

Country Technical Note on
Indigenous Peoples' Issues

Republic of the Union of Myanmar



**Country Technical Notes on Indigenous Peoples' Issues:
Myanmar**

October 2022

Abbreviations

NLD	National League for Democracy
USDP	Union Solidarity and Development Party
NUG	National Unity Government
IDPs	Internally Displaced Peoples
MAF	Myanmar Armed Forces
IDPs	Internally Displaced Peoples
UNHCR	United Nations High Commissioner for Refugees
WFP	World Food Programme
Shelter / NFI / CCCM Cluster	Shelter, Non-Food Items, Health, Camp Management and Camp Coordination (CCCM)
CNF	Chin National Front
KIO	Kachin Independence Organization
KNU	Karen National Union
KNPP	Karenni National Progressive Party
ALP	Arakan Liberation Party
NMSP	New Mon State Party
UWSA	United Wa State Army
PNO	Pao National Organization
NDA	National Democratic Alliance Army
IHLCS	Household living Conditions Survey
VFV	Vacant, Fallow, and Virgin
MOAI	Ministry of Agriculture and Irrigation
FSWG	Food Security Working Group
SPDC	State Peace and Development Council
LULASC	Land Use and Land Allocation Scrutiny Committee
MOECF	Ministry of Environment Conservation and Forestry
ILO	International Labor Organization
CHRO	Chin Human Right Organization
EITI	Extrative Industry Transparency Initiative

UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
FPIC	Free Prior Informed Consent
COSOP	Country Strategic Opportunities Programme
IFAD	International Fund for Agricultural Development
ADB	Asia Development Bank
WB	World Bank
UN	United Nations
IPs	Indigenous Peoples
CCD	Country Driven Development
LCG	Land Core Group
MRLG	Mekong Region Land Governance
IFIs	International Financial Institutions
NGOs	Non-Governmental Organizations

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Country Technical Notes on Indigenous Peoples' Issues: Myanmar

I. Indigenous Peoples in Myanmar

(a) History

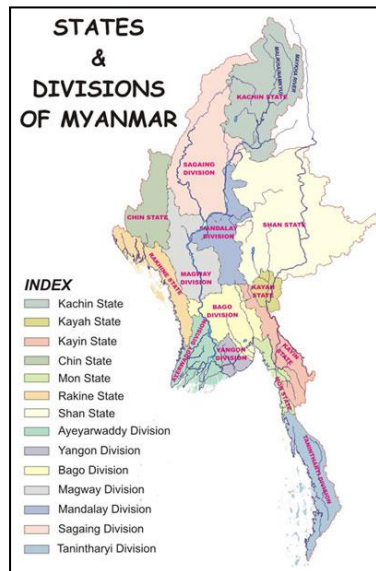


Figure 1: Map of Myanmar showing its states and divisions

The Bamar¹ people came down from China into Burma sometime in the 8th to 9th century and subjugated the Karen, Mon, and Rakhine peoples who had already their own kingdoms while the rest of the other ethnic nationalities' areas remained independent. Early civilizations including city-states and kingdoms and other groups of peoples who lived in present-day Myanmar were independent communities or village-tracts of tribes or clans long before the British stepped into Myanmar in 1824 to annex the Kingdom to India. The British conquered Burma after three wars, making it a colony. British Burma was created in 1937 from the petition of British India. Around the start of the 20th century, a nationalist movement began to take shape as a reaction to British colonial rule. Many believed reforms were possible and eventually, Burma became independent in 1948 in accordance with the Panglong Agreement signed by the leaders from ministerial Burma and frontier areas of Chin, Kachin, and Shan.

Throughout the colonial period, Chin, Kachin, Shan, Karenni, and Karen peoples were able to maintain their traditional political, economic, social, and cultural practices and institutions, and ways of life.

The armed conflict between ethnic nationalities' organizations and the central Bamar-dominated Government broke out shortly after independence in 1948 due to the failure to fulfill the Panglong Agreement and discrimination against the ethnic nationalities by the government.² The bitter and protracted conflict has continued ever since.

A military junta and its dictatorship were installed following a coup d'etat in 1962. During the rule of the military junta, the country was called Burma by everyone to signify opposition against the regime that named the country Myanmar. A general election was held in 2010 leading to the dissolution of the junta in 2011 and the establishment of a civilian government, but with significant military influence and control. After the reform process started in 2011-12 under the new President Thein Sein, more people have been adopting the name Myanmar for the country.

In 2011, the President of the Union of Myanmar offered to hold peace talks with the ethnic armed groups. A nationwide ceasefire agreement was signed on 15 October

¹ Bamar is a term used to refer to the mainstream Burmese who are not indigenous peoples and belong to the dominant society.

² At the same time, armed conflict broke out between the government and the Bamar-dominated Burma Communist Party

2015, between the government and eight³ ethnic armed groups. The next step of the process of developing the framework for political dialogue was finalized in December 2015 and the Union Peace Conference to start the political dialogue with all stakeholders commenced in January 2016.

The national and state-level election was conducted on 8 November 2015, which resulted in a landslide victory by the National League for Democracy (NLD) spearheaded by Aung San Suu Kyi. The military establishment, having lost in the elections, however, ensured significant influence in the new parliament. The country's next parliamentary election was held in November 2020. The NLD won a clear majority of seats in both legislative chambers, gaining more seats than it had won in 2015, while the military-aligned USDP (Union Solidarity and Development Party) saw its number of seats decrease—which rankled the military.⁴

On 1 February 2021—the day that parliament was scheduled to meet for the first time since the election—the military seized power. President Win Myint, Aung San Suu Kyi, and other NLD members were detained, and Myint Swe, a former military officer who was the military-appointed vice president, became acting president. He immediately invoked articles 417 and 418 of the constitution, declaring a one-year state of emergency and handing control of the executive, legislative, and judicial branches of the government to the commander in chief of the armed forces: Senior General Min, who claimed that the military takeover was necessary because of the alleged unresolved electoral irregularities and because the request to postpone the opening of parliament had not been heeded. He promised to hold new elections at the end of the state of emergency and to hand power over to the winner. The next day, the State Administrative Council was formed, with Senior General Min as a chairman, to handle government functions during the state of emergency. On 1 August 2021, the State Administrative Council was replaced by a military-led caretaker government with the Senior General Min named as the prime minister, and the state of emergency was extended until August 2023.⁵

The coup was widely condemned on the international stage, and there was opposition to the military coup within Myanmar as citizens held large protests and engaged in acts of civil disobedience. A shadow government—the National Unity Government (NUG)—was formed in April in opposition to the military's administration, and a loosely organized armed resistance emerged in the following months. The junta responded harshly to both peaceful protests and armed resistance. A little more than a year after the coup, the political upheaval and ongoing fighting had left the country in a humanitarian crisis and the economy in dire straits.⁶

The coup is setting back Myanmar's transition to democracy and federalism and posing a threat to national health and human security. While global community has been fighting COVID-19, Myanmar citizens need to focus on fighting for their freedom from oppression.

³ Karen National Union (KNU), Democratic Karen Benevolent Army, KNU-Karen National Liberation Army Peace Council, Chin National Front, Arakan Liberation Party, Pa-o National Liberation Organization, All Burma Student Democratic Front, and Restoration Council of Shan State.

⁴ <https://www.britannica.com/event/2021-Myanmar-coup-d-etat>

⁵ <https://www.britannica.com/event/2021-Myanmar-coup-d-etat>

⁶ <https://www.britannica.com/event/2021-Myanmar-coup-d-etat>

(b) Situation Update

The people of Myanmar continue to face an unprecedented political, human rights, and humanitarian crisis that is posing grave protection risks for civilians, limiting access to vital services including health and education, and driving deep food insecurity. Humanitarian needs have worsened across the country as conflict continues to rage, causing unprecedented levels of displacement, destruction of property, and land mine contamination especially in the country's northwest and southeast and driving grave protection risks for civilians. There is an increased report on Forced recruitment – including of children. The use of heavy weapons, including air strikes and artillery fire, continues to claim lives and pose risks to the safety and security of civilians, while raids, random searches and arrests are of grave concern. The destruction of civilian properties, particularly homes, combined with the protracted fighting, is prolonging the displacement of IDPs (Internally Displaced Peoples) and further degrading people's fragile living conditions. The arrival of the monsoon in the second quarter of the year has been a miserable time for the hundreds of thousands of displaced people living in informal sites and in the jungle or forest without proper shelter. While there have been modest access openings, these are very localized, and the overall access environment remains heavily constrained with a strong reliance on and risk transfer to low-profile local responders. Humanitarian operating space is under increasing threat from bureaucratic blockages imposed by the de facto authorities around registration, travel, banking, and visas. While the economy has shown a glimmer of improvement in the past few months, inflation is undermining this modest recovery at the household level with fuel and food becoming increasingly unaffordable and adding to financial stress in vulnerable households.

Escalating conflict and displacement: The clashes between the Myanmar Armed Forces (MAF) and various armed groups have continued to escalate in 2022, especially in the northwest and the southeast regions of the country. The civilians continue to bear the brunt of these conflicts, with 240,000 displaced during the first quarter of the year. The total number of Internally Displaced Peoples (IDPs) – both pre- and post-military takeover – in Myanmar now stands at more than 1 million according to the report of United Nations High Commission for Refugees (UNHCR) in May, 2022.⁷ The security and humanitarian situation remain tense in many areas, with active conflict – including airstrikes, artillery fire, ambushes, and raids – a daily threat for many civilians. The extended periods of conflict in some areas have cut ties between civilians and their homes, and their sources of livelihoods: many farmers have not planted or harvested crops, while seasonal workers have been unable to secure crucial casual employment.

