respective state, must be enacted in the constitution of the federal democratic union.
- *Rule of Law and Framework for Management* –
 - a) A clear strategy must be created for inclusive and transparent management of the extraction and sale of natural resources.
 - b) Laws to effectively control natural resource management must be enacted and practiced.
 - c) There must be effective cooperation between federal and state governments for appropriate taxation from the sale of natural resources, including the extraction of oil, natural gas, coal and other minerals.
 - *Responsibility and Accountability* –
 - d) Project contracts must be made public, particularly to local ethnic people. Any party that violates the contracts shall be held accountable.
 - e) Assets of and the amounts invested by companies investing in the projects must be made transparent.
 - f) Accurate financial and investment records must be made public.
 - *Surveying and Licensing⁴* –
 - g) During geological surveying and information collection, a background and history of the relevant area must also be included, and the report made public.
 - h) The licensing process must be based on the consideration of environmental and social risks.

⁴ The process includes the licensing of natural resource extraction.

- i) There must be transparency at every stage of the licensing process and local people must be included in the expert committee.
 - j) The survey period must be as short as possible and the use of machinery must be limited. There must be no sale of the products extracted in this stage.
- 5. The ratio of revenue sharing between the government of the federal democratic union and the state governments from natural resource extraction in the ethnic states must be precisely stated in the constitution of the federal democratic union. Moreover, when enacting laws on natural resources, the issues of contracts, responsibility and accountability must be considered.
 - *Taxation –*
 - a) There must be a clear and progressive taxation system.
 - b) The tax revenue must be well documented.
 - c) To strengthen financial management and tax investigation, independent audit commissions must be created and implemented.
 - *Revenue Sharing and Management –*
 - d) To stabilize high annual expenditures, financial income from abroad or other sources must be included and managed in the country's budget.
 - e) Revenue sharing formulas for the sharing of income revenue and tax collected from natural resource extraction, and for revenue sharing at state levels must be enacted as laws and implemented.
 - f) The amount of tax to be collected from government-owned and any army-owned businesses must be clearly defined and implemented.
 - *Government-Owned Businesses –*
 - g) Laws to ensure transparency and accountability of government-owned natural resource extraction businesses must be enacted as they are for other business entities.
 - h) Laws must be enacted to tackle the issues of conflicts of roles and duties, misuse of public money, weak management, and corruption.

6. When carrying out investments and projects related to natural resources, the union government must first ensure that Environmental Impact Assessments (EIA), Social Impact Assessments (SIA), Health Impact Assessments (HIA), Conflict Impact Assessments (CIA) and other assessments are clearly and systematically explained to the public and that their consent is obtained in order to implement the projects. The lands shall be returned to the original owners upon the completion of the extraction.
 - *Managing Negative Impacts* –
 - a) There must be clear policies mandating impact assessments.
 - b) Before the implementation of projects, local ethnic communities must have the right to prior information, and their consent must also be attained. Local ethnic people must have the right to express their views on the projects.
 - c) In addition to providing necessary protection for the security of the local public—including women—in the areas of the projects, there must also be treatment and rehabilitation services for impacted communities after the closure of extractive projects.
 - d) Environmental Impact Assessments (EIA), Social Impact Assessments (SIA), Health Impact Assessments (HIA) and Conflict Impact Assessments (CIA) and other assessments implemented by local indigenous communities, CBOs, and CSOs must be publicly shared and recognized.
7. The Constitution must ensure the right to freely form independent monitoring commissions and independent investigative commissions composed of CBOs, CSOs, and experts, and ensure their right to freely conduct monitoring and investigative activities on the extraction and sale of natural resources.
8. Revenue generated from natural resources must be spent on health, social infrastructure, education, the natural environment, and on investment funds for future generations and other development work in ethnic areas–
 - a) Priority must be given to investment in health and education services.
 - b) Basic infrastructure⁵ required for the development of local communities must be built and upgraded.

⁵ Roads, bridges, schools, and hospitals.

- c) Budgets and expenditure management of local development projects must be closely overseen.
9. Compliance of international companies and investors with natural resource management laws and regulations must be closely monitored.

- *The Role of International Companies –*

- a) Companies must implement social responsibility and accountability standards and adhere to business practices in accordance with international standards.
- b) The consent of local ethnic communities must be obtained in the investment process.
- c) If the state or national investment laws are found to be weaker than international standards, then international norms must be followed when implementing projects.

- *The Role of the International Community –*

- d) International financial providers must support projects implemented with consent of all stakeholders.
- e) Monitoring and implementation must be carried out in line with international standards.

10. Natural resource education must be included in school curricula.
11. To prevent excessive natural resource extraction in a short period of time, policies to minimize damage to the ecosystem must be enacted.
12. Laws shall be promulgated to compensate the loss of and damage to the environment.

5. AGRICULTURE POLICIES (DRAFT)



Background

A workshop on agricultural policy was held on September 26-27, 2015, organized by the Ethnic Nationalities Affairs Center (ENAC), with the attendance and active participation of leaders of ethnic armed organizations (EAOs), ethnic political parties (EPPs), and representatives from community based organizations (CBOs), and civil society organizations (CSOs). Representatives of CBOs and CSOs revised a new draft at another meeting on October 23-24, 2015. ENAC traveled with the updated policy draft to the administrative areas of several EAOs and presented it to those responsible from EAOs—as well as representatives of CBOs and CSOs—for their input and revision, from January to March, 2016. After several steps of review and revision, the new input and revisions from ENAC's fieldtrips, along with different versions of the policy draft, were discussed on May 29-30, 2016. This was done to achieve common understanding among the leaders of EAOs, EPPs, and members of Core Working Groups (CWGs) whose members were assigned to different policy topics.

