

MATA's position on Myanmar's EITI implementation process and civil society engagement

Myanmar continues to face major challenges meeting the EITI Standard's requirement on civil society engagement. In particular, Section 505 of Myanmar's Penal Code and the Peaceful Assembly and Peaceful Procession Law hinder civil society activists and journalist who want to express their concerns on particular issues.

The following cases highlight some of the obstacles faced by civil society activists:

- ❖ In Kayin State, one MSG member was detained for demonstrating against a coal fire power plant by the regional branch of the General Administration Department (GAD) in 2017. The regional government wanted to implement the coal-fired power plant without a proper consultation with the local communities.
- ❖ In Kayah State, civil society organizations, including MATA members, urged the state government to shut-down a coal-fired cement factory that would affect the environment and the health of a nearby community. However, the state government cracked down on the peaceful demonstration. Furthermore, local government issued a notification requiring civil society organizations to get approval for holding meetings, workshops and trainings one week in advance. This hampers the freedom of speech and assembly for civil society organizations in the state.
- ❖ In Sagaing region, Wat Hmay village, community leaders and villagers are facing litigation and some have received sentences already for their opposition to the Letpadaung copper mine. The mine is a joint venture between the Myanmar government, Myanmar Economic Cooperation (MEC) and Wan Bao Company. Activists have accused the mine of land grabbing and forced relocation without adequate compensation.

In general, civil society organizations and community members have deep concerns about expressing concerns related to natural resources, land and human rights in many states and regions. The threats and intimidation received by the leaders comes from state actors, non-state actors as well as illegal business establishments. Furthermore, the existing law on telecommunication (66 D) makes it easy for companies and government to file defamation charges against activists or journalists.

According to a 2018 report by the organization Athan, during the term of the current government, 142 civil society activists have faced trail in 39 cases brought under the Peaceful Assembly and Peaceful Procession Law¹.

¹ Athan (Myanmar) Mid-term Report on Freedom of Expression.

Without an enabling environment where civil society organizations can freely exercise their right to freedom of speech and freedom of assembly, the meaningful participation of civil society in the EITI process is elusive. According to the 2017 Worldwide Governance Indicators, Myanmar has seen a gradual rise in the Voice and Accountability component. However the country continues to fall short of the global and regional average². Furthermore, Myanmar witnessed a drop of 6 places in the 2018 Press Freedom Index, standing at 137th place. In light of the deteriorating enabling environment, it would be problematic for the EITI to acknowledge Myanmar as having a stellar performance on civil society engagement.

MATA recognizes the gains and benefits of having a multi-stakeholders platform like EITI to address the resource governance issues in Myanmar. MATA also acknowledges the positive development that have occurred in recent years, such as the renewal of the gemstones law, the multi-stakeholder-led gemstones policy development, the moratorium on gemstones licensing, the implementation of a tax payer identification system by the Internal Revenue Department, the renewal of the anti-corruption commission's work and the formation of EITI sub-national units.

Yet, it is important to continue to push the Myanmar government to improve the overall enabling environment for civil society. The government of Myanmar must review the existing repressive laws used to quiet civil society and media in order to improve the overall enabling environment. MATA solemnly believes that the wisdom and insightful words of EITI board members through the validation assessment will resonate with the Myanmar government, and help Myanmar to continue its democratic and reform journey with the support of the international community.

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Voice and accountability captures perceptions of the extent to which a country's citizens are able to participate in selecting their government, as well as freedom of expression, freedom of association, and a free media. This table lists the individual variables from each data source used to construct this measure in the Worldwide Governance Indicators