

MYANMAR



**Extractive
Industries
Transparency
Initiative**

MEITI MULTI-STAKEHOLDER GROUP (MSG) EXTRA-ORDINARY MEETING

HOTEL ROYAL ACE, NAY PYI TAW

14TH JANUARY 2015 (WEDNESDAY)

Meeting Minutes

MEITI Coordination Office/Secretariat

4th February 2015

Minutes of the MEITI MSG Extra-ordinary Meeting

Nay Pyi Taw, 14th January 2015

1. Welcome from the Chair and Outline of Meeting Agenda/Objectives

The Chair welcomed the MSG members, thanked them for coming, and made some opening remarks. He said he was pleased to have met most of the representatives, and that he was also pleased to see enthusiastic members in response to the Lapadaung mining issue. Regarding the issue specifically, he expressed his condolence on the recent death, and stated his desired to hold a constructive, solutions-focused discussion during the meeting. He also cautioned that while the meeting would address issues related to the crisis through the EITI framework where possible, there were many issues within the crisis that could not be addressed effectively within the EITI framework.

The **National Coordinator** briefly outlined the objectives of the meeting. This was to discuss the events which took place in the Lapadaung Copper Mine Project situated in Sarlin Gyi Township, Sagaing Region. The main agenda was the following:

1. Impact of the recent mine clash in Lapadaung Copper Mine Project on EITI process in Myanmar
2. Issue of enabling environment for civil society to participate in MEITI process
3. Sharing information about measures to be undertaken by CSO in the near future for fostering resource governance in Myanmar in the context of EITI implementation

Next, he asked for any additional agenda items from the representatives.

After that, he invited the representative from International EITI Secretariat to give remarks. The Head of the Secretariat welcomed the meeting and the participation of the government as it supports EITI's commitment to transparency. He states that challenging issues could be overcome through discussions and negotiation, and positive outcomes can be achieved. He noted that many countries have faced challenging issues during their EITI implementation processes, and experience had shown that trust building played an important role in enhancing transparency, accountability, and an enabling environment, but trust building cannot be built overnight. A gradual, pragmatic, and reasonable approach is required in order to fulfil the high aims of EITI. He also cautioned participants that fluctuations in the process are inevitable during the implementation phase, but that creating a dialogue and building transparency through the MSG was important.

2. Discussion

A CSO Representative asked why representatives from the Lapadaung Enquiry Committee were absent from the meeting. The Chair explained that it was an MEITI MSG meeting and better to discuss among MSG. It was also hard to invite all. Then, **the Coordinator** asked the representative to each present their concerns and discussion points. **A CSO representative** discussed that he was very thankful that this meeting was arranged at the request of CSOs but sorry for the absence of U Soe Thein. He said that there were three issues to discuss:

1. The impact of current affairs happening in Lapadaung Copper Mine Project on the MEITI process.
2. Creating an enabling environment for CSOs to participate fully in the implementations of MEITI activities.

3. CSOs participating in MEITI processes expressed their plans concerning Lapadaung Copper Mine Crisis.

Concerning the impact of Lapadaung Crisis, the followings discussion was had:

It was necessary for proper management of natural resources to benefits of people of Myanmar, to have transparency and accountability; as an EITI candidate country, it was necessary to strictly follow the EITI principles and code of Conduct laid down for public interests. The nine MEITI - MSG principles were presented. The Lapadaung affair was regarded by CSOs as violation of the spirit of EITI and as disrespectful to the EITI process and principles. CSOs also believed that two main issues should be settled to return social justice and trust of people - which were land seizures by force and the death of a local woman in a gun shot. The Land and Revenue Act was not up to date and it was evident to see whether the actions was in compliance with the existing laws. Companies should also manage security in accordance with international standards. CSO representatives presented six accountability standards.

Concerning the creation of an Enabling Environment, two issues were discussed, including the arrest and imprisonment of a member of an EITI CSO for Mandalay region, and the increasing potential of action being taken against those involved in the Lapadaung crisis accused of creating instability. Moreover, concerning the matters happening in CSOs, in the case of Lapadaung, some CSO representatives held doubt on EITI activities. Then U Win Myo Thu presented MATA future plans and processes which are related to Lapadaung crisis (See detail discussion in Appendix 1.)

The Coordinator invited discussion from other participants; a request was made that a representative from the Sagaing Region contributes to the discussion. **One representative from Sagaing Region** discussed the following:

1. The Implementation Committee of Lapadaung had not fully following the recommendations, including discussing developments with the local population.
2. The request was made that the case of Daw Khin Win should be properly investigated and resolved.
3. Before going forward, the Lapadaung Reporting and Implementation Committee should discuss their work in detail with the local population.
4. The project should be suspended and dialogue should be initiated; only after the local population agreed with the report should the project move forward.

In order to clear the function of committees, **the National Coordinator** explained that the Parliament/Hluttaw had formed the Investigation Commission (head by Daw Aung San Su Kyi) and the Implementation Committee which was led by the Union Minister of President Office 6.

