Local
Governance
Mapping

THE STATE
OF LOCAL
GOVERNANCE:
TRENDS IN
KAYIN

Photo Credits

Paul van Hoof
Emilie Röell
Kyaw Kyaw Soe
Philippe Wealer
Thomas Schaffner(Cover)
Myanmar Survey Research
UNDP

Empowered lives.
Resilient nations.

Local Governance Mapping

THE STATE OF LOCAL GOVERNANCE: TRENDS IN KAYIN

UNDP MYANMAR

Table of Contents

Acknowledgements

Acronyms

CD	Community Dialogue
CRC	Citizen Report Card
CSO	Civil Society Organisation
DKBA	Democratic Karen Benevolent Army
DOA	Development Affairs Organization
DoE	Department of Education
DoH	Department of Health
DoP	Department of Planning
DRD	Department of Rural Development
DTA	Deputy Township Administrator
EO	Executive Officer (Municipal Affairs)
FSP	Frontline Service Provider
GAD	General Administration Department
GOM	Government of Myanmar
INGO	International Non-Governmental Organisation
KED	Karen Education and Cultural Department
KDHW	Karen Department of Health and Welfare
KNU	Karen National Union
KSEAG	Karen State Education Assistance Group
LGM	Local Governance Mapping
MoHA	Ministry of Home Affairs
MoLFRD	Ministry of Livestock, Fisheries and Rural Development
MoNPED	Ministry of National Planning and Economic Development
MDRI-CESD	Myanmar Development Resources Institute-Centre for Economic Development on one line
MSR	Myanmar Survey Research
NGO	Non-Governmental Organisation
MoAI	Ministry of Agriculture and Irrigation
MoE	Ministry of Education
MoH	Ministry of Health
RHC	Rural Health Centre
SLRD	Settlements and Land Records Department
SRHC	Sub-Rural Health Centre
TA	Township Administrator
TAO	Township Audit Office
TDSC	Township Development Support Committee
TEO	Township Education Officer
TFMC	Township Farmland Management Committee
THO	Township Health Officer
TLO	Township Land Record Officer (Settlements and Land Records)
TDAC	Township Development (Municipal) Affairs Committee
TMC	Township Management Committee
TMO	Township Medical Officer
TPIC	Township Planning and Implementation Committee
TPO	Township Planning Officer
TRDO	Township Rural Development Officer
UNDP	United Nations Development Programme
UNCDF	United Nations Capital Development Fund
UNICEF	United Nations Children's Fund
VC	Village Clerk
VHC	Village Health Committee
VT	Village tract
VTA	Village Tract Administrator
VT/WDSC	Village Tract / Ward Development Support Committee
WA	Ward Administrator

Executive Summary

This report outlines the results of the Local Governance Mapping research conducted by UNDP in Kayin State. Based on the perceptions of the people and local governance actors, the mapping has tried to capture some key aspects of the current dynamics of governance at the frontline of state-citizen interaction and focuses in its analysis on participation in public sector planning, access to basic services and accountability in local governance.

In consultation with the Kayin State government, it was agreed that the Local Governance Mapping would be conducted in three townships, namely, **Hlaingbwe**, **Kawkareik** and **Hpa-An** between February and June 2014. Three of the more remote and less populated townships (Myawaddy, Hpapun and Thandaung) have for a long time been partially under control of the KNU and have been more unstable than the other four townships in Kayin State during the 65 years of armed conflict. As a result of their remote character, their low population density and the years of conflict, the availability of basic services and their governance situation is most likely to be significantly different from the ones included in this study.

Kayin State

The most significant change in Kayin during the last few years has been the establishment of an effective **ceasefire arrangement** between the Government of Myanmar and the Ethnic Armed Forces in the State. As a result, 88 percent of the 288 people who were interviewed as part of this study felt safe in their village tract or ward at the moment, while 98 percent confirmed that the safety situation in Kayin in general had improved or stayed more or less the same over the last five years. As a result it has triggered an **increase in economic growth in most townships and an improvement in access to basic services**. In addition, the improved safety and security situation has created a more conducive environment for the government reforms to be implemented. At the same time, it is important to note the recent tensions and clashes between government and armed groups.

Nevertheless, Government operations, including all development-related activities implemented by the government in Kayin State as well as the township-level governance reforms, are carefully balanced against their potential impact on the still precarious peace and security situation in the State. This results in the State Government at all levels being rather cautious in relaxing its control and in a relatively slow pace or slightly adapted form of introducing the administrative reforms in Kayin State if compared to other States and Regions in Myanmar. As the Chief Minister of Kayin State mentioned, the situation in Kayin is unique, so it needs to find distinctive solutions that fit its specific context.

The responses from community members both during the interviews as well as during the Community Dialogue sessions show that the **needs and problems of people differ significantly across township or even across village tracts/wards** and that therefore tailor-made solutions and responses are required if government wants to become more responsive to these needs and become more "people-centred". If so, it is critical for government to be able to assess and record these different needs on the one hand and have on the other hand the necessary mechanisms in place that enables it to respond to each of these issues

adequately. This will require more capacity within the key service delivery sectors at the township level to access, monitor and respond to specific needs working together with the communities. It will also require more autonomy of township level government staff to respond to these needs as they are in the best position to evaluate and weigh the different demands from the various communities and prioritise and implement the most effective and efficient response.

Developmental planning and participation

The availability and use of the various development funds at the township level and the mechanisms that have been put in place to involve people in the identification of projects act as important catalysts for reform at the township level. Even though the combined volume of these funds is still rather limited per township, they trigger a new way of interaction between government and citizens, while they act at the same time as a positive incentive to become more responsive to the needs of the people. The mapping shows that there are sufficient areas for further improvement in the allocation and implementation of these funds in Kayin State, especially related to improved transparency and accountability. It is important to bear in mind that these funds have only recently been introduced and all parties involved are still learning to play their role in these processes. In order to make full use of these potentials and enhance this collaborative process, a gradual expansion of the role of the **Township Development Support Committees (TDSC)** in the actual selection, prioritisation and monitoring of the projects could be considered in Kayin.

Discussions with Heads of Departments revealed that not much has changed in the planning processes of sector departments at the township level over the last few years. The actual planning in most departments still takes place at the State or Union level, making it almost impossible for Heads of Departments at the township level to adjust their plans to any agreed upon township priorities or to the plans of other departments.

Delivery of basic services

Both citizens and front line service providers acknowledge that significant improvements in service delivery have been made over the last three years. Sixty-six percent of the respondents mentioned that health services in general (both public and private combined) had improved over the last three years, mainly due to improved health facilities, and the improved availability of heath staff and medicines. 78 percent of the respondents mentioned that primary education had improved due to improvements in the school facilities and the availability of teachers. Regarding the availability of safe drinking water only 31 percent of the respondents mentioned that they experienced any improvements in their situation over the last three years. These findings are encouraging in the sense that people do acknowledge the result of the additional investments by government that have taken place since 2011, but they should be used with caution as well since the starting point against which people compare the present situation in service delivery in health and primary education is very low and small improvements might be seen as big steps forward.

Basic healthcare: While the overall health provision situation has improved, there are according to the service providers several specific bottlenecks for improving public health services in these three townships. At the facility level, the basic infrastructure of the facility is often not optimal as there is often lack of water, electricity, and housing for medical staff. In addition, the regular supply of medicines and medical equipment (especially sterilizers and refrigerators), and the number of healthcare staff at the health facility were cited as the most important challenges for further improvement in the quality of health services.

There were big differences between urban and rural respondents regarding the use of public or private health facilities. Sixty six percent or two-thirds of the respondents mentioned that the health services in their village-tract or ward have indeed improved, while 28 percent mentioned that these services had stayed more or less the same. Regarding equity in treatment, almost all respondents (96%) and both male and female respondents who made use of public health facilities felt that they received the same treatment as any other person in their village tract or ward, i.e. there was no discrimination against particular groups within the community. Direct participation of people in the planning of health care improvements is still very limited.

Primary education: According to the Township Education Officers (TEOs), teachers and principals interviewed there have been substantial improvements in the provision of primary education mainly through the construction of extra classrooms and school buildings, the appointment of more and better qualified teachers and the improvement of school equipment over the last few years. A large majority (78%) of the respondents were of the opinion that primary education in their village-tract or ward had improved over the last three years. In Hlaingbwe and Kawkareik this percentage was even higher at 88 percent and 86 percent. 82 percent of the respondents with children attending primary school were satisfied, 13 percent mentioned "not good/not bad", and 6 percent were not satisfied. Kawkareik had the highest level of satisfaction (95%), while nearly a third of the respondents in Hlaingbwe (30%) were ambivalent ("not good/not bad"). Hpa-An had a relatively high percentage of dissatisfied respondents (12%).

Eighty-nine percent of the respondents with children at primary school felt that their child was treated in the same ways as all the other children. Seventy-one percent of all the respondents with children had never been involved in a meeting with government staff to discuss education-related issues. As a result of the centralised planning system, the TEO is very limited in coordinating planning with other sector departments and with other education service providers at the township level.

Drinking water: Access to safe drinking water stood at 77.3 percent for Kayin State in 2010, which is slightly above the national average of 70 percent and has improved substantially from 55.4 percent in 2005. In most cases, however, households and communities are self-reliant, especially in rural and remote areas, and do not get any assistance for meeting their basic water needs. The responsibility for drinking water provision is shared by the Department of Rural Development (DRD), under the Union Ministry of Livestock, Fisheries and Rural Development, and the Development Affairs Organization (DAO), which is part of the State Ministry of Development Affairs. The improvement of water provision does not appear to rank highly on the priority lists of both the DRD and DAO.

Only 31 percent of the respondents mentioned that the provision of safe drinking water has improved over the last few years. The provision of safe drinking water is high on the list of needs in most village tracts and wards. Kawkareik scored the highest percentage of respondents that mentioned that they had experienced an improvement (51%) and Hpa-An the lowest (only 17%). For most of the respondents the quality of drinking water was good or acceptable (66% and 26%). Hpa-an had the highest percentage of respondents rating the quality of their drinking water as bad (19%). These perceptions of improvements are much lower than for primary health care and primary education. The provision of safe drinking water seems to be an area where there is a discrepancy between the needs of the people and the priority and allocation of resources by government to address these needs.

Information, transparency and accountability

Regarding transparency and accountability of government at the township level, the cornerstones of a sustainable democracy, **only small improvements** have been made in Kayin State over the past few years according to the various stakeholders involved in the study. **Access to information** is critical for improving transparency and accountability. More information is flowing downward from the township administration and departments to the VTAs and to the committee members but this information is not reaching citizens at the community level yet. In addition, it is left to the discretion of the Heads of Departments and the TAs to decide what information they share with the public, making the availability of information dependent on the personality of these government staff rather than on clearly defined procedures. One of the areas in which lack of transparency was noted and which hampers proper consultation and planning is the lack of information on township and sector specific budget ceilings at the start of the planning process, especially related to the poverty reduction fund. Without indicative budgets it is difficult to prioritise projects and as a result plans are often not much more than long shopping lists of all the projects that has been proposed.

One recent development is the establishment of the Township Development Affairs Committee (TDAC) as described in the Kayin State Municipal law. As described in the report, the law allocates executive and oversight functions to a Committee in which citizens participate as well, which has implications for transparency. However as the law doesn't define nor prescribe any additional accountability mechanisms, while the committee will be dealing with issues that are high risk from a financial management perspective, it will be interesting to see how this new construction will work in practice and will be able to deliver municipal services efficiently and according to the rule of law.

Grievance and complaints mechanisms

In all three townships that participated in the research, the Township Administrator (TA) is dealing with most grievance and dispute cases on an ad hoc basis, except for cases that can be handled by the Township Land Management Committee. In some other States and Regions the more serious disputes or grievances are dealt with by the Township Management Committee (TMC) or by ad hoc sub-committees that are reporting to the TMC. In such instances, the TMC investigates and provides the TA with a proposed settlement/verdict, while it remains the prerogative of the TA to take a final decision. By doing so it not only reduces the workload of the TA but it also enhances transparency in decision-making and reduces potential arbitrariness. Based on these experiences, the GAD in Kayin State could

consider a revision of the complaints handling mechanisms to make them uniform across the townships and especially to make them more transparent and less prone to arbitrariness.

Formally, there have been no changes in existing accountability mechanisms as each government officer is only accountable to his/her supervisor in the same department and there are no political and social accountability mechanisms in place at the township level. Informally however, the fact that VTAs are now elected has changed the relationship with their communities as they feel more than before a representative of their community and the link person between the township and the village tract/ward (also because they are actively involved in the consultations regarding the use of the development funds) and as a result they do feel more answerable to them.

Conclusions

Government operations, including all development-related activities implemented by the government in Kayin State as well as the township-level governance reforms, are carefully balanced against their potential impact on the **still-precarious peace and security situation** in the State. This results in the State Government at all levels being rather cautious in relaxing its control and in a relatively slow pace of introducing the reforms in Kayin if compared to other States and Regions in Myanmar.

Despite its history of conflict and a still fragile security situation, several small gains in terms of improved local governance can already be noticed in Kayin State. Basic social services like basic health care and primary education are improving at a higher pace as before 2011 according to the people interviewed. At the same time, given the limited participation of people in discussing health, education or drinking water supply related issues and the varying priorities across townships, it is an area that deserves attention of the government and administration to become more responsive and people-centered.

Village Tract Administrators (VTAs) are increasingly acting as an intermediary between the state and citizens at the level of village tracts/wards and some initial forms of citizens' representation at the township level are emerging that have an influence on how public funds are utilized. In Kayin, TDSCs and TDACs have been established in all townships but do not function optimally yet. They were selected (not elected) from the urban wards: women and village tracts are not represented so they are not being seen as fully representative. As the Township Committees do not have clear guidelines, developing clear guidelines and supporting their capacities would be important investments.

In order to make gains in terms of transparency, and as a consequence, trust, it appears necessary to significantly improve the information dissemination channels and communication platforms. Poor information flow from township management to citizens and other stakeholders has been identified as a bottleneck. It also became clear that existing grievance complaint-handling mechanisms need to be improved.

1. Introduction

The ceasefire agreements between the Government of Myanmar and most ethnic armed organisations have been operative for almost two years now in Kayin State. Administrative reforms[1] have been going on for a similar period. Is it possible to identify any initial impact of these changes on the livelihood of the people in Kayin, on their access to basic social services and on the way government and citizens interact?

This report aims to provide tentative answers to these questions and presents some of the initial changes that are taking place in Kayin State. Many of them provide hope for the future. Even though the process of change has only started recently, several small gains in terms of improved governance can already be noticed. Basic social services like basic health care and primary education are improving at a higher pace as before 2011 according to the people we interviewed. Village Tract Administrators (VTAs) are increasingly acting as an intermediary between the state and citizens at the level of village tracts/wards and some initial forms of citizens' representation at the township level are emerging that have an influence on how public funds are utilized. All of these reforms are still in their rudimentary stages and given the still precarious ceasefire situation in Kayin, the State government seems to implement these reforms at a slightly lower pace as compared to other States and Regions in Myanmar, ensuring that it stays firmly in control.

While improvements can be noticed, the mapping also revealed that other intended changes, like enhanced coordination between departments and improved responsiveness of government to the needs of the people are more difficult to realise and will in the end require more fundamental systemic changes in the way in which the Government (or the State a s institution) operates in Myanmar. Such changes will not be easy to implement as they touch upon existing power relations between ministries and between the Union level and lower levels of government and administration, which prove very difficult to change.

This report intends to present a snapshot of the present situation of local governance in Kayin State. It does not claim to present a systematic assessment of the quality of governance in the State, as most of the minimum required quantitative data for such an assessment are not yet available or consistently reliable. Also, performance standards related to either the minimum quality of service delivery or the adherence to basic governance principles (like transparency and accountability) against which the present state of affairs could be measured have not been developed in Myanmar yet. Using the **lens of "democratic governance"**, the report therefore focuses on a selected number of trends that have been chosen by the government of Myanmar as critical areas of change. They relate to the quality of interaction between state and citizens, like effectiveness and efficiency of service delivery, clean government and people centred development.

The innovative aspect of this study for Myanmar is that the mapping team has approached these governance issues as much as possible from both a government as well as a citizen perspective, including where relevant citizens' experiences and perceptions on the performance of government. While this might seem complicated in a setting in which people have limited awareness about their civic rights or the way in which a democratic government should operate, their views were found to be highly relevant and to the point. Their feedback provides important information for government at township, State and Union level as to how they could shape the next steps of the reform process.

---

[1]   See for a detailed description of these administrative reforms: Local Governance Mapping in Myanmar: Background and Methodology.

After a short description of the methodology used and an introduction to Kayin State and the three townships that participated in this mapping and recent developments in Kayin from a citizens' perspective, the report focuses on three important elements of the reform process.

First, it looks into **citizen participation in planning**, by examining the decision-making and utilisation of the development funds available at the township level to tackle bottlenecks in service delivery and stimulate local development. These funds represent the only budgets available at the township level over which the township has, to a certain extent, discretionary power as to how they are utilised. They are at the same time the only budgets in which people have some say about their allocation. The report aims at providing an overview of how these consultations are taking place and how they may help in changing the way in which government operates.