The policy recommendation drafts were published for the first time in June 2016. Subsequently, consultations to review and improve the draft were held in states and regions throughout the country with leaders and representatives from the National League for Democracy, Union Solidarity and Development Party, EPPs, CBOs, and CSOs from November 2016 to June 2017. In order to form a common understanding from the inputs gathered at the consultations, an integration workshop was held on August 29-31, 2017, with representatives and leaders from the EAOs, the United Nationalities Alliance, and members of the CWGs. The workshop integrated the inputs and finalized the draft policy recommendations for publication of the third edition.

Introduction

Analysis of the current agricultural situation in Burma reveals the following: centralized policies controlling crop choice and promoting monoculture favor companies and cash crops; these policies favor chemical agricultural products and imported cultivars; they also favor crop hoarding and government control of the market; there are hardly any relevant policies that promote the development of the agricultural sector. Moreover, due to the use of genetically modified organisms, contract farming, high interest rates for agricultural loans, low market prices for rice, poor management by unqualified government ministers, and inadequate utilization of people with expertise in agriculture, there has been a decline in the agricultural sector. Instead of farmers having the right to own the farms they work on, Article

37 of the 2008 constitution endows the ownership of water, land, forests, and natural resources to the central government. The 2012 land laws allow companies to occupy from 500 to 5,000 acres, and lands are being confiscated from citizens who rely on them to make a living. Ethnic states and ethnic people are excluded from decision making in the agricultural sector. For these reasons, there is a need for comprehensive agriculture policy reform.

Goals

To provide food security for all, with nutritious food produced using ecologically friendly methods, and to develop agricultural systems that allow people to grow, manage and choose crops that are appropriate for their local community.

Guiding Principles

1. An agricultural system that prioritizes the interests of ethnic practices shall be developed.
2. Agricultural policies must be in line with international best practices, international human rights norms¹ and sustainable development practices.
3. Small-scale agricultural production must be promoted to contribute to food security.
4. A modernized agricultural system that promotes sustainability, with limited negative impacts on the environment and people, must be adopted.
5. Indigenous crops and seeds and the ownership over them must be protected.
6. A sustainable market must be developed for the crops cultivated by ethnic people.
7. The agricultural system must be transparent and must ensure responsibility and accountability.

¹ *Fundamental human rights refer to rights related to special consideration for children, gender, farmers, laborers, and food security.*

Policy Recommendations

(a) Policy Recommendations During Interim Period²

1. Current and pending operations of large-scale agri-businesses must be stopped.

(b) General Policy Recommendations

1. Agricultural lands are defined as lands used for agricultural activities, including cultivation of annual and perennial crops, livestock pasture, upland shifting cultivation, and other customary agricultural activity.
2. Members of local governments elected by the people of respective states, legal scholars, and people with technical expertise, CSOs/CBOs, and local ethnic people must be included in the process of writing agricultural policies.
3. Farmers³ must have the right to own agricultural lands.
4. Foreign nationals must not have rights to own land, but shall be allowed to rent and work on the land.
5. Local farmers must have the freedom to choose and grow crops⁴ that are appropriate for the land they are working on and maintain full ownership of these crops and seeds.
6. Only farmers shall be given the right to promote, preserve and own the right to the indigenous seeds and original source of plants.
7. Farmers must have the right to establish farmers' associations and operate legally and freely.
8. There must be fair⁵ taxation of locally produced commercial crops.
9. Laws that encourage companies and government departments to hold monopolies in the agricultural sector shall be abolished.
10. Private domestic or foreign companies must obtain prior consent if they wish to utilize the lands of local communities.

² *Interim Period means the period from the signing of a ceasefire agreement to the signing of a national peace accord.*

³ *'Farmer' refers to native farm owners and does not include persons renting farmlands and seasonal farm workers.*

⁴ *Includes short and long term crops as well as teak, ironwood trees and rubber trees.*

⁵ *This refers to tax exemption on locally produced crops for farmers and a fair tax system for traders.*

11. Appropriate agricultural vocational schools, technical schools and universities—as well as research institutions to promote technical skills in agriculture—must be established in respective localities. Agricultural research must be promoted.
12. There shall be measures to prioritize land ownership for small-scale farmers.
13. Adequate lands for agricultural use shall be made available in order to promote food security.
14. Federal and state governments must promote the development of domestic and international markets for locally produced goods/products to be freely traded.
15. Local ethnic communities are encouraged to promote and support self-sufficient agriculture.
16. Respective states must have the freedom to manage budgets allocated for the agricultural sector.
17. Traditional farming methods and land use must be recognized, protected, and promoted for the purposes of development.
18. Research on the current agricultural sector must be conducted, and agricultural strategies relevant for local communities shall be adopted and implemented.
19. Union and state governments must establish mechanisms for agricultural loans with minimal interest rates and must allocate agricultural subsidies.
20. Water resource preservation and management policies—an essential need for the agricultural sector—must be established and implemented.
21. Other development policies related to the agricultural sector⁶ must also be established.
22. There must be educational programs on organic natural fertilizer production techniques/methods for farmers to promote the production and increase the use of organic natural fertilizer.
23. Federal and state governments must enact laws to preserve natural forests and soils; prevent deforestation; replenish forests; and promote small-scale planting of trees.

⁶ This refers to large-scale projects related to land use, and other issues such as use of chemical fertilizer and chemical pesticides.

24. States must enact laws giving local ethnic people the right to rent and work on the land, the right to land ownership and the right to restrict land use.
25. Opium crop substitution policies must be established.
26. Federal and state governments must establish programs to prevent⁷ natural and man-made disasters as well as programs to rehabilitate affected farmlands in a timely manner.
27. There must be restrictions on the use of chemical fertilizers that intoxicate the soil in the current situation.
28. In the hilly regions, effective farming techniques shall be established and promoted to minimize harms caused to the natural environment.
29. Farmers shall be subsidized with long-term agricultural loans according to the crops they grow.
30. An agricultural based industrial-economic system shall be implemented.

⁷ Prevention includes building barriers to block the entry of salt water to farm land, and ensuring smooth flowing of rivers, canals, etc.

