

# **Main Laws Applicable to the Mining Sector in Myanmar**

*This document is intended to provide a brief overview of the main Myanmar laws applicable to the mining sector, and to be useful for those undertaking environmental impact assessments (EIA) and other permitting requirements. It does not constitute legal advice.*

*For a more detailed discussion of the laws and the context in which they have been developed and applied to the mining sector in Myanmar, please see: MCRB, Sector Wide Impact Assessment of Limestone, Gold and Tin Mining in Myanmar (2018)*

MCRB, 23 May 2018

Area	Legislation	Relevant Articles	Status
Mining	<p><u>The Law amending the Myanmar Mines Law (ML) (2015)</u></p> <p>Mining Rules (2018) (MRule)</p>	<p><b>Summary:</b> <i>The 2015 Amended Myanmar Mining Law is the main piece of legislation governing the mining and minerals sector in the country. It sets out the mining licensing framework, the respective roles and responsibilities of Ministry of Natural Resources and Environmental Conservation (MoNREC) at the Union- and state/region-levels, the fiscal regime and royalty rates for minerals, as well as the objectives of mine inspections and penalties for non-compliance. However, it lacks basic requirements for effective mining regulation found in other countries' mining laws, such as a Mineral Cadaster. The Amended Mining Law sets the legal framework for all minerals, including precious and heavy metals as well as industrial minerals, except for gemstones that are covered by the Gemstone Law. It covers small scale to large scale mining. It is applicable throughout the territory. Although the whole law is relevant to mining companies, the following requirements are particularly relevant to the regulation of the environmental and social impacts of mining. Several subsections were added by the 2015 amendments to Mining Law which are intended to increase the scope of environmental and social responsibility of the mine operator.</i></p> <p><i>The 2018 Mining Rules lay down details of how to apply for a permit, and duties of permit holders, as well as rules related to mine closure, safety, labour, accidents, inspection etc.</i></p> <p><b>Relevance for the Mining Sector</b></p> <p><b>Environmental and Social Requirements</b></p> <ul style="list-style-type: none"> <li>- The Mining Rules cross-reference the need to abide by the Environmental Conservation Law, Rules and EIA Procedure in several places. See <u>Sector Wide Impact Assessment of Limestone, Gold and Tin Mining in Myanmar</u> (2018) Table 3, p 62.</li> <li>- However, the requirements for conducting an Environmental &amp; Social Impact Assessment (EIA) for mining set out in the Mining Rules are inconsistent with the requirements of the EIA Procedure leading to legal uncertainty</li> </ul> <p>Permit holders must:</p> <ul style="list-style-type: none"> <li>- minimize environmental damage and negative impacts on local communities and make an annual contribution to a fund for environmental conservation. <b>(ML Art. 13e (1))</b></li> <li>- contribute to a Mine Closure Fund for environmental rehabilitation and reforestation. <b>(ML Art. 13e (2))</b></li> <li>- submit at the time of its application for a Production Permit the evidence that it has undertaken negotiations with local communities about local social responsibility and obtained their agreement. <b>(MRule 51c (large-scale)), MRule 67c (medium-scale) and MRule 85c (small-scale))</b></li> <li>- not deprive “any other person of the water [to which] he is accustomed.” <b>(MRule 153)</b>, not to pollute and to maintain water quality above and below ground <b>(MRule 154c)</b></li> <li>- make provisions for safety and the prevention of accidents at the mine site <b>(Art. 13 (c))</b></li> <li>- report accidents, loss of life and bodily injury due to accidents in the mine. <b>(Art. 13(f))</b></li> </ul>	Amendment of 1994 Mining Law