Secondly, the report looks at the process of **service delivery** in three key basic service sectors, primary **health** care, primary **education** and the provision of **drinking water**. These sectors (especially health care and education) have seen a growth in budget over the last few years. Has this increase trickled down to the grassroots levels and has it resulted in improved service delivery in the eyes of those who provide these services to the people and those who make use of these services? Has the way in which these services are provided changed over the last few years and is there more coordination between the various service providing departments at the township level?

Lastly, the report addresses some aspects of improved **information, transparency and accountability** at the township level. In the absence of any formal political and social accountability mechanisms, the report looks at some important processes that are critical for any possible accountability mechanisms that might be introduced in the future. These include emerging formal and informal accountability mechanisms at the township and village tract/ward level, information flow from (township-level) government to citizens, the functioning of existing grievance redressal mechanisms and the (potential) role of civil society in governance processes at the township level.

2. Methodology

2.1. Objectives

At this stage in the reform process, both the Government of Myanmar and UNDP are seeking to know more about how government institutions at the local level are functioning at present. Have they been able to adjust to the new requirements of people-centred service delivery and participation, and what are their challenges and potential support needs in this regard? In order to improve collective understanding and knowledge, UNDP has been working together with the Ministry of Home Affairs (MoHA) to map the quality of governance in general and specifically modes of participation in planning, governance aspects of a selected number of basic services, and transparency and accountability factors at township and lower levels.

In order to obtain a holistic perspective of governance at local level, the Local Governance Mapping adopted a three-step approach to map the quality of local governance from a ward/ village-tract, township and region/state level perspective. By incorporating these three levels and by also including the views of citizen, civil society and government stakeholders, a "360 degree" perspective on the quality of governance at the local level is obtained.[2]

The local governance mapping will aim to:

- Provide an overview of the quality of governance in general and the quality of governance in service delivery (for a selected number of key basic services) at the township and the village tract/ward level.
- Identify related capacity needs of government and non-government stakeholders to improve their performance for good governance and effective service delivery.

2.2. Research Tools

Community-level Mapping (Citizen Report Card, Frontline Service Provider interviews and Community Dialogue sessions): In Kayin State, a representative sample of 288 citizens equally divided over 6 village tracts/wards in 3 townships (Hlaingbwe, Kawkareik and Hpa-An) were interviewed using the **Citizen Report Card (CRC)** methodology. The questionnaire focused on collecting opinions and experiences of people using basic services provided by government (such as primary healthcare and primary education) and on the way they interact with government.

In addition, 41 **Frontline Service Providers (FSP)**, including school principals, teachers, healthcare facility managers, healthcare staff and Village Tract Administrators (VTA) were interviewed in the same village tracts/wards, focusing on the actual process of service delivery by describing and analysing the way in which service providers and service users interact in order to realise the actual delivery of basic services.

Similar issues were also discussed during the **Community Dialogues (CD)**, which were held in the same six village tracts/wards, in which different groups present in the community (including women, youth and elders) participated alongside frontline service providers active in the health and education sector and the VTA. The objective of this process was to collectively identify issues of governance emerging in relation to service delivery and local administration, and to agree on solutions that could be implemented at the community level.

---

2   See a more detailed description of the objectives and methodology of this governance mapping in Local Governance Mapping in Myanmar: Background and Methodology.

Township-level Mapping: Background Study on Township Governance: In order to gain insight in the functioning of township-level government (comprising the GAD, represented by the Township Administrator (TA), as well as representatives of the various sector departments) and of important governance processes within Kayin State, a background study was conducted in the same three townships.

In addition, **Focus Group Discussions** were held with both government and non-government members of the newly established Support Committees as well as with a selection of Civil Society Organisations (CSOs) present in the township. These discussions focused, first of all, on the role of these actor groups in the governance process at township level and the relationship between these groups and the various government departments at the township level. Following this general discussion, a scoring exercise was used to stimulate a discussion about important elements of governance in the township.

State level Mapping: Interviews, focus group discussions and validation of interim findings: To complete the 360-degree mapping of governance at township level, discussions were held with relevant actors at the state level using open interviews and focus group discussions. Finally, during a one day workshop held at the State level in which representatives of the various townships (both government and non-government) and State level officials participated, the initial findings were discussed and validated.

Table 1 below provides an overview of the various tools used at each level of data collection and the number of participants in Kayin State.

Mapping level	Activity	Participants	Geographical scope	Outputs
Community	Citizen Report Card (CRC)	288 citizen respondents	6 VTs/wards in 3 townships	Dataset and report on key findings
	Frontline Service Provider interviews	6 Village Tract Administrators 6 primary school principals 14 primary school teachers 8 heads of healthcare facilities 13 healthcare staff	6 VTs/wards in 3 townships	
	Community Dialogues (CD)	116 service users 89 service providers	6 VTs/wards in 3 townships	Reports for each village tract/ward
Township	Interviews and secondary data analysis	Government staff from relevant departments.	Three townships	Background report on key findings
	Focus group discussions	Government staff, committee members and civil society representatives	Three townships	Data from scoring exercise and summary report for each township
State	Focus-group discussions and interviews	Government staff from relevant departments.	Hpa-an	Qualitative data to inform integrated analysis
	Workshop to share interim findings	Government staff and committee members from township level, State level government and civil society representatives	Three townships and State	Validation of interim findings

In consultation with the Kayin State government Hlaingbwe, Kawkareik and Hpa-An townships were selected to participate in this local governance mapping.[3] It is important to note, however, that these three townships **cannot be considered to be fully representative** for the socio-economic and geographic diversity of all seven townships in Kayin State. Despite the ceasefire agreement between the Myanmar government and the Karen National Union (KNU) that has been in place since January 2012, three of the more remote townships (Myawaddy, Hpapun and Thandaung) were **not considered by the State government to be secure and safe enough to be included in this research**. Since these townships have for a long time been partially under control of the KNU, are more remote and less populated and have been more unstable than the other 4 townships in Kayin State during the 65 years of instability, both their governance and socio-economic situation is quite likely to be significantly different from the ones included in this study.[4]

Within each township, one ward and one village tract were included in the mapping. The Township Administrator (TA) made a shortlist of potential wards and village tracts using

---

3   See for selection criteria in Local Governance Mapping in Myanmar: Background and Methodology.
4   For an impression of the service delivery situation in the contested areas see: Jolliffe, K. 2014: Ethnic conflict and social services in Myanmar contested areas. The Asia Foundation, June 2014, and Thai Border Consortium 2013: Poverty, displacement and local governance in South East Burma/Myanmar, 2013.

the same criteria, after which the research team made a final selection (see Table 2 and Figure 1).

Hlaingbwe	Tharyar Kone VT
	Kha Ward
Kawkareik	Taung Kyar Inn VT
	Ward No. 7
Hpa-An	Ta-Kaung-Bo VT
	Ward No. 2

Table 2: Selected townships and village tracts and wards
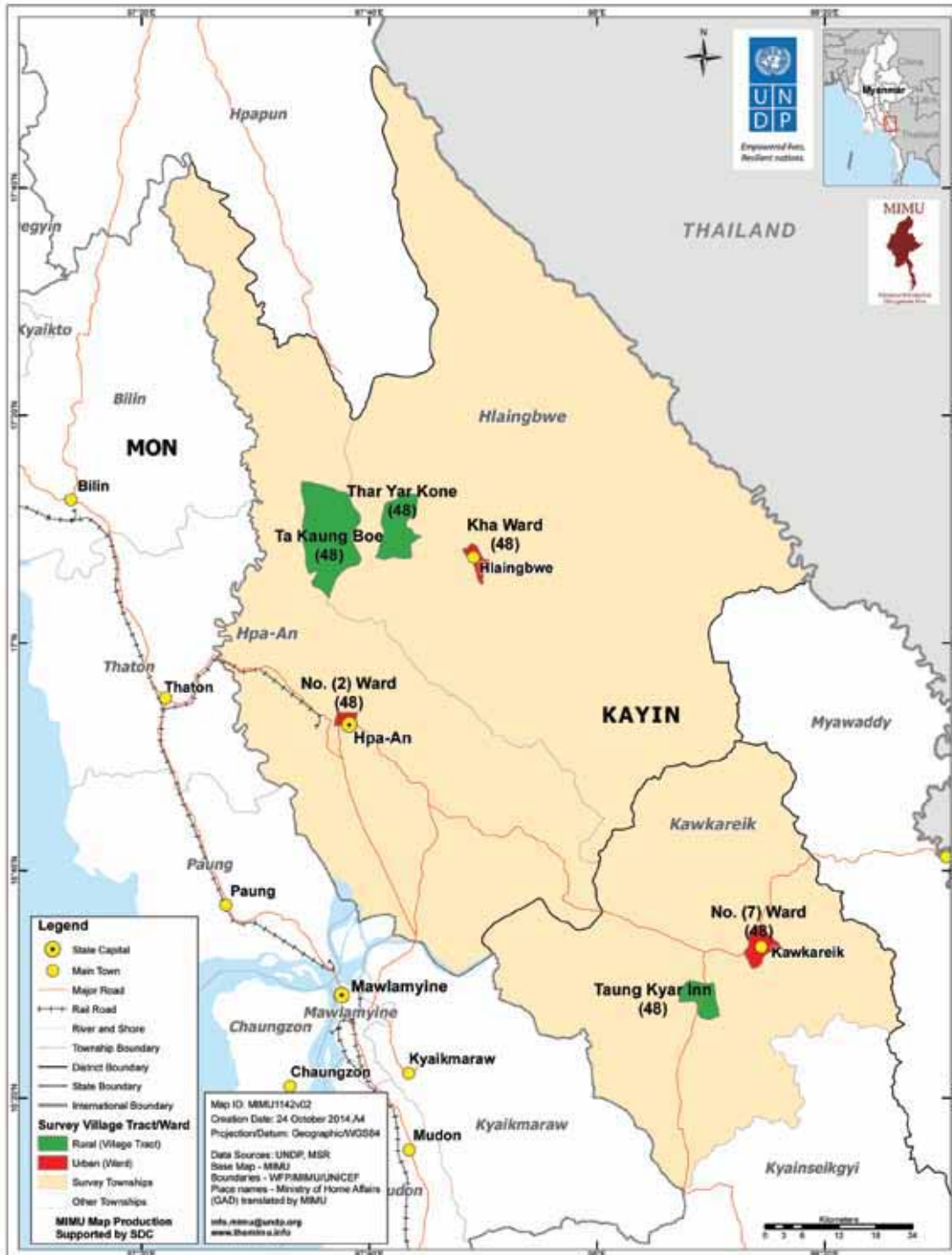
Figure 1: Kayin State: townships and wards/village tracts included in the local governance mapping field study

Source: UNDP Local Governance Mapping, Kayin State, April 2014

3. Kayin State and the participating townships

4	7	1,572,000	84 wards 374 village tract 4,092 villages	30,383/km²	52/km²
Districts	Townships	Population	Village Tracts/Wards	Land area	Population density

Figure 2: Map of Kayin State Townships

Source: UNDP Local Governance Mapping, Kayin State, April 2014
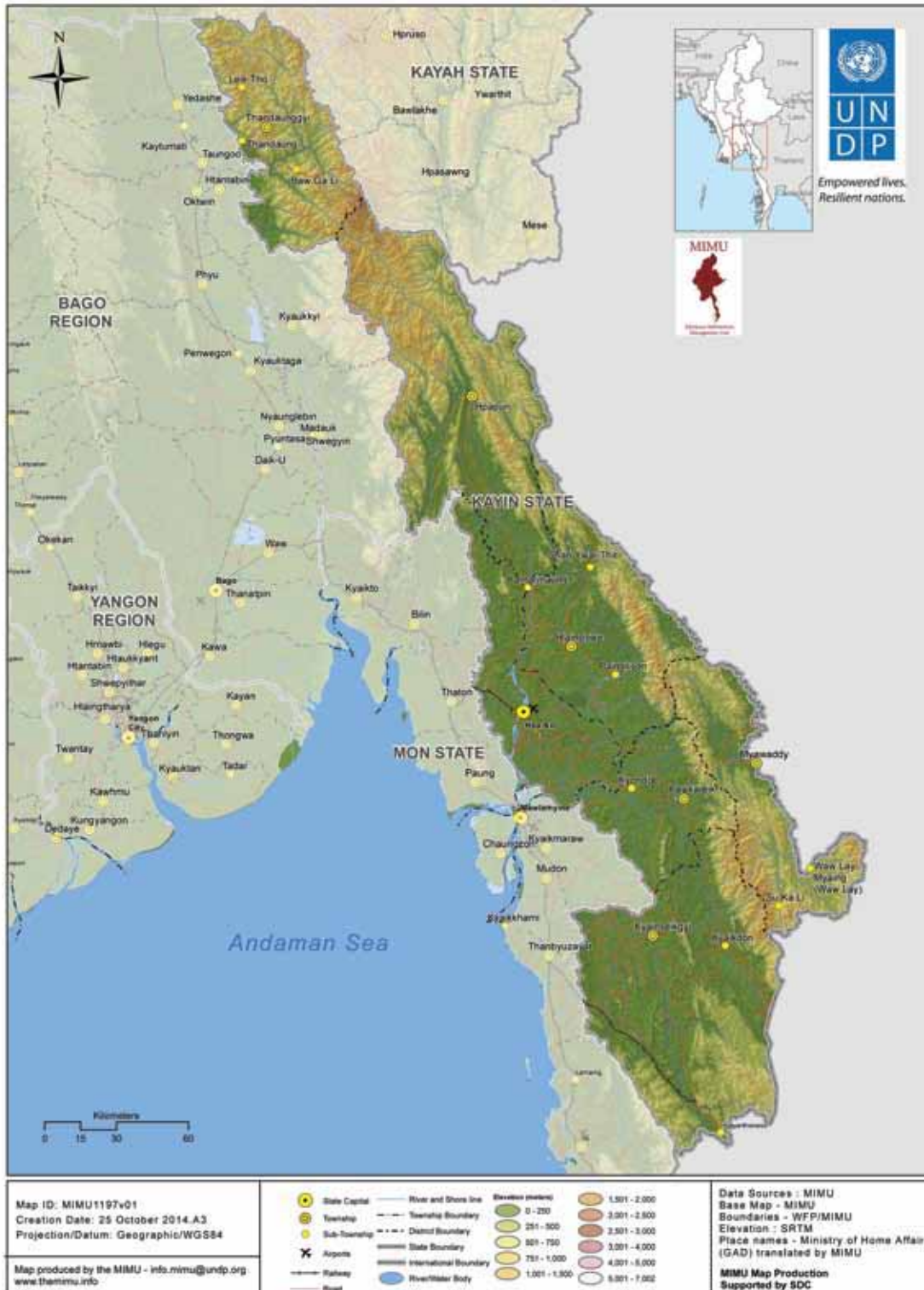
Kayin State is located in the southeast of Myanmar, bordering Mandalay Region, Shan State and Kayah State to the north, Thailand to the east, and Bago Region and Mon State to the west and south respectively (see Figure 2). Its western part consists of floodplains that, combined with an abundant rainfall, enable farmers to harvest two or three crops of paddy rice every year. The eastern part of the State, bordering Thailand is more mountainous and is covered with dense forests.

3.1 Socio-economic context

Kayin State covers an area of 30,383 km² (i.e. the 11th largest State or Region, and roughly the size of Belgium) is made up of 4 districts (Hpa-An, Myawaddy, Hpapun and Kawkareik), 7 townships, and 458 wards and village tracts (84 wards, 374 vi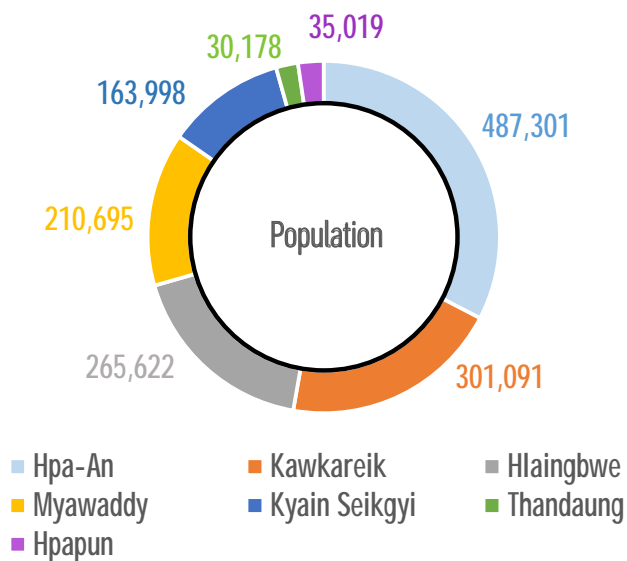llage tracts) and an estimated number of 4,092 villages (see Table 3). Its topography is characterized by fertile lowlands along the lower Thanlwin (Salween) River, and more inaccessible and forested hill areas along the Thailand-Myanmar border. The State is stretched in a North-South direction. Its northernmost areas are essentially cut off from access to the central and southern parts, requiring travel through either Bago Region or Kayah State to reach the State capital, Hpa-An.