6. IDPs AND REFUGEES POLICIES (DRAFT)



Background

A policy workshop on the issues of internally displaced persons (IDPs) and refugees was held on November 17-18, 2015, organized by the Ethnic Nationalities Affairs Center (ENAC), with the attendance and active participation of leaders of ethnic armed organizations (EAOs), ethnic political parties (EPPs), and representatives from community based organizations (CBOs) and civil society organizations (CSOs). ENAC then traveled with the policy draft to the administrative areas of several EAOs and presented it to those responsible from EAOs, as well as representatives of CBOs and CSOs for their input and revision from January to May 2016. After several steps of review and revisions, the new input and revision from ENAC's field consultations—along with different versions of the policy draft—were discussed on May 29-30, 2016. This was done to achieve a common understanding among the leaders of EAOs, EPPs, and members of Core Working Groups (CWGs), whose members were assigned to different policy topics. The result of this process is this IDPs and refugees policy draft.

The policy recommendation drafts were published for the first time in June 2016. Subsequently, consultations to review and improve the draft were held in states and regions throughout the country with leaders and representatives from the National League for Democracy, the Union Solidarity and Development Party, EPPs, CBOs, and CSOs from November 2016 to June 2017. In order to form a common understanding from the inputs gathered at the consultations, an integration workshop was held on August 29-31, 2017 with representatives and leaders from the EAOs, the UNA, and members of the CWGs. The workshop integrated the inputs and finalized the draft policy recommendations for publication of the third edition.

Introduction

The effects of the 70-year-long ongoing civil war, natural disasters, and internal conflicts have forced hundreds of thousands of people to become IDPs and refugees, seeking shelter along the border areas and unable to return to their home communities. Successive governments of Burma have not only been able to help find solutions for these populations, but have also worsened the basic social problems fueling displacement. International organizations, the Government of Burma, EAOs, and representatives of IDPs and refugees must ensure that policies are created based on the experiences of IDPs and refugees. Furthermore, these policies must help IDPs and refugees return safely to their home communities or to the location of their

choice, and to voluntarily resettle with the right to receive the support they deserve, without being pressured or taken advantage of by any organizations or groups.

Goals

To allow a voluntary, safe and dignified return of refugees and IDPs to their homes, with sustainable and sufficient humanitarian aid, in accordance with international norms, so that they can establish their lives and coexist peacefully and harmoniously in a federal democratic union.

Guiding Principles

1. IDPs and refugees must be able to
 - (a) Return voluntarily and with dignity to the native areas of their choice, to the places where their relatives reside and to the arranged areas by the competent authorities.
 - (b) Access physical, mental and legal assistance on their return, free from discrimination.
2. IDPs and refugees who plan to return shall have the rights to own farmland and property, and to access other job opportunities that will ensure a sustainable livelihood.
3. Humanitarian aid and social services must be provided for at least three years until IDPs and refugees become self-reliant, and sustainable opportunities for them shall be created. Moreover, special assistance shall be provided for those who need it.
4. IDPs and refugees must have the right to travel freely, communicate with, and receive direct support from any humanitarian organization, in accordance with international aid standards and frameworks.

Policy Recommendations

1. The return and resettlement of IDPs and refugees
 - (a) To their original home communities should only be implemented after a successful political dialogue and the achievement of genuine peace. Moreover, the Government, Tatmadaw, and EAOs must guarantee the safety of the returnees.
 - (b) Who wish to return during the interim period¹ must be provided with support in line with international human rights.
2. The implementation of humanitarian programs for and the return and resettlement of IDPs and refugees must include EAOs, the Government of Burma, social organizations, religious organizations that work on refugee issues, international community, and committees comprising IDPs and refugees.
3. When developing and implementing frameworks and programs for the return and resettlement of IDPs and refugees, organizations and individuals involved must adhere to the concerns of respective localities and do so in accordance with international standards, as well as ensure transparency.
4. Government and relevant international and national organizations
 - (a) Must provide and guarantee support for necessary basic infrastructure and other needs for IDPs and refugees.
 - (b) Must provide support in a manner sensitive to the local cultures, traditions and organizational practices.
5. For those who cannot or do not wish to return to their home community, alternative locations for resettlement must be provided along with opportunities for a sustainable livelihood.
6. IDPs and refugees must be given
 - (a) Opportunities for a sustainable livelihood at the alternative locations for resettlement for those who cannot or do not wish to return to their home community
 - (b) Freedom to properly monitor areas where they will be resettled.

¹ *Interim Period means the period from the signing of a ceasefire agreement to the signing of a national peace accord.*

7. There must be security and rule of law in place for IDPs and refugees. Moreover, there must be a complete end to the use of landmines by the Burma Army or any other armed organizations in ethnic areas; existing landmines in the areas shall also be cleared.
8. The special needs of pregnant women, children, the elderly, disabled, and orphans must be taken into consideration during program implementation.
9. Relevant authorities must
 - (a) Recognize certificates of education, health, and vocational training of IDPs and refugees issued at refugee camps.
 - (b) Create special programs for IDPs and refugees to continue their education after their resettlement, and especially promote the standards of education.
10. Relevant committees that arrange land for returning IDPs and refugees shall consult with and obtain the consent of residents who inhabit the said land. Return policies relating to such land shall be developed with the inclusion of all relevant stakeholders on that land.
11. Military bases and other inhabitants who occupy the original lands of the IDPs and refugees must be removed from those lands if the IDPs and refugees choose to return to their original lands.
12. Recognition of full citizenship, national identity cards and other necessary documents must be given to those returning after verification is done as prescribed by citizenship law.
13. International aid groups, in consultation with the locals, shall continue to provide sufficient aid to the IDP and refugee returnees until the repatriation and resettlement processes are successfully completed.
14. Mechanisms for rule of law that formalize coordination with local ethnic representatives must be in place to prevent various types of exploitation and protect human rights, and to ensure legal action against such violations during the repatriation process.
15. Before resettlement programs for refugees begin, the resettlement of IDPs must be systematically completed. During the process, alternative resettlement sites must be made for those who cannot go back to their home communities.