Then, a **CSOs representative** from Sagaing Region stated that in his view the following should be prioritized:

- to evaluate the land at current market price,
- to stop violence,
- to bring death incident to justice, and
- to reduce tension by letting the farmers reap the crops inside the fenced land.

The National Coordinator reminded the participants in the room to hold discussions according to Chatham House Rule which is stipulated in MEITI - MSG TOR and keep the discussions in line with them, in order to discuss freely for this sensitive issues.

A CSO representative discussed that the special meeting was called as a result of a death near the Lapadaung mining project, in light of the death coordination was cited as being important in order to effectively address the issue and find a solution together involving all participants. The suggestion was made to involve other stakeholders, including the companies involved in the Lapadaung Mining project in order to increase the effectiveness of the response, rather than limiting to the 21 members of the MSG. The representative expressed appreciation for the condolences offered by Deputy Minister and government representative regarding the death, and noted that it was important for EITI to continue to

support the extractives sectors industries' efforts to improve their transparency and other associated initiatives. It was noted that if the current issues is not effectively addressed and resolved there could be significant damage to the trust building process leading to further problems down the line. The representative recommended that the findings and recommendations of the investigation be released as soon as possible, and that the cases of recent arrests of civil society members associated with the extractive industries should be resolved promptly.

The Coordinator added that there were limitations to inviting the Wang Bao Company because as it is not a member of the MSG, and requested to Myanmar Federation of Mining Association (MFMA) and other private sector representatives, to facilitate to have a meeting with CSOs and companies. The establishment of a Grievance Mechanism at the previous meeting was mentioned, as were the Voluntary Principles employed in other countries that could be useful tools for solving problems. After the input from the CSO representatives, the representatives from other organizations were invited to participate.

Private sector representatives stated that they appreciated the contributions of the CSO representative and would like to encourage discussing these important issues in a constructive way.

A **Government representative** discussed that there was one committee with four sub-committees dealing with Lapadaung cases. There is currently an official investigation being conducted regarding the death by the government and patience was requested. The Minister of President Office 6 was taking on the lead on implementing the recommendations made by enquiry committee, this is an ongoing process – some have done and some are still going on.

International experts/firms from Australia were invited to conduct the ESIA reports independently and Public Consultations were also carried out in a number of regions – in some areas there was support the project, in other areas people expressed disagreement. The ESIA draft report is currently posted on the internet for public and will be published final version again. The representative also stated that the Lapadaung Mining project was still in the construction phase and the mine was not in production phase; the project was delayed because of many reasons, but patience is important and necessary in order to ensure the project is an inclusive one.

Concerning ESIA, the **National Coordinator** discussed that in educating the public about ESIA, the help of CSOs would be very valuable.

A **CSO representative** discussed that in the international context, a license was not granted without completing ESIA requirements, so the present Myanmar situation was inconsistent with procedures. **The Government representative** explained that although the project is still in the construction phase, they have to follow the procedure of the Ministry of Mines. Priority to beginning the project's construction the CESMS (Construction for Environmental and Social System Management) was conducted and followed according that; in that report, the actions to be taken in each phase must be explained in detail. The ESIA preliminary report was also included. Without ESIA report, project cannot start production phase.

The government representative discussed that these lands were requisited by the former government; the former company, Ivan Hold Company, sold its shares to Yan Ci Company and WanBou , and also, MoM sold its share to UMEHL. Currently, there is a joint management committee consist Ministry of mines representatives, WanBou companies representatives and UMEHL representatives. After the crisis last year, the Lapadaung copper mines implementation committee led by President office (6) Minister was formed, in order to implement the recommendations of inquiry committee led by Daw Aung San Su Kyi. According to the inquiry committee report, the project contract was re-signed. There are four sub-committees under Lapadaung implementation committee, and each sub-committee's activities report was produced. Again, would like to encourage all participants to review. Construction on the Lapadaung project had now begun and based on the recommendations of the enquiry committee. Some land had been returned to the owners, while other owners have been compensated the amount which was calculated based on the actual market price calculated at the actual market price, 1,500,000 according to

the recommendations made in the report but now, it increased to 3,000,000. Additionally, some villages were moved to others places according to the law, old villages were totally removed. Implementation committee is still process of addressing the Kan Bon village affair. Another problem is metal processing in the village from the soils that come out from the mining area. In the amended contract, some clauses were added in accordance with international practices.

Concerning land requisition, **Government representative** there was a guideline in the 2012 Land Acquisition Act (act 66, 67, 68, 69) that stated that in providing compensating for seized land, market price +50% must be paid to the owners, and if they were not satisfied with the compensation, they had the right to sue. The government was responsible for justifying land seizure and for transparency. The policy supporting committee had assumed responsibility for Land Use Policy, and the drafting of the associated law would be completed soon. Under that law, the issues relating to land use would be settled. The Government was working hard to systemize land use matters which had previously been addressed less systematically, while the General Administration Department was working to amend the 7 acts out of 22 acts concerning the matters relating to land use.