The total population of Kayin State is 1,572,000 people[5], making Kayin the 10th most populous State/Region in Myanmar, with around 3 percent of the total population. The main ethnic groups are Sgaw Kayin, Pwo Kayin, Bwe Kayin, Paky Kayin, Shan, Pa-O, Bamar and Mon. About eighty four percent of the population are Buddhist, and 9.3 percent is Christian.[6] Kayin has a sex ratio of 97, meaning that there are 50.8 females and 49.2 males per 100 people living in Kayin State, which is slightly above the national sex ratio of 93. Figure 3 shows the population per township, with the five more populated townships in the southern part of the State and the two less populated ones in the mountainous northern part of Kayin State.

Figure 3: Overview of the population of Kayin State per township

Source: Population and Housing Census of Myanmar, 2014; provisional results. **Note that these figures only** include the enumerated population in the townships.

Population

35,019
30,178
163,998
487,301
210,695
301,091
265,622

- Hpa-An   - Kawkareik   - Hlaingbwe
- Myawaddy   - Kyain Seikgyi   - Thandaung
- Hpapun

---

5   Figures from: Department of Population, Ministry of Immigration and Population 2014; Population and Housing Census of Myanmar, 2014; provisional results. Note that the enumerated population was 1,503,000.
6   UNHCR Kayin State Profile, June 2014.

With a population density of only 52 people per square kilometre and only 22 percent of the population living in urban areas, providing everyone with good quality services is a huge challenge for the government, especially since the internal road and infrastructure network is, partly because of the long lasting conflict, still underdeveloped.

As stated by the UNHCR, "the available primary data and secondary sources suggest that Kayin State faces an extensive array of socio-economic challenges as it embarks on a new era of peacebuilding, including limited infrastructure, a fractured economy, and rudimentary and disconnected social services, owing not only to decades of conflict and displacement, but the division of territory between the government and several ethnic armed groups, primarily the Karen National Union (KNU) and Democratic Karen Benevolent Army (DKBA)".[7]

However, there is also data that indicates Kayin State to be on par with and even ahead of other parts of the country (see Figure 4). According to the 2009-2010 Integrated Household Living Conditions Assessment (IHLCA), about 17 percent of the population of Kayin lives below the poverty line. This is well below the national average poverty incidence of 25.6 percent, with Kayin being the fifth most affluent State or Region in the country after Kayah, Sagaing, Yangon and Mon. Also important to note is the percentage of female-headed households in Kayin which is about 25 percent in poorer households and in urban areas. Whether such data is in fact reflective of the socio-economic situation on the ground, or is a result of other factors, such as border trade, data collection problems or unreliable statistics, is a matter requiring further investigation.

On most publicly available social development indicators, with the exception of primary education, Kayin State appears to fare comparable to, if not better than, the national average.[8] See also Figure 4 below, presenting a few proxy indicators that give an indication of the health, education and water and sanitation situation in Kayin State.
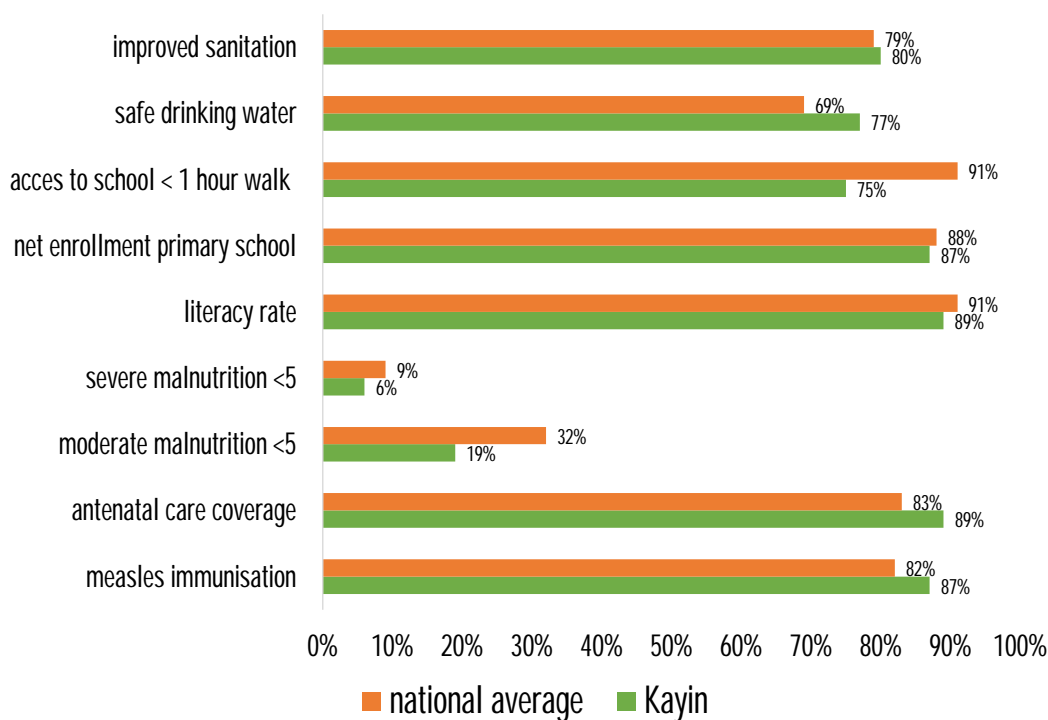

Figure 4: Selection of social development indicators for Kayin State compared to Myanmarnational average in 2010.

Source: Integrated Household Living Conditions Assessment 2010, UNDP 2011

---

7   UNHCR Kayin State Profile, June 2014, page 4.
8   Thai Border Consortium, 'Poverty, displacement and local governance in South East Burma/Myanmar', 2013.

However, the social infrastructure is underdeveloped due to the long-lasting conflict between the Government of Myanmar and the ethnic armed organisations, which affected the more remote villages most and therefore the above picture will be heavily skewed in favour of people living in or close to the major population centres in Kayin State.

The economy of Kayin State is strongly reliant on agriculture, with rice, betel nut, groundnut, sesame, peas, beans, coffee, and tea being the dominant crops. Rubber plantations are found in the southern areas of the State. In addition, teak and other hardwood timber are important products from the State as well. Industrial activities especially in the garment industry are increasing especially in Hpa-An. Cross border trade with Thailand is another important source of income. While the labour force participation rate has been going up since 2005, it has gone down for women in 2010 in Kayin. [9]

Since the start of the reforms and the increased stability in the State, changes have been notable in Kayin State. The Thai border town of Mae Sot and Myawaddy in Myanmar have been designated as part of a special economic zone, and the capital Hpa-An became an industrial zone in 2012. Several garment factories have now been established in Hpa-An carrying out the more basic tasks in the industry known as CMP (cutting, making, packing).[10] A new highway from Myawaddy to Hpa-An is currently under construction (as part of the interregional A1 Asian Highway), as is a second friendship bridge between the two countries. Travel restrictions on land crossings for foreigners were lifted at several of the border checkpoints in August 2013, which is expected to contribute to an increase of tourists visiting Kayin State.

However, economic development also brings along new challenges, notably land-grabbing, natural resource depletion and environmental degradation. Displacement of people also continues due to dam or mining projects.[11]

---

9   IHLCA Survey 2009-2010.
10   "Building new opportunities in Burma's Karen State", BBC News, 20 December.
11   See TBC, Poverty, displacement and local governance in South East Burma/Myanmar, 2013; page 24.

3.2 Brief historical background

The recent history of Kayin State is marked by the conflict between the ethnic armed organisations notably the KNU and the DKBA and government troops, which originally started in 1949. The current status of governance and state-citizen relations in Kayin State can only be understood in the broader historical context of the formation of Kayin State, the competing narratives of national identity and opposing views on political representation of Karen people, as well as the other ethnic groups residing in the State.

For centuries, the various tribes inhabiting areas now included in Kayin State have been under some form of suzerainty of Burma's kingdoms, but have, as other hill areas in the region, been largely left to govern themselves according to ancient customs. Following the first Anglo-Burmese War in 1824-26, the southern part of what is now Kayin State was incorporated into British India. The area soon became a target for Western missionaries, resulting in a sizable number of Karens adopting Christianity, while others remained with their Buddhist/Animist traditions.

The historical context of the formation of Kayin State is closely related to the question of Karen ethnic identity.[12] The Karen, as other ethnic groups in Myanmar, are a conglomerate of diverse ethnic groups speaking different Sino-Tibetan dialects (with the Pwo and Sgaw forming the largest groups) and with significant cultural differences.[13] During the British colonial period, most people identified as Karen actually resided outside what is now Kayin State, with large numbers present in what was then Irrawaddy Division (now Ayeyarwady Region) and Rangoon Division (Yangon Region).[14] The question of who does and who does not belong to an ethnic "Karen" category has caused confusion and frictions for at least a century. For instance, the Pa-O were long considered a Karen sub-group, and the Burmese referred to the Kayah tribes as Karen-ni (i.e. Red Karen)[15] in the pre-independence period.

Christian Karens were favored by the British colonial authorities and were given opportunities not available to the Burmese ethnic majority, including military recruitment and seats in the pre-independence legislature. Many received a western education. Christian Karens began forming national associations in the 1880s, followed by Buddhist Karen associations in the 1930s.

In February 1947, a Karen Congress in Rangoon, attended by delegates from the various Karen associations, formed the Karen National Union (KNU) and called for a Karen State with a seaboard, a quarter of the seats in the Constituent Assembly, a new ethnic census, and a continuance of separate Karen units in the armed forces, which had been established under British oversight during World War II. At the February 1947 Panglong Conference,

---

12   Karen also form one of Thailand's largest ethnic minorities, inhabiting the hilly forest areas along the Thailand-Myanmar border. In this report, Karen and Kayin is used interchangeably, and as per the best fit for the respective context, and without any political connotation or claim. Traditionally, members of the group themselves have been using "Karen" in the English language, whereas the government of Myanmar has been using the term "Kayin", which is a transliteration from the Burmese term.

13   For efforts to explain the complexities of the formation of Karen identity, see Mikael Gravers, 'Religion and the Formation of Karen Ethnic Identity in Burma' in Mikael Gravers (ed.), "Exploring Ethnic Diversity in Burma, or Nick Cheesman, Seeing 'Karen' in the Union of Myanmar".

14   J.S. Furnivall, in "The Governance of Modern Burma" (1960) estimated that "although the Karens are the most numerous of the minority peoples, only about one-third of them live within the area forming the Karen State".

15   More details on the identity discussions of Kayah State are included in the Mapping Local Governance Report on that State.

when an agreement was signed between Aung San as head of the interim Burmese government and the Shan, Kachin and Chin leaders, the Karen were present only as observers.

In the early negotiations on forming a federal system for newly-independent Burma, the Karen leadership accordingly insisted on a separate state that covered today's Kayin State as well as much of Mon State and Tanintharyi Region. When the 1947 Constitution granted the Karen people a separate State within the Union of Myanmar - much smaller than the area requested from the British - the KNU insisted on independence, starting an armed conflict in 1949 that has yet to be brought to a lasting settlement.

The 1947 Constitution entered into force without the existence of a Karen State. However, it had provided for a "Special Region to be known as 'Kaw-thu-lay' consisting of the Salween District and such other adjacent areas occupied by the Karens to be determined by a Special Commission"[16] and a mechanism by which such a State should be erected. Karens were also given minority rights for a reserved number of seats in parliament. The general administration of the Kaw-thu-lay region, all matters relating to schools and cultural institutions for Karens, and all matters affecting the special rights of the Karens were entrusted to a Karen Affairs Council (formed by all members of parliament representing Karens) and a Minister for Karen Affairs.[17] Under the assumption that its inhabitants were also "Karens", the Karenni State was given the option of being united with such a Karen State.

Following the report of the Special Commission, the 1947 Constitution was amended in 1951 to provide for a new Karen State. It abolished the reserved seats for Karens in the Union parliament. The territorial extent of the new State, with the Salween District (Hpapun) at its core, was decided by an Act of Parliament in 1952, adding Kyar-in Township, Kawkareik Township, Hlaingbwe Township, Hpa-An township and Thandaung Township to the new State.[18] The Karenni State, whose leaders opted not to become part of this new State, was renamed into Kayah. In June 1954, administrative powers were officially handed over to the Minister for the Karen State and the Karen State Government.

While Karen State has thus been in existence since 60 years, the government has never been able to fully extend its authority throughout the territory of the State. The insurgent groups succeeded in setting up basic services in areas controlled by them which amounted to parallel structures, but never reached the attributes of statehood, also due to significant internal rivalries among different Karen groups. At the same time, for decades central government authority has been heavily militarized and prioritized the submission of the local population under its control, rather than building up structures and mechanisms for representative and inclusive democratic governance.

As a result of the conflict, thousands of refugees have fled into Thailand in successive waves since the 1980s. The majority of the Myanmar refugee population in Thailand is in fact from Kayin, with currently about 119,000 displaced mostly ethnic Karen, living in refugee camps in Thailand.[19] According to the Thai Border Consortium there were in addition a total

---

16   The former Salween District is nowadays known as Hpapun.
17   See, Maung Maung, Burma's Constitution (1961).
18   Ibid.
19   Figures for January 2014, according to the Thai Border Consortium (an NGO-platform) website, based on food rations distributed.

number of 105,000 internally displaced persons (IDPs) in Kayin in 2012.[20] This number has however gone down since the ceasefire agreement between the Government of Myanmar and the KNU became effective in January 2012.[21]

As part of the current political changes, serious negotiations have led to a ceasefire agreement with the KNU, and an end to this long-lasting civil war seems to be in sight. The KNU has modified its stance from demanding outright independence to autonomy within "federalism". A KNU liaison office was opened in Hpa-An in 2012, where representatives from the ethnic armed organisations group interact with those of the Myanmar government. Yet, physical safety remains a key concern and the possible return of up to 100,000 refgees from Thailand presents an imminent challenge to the socio-economic infrastructure of Kayin, which may not be capable to accommodate a large increase in numbers of landless jobseekers, patients, students, and alike.

3.3 Governance institutions in Kayin State

Since its emergence as a distinct territorial sub-unit of Myanmar (Burma), Kayin State has not yet enjoyed a period of stability and peace under a unified State government that is based on the population's full consent and is able to provide for security and development throughout its territory. As has been described in the brief historical context on the emergence of Kayin State, a number of remote areas remain under the control of Karen armed insurgent groups, or at least the authority of the Myanmar state authorities is contested, pending a lasting solution to emerge from the ongoing peace process.

The territory of what is now Kayin State was not a single administrative entity during the British colonial period, when it formed part of what was then Tenasserim Division. The areas south of the Salween River were annexed to British India following the first Anglo-Burmese War in 1826, the rest subsequently until 1885.[22] This also means that many areas

---

20   Thai Border Consortium, Poverty, displacement and local governance in South East Burma/Myanmar, 2013; page 1.
21   UNHCR Kayin State Profile, June 2014; page 3.
22   Following the First Anglo-Burmese War (1824-1826) the British annexed the areas South of the Salween River (Thanlwin), and the rest after the Second Anglo-Burmese War of 1852. Tenasserim Division comprised what is now Tanintharyi Division, Mon State and Kayin State, as well as Taungoo in what is now Bago division. Its main town was Mawlamyaing (Moulmein), at the same time the capital of British Burma until it was moved to Rangoon in 1852.

now in Kayin State came into early contact with the British Empire, and were directly administered by the British as a part of Ministerial Burma ("Burma proper") unlike most areas included in the Frontier States, that later became the Shan, Kachin, Kayah and Chin States of Burma/Myanmar. The various post-independence efforts of creating a Karen State have already been described above. A special commission was designated to lay down the boundaries of Kayin State in 1952, on the basis of which the Karen State was formed two years later. It was however rejected for a number of reasons by groups like the Karen National Union, which has been in armed resistance against the state since 1949. The priority for the Government of Myanmar, both civilian in the 1950s and military dominated ever since, has been an effort to establish its authority throughout the territory and control its predominantly non-Burman population.

Already during pre-independence period, the central government set up basic territorial subdivisions and administrative units in the form of village tracts/wards, townships, and districts, as in the rest of the centrally administered areas of British Burma. These structures were essentially retained after World War II and after independence. Due to the ongoing conflicts and the distrust between the Burman-dominated central government and the ethnic Karen[23] population, the Democratization of Local Administration Act of 1953 was not fully implemented in Karen State and did not alter the fundamental set-up of local government during the 1950s.[24] The 1950s and 1960s were dominated by the fight between government forces and the insurgency, although elections were also held for the Union parliament wherever circumstances allowed. Following the 1962 military coup, Security and Administration Committees (SACs) were set up at the local level, which were chaired by the regional military commander, and by the (military) Minister of Home Affairs at the centre.