		<ul style="list-style-type: none"> <li>- provide all necessary measures for the safety in the mines, e.g. by ensuring the proper design, construction and electrical (communication) equipment needed. <b>(MRule 176)</b></li> <li>- monitor and regularly inspect and maintain the working environment, tools and equipment in order to determine any potential dangers for workers. This includes adequate ventilation in all underground operations, fire prevention emergency rescue teams, and providing at least two (separate) emergency exits. All medical treatment of injured workers should be provided for free. <b>(MRule 176)</b></li> <li>- appoint adequate supervisory personnel, and provide a system whereby the names and locations of persons entering underground work sites can be determined at any time, and to draw up and implement disaster prevention measures and keep safety records <b>(MRule 176)</b></li> <li>- ensure all workers exposed to chemical or biological hazards are properly informed of the risks, to minimise the exposure to such hazards, and provide suitable personal protective equipment free of charge, and to arrange for free medical treatment, and treatment in accordance with the Social Security Law <b>(MRule 176)</b></li> <li>- prepare an emergency plan <b>(MRule 176)</b></li> </ul> <p><b>Inspection &amp; Monitoring</b></p> <ul style="list-style-type: none"> <li>- The Director General of the Department of Mines (DoM) has the duties of: “inspecting the environmental and social impact assessment system for prospecting, exploring and testing, production and processing operations.” <b>(ML Art 26 (b-1))</b></li> </ul>	
<b>Environmental Protection and Conservation</b>	<u>Environmental Conservation Law (ECL) (2012)</u>	<p><b>Summary:</b> <i>The Environmental Conservation Law implements the National Environmental Policy; sets requirements for the conservation of natural and cultural heritage for the benefit of current and future generations; the reclamation of degraded ecosystems; and the sustainable use of natural resources.</i></p> <p><b>Relevance for the Mining Sector</b></p> <p><b>E&amp;S Requirements</b></p> <ul style="list-style-type: none"> <li>- companies are required to install or use on-site equipment in order to monitor, control, manage, reduce or eliminate environmental pollution, and are expected to discharge polluting substances in accordance with the 2015 Environmental Quality Guidelines <b>(Art 14 &amp; 15)</b></li> <li>- permission from MONREC is required in order to import, export, produce, store, carry or trade any material which causes an adverse impact on the environment <b>(Art 30)</b></li> </ul> <p><b>Powers of MONREC</b></p> <ul style="list-style-type: none"> <li>- to implement Environmental Conservation Policies, Environmental Management Work Plans, and Environmental Quality Standards, including a system of environmental and social impact assessment <b>(EIA) (Art 7 (m))</b></li> <li>- to implement a comprehensive monitoring system for waste disposal from exploration, production and treatment of minerals, and industrial mineral raw materials and gems <b>(Art. 13)</b></li> </ul>	<p>Adopted. Not currently under revision.</p> <p>Draft National Environmental Policy of Myanmar is currently under discussion</p>
	<u>Environmental Conservation Rules (ECR) (2014)</u>	<p><b>Summary:</b> <i>These Environmental Conservation Rules build upon the ECL and clarify the responsibilities of MONREC. They set out in Chapter XII the requirement for all projects which ‘may cause an impact on the environmental quality’ to obtain ‘prior permission’. However what ‘prior permission’ means in practice has not yet been clarified. In the case of those projects requiring an ECC, it is assumed that the ECC constitutes prior permission.</i></p>	<p>Adopted. Not currently under revision.</p>