Rising food and fuel prices: The fuel prices increased by 18 percent between February and March 2022 - driven by global uncertainty, the conflict in Ukraine, and local conditions. At the end of March, the fuel prices in Myanmar were more than double those registered in February 2021 (+133 percent), according to World Food Program (WFP) report on price update in March 2022. Later on, fuel price decreased by -21% on average during July. However, prices remain significantly higher than one year ago,

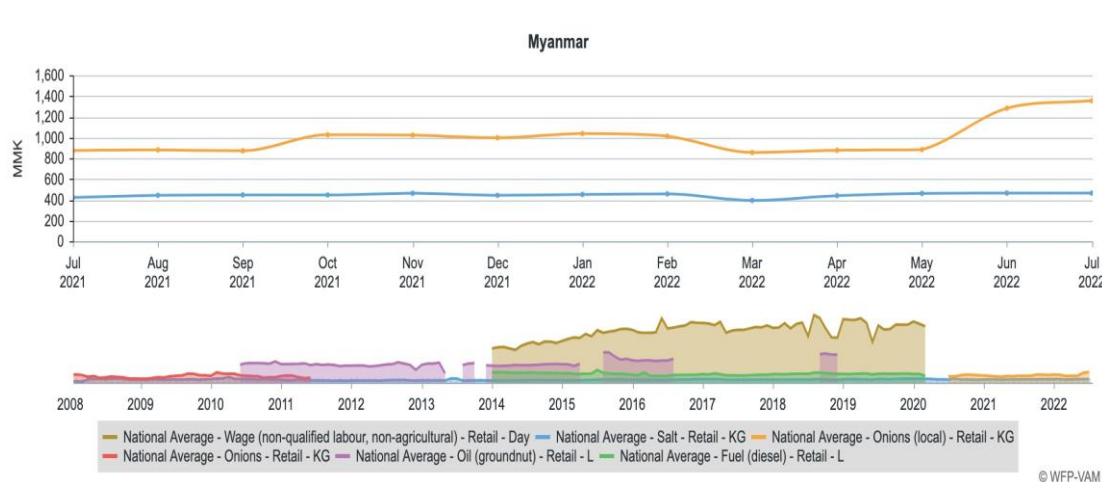
⁷ UNHCR, 23May,2022, *Myanmar Emergency Overview Map*, <file:///Users/newuser/Downloads/220523%20Myanmar%20displacement%20overview.pdf>

and reports of fuel shortages in early to mid-August have led to renewed price increases outside the monitoring period.

The increase in fuel prices has caused the rise of transport costs – a key driver of increasing retail food prices. The cost of a basic food basket increased by 10 percent from February to March, and the highest month-on-month increases were recorded in northern Rakhine State (+29%) and Kayah State (+26%). Compared to the same time last year, the average cost of a basic food basket is up 32 percent.⁸ The average prices for locally-available low-mid quality rice remained stable with slight changes between June and mid-July. However, starting from late July rice price increases have been reported in various parts of the country, which will be further validated as part of the August market price update.⁹

Edible oil prices rose by 23 percent between February and March, mostly due to high transport costs and volatility in local exchange rates. The average price of rice increased by 7 percent from February to March with rising prices felt nearly everywhere in the country. Rising fertilizer prices could drive food prices higher still. While Myanmar mainly imports fertilizer from China, the conflict in Ukraine is expected to have knock-on effects on the availability and price of fertilizer in Myanmar. By July 2022, edible oil prices remained stable or slightly decreased from previous month due to increased palm oil export availability from Indonesia as the world's leading exporter.

The overall food prices trend analysis is shown in the table below.



¹⁰ Food Prices in Myanmar from Food Security Analysis by World Food Program

Accessibility challenges: Humanitarian access to newly displaced populations, mainly in active conflict zones, remains largely restricted. The lengthy process required to secure travel authorizations remains a challenge. Travel authorizations are often granted on a tight schedule, allowing only limited periods to distribute humanitarian assistance.

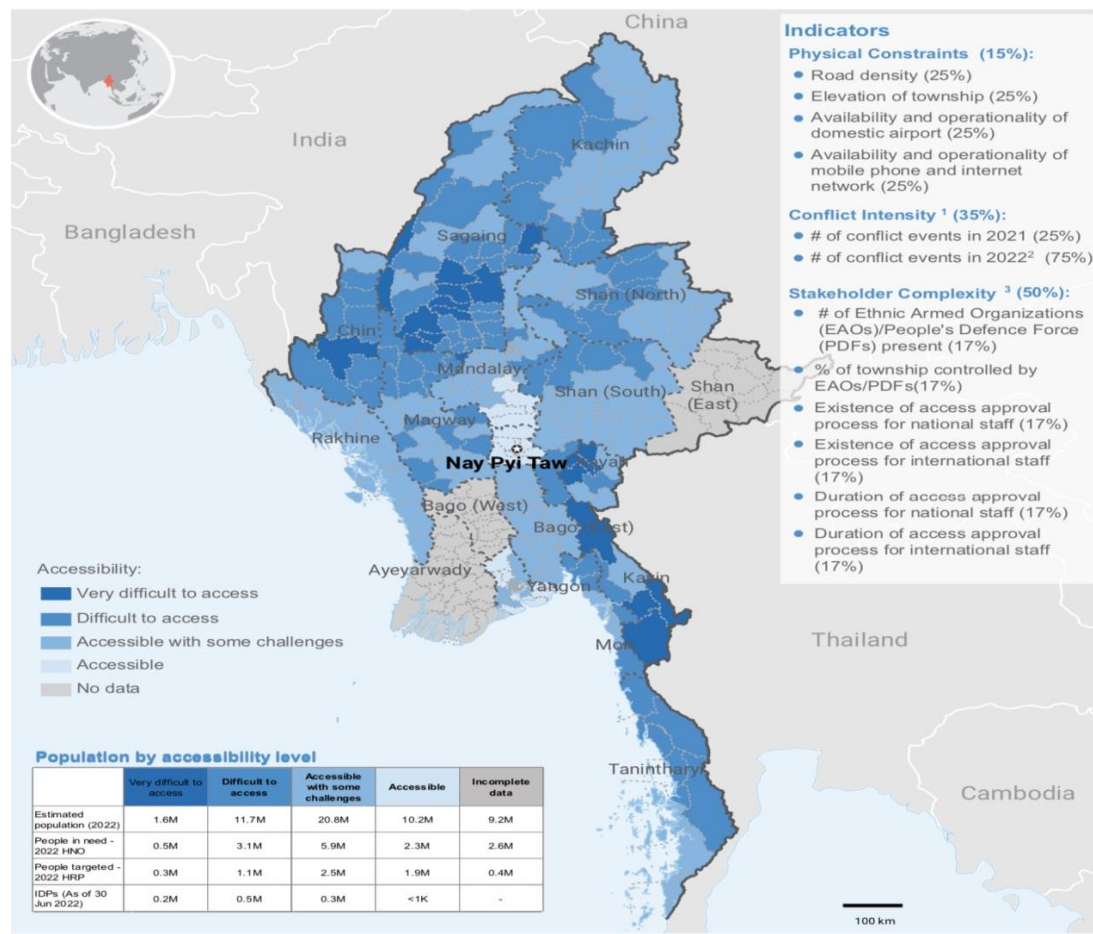
⁸ WFP, March 2022, *Market Price Update*, <https://reliefweb.int/report/myanmar/wfp-myanmar-market-price-update-march-2022>, page 1

⁹ WFP, July 2022, *Market Price Update*, <https://docs.wfp.org/api/documents/WFP-0000142155/download/> page 1

¹⁰ WFP, 2 October 2022, *Myanmar- Food Prices*, https://dataviz.vam.wfp.org/economic_explorer/prices?iso3=MMR

Meeting humanitarian needs: The conflict in Ukraine, coupled with the protracted impact of the COVID-19 pandemic, is exerting a negative impact on food prices, lead times, and supplier capacity. In Myanmar, these issues are exacerbated by conflict within the country.

The Myanmar Accessibility Map assesses the 330 townships of Myanmar according to three constraints: Physical (geographical); Conflict Intensity; and Stakeholder Complexity. Indicators employed in each constraint are listed below. The ranking is a weighted score with Physical Constraints at 15 per cent, Conflict Intensity at 35 per cent and Stakeholder Complexity at 50 per cent. The following figure is the overall accessibility map of Myanmar as of 30 June 2022.¹¹



Impact of Climate Change

Myanmar is the country faced with climate change issues on the ground and the third country ranked for the climate risk index. By the mid year of 2022, the arrival of the monsoon has already compounded humanitarian needs, both for protracted and new IDPs, as well as vulnerable people living in areas at a high risk of flooding. In April, strong storms and heavy rain hit coastal areas of the country (mainly low-lying areas in Kachin, Kayin, Rakhine and Shan states) causing varying degrees of damage to civilian

¹¹ OCHA, 2 September 2021, *Humanitarian Response Plan Myanmar 2022 Mid-year report 2022*, January to 30 June 2022, <https://reliefweb.int/report/myanmar/myanmar-humanitarian-response-plan-2022-mid-year-report-1-january-june-30>, Page 11

structures, including houses and shelters. In northern Shan, almost 200 houses and a high school were damaged due to strong winds. In Rakhine, strong winds hit several townships, causing damage to some of the sites for people displaced by the Arakan Army and Myanmar Armed Forces conflict. According to the Shelter/NFI/CCCM Cluster, 485 shelters in more than 20 sites in Mrauk-U and 864 shelters in nearly all 18 sites in the Kyauktaw AA-MAF displacement sites were damaged. In June, the increasing water level of the Ayeyarwady River resulted in flooding in several townships across Kachin State. The flooding submerged shelters, destroyed food stocks and vehicles, and triggered landslides in the area. More than 500 households were temporarily relocated to evacuation sites.¹²

(c) Indigenous Peoples and Political Boundaries

Myanmar is one of the most ethnically and culturally diverse countries in the Asian region, and ethnicity is a complex, contested, and politically sensitive issue in the country where ethnic groups have long believed that successive governments of Myanmar manipulate ethnic groups for political purposes.¹³ The government of Myanmar promulgated a new constitution in 2008, which does not make any reference to indigenous peoples. It, instead, uses the term “national race.” However this term is not defined by the Constitution and it is generally interpreted by applying the 1982 Myanmar Citizenship Law, which defined the national races in its 1983 Procedures. Under the Citizenship Law, nationals of Myanmar include the “Kachin, Kayah, Karen, Chin, Bamar, Mon, Rakhine or Shan and other ethnic groups as they have settled in any of the territories included within the State as their permanent home from a period anterior to 1185 B.E., 1823 A.D.”¹⁴

On 24 February 2015, a law on the protection of the rights of ethnic nationalities was enacted and ratified by the President of the Republic of the Union of Myanmar. The law uses the term “ethnic nationalities” rather than national races as in the Constitution. However, the definition of “ethnic nationalities” is similar to the interpretation of national races in the aforesaid Citizenship Law. The Law defines “ethnic nationalities” as “those who have recognized the Republic of the Union of Myanmar as their country of origin and had been living there continuously. This phrase does not include those who were granted associate citizenship and naturalized citizenship.” In article 5 of the law, the term “indigenous peoples” is used without further interpretation.