The 1974 Constitution introduced the concept that States and Divisions had the same and equal status. Karen State thus became one of 'constituent units' of the 'Socialist Republic of the Union of Burma', made up by the 14 States and Divisions. People's Councils were introduced at all levels of government administration. The basic units of villages/village tracts and wards, towns and townships were essentially retained as they had been set up in the 1920s, only leaving aside districts which had earlier played a more central role but were abolished as a level of administration in 1972. In the 1960s and 1970s, the Burma Socialist Programme Party (BSPP) was built up as a mass organisation following the same territorial structure as the state itself, while all other parties were banned. The party nominally sought to embrace the country's ethnic diversity, but subordinated any desire for self-governance or even cultural autonomy under a folkloristic and paternalistic central domination and the suppression of dissenting views and demands for autonomy. From 1974 onwards, the BSPP's role in state administration was firmly entrenched in the Constitution itself. In the mid-1980s, the party claimed that over 2.3 million people were involved in fortnightly party cell meetings and other Party activities.[25] In Karen State, these structures were established in the more densely-populated areas under central government control.

The new governance system also foresaw the holding of elections to the various administrative bodies at different levels. For these elections, however, only candidates pre-screened and approved by the BSPP were allowed. While it was not mandatory that a candidate must

---

23   The Government of Myanmar prefers to use the term Kayin, which more closely reflects the Burmese denomination of this ethnic group. Members of the group themselves, and their organizations, tend to use the traditional English term 'Karen'. In this report, both are used interchangeably without any political connotation.
24   For more detail on these attempts, see Furnivall, Governance of Modern Burma.
25   Taylor, The State in Myanmar.

be a member of the BSPP, in practice most of them were. In many areas of Karen State, People's Councils were thus set up at the level of village tract/ward, township, and State level. Although no detailed information is available, it appears that these Councils included significant numbers from among the local ethnic population in places such as Karen State. At the central level of government, the Pyithu Hluttaw served as the country's legislature, with each of Karen State's townships represented by at least one elected member.

Even these tentatively participatory elements of the state structure, i.e. elections and the People's Councils, were essentially abolished with the suspension of the 1974 Constitution in 1988, when Karen State, as all other parts of the country, was again placed under direct military control and administration. In 1989, its English name was officially changed to Kayin State (while most Karen organizations continued to use the term 'Karen' for themselves). The territorial organisation remained the same, the dominant role played earlier by the BSPP was essentially substituted by the military in the form of the State Law and Order Restoration Council (SLORC).

The 27 May 1990 elections for 485 seats in a new national parliament resulted in the NLD winning 10 of available 14 seats in Kayin. In the 1990 elections, country-wide, a number of parties specifically designated as Karen/Kayin fielded candidates.[26] In the 14 constituencies of Kayin State the National League for Democracy (NLD) won 10 seats, with the Democratic Organization for Kayin National Unity (DOKNU) (Thandaung-1), the Karen State National Organization (KSNO) (Hlaingbwe-1), the Mon National Democratic Front (MNDF) (Kawkareik-2) and the Patriotic Old Comrades League (POCL) (Kya-in-Seikkyi-1) also winning one seat each.[27] The NLD candidate Nan Khin Htwe Myint (Hpa-an-3) was the only woman member elected from Kayin State. However, the 1990 elections were not implemented and did not lead to the formation of a national legislature, nor did they have any effect on governance arrangements in Kayin State.

In 1993, the military regime established the Union Solidarity and Development Association (USDA) as a mass mobilization organisation in order to rebuild systematic and direct links between the government and the population. It gradually became the largest state-sponsored mass organisation (claiming in 2005 that it had grown to 23 million members). USDA branches were set up in every township across Kayin State, as in village tracts and wards. Membership was "essentially compulsory for civil servants and those who sought to do business with or receive services from the state."[28] Division officers of the USDA were often prominent regional businessmen as well as military personnel and civil servants. In 1997, the SLORC was reorganized into the State Peace and Development Council (SPDC), which set up a pyramidal structure of similar committees down to the village tract/ward level.

In May 2008, a national referendum on the new Constitution was held, although participation and support in areas such as Kayin State were low. The new Constitution made Kayin State a constituent unit of the new Union of the Republic of Myanmar, enjoying equal status with the other States and Regions. Accordingly, its institutions were set up following the November 2010 elections.

---

26   Of these the Democratic Organization for Kayan National Unity won two seats (16,553 votes), the Karen State National Organization won one seat (6,401 votes), whereas the Union Karen League (16,518 votes) and the Karen National Congress for Democracy (6,776 votes) did not win any seats for the Union parliament.

27   A report about the 1990 elections contains biographical information of all those who won in the respective constituencies: http://www.ibiblio.org/obl/docs4/1990_multi-party_elections.pdf.

28   Taylor, The State in Myanmar.

The 2010 elections simultaneously elected representatives to the two Houses of the Union legislature and to the State legislature (Hluttaw). Among all States and Regions, Kayin State had the highest number of villages in which elections were cancelled for a number of reasons, in particular security. Thus elections to the various Hluttaws were not held in 974 (47.25%) of the 2,061 villages, affecting 155 of its 410 village tracts/wards.

Across the country, these elections resulted in a victory of the USDP, which had emerged from the USDA a few months before the elections and had inherited its leadership, networks and assets, and gained a majority of the seats in all elected bodies including in Kayin State. However, in Kayin State the USDP received only 39 percent of the votes (still coming out as the largest of all parties) (see Figure 5), which was among the lowest results received anywhere in Myanmar at the time. As there were no vacant seats in Kayin State, no by-elections were held on 1 April 2012.

The **State Hluttaw** is formed by (1) two representatives elected from each township in the State; (2) representatives elected from each national race determined by the authorities concerned as having a population which constitutes 0.1 percent and above of the population of the Union; and (3) representatives who are the Defence Services personnel nominated by the Commander-in-Chief for an equal number of one-third of the total number of Hluttaw representatives elected under (1) and (2), i.e. one quarter of the total number of members.

The elections for the members of the Kayin State Hluttaw were contested on the basis of townships, which were each divided in two separate single-member constituencies. As the State has 7 townships, 14 territorial constituencies were formed. In addition, three non-territorial constituencies were set up for the Burman, Mon, and PaO ethnic communities of the State. Altogether, therefore, 17 members were elected for the State Hluttaw. Of the three ethnic seats, one was won by the USDP (for the Burman community), one by the All Mon Region Democracy Party (for the Mon community) and the PaO seat went to an independent candidate. The seats in Hpapun 1 and Kyainnseikyi 2 were won by the USDP unopposed. The USDP did not field any candidates for Hlaingbwe 1 constituency (see Table 4).

Figure 5: Votes received (number and percentage) by various parties in the Kayin State Hluttaw elections in 2010
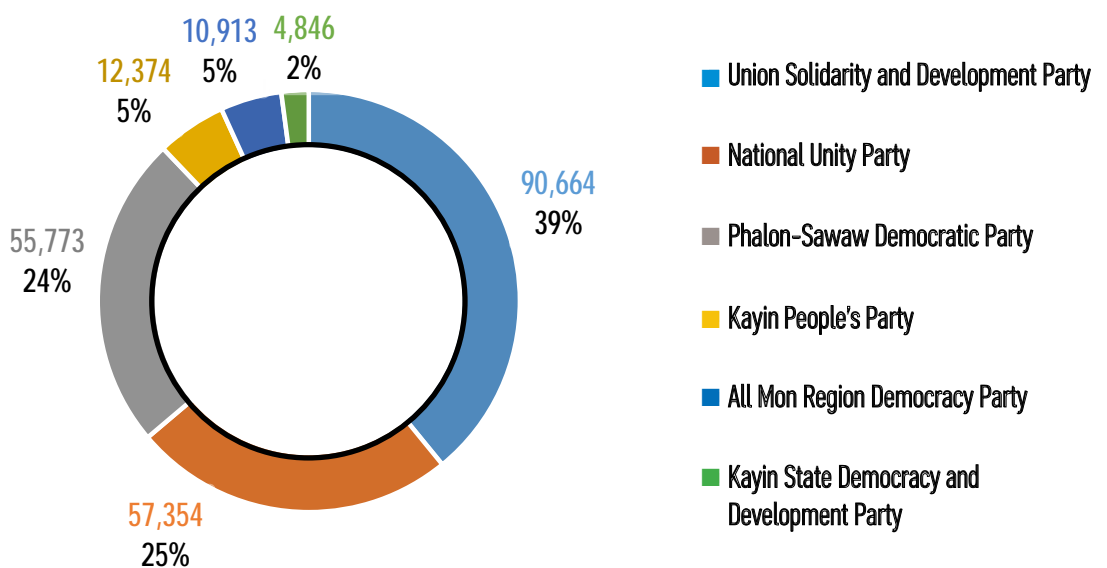

- Union Solidarity and Development Party
- National Unity Party
- Phalon–Sawaw Democratic Party
- Kayin People's Party
- All Mon Region Democracy Party
- Kayin State Democracy and Development Party

Constituency	Party	Candidate	Votes
Hlaingbwe 1	Phalon-Sawaw Democratic Party	Min Aung Lin (elected)	14,669
	Kayin State Democracy and Develop't P'ty	Thar Htoo Kyaw	11,943
	National Unity Party	Tin Aung Win	8,766

Constituency	Party	Candidate	Votes
Hlaingbwe 2	Phalon-Sawaw Democratic Party	Shar Tunt Phaung (elected)	13,529
	Union Solidarity and Development Party	Khin Soe	5,168
	National Unity Party	Khun Mahn Tin	2,905

| Constituency	Party	Candidate	Votes
Hpa-an 1	Phalon-Sawaw Democratic Party	Kyi Lin (elected)	26,602
	Union Solidarity and Development Party	Maung Shaine	19,386
	National Unity Party	Tin Maung Myint	14,318

Constituency	Party	Candidate	Votes
Hpa-an 2	Union Solidarity and Development Party	Khin Maung Myint (elected)	22,628
	Union Solidarity and Development Party	Kun Win Naung	22,197
	National Unity Party	San Win	12,437

Constituency	Party	Candidate	Votes
Kawkareik 1	Union Solidarity and Development Party	Hla Myaing (elected)	11,765
	Phalon-Sawaw Democratic Party	Sabi Kyin Oo	8,261
	National Unity Party	Aye Soe	8,207

Constituency	Party	Candidate	Votes
Kawkareik 2	All Mon Region Democracy Party	Min Soe Thein (elected)	10,368
	Phalon-Sawaw Democratic Party	Yuzana Wah	5,906
	Union Solidarity and Development Party	Min Chit Thaing	7,907

Table 4: 2010 Kayin State Hluttaw election results (selected townships)

In the State Hluttaw, the USDP holds 7 seats, the Phalon-Sawaw Democratic Party, the Kayin People's Party, the All Mon Region Democracy Party two seats each and the Kayin State Democracy and Development Party, as well as an independent PaO candidate one seat. The military occupies 5 seats. The National Unity Party, despite garnering a quarter of the votes cast, did not get a seat (see Figure 6). The term of the Region or State Hluttaw is the same as the term of the Pyithu Hluttaw, i.e. five years. All Hluttaw members are men.

Kayin State Hluttaw
22 seats
(17 elected, 5 military appointed)

Military 5 Seats

USDP 7 Seats

Phalon-sawaw Democratic
4 Seats

Kayin People's Party
2 Seats

All Mon Region
Democracy Party
4 Seats

Independent
(PaO) Party
2 Seats

Kayin State Democracy and
Development Party
1 Seat
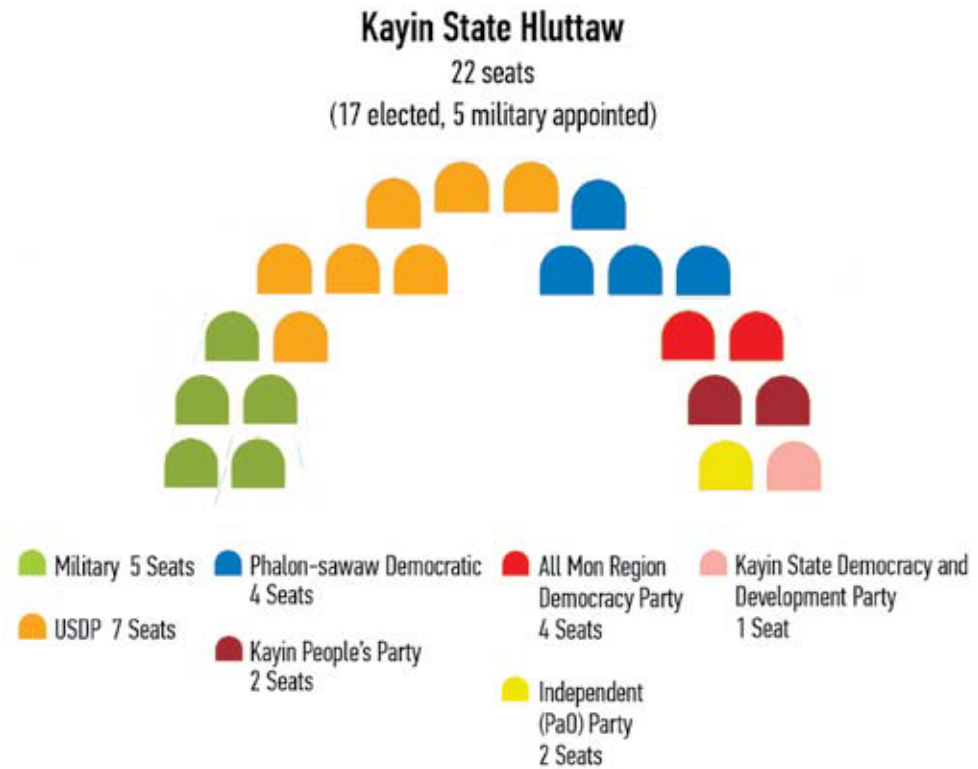
The legislative activity of the Kayin State Hluttaw has been so far rather minimal. In 2012 and the first half of 2013, only the minimum required State laws essential for budgetary and planning purposes were adopted. As instructed by the central government, in 2013 a Municipal Law was also passed.[29]

The institutional framework for Kayin State follows that of other States and Regions and is prescribed in detail in the 2008 Constitution. The head of executive branch of the State is the Chief Minister. Members of the State Government are Ministers of the State. The State Government was established on 31 January 2011. U Zaw Min, Brigadier General of the Myanmar army, and former Chairman of the Kayin State SPDC, was appointed as Chief Minister, Saw Aung Kyaw Min, USDP, as Speaker and Mahn Hla Myaing, USDP, as Deputy Speaker of the State Hluttaw. Chief Minister Zaw Min has been actively involved in peace talks with ethnic armed groups and has served as a government representative on peace process-related committees.

In addition to the Chief Minister, the State Government also comprises of 12 Ministers and the Advocate General of Kayin State.[30] In addition to representatives of the USDP (finance, forestry and mines, development affairs), all other parties represented in the State Hluttaw were also given a ministerial portfolio. The Minister of Security and Border Affairs is by constitution held by a representative of the military. The representatives elected for the ethnic minorities constituencies in the State, i.e. the Bamar, Mon and PaO community are automatically members of the State Government (see Table 5). All members of the Kayin State Government are men.

---

29   These laws essentially comprised of the State Development Plans and the Budget Allocation Law. The Municipal Act was passed in February 2013. Source: Myanmar's State and Region Governments, Hamish Nixon, et al., September 2013; Myanmar Development Resource Institute - Centre for Economic and Social Development (MDRI-CESD) and The Asia Foundation.

30   August 2014.

Name	Function	Party
Brig Gen Zaw Min	Chief Minister	USDP
Col Aung Lwin	Ministry of Security and Border Affairs	Military-appointed
Win Htein	Ministry of Finance	USDP
Christopher	Ministry of Agriculture and Livestock Breeding	KPP
Hsa Law La	Ministry of Forestry and Mines	USDP
Naing Min Soe Thein	Ministry of Planning and Economics	AMRDP
Khin Maung Myint	Ministry of Transport	PSDP
Kyi Lin	Ministry of Electric Power and Industry	PSDP
Than Daing	Ministry of Development Affairs	USDP
Chit Hlaing	Ministry of Social Affairs	KSDDP
Khun Than Myint	Ministry of National Races Affairs (PaO)	Independent
Khin Kyuu	Ministry of National Races Affairs (Burman)	USDP
Naing Chit Oo	Ministry of National Races Affairs (Mon)	AMRDP

The relatively large size of the State government[31] and the fact that all Hluttaw parties are represented in the Government means that there is not a significant difference between the Hluttaw (as the legislative and oversight body) and the State Government as the executive branch. Given that there is no 'opposition' party, the political dynamics in Kayin State institutions are rather characterized by collective action and consensus, with the main 'opposition' to the State government coming from those groups and parties which have so far remained outside the formal state structures and are part of the peace negotiations.