		<p><b>Relevance for the Mining Sector</b>  <b>Conducting an EIA</b></p> <ul style="list-style-type: none"> <li>- sets out further details on the requirements for certain projects to conduct an EIA (including mining projects) and to prepare the environmental management plan (EMP) on the basis of an EIA</li> <li>- sets out the process for approval of EIAs. <b>(Chapter XI – Environmental Impact Assessment)</b></li> </ul>	
	<p><u>EIA Procedure (2015)</u></p>	<p><b>Summary:</b> <i>The EIA Procedure implements the ECL and ECR provisions on EIAs and replace earlier notifications from the MIC about which projects require EIAs. Even though the title refers only to “environmental”, the Procedure also requires assessment of social issues. There are currently no sectoral EIA Guidelines covering mining, but these are being developed with support from the ADB.</i></p> <p><b>Relevance for the Mining Sector</b>  <b>Criteria triggering an EIA requirement for mining companies</b></p> <ul style="list-style-type: none"> <li>- sets out which size and type of mining project is required to do an EIA (<b>Annex I</b>) (though as noted above, this conflicts with provisions in the Mining Rules requirements for EIA for different size and types of mines)</li> </ul> <p><b>Parties eligible to conduct an Initial Environmental Examination (IEE) &amp; EIA</b></p> <ul style="list-style-type: none"> <li>- the project proponent may carry out the IEE / EIA and report by itself or may appoint a registered person or organization and must inform the Environmental Conservation Department (ECD) in MONREC in writing as the identity of the duly registered person(s) and/or organization it has selected to undertake the IEE/EIA investigation and reporting. (<b>Art. 32, 45, 76</b>)</li> <li>- A third person or organization who wishes to prepare an IEE and EIA must apply and register with ECD (<b>Art. 17-22</b>)</li> </ul> <p><b>Requirements on conducting an EIA:</b>  The EIA Procedures set out detailed, step-by-step requirements for each procedure (EIA and Initial Environmental Examination (IEE)) that involve:</p> <ul style="list-style-type: none"> <li>- the preparation of a project proposal which is submitted to MONREC</li> <li>- a decision by MONREC as to the level of assessment required (EIA, IEE or no assessment required)</li> <li>- carrying out the relevant environmental and social studies and impact assessment, including with community consultation and stakeholder engagement</li> <li>- submission of the draft IEE/EIA, Environmental and Social Management Plan (EMP) to MONREC for consideration</li> <li>- publication of the draft IEE/EIA for community comment</li> <li>- review and approval/non-approval of the project and the issuance of an Environmental Compliance Certificate (ECC) (<b>Chapters IV – VII</b>)</li> </ul>	<p>Mining EIA guidelines and EIA Public Participation Guidelines are under preparation to support EIA Procedure</p>
	<p><u>National Environmental Quality (Emissions) Guidelines (2015)</u></p>	<p><b>Summary:</b> <i>The National Environmental Quality (Emissions) Guidelines apply to any project subject to the EIA Procedure – i.e. those that require an EIA or IEE. They require a project to take necessary measures to avoid, minimize and control adverse impacts to human health and safety, and the environment by reducing air, water and noise emissions and minimizing the load of pollutants and contaminants prior to release or discharge. The Guidelines are based on the World Bank Group Environmental Health and Safety Guidelines. and divided into two groups - general</i></p>	

		<p>and industry-specific guidelines.</p> <p><b>Relevance for the Mining Sector</b>  <b>Mining companies must</b></p> <ul style="list-style-type: none"> <li>- meet a general set of requirements on air emissions, wastewater, noise and odor that apply to any project where an EIA or IEE is required</li> <li>- meet specific effluent levels for construction materials extraction and ore and mineral extraction. <b>(Chapter 2.7)</b></li> </ul>	
	<p><u>Forest Law (1992)</u></p>	<p><b>Summary:</b> <i>The Forest Law sets out principles and requirements to support the protection of forests, related biodiversity and ecosystems services, conservation initiatives, and sustainable management of forests.</i></p> <p><b>Relevance for the Mining Sector</b></p> <ul style="list-style-type: none"> <li>- Whoever wants to carry out an economic activity on forest land and forest covered land at the disposal of the government must obtain the prior approval of the Forestry Ministry. <b>(Art 12)</b></li> <li>- Anyone that has obtained the right to extract forest produce on a commercial scale has the responsibility of establishing forest plantations or carrying out natural regeneration under a permit. <b>(Art 16)</b></li> </ul>	<p>Adopted. Currently being amended.</p>
	<p><u>The Conservation of Water Resources and Rivers Law 8/2006</u>  <i>Amended 2017</i></p>	<p><b>Summary:</b> <i>The Conservation of Water Resources and Rivers Law aims to conserve and protect water resources and rivers for use by the public and to protect against polluting of waterways. In addition, the Law prohibits the digging of wells without permission.</i></p> <p><b>Relevance for the Mining Sector</b>  <b>Mining in or near water courses</b></p> <ul style="list-style-type: none"> <li>- the Directorate of Water Resources and Improvement of River Systems of the Ministry of Transport reviews whether rivers or creeks could be adversely affected by mineral extraction and issue recommendations to the relevant government department <b>(Art 5g)</b></li> <li>- sand suction, sand dredging, sand excavating, river shingle suction, panning for gold, gold mineral dredging or resource production are prohibited from sandbanks or channels which are used for controlling river flow, or at other prohibited places in a river, creek or the watercourse <b>(Art 14)</b>. Anyone wanting to do those activities for commercial purposes near watercourses must seek permission from the Directorate <b>(Art. 13)</b>.</li> </ul> <p><b>Prohibition of pollution and relevance to mining</b></p> <ul style="list-style-type: none"> <li>- prohibits discarding engine oil, chemicals, or poisonous material which may affect environmental damage <b>(Art. 11)</b></li> </ul>	.
<p><b>Livestock and Fisheries</b></p>	<p><u>Freshwater Fisheries law (1991)</u></p>	<p><b>Summary:</b> <i>The Freshwater Fisheries Law is mainly concerned with the exploitation of freshwater fish resources.</i></p> <p><b>Relevance for the Mining Sector</b></p> <ul style="list-style-type: none"> <li>- Prohibits the pollution of waters important for freshwater fisheries <b>(Art. 40)</b></li> </ul>	
<p><b>Health and Safety</b></p>	<p><u>Prevention of Hazard from</u></p>	<p><b>Summary:</b> <i>The Prevention of Hazard from Chemicals and Related Substances Law seeks to protect the environmental and the occupational, health and safety of workers. Anyone in the</i></p>	<p>Adopted. Amended in</p>