A CSO representative discussed that he wanted to know which law was to be applied when engaged in joint venture with private companies; for example, it was found that most Chinese companies used IFC performance standards as a reference in which Land Acquisition and Involuntary Resettlement and Great Direct Credit was prescribed. He wanted to know whether these standards were used as a reference.

The Government representative stated that government had a plan to make an Umbrella Land Law for land resource; the main purpose of that Umbrella Law was to bring consistence and uniformity to the diverted laws concerning Land Use since 1854 and to make the new law applicable for long. The government also planned to forward all inclusive processes for it and would implement the plan soon. The representative discussed that in the contract, it was agreed to abide by the existing laws of Myanmar and license was granted on condition that the officer of General Administration and a minimum of 15 local people or households in the environment of the work sites should agree to be able to carry out small scale, extractions (under 50 acres).

The National Coordinator invited additional discussion and there was none. Therefore, the common agreements were summarised: The main task was to complete the report on time, on the other hands, it was necessary to create enabling environment;

According to the recommendations and facts presented by the representatives for Sagaing Region, some of them should be included in the MEITI report;

Concerning environmental preservation, government was taking measures and CSOs were also taking measures –so that it can be assumed to coordinate in the future.

Since there is a joint management mechanism for Lapadaung project, there is a way to have a dialogue with this joint management committee.

As for the law and regulation related to land, this is a matter to consider; actions were underway to enact an umbrella law which held consistency and all-inclusiveness;

Also mentioned, National Coordination office will gather information and will follow up with government for Lapadaung Mining related reports/information. And then, distribute it to CSOs representative.

Head of Secretariat added that representatives sat in accordance with own constituency which could cause disunity; although representatives showed well representation of their constituency, It would be great to assume/ to feel we all are MEITI-MSG members - thus bringing effectiveness in discussion; it was a great pleasure to hear that transparency and accountability were focused in the meeting; it was believed that transparent discussions led to positive environment; Government representative's

discussions and measures were interesting; internal communication with each organization and dissemination of information in each constituency could support trust building; it was recommended to take time factor into consideration; it was heard that many development partners were interested to support programs concerning extractive sector or non-extractive sectors; it would be very effective if representatives from each group could participate in these programs together.

The CSO representative asked to try to arrive at a solution and he said that he thanked the Government representative for his presentation; it was important to finish the MEITI report and to make public know that EITI activities were beneficial to them; thus, after publishing the report, it was more effective to explain them; it was also for releasing those serving imprisonment for involving in Lapadaung affair; they wanted information; they requested the Government to lift restrictions; they wanted to coordinate for solving problems; they were also interested in knowing to what extent National Land Use Policy supported Lapadaung Affair; they were glad to hear that information would be disseminated to them.

The Chair thanked the participants for the active discussion in the meeting. He recommended a change in the seating plan for the next meeting, he also request not to mention that the government is implementing EITI just for political reputation. He stated that all representatives should regarding themselves as part of the MSG, rather than opposing camps, and requested that all members be patient with this process which is will in its early days. He noted that the raising of concerns and facing challenges are often part of such processes and can lead to improvements in the process and in communication. He assures CSOs that their concerns would be recorded. He requested to CSOs to send a letter to him if there is specific information/data needed.

The Coordinator said that the CSO discussion had been recorded, the MEITI office would continue to disseminate relevant information to CSOs, and would call another meeting if necessary. He then thanked to all participants including representatives from Lapadaung area for their presentation and discussing their perspectives on this situation.

Finally, **the Chair** gave the closing remarks and the meeting was closed at 6:10 pm.

3. Agreed Actions

What	Who
Change seating plan in next MSG meeting	MEITI Coordination Office
To share available Lapadaung Copper project related information to MEITI-MSG	MSG Chair and MSG government representatives
To get assist from Ministry of Mines in order to have a constructive dialogue between Lapadaung Mining project joint management committee and MEITI-MSG CSO in the future	Ministry of Mines

Annex

MEITI MSG အထူးအစည်းဝေးတွင်ဆွေးနွေးလိုသော အကြောင်းအရာ

ဇန်နဝါရီလ ၁၄ရက်နေ့တွင် ကျင်းပမည့် MEITI-MSG အစည်းအဝေး တွင် အရပ်ဖက်လူ့အဖွဲ့စည်းမှ အဓိကဆွေးနွေးလိုသည့် အကြောင်းအရာ (၃)ရပ်ရှိပါသည်။ Main Agenda to be discussed in Upcoming Special MSG Meeting on 14th January 2015

၁။ လက်ရှိဖြစ်ပေါ်လျက်ရှိသော လက်ပံတောင်းတောင်ကြေးနီစီမံကိန်း ကိစ္စရပ်များ နှင့်ပတ်သက်ဆက်စပ်၍ MEITI လုပ်ငန်းစဉ်ပေါ် ပတ်သက်အကျိုးသက်ရောက်မှု။