16. Public awareness programs must be carried out among members of communities where IDPs and refugees will be resettled to promote mutual understanding. Members of local communities who are accepting resettlement in their community must also be provided with support, and no harm shall be done unto them.
17. Resettlement programs must include counseling programs to help with trauma and other physical and mental harm experienced by IDPs and refugees.
18. After resettlement, the Government of Burma, the Burma Army, EAOs, and business entities with projects in conflict areas must take responsibility to ensure that they do not cause conditions that will force IDPs and refugees to flee again.
19. Monitoring and evaluation systems must be in place for implementation of the resettlement and rehabilitation of IDPs and refugees.
20. Refugees and IDPs shall have the right to have their land restored to them or receive substitution of the land in their state of origin.
21. Protection shall be taken to prevent secondary occupants on the land or in the property of refugees and IDPs. Secondary occupants on land and property of refugees and IDPs shall be removed.
22. Women shall be provided with education on the prevention of violence, human trafficking, awareness of landmines, and other issues as required.
23. Women shall have equal rights to participate in decision-making relating to the resettlement of refugees and IDPs.
24. Human rights violations committed against displaced populations are entitled to remedy and appropriate reparations or restitution shall be made.

7. HUMANITARIAN AID POLICIES (DRAFT)



Background

A policy workshop on the issue of humanitarian aid was held on January 19-20, 2015, organized by the Ethnic Nationalities Affairs Center (ENAC), with the attendance and participation of leaders of ethnic armed organizations (EAOs), ethnic political parties (EPPs), and representatives from community based organizations (CBOs) and civil society organizations (CSOs). On May 30-31, 2015, EAOs met again to go over the policy draft and make changes. Representatives of CBOs and CSOs then made a new draft with changes and revisions at another meeting on October 23-24, 2015. ENAC traveled with the updated policy draft to the administrative areas of several EAOs and presented it to those responsible from EAOs, as well as representatives of CBOs and CSOs for their input and revision from January to March 2016. After several steps of review and revision, the new input and revisions from ENAC's field trips—along with different versions of the policy draft—were discussed on May 29-30, 2016. This was done in order to achieve a common understanding among the leaders of EAOs, EPPs, and members of Core Working Groups (CWGs), whose members were assigned to different policy topics.

The policy recommendation drafts were published for the first time in June 2016. Subsequently, consultations to review and improve the draft were held in states and regions throughout the country with leaders and representatives from the National League for Democracy, Union Solidarity and Development Party, EPPs, CBOs, and CSOs from November 2016 to June 2017. In order to form a common understanding from the inputs gathered at the consultations, an integration workshop was held on August 29-31, 2017 with representatives and leaders from the EAOs, the United Nationalities Alliance and members of the CWGs. The workshop integrated the inputs and finalized the draft policy recommendations for publication of the third edition.

Introduction

Analysis of the current situation in Burma shows that aid programs are being used to extend the central government's social service structures in the ethnic areas, which brings ethnic communities under the unitary administrative frameworks of the 2008 constitution, leading to the expansion of Burma Army deployment and increases in resource extraction and land grabbing. Aid programs are ignoring and duplicating existing ethnic-led social service structures, community development programs and policies. Aid programs controlled by the government are neglecting the right of local people to make decisions for their development. Moreover, centralized aid programs attempt to influence administrative activities with the

central government's own political goals. As a result, there are a range of shortcomings, such as a lack of focus on sustainability, lack of capacity building for community leaders, inadequate participation by local people, and no involvement by local communities in leading roles for humanitarian aid programs. Importantly, aid programs are ignoring the rights of ethnic people to preserve their own language, literature, culture and identity. Therefore, there is an important need to create humanitarian aid policies in line with the system of a federal democratic union.

Goals

To ensure that humanitarian aid programs strengthen the peace process, existing ethnic administered social structures and services should be supported as part of a process of decentralization leading to a federal democratic system.

Guiding Principles

1. Humanitarian assistance shall be in conjunction with the progress of a genuine peace process during the interim period¹.
2. International assistance must reflect the needs and will of the local public and be based on principles of sustainable development.
3. Any humanitarian aid must be delivered in accordance with the Do No Harm principle.

Policy Recommendations

1. EAOs must ensure the following in their administrative areas:
 - (a) Humanitarian aid programs shall be designed, managed and implemented by EAOs' administrative bodies and related local ethnic civil society service providers.

¹ *Interim Period means the period from the signing of a ceasefire agreement to the signing of a national peace accord.*

- (b) Only after agreements have been signed with EAOs and local ethnic administrations, may outside agencies/donors provide aid in their areas. The aid programs, including capacity building programs, must be managed by local people, and be provided cross-border where necessary.
 - (c) When providing humanitarian assistance to IDPs and refugees resettled in the administrative areas of EAOs, the humanitarian aid policies of respective EAOs must be followed.
 - (d) For effective implementation of the aforementioned humanitarian aid programs, EAOs must have their own written humanitarian aid procedures.
- 2. The necessary policies shall be enhanced so that they are accountable to the Do No Harm principle.
- 3. If they formerly had land, returning refugees and IDPs must be given back their original land with full ownership; those formerly without land must be given houses and agricultural lands. Restitution or compensation shall be granted to the primary landowners when it is no longer possible for the original property to be returned. Consideration shall also be made for those who would not be able to regain their land.
- 4. There shall be no restriction on receiving humanitarian assistance, whether from the government, national, or international aid organizations after consultation and agreement with local ethnic people. Restrictions that are not in line with international norms and standards must be lifted.
- 5. Special programs to provide support for pregnant women, young children, the elderly, disabled, and those with health problems must be included in humanitarian assistance programs.
- 6. There must be accountability and transparency when carrying out humanitarian aid services, and such services must not be based on any political interests.
- 7. There must be transparency and accountability when implementing the repatriation process.
 - (a) The state government shall have the right to directly manage international aid.