	<p><u>Chemicals and Related Substances Law (2013)</u></p>	<p><i>“chemical and related substances business” that includes chemicals that can pose a hazard to humans, animals and the environment requires a license.</i></p> <p><b>Relevance to the Mining Sector</b>  <b>Mining companies must</b></p> <ul style="list-style-type: none"> <li>- obtain a license and a registration certificate that includes additional requirements if using chemicals (<b>Chapter VII</b>)</li> <li>- comply with a series of duties to protect health, safety, including by providing personal protective equipment (PPE) and training to workers and requiring medical checks (<b>Art. 5</b>).</li> <li>- have a broad duty not to impact and damage to the environment and must abide by more specific requirements set out in the registration certificate or other notices on transporting, possessing, storing, using, discharging chemicals and related substances. (<b>Art. 13, 16 and 27</b>).</li> <li>- have insurance to cover any claims for compensation to harm to health or the environment. (<b>Art. 17</b>)</li> </ul>	<p>2017</p>
	<p><u>Draft Occupational Health and Safety Law</u></p>	<p><b>Summary:</b> <i>The Occupational Health and Safety Law will establish the duties and responsibilities of workers and employers to reduce workplace accidents and occupational diseases.</i></p> <p><b>Relevance to the Mining Sector</b>  <b>Mining Companies as employers</b></p> <ul style="list-style-type: none"> <li>- the Law applies to the mining sector (<b>Art. 4(d)</b>)</li> <li>- every employer shall evaluate the risk level of machines, tools, any substances, and biological agents and chemicals used in the workplace, and provide necessary protective measures so that their handling and use does not impose any health risks to the workers (<b>Art28 (b)</b>)</li> <li>- every employer shall provide adequate and relevant personal protective equipment to workers free of charge and require such equipment to be worn. (<b>Article 28 (c)</b>)</li> <li>- if a worker is injured or contracts an occupational disease, and is not covered by the 2012 Social Security Law, the employer shall bear all medical expenses to determine the relevant class of disability and degree of reduction of the worker’s ability to work. (<b>Article 30</b>)</li> </ul> <p><b>Inspection</b></p> <ul style="list-style-type: none"> <li>- inspectors (appointed by the Ministry of Labour, Immigration and Population) may exercise the following powers <i>inter alia</i>: assess the levels of environmental pollution, radiation or harmfulness of the hazardous substances and objects including noise, illumination, heat, dust, fume in any workplace, as well as to assess the amount of exposure and time which workers have been exposed to such harm and take the necessary documents (<b>Art 19 (f)</b>)</li> </ul>	<p>Currently under discussion in Parliament (Spring 2018)</p>
	<p><u>Explosives Substance Act (1908) (Amended in 2001)</u></p>	<p><b>Summary:</b> <i>The Explosive Substances Act regulates the use of explosives and blasting. The Mining Rules also cover the use of explosives and blasting.</i></p> <p><b>Relevance to the Mining Sector</b></p> <ul style="list-style-type: none"> <li>- Use of dynamite is allowed on mine sites only with the permission of the Ministry of Defense or one of the State -Owned Enterprises</li> </ul>	<p>Adopted in 1908. Amended in 2001</p>