For the Union legislature, the Pyithu Hluttaw and the Amyotha Hluttaw, 7 and 12 representatives were elected for Kayin State respectively. As one of the smaller States, Kayin is one of the few States/Regions that have a higher number of representatives in the Amyotha Hluttaw than in the Pyithu Hluttaw, where it is relatively underrepresented, simply due to its relatively smaller number of townships. Of all States and Regions, Kayin has the smallest number of townships (7), the same number as Kayah, which has a much smaller territory and population.[32]

For the seats in the Union Pyithu Hluttaw, the larger of the two houses of the central government legislature, each township served as a single constituency. Hence, altogether 7 members were elected from Kayin State to the larger one of the two Houses of the Union legislature. Of these, 4 were won by the USDP, two by the Phalon-Sawaw Democratic Party and one by the Kayin People's Party (see Table 6).

Party	Constituencies contested	Votes	Percent	Seats
Union Solidarity and Development Party	7 [a]	108,157	40%	4
Phalon-Sawaw Democratic Party	5	77,494	29%	2
National Unity Party	3	57,785	22%	-
All Mon Region Democracy Party	1	13,357	5%	-
Kayin People's Party	1	10,033	4%	1

31   Only Shan and Kachin State Governments have a higher number of members than Kayin. Mon State also has 13 members.
32   Chin has 9 townships, Tanintharyi and Mon have 10 each.

For the Amyotha Hluttaw, each Region and State is assigned 12 seats. These are elected on the basis of groups of townships. As there are only 7 townships in Kayin State, Hpa-an, Hlaingbwe, Kawkareik, Papun and Kyainnseikyi were divided in two constituencies each, whereas Thandaung and Myawaddy counted as a single constituency each. The USDP won 6 out of the 12 available seats in Kayin State. Although the NUP received about a quarter of the votes, it did not secure a seat. The Phalon-Sawaw Democratic Party received 3 seats, and the Kayin People's Party, All Mon Region Democracy Party and Kayin State Democracy and Development Party one seat each (see Table 7). In Myawaddy and the two Kyainnseikyi constituencies, members were elected unopposed as there was only one candidate each.

Table 7: 2010 Amyotha Hluttaw election results for Kayin State

Party	Constituencies contested	Votes	Percent	Seats
Union Solidarity and Development Party	10	90,664	39%	6
National Unity Party	8	57,354	25%	-
Phalon-Sawaw Democratic Party	4	55,773	24%	3
Kayin People's Party	1	12,374	5%	1
All Mon Region Democracy Party	1	10,913	5%	1
Kayin State Democracy and Development Party	2	4,846	2%	1

This brief summary of the political and administrative institutions of Kayin State shows that the State has followed a slightly different path of developments compared with the Regions of central Myanmar. The military, which is still actively involved in an armed conflict with an ethnic insurgency in the State, plays a dominant role not only on the ground in contested areas, but has also had a significant influence on government institutions in the State, in particular through its Chief Minister.

The situation within the State institutions also informs and shapes the efforts, undertaken since 2012, of reintroducing some forms of popular participation at the local level, in particular the townships and the village tracts and wards. Understandably, voices critical of the prevailing power structures have not yet fully come to the forefront in the State in the past three years, at least not within the institutional framework set up by the Constitution and subsidiary legislation. The elections to the Village Tract and Ward Administrators took place outside the scope of the wider political party spectrum, and returned many individuals who had already served in the system earlier. The process was tightly controlled by the General Administration Department, and by law excluded individuals considered having affinities with the ethnic armed insurgency.

It should also be noted that alongside the Kayin State Government and the institutions of the state, a number of parallel structures have been established by the various Karen National Entities like the Karen Education and Cultural Department (KED) and the Karen Department of Health and Welfare (KDHW). They continue to play a significant role in public affairs, most importantly through the establishment and administration of alternative health and education services for Karen people in parallel to government-provided services.[33] The Karen State Education Assistance Group (KSEAG) falling under the KED, for instance, supports primary education for Karen people, reaching almost 1,300

---

33   Joliffe, Kim: Ethnic conflict and social services in Myanmar contested areas. The Asia Foundation, June 2014, page 17.

schools with 140,000 students in the South-East of Myanmar, while the KDHW supports 48 mobile clinics in the areas under control of the ethnic armed organisations.[34] One of the most significant and encouraging developments in recent years has been the fact that on the ground, government institutions and Karen National Entities, both related and non-related to any of the ethnic armed organisations, increasingly work together in providing basic services in the contested areas, even though the Karen national entities have expressed a fear that this will contribute to a loss of the Karen ethnic identity.[35]

Questions such as accountability and public participation in local decision-making processes cannot be considered entirely disconnected from the political dynamics in any given locality. This is particularly the case in a conflict-affected multi-ethnic environment like Kayin State. While neither this summary nor the research undertaken by UNDP as a whole focuses on the political dimension of transition in Myanmar, or in any given State or Region, not taking into account the overall context of political reform would not do justice to a comprehensive mapping of the local governance situation on the ground. Increasingly, questions such as the spending of public funds for development projects, the representativeness and inclusive character of local institutions and the accountability of office holders for their administrative actions will gain a political dimension, as Myanmar gradually moves closer to a genuine multi-party environment.

In the ethnic States like Kayin, such questions will also play a key role in the further development of Myanmar's quasi-federal system overall, and the terms of settlement in the peace process specifically. A clear delimitation of roles and a definition of responsibilities between local administrators and civil servants on one side, and political or interest groups representatives on the other side, will be required. In particular, services should be provided on the basis of equal rights and equity, rather than on the basis of political favours and personal loyalties, or identity aspects. The degree to which Kayin State will be successful in both reflecting its own ethnic diversity while at the same time delivering basic services in an equitable and effective manner will depend largely on the progress made in building local governance institutions and processes that are inclusive and responsive to the needs of the local population.

---

34   Ibid, page 17
35   Ibid.

3.4 Introduction to the three townships participating in the survey in Kayin State

The three townships included in this research, **Hlaingbwe, Kawkareik and Hpa-An are all located in the central part of Kayin State and are the most populated and economically prosperous townships of the State**. This is mainly due to the fact that they cover the floodplains next to the major rivers that are crossing Kayin State. More than 1 million people, or 67 percent of the total population of Kayin State live in these three townships combined (see Table 8).

Table 8: Characteristics of Hlaingbwe, Kawkareik and Hpa-An Townships

Source: Department of Population, Ministry of Immigration and Population 2014; Population and Housing Census of Myanmar, 2014; provisional results (The Township GAD Socio-economic profiles and MOH township health profiles of 2014 were used to calculate the urban and rural populations, using the urban/rural ratios used in these documents and applied to the new census figures.)

Township	Access	District	Population size	Urban	Rural	Municipal wards	Village tracts	Villages
Hlaingbwe	45 km by tar road N-E from Hpa-An	Hpa-An	266,000	22,000	262,000	13	72	336
Kawkareik	60 km by tar road S-E from Hpa-An	Kawkareik	301,000	42,000	259,000	11	53	259
Hpa-An	260 km by tar road to Yangon	Hpa-An	487,000	61,000	426,000	9	85	474

Hpa-An

The city of Hpa-An is the capital of Kayin State and is located on the east bank of the Thanlwin (Salween) River, one of the longest rivers of Myanmar. Hpa-An Township borders Thaton to the north-west, a District town now in Mon State, from which it was administratively separated in 1954 when the Karen State was formed (see Figure 7). The first bridge across the Thanlwin River was built near Hpa-An town, linking the motor road with Thaton and further to the highway to Yangon. With its size of 2,900 km² it is one of the smaller townships in Kayin State. Hpa-An Township consists mainly of floodplains and a few mountains including Zwegabin hill, which is the symbol of Kayin State. Within its boundaries, a mixed ethnic population of Kayin (54%), Mon (15%), Shan (12%), Pa-O (10%) and Bamar (9%) lives together. All speak their own languages with Myanmar serving as the common language.

The main economic activity is agriculture, the main crop being paddy rice, followed by groundnut and sesame. Plantation crops include rubber and fruit orchards (durian, betel nuts, coconuts, etc.) on the higher grounds. All cultivation is rain fed. As the capital and major town in the State, it is also the economic and service centre of Kayin and hosts some light industries like food processing and garment industry, trade activities and higher level health and education facilities.
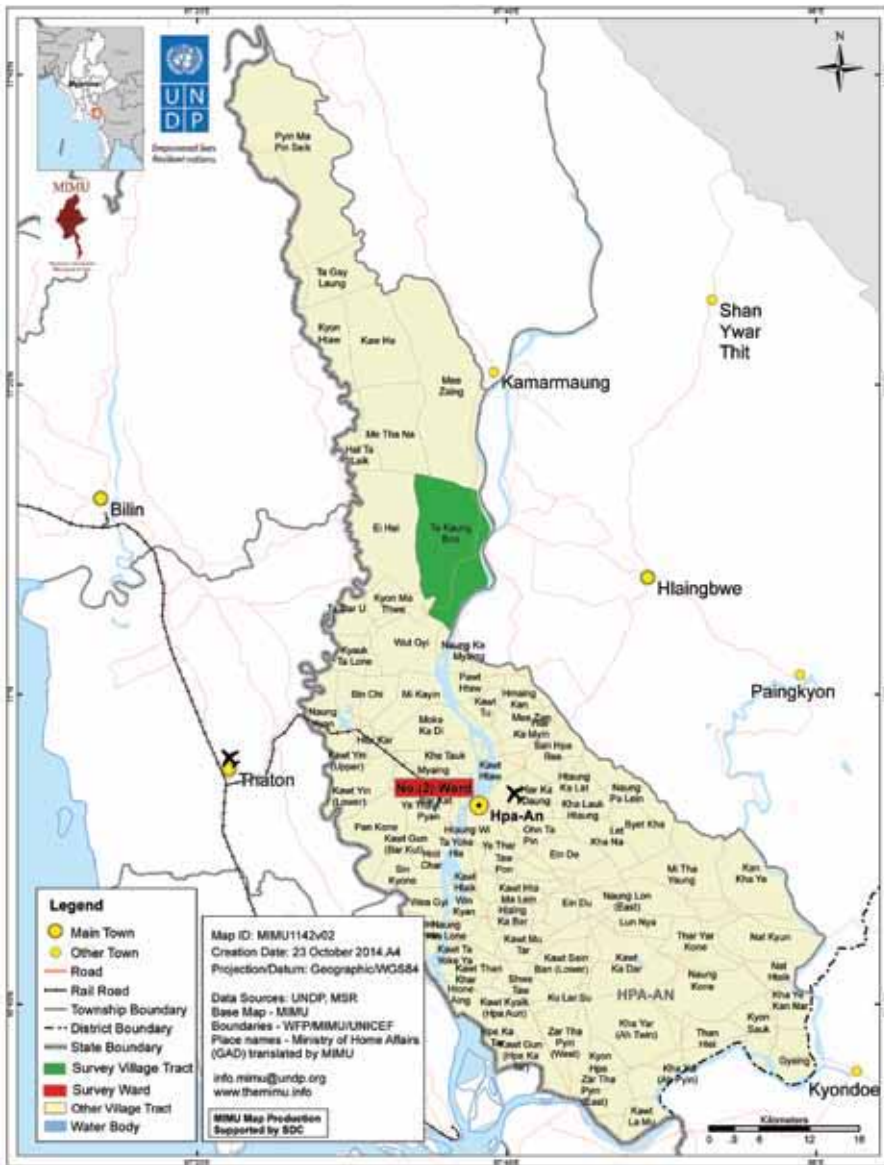
Hlaingbwe

Hlaingbwe is part of Hpa-An District and is located to the north-east of the Kayin capital, bordering Thailand in the East. With its size of 4,144 km² it is one of the medium-sized townships in Kayin State. The western part of the township consists of lowlands, while the part bordering Thailand is mountainous. The township has a rural character with only one small town and many small settlements spread out over the floodplains (see Figure 8). Over the last 10 years the security situation has improved tremendously, resulting in increased investments and economic activities like trade and construction. At the moment there are only two small pockets in the mountains left that are under KNU military command.

The Township Administration Office was established in 1937 and two sub-township offices were established recently. Hlaingbwe town is well connected by tar road to Hpa-an, which lies 40 km to the south-west. However, the internal road network is poorly developed and many villages in the east are not reachable by car during the rainy season.

The main economic activity is agriculture, most of which is taking place on small farm holdings. Major crops are monsoon paddy rice, groundnut, sesame, sugar cane and rubber. Only 5,000 acres are under irrigation.

Kawkareik

Kawkareik is a district town in Kayin State and is located to the south-east of Hpa-An. It lies
on the important trade route to Thailand. It borders Mon State to the south. With its size
of 1,784 km² it is one of the smaller townships in Kayin State (see Figure 9). The township
consists of high mountain ranges in the east, which are under hardwood forest cover. Several
rivers flow from north to south. It has a mixed ethnic population of Kayin, Mon and Pa-O.
Due to the ceasefire with the main KNU, the security situation has improved significantly,
resulting in increased accessibility to the rural areas and increased economic activity near
the border with Thailand.

The Township Administration Office was established during colonial times. Kyone Do sub-
township office was established in June 2000. Kawkareik is well connected by tarred road to
Hpa-An. The internal road network within the township is, however, poorly developed and
many villages in the east and south are reachable only by waterways.

Figure 9: Map of Kawkareik Township
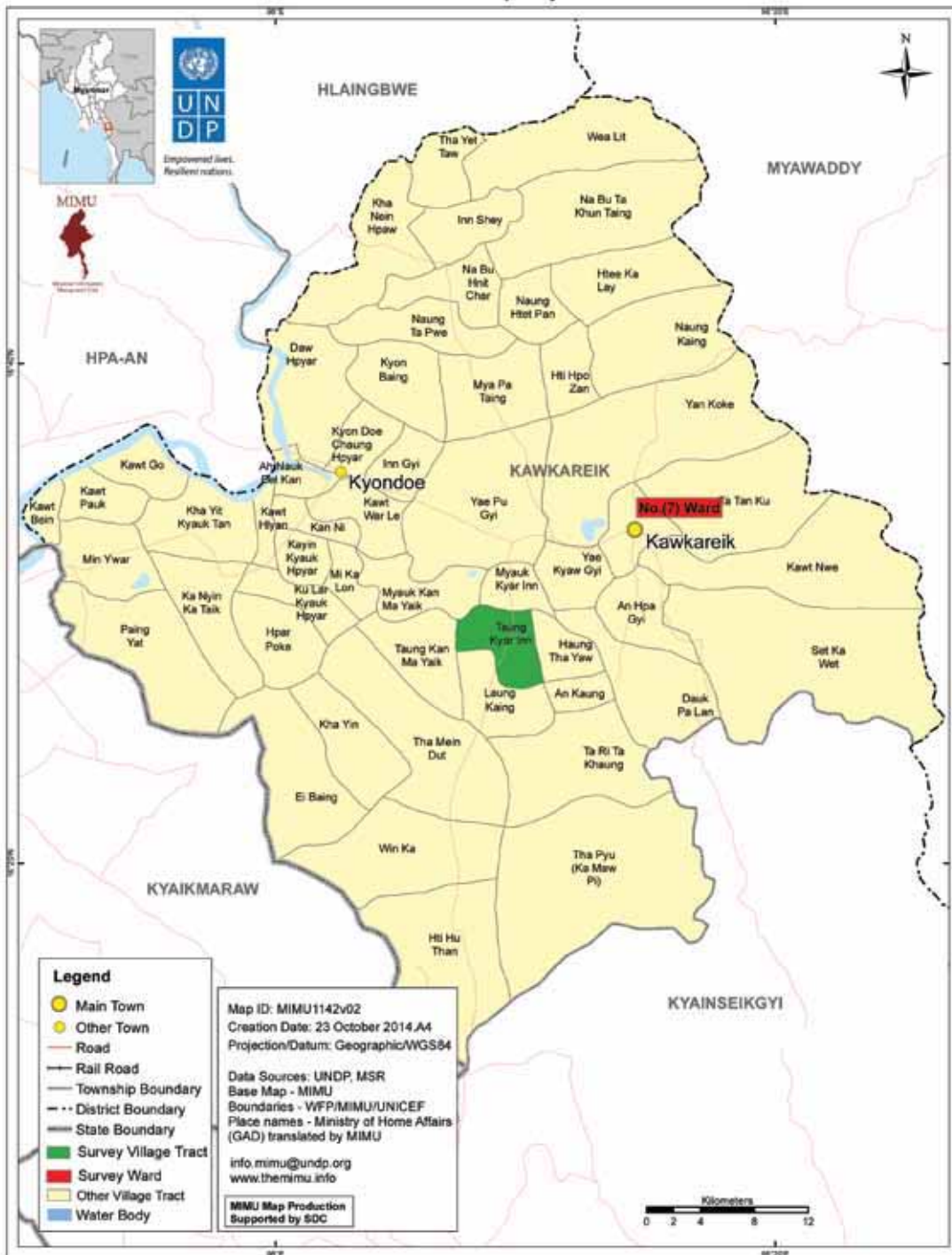
The main economic activity is agriculture, with a net sown acreage of 137,000 acres for paddy rice along the riverbanks and 66,000 acres of orchards on higher grounds. Major crops are paddy rice, groundnut, sesame, rubber and durian. All cultivation is rain-fed as there are no dams and reservoirs.