Political boundaries in Myanmar are according to ethnic demographics. There are seven regions and seven states, the latter is named after seven large ethnic groups namely, Kachin, Kayah (Karenni), Kayin (Karen), Chin, Mon, Rakhine, and Shan. Although the Bamar people do not have a specific state named after them, they are the dominant ethnic group, especially in the seven regions (Sagaing, Magwe, Taninthary, Mandalay, Yangon, Ayeyawady, and Bago) and the union territory of Nay Pyi Taw. There are also five self-administered areas and one self-administered region that are part of Regions or States, each named after the ethnic group that forms the majority in the area (Naga, Danu, Pa-O, Palaung, and Kokang¹⁵ Self-Administered Zone and Wa Self-

¹² OCHA, 2 September 20221, *Humanitarian Response Plan Myanmar 2022 Mid-year report 2022 January to 30 June 2022*, <https://reliefweb.int/report/myanmar/myanmar-humanitarian-response-plan-2022-mid-year-report-1-january-june-30>, page 10

¹³ International Crisis Group, Myanmar Conflict Alert: A Risky Census”

¹⁴ Burma Citizenship Law of 1982

¹⁵ Kokang are Han Chinese: Issue of February 22, 2015 of New Light of Myanmar

Administered Division). Myanmar national law defines the rights of ethnic nationalities for representation in the State parliament. Apart from the creation of States and Self-Administered Zones and Division, ministers of National Race Affairs are appointed in some States and Regions for specific races who live in the concerned State or Region with more than 0.01% of the country’s population. That includes Bamar as well.

(d) Population¹⁶

In the 1931 census conducted by the British, there were 135 ethnic groups with 242 dialects in Myanmar and the major ethnic groups were Kachin, Kayah, Karen, Chin, Mon, Bamar, Rakhine, and Shan. In 2014, the Myanmar government conducted a new census after more than 30 years. Due to the controversy of grouping ethnicity, the accurate figure for each ethnic group did not come out in the census. The census released only the total population of the country and populations based on States and Regions. The total population is 51.41 million.

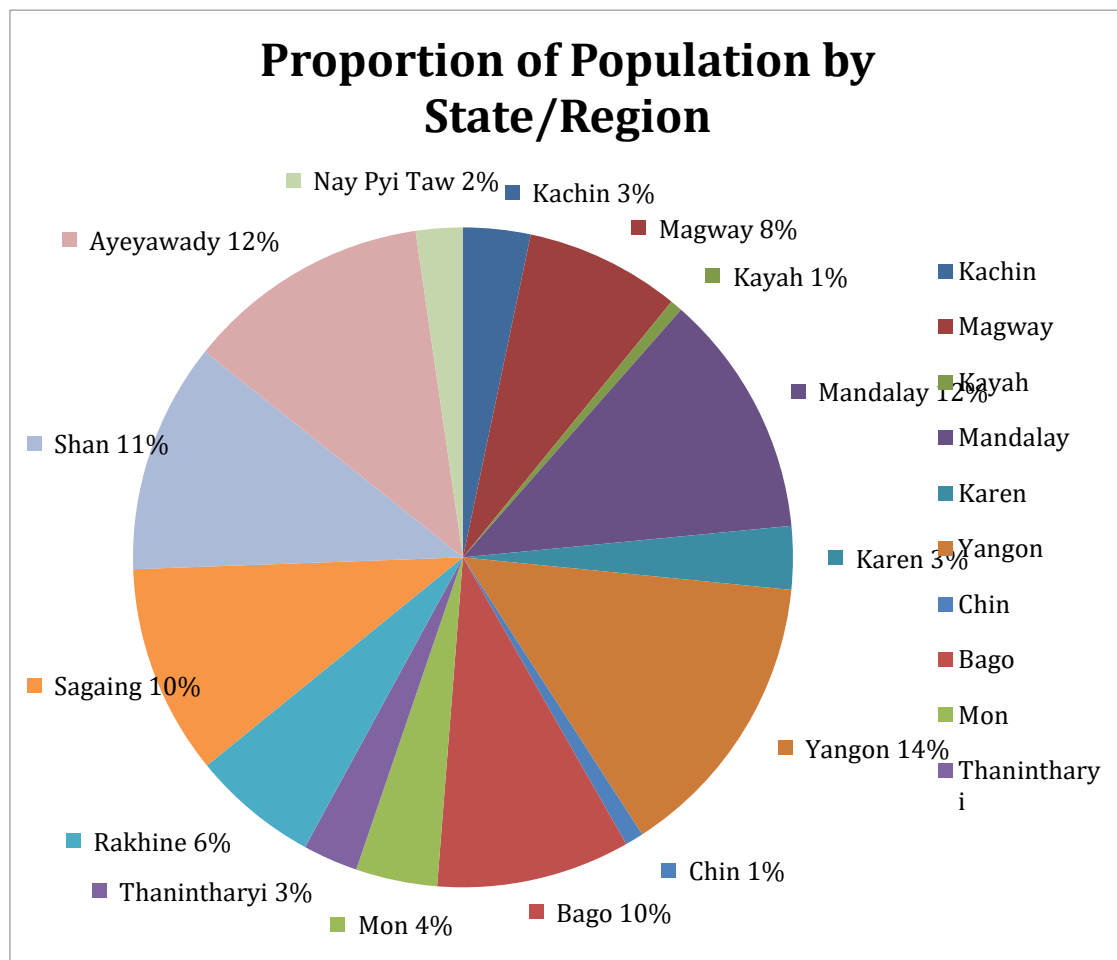


Figure 2: Proportion of population as per 2014 census of Myanmar¹⁷

Population based on States and Regions cannot be assumed as the population of a particular ethnic group because significant numbers of some ethnic groups live outside

¹⁶ Data and figures are taken from report of 2014 census, www.joshuaproject.net,

¹⁷ file:///C:/Users/Administrator.GGG-01504291256/Downloads/Census%20Main%20Report%20(UNION)%20-%20ENGLISH.pdf

of their own States. For instance, the Chin people have their minister of National Race Affairs in Rakhine State, Magwe, and Sagaing Regions, meaning that the Chin people who live in the concerned State or Region are at least more than 0.01% of the country's population. However, it is estimated that the ethnic nationalities in Myanmar make up 30-40% of the population, and ethnic states occupy some 57% of the total land area along most of the country's international borders and coastal areas.¹⁸

Below is an estimate of the population of some of the ethnic nationalities in Myanmar. The data is unofficial and the list is not exhaustive as official data has not yet been published by the Government.

Table 1: Population of Ethnic groups in Myanmar

Ethnic Groups	Estimate population
Chin	1 to 1.5 million
Danu	400,000
Kachin	1 to 1.5 million
Karen	7 million
Karenni	290,000
Lisu	250,000
Mon	4 million
Naga	100,000
Palaung	More than 1 million
Pa O	851,000
Rakhine	3 million
Rawang	80,000
Shan	More than 4 million
Wa	800,000

(e) Ethnic Groups and their politico-nationalist movement

Chin People

The Chins are Tibeto-Burmese people who inhabit a vast mountain chain running up western Myanmar and share international boundaries with India and Bangladesh. The poor quality of these lands has inhibited development, and transport and communications remain a problem today. Perhaps, more than any other minority group, the Chin people have been dependent on food and supplies with the cooperation of their lowland neighbors.

The Chin people have Chin Affairs ministers in Rakhine State, Magwe, and Sagaing Regions. The total population of Chin people is estimated at one to 1.5 million. Most of the Chin people are Christian (about 80%) and others are Buddhists and followers of traditional religions such as Laipian and animism.

The Chin's political involvement in national affairs traces its roots to the arrival of the British when many Chins converted from traditional animist beliefs to Christianity. Many also joined the British army and served with distinction in the Second World War.

¹⁸ Transnational Institute/Burma Centrum Netherland, "Access Denied: Land Rights and Ethnic Conflict in Burma" (May 2013)

In 1988, the Chin students participated in the uprising, called Tetra Eight or 8-8-88 because of the date of occurrence, against the military junta. The uprising was met by an outburst of violence by the military government. The uprising gave birth to the '88 Generation Peace and Open Society' that was contesting the imminent election in Myanmar. It also spearheaded the nationalist movement of the Chin people and the formation of an armed group of the Chin National Front (CNF) in the same year. In early January 2012, the CNF signed a ceasefire agreement with the Myanmar government.



Chin Traditional Costume. Source: The Hill People of Burma, Stevenson, 1944

Kachin

Kachin People: Kachin people are identified under the Tibeto-Burmese language group and inhabit the northern part of Myanmar. They call themselves Jinghpaw. However, the Myanmar government identified 12 different sub-groups among the Kachin namely Kachin, Jinghpaw, Trone, Dalaung, Guari, Hkahku, Duleng, Maru (Lawgore), Rawang, Lashi (Lachit), Atsi, and Lisu. It is estimated that there are one to 1.5 million Kachins in Myanmar. Like other hill peoples in Myanmar, the Kachins initially put up fierce resistance to the British annexation. However, many subsequently converted to Christianity (over two-thirds of Kachin are Christian today) and some still practice their traditional religions. A significant number of Bamar and Shan people also live in Kachin State. The Government of Kachin State has National Race Affairs Ministers of Bamar, Shan, Lisu, and Rawang.

It was not until the early 1960s that Kachin's armed nationalist movement gathered momentum. Frustration and resentment over the neglect of the Kachin region by the Government manifested when then Prime Minister U Nu tried to impose Buddhism as Burma's official state religion. In February 1961, the Kachin Independence Organisation (KIO) was formed by a group of intellectuals and university students to demand the complete secession of the Kachin State. In 1994, the KIO signed a ceasefire agreement with the military regime of Myanmar but the agreement was broken in 2011. There have been several negotiations between the new government and KIO for a

ceasefire agreement but they could only agree on a de-escalation of fighting in October 2013. One of the main features of the Kachin nationalist movement was the creation of a strong political identity among the Kachins from different sub-groups who inhabit the northeast region of Myanmar.

Lisu People: Lisu is in the Lolo (Yi) group of Tibeto-Burman languages. They inhabit Myanmar, China, Thailand, and the Indian state of Arunachal Pradesh. They are believed to originate from eastern Tibet. Traditionally, they live in villages high in the mountains. It is estimated that the total population of Lisu in Myanmar is 250,000.

Spiritually strong as they have always been through centuries, they practice animist and ancestor worship. However, some Lisu are Protestant Christians. Lisu villages are usually built close to water, preferably close to a waterfall as they believe that water is a special power. Their homes are usually built of bamboo walls and natural ground as flooring, although an increasing number of the more affluent Lisu are now building houses from wood or even concrete.