	<u>Boiler Law (2015)</u>	Prevention of damage from boiler accidents.	
Land Laws including use for Agriculture	<u>Farm Land Law (2012)</u>	<p><b>Summary of the Law:</b> <i>The Farm Land Law provides the process for farmers to secure land use certificates (LUC), and then to sell, lease, mortgage and transfer farmland in a land market. However it also contains strict requirements about the crops that may be grown with penalties of forfeiture of the land if the restrictions in the law are not followed.</i></p> <p><b>Relevance to the Mining Sector</b></p> <ul style="list-style-type: none"> <li>- is relevant only if mining companies seek to gain access to farmland to mine</li> <li>- the state can expropriate farmland for projects in “the national interest” (<b>Art. 28-29</b>); it is unclear whether mining projects would be seen to be in the national interest. If so, only the required minimum area shall be expropriate and if the project is not carried out, the land should be returned to the person or organization which has the original right to use the farmland. (<b>Art. 31</b>)</li> </ul>	Under revision in Parliament
	<u>Vacant, Fallow and Virgin Lands Management Law (2012)</u>	<p><b>Summary:</b> <i>The VFV Law governs the granting of permission for the right to use vacant, fallow and virgin lands including for mining.</i></p> <p><b>Relevance to the Mining Sector</b></p> <ul style="list-style-type: none"> <li>- a permit for mining can be given on VFV lands (<b>Art. 4</b>).</li> <li>- sets out the application process to apply for permission to use VFV land (<b>Art. 5-9</b>)</li> <li>- any permission for use of VFV land for mining must be with the agreement of and coordinated with the Ministry of Natural Resources and Environmental Conservation (which includes the Department of Mines) (<b>Art. 10-11</b>)</li> </ul>	Under revision in Parliament
	<u>Land Acquisition Act (1894)</u>	<p>Land acquisition for a company may be carried out where it is “likely to prove useful to the public.” In these cases the Government has the responsibility for carrying out the acquisition and distributing the compensation; however, the company acquiring the land has to provide the compensation. Compensation is based on the market value of the land and also possible damage incurred by the private landowner, such as loss of crops and firewood or the cost of changing residence and place of business. Land in-kind can also be provided in place of monetary compensation (Art 6). These losses should take place “in consideration of the compulsory nature of the acquisition” (Art 23).</p> <p>The Law sets out basic procedures governing land acquisition, including a preliminary investigation, and a procedure for notification of persons interested in the land. The Law also includes provision for objections to the land acquisition, in which the objector is granted the ‘opportunity of being heard’, where the objections raised may be further explained. However, the President’s decision on the objection is final, in practice giving him/her wide discretionary powers (Art 5).</p>	As of 2018, this Law was being prepared for revision by a Parliamentary Committee.
Investment	<u>Myanmar Investment Law (MIL) (2016)</u>  <u>Myanmar Investment Rules (MIRule) (2017)</u>	<p><b>Summary:</b> <i>The Myanmar Investment Law and Rules cover all investments in Myanmar (foreign and domestic) and clearly states that Myanmar is seeking to attract “responsible investment businesses which do not cause harm to the natural environment and the society for the benefit of the Union and its citizens;” and to develop “business and investments that meet international standards.”</i></p> <p><b>Relevance to the Mining Sector</b></p> <ul style="list-style-type: none"> <li>- projects that cause a large impact on the environment and the local community, as many mining projects will, require a permit from the Myanmar Investment Commission (MIC) (<b>Art. 36</b>).</li> </ul>	