(Impact of recent mine clash in Letpandaung Taung on EITI process in Myanmar)

၂။ MEITI လုပ်ငန်းစဉ်အကောင်အထည်ဖော်ရာ တွင် အရပ်ဖက်အဖွဲ့စည်းများ လွှဲလပ်စွာ ပူးပေါင်းပါဝင် ဆောင်ရွက်နိုင်သောဝန်းကျင်အခြေခံကောင်းများ ဖန်တီးဖော်ဆောင်နိုင်ရေးကိစ္စ။

(Issue of enabling environment for civil society to participate in MEITI process)

၃။ MEITI အရပ်ဖက်အဖွဲ့စည်းများမှ Resource Governance ဖော်ဆောင်ရေးအတွက် ဆက်လက် လုပ်ဆောင်မည့် လုပ်ငန်းများ ကို အသိပေးအကြောင်းကြားခြင်း။

(Informing about measures to be undertaken by CSO in near future for fostering resource governance in Myanmar in the context of EITI implementation)

Agenda 1. လက်ပံတောင်းတောင်၏ MEITI လုပ်ငန်းအပေါ်အကျိုးသက်ရောက်မှုကိစ္စ (Impact of Lepandaung on MEITI Process)

မြန်မာနိုင်ငံအတွင်း သယံဇာတများကို ပြည်သူလူထုအကျိုးငှာ ကောင်းမွန်စွာစီမံအုပ်ချုပ်နိုင်ရန် ပွင့်လင်းမြင်သာမှုနှင့် တာဝန်ခံတာဝန်ယူမှုများ အဓိကလိုအပ်ပါသည်။

(Transparency and accountability are essential parts of good resource governance for the maximizing the benefits of extractive industry to the people in Myanmar.)

EITI အဖွဲ့ဝင်လောင်းနိုင်ငံ အနေဖြင့် အောက်ပါ EITI Principle များကို လိုက်နာဆောင်ရွက်ရန်လိုအပ်သည်။

(As EITI Candidate Country, Myanmar has obligation to pay respect to following EITI Principles:)

မူ (၁)။ ။ စဉ်ဆက်မပြတ်ဖွံ့ဖြိုးတိုးတက်ရေး နှင့် ဆင်းရဲနွမ်းပါးမှုပျောက်ရေး အလို့ငှာ ပုံမှန်စီးပွားရေးတိုးတက်မှု အတွက် သဘာဝသယံဇာတအရင်းအမြစ်များကို ဉာဏ်အမှော်အမြင်ရှိရှိအသုံးပြုရမည်။ သို့မဟုတ်ပါက စီးပွားရေးလူမှုရေး အနှုတ်လက္ခဏာဆောင် ဆုတ်ယုတ်မှုများ ဖြစ်ပေါ်စေမည်။

Principle 1: We share a belief that the prudent use of natural resource wealth should be an important engine for sustainable economic growth that contributes to sustainable development and poverty reduction, but if not management properly, can create negative economic and social impacts.

မူ (၄)။ ။ တွင်းထွက်သယံဇာတ လုပ်ငန်း နှင့်ဆက်စပ်ရရှိသော အခွန်ဘဏ္ဍာနှင့်အသုံးစရိတ်များကို ပြည်သူ လူထု သိရှိနားလည်ခြင်းဖြင့် ပြည်သူများဆွေးနွေးငြင်းခုံ နိုင်ပြီး စဉ်ဆက်မပြတ်ဖွံ့ဖြိုးတိုးတက်ရေး အတွက် သင့်တော်၍ လက်တွေ့ကျသောနည်းလမ်းများ ရွေးချယ်ရာ အတွက် ပြည်သူ့အမြင်များကို ထင်ဟပ်အကြောင်းကြားအသိပေးနိုင်သည်။

Principle (4) We recognize that a public understanding of government revenues and expenditure over time could help public debate and inform choice of appropriate and realistic options for sustainable development.

မူ (၉)။ ။ နေ့စဉ်ပြည်သူ့ဘဝ၊ စီးပွားရေးလုပ်ငန်း နှင့် အစိုးရ၏ လုပ်ငန်းဆောင်တာ အဝ ဝတို့တွင် ပွင့်လင်းမြင်သာမှုနှင့် တာဝန်ခံတာဝန်ယူ ဆောင်ရွက်ခြင်း စံနှုန်းစံထား နှင့် လက်တွေ့လိုက်နာကျင့်သုံးမှုများကို အတတ်နိုင်ဆုံး အမြင့်မားဆုံး ဖြစ်အောင် အားပေး ကြိုပမ်းဆောင်ရွက်သွားမည်။

Principle (9) We are committed to encouraging high standards of transparency and accountability in public life, government operations and in business.

