

Title

Indigenous/ethnic/local community/traditional forest policy recommendations (Draft)

Objectives

The objectives for the draft policy recommendations are:

1. To conserve and protect the inherited traditional forest of the indigenous/ethnic/local community
2. To support the safety (welfare) and the occupations (vocations) of new generations
3. To acknowledge officially the possession of the forest that the local communities customarily inherit
4. To mitigate the climate changes and preserve the environment

Guidelines principles

- To prioritize the local communities' possession in making the policy concerning with the forest and the environment, and the local communities have rights in management and collectively decision-making process, afterward to base on the sustainability that the local communities interpret
- Being based on the international human rights, the forest policy and forestry law must be drawn
- The conservation of the natural environment must be prioritized being along with the indigenous traditions and customs
- To make the forest policy and the forestry law, UNDRIP and FPIC in which the local communities participated
- FPIC and the international human right norms must be referred for any projects to carry out in the local
- To make the environmental forest policy and law must be consistent with the federal policy
- To support the justice and peace process
- The implementing process must be practical and afterward, it could be evaluated, filled up and planned when it is needed relevantly
- To make the policy of forest and environment, the diversity of social status among the local ethnic communities must be considered
- The common resources must be issued and exercised initially by the indigenous ethnic communities

Recommendations for Policy Formulation (Draft)

- To acknowledge the local traditions and customs and respect the sacred places marked by the indigenous
- To acknowledge and support the policy and customary law that the related villages of local indigenous communities set up for the traditional forest management
- The local indigenous communities have rights to manage, conserve, protect and make refusals

- The furniture manufacturers must have the approval letter from the government forest department for wood production and then, they must respect and obey customary law of forest management issued by the local indigenous communities as well as have the approval from the communities
- Wood production is prohibited for any reasons, if wood production is inevitable, the process must be followed such as informing to the local communities, carrying out FPIC and being agreed and approved by the local communities after the community decision making process
- Wood production by the government must be done along with the transparency
- The financial support must be provided for the forest protection, and then the forestry department staffs must be paid the sufficient salary
- During the transitional period, the big projects must be pending at which political instability
- EIA, ESIA and FPIC must be conducted for mining projects and other big projects
- The implementing organizations relating with the local forest protection must be acknowledged and the involvement in the forest reservation must be approved without restraint
- Wood production must be pending before the achievement of peace process
- The governmental judicial body and committee must be established to accept the local communities' grievances
- The information issued by the government must be accessible openly
- To encourage the local people in making wood products from raw material and the profit by manufacturing wood products must be shared to the local people
- To any responsible persons, the local people must have rights of saying and discussing openly in the awareness training relating the environmental conservation and forest protection
- The environmental acknowledge should be put in school curriculum.
- After being done FPIC which the local people interpret adequately, the national garden must be established and if the local people do not agree, the project must be pending.
- The method and system of forest management by the indigenous must be acknowledged and then, those method and system must be considered and prioritized in making policy and law, after that the local people must have rights of participation in making process of policy and law.
- After any development projects being agreed and approved by the local people, the profits of the projects must be shared to the local people equally.
- The wood cutting production must be investigated by recognizing the water-outlet area more than it is needed.
- The high-priced wood must be planted in water-outlet areas and zones.
- The law enforcement must be carried out to protect the forest.
- 50% of profit of seized wood production due the market price of it must be paid to the information team which informs about the illegal logging.
- Corruptions and the illegal wood production and its related accessories must be taken into actions by law.
- The government must consider and produce the substituted fuel for the local people.
- The participation of the local people must be allowed in the step-by-step process of wood production, forest protection and rehabilitation.
- Wood and other wood production must be applied systematically. (What kind of system?)