Lisu Traditional Costume

For hundreds of years, Lisu livelihoods were based on agriculture, growing mountain rice, fruits, and vegetables. The women wear brightly coloured costumes, usually consisting of a red, blue, or green multi-coloured knee-length tunic with a wide black belt and blue, black, or green pants. Shoulder sleeves and cuffs are embroidered with narrow horizontal bands of blue, red, and yellow. Men wear baggy pants, usually in bright colours but normally wear a more western type of shirt or top.

Initially, the Myanmar government denied recognizing the Lisu as one of the ethnic peoples who inhabited the country before the British's annexation. It is difficult for them to get citizenship and they have to prove that their forefathers had been inhabitants of Myanmar for centuries. Now, the Lisu people have their own Ethnic Affairs Minister of Kachin and Shan States in the government.

Rawang People: The Rawangs, from another Kachin sub-group of Tibeto-Burman origin, live near Putao where most of the areas are covered by snow in the northern tip of Myanmar and the Chinese-Tibetan borders. They speak Kachin which is related to the Nung dialect in the Tibeto-Burman group of languages. According to Kachin legend, the Nung-Rawangs were the first of six brothers from whom the main Kachin families descended. Until today, Rawangs still live in some of the most remote valleys and mountains all over Myanmar, where few outsiders have ever visited.



Rawang Traditional Costume

An estimated 80,000 Rawang people have long been primarily hunters and gatherers. Nowadays they also grow rice, serve as porters for mountain hikers and mine for gold and jade. The men mostly have a twig or thorn in their ear as ornament, while women sometimes wear large silver earrings with green tattoos around their mouth. Most of them have converted to Christianity. They have their own Ethnic Affairs Minister in the government of Kachin State.

Karen People

The population and linguistic designation of the various Karen sub-groups remain matters of dispute. Anthropologists estimate the Karen population in Myanmar to be around four million. However, the Karen people claim they are over seven million, whereas the government calculates that there are just over 2.5 million. The problem of identification is further exacerbated by the complex spread of the Karen population and the growing number of Karen who speaks only Burmese. Based on the 2014 census, the Karen population is more than 1.5 million in Karen State but they have their Ethnic Affairs Minister in Mon State, Irrawaddy, Pegu, Yangon, and Thanintharyi Regions.



Source: <http://www.stolaf.edu/people/leming/images/ricepounding.jpg>

The Karen people live in much of Lower Burma, from the Arakan Yoma and Delta region to the Shan State, and throughout the western Thai border region, including on the Thai side, to the Tenasserim Region. In a few areas, they constitute one geographical block. Twelve (12) Karen sub-groups have been identified by the government namely Karen, Karenpyu, Pu-le-chi, Mon Karen (Sarpyu), Sagaw, Ta-lay-pyu, Paku, Bwe, Monnepwa, Monpwa, Pwo, and Shu. Some generalizations, however, can be made. Over 70 percent of Karens come from just two sub-groups, the Sgaw and the Pwo. The Karen languages comprise a group of languages spoken primarily in lower Myanmar and coastal areas of Thailand. Karen languages exhibit a unique variety of traits that have made it difficult for scholars to determine their origins and confidently classify them normally as Tibeto-Burman languages. The origins of the Karen languages are not clear, but the languages are generally believed to be related to the Tibeto-Burman group of the Sino-Tibetan family of languages.

A series of apparently unmotivated attacks by government militia on Karen communities who lived in nearby Yangon and delta area sparked off an uprising by the Karen nationalists in January 1949 after which they formed an armed organization, the Karen National Union (KNU), in the same year. Later, some groups broke away from the KNU and formed armed organizations under different names. All of them signed a ceasefire agreement with the government in 2012.

Of all Myanmar's minorities, the Karen people have probably seen the most severe reversal in their fortunes since independence and suffered from human rights violations including killings, tortures, and rapes, among others. The majority of the 150,000 refugees from Myanmar in Thailand's refugee camps are Karen.

Karenni People

The government calls them Kayah but they identify themselves as Karenni. Their traditional name, Karenni ('Red Karen'), is taken from the brightly-coloured clothing of the largest ethnic group, the Kayah. The Karenni people comprise the sub-groups of Kayah, Zayein, Ka-Yun (Padaung), Gheko, Bre (Kayaw), Manu Maraw, Yin Talai, and Yin Bew. With an estimated population of 290,000 the Karenni State is located in the mountains in the center-eastern part of Myanmar along the Thai-Myanmar border. Although all Karenni subgroups speak the same Karenni language, dialects vary from one group to another. There are also three different types of written Karenni language, one using the Burmese alphabet, another the Roman alphabet, and one the Kayah Li alphabet. Kayah Li is taught at schools in Karenni refugee camps along the Thailand-Burma border. While most Karenni is Christians, there is also a Buddhist Shan minority in the State. As the Bamars are a minority in this state, they have their Ethnic Affairs Minister in the State's government.

In 1875 the Burmese monarch and the British government made an agreement that formally recognized the independence of the Karenni State. The Karenni Saophyas (Chiefs) were left to continue ruling their State. When Myanmar sought independence from the British, after several consultations with the people, Karenni representatives made it clear that they sought an independent Karenni state outside of the Union of Burma. Regardless, the Karenni state was included as a special area of Karen State under section (180) of the 1947 constitution.

On 9 August 1948, the Burmese army attacked the Karenni people for their opposition to being part of the Union of Burma. This resulted in the taking up of arms by some Karenni groups and the formation of the Karenni National Progressive Party (KNPP) in 1957. The KNPP concluded its ceasefire agreement with the government in 2012. There are other armed groups in the State which are breakaway groups from KNPP and ceasefire arrangements were also conducted with them under the military regime.

Rakhine People



Rakhines are the indigenous peoples who inhabit the Rakhine State. According to the 2014 census, there are over three million of them in the State but one-third of the State's population may be Rohingya, who are primarily Muslim and not considered indigenous peoples. There are other ethnic groups in the state such as Kamien, Kewkyi, Diangnet, Myramagyi, Mro, and Thet.

Some Rakhines also live in the southeastern parts of Bangladesh as well as in Yangon Region, where they have Rakhine Ethnic Affairs Minister.

Rakhine is situated in the western coastal part of Myanmar and is generally Buddhist with a small Christian population. Significant numbers of the Chin people live in the State and there is Chin Ethnic Affairs Minister in the State's government. Although Rakhines are culturally distinct from the Bamar, they are ethnically related and speak a

Burmese dialect. The modern Arakanese script is essentially the same as the Burmese script.

Different armed organizations operate under the name of Rakhine (Arakanese People) such as the Arakan Liberation Party (ALP), Arakan National Council, the Democratic Part of Arakan, and Arakan Army. ALP signed a ceasefire agreement with the government in 2012 and the rest are still under negotiation.

Mon People



Mon Traditional Costume

The Mon is the only homogenous ethnic group in Myanmar. Mon is a major branch of the Mon-Khmer family. Once inhabiting the plains of Lower Myanmar, the great Mon rulers at Thaton and Pegu vied with the Burman kings to the north and Siamese monarchs to the east. Only with the crushing by the great Burman ruler Alaunghpaya of the Smin Dhaw uprising in 1757 AD were the independent powers of the Mon kings finally curtailed. The Mon were originally from Southwest China, from where they migrated to upper Burma reportedly around 1500 BC, and then continued moving south to the Irrawaddy valley where the majority of them live today. The Mon people are considered descendants of one of Southeast Asia's most ancient civilizations, and they introduced both written language and Buddhism to Burma. The renowned Shwedagon Pagoda in Rangoon was built by Mons. The vast majority of Mons are Theravada Buddhists and much of the Mon culture is influenced by Buddhism. Mon culture shares some similarities with Burman culture, which is thought to have descended from the former. Nevertheless, the Mon people have their distinct ethnic dances, songs, and food that are different from those of the Burman. In contrast to the Burman dress, Mon longyi is traditionally always red to signify bravery and purity.

According to Mon leaders they number around four million. While Mon was the original Mon-Khmer Austroasiatic language spoken 2000 years ago, the use of spoken Mon has greatly declined during the past 150 years. The number of people who speak Mon is small compared to the large number of people who identify themselves as Mon. The population in Mon State is over 2 million and there is Mon Affairs Minister in Karen State's government.

Although the Mons generally worked with the Burman independence movement against the British under General Aung San, the father of Aung San Suu Kyi, and joined the mainstream nationalist movement in the Second World War, they were not rewarded in the rush for independence. Mon political demands were largely ignored and there was no delineation of a Mon territory. With the outbreak of the Karen insurrection in 1949, many Mon communities followed suit. Under the 1958 ceasefire agreement, the U Nu government agreed to the creation of a Mon State, but it was not until the 1974 constitution that this 12,295km² territory was formally recognized. The creation of a Mon State, however, has done little to quell nationalist dissatisfaction. The New Mon State Party (NMSP) was formed and took up arms in 1958. In 1995, the NMSP signed a ceasefire agreement with the military regime, and the agreement was renewed with the present government in early 2012.

Naga People



Naga Traditional Costume

The estimated 100,000 Nagas, who inhabit the Patkai Range in north Burma, constitute another complex family of Tibeto-Burmese sub-groups. The great majority of the Naga people, possibly over one million, live across the Indian border. The Naga territory in Myanmar is not easily accessible to both Burmese and Indian governments due to the presence of a strong-armed movement and lack of infrastructure such as roads. Traditionally fierce warriors (and former head-hunters), Naga forces have continued to resist incursions by both Indian and Burmese government troops into their territory. Warfare has kept the Naga Hills in a state of chronic underdevelopment and has devastated large tracts of land. Most of their lands and resources are managed in accordance with their traditional systems. Even though Naga is described as one of the sub-groups of the Chin people by the government, Naga people claim that they are different from Chin people. Naga-inhabited areas are included within the vast outreaches of the Sagaing Region as Self-Administered Areas comprising Layshi, Lahe, and Nanyun townships under the 2008 constitution.

Shan and other ethnic groups in Shan State

Shan State takes its name from the Shan people, the majority ethnic group in the State. The State covers a vast highland plateau the size of England and Wales, measuring 155,801 km² in the Central-East of Myanmar. The total population is almost 6 million and over half are the Shan. There are four self-administrative areas namely Paluang, Pa-o, Kokang, and Danu, and the Wa self-administrative region. The State government has a National Race Affairs Minister of Kachin, Paduang, Burman, Lahu, Lisu, Akha, and Inn.