		<p>However businesses that may cause significant damage to the natural environment and ecosystem are prohibited (<b>Art. 41</b>)</p> <ul style="list-style-type: none"> <li>- if the investment may be subject to the Law on the Rights of Protection of Ethnic Nationalities (2015), the MIC will consider any specific consultations that may be required with the relevant State or Regional Government or other stakeholders as part of the assessment process or in connection with any conditions to be included in the MIC Permit (<b>MIRule 61</b>).</li> <li>- MIC screens the proposal to determine if it is “beneficial to the interests of the Union” (<b>MIRule 64</b>), based on a set of criteria that includes the following requirements that emphasise that the importance Myanmar attaches to responsible and sustainable investments: <ul style="list-style-type: none"> <li>• the investor has demonstrated a commitment to carry out the Investment in a responsible and sustainable manner, including by limiting any potentially adverse environmental and social impacts; including environmental conservation actions, compliance with environmental conservation policies, human rights and application of effective technology for natural resources and waste management (<b>MIRule 54(d)</b>)</li> <li>• the investor, its associated and holding company are of good character and business reputation (MIR Art. 64(g)). In considering whether this criterion is met, the MIC may consider an offence or other contravention of the law of the Union or in another jurisdiction, including any environmental, labour, tax, anti-bribery and corruption or human rights law. (<b>MIRule 66</b>)</li> <li>• whether the investment is compatible with national development, security, economic, social and cultural policies. (<b>MIRule 64(h)</b>)</li> </ul> </li> <li>- Foreign investors can obtain a land rights authorization that entitles them to use of the land for up to 70 years. One of the considerations is whether the project requires any significant alternation of topography or elevation of the land that cause a material adverse effect on the environment. (<b>MIRule 126 (e)</b>)</li> </ul>	
<b>Labour</b>	<u>Minimum Wages Law (2013)</u>	<p><b>Summary:</b> <i>The Minimum Wages Law sets a minimum wage to meet the essential needs of workers, and their families, who are working in commercial, production and service, agricultural and livestock breeding businesses and for the purpose of increasing the capacity of the workers.</i></p> <p><b>Relevance to the Mining Sector</b>  <b>Mining companies as employers must:</b></p> <ul style="list-style-type: none"> <li>- pay a national minimum wage, currently set at 4,800 kyats/day, to employees (<b>Art 12(a)</b>), including for part-time and hourly work (<b>Art. 14(e)</b>)</li> <li>- provide salaried workers one day’s paid leave per week (<b>Art 14(f)</b>)</li> <li>- provide both men and women minimum wage without discrimination (<b>Art 14(h)</b>)</li> </ul>	
	<u>Labour Organization Law (2011)</u>	<p><b>Summary:</b> <i>The Labour Organization Law permits the exercise of the freedom of association and the formation of independent trade unions.</i></p> <p><b>Relevance to the Mining Sector</b>  <b>Labour organisation in the mining sector</b></p> <ul style="list-style-type: none"> <li>- every worker has the right to join or resign from a labour organization (<b>Art 3(a)</b>)</li> <li>- basic labour organizations shall be formed with a minimum of 30 workers in the relevant trade or activity. If there are less than 30 workers in a trade/activity, it may form jointly with any other</li> </ul>	



		trade of the same nature ( <b>Art 4 (a), (i)</b> )	
	<u>Settlement of Labour Disputes Law</u> (2012)	<p><b>Summary:</b> <i>The Settlement of Labour Disputes Law aims to safeguard the rights of workers, maintain a good relationship between employers and workers and a peaceful workplace, and to protect rights through by settling disputes between employers and workers.</i></p> <p><b>Relevance to the Mining Sector</b> <b>Mining companies as employers</b></p> <ul style="list-style-type: none"> <li>- employers of more than 30 workers must form a Workplace Coordinating Committee, including worker and employer representatives. The Committee is intended to promote a good relationship between the employer and the worker and/or their labour organization through negotiation and coordination on terms and conditions of employment OSH, welfare, and productivity (<b>Chapter II (3)</b>).</li> </ul>	
	<u>Employment and Skills Development Law</u> (2013)	<p><b>Summary:</b> <i>The Employment and Skills Development Law provides for skills training and a fund into which employers pay, and the establishment of an employment and labour exchange office by the Ministry of Labour, Immigration and Population.</i></p> <p><b>Relevance to the Mining Sector</b> <b>Mining companies as employers</b></p> <ul style="list-style-type: none"> <li>- a written contract must be drawn up within 30 days of the beginning of the employment relationship (<b>Chapter 3</b>)</li> </ul>	
	<u>Social Security Law</u> (2012)	<p><b>Summary:</b> <i>The Social Security Law provides for: a health and social care insurance system; a family assistance insurance system; invalidity benefit; superannuation benefit and survivors' benefit insurance system; and an unemployment benefit system. Casual workers are not covered in the social security scheme.</i></p> <p><b>Relevance to the Mining Sector</b> <b>Mining companies as employers</b></p> <ul style="list-style-type: none"> <li>- both employers and workers must pay into a social security fund (<b>Article 2(c) and (e)</b>).</li> <li>- companies with five or more employees in the extractive industries (among others) are required to pay social security (<b>Article 11</b>).</li> </ul>	
<b>Ethnic Nationalities</b>	<u>Protection of the Rights of Ethnic Nationalities</u> (2015)	<p><b>Summary:</b> <i>The Protection of the Rights of National Races Law gives further effect to Article 22 of the 2008 Constitution, and "aims for the socio-economic development of less-developed national races including education, health, economics and transportation."</i></p> <p><b>Relevance for the Mining Sector</b> <b>Requirement to negotiate</b></p> <ul style="list-style-type: none"> <li>- Indigenous peoples (<i>ta-ne tain-yin-tha</i>) should receive complete and precise information about extractive industry projects and other business activities in their area before project implementation so that negotiations between groups and the Government/companies can take place (<b>Art. 5</b>).</li> </ul>	Bylaws under discussion (August 2017)