- The illegal wood production in the confiscated lands by the government military must be investigated and prohibited.
- The budget amount should be promoted to the forestry department for forest preservation and plantation.
- The plans and implementations must be built to enforce the policy, law and procedures.
- The traditional and customary lands of the local people, that were confiscated more than it should be, must be investigated and handed over to the related local people.
- The substitution of crop plantation must be carried out in the areas of poppy plantation to protect deforestation.
- Being lack of job opportunity must be solved and the substitution of fuel must be filled up.
- Legal wood production must be done systematically due the transparency.
- The issued forestry law must be followed and obeyed.
- The state budget should be promoted for the forestry work.
- The big projects must be pending during the transitional period.
- The mining projects must be carried out after the FPIC, EIA, SIA, HIA conducted collectively by the local people and CSOs.
- By organizing the local leaders, the establishment of forestry watching committee must be recognized and accepted by the government.
- Wood production must be pending before the achievement of peace process (transitional period).
- With no bias, the state level judicial body must be established to hear and investigate the grievances and the information from the local people.
- The information relating the governmental department work must have accessible without restraint.
- The vocational trainings relating the use of forestry raw materials must be provided to the local indigenous people.
- The awareness and the training concerning with the environment and forest protection must be conducted for the local authorities, the staffs and the local people.
- The national forest garden project without having the local people's decisions and agreements must not be implemented. (The project must be commenced after the genuine participation of the local indigenous people in FPIC process.)
- The customary forest conservation system of the local indigenous people must be acknowledged and the protection must be enforced by the law at the state level.
- The local people must be allowed to participate in the forest management process. (local level/state level)
- By establishing the secure mechanism of grievance and accountability, the coordination and collaboration work must be carried out consistently with up-to-date technology. (need explanation)
- The necessity of technology and the financial support should be provided for implementing the systematical shifting plantation.
- The government must acknowledge and pay respect upon the customary land rights of the local indigenous people.
- The re-evaluated and re-written forestry policy, law and procedures must be practically re-checked and filled out again. The coordination and collaboration of the local indigenous people must be counted on in the process.

- To eliminate the corruptions, the forestry ministry, the sub-departments and the associated governmental departments must reconstruct and transform effectively.
- The vacant land, the fallow land and the virgin land law must be practically reformed or abrogated.
- The federal democracy union in the formation of stable political situation must be built.
- Although the government, the people and the CSOs have collectively organized, the watching groups have full rights to complaint openly to the related department and sue in a court of law.
- The reports by conducting the assessment data collection must be allowed to issue publicly and the public talk awareness must be given the permission to carry out in any places in Myanmar.
- Everyone can circulate the information openly and publicly about the forest and environmental damages that will affect on the local people.
- According to the law, the procedures, the distribution about administration of the related departments, everyone can freely analyze and evaluate the necessity of the changes consistently with the transparency. Afterward, the local indigenous people have the collective rights in decision making process.
- The related departments should analyze and certainly implement the village policies, principles and the laws issued by the local indigenous people.
- The selective trainings relating handicraft should be conducted for the local people to reduce the deforestation and the handicraft market should be developed and promoted.
- UNDRIP 26 must be recognized.
- Instead of wood production, the other job opportunity must be created.
- The village product market should be supported and promoted.

Definition of Forest by ethnic community and indigenous people in Burma.

The forest is an area where the local people or the indigenous people live in and rely on for which it is 1 acre in expanse covered at least 10% of fresh green forest; the diversity of species existing at the height of 15 feet and in which it has the herbal plants.

1. Covering with the wild trees and plants
2. Having over 30 species of tree and over 30 species of wild plants
3. Covering the trees with over 10 meters in height
4. Having over 10 hectares (25 acres) in expanse
5. The 25 acres of forest area should exist continuously
6. Existing of diversity of species

The forest composes of the natural resources including the living or non-living things existing underground or above the earth and both the government and the local people acknowledge the area in which wood, bamboo, cane, herbs, grass, diversity of species exist together.

The forest is to provide its associated living things the convenient life with sufficient support and then, it can create the better ecological system in the area of 1 acre and over expanse.