Shan People: The Shan migrated south from China in the 12th century to Myanmar and live in not only present-day Shan State but also in Kachin State, Mandalay and Sagaing Regions. Their total population is estimated to be over 4 million. The language belongs to the Sino-Tai tonal language. They refer to themselves as the Larger Taii. Agriculture is the driving force of the economy and rice is their main crop but they also cultivate cash crops. They have irrigated fields in the valleys and shifting cultivation in mountainous areas. More than 98% are Buddhists but the monastery and its art are different from Burman. The Restoration Council of Shan State (South Shan State) and the Shan State Progressive Party (North Shan State) are the main armed organizations and both of them signed ceasefire agreements with the government. Many militia organizations supported by the government also exist in the Shan State. The Shan people have their National Race Affairs Minister in the government of Kachin, Mandalay, and Sagaing

Wa People: The Wa is one of the 135 officially recognized ethnic groups of Myanmar. The Wa population is located in two parts, the North Wa in the northeast of Myanmar near the China border where the majority live, and the South Wa part near the Thai-Myanmar border. The total population of ethnic Wa in Myanmar is estimated to be about 800,000 people of various ethnic groups. They speak Wa and Paruak of the Mon-Khmer Austroasiatic family of languages. Most of them are animists and for

centuries, the Wa engaged in head-hunting to ensure a good harvest. The practice is still rumored to continue in remote parts. The Wa have an expression, "There is no sight so beautiful as the three-pronged fork" - referring to the poles in their villages where they used to hang the heads of their victims. The region is mainly mountainous, with deep valleys. The lowest points are approximately 600 meters above sea level, with the highest mountains over 3000 meters. Earlier, the Wa State was heavily reliant on opium production. There has been a move towards growing rubber and tea plantations. Those resettled from the mountainous areas to fertile valleys are into wet rice cultivation and planting of corn and vegetables.

The 2008 Constitution provides for a six-township namely Pangsang, Pangwaun, Mongmao, Narphan, Matman and Hopang Wa Self-Administrative Region within Shan State.

The United Wa State Army (UWSA) is the largest armed organization in Myanmar with a strength of 20,000-30,000 troops with another 10,000 auxiliary members. The UWSA completely controls the Self-Administrative Region and the government cannot access the areas.

Pao People: (Pa-Oh) The Pao settled in the Thaton (Mon State) region of present-day Myanmar. Historically, the Pao wore colorful clothing until King Anawratha defeated the Mon King of Thaton. They were enslaved and forced to wear indigo-dyed clothing to signify their status. Most of them are Buddhist and most of their festivals are based on Buddhism. The total Pao population is estimated at 851,000 in Myanmar. The Pao predominantly cultivate the leaves of the Thanapet (*Cordia Dichotoma*) tree which is used for producing cheroot. They also grow rice and other cash crops now.



A meeting in Pa-Oh village in Pin Laung township where elders discuss village land use.

The Pao's self-administrative area is composed of three townships namely Hopng, Hsihseng, and Pinlaung.

The Pao National Organization (PNO) is one of the oldest armed groups in Myanmar but it was transformed into a people's militia force. The Pao National Liberation Organization was established after the PNO was transformed into a militia and signed a ceasefire agreement with the government in 2012.

Palaung People: The Palaung descended from the Mon-Khmer from Mongolia who traveled through China to Myanmar. They have their own language and literature, a distinctive traditional culture, and prefer to call themselves Taang. The Palaung are predominantly Buddhist and less than ten percent are animists and Christians. The Palaung population is over half a million (though they claim to be over one million), and most live in the mountains of the northern and northwestern Shan State. Palaung tea is famous in Burma for the high quality that is grown on their upland farms. They also grow a variety of temperate climates fruit crops such as apples, plums, avocados, and pears. The women keep their haircuts short and wrap their heads in black turbans. They also wear heavy earrings and silver necklaces. The men are fond of tattoos.

The 2008 Constitution provides the Palaung Self-administration area which comprises Manton and Namhsan townships in the Shan State. The Taang National Liberation Army is still fighting the government.

Danu People: The Danu of Myanmar, numbering 400,000 are part of the Mon-Khmer people cluster within the Southeast Asian Peoples affinity bloc. They are found only in Myanmar in the townships of Pindaya and Kalaw of Shan State and Ywar Ngan Township. They are farming people and speak Burmese, with a slightly different accent, and wear Burmese costumes. The name Danu is derived from the word ‘Donke’ which means ‘brave archers.’ The people in this area are named after the brave archers who settled here after fighting wars in Thailand. The majority of them are Buddhists. Danu's self-administered zone, as stipulated by the 2008 constitution, is a self-administered zone consisting of Ywar Ngan and Pindaya townships in Shan State.

Paduang People: A 2004 census puts the Padaung population at approximately 139,000, who live in the thick forests west of the Salween River and around the Pekon Hills, in Kayah State and southern Shan State of eastern Myanmar. The women who wear brass rings on their necks and are called “long-neck” belong to a sub-group of the Karen. There are other sub-groups who do not and never have practiced this custom. In their own language, the Padaung call themselves Kakaung or Kayan, which means ‘people who live on the hilltops.’ The Padaung language is closely related to that of the Lahta tribe in Myanmar. It is part of the Karen branch of the Tibeto-Burman family. Their main livelihoods are agriculture and livestock breeding. The Kayan National Liberation Party which signed a ceasefire agreement with the government in 1994 and the people’s militia of Kayan National Guard are active in the areas. Paduang people have their Affairs Minister in Shan State government.



Akha Traditional Costume

Akha People: The Akha population in Myanmar is 221,000 and they live in the Golden Triangle areas along the China, Laos, and Myanmar boundaries. The Akha people are an indigenous hill tribe and speak Loloish language of the Tibeto-Burman family. The Akhas usually do not stay in one village for long so they move from one place to another and they prefer the hilly mountainsides. They practice shifting cultivation but were introduced to cash crop cultivation such as tea and rubber plantation in the areas after the National Democratic Alliance Army (NDAA) signed a ceasefire agreement with government in 1994. The NDAA is a breakaway armed group from the Communist Party of Burma. Most of the leaders as well as members of both groups are Akha based in the Mongla township and parts of

neighboring Mongphyak and Mongyang townships of Shan State. Akha people have their Affairs Minister in Shan State government.

Lahu People: The Lahu people who speak the Central Loloish (or Yi) Branch of the



Lahu Traditional Costume

Lolo-Burmese Subgroup of the Tibeto-Burman Family are estimated to number 225,000 and live in the northern Shan State of Myanmar. Most of them are Christians. Most Lahus are still predominantly swidden farmers, cultivating dry rice as a staple, corn for their pigs, and chilies, without which no Lahu meal is considered edible. They interplant leafy and root vegetables, herbs, melons, pumpkins, and gourds with the major crops. Principal cash crops include chilies, cotton, tea, and opium poppy. Lahu people have their Affairs Minister in Shan State government.

Intha people: Intha which means “sons of the lake” are from the Tibeto-Burman family group and live around Inle Lake in Shan State. They speak an archaic dialect of Burmese and are believed to have come from the Dawei area. They support themselves by tending vegetable farms on floating gardens. Also, the Intha are known for their leg-rowing techniques and are traditionally Buddhists. They are fishermen and agriculturalists. Many of their villages are built right on top of Inle Lake. They travel around by boat, which they row with their legs. They number around 70,000 and have their own Affairs Minister in Shan State.

(f) Main Characteristics of Indigenous Peoples in Myanmar

Indigenous peoples in Myanmar live in mountains, valleys or highland plateaus, low lands, along the rivers, in and around lakes, and coastal areas. They are referred to as peoples after Myanmar got its independence in 1948. They identify themselves as ethnic nationalities and the dominant society also recognizes them as different people and categorizes them differently from Chinese, Indians, Nepali, and Bengali who are also minority groups in Myanmar.

Indigenous peoples in Myanmar speak their own languages that are different from the national language. They are strongly determined to maintain and develop their own languages, literature, and traditions, and take the responsibility to pass them to new generations and traditional institutions including religious ones, despite the successive governments' attempts to eliminate these.

Indigenous peoples in Myanmar have a very close attachment to their ancestral land, territory, and resources. For them, the land is not only a commodity for survival but also life. It has been their abode since time immemorial. It is the material basis of their collective identities and they interpret that all of their cultures, traditions, and beliefs originated from the lands they traditionally own or otherwise occupy. All the mountains, rivers, lakes, and valleys, among others, are named in their own languages and each has its own legend that relates to traditional beliefs. Land, territories, and resources are controlled and managed by traditionally regulated customary laws, which the communities themselves established. Customary land tenure institutions vary between ethnic groups and geographic regions. In the Northern Chin state, for example,

land management is collective as the village cultivates large hillside blocks in rotation, in which individual plots that are not privately claimed are allocated annually through lottery. Thus plots are cultivated in specific individual household plots within the large collective area. The standard and most widespread rule of customary law is *dama-ucha*, which signifies the first founder of a domain, that is the village's claim to its territory through naming the first founder of the village that cleared the area. It means the one that "wields the machete". It is a term used for the territory of a village and the basis for communal tenure by the village. In integral traditional systems, the village headman or a committee of elders is responsible for land allocation and resolving land disputes. Land use claims may be inheritable (and often patrilineal in ethnic minority cultures), and the boundaries of ancestral claims of each household are generally known by all villagers, but under communal tenure, if the household with ancestral claims does not have the labor power to clear the field, it enters in the lottery among the remaining households of the village. However, customary institutions, including those that regulate land tenure are in transition as privatization through cropping by perennials is gaining ground due to access to the market and land scarcity. So too are agricultural practices. Both agricultural and social systems constantly respond in innovative ways to address food security or other changes in the natural and institutional environment. Now, the government is in process of developing a "National Land Use Policy" in which the traditional land tenure system is recognized. There is broad diversity and flexibility in the forms of land ownership among indigenous peoples: from communal to semi-communal to private. Rights to land are derived primarily through inheritance, investment of labor, and actual improvements on the land.

All of the aforesaid armed groups which have fought against the successive governments since the country was born aim to reclaim the right to self-determination that includes not only their political destination but also for control and management of their land, territories, resources, social and cultural issues.