Culture	<u>Protection and Preservation of Cultural Heritage Regions Law (1998)</u>	<p><b>Summary:</b> <i>The Protection and Preservation of Cultural Heritage Regions Law sets out measures to protect and preserve cultural heritage.</i></p> <p><b>Relevance for the Mining Sector</b>  <b>Prohibitions</b></p> <ul style="list-style-type: none"> <li>- prohibits exploration for petroleum, natural gas, precious stones or minerals in cultural heritage regions (<b>Art 20 20(d)</b>) except for the benefit of the State (<b>Art 29 (a)</b>).</li> </ul>	Amended in 2009
	<u>Protection and Preservation of Ancient Monuments Law (2015)</u>	<p><b>Summary:</b> <i>The Protection and Preservation of Ancient Monuments Law seeks to increase protection of the country's ancient buildings that are more than 100 years old and that have cultural, historical, architectural and artistic value.</i></p> <p><b>Relevance for the Mining Sector</b>  <b>Prohibitions</b></p> <ul style="list-style-type: none"> <li>- provides for sanctions for anyone found to have damaged, removed or destroyed heritage buildings.</li> <li>- requires permission from the Department of Archeology and National Museums to survey, dig, and research places where an ancient monument is situated (<b>Art. 14(e)</b>).</li> <li>- anyone who wishes to dig for gems and minerals or sieve for gold, or undertake mining, quarry, or gravel digging within the specified area of an ancient monument must apply for permission from the Department of Archeology and National Museums (<b>Art. 15(c) and (f)</b>).</li> </ul>	
Social	<u>Rights of Persons with Disabilities Law (2015) and Byelaws (2017)</u>	<p><b>Summary:</b> <i>The Rights of Persons with Disabilities Law provides a legal framework for Myanmar's implementation of its commitments under the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). The Law covers access to employment for people with disabilities" and sets out obligations for employers.</i></p> <p><b>Relevance for the Mining Sector</b>  <b>Mining companies as employers:</b></p> <ul style="list-style-type: none"> <li>- places requirements on employers concerning employment of people with disabilities including possibility of compulsory quotas (<b>Chap 10</b>)</li> </ul> <p>Byelaws do not set quota. Implementation is currently under discussion by National Council</p>	
	<u>Child Law (1993)</u>	<p><b>Summary:</b> <i>Under the Child Law, every child should be protected and safeguarded at the workplace. The 1993 Child Law defines a child as a person under 16 years of age and classifies children between the age of 14 and 17 as youths and permits them to engage in 'light duties', although, 'light duties' is not defined.</i></p> <p><b>Relevance for the Mining Sector</b>  <b>Mining companies as employers</b></p> <ul style="list-style-type: none"> <li>- provides for punishment with imprisonment to those who allow a child to perform work which is hazardous to life or which may cause disease or which is harmful to the child's moral character (<b>Art. 24(a)</b>)</li> <li>- Note that the Mining Rules prohibit employing anyone under the age of 18 (<b>MRule 146</b>)</li> </ul>	New draft Children's Rights law under discussion in Parliament.