EITI တွင်ပါဝင်ပတ်သူများအားလုံး အလေးထားရမည့် Code of Conduct ပြုမူဆောင်ရွက်လိုက်နာရန်ကျင့်ထုံး တို့တွင် လည်း အောက်ပါအတိုင်း အတိအလင်းဖော်ပြထားသည်။

ကျင့်ထုံး (ခ)။ ။ “ EITI တွင်ပါဝင်ဆောင်ရွက်သူများအားလုံးသည် ဆက်စပ် ပတ်သက်နေသမျှကာလပတ်လုံး ဂုဏ်သိက္ခာရှိ၍ ပြည်သူလူထုက ယုံကြည်အားကိုးရသော EITI လုပ်ငန်းစဉ်ဖြစ်ပေါ်လာအောင် သဘောရိုးဖြင့်၊ မဆုတ်မနစ်သောဖွဲ့လှုံ့လ၊ ရိုးသားမှု၊သမာသမတ်ရှိမှု၊ ကျွမ်းကျင်လိမ္မာအရည်အချင်းပြည့်ဝစွာဖြင့် EITI ၏ ရည်ရွယ်ချက် သန္နိဋ္ဌာန်၊ နှင့် အကျိုးစီးပွားများကို ဖော်ဆောင်ရမည်။”

It is also clearly stated in EITI Association Code of Conduct that“EITI Office holders should dedicate themselves to be leading example and should represent the interest and mission of the EITI in

good faith and with honesty, integrity, due diligence and reasonable competence in a manner that preserves and enhances public confidence in their integrity and the integrity of the EITI, and ensuring that his or her association with the EITI remains in good standing at all times.”

မြန်မာ EITI ဖော်ဆောင်ရေး သုံးပွင့်ဆိုင်ညွှန်ပေါင်းအဖွဲ့၏ Term of Reference တွင် သဘာဝသယံဇာတ တူးဖော် ထုတ်လုပ်မှု နှင့် ၎င်းကဏ္ဍနှင့်သက်ဆိုင်သော အခွန်ဘဏ္ဍာများ စီမံခန့်ခွဲရာတွင် အခြေခံရမည့်မူ (၉) ချက်မှာ -
In MEITI MSG’s principals also clearly laid down 9 principles that include

MEITI MSG Principle

1. Transparency (ပွင့်လင်းမြင်သာမှု)
2. Accountability (တာဝန်ခံတာဝန်ယူမှု)
3. Integrity (သမာသမတ်ကျမှု)
4. National Interest (အမျိုးသားအကျိုးစီးပွား)
5. People Centered (ပြည်သူ့ဗဟိုပြု)
6. Sustainability (စဉ်ဆက်မပြတ်ဖွံ့ဖြိုးတိုးတက်ရေး)
7. Free, Prior, Inform and Consent (လွတ်လပ်စွာ ကြိုတင်အကြောင်းကြား အသိပေး သဘောတူညီမှုရယူ)
8. All Inclusiveness (အားလုံးပါဝင်ပတ်သက်ပူးပေါင်းဆောင်ရွက်မှု)
9. Pragmatism (လက်တွေ့ကျမှု)

အထက်ပါအချက်အလက်များအရ လက်ပံတောင်းဖြစ်စဉ်သည် EITI အနှစ်သာရများကိုသွေဖီရုံသာမက EITI ဂုဏ်သိက္ခာကိုထိခိုက်ကျဆင်းစေ သည်ဟု အရပ်ဖက်လူ့အဖွဲ့စည်းများက သတ်မှတ်သည်။ မြန်မာနိုင်ငံအတွင်း EITI အကောင်ထည်ဖော်ခြင်း ပြည်သူလူထုယုံကြည်ကိုးစားမှု ရရန် လက်ပံတောင်းတောင်ကိစ္စရပ်တွင် လူမှုရေးတရားမျှတမှု အတွက် အဓိကအကြောင်းအရာ (၂)ခုကို တာဝန်ယူ ဖြေရှင်းသင့်သည်။ ၎င်းတို့မှာ

- (၁) အဓမ္မမြေသိမ်းမှု နှင့်
- (၂) ဒေသခံအမျိုးသမီးတယောက် ပစ်ခတ်ခံရပြီး သေဆုံးမှု

Of these facts above, it is apparent that recent clash between local people and government in Lepaduang Copper Mine damage the integrity of MEITI implementation deviating from the essence, norm and standard of EITI process as a whole. To save the image of MEITI, there are two issues to be addressed in Lepaduang Case from the social justice perspective:

- (1) Land eviction

(2) A death of local village woman (widow) by shoot of police

ISSUE 1: Land Eviction

During the mine clash, government and company committed the land eviction of 3000 acres without consent of farmers. CSO strongly object to government's statement that taking land from farmers was done according to law. It is because