- (b) The state government shall cooperate with civil society organizations to ensure that humanitarian assistance is fully delivered to the communities that need it most, and create verification groups to ensure full delivery of aid.
- (c) The state government or the union government shall be effective and efficient in providing the returnees with basic needs for their livelihood, education, and health.

8. TAXATION POLICIES (DRAFT)



Background

A workshop on taxation policy was held on December 11-12, 2015, organized by the Ethnic Nationalities Affairs Center (ENAC), with the attendance and active participation of leaders of ethnic armed organizations (EAOs), ethnic political parties (EPPs), and representatives from community based organizations (CBOs), and civil society organizations (CSOs). ENAC took the revised version of the policy draft to the administrative areas of several EAOs and presented it to those responsible from EAOs, and representatives of CBOs and CSOs for their input and revision, from January to May 2016. In order to build a common understanding of policy, the new input and revision from ENAC's field trips—along with different versions of the policy draft—were discussed on May 29-30, 2016, among leaders of EAOs, EPPs and members of Core Working Groups (CWGs) whose members were assigned to different policy topics.

The policy recommendation drafts were published for the first time in June 2016. Subsequently, consultations to review and improve the draft were held in states and regions through out the country with leaders and representatives from the National League for Democracy, Union Solidarity and Development Party, EPPs, CBOs, and CSOs from November 2016 to June 2017. In order to form a common understanding from the inputs gathered at the consultations, an integration workshop was held on August 29-31, 2017 with representatives and leaders from the EAOs, the United Nationalities Alliance and members of the CWGs. The workshop integrated the inputs and finalized the draft policy recommendations for publication of the third edition.

Introduction

When analyzing Burma's existing taxation policies, the following observations were made: there is a lack of transparency and accountability¹, rampant corruption, lack of clear legal rules and regulations, a lack of mechanisms for tax collection at state and local levels, and unequal distribution of taxation power² between the central government and state/regional governments. This indicates that there is a need to completely restructure the taxation mechanism in Burma. Therefore, when building a future federal democratic union, it is important to develop taxation mechanisms for all levels of government.

¹ For example, government-owned companies including Myanmar Economic Holdings Limited and other organizations making agreements without public knowledge or engaging in ineffective spending of tax money for development.

² For example, taxes are currently collected mainly by the central government with very limited taxation authority allocated to states and regions.

Goals

To create an efficient taxation system, which gives clear guidelines for sharing taxation powers among the federal government, state governments and local governments, to support social security and development of the public including ethnic nationalities in a federal democratic union of Burma.

Guiding Principles

1. Laws that provide the division of power between the federal government and state government over taxation shall be clearly enacted based on federal principles.
2. The taxation policy must be drafted by those appointed by ethnic people.
3. The tax collected must be used to provide social security and beneficial development for the people.
4. There shall be no corruption in the taxation process.
5. The taxation law must be drafted based on the principle of progressive taxation.
6. Taxation must be based on the principles of accountability, responsibility, and transparency.
7. The fiscal tax must be applied equitably and efficiently.

Policy Recommendations

(a) Policy Recommendations During Interim Period³

1. EAOs must act in accordance with the rules and regulations of taxation in their territories.
2. A rehabilitation period shall be designated and sixty to eighty percent of the total tax money collected in a state during that period must be spent in the respective state intended for rehabilitation programs identified in certain areas of the state.

³ *Interim Period means the period from the signing of a ceasefire agreement to the signing of a national peace accord.*

3. Respective state governments are entitled to have a minimum of 60 percent of tax collected from past development projects.
4. EAOs must act in accordance with the rules and regulations when taxing in their respective areas.

(b) General Policy Recommendations

1. Rules and regulations for a fair system of tax collection and sharing of revenue between the state governments and the federal union government must be created.
2. There must be legal mechanisms in place to effectively deal with corruption in taxation.
3. The tax and revenue department under the state government must have an effective independent monitoring group that is not under the control of the tax and revenue department.
4. The public has the right to know the amount of revenue from tax collection and what is spent on different sectors of the federal union government and the state government.
5. A system must be set up for the public to find out rules, regulations, and rights that they are entitled to, with regards to taxation.
6. Every state should have separate departments to collect tax and different banks to keep the collected tax.
7. Every state has the right to determine the amount of tax over energy, natural resources, petroleum, natural gas, teak and other valuable wood, and to directly collect the tax freely. When spending the taxpayers' money for the development of the people, the process must be systematic and transparent.
8. The taxation laws and policies shall be drafted and consulted with ethnic communities and tax experts before the promulgation. Facts on declaration of additional possessions must be included in law.
9. Rules, regulations and laws on business investments must be systematic and profit and royalty taxes must also be collected.
10. Land taxation policy must be strictly based on the size of the land owned.

11. Cultural and traditional lands must be given a property tax exemption, but taxes can be collected on the amount of income generated from using the land.
12. Land taxes, crop revenue taxes and taxes on the unused (vacant) land by business enterprises must be collected separately.
13. Land titles shall be awarded free of charge by the government to verify the right of ownership to land.
14. There must be equalization payments from the federal union government to the state governments, according to the necessity of development of the states.
15. The public shall be informed about the difference between and importance of taxes collected by the state government and by the central government; the taxation purposes shall be made known to the public through effective public awareness to promote public participation.
16. For the purpose of state development, some corporations shall be exempted from tax or pay reduced tax for a certain period of time.
17. Every citizen must be able to accurately display his income and property.