4. Governance at the frontline – participation in planning, responsiveness for local service provision and accountability in Kayin State

4.1 Recent development progress in Kayin State from a citizen's perspective

Before focussing on some of the governance issues in the three townships in Kayin State, it is necessary to describe how the people in the three townships perceive some of the major changes that have taken place over the last few years that affect their livelihood.

4.1.1 Citizens views on challenges in the three townships in Kayin State

Respondents were asked to mention the most important problems in their village tract or ward at the moment (see Figure 10). Overall, the lack of jobs or economic activities came out as the most important problem, mentioned by 21 percent of the respondents, followed by lack of access to clean water (15%), and lack of access to electricity (14%). Twelve percent of the respondents mentioned that there was no problem in their village tract or ward.
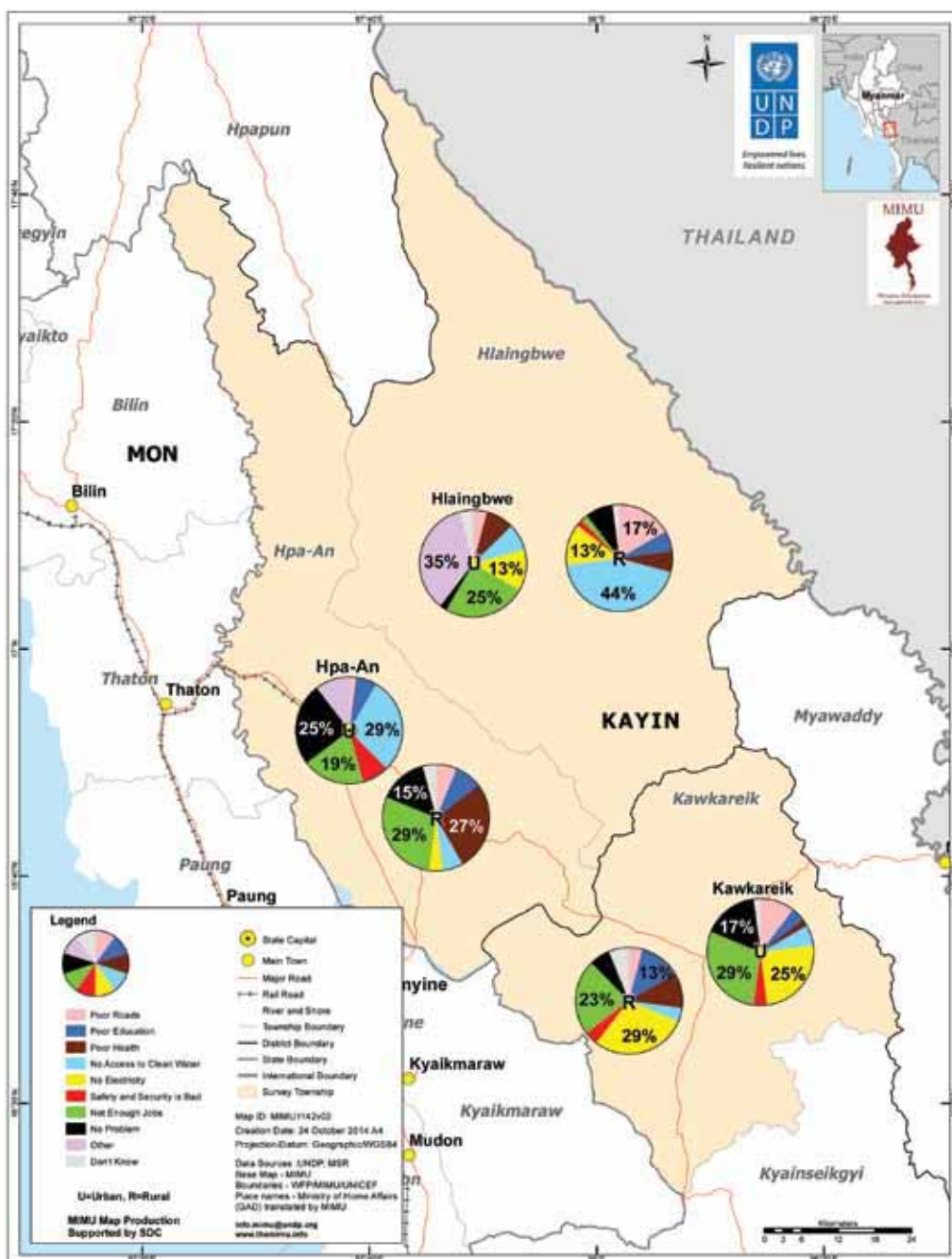

Figure 10: Most important problem in village tract or ward

Source: UNDP Local Governance Mapping, Kayin State, April 2014 n=288

In fact, the food and income situation has not changed much for most households over the last three years (see Figure 11a). For 16 percent the food situation has worsened and for 20 percent it has improved while for the majority of the respondents it stayed more or less the same. A similar pattern emerged with regard to changes in household income (see Figure 11b).

Food Situation
16% 20% 64%

Income Situation
24% 20% 57%

■ Improved ■ More or Less the Same ■ Worsened
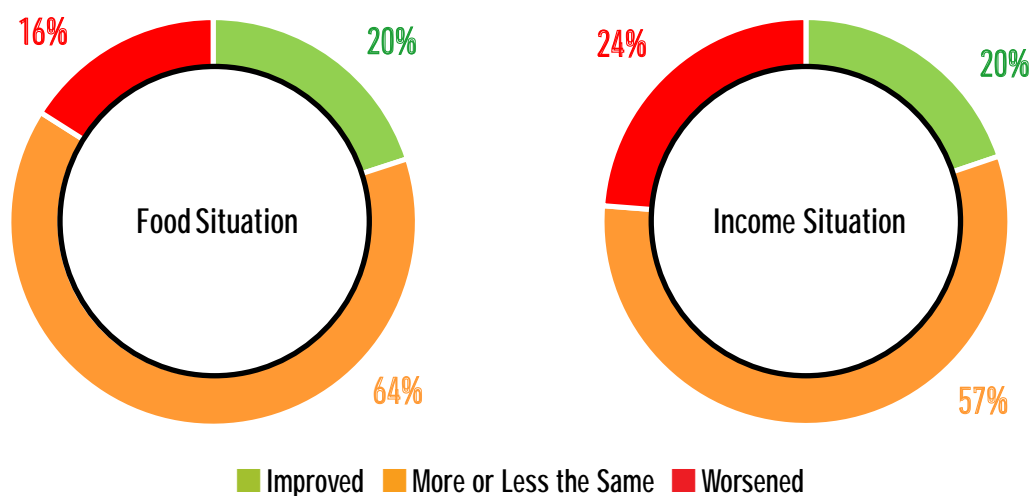
As can be seen from Figure 10, there were **significant differences between the three townships** also in this regard. In Kawkareik the lack of electricity was mentioned most often as the biggest problem - by 27 percent of the respondents - closely followed by lack of jobs with 26 percent, while access to clean water was not mentioned by many at all. In Hlaingbwe, however, access to clean water was the most important problem with 26 percent. In Hpa-An the lack of jobs was mentioned most often by 24 percent of the respondents, while 20 percent of the respondents mentioned that there was no problem at all.

A similar difference in community level development priorities emerged from the Community Dialogue meetings (see Table 9). The three most important problems mentioned differed across the townships and village tracts/wards, and were contingent on local conditions and needs. However, a few issues were recurrent across the three townships, namely: electricity supply, job opportunities, health facilities and water supply.

Township	Village Tract/ Ward	Priority 1	Priority 2	Priority 3
Hlaingbwe	Tharyar Kone VT	Electricity	Jobs	Water
	Kha War	Jobs	Water	Electricity
Kawkareik	Taung Kyar Inn VT	Electricity	Jobs	Inter-village roads
	No. 7 Ward	Electricity	Healthcare	Jobs
Hpa-An	Ta-Kaung-Bo VT	Long lasting peace	Healthcare (RHC)	Internal roads
	No.2 Ward	Jobs	Electricity	Water

While certain trends emerge across these communities, there are significant differences between village tracts and wards within one township as well. Since only one village tract and one ward were included in this study in each township, it is not possible to say whether other village tracts and wards have similar priorities or add to the diversity of felt needs. What these figures do show however is that the needs and problems of people

can differ significantly per township or even per village tract/ward and that tailor-made solutions and responses are required if government wants to become more responsive to these needs and become more "people centred". If so, it is critical for government to be able to assess and record these different needs on the one hand and have the necessary systems in place that enables it to respond to each of these issues adequately on the other hand. The following sections of this report gauge whether the township administration and the various departments at township level have the necessary instruments, whether they have sufficient capacity and at least a minimum level of autonomy to become more responsive.

At the township level, the various groups of citizen representatives (support committees and CSOs) were able to link the more physical needs to a further continuation of improvements in the governance sphere as important preconditions for enhanced development. All of them stressed that a continuation of the peace-building process between the government and the KNU is of critical importance for sustainable development in the area. Additional investments in the improvement of the basic infrastructure like roads, water and electricity (especially Kawkareik) and were seen by the committees to be particularly important for economic growth and an increase in employment.

The CSOs were quite outspoken about the challenges that remain in order to further improve development in the townships. They mentioned the importance of a more sustainable peace through a continued dialogue between all parties. Once that has been achieved other issues will follow. Other challenges that were mentioned (both related to improved governance and socio-economic development) were:

Governance-related:
• There is still a high level of control, rigidity and top down management in government: these practices are due to personal dominance and lack of trust of the government in the people;
• The people are not really represented in committees and administration, the people who are selected do not represent all groups in society;

Given that people's needs and problems vary significantly across townships, solutions and government responsiveness has to be tailored to make them people-centered.

- People's awareness about their rights and responsibilities is still very low;

Social problems:
- There is increased drug abuse among the youths;

Economy-related:
- More people need to be connected to the electricity network and electricity supply should be more reliable;
- More business activities and investments will increase employment;
- Further improvements in the communication and transport network are needed.

4.1.2 Perceptions on safety and security in the three townships in Kayin State

The ceasefire agreement of January 2012 between the government of Myanmar and the ethnic armed organisations in Kayin has paid dividends in peace and security for Kayin State. From the Citizen Report Card it emerged that 88 percent of respondents felt safe in their village tract/ward at the moment (see Figure 12a). Remarkably, female respondent felt slightly safer than male respondents (92% versus 84%) Around half of the citizens (55%) reported improvement in the safety situation of their township over the last five years, while only 2 percent mentioned that the situation had worsened (see Figure 12b). It is important to note that there have been recent reports of eruptions of tensions and clashes between the government security forces and DKBA.[36]

Figure 12 a/b: Perceptions from respondents regarding the safety situation in their village tract/ward and whether it has changed over the last five years.

Source: UNDP Local Governance Mapping, Kayin State, April 2014 n=288
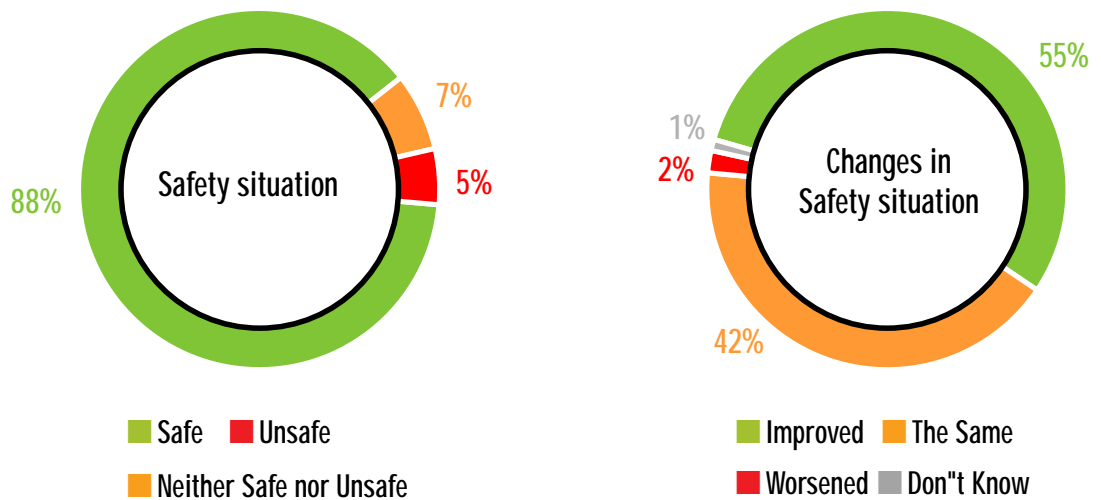
Disaggregated by ethnic background, 99 percent of the Bamar respondents felt safe in their village tract/ward compared to 85 percent Kayin respondents and respondents from other ethnic groups. Of all the respondents from Kayin origin 65 percent mentioned that the safety situation had improved, while most of the Bamar respondents and those of other ethnic origin mentioned that the situation had stayed more or less the same (51%).
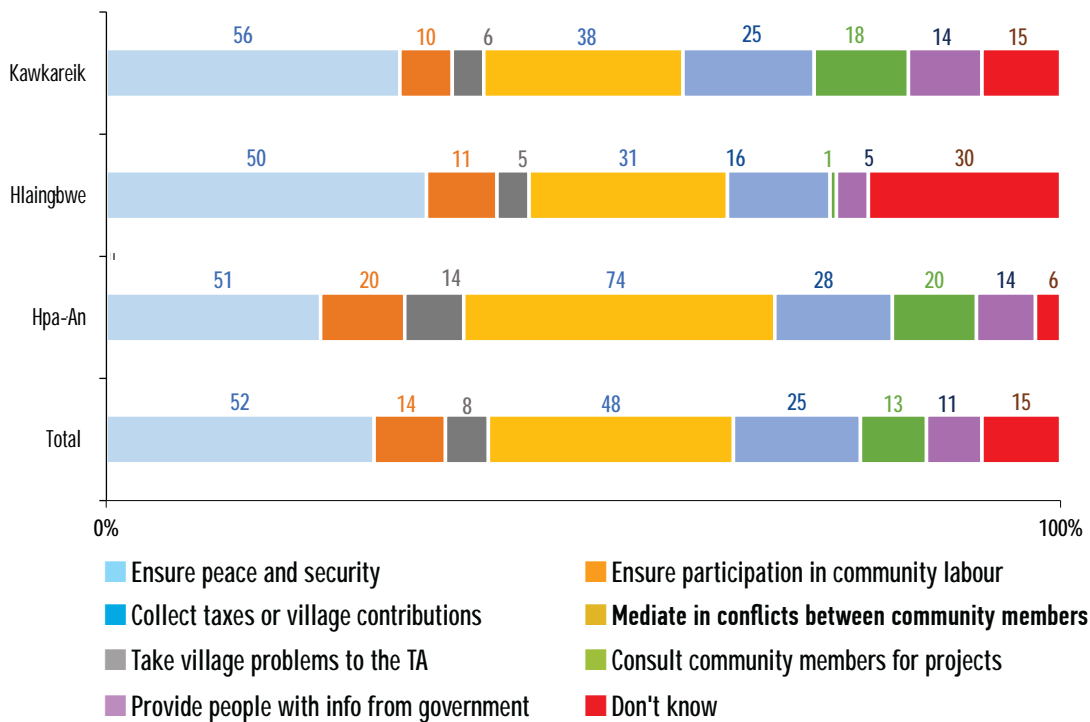
---

36   The Irrawaddy, October 2014

Chart legend:
- Ensure peace and security
- Collect taxes or village contributions
- Take village problems to the TA
- Provide people with info from government
- Ensure participation in community labour
- **Mediate in conflicts between community members**
- Consult community members for projects
- Don't know

According to the 157 respondents who stated that the safety situation has improved, the most common reasons given were: "the area in which they live is now more peaceful" (74%), "law enforcement has improved" (19%) and "citizens conduct better" (less alcoholism, etc.) (17%) (see Figure 13).

These perceptions from individual respondents were confirmed during the Community Dialogue sessions, as there was general consensus among participants that the government had made progress towards improving the status of peace and security in Kayin State, in particular through the signing of a ceasefire agreement between the government and ethnic armed organisations in the State. On the positive side, people noticed the issuing of citizen registration cards to migrant workers and reduced cases of forced engagement of porters for either the ethnic armed forces or the military. On the negative side, however, they noticed that in some areas people are still paying 'protection fees' to insurgents; and they were still worried about the incomplete peace building process and the inability of government to deal with the narcotics problem.

The committee members that were interviewed added that the progress made in the peace and security situation in the State is an important improvement, not only because of its direct impact on the well-being of the population, but also because it has triggered an increase in economic growth in most townships. As one member said: "people have confidence in this peace process and have started building a new future".

It should be noted however that, especially regarding security and safety in Kayin State, the three townships that participated in the survey are not representative for the whole of Kayin State and that therefore the feeling of safety and security (as well as the situation on other governance indicators) in the more remote townships might be completely different, which is most likely as other studies indicate.[37]

"People have confidence in this peace process and have started building a new future". The perception of safety and security in the remote townships may be different.