1. By spirit of law, it is unacceptable and unjust that compensation made in 2011 on the basis of the amount equivalent to 20 times of the taxes farmer paid to government was merely 20 \$ per acres around (plus crop damage) မြေခွန်အဆ ၂၀ ပေးခြင်းဖြင့် မြေသိမ်းခွင့်ပြုသော ခေတ်စနစ်နှင့်မကိုက်ညီသော ဥပဒေ အပေါ် ဆင်ခြင်တုံတရားထားရှိမှု
2. The land nationalization act that was referred to at that time was already outdated and unrealistic. Thus, if people-centered approach is to be applied, Government should no longer justify the land eviction by that fact. ပြည်သူ့ဗဟိုပြုမှုဝါဒနှင့်သွေဖီမှု
3. Due to unfair and unrealistic compensation and lack of transparency, first time confrontation was occurred and Commission of inquiry was led by Daw Aung San Suu Kyi for proper resolution of the conflict between local villagers and mine company. It is clearly stated in the report of commission of inquiry that land issue could be settled according to new land law (promulgated in Mid 2012) based on the market price of land and farmer consent. စုံ/ကော် နှင့် လယ်ယာမြေဥပဒေ ၂၀၁၂ အရဆောင်ရွက်ရန်လိုမှု
4. For taking land from farmer, there is an existing law of Land Acquisition Act (1894) and government must abide this law in which procedures were set out for submitting the case to local court (Judiciary branch) for the order made by judge after open public trial if collector appointed by government for negotiation with local farmer to take land at agreeable compensation and proper proceedings was failed. တည်ဆဲ မြေသိမ်းဥပဒေ (၁၈၉၄) အတိုင်း ဆောင်ရွက်မှုမရှိခြင်း

“တရားဥပဒေလက်လွတ် အင်အားအလွန်အကျွံ ဆောင်ရွက်မှုကြောင့် အပြစ်မဲ့ပြည်သူသေဆုံးရခြင်း ဟုတ်မဟုတ်”

ISSUE 2: A death of village widow

Taking action for law enforcement to deal with any clashes and riots between police and local inhabitant must follow to the instruction by existing law. A death of local people, particularly an old lady was unpleasant and unnecessary. It could be deemed as a result of using excessive forces/coercion. Mining company also need to abide Volunteer principle of CSR for having owned guard force.

Both issues need to be solved urgently by government in highest transparency and accountability manner if Government is serious to commit EITI principles for implementation of EITI process further in Myanmar. CSO deem that the course of action undertaken by government to solve these problems must meet the

accountability standard framed hereunder:

CSO's Adopted Framework of Accountability in the context of EITI

အရပ်ဖက်အဖွဲ့ စည်းမျဉ်းမှန်ယူသည့် တာဝန်ခံတာဝန်ယူမှုရှိခြင်း သတ်မှတ်ချက်

1. Resolve land issues according to the recommendation domain made by Commission of Inquiry led by Daw Aung San Suu Kyi (အဓမ္မမြေသိမ်းမှုများရပ်တန့်၍ မြေယာကိစ္စများကို စုံ/ကော်လမ်းညွှန်သည့်အတိုင်း တောင်သူများနှင့် ညှိနှိုင်းသဘောတူချက်ရရှိပြီးမှ ဆောင်ရွက်မှုရှိခြင်း။)
2. Comply international human right standard and procedure for making inquiry on excessive use of forces that caused a death of village women and take an action against those responsible entity (ဒေါ်ခင်ဝင်းသေဆုံးမှုကို နိုင်ငံတကာလက်ခံနိုင်သည့် လူ့အခွင့်ရေးဆိုင်ရာ စံနှုန်းစံထား များနှင့် လုပ်ထုံးလုပ်နည်း များ အတိုင်းစုံစမ်းစစ်ဆေး ၍ တာဝန်ရှိသူများကို အရေးယူဆောင်ရွက်မှုရှိခြင်း)
3. Assure the active people participation in tackling Lepadaung issue and the process of regular consultation with local CSO group and interested parties/stakeholders with Committee responsible for implementation of recommendation made by Lepadaung Commission of Inquiry (လက်ပံတောင်းတောင် စီမံကိန်းအကောင်အထည်ဖော်ရေးကော်မတီ နှင့် ဒေသခံ အရပ်ဖက်လူ့အဖွဲ့စည်းများ ပုံမှန်တွေ့ဆုံဆွေးနွေး၍ ပြည်သူလူထု ပူးပေါင်းပါဝင်ဆောင်ရွက်နိုင်မှု အခွင့်အလမ်းကို တိုးမြှင့်ဆောင်ရွက်နိုင်မှုရှိခြင်း)
4. Information disclosure of Lepadaung copper mine and assurance of people access to information whenever needed. (လက်ပံတောင်းတောင် စီမံကိန်းနှင့်ပတ်သက်သော သတင်းအချက်အလက်များကို ပုံမှန်ထုတ်ပြန်ခြင်း နှင့် အများပြည်သူ သိရှိလိုသော သတင်း အချက်အလက်များကို ရယူခွင့်ပြုခြင်း၊ ပြန်လည်ဖြေကြားခြင်း)
5. Enabling independent monitoring on implementation of EMP according to ESIA disclosure (လူမှုရေးနှင့်ပတ်ဝန်းကျင်ရေးရာ ထိခိုက်နစ်နာမှု အစီရင်ခံစာများတရားဝင်ထုတ်ပြန်ထားမှုအပေါ်မူတည်၍ အကောင်အထည်ဖော်ဆောင်ရွက်မည့်/သည့် EMP ကို လွတ်လပ်စွာစုံစမ်းစစ်ဆေး၍ ပုံမှန်စောင့်ကြည့်လေ့လာမှုများကို ခွင့်ပြုကာ လိုအပ်သလိုညှိနှိုင်း ပူးပေါင်းဆောင်ရွက်လိုက်နာမှုရှိခြင်း)
6. Freedom of expression and critique by public without reprisal and oppression. (လက်ပံတောင်းတောင် အပါအဝင် တွင်းထွက်သယံဇာတများ ထုတ်ယူသော စီမံကိန်းများ နှင့် ပတ်သက်၍ လွတ်လပ်စွာ ဆန္ဒထုတ်ဖော်ခွင့် ရှိရမည်ဖြစ်ပြီး အစိုးရမှ အကြောင်းအမျိုးမျိုးပြကာ အညှိုးထားလက်တုံ့ ပြန်ဆောင်ရွက်ခြင်းမရှိရ။ တရားဥပဒေစိုးမိုးရေးကို ကိုင်တွယ်ဆောင်ရွက်ရသော အုပ်ချုပ်ရေး၊ ပြည်သူ့ရဲ နှင့် တရားရေးဝန်ထမ်း (တရားသူကြီးများအပါအဝင်) များ EITI လုပ်ငန်းအကြောင်းနားလည်မှုရှိအောင် ဆောင်ရွက်ထားမှုရှိခြင်း၊ ၎င်းတို့၏ သတိပြုနားလည်မှုကို ပုံမှန်ဆန်းစစ်၍ တိုးတက်မှုရှိအောင်ဆောင်ရွက်မှုရှိခြင်း)