■ 9. TRADE AND INVESTMENT POLICIES (DRAFT)



Background

The initial draft of this trade and investment policy was developed from discussions of leaders of ethnic armed organizations (EAOs), leaders and representatives of ethnic political parties (EPPs), representatives of community based organizations (CBOs), and civil society organizations (CSOs) at the workshop on trade and investment policies organized by the Ethnic Nationalities Affairs Center (ENAC) from January 30 to February 1, 2016. From January to May 2016, ENAC traveled to the administrative areas of EAOs, meeting authorities and representatives of CBOs and CSOs to conduct a series of consultations to improve the initial draft. After compiling all suggestions and comments received during the consultation process, ENAC invited leaders of EAOs, EPPs, and members of Core Working Groups (CWGs) to another workshop on May 29-30, 2016, to establish a common understanding on trade and investment policies.

The policy recommendation drafts were published for the first time in June 2016. Subsequently, consultations to review and improve the draft were held in states and regions throughout the country with leaders and representatives from the National League for Democracy, Union Solidarity and Development Party, EPPs, CBOs, and CSOs from November 2016 to June 2017. In order to form a common understanding from the inputs gathered at the consultations, an integration workshop was held on August 29-31, 2017 with representatives and leaders from the EAOs, the United Nationalities Alliance, and members of the CWGs. The workshop integrated the inputs and finalized the draft policy recommendations for publication of the third edition.

Introduction

The current trade and investment situation in Burma does not benefit local people. In particular, there are many ongoing human rights violations including land problems, environmental degradation, and exploitation caused by foreign investment. Consequently, conflicts in ethnic areas have intensified, while the dignity of armed resistance organizations has been harmed and national and ethnic sovereignty has been threatened. Not only have the voices of ethnic peoples been ignored in the process of establishing policies and laws related to current trade and investment, but also no consultations with local peoples were held when developing basic economic infrastructure. Therefore, trade and investment policies that will be beneficial for local ethnic people as well as support the gross domestic product (GDP) of the country and the wellbeing of the public should be adopted and implemented in accordance with the system of a federal democratic union.

Goals

To establish just trade and investment policies under a federal democratic system in order to bring development for all ethnic people where everyone can enjoy the benefits fairly.

Guiding Principles

1. Trade and investment policies must support sustainable peace and development.
2. Trade and investment policies must protect and preserve the environment and social affairs.
3. Trade and investment must be transparent and accountable.
4. Trade and investment policies shall include measures to protect small-scale businesses, such as family-owned ventures.
5. Trade and investment policies must recognize and respect the customs and traditions of, as well as the ownership held by, ethnic nationalities.
6. A trading system that promotes export of finished goods/products and prioritizes domestic sufficiency must be established.
7. Investments that would promote development in the fields of human resources, agriculture, industry, natural resources and other business sectors must be prioritized.
8. Trade and investment policy shall limit the goods that undermine the long-term health and social life of the community.

Policy Recommendations

(a) Policy Recommendations During Interim Period¹

1. In order to support peace building and political negotiation, there must be a moratorium on any large-scale projects and large-scale investments that have negative impacts peace and political negotiations, and reviews shall be conducted on such existing projects.
2. Domestic investment laws and foreign direct investment laws must be reviewed; and investments and projects that do not promote transparency, accountability, and responsibility must be revised.

(b) General Policy Recommendations

1. People of different social-economic statuses and those representing indigenous communities shall have the right to participate in decision-making on trade and investment policy.
2. State governments shall have separate power or when applicable, shared power with the federal government, to fully make decisions and manage mega trade and investment activities within the state.
3. Laws that clearly indicate mandates, management powers and entitled benefits of the federal government and state governments in regard to trade and investment within the framework of a genuine federal democratic system must be enacted.
4. State governments must have the power to levy taxes, collect taxes and manage revenue from trade and investment in order to effectively implement a development plan within the state.
5. Implementation of trade and investment shall respect local customs and traditions.

¹ *Interim Period means the period from the signing of a ceasefire agreement to the signing of a national peace accord.*

6. Respective state governments shall have the right to freely trade² domestically produced products both domestically and internationally. Likewise, the state government must have the right to import any necessary foreign products. Laws that define the authorities of state governments and the federal government concerning import and export shall be enacted.
7. Laws must be enacted to only allow export of finished goods out of the natural resources (timber and minerals) produced within the state.
8. Tax revenue from trade and investment shall be used efficiently to promote the development of human resources.
9. Public awareness about investment laws, policies, and impact assessments must be raised with local communities and relevant employees.
10. Trade and investment policies must promote employment opportunities for ethnic peoples so that the labor resources of ordinary citizens are used effectively. At the same time, trade and investment policies must avoid negatively affecting the livelihoods of local communities and must guarantee sustainable advantages, while also promoting benefits.
11. Affirmative action programs must be established to promote small and medium enterprises (SMEs) for ethnic people at all levels.
12. Technical and financial support systems, as well as banking systems to promote SMEs, must be adopted effectively.
13. More investment in education, health, and agricultural sectors must be made.
14. The ethnic community shall be protected and encouraged to be involved in investments relating to information and communications technology.
15. Research on agriculture and livestock shall be established by the union government.
16. The union government shall improve industrial development through the improvement of the agricultural and livestock sectors.
17. Implementation of large industrial projects shall be made in the areas with the most appropriate conditions.

² This does not refer to internationally used tax-exempted "free trade." Rather, it refers to economic paradiplomacy for state governments. Therefore, it implies that state governments have the right to manage trade for their respective states.

18. State governments and the federal union government shall find markets for domestic products.
19. In order to trade more effectively, the water, electricity, transportation, information and technology sectors must be improved.
20. Implementation of any projects must follow Corporate Social Responsibility standards and include the obtaining of Free Prior Informed Consent on any economic investments.
21. Organizations or committees that will focus on capacity building and empowerment for ethnic nationalities who are under-developed must be established. Respective ethnic leaders must have the right to participate in such organizations and committees.
22. The local communities shall participate in and must be consulted in the process of impact assessments and grievance mechanisms for impacts caused by trade and investment projects.
23. Implementation of any projects must follow international standards, including conducting Environmental Impact Assessments, Social Impact Assessments, Health Impact Assessments, Human Rights Impact Assessments, Corporate Social Responsibility [i.e. compliance with domestic and international laws], compliance with forestry laws [e.g., Forest Law Enforcement, Governance and Trade], and obtaining Free Prior Informed Consent on any economic investments.
24. Public participation must be obtained when implementing protection mechanisms and community-driven grievance mechanisms.
25. Strong laws must be enacted in order to prevent human and labor rights violations, environmental degradation and cultural heritage damage due to trade and investment projects.