---

37   See: Jolliffe, K. 2014: Ethnic conflict and social services in Myanmar contested areas. The Asia Foundation, June 2014, and Thai Border Consortium 2013: Poverty, displacement and local governance in South East Burma/Myanmar, 2013.

4.1.3   Citizens views on recent improvements in the three townships in Kayin State

Regarding the situation in their village tract or ward, respondents were asked "what has been the most important improvement made by government in your village tract or ward over the last three years" (see Figure 14).

Almost 43 percent of the respondents mentioned that there were no improvements made by government in their village tract/ward over the last three years. Twenty-eight percent of the respondents mentioned improvements in education, 23 percent mentioned improvements in roads and 9 percent improvements in health care. Almost half (or 49%) of the female respondents mentioned that no improvements were made by the government against 38 percent of the male respondents. While the number of respondents saying that there were no improvements made, this high number is not exceptional if compared to the other States and Regions that participated in the mapping so far.

More remarkable however is the difference in response between respondents from the three townships. Of all the respondents in Hpa-An, 81 percent mentioned that the government had not brought about any improvements, compared to only 27 percent in Kawkareik and 22 percent in Hlaingbwe (see Figure 14).

Figure 14:
Improvements made by the government over the last three years, by township

Source: UNDP Local Governance Mapping, Kayin State, April 2014. n=288
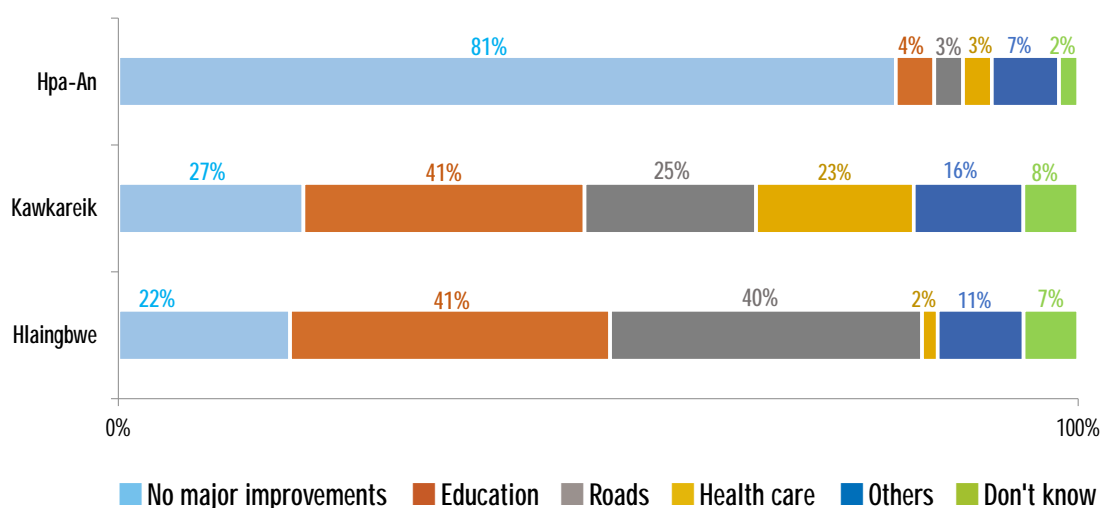
This big difference in perception between respondents in Hpa-An and the other two townships was discussed during the state level workshop to share interim-finds from mapping in order to find an explanation. Participants suggested that this could either be explained by the fact that government, partly as a result of the cease fire arrangements, has shifted its attention from Hpa-An exclusively as was the case for many years, to also improve services in the more remote rural townships that lagged behind for a long time. Since services in Hpa-An have always been at a higher level as compared to the surrounding townships, recent improvement might be less visible to the people living in Hpa-An, while small improvements taking place in Hlaingbwe and Kawkareik might be perceived as big steps forward as not much was seen in the years before 2011. Another explanation that was brought forward could be that people in Hpa-An are not aware (or not informed by government) of the improvements that have taken place in Hpa-An over the recent years. This lack of information on projects and activities was mentioned both by the respondents during the individual interviews as well as during the Community Dialogues

When asked to mention the major improvements that have taken place in Kayin State, all members from the Township Development Support Committees (TDSC) and Township Development Affairs Committees (TDAC)[38] in the three townships as well as CSO representatives, appreciated the improvements that have been made in the governance situation during this period, distinguishing that from the more obvious physical improvements that were also noted. Next to progress made in the peace settlement process, the committee members mentioned enhanced freedom of speech and the increased openness on the part of government - sharing more information, being more open about its plans, and involving citizens more actively as major improvements. In addition, both the Support Committee members and the CSO representatives acknowledged the improvements that have been made with regard to basic service provision, especially related to primary education and health care. According to them there are now more schools and clinics in the three townships and the quality of both education and health care has improved as well.

TDSC and TDAC appreciated the governance improvements such as peace process, freedom of speech, government's openness to share their plans and involving citizens

---

[38] See for a detailed description of their role and function notification 27/2013 from the President's Office and UNDP background document, Local Governance Mapping in Myanmar: Background and Methodology. For their establishment and composition in the three townships in Kayin State see Annex 3.

4.2 Developmental planning and citizen participation

One of the objectives of the administrative reform programme of the Government of Myanmar is to transform the development process in Myanmar and make it more "people centred". What this means in the Myanmar context is in general described in the Framework for Economic and Social Reforms of January 2013[39], which states that "GOM attaches high priority to developing a participatory process of local budgeting, which should reflect local priorities and needs while corresponding with national policy directions" (FESR, page 34) and "….new forms of public participation are emerging as citizens seek opportunities to actively participate in shaping the policies that affect their lives." (FESR, page 37) To facilitate this process, Township Planning and Implementation Committees (TPIC) were to be set up country-wide, while a Township Management Committee (TMC) was to serve as an executive body of township managers. To support the township management, new consultative structures at the township and village tract/ward level have been established following a notification of the President in February 2013.[40] As a result, the Township Development Support Committees (TDSC) and the Township Development Affairs Committee (TDAC)[41] were established at the township level and the Village Tract/Ward Development Support Committees (VT/WDSC) were established at the village tract and ward level in Kayin State at the end of 2013.[42]

39   See Government of Myanmar 2013, Framework for Economic and Social Reforms, final draft January 2013.
40   Notification No 27/2013, "Assignment of Duties for the Formation of Township and Ward/Village Tract Development Support Committees. The President's Office, 26 February 2013.
41   In translations from Myanmar to English often referred to as Township Municipal Committee, but since this might be easily confused with the Township Management Committee this report uses Township Municipal Affairs Committee.
42   See Annex 3 for details of these and other committees, their composition and functioning in the three townships in Kayin State.

From a township level perspective there are four distinctive planning and budgeting processes that affect service delivery to the township population and in which people could possibly be involved.

The first type of planning and budgeting processes that takes place at the township level is the development fund planning and budgeting process related to the various development funds that are made available either by the State or Union level Government to the township and that are managed by the GAD. The details of this planning process and the implementation in the three townships will be described in this section.

The second and (in terms of volume of public resources utilised) most important planning and budgeting process, is the sector planning and budgeting process. Each of the departments at the township level, whether falling under the State Government (schedule two responsibilities) or under the Union level Government (schedule one responsibilities), adheres to its own annual and sometimes multi-annual planning process. The details of this planning process will be briefly summarized in section 4.3 when reflecting on the planning processes in the health and education departments.

Thirdly there is the municipal planning and budgeting process, which is still fairly new. It is similar to the sector planning process and is implemented by the Development Affairs Organisation (DAO), a newly created organisation that exists in each State and

Region, but has no equivalent at the Union level. Since the revenues for the DAO are generated at the local level, the planning process is slightly different from the sector departments however. The details of this planning process will be described in section 4.3 under the drinking water section.

Finally there is the township level planning process which takes (or should take) a more comprehensive analysis of the whole township including its challenges and opportunities as a starting point for analysis drafting a more strategic mid or long term development plan for the whole township and ideally should inform each of the departments of their role in this process, their contribution to the development objectives and their sector priorities.

4.2.1 *Planning, implementation and monitoring of development fund projects*

In Kayin, as of 2013 the Township Planning Officer and the Township Administrator have drafted a township development plan indicating their development priorities, actions and budgets and feed them into state-level plans. All plans were compiled by September 2013 and submitted to the Union Government before December 2013 and based on which the State was allocated a budget with the expectation that all activities be implemented and the budget spent between January 2014 and December 2015. Additionally, the Township Planning Officer through the Township Planning and Implementation Committee (TPIC)

and inter-departmental committees gather information from the sector departments, adhoc surveys and prepares an overall township plan for proposed development activities. How this process informs the actual budget allocation remains unclear.

In Kayin State there are currently four development funds available at the township level:
1. The Poverty Reduction Fund
2. The Constituency Development Fund
3. The Border Affairs Development Fund
4. The GAD Rural Development fund

The Poverty Reduction Fund

The Poverty Reduction Fund was a Presidential initiative to address rural development and poverty, and started in FY 2012-13 with one billion Kyats (1 million USD) allocated to each State and Region, initially as part of the GAD budget. Under this fund, the Township Administrator (TA) and his staff are supposed to collect project proposals during the combined TDSC/TDAC/VTAs meetings at the township level. Only projects in village tracts, rather than in urban wars, are considered under this fund. The Village Tract Administrator (VTA)[43] or Village Tract/Ward Development Support Committee (VT/WDSC) has to prepare a project proposal and if necessary engage an engineer to draft a plan and make realistic cost estimates. Projects can be for school and health facility renovation, road improvement or bridges, water facilities and electricity connection. The projects are small (maximum between 2-3 million Kyats each, i.e. approximately 2,000-3,000 USD) and should be implemented by the village tract or ward itself under supervision of the VTA and usually require contributions from the community members in the form of labour. After consultations are held (see below), the list of selected projects is sent by the TA to the GAD at State level, which decides on the total budget available per township and selects and approves individual projects and informs the TA of its decision.

Approved projects under the Poverty Reduction Fund are announced by the TA during the combined monthly TDSC/TDAC/VTAs meetings and the GAD finance officer informs each village tract on the financial details and the selected townships of Kawkareik, Hlaingbwe and Hpa-An received between 170, 000 USD to 286, 000 USD.

Approved projects are announced by the TA during the combined monthly TDSC/TDAC/VTAs meetings and the GAD finance officer informs each village tract on the financial details. The TA is the drawing officer, while the Deputy TA is controlling officer.[44] The money for the fund is released in four instalments to the township GAD office and the TA distributes the money in four instalments to the VTAs. The VTAs submit progress reports during each VTA meeting. There is no clear monitoring protocol in place. Last year most projects were completed within a period of three months as most of them were small maintenance projects. The auditor checks a sample of projects after completion.

In 2013/2014 Hlaingbwe received 246 million Kyats (246,000 USD) which was used to complete 89 projects, Hpa-An 222 million Kyats (222,000 USD) and Kawkareik 170 million Kyats (170,000 USD) For 2014/15 an average amount of 286 million Kyats (286,000 USD) will be available per township. Most projects focused on maintenance of government buildings, small dams and road/bridge maintenance.

---

43   Throughout the report, "VTAs" is used as a short form for Village Tract/Ward Administrators ("VT/WAs"), as the functions and mandate are essentially identical as per the 2012 Ward and Village Tract Law. Except where a difference is explicitly mentioned, VTAs should therefore be read as for both Village Tract and Ward Administrators.
44   The drawing officer can authorise payment if the necessary conditions are met and sign cheques, the controlling officer has to check the legitimacy of the payment and countersign any cheque.

Constituency Development Fund

The Constituency Development Fund (CDF) was established by the Pyidaungsu Hluttaw (Union legislature) in 2013.[45] Representatives from the two houses of the Pyidaungsu and State and Region hluttaws are allowed to select township development activities in their constituencies to a maximum of 5 million Kyats (5,000 USD) per project. Priorities for these projects are to be water supply, renovations of rural roads and bridges, renovation of school buildings, renovation of buildings related to health and other township needs. The implementation of CDF projects is to be done by Township Development Implementation Bodies consisting of the four hluttaw representatives from the township.[46]

In 2013/14 each township received 100 million Kyats (100,000 USD) from the CDF irrespective of the population or size of the township for the implementation of small projects. This means that the amount of money available per capita differs significantly between townships, depending on their population size. Comparing Hpa-An, the most populous township in Kayin State, with Hpapun, the smallest township in population size, the CDF per capita was 205 Kyats (0.2 USD) for Hpa-An and 2,855 Kyats (2.8 USD) per capita for Hpapun, which is 14 times as much. For this fund both village-tracts and wards could submit proposals. Since the fund was announced only at the end of 2013, there has only been one round of submitting project proposals and implementation. The project criteria are the same as for the Poverty Reduction Fund. The MP elected from the township for the Pyithu Hluttaw was involved in the discussions about the selection and prioritisation of projects (and was controlling officer together with the Rural Development Officer). The selection procedure was similar to that of the Poverty Reduction Fund only in this case the budget ceiling of 100 million Kyats (100,000 USD) was known beforehand. The final approval for the selected projects came from the State Chief Minister since it is part of the State recurrent budget. Since the funds were only released in February 2014, all funds available in each of the three townships were drawn in one go and distributed to the VTAs. Project progress monitoring was the same as for the PRF projects.

> As the amount of money available per capita differs significantly between townships, Hpa-An, the most populous township in Kayin State, with Hpapun, the smallest township in population size, the CDF per capita was 0.2 USD for Hpa-An and 2.8 USD per capita for Hpapun, which is 14 times as much.

Development Fund of the Ministry of Border Affairs

The Ministry of Border Affairs has its own development fund available for a selected number of townships in all States (those with a significant part of the population being one of the ethnic minorities or former conflict areas). The type of projects considered are similar to those for the Poverty Reduction Fund (small infrastructure maintenance) but usually more substantial in volume (average costs of a project is 30 million Kyats, or 30,000 USD). In those townships where there is no border affairs office (they are usually only in the District capital), the GAD collects project proposals through its VTA/TDSC meetings, checks if these are not included in other funding, and passes them on to the District Border Affairs office. The Ministry of Border Affairs decides on the selection and implementation. In case the village-tract implements the project, the money is distributed via the GAD to the VTAs involved, but is booked as Border Affairs expenditure. If the project is implemented by a contractor, the Ministry of Border Affairs conducts the tender at State level and contracts and supervises the contractor.

---

45   Initially, the President refused to sign the law and sent it back to the Pyidaungsu Hluttaw with comments that the law was unconstitutional due to its granting the hluttaw executive power to implement development activities. However, the hluttaw proceeded to promulgate Order No. 83/2013 and No. 86/2013 with minor amendments.

46   Nixon, Hamish, and Jolene, Cindy; 2014: Fiscal Decentralisation in Myanmar: Towards a Roadmap for Reform page 33.

In 2013/2014 Hlaingbwe received 6,392 million Kyats (6.4 million USD) under the Border Affairs Development Fund to complete 24 projects, Hpa-An 691 million Kyats (691,000 USD) and Kawkareik 1,180 million Kyats (1.2 million USD). It is not clear what criteria were used by the Ministry of Border Affairs for the allocation of funds per township and why there are therefore such big differences in the amounts allocated to each of the three townships, which are even more significant on a per capita basis.

GAD Rural Development Fund

Finally, there also is a small GAD Rural Development Fund. It has been getting less significant over the years and since it is rather small and has the same criteria and procedures as the Poverty Reduction Fund is often combined into a Rural Development and Poverty Reduction Fund. It was only mentioned separately in Hpa-An township, which last year received 3.5 million Kyats (3,500 USD) under this fund. The total amount available for Kayin State was 20 million Kyats (20,000 USD) in 2013/14.

Developments funds per township

If one compares the combined Development Funds (excluding the Border Affairs Fund as these are only available to certain townships) Kayin State receives per capita an amount of 1,716 Kyat (1.7 USD), which is slightly above the average amount per capita of 1,641 Kyat (1.6 USD), and thus similar to most of the less-conflict affected Regions in central Myanmar. Kayin's per capita development funds are far lower than those of Chin, Kachin, Kayah and Rakhine, and only slightly higher than those in Shan State, although Kayin State fulfils the criteria of conflict-affectedness or remoteness equally well. One possible reason for the distortion is that due to the fact that Kayin has an extremely low number of townships, and that a number of funds are divided 'per township', a State like Kayin might lose out simply due to the fact that the number of its administrative subdivisions is relatively low.