II. Situation of Indigenous Peoples in Myanmar

(a) Economic Activities

Indigenous peoples are found in the forests, mountains, lowlands, valleys or plateaus, along rivers, on and around lakes, and coastal areas of the country and are in varying levels of socio-economic development. They are engaged in mixed production systems based on their environment and topography including swidden farming on mountain slopes; settled and irrigated agriculture of rice, corn, and vegetables in lowlands and valleys; hunting and gathering in forests; livestock raising; fishing along coastal areas and rivers, and production and trade in local handicrafts. Some indigenous peoples engage in cash-crop agriculture in lowlands and plateau areas.

Many indigenous peoples engage in cash-generating activities such as small business and trading of local products to augment their farm produce and meet their basic needs. Some of them also engage in border trades as they have more access to people who live next to them. A few are employed in government or private institutions and earn a regular salary, while others are dependent on remittances of family members who are regularly employed in urban centers or abroad. Some cash income also comes in the form of pensions from insurance institutions. Outside influences have caused changes in the economic systems of the indigenous peoples. It can be said that generally, today,

most of the indigenous peoples are engaged in subsistence agriculture but, by the necessity of survival, are increasingly being integrated into the wider market economy in the whole country.

(b) Poverty Analysis of Indigenous Peoples¹⁹

Myanmar, a least developed country, has made significant achievements in poverty reduction over the last decade. A historical triple transition that began in 2011—towards peace, democracy, and a market-oriented economy—enabled Myanmar to move forward. The economic reforms and trade deregulations that followed resulted in rapid growth and contributed to a significant reduction in poverty rates. In 2017, Myanmar had a poverty rate of 24.8 percent (using the national poverty line as the benchmark), down from 48.2 percent in 2005.²⁰ This analysis is based on the main findings of the Integrated Household Living Conditions Survey (IHLCS) and related studies by various ministries and organizations.

In Myanmar, food poverty affected about 5% of the population of the country. Food poverty was more than twice as high in rural areas than in urban areas, with rural areas accounting for more than 85% of total food poverty. The highest incidence of food poverty was in Chin (25%), Rakhine (10%), Tanintharyi (10%), and Shan (9%) and it coincided with where indigenous peoples live. Poverty affected 25.6% of the population who live under the poverty line. Poverty is twice as high in rural areas than in urban areas, with nearly 85% of the poor living in rural areas. The highest incidence of poverty was in Chin (73%), Rakhine (44%), Tanintharyi (33%), and Ayeyarwady (32%) where indigenous peoples are.

Table 2: TRENDS IN POVERTY INCIDENCE, (2005-2010)
(%)

State or Region	Urban		Rural		Total	
Kachin	37.7	23.4	46.8	30.6	44.2	28.6
Kayah	26.1	2.3	38.2	16.3	33.6	11.4
Kayin	7.8	16.8	12.5	17.5	11.8	17.4
Chin	45.9	52.1	80.9	80.0	73.3	73.3
Sagaing	21.9	16.0	27.4	14.9	26.6	15.1
Tanintharyi	20.8	16.7	37.2	37.5	33.8	32.6
Bago	30.7	19.0	31.8	18.2	31.6	18.3
Bago (East)	34.8	20.9	30.2	20.1	30.9	20.2
Bago (West)	23.1	15.6	33.8	15.9	32.6	15.9
Magwe	25.8	15.8	43.9	28.2	42.1	27.0
Mandalay	24.1	14.1	44.7	31.6	38.9	26.6
Mon	22.5	17.8	21.3	16.0	21.5	16.3
Rakhine	25.5	22.1	41.2	49.1	38.1	43.5
Yangon	14.4	11.9	17.4	28.7	15.1	16.1
Shan	31.0	14.1	50.5	39.2	46.1	33.1
Shan (South)	26.1	8.3	44.5	31.2	40.2	25.2
Shan (North)	34.7	16.3	55.0	43.1	50.6	37.4
Shan (East)	37.1	28.6	56.0	52.3	51.8	46.4
Ayeyarwady	24.4	23.1	30.3	33.9	29.3	32.2
Union	21.5	15.7	35.8	29.2	32.1	25.6

¹⁹ this analysis is taken from report of Interim Country Partnership Strategy, Myanmar, 2012-2014 by ADB

²⁰ UNDP

Since the IHLCS did not provide data broken down by ethnic and other groups, horizontal inequalities between social groups cannot be assessed. However, the higher incidence in Chin, Rakhine, and Shan where most indigenous peoples reside suggests that income distribution is skewed against these groups and the peoples in the rural areas of eastern Myanmar who have experienced local conflicts for many years.

The core causes of poverty and inequality are state neglect and discrimination in the provision of basic social services, and weak economic, social, and political power of certain groups, leading to their exclusion from the benefits of development programs. Another factor that contributes to poverty is the government's strong centralized control of development plans and strategy. For instance, the backbone of the economy in Chin State is agriculture but the State government allotted only 3% of the total budget for the agricultural sector and 48% of the budget was used for infrastructure in the 2014-15 fiscal year.

In addition, reduced incomes and minimal coping mechanisms among vulnerable households, in the wake of the COVID-19 pandemic, have set the stage for an estimated increase in the poverty rate from 6 to potentially 11 percent, by the end of 2020. The Household Vulnerability Survey (2020) shows that containment measures have been particularly harmful to small-scale, family-owned businesses, further increasing the vulnerability of the households owning them. More than four-fifths (83.3 percent) of households have reported a drop in income since the beginning of 2020. Evidence also pointed to disruptions across sectors and reduced remittances due to global and regional lockdowns. The ongoing political crisis will, doubtless, further compound the socioeconomic impact of the pandemic, reducing incomes. According to the World Bank, around 40 per cent^[11] of Myanmar's population, dropped into poverty in less than 18 months, reaching a poverty rate that Myanmar has not seen for at least 15 years.

What is clear is that, given the present trends, based on the data and evidence available at this time, Myanmar is at risk of losing over a decade of hard-won gains in the fight against poverty, and is seeing a slide in human development that may not be reversible in the SDG timeframe. Without rapid corrective actions on economic, social, political, and human rights protection policies, these scenarios will put Myanmar's efforts to achieve the Sustainable Development Goals by 2030 well out of reach.

(c) Issues and Challenges

Under the 2008 constitution, the state is the owner of all land, although the 2012 Farmland Law allows for registration and sale of private ownership rights to land. 2012 Vacant, Fallow, and Virgin (VFV) Land Law allows the government to declare land as unused and assign it to foreign investors or designate it for other uses. There is no provision for judicial review of land ownership or confiscation decisions under either law; administrative bodies subject to political control by the national government make final decisions on land use and registration.

By 2016 the new Land Law may be promulgated with reference to the National Land Use Policy which is why the customary rights of ethnic groups must feature in the Policy.

The Ministry of Agriculture and Irrigation (MOAI) Master Plan for the Agricultural Sector 2000-2030 promises to convert 10 million acres of “wastelands” for agricultural production. By May 2013, based on ‘official statistics’ a total of 377 domestic companies had been allocated 2.3 million acres of “vacant, fallow, and virgin” land, and 822 companies or individuals had been allocated a total of 0.8 million acres of forest land (outside of Mon State).²¹ MOAI data indicate that the area of VFV land under concessions increased by at least 0.3 million acres from 2010 to 2013. By far the largest areas have been allocated to rubber, oil palm, rice, and jatropha, followed by rice, sugarcane, and cassava.

Numerous documents provide evidence of land grabbing in Myanmar over the last two decades. The Food Security Working Group (FSWG) has prepared three documents: *Briefing Paper on Land Tenure: A foundation for food security in Myanmar’s uplands*, FSWG 2011; *Upland Land Tenure Security in Myanmar: an Overview*, FSWG Feb 2011 and *13 Case Studies of Land Confiscations in Three Townships of Central Myanmar*. These were prepared by the Land Core Group of the Food Security Working Group in September 2012. In addition, there are several academic papers analyzing the land situation in Myanmar such as *The Impact of the confiscation of Land, Labor, Capital Assets and forced relocation in Burma by the military regime*, by Dr. Nancy Hudson-Rodd and Dr. Myo Nyunt, Saw Thama Tun, and Sein Htay; *Arbitrary Confiscation of Farmers’ Land by the State Peace and Development Council (SPDC) Military Regime in Burma* Hudson-Rodd, N. and Sein Htay 2008, *Testimony of Marco Simons in Front of the Tom Lantos Human Rights Commission: Business and Human Rights in Burma (Myanmar)*, Tom Lantos Human Rights Commission, February 28, 2013; TNI’s report on *Financing Dispossession* in Kachin, 2012, and *Losing Ground, Land Conflicts and Collective Action in eastern Myanmar*, Karen Human Rights Group, 2013. There are numerous other reports where the Kachin and Northern Shan States have seen the highest growth rate of land grabbing, e.g. by the Chinese with the blessing of the Myanmar army and companies establishing rubber plantations for alleged opium eradication purposes.²² In addition to rubber, two Burmese companies with rumored Chinese financial backing – Yuzana and Jadeland – received concessions of approximately 200,000 hectares in total to grow cassava and other crops in Hukawng Valley Tiger Reserve.²³ Land grabbing for gold mining is going on in the Shan State causing land loss and heavy pollution.²⁴

In 2012, a parliamentary Farmland Investigation Commission or “Land Use and Land Allocation Scrutiny Committee” (LULASC) chaired by U Win Tun, Minister of the Ministry of Environmental Conservation and Forestry (MOECAF) was set up to investigate land disputes in cases of confiscated land. It began investigating cases of reported unlawful land confiscation. The commission had received more than 6,400

²¹ *Agribusiness Models for Inclusive Growth in Myanmar: Diagnosis and Ways Forward* by Derek Byerlee, Dolly Kyaw, U San Thein, and L Seng Kham, MSU International Development Working Paper, May 2014. This paper also advocates “Given ongoing granting of concessions, a major priority is to protect the land rights of traditional land users operating under customary tenure in extensive long fallow farming systems.”