Agenda 2: Issue of enabling environment for CSO

It has been pointed out by EITI board for the need to improve the situation in this respect in Myanmar. However, followings are indication of threat and the sign of unsafe for CSO to exercise the freedom of expression:

1. Case of Reprisal in Mandalay: Sentencing one month jail term to EITI CSO member/woman in stead of fine: (မန္တလေးတွင် EITI အရပ်ဖက်လူ့အဖွဲ့စည်းအဖွဲ့ဝင် ထောင်ချခံရမှု)
2. Recent government's order issue to arrest the people whom are accused of by government as instigator to Lepadaung's civil disobedience. (လက်ပံတောင်းတောင် အရေးနှင့် ပတ်သက်သူများကို သွေးထိုးလုံဆော်မှု အကြောင်းပြချက်များဖြင့် အရေးယူမည့် အလားအလာများပြားလာမှု)

Within CSO Network, there are different views over the implementation of EITI in relation with Letpandaung Case. MSG CSO 9 members have been told that their representation would be withdrawn if could not find solutions for social justice. CSO regional group from Sagain has already said that they are preparing to quit from the process. (အရပ်ဖက်အဖွဲ့စည်း အတွင်း EITI နှင့်ပတ်သက်၍ သံသယများကြီးထွားလာမှု)

