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# LEGAL FRAMEWORKS/LAWS AND REGULATIONS (INCLUDING HLP)

Myanmar's legal frameworks governing the environment, land use, and resource management are complex, reflecting the country's rich biodiversity, natural wealth, and socio-political challenges. Humanitarian actors working in shelter and settlement projects must navigate these frameworks to ensure environmental sustainability and compliance with national and international standards.

The country's laws aim to protect natural ecosystems, prevent environmental degradation, and support sustainable development, but their implementation faces several challenges, particularly in conflict-affected areas. Legal adherence by humanitarian organizations ensures that projects do not exacerbate environmental damage or harm vulnerable communities.

**Key Environmental Laws:**

1. **National Environmental Policy (2019)**

The **National Environmental Policy (2019)** underscores the need to integrate environmental considerations into Myanmar's economic and social development processes. It highlights key challenges like deforestation, pollution, and climate change, calling for sustainable management of natural resources to support long-term development goals.

- **Relevance**: Shelter and settlement projects must adhere to this policy by ensuring that they do not contribute to long-term environmental damage. This means prioritizing **sustainable building practices**, protecting natural ecosystems, and ensuring that projects are climate-resilient. The policy also aligns with Myanmar's **Sustainable Development Goals (SDGs)** and its commitment to **multilateral environmental agreements**, such as the **Paris Agreement**.

2. **National Adaptation Programme of Action (NAPA) (2012 and lessons from 2018)**

The NAPA 2012 identified priority areas for adapting to climate change, including agriculture, water resources, and biodiversity, which are closely linked to land and natural resource management. Community-based adaptation and the restoration of degraded ecosystems were emphasized as critical strategies for building climate resilience. The [lessons from 2018](#) showed the need for inclusive governance in land and resource management, highlighting that without local involvement, especially from marginalized groups, environmental and social justice cannot be achieved.

### 3. [Forest Law (2018)](#)

Myanmar's **Forest Law (2018)** regulates the sustainable management of forests, addressing **deforestation** and **illegal logging**. Forests are vital for maintaining biodiversity, regulating the climate, and supporting rural livelihoods. Shelter projects often depend on forest resources for materials, making it essential to follow the law's provisions for sustainable sourcing.

- **Relevance:** The law enforces penalties for illegal deforestation and promotes sustainable forestry practices, which are crucial for ensuring that shelter projects do not contribute to further environmental harm. Unsustainable logging could lead to habitat loss and aggravate the climate crisis, which disproportionately affects Myanmar.

### 4. [Environmental Conservation Law (2012)](#)

The **Environmental Conservation Law (2012)** serves as the cornerstone of Myanmar's environmental governance. It requires **Environmental Impact Assessments (EIAs)** for development projects, including shelter and settlement initiatives, ensuring that environmental risks are identified and mitigated. These EIAs are critical to preventing activities that could harm local ecosystems, biodiversity, or public health

- **Challenges**: Conducting EIAs in conflict-affected or remote areas is difficult due to weak governance, lack of infrastructure, and limited enforcement. Humanitarian organizations should collaborate closely with local authorities to ensure compliance with EIA regulations and to address any risks related to environmental degradation.

### 5. [Farmland Law and Vacant, Fallow, and Virgin Lands Management Law (2012)](#)

These laws govern **land use** and **ownership**, focusing on how agricultural and unclaimed lands can be allocated for various purposes, including housing and settlement. Given the widespread land tenure disputes, especially in conflict-affected regions, these laws are critical for determining who has legal ownership and access to land for shelter projects.

- **Considerations**: Unclear land tenure and overlapping claims pose challenges to humanitarian shelter projects. Disputes between displaced communities, local populations, and the government may delay projects. Humanitarian actors should work closely with local stakeholders to resolve these disputes, navigate legal ambiguities, and avoid exacerbating existing conflicts.

6. [**National Sustainable Development Strategy for Myanmar (2009)**](#)

The NSDS highlights critical environmental challenges driven by population growth and unsustainable land use practices. **These include deforestation from agricultural expansion, illegal logging, and the excessive use of firewood**, all of which contribute to environmental degradation and the depletion of forest resources. The strategy emphasizes the need for sustainable management of natural resources and the **integration of environmental protection into development processes**. This is particularly important for humanitarian shelter projects, which must adhere to sustainable practices to avoid exacerbating deforestation and other environmental harm.

## Challenges in legal enforcement and humanitarian response

Although Myanmar has developed comprehensive laws aimed at protecting the environment, weak governance and enforcement remain substantial challenges. In conflict-affected and remote areas, governance institutions lack the capacity to enforce environmental regulations, leaving natural resources vulnerable to exploitation. This presents a complex issue for humanitarian organizations working in these regions.

The military coup in 2021 exacerbated governance challenges, creating competing governance structures between the military junta and opposition forces. Various groups are also asserting control over territory and resources. In this fragmented governance environment, humanitarian actors must be cautious to ensure compliance with legal frameworks while balancing the immediate needs of displaced and vulnerable populations.

At the same time, climate change impacts are intensifying. Myanmar is highly susceptible to extreme weather events such as cyclones, floods, and droughts, and local communities, particularly in rural areas, rely heavily on natural resources for their livelihoods. Humanitarian projects must, therefore, incorporate climate change adaptation and resilience-building measures into their plans, including sustainable resource management, in order to mitigate environmental degradation and support communities.

## Housing, Land, and Property (HLP) rights and Environmental Justice

Housing, Land, and Property (HLP) rights are closely linked to governance and environmental challenges in Myanmar, especially in the context of ongoing conflicts and ecological degradation. Many internally displaced persons (IDPs) have lost access to their land due to factors such as conflict, land grabbing, and environmental degradation. Shelter practitioners should be acutely aware of these dynamics, as addressing HLP rights is crucial for promoting social equity and environmental sustainability.

Restoring land to displaced communities is an important aspect of the transition to peace in Myanmar. However, it is essential to approach this restoration with an awareness of the need for balance between reparations, environmental conservation, and economic development. This balance can be complex, requiring careful consideration of the local context.

Inclusive decision-making is critical in land and resource management. Shelter practitioners should include local communities, ethnic minorities, women, and youth when making land management and site allocation decisions. Engaging these groups can lead to more equitable resource distribution and enhance social cohesion.

Land disputes often arise from overlapping claims or unclear land tenure, presenting significant challenges for shelter programming. Shelter practitioners must navigate these disputes with caution, as they can complicate project implementation and lead to tensions among communities. Understanding the local context and engaging with local stakeholders is essential to mitigate these risks.

By being mindful of these challenges related to HLP rights and environmental justice, shelter practitioners can better address the complexities of land management in their programming. Recognizing the interconnections between land rights, environmental health, and community resilience will help foster a more equitable and sustainable approach to shelter interventions in Myanmar.