10. FOREST AND ENVIRONMENT POLICIES (DRAFT)



Background

The draft forest and environmental policies policy recommendations resulted from the workshop held on December 9-11, 2016, on *Environment: Forest and Protected Areas and Energy* by the Ethnic Nationalities Affairs Center (ENAC). Representatives from ethnic armed organizations (EAOs), the United Nationalities Alliance (UNA), and civil society organizations (CSOs) participated in the workshop.

The policy recommendation drafts were published for the first time in June 2016. Subsequently, consultations to review and improve the drafts were held in states and regions through out the country with leaders and representatives from the National League for Democracy, the Union Solidarity and Development Party, ethnic political parties (EPPs), CSOs, and community based organizations (CBOs) from November 2016 to June 2017. In order to form a common understanding from the inputs gathered at the consultations, an integration workshop was held on August 29-31, 2017 with representatives and leaders from the EAOs, the UNA, and members of the CWGs. The workshop integrated the inputs and finalized draft policy recommendations for publication of the third edition.

Introduction

The 2008 Constitution of Burma states in Article 37 that “the union is the ultimate owner of all lands and all natural resources above and below the ground, above and beneath the water and in the atmosphere in the union.” This has led to the creation of centralized and damaging policies, laws, and government practices. Current laws are insufficient and do not represent ethnic interests while some laws contradict one another, such as the 2012 Vacant, Fallow and Virgin Land Law and the 1992 Forest Law. Furthermore, these laws and practices contradict or disregard traditional management of forest and land in ethnic areas. Additionally, public awareness about forest and natural environment is insufficient and some livelihood practices harm the environment. These factors have contributed to deforestation and other environmental destruction, also threatening to cause the extinction of wildlife and loss of water resources.

The excessive use of pesticide, over-extraction of minerals, megaprojects such as dams, and large-scale agriculture have caused destruction to forests and the ecosystem, contributing to climate change.

Therefore, it is necessary to develop policies on forests and the environment that benefit all ethnic populations in a future federal democratic union and during the interim period. Policies should be developed based on the principles of people's—rather than the union's—ownership of forest and the environment, in order to benefit the country. As such, the public will participate as decision-makers in the policy development process for the management and utilization of forests and the environment.

Goals

To develop systems of forest and environmental management that respect the cultures, traditions and the right to self-determination of ethnic people, contributing towards sustainable development and security for all people and other living things.

Guiding Principles

1. Environmental protection and conservation shall be based on a people-centered approach.
2. Forest and environmental policies shall be based on the cultures and customs of ethnic people.
3. Forest and environmental policies shall support sustainable development.
4. Forest and environmental policies shall be implemented with transparency, accountability, and responsibility.
5. Policies shall promote public awareness raising and information sharing on forests and environmental issues.

Policy Recommendations

(a) Policy Recommendations During Interim Period¹

1. All projects that harm the environment, including large-scale natural resource extraction projects, must be reviewed transparently, with decision-making rights of local people, and undesirable projects shall be terminated.
2. Forest and environment policies, laws and management procedures by EAOs must be recognized. Therefore, any activity related to these matters in EAO areas may only be carried out after receiving approval from these organizations.
3. In areas jointly controlled by the Government and EAOs, the local villagers' systems of protection and conservation of local forests and the environment must be recognized by both the Government and EAOs.
4. International organizations engaging in forest and environmental conservation activities must consult with and obtain approval from EAOs in respective areas.
5. Until the resettlement of IDPs and refugees is complete, their former lands must not be designated as new protected forest areas.
6. Laws that require a review of forest policies, rehabilitation and rebuilding of forests and the environment shall be enacted and implemented.

(b) General Policy Recommendations

1. State government and local people shall have the full rights to own, manage, protect and conserve their forest and environment.
2. Local ethnic people shall have the right to participate directly in the drafting of forest and environmental policies and laws, the review of such policies and laws, and the management and use of forests and the environment.
3. Laws and policies shall recognize the cultures and customary laws of the ethnic groups and their village self-administered properties—such as land, water, forest and natural resources—shall be demarcated and managed locally.
4. There shall be recognition, protection, and promotion of customary livelihoods of ethnic peoples.

¹ *Interim Period means the period from the signing of a ceasefire agreement to the signing of a national peace accord.*

5. States shall have the right to enact and implement laws and policies on forest and the environment. Existing forestry and environmental policies shall be reviewed and those policies that do not benefit the people must be annulled.
6. Forestry and environmental policies and implementation shall support a sustainable peace-building process.
7. Strategic plans for the restoration of forests and ecosystems shall be adopted and implemented.
8. International organizations implementing the UN-based Reducing Emissions from Deforestation and Forest Degradation (REDD) and EU-based Forest Law Enforcement, Governance and Trade (FLEGT) programs must consult with and obtain authorization from the relevant stakeholders, local communities, and ethnic peoples.
9. Demarcation and designation of protected forest areas can only be approved after field assessment consultations with the local populations are conducted and their agreement obtained.
10. The abolition of protected forest areas must be implemented transparently, with the participation and consent of local people.
11. Upon the demand of the local people, forest land, protected lands, vacant, fallow and virgin lands shall be carefully assessed, and after such assessment, those lands may be exempted from the current status and be transferred to private ownership.
12. Laws to effectively regulate and protect against environmental degradation, climate change, pollution of air and water, and to conserve and manage water resources shall be enacted and implemented.
13. Large-scale agricultural projects that deplete natural forests shall be halted.
14. Alternative (energy efficient) fuels that cause less damage to the environment shall be promoted to reduce the use of firewood and charcoal.
15. National reforestation plans and programs that support and benefit ethnic peoples' community-based conservation and access shall be established.
16. Comprehensive forest and environmental laws and mechanisms for forest and environmental conservation shall be enacted and implemented.