²² See TNI *Financing Dispossession. China’s Opium Substitution Programme in Northern Burma* Feb 2012 and *Losing Ground, Land Conflicts and Collective Action in eastern Myanmar*, Karen Human Rights Group, 2013 and Shan Herald Wednesday 22 May 2013

²³ *Testimony of Marco Simons in Front of the Tom Lantos Human Rights Commission: Business and Human Rights in Burma (Myanmar)*, Tom Lantos Human Rights Commission, February 28, 2013

²⁴ <http://www.irrawaddy.org/burma/shan-farmers-say-gold-mining-wrecking-land.html>

inquiries regarding land confiscations and produced four reports. In 2013, the commission issued its first report on land confiscations by the military, finding the military had exceeded its authority in confiscating lands for various purposes, including an allocation to military-owned entities and private companies. The commission recommended either returning thousands of acres of confiscated but unused land or compensating farmers from whom land had been taken. The commission does not have the legal authority to implement and enforce its recommendations, and media sources reported little progress in returning the confiscated lands. Although the Farmland Law requires that land be returned if not used productively within six months, civil society groups reported that land taken by the military was left unused for long periods.²⁵

Land confiscation for agribusiness plantations was particularly rapid and widespread in recent years in areas of Kachin and Shan states, where ethnic nationalities practice traditional forms of land tenure that may not be protected under the land laws. In a report in May 2014, the Karen Human Rights Group noted a sharp increase in land confiscation in the Karen State from the signing of a 2012 ceasefire until the end of 2013 between the government and the Karen National Union, sparking concerns that the rate of land grabbing would rise in ethnic nationality and former conflict areas as ceasefires take hold and the land of the Internally Displaced Persons (IDP) is up for grabs.

The large-scale development projects linked to land confiscation often involve the engagement of security forces and militias, firstly, to force residents to leave, and secondly, to secure the emptied zone. The militarization of these zones increases the threat of violence against civilians and fuels armed conflict. In October 2009, regime authorities confiscated approximately 200 acres of land on Rambree Island, Rakhine State, to make way for the Shwe Gas project's construction of an onshore gas terminal complex, a deep sea port, railway, airport, and industrial areas. The Kyaukpyu-Kunming oil and gas dual pipeline, which began operations in February 2011, has resulted in numerous cases of land confiscation, forced labor, arbitrary arrests, and torture in the Rakhine and Shan States. As of 19 February 2014, the regime had planned to build six dams on the Salween River in Shan, Karenni, and Karen States. In recent years, an estimated 37,000 people have already been displaced from the dam sites and surrounding areas. The Tavoy deep-sea port project has already resulted in forced displacement and the confiscation of land without adequate compensation. These land confiscations lead to unrest and armed conflicts.²⁶

III. National Legislation on Indigenous Peoples

The term “indigenous peoples” is not mentioned in the 2008 constitution. For the Myanmar government, either there are no indigenous peoples or all are indigenous peoples in the country. Article 37 of the Constitution identifies the state as being the ultimate owner of all lands and all natural resources above and below the ground, above and beneath the water, and in the atmosphere of the country.

²⁵ Country Reports on Human Rights Practices 2014 by United States Department of State, Bureau of Democracy, Human Rights and Labor

²⁶ Land Confiscation in Burma: a threat to local communities and responsible investment by ALTSEAN-Burma (updated on May 5, 2014)

In February 2015, the parliament of Myanmar enacted new legislation called ***“Protection of Rights of Ethnic Nationalities.”*** This is the first time that the term “ethnic nationalities” is used in the law.²⁷ The term “ethnic nationalities” includes the majority ethnic group Bamar in its interpretation. Article 5 of the law, states that ***“Free, Prior and Informed Consent”*** with full and accurate information provided, will be conducted with concerned indigenous peoples for the implementation of developments, large-scale projects and businesses, and extraction of natural resources in territories of ethnic nationalities. This is also the first time that the term “indigenous peoples” is used but no further interpretation is made of the term.²⁸

The Danish Institute for Human Rights, Myanmar Centre for Responsible Business, and Institute for Human Rights and Business did a study of Sector Wide Impact Assessment in Oil and Gas extraction areas and the conclusion of the study regarding indigenous peoples in Myanmar is as follows:

“Myanmar has not ratified ILO (International Labor Organization) Convention 169. However, Myanmar voted in favor of endorsement of the UN Declaration on the Rights of Indigenous Peoples in 2007, while noting that it “would seek to implement it with flexibility.” The Myanmar statement did not take a position on whether there are or no indigenous peoples in Myanmar. The standard working definition for qualification as an “indigenous peoples” uses several criteria: historical continuity; commitment to preserving ethnic identity; distinct differences from the prevailing sectors of society; and formation of non-dominant sectors of society as well as the criteria of self-identification which is included in many definitions. There are ethnic minority groups in the O&G development areas that meet the criteria of indigenous peoples.”

In June 2012, the Myanmar government formed the Land Use Allocation and Scrutinizing Committee to draw and adopt a national land use policy that is in conformity with the situation of Myanmar and contains international best practices, and to carry out land system reforms. The Committee came out with a draft “National Land Use Policy” in October 2014. All existing laws related to lands will be reviewed and amended in consistency with the policy after it is adopted. The draft National Land Use Policy mentions in article 68 that “The traditional land use system shall be provided in the land law for the awareness and compliance of the traditional land use practices of the ethnic nationalities, for acquiring complete traditional land use right, for enabling protection of such right, and for enabling the use of impartial dispute settlement mechanism readily.”

IV. International treaties, declarations, and conventions ratified by the country

Myanmar is not a party to most of the international human rights instruments. Out of **25** Conventions ratified by Myanmar under the ILO Convention, of which **19** are in force, **1** Convention has been denounced; **5** instruments abrogated; **none** have been ratified in the past 12 months. ILO 169, Indigenous Peoples and Tribal Peoples Convention is not ratified by the county.

²⁷ In the constitution, the term “National Races” is used

²⁸ Protection of rights of ethnic nationalities is promulgated on 15 February, 2015

The following are a few international treaties it is a signatory to, namely:

UN Human Rights Conventions	
Freedom of Association and Protection of the Right to Organise Convention	RATIFIED (1955)
Convention concerning Forced or Compulsory Labour	RATIFIED (1955)
Convention on the Privileges and Immunities of the United Nations	ACCEDED (1955)
Convention on the Prevention and Punishment of the Crime of Genocide (1948)	RATIFIED (1956)
Convention on the Rights of the Child	ACCEDED (1991)
Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field	RATIFIED (1992)
Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea	RATIFIED (1992)
Geneva Convention relative to the Treatment of Prisoners of War	RATIFIED (1992)
International Convention for the Suppression of Unlawful Seizure of Aircraft	RATIFIED (1996)
Convention on the Elimination of All Forms of Discrimination Against Women	ACCEDED (1997)
Amendment to article 43 (2) of the Convention on the Rights of the Child (1995)	ACCEDED (2000)
International Convention for the Suppression of Terrorist Bombing	ACCEDED (2001)
United Nations Convention against Transnational Organized Crime	RATIFIED (2004)
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime	ACCEDED (2004)
Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime	ACCEDED (2004)
Convention on the Rights of Persons with Disabilities	ACCEDED (2011)
Convention Against Corruption	RATIFIED (2012)
Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography	ACCEDED (2012)
Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour	RATIFIED (2013)
International Covenant on Economic, social and Cultural Rights	RATIFIED (2017)
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	RATIFIED (2019)
ILO Conventions	
ILO Forced Labour Convention (C29, 1930)	RATIFIED (1955)
ILO Freedom of Association and Protection of the Right to Organize Convention (C87, 1948)	RATIFIED (1955)
ILO Worst Forms of Child Labour Convention (C182, 1999)	RATIFIED (2013)
C138 - Minimum Age Convention, 1973 (No. 138) Minimum age specified: 14 years. The scope of the Convention is limited to industry or to the economic activities set forth in article 5, paragraph 3.	RATIFIED (2020)
Environmental Treaties	
Framework Convention on Climate Change	RATIFIED (1994)
Convention Concerning the Protection of the World Cultural and Natural Heritage	ACCEDED (1994)
Convention on Biological Diversity	RATIFIED (1994)
Kyoto Protocol	RATIFIED (2003)
Paris Agreement (UNFCCC)	RATIFIED (2017)
Other International Instruments	
UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	ACCEDED (1994)

V. Regional, national, and grassroots organizations/networks in the country

There are many advocacy and campaign organizations, established by indigenous peoples but most are issue-based networks and organizations. Only a few organizations pay specific attention to indigenous peoples' issues in a holistic approach.

National Indigenous Peoples Organizations:

1. **Chin Human Rights Organization (CHRO)** was formed in 1995 along the India-Burma border by a group of Chin activists committed to promoting democracy in Burma and raising international awareness of previously unreported human rights abuses being perpetrated against the Chin people in western Burma by the Burmese military regime. The scope of CHRO's activities has expanded since the days of its founding to cover not just monitoring and documentation but also internationally-focused advocacy campaigns, capacity-building training, and support for grassroots community initiatives. CHRO has already moved its base to Yangon and leads in activities, capacity building, lobbying, and campaign for issues of indigenous peoples in Myanmar.

2. **Land Core Group – Myanmar** is a national lobby and advocacy group, formed in 2011 and comprised of LNGOs, INGOs, and concerned individuals. The Land Core Group has been actively participating in pro-poor land reform including recognition of the traditional land tenure system.

3. **Myanmar Indigenous Peoples Network:** In March 2013, the first ever Myanmar Indigenous Peoples Forum was organized by four organizations namely Chin Human Rights Organization (CHRO), Promotion of Indigenous and Nature Together (POINT), Myanmar Council of Churches (MCC), and Youth Circles (YC) in preparation for Myanmar indigenous peoples' engagement at ASEAN Peoples' Forum together with other indigenous peoples' organization from ASEAN countries. The forum was attended by more than 50 indigenous organizations from different regions across the country and the Myanmar Indigenous Peoples/Ethnic Nationalities Network was formed. Numerous awareness training on indigenous peoples' rights have been conducted in many regions by the network, and the International Indigenous Peoples' Day was first celebrated in Myanmar last year by inviting many donors, political parties, and civil society organizations.

4. **Nationalities Youth Forum (NY Forum): NY Forum** was founded in 2003 by uniting a network of thirteen youth organizations from eleven different nationalities from Myanmar based in Chiang Mai, Thailand. NY Forum has already moved its office to Yangon and engages in activities of promotion and protection of rights of indigenous peoples.

5. **Promotion of Indigenous and Nature Together (POINT)** was established in March 2012. It started as a response to the lack of organization led by "indigenous peoples" working for indigenous peoples' issues in Myanmar. In the past, only religious organizations were the strong voice of civil society working for related indigenous people's needs of humanitarian and development assistance, to some extent. Therefore, the organization POINT was formed to fill the gap in promoting the rights of indigenous peoples along with increased awareness of environmental-related knowledge. POINT is working together with indigenous communities to rapidly fulfill the need for awareness raising among indigenous communities on the UNDRIP and FPIC and other rights-based approaches to development mechanisms as well as to advocate and raise

the concerns of people to the government for sustainable development and natural resource management.