Agenda 3: Actions to be undertaken further by CSO

1. In-depth observation and analysis to be carried out by MATA (လက်ပံတောင်းတောင် ကိစ္စရပ်ကို MATA အဖွဲ့ဝင်များမှ လေ့လာစူးစမ်းမှတ်တမ်းပြုစုသွားရန်)
2. Social auditing and public hearing if government actions with respect to Lepaduang bloodshed and land grabbing do not meet Accountability Standard and Framework adopted by CSO above (လက်ပံတောင်းတောင်ကိစ္စ အစိုးရ၏ပြန်လည်တုံ့ပြန်ဆောင်ရွက်မှုများသည် အထက်တွင်ဖော်ပြထားသော အရပ်ဖက်လူ့အဖွဲ့စည်းများမှ ခံယူထားသည့် တာဝန်ယူတာဝန်ခံမှု သတ်မှတ်ချက်များ နှင့် ကွဲလွဲပါက အရပ်ဖက်လူ့အဖွဲ့စည်းများမှ ဦးစီး၍ ပြည်သူ့စုံညီကြားနာပွဲများကို တစ်နိုင်ငံလုံး အတိုင်းအတာနှင့် ဆောင်ရွက် သွားမည်ဖြစ်ပြီး အဆိုပါ ကြားနာပွဲများမှ အများစုသဘောတူထောက်ခံသည့် အချက်များအပေါ်မူတည်၍ မြန်မာနိုင်ငံအတွင်း EITI ဖော်ဆောင်မှုကို ပြန်လည်သုံးသပ်၍ လိုအပ်သလိုဆောင်ရွက်သွားရန်)
3. Follow up by MATA according to the result of public hearing for continuation of EITI process in Myanmar
4. Collaborate with International CSO of EITI member countries for seeking their solidarity on the issue MATA raised and explore the possibility for improving accountability requirement and ethical standard in implementation of EITI (EITI အကောင်အထည်ဖော်သည့် အခြားနိုင်ငံများမှ အရပ်ဖက်အဖွဲ့စည်းများနှင့် ဆက်သွယ်၍ EITI လုပ်ငန်းစဉ်တွင် ပွင့်လင်းမြင်သာရုံသာမက၊ လူမှုရေးတရား မျှတမှုကို အခြေခံသည့် တာဝန်ယူတာဝန်ခံမှုများကို မည်သို့တိုးမြှင့် ဆောင်ရွက်သွားနိုင်မည်ဆိုသည့် အချက်ကို ဆွေးနွေးညှိနှိုင်း ညီညွတ်မှုရယူသွားရန်)
5. Request EITI International Board for conducting independent inquiry on issue of bloody data/figures of unethical mine in EITI reports and assessment over enabling environment in Myanmar for CSO active participation (နိုင်ငံတကာ EITI ဘုတ်အဖွဲ့အား အထူးစုံစမ်းစစ်ဆေးမှုအဖွဲ့ စေလွှတ်၍ အရပ်ဖက်လူ့အဖွဲ့စည်း၏ လွတ်လပ်စွာလှုပ်ရှားဆောင်ရွက်နိုင်မှုအခြေအနေ နှင့် နိုင်ငံတကာ စီးပွားရေး နှင့် လူမှုရေးကျင့်ဝတ်မညီ သော သွေးစွန်းသတ္တုတွင်းလုပ်ငန်းများ နှင့်ပတ်သက်သော EITI အစီရင်ခံစာများအပေါ် မည်သို့ပြုမူဆောင်ရွက်မည် ဆိုသည့်အချက်ကို လေ့လာမှတ်တမ်းတင်ထားရန်)

Conclusion

Dhammapada

(ဓမ္မပါဒ Verse 62 – 70, 228)

The Buddha Said:

"There never has been, there never will be, nor is there now, anyone who is always blamed or always praised."

BUT

Man's mind is given to so much self-deceit that he does not want to admit his own weakness. He will try to find some excuse to justify his action and to create an illusion that he is blameless.

The Buddha Said:

"Easily seen are others' fault: hard indeed it is to see one's own fault."

You must develop the courage to admit when you have fallen victim to your weakness. Do not follow the uncultured who always blames others. Do not use other people as your scapegoat – this is most despicable.

The Buddha Said:

"The fool who does not admit he is a fool, is a real fool. And the fool who admits he is a fool is wise to that extent"

BLAME NOT OTHERS – ACCEPT RESPONSIBLE

Participant List

Chair

Dr Maung Maung Thein, Deputy Minister, Ministry of Finance

Vice- Chair

U Myint Zaw, Deputy Minister, Ministry of Energy

MSG Members

U Htun Hla Aung, Director General, General Administration Department, MOHA

Dr Nyi Nyi Kyaw, Director General, Department of Forestry, MOECF

U Win Htein, DG, Department of Mines, MOM

U Kyaw Thet, Director, Department of Mines, MOM

U Than Htay Aung, Deputy Director (Finance), MOGE, Ministry of Energy (alternate)

U Soe Naing, Director, IRD, Ministry of Finance (alternate)

Daw Tin Tin Ohn, DDG, Budget Department

Mr. Song Huaiyu, Country Manager, Goldpetrol Joint Operation Company Inc.

U Andy Tin Win, PCML (alternate)

U Thet Naing Win, CEC, MFMA (alternate)

U Tin Thit, Sein Yaung Soe

Dr. Kyaw Thu, Paung Kuu

U Khaing Kaung San, Won Latt Development Foundation

Daw Moe Moe Tun, Green Trust (POL)

U Win Myo Thu, Eco Dev.

U Saw Alex, KESEN

U Htun Myint Aung, 88 Generation

U Wong Aung, Shwe Gas Movement

U Saw Moe Myint (MSG Alternate)

Daw Su Hlaing Myint (MSG Alternate)

Honourable Guests

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Mr Alex Gordy, EITI

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Daw Kay Thi (Senior Program Coordinator)

Ms. Emma Irwin (MEITI Technical Adviser)

U Aung Phyo Kyaw (Research and Outreach Officer)

Nan Kyi Hsut Wai (Research and Outreach Assistant)

Daw May Sandar Nwe (Admin and Finance Assistant)

U Kyaw Zin Khine (Admin Assistant)

Observers

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Maj. Pyae Zaw Tun, MOGE

Mathew Salmon, NRGi

Ko Ko Lwin, NRGi

Gerry Fox, Team Leader (Pyo Pin)

Daw Tin Su Su Mar (Pyoe Pin)

U Tin Aung Soe (Sagaing MATA)

U Kyaw Myo Tun (Sagaing MATA)

U Kyaw Min Htut (Sagaing MATA)

Mu Mu Tun (Sagaing MATA)

Daw Tar Yar Maung (MATA)