17. Mechanisms and programs to implement rehabilitation and restitution to affected communities for damage to forests and the environment shall include affected ethnic peoples in decision-making. There shall be effective rehabilitation for the damage caused.
18. Subjects on forests and the environment shall be included in school curricula and public awareness-raising programs shall be conducted widely.
19. Eco-friendly environmental development projects, such as eco-tourism, botanical gardens, and zoos shall be promoted and implemented for the benefit of the local peoples.

■ II. ENERGY POLICIES (DRAFT)



Background

The draft energy policy recommendations resulted from the workshop held on December 9-11, 2016, on *Environment: Forest and Protected Areas and Energy* and organized by the Ethnic Nationalities Affairs Center (ENAC). Representatives from ethnic armed organizations (EAOs), the United Nationalities Alliance (UNA), and civil society organizations (CSOs) participated in the workshop.

The policy recommendation drafts were published for the first time in June 2016. Subsequently, consultations to review and improve the draft were held in states and regions through out the country with leaders and representatives from the National League for Democracy, Union Solidarity and Development Party, ethnic political parties (EPPs), community based organizations (CBOs), and CSOs from November 2016 to June 2017. In order to form a common understanding from the inputs gathered at the consultations, an integration workshop was held on August 29-31, 2017 with representatives and leaders from the EAOs, the UNA, and members of the Core Working Groups (CWGs). The workshop integrated the inputs and finalized the draft policy recommendations for publication of the third edition.

Introduction

In Burma, energy projects such as mega dams and coal-fired power plants (For example, No. 1 Shweli hydropower project and the Tigyt coal power plant project) contribute to severe environmental degradation, climate change, flooding, the eradication of agricultural land, water contamination, serious health impairment of the local people, less food security, loss of water resources, ruin of cultural heritage, land confiscation and other forms of human rights violations.

The National Electricity Master Plan and National Electrification Plan, and the drafting of policies on energy and development, are carried out by the central government. There is no discussion with the local ethnic people and their participation is not allowed. The results of these policies are different to the wishes of the ethnic people concerning federal resource and energy policies. These differences cause armed clashes between EAOs and the Burma Army. Thus peace cannot be achieved as energy investors and the central government are in conflict with resistance ethnic armed groups and local people. The danger of these current policies to the health and security of women and children is increasing, threatening the security and property of local people. These policies are also linked to migration and other undesirable social problems. They affect the livelihoods of the local people and their income. For example, the waste products from energy industries and the opening and closing of dams destroy the fishing and agricultural practices of the local people.

The current National Energy Master Plan is prioritizing energy exports to other countries; the provision of domestic electricity is not the main goal of energy projects. Usually electricity production is generated from massive projects. The National Energy Master Plan promotes centrally-controlled transmission lines which distribute power to the major cities like Yangon, Mandalay and Naypyidaw. Since most of the smaller towns and villages—especially in the areas of ethnic communities—are out of reach of the power lines, these places have no power supply.

Therefore, in the process of establishing a future federal democratic union and during the interim period, it is necessary to enact an energy policy that will benefit the entire people's interests.

Goals

To draw up an energy policy that is consistent with federal democracy and sustainable development and that meets the requirements of the ethnic nationalities.

Guiding Principles

1. Since energy is a basic right, the policies for the management and use of energy shall be based on the rights of all ethnicities.
2. The energy policy shall be drafted in accordance with the principles of a federal democratic union.
3. The energy policy shall support sustainable development.
4. Local people must participate in drawing up energy policies, which must be transparent, responsible, and accountable.
5. The policy drafting process shall be in line with international human rights standards.

Policy Recommendations

(a) Policy Recommendations During Interim Period¹

1. Ongoing energy projects must be reviewed according to the benefits of local ethnic people and human rights, and stopped if necessary.
2. Any planned projects shall be stopped until a peace agreement is achieved and only suitable projects shall be implemented afterwards.
3. In implementing energy projects in ethnic areas, consultations shall be made with EAOs and native ethnic nationalities and their consent obtained before the project is started.

(b) General Policy Recommendations

1. The native ethnic communities and representatives from the ethnic nationalities shall participate in drafting energy policies.
2. The federal constitution shall clearly define the right to manage and share the benefits of energy between the federal government and states.
3. States shall have full authority to manage their own energy policy independently in their respective areas. The energy matters relating to other states in the union shall be negotiated.
4. Sale of energy to foreign countries must be reviewed and energy self-sufficiency must be prioritized.
5. The local population shall participate in every level of prescribing and implementing the energy policy to fulfill the energy needs in the state.
6. Laws, rules, and policies that encourage small-scale power projects and renewable energy projects shall be enacted in accordance with ethnic federal democracy and be implemented as a priority.
7. The present electricity distribution system is highly wasteful and must be urgently improved. Energy shall be equitably shared among states.

¹ *Interim Period means the period from the signing of a ceasefire agreement to the signing of a national peace accord.*

8. All fossil fuel power stations that burn coal to produce electricity must be terminated and any other energy projects that cause negative impacts on the environment and on the lives of ethnic people shall be reviewed and stopped.
9. In the implementation of energy projects, environmental impact assessments and social impact assessments shall be initially performed and the process shall be carried out in accordance with Free, Prior, and Informed Consent.
10. Any significant impacts that stem from energy projects shall be addressed by just and accountable policies and remediation programs.
11. Energy produced in ethnic states shall be utilized for the sustainable development of that state's ethnic nationalities.

ACTIVITY PHOTOS

Field Consultations with ethnic armed organizations and civil society organizations





Field Consultations with Political Parties, community based organizations and civil society organizations from states and regions in Burma











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