6. Resource Rights for the Indigenous Peoples (RRtIP)

Resource Rights for the Indigenous Peoples – RRtIP was formed in 2012 as a fulfillment of the long-lasting desire of the indigenous Naga peoples who are threatened with the violation and abuse of their rights to natural resources, culture, and existence. RRtIP functions and operates in Nagaland with more than 100 members across the Naga inhabited areas. RRtIP functions with the learned and experienced members in the field of indigenous affairs, anthropology, community development activities, and related research activities.

RRtIP being an indigenous rights group has conducted several awareness campaigns and workshops on Indigenous Rights such as the right to natural resources, right to culture and identity, and other fundamental rights of the Indigenous Peoples, and on REDD+, Extractive Industry Transparency Initiative (EITI), research work for Customary Land Tenure System in relation to National Land Policy (Draft). In collaboration with MRLG(Mekong Regional Land Governance), RRtIP coordinates with and leads other ethnic CSOs for documentation of the Customary Land Tenure System in the respective ethnic regions. RRtIP has also done several activities such as land rights, environmental affairs, and civic/voter education in collaboration with Eco-Dev, Paung Ku, NISC (Naga International Support Center, Netherlands), LCG, EPLR, British Council, and British Embassy (Myanmar). Currently, RRtIP is working with RFF to conduct another customary land tenure research in Layshi Township.

After the coup, there is very little space left for indigenous peoples' organizations in Myanmar. Most of the organizations' registration are either expired or no longer valid.

VI. IFAD and IPAF projects and operations in Myanmar

IFAD projects:

https://www.ifad.org/en/web/operations/w/country/myanmar#anchor-projects_and_programmes

IPAF projects:

https://www.ifad.org/documents/38711624/41839851/ipaf_asia_e.pdf/b5122e37-c7ba-3648-47e3-e3592ba19b42

VII. International Organizations (UN-IFIs-NGOs) in Myanmar working with Indigenous Peoples

International Organizations working with Indigenous Peoples

1. Asia Indigenous Peoples Pact (AIPP) is a regional organization founded in 1988 by indigenous peoples' movements. AIPP is committed to the cause of promoting and defending indigenous peoples' rights and human rights and articulating issues of

relevance to indigenous peoples. CHRO and NY Forum are members of AIPP and POINT is part of AIPP's networks in Myanmar.

2. Burma Relief Centre which is based in Thailand works with indigenous peoples' organizations in Myanmar on health and community development concerns, among others.

3. Euro-Burma Office works with indigenous peoples' organizations in Myanmar for the promotion of political awareness, among others.

4. International Working Group for Indigenous Affairs based in Copenhagen, Denmark actively works with indigenous peoples in Myanmar for organizational strengthening and management of land and resource.

5. Rainforest Foundation-Norway from Oslo, Norway also works with indigenous peoples' organizations in Myanmar on environmental issues.

There are other INGOs based in Myanmar who also work with indigenous peoples in education, media and human rights but their emphasis is not particularly on indigenous peoples' organizations.

UN agencies working with Indigenous Peoples

The following UN agencies are based in Myanmar and their projects also cover ethnic territories:

1. **UN RC/HC – Office of the UN Resident / Humanitarian Coordinator**
<http://www.un.org>
2. **UNOCHA – United Nations Office for Coordination of Human Affairs**
<http://www.unocha.org/myanmar/>
3. **UNIC – United Nations Information Center**
+95-1 542 910-16
unic.myanmar@undp.org, <http://yangon.unic.org>
4. **MIMU – Myanmar Information Management Unit**
<http://www.themimu.info>
5. **UNDSS – United Nations Department of Safety and Security**
<http://dss.un.org/public>
6. **UNICEF – United Nations Children's Fund**
230.5960 to 69
95-1-230 5956
yangon@unicef.org, <http://www.unicef.org>
7. **UNDP – United Nations Development Programme**
+95 1 542910-19
registry.mm@undp.org, <http://www.mm.undp.org>
8. **UNHCR – United Nations High Commissioner for Refugees**
+95 1 524022, 524024, 524025
+95 1 524031
myaya@unhcr.org, <http://www.unhcr.org>

9. **UN-HABITAT – United Nations Urban Settlements Programme**
<http://www.unhabitat.org>
10. **UNODC – United Nations Office on Drugs and Crime** <http://www.unodc.org>
11. **UNFPA – United Nations Population Fund** <http://www.unfpa.org>
12. **WFP – World Food Programme** <http://www.wfp.org>
13. **UNESCO – United Nations Educational, Scientific & Cultural Organization** <http://www.unesco.org>
14. **FAO – Food and Agriculture Organization of the United Nations**
951-641672, 641673
951-641561
<http://www.fao.org>
15. **UNIDO – Industrial Development Organization** <http://www.unido.org>
16. **ILO – International Labour Organization** <http://www.ilo.org>
17. **WHO – World Health Organization**
+95 1 241932, 650405, 650406, 650416
+95 1 241836, 650408, 650409
whommr@searo.who.int, <http://www.whomyanmar.org>
18. **UNAIDS – United Nations Joint Programme on HIV/AIDS**
<http://www.unaids.org>
19. **UNOPS – United Nations Office for Project Services** <http://www.unops.org>
20. **IOM – International Organization for Migration** <http://www.iom.int>

International Financial Institutions working with Indigenous Peoples

There are many IFI-funded projects in Myanmar through Official Development assistance as well as loans. However, the project focuses more on providing technical support, surveys, and analysis of the situation and possibilities. So far, World Bank is the only organization that directly supports local communities in the development of their livelihood.

World Bank

The World Bank's first project in Myanmar in 25 years, the Community Driven Development (CCD) Project was funded costing USD80 million in 2012. The development objective of the Project is to enable poor rural communities in Myanmar to benefit from improved access to and use of basic infrastructure and services through a people-centered approach. The project includes a range of measures to ensure the full participation of women, vulnerable groups, and ethnic minorities, including the recruitment of village volunteers elected from among ethnic groups; free, prior, and informed consent of village and village tract development plans; the involvement of ethnic minorities in community decision-making and monitoring and evaluation; and the use of local languages. In June 2015, the World Bank injected another USD400 million for the CCD project that will cover 62 townships. There are other projects supported by the WB related to providing technical support.

Asia Development Bank (ADB)

In response to the ongoing major reforms by the Government of Myanmar toward a democratic system and market-based economy, ADB adopted in early 2012 a phased

approach to reengagement with Myanmar, involving significant preparatory analytical work and country dialogue. ADB built an operational program and prepared an interim country partnership strategy, 2012-2014, which has been extended to 2016. Lending operations have resumed, and technical assistance grants have been implemented for advisory services, capacity building, and project preparation. In April 2014, ADB established its Myanmar Resident Mission, with offices in Nay Pyi Taw and Yangon. In June 2015, ADB approved support for the project of “Nationwide Telecommunication.” The project consists of a nationwide telecommunications infrastructure roll-out that will provide a full range of fixed, mobile and data services in Myanmar. It will increase the geographic coverage to over 80% from 10% within 5 years.

VIII. Good Practice of UN and international organizations on development with Indigenous Peoples

The World Bank (WB) funded Myanmar National Community Development Project aims to ultimately enable local communities to manage sub-projects at the village level, with decisions being made at the village tract level. The Foreign Aid Management Central Committee (chaired by the President, and composed of Ministers from a range of line ministries) acts as a steering committee and provides project oversight and policy guidance. The Department of Rural Development is the implementing agency that also provides capacity building at union and township levels. Experienced international NGOs have been contracted to provide technical assistance at the township level. The World Bank, in turn, supports the Myanmar Government in project implementation, as well as monitoring and evaluation.

The World Bank undertook multiple consultations with a range of civil society partners in Myanmar, to learn from the experience of particular groups that had been engaged in grass-roots level community work in the country for a long time.

IX. Information that could be relevant for IFAD’s engagement with indigenous peoples at the Country level

The Danish Institute for Human Rights, Myanmar Centre for Responsible Business, and Institute for Human Rights and Business did a study of Sector Wide Impact Assessment in Oil and Gas extraction areas and made recommendations to Oil and Gas companies for operation in territories of indigenous peoples. These recommendations may be useful for IFAD:

Local trust building: The field assessments indicated that current practice in Myanmar in the extractive sector involves little to no consultation with communities. Much is still to be done towards a far more consultative, consensus-based approach for companies and communities on land, resources, and more general operations issues. In the ethnic states, this will require greater effort and longer-term trust building. Engagement in local languages will be important.

The Legacy of history: The experience of many ethnic armed groups during the previous round of ceasefires in the 1990s was that “no war” did not equate to “peace,” since a plethora of armed groups remained in control of a confusing and overlapping

patchwork of territories, and continued to fund their activities through informal taxation, resource exploitation, and various illegal activities. New economic actors that entered these areas after the earlier ceasefires generally resulted in negative rather than positive outcomes for local communities. There is considerable concern now, among armed groups and communities that their areas will be vulnerable to further economic exploitation, and companies with operations in these areas will inevitably face a high level of concern and suspicion that they will have to address.

Benefit sharing: Key demands of ethnic groups are for revenue-sharing arrangements between the center and the states/regions (which will likely be addressed in the future political phase of the peace process, but not the current constitutional amendment process), as well as much greater local control of commercial activities in their areas. O&G companies should be sensitive and responsive to the prevalent view that ethnic minorities see very little benefit from oil and gas extraction in their areas.

Effective consultation: In armed conflict-affected areas, there are additional challenges for effective consultation. Historically, the Myanmar State has never been present in many of these areas, and its legitimacy is fundamentally questioned. Oil and gas companies with activities in these areas will need to undertake detailed consultations with ethnic armed groups who are the de facto authority in many of these areas. Wherever possible, they should seek to engage with ethnic representatives directly, while being careful not to undermine or contradict ongoing peace processes.³¹ However, as these groups do not necessarily represent the interests and concerns of all communities in these areas, such consultation should not be seen as a substitute for community consultation. It should be recognized that in conflict-affected areas, such consultation is difficult. People may not always feel free to speak openly, and there can be serious risks to people if consultations are mishandled. Such consultations should be facilitated by individuals or organizations with a strong track record of conducting such consultations in these areas and with detailed knowledge of local political, ethnic, and conflict dynamics. In addition, companies may need specialist advice from anthropologists or other social scientists with expertise in ethnic minority cultures in Myanmar.

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