	# of TSs	Population census 2014	Poverty Reduction Fund (Millions)	Constituency Dev Fund (Millions)	Total (Millions)	Per Township (Millions)	Per Capita (Kyats)
Kayin	7	1,573,000	2,000	700	2,700	386	1,716

If one looks at the total amount available under the various development funds within Kayin State (see Table 10), one can notice that the total average amount available per village tract or wards was 38 million Kyats (38,000 USD) in 2013/2014. Ninety percent of this amount was provided by the Ministry of Border Affairs and was not distributed to the village tracts or wards and not to the townships as the implementation was done by the State level department of the Ministry of Border Affairs. Due to the Border Affairs Fund the distribution across the three townships is rather skewed, with Hlaingbwe receiving twelve times the amount per capita as compared to Hpa-An and five times the amount per capita compared to Kawkareik (see Table 11 and Figure 15).

	PRF in million MMK	CDF in million MMK	Border Affairs in million MMK	Total in million MMK	Number of VT/ Wards	Dev. funds per VT/ Ward in million MMK	Population	Dev. funds per capita in Kyats
Hlaing-bwe	246	100	6392	6738	85	79	266,000	25,330
Hpa-An	222	100	691	1013	94	11	487,000	2,080
Kawka-reik	179	100	1180	1459	64	23	301,000	4,847
Total	647	300	8263	9210	243	38	1,054,000	8,738
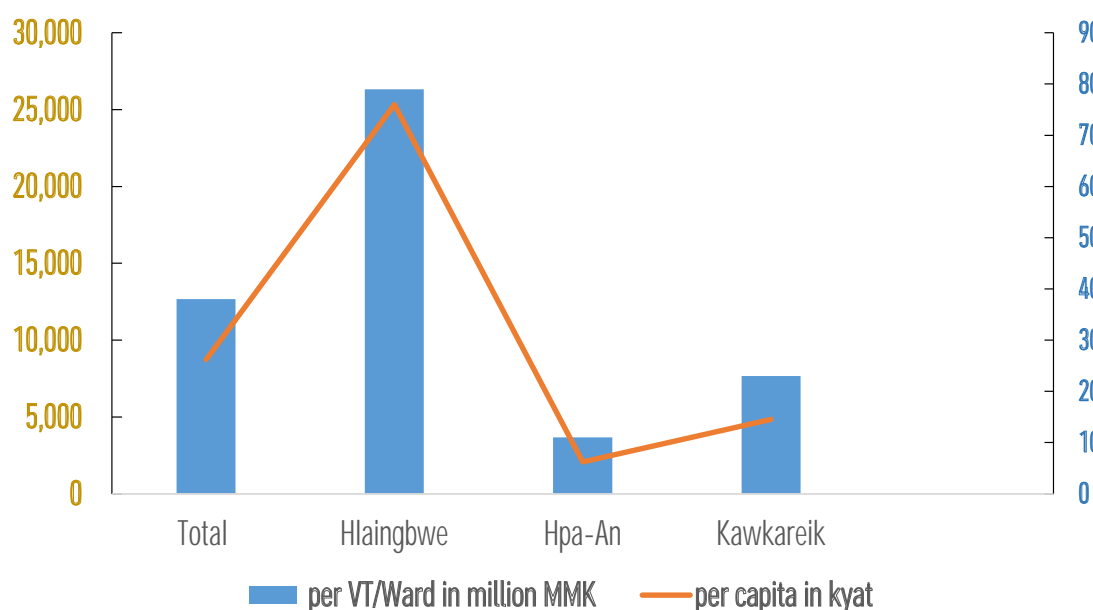
Municipal planning

The amended Kayin state Municipal Law (2013, Kayin State Parliament Law No. 6) gives the TDAC comprising of four citizens representing various interests groups (economic or social, professional and two town elders) in the municipal area of the township and three government staff (Deputy TA, head of DRD and executive officer Municipal Group), executive responsibilities and a statutory foundation.

The TDAC will prepare and manage town plans, it will carry out various works (including water supply, roads, bridges, street lights, etc.), manage and provide licences for stores, hotels and markets, oversee private house construction, manage public transport and waste management, etc. It will collect local taxes and can receive loans or funds from government or foreign organisations for the implementation of municipal works. The TDAC can establish regulations and instructions in accordance with law and by-laws.

Participation of citizens in decision-making regarding the utilisation of development funds

VTAs play the most important role in the identification of projects, which is slightly different from other States and Regions in which the TSDCs play a more active role in the identification process.

Citizens can be involved at two levels in the planning process of development fund projects. First of all, they can be involved at the village tract/ward level during the identification of potential projects, either through direct consultation or indirectly via the VT/WDSC. In Kayin State, the VTAs play the most important role in the identification of projects, which is slightly different from other States and Regions in which the TSDCs play a more active role in the identification process. The VTAs that were interviewed mentioned that they are aware of the eligibility criteria and that the State-level GAD gives preference to smaller projects and they therefore take these variables into consideration by splitting larger projects into smaller ones. Most VTAs consult their VT/WDSCs and/or the group of elders and respected people in the village tract, while some VTAs organise a village tract or ward meeting to solicit ideas from citizens but direct consultation of community members in the village tract or ward about their preferences is not taking place systematically in Kayin State.

"Government decision making has become more in line with the desires of local citizens but people's involvement in decision making is very low".

The negative and positive feedback from the community members during the Community Dialogue meetings indicate that in practice it depends a lot on the attitude and ability of the VTA as to what extent he involves the village tract/ward population directly or indirectly in the selection process. In addition, it seems from these reports that "consultation" is in practice often more "informing community members about decisions taken" than about "soliciting their ideas and suggestions". While some of the participants in the Community Dialogue sessions noted an improvement in communications between citizens and government, others cited a lack of real opportunities to participate. They said: "Government decision making has become more in line with the desires of local citizens but people's involvement in decision making is very low".

Participation levels are low and people do not feel involved in decision-making in development projects- although the picture is relatively less bleak in rural areas.

During the Community Dialogue sessions, citizens on the one hand and the VTA and government service providers on the other hand often accused each other of the lack of consultation. Citizens often said that meetings are not organised, that they are not invited or that they take place at an inconvenient time when they are in their fields. On the other hand, the VTAs cited lack of interest from their community members to come to the meetings that they organise to consult them as the main reason for lack of consultation. The mapping researchers were not able to check these claims, but most likely the truth lies somewhere in the middle. The participation of respondents in village tract or ward meetings which are arranged to receive information from the government (e.g. about elections) or discuss village tract development priorities is indeed rather low. Almost 57 percent of the respondents do not participate on a regular basis in such village tract or ward meetings (see Figure 16). Female respondent participate even less than male respondents (65 percent of the female respondents do not participate regularly vis-à-vis 49 percent of the male respondents). Seventy-eight percent of the respondents (74 percent of the male and 82 percent of the female respondents) said they have never been invited to a meeting in which the government wanted to discuss new development project for their village tract or ward. Figure 16 shows that participation in such meetings is slightly higher in the rural than in the urban areas.

Responses from community members regarding their involvement in project selection for development funds.

A meeting was conducted with the villagers to build roads and bridges as well as in the construction of a hospital. The advice from the villagers was received to implement the projects.

Taung Kyar Inn VT, Kawkareik Township

People and government service providers mentioned about the improvement in involvement of the citizens in decision-making. WA stated that committees have been formed with citizens; the township and ward authority have consulted with community elders and representatives of citizens. There is improvement in relations with the authorities.

Ward No. 7, Kawkareik Township

The Township authority informed the local authority about the location and directives for building of the healthcare centre. The local authority then disseminated this information to local citizens.

Ta-Kaung-Bo VT, Hpa-an Township

Local citizens are included when the local government administration makes a decision. However, decisions made differ from the desires of the people. For example, the people required a school but the government carried out road construction.

Ta-Kaung-Bo VT, Hpa-an Township

Local citizens were not included in decision-making processes of setting up the support committee. The township administration chose a few people whom they could deal with conveniently.

Kha Ward, Hlaingbwe Township

During the State-level workshop when the interim-findings from mapping were presented and discussed with the various stakeholders, the VTAs and government staff acknowledged that there is a lack of interest from community members to participate in village tract/ ward meetings. It was mentioned that often issues are discussed that are not relevant or interesting for the people or that they think that they can't influence decision-making anyhow. Announcing meetings well in advance and making the topics of discussion known beforehand would help to generate more participation, according to the participants.

VTAs holds little ground as people living in the municipal area could equally be represented through their respective Ward Administrators. This lack of representation as well as the fact that the members are selected and not elected has a negative impact on the legitimacy of these newly established institutions. As was mentioned by one of the CSO representatives: "the people are not really represented in the committees, the people who are selected do not represent all groups in society".
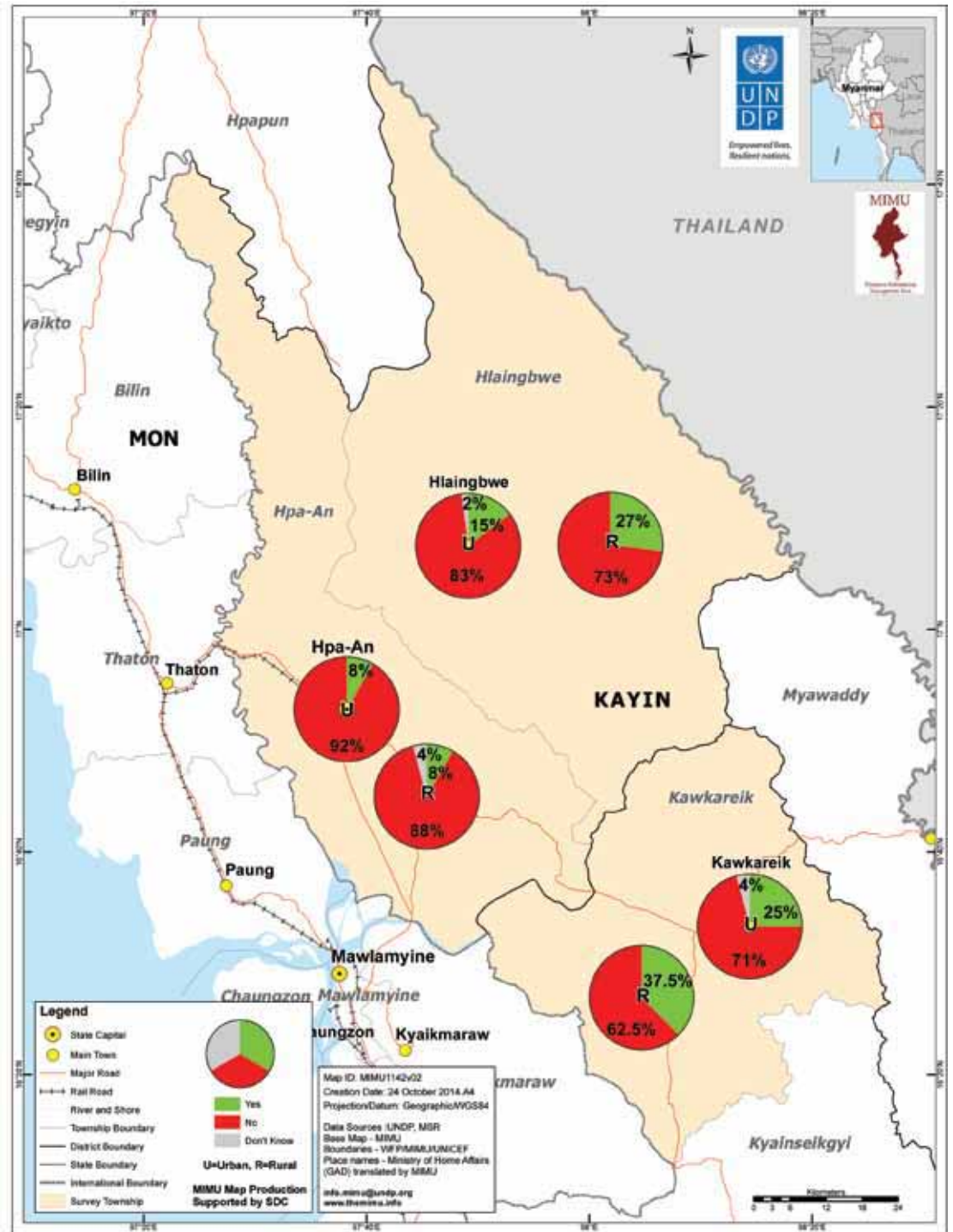
The second level of citizen participation is taking place at the township level as part of the consultation process related to the selection of projects during the combined TDSC/ TDAC/VTA meeting with the TA. The TDSC and TDAC have representation of several elderly and respected persons. The role of the TDSCs and the TDACs in this process is in accordance with the instructions as mentioned in Notification no. 27/2013, which says: "the TMC, which includes the participation of township level Departmental Staff, must meet, coordinate and seek advice from the TDSC and TDAC…", but the notification also states that: "in implementing as well as discussing and coordinating the above points, it is necessary to stress and not to affect the following in the interpretations: a) the laws, rules and instructions still in force, b) the authority invested under the law to the various departments and heads of department", thus stressing the advisory character of these institutions.

When discussing the role of the TDSC in the selection of projects for the various development funds with the committee members, the CSOs and government staff, two related issues came up. First was related to the issue of representation in the township committee. The TDSCs in Kayin State are composed of appointed representatives from urban ward areas only and not from the village tracts, thus excluding the majority of the population in the townships. While this was done to make it easier for the TDSCs to meet on a regular basis, it excludes a large part of the more rural population in the consultation process regarding the selection of development projects. The argument that they are represented through their

In addition, there are no female TDSC or TDAC members in the various committees in the three townships in Kayin State, meaning that by default 50 percent of the population is not represented in these committees. This can be explained by the fact that members of these committees in Kayin State were selected/nominated from the various groups of Elderly and Respected People in each of the wards that have an almost exclusive male membership. Participants confirmed this issue during the State level interim-finding sharing workshop and several suggestions were made as to how this problem could be addressed.

> **Box 3: Suggestions made during the state level interim-finding sharing workshop to increase women participation in public affairs**
>
> - To raise public awareness about equal opportunities for women to participate.
> - To distribute pamphlets and flyers about women's rights to the public.
> - To hold monthly meetings for women about opportunities and rights.
> - To institutionalize an appropriate set quota/ratio of women in committees/ organizations in order to encourage more women participation.
> - To allow more women to participate in village development activities.
> - To encourage women's participation through established women's organizations (Women Affairs Organizations, Maternal and Child Care Organizations).

Given the fact that the members were selected from only a small pool of citizens, while the establishment of these committees was not made known to the people through a campaign, it is therefore not unexpected that 96 percent of the people interviewed as part of the CRC in the three townships had never heard of either the TDSC or TDAC. A serious question therefore arises as to how these committees can represent the interests of citizens (or groups of citizens) if citizens don't know of the existence of these committees, don't know who its members are and are not aware of whether or how these committees represent their interests. This would not be so much of a problem if the TDSCs would have regular contact with or access to information from the VT/WDSCs, but according to the TDSC members interviewed this is not taking place except via the VTAs during the combined monthly meetings.

The second issue is related to the role the TDSCs play in the project selection process for the development funds in the three townships. In all three townships, the combined TDSC/TDAC/VTA meeting submits a list of potential projects to the TA, who decides on prioritisation and checks for possible double funding under other funds. Since no indicative budget ceilings are provided to the TA by the State-level GAD, the TA just submits a list of proposed projects and their budgets to the State-level GAD. No clear selection or

prioritisation criteria that might be used at the State level were known to the TAs, except that the GAD usually favours smaller size projects in order to be able to provide at least some support to as many village tracts as possible.

TDSC members mentioned that according to them they play only a very limited role in the actual selection process of projects for the various development funds even though their role is in line with notification 27/2013 that the "TMC must meet, coordinate and seek advice from the TDSC". The TMC are obliged to have weekly meetings with the sectorial departments and at least once a month meetings with the TDSC to seek input on prioritized projects from the committee members perspective.

It should be noted that it is in practice very difficult for the TDSC members to visit all the village tracts to collect and scrutinize project proposals which means that in practice they rely a lot on the information provided by VTAs and the committees at village tract level. Secondly, the committee members do not know the overall budget ceiling available especially for the Poverty Reduction Fund for their township on forehand, which makes it very difficult for them to prioritize projects. As one committee member said: "We have no knowledge about budgets for development projects so we can't prioritize". Such budgets ceilings are not provided by the State-level GAD to the TA beforehand in order to retain more flexibility regarding the actual approval after all the proposals have come in. The actual selection of projects can therefore differ at lot from the ones that the TDSCs have proposed or even the TA has submitted to the State-level GAD. This lack of information results in long lists of potential projects that could be considered without actual prioritisation taking place.

In the three townships in Kayin State, the TA scrutinizes the list of proposed projects coming from the combined VTA/TDSC/TDAC meeting, he checks the list for possible duplications with sector plans (e.g. if the Ministry of Education has budgeted already for the renovation of a school that is also proposed under the Poverty Reduction Fund) and makes any other adjustments he thinks are necessary before submitting it to the State-level GAD. The State-level GAD announces the approved projects, but does not provide the TA nor the TDSC with a justification as to why some projects were rejected and others were approved, or why budgets for individual projects have changed. This makes it very difficult for committee members to explain such decisions to their "constituencies" as well. The committee members on the other hand acknowledged that their voices were still too weak to demand more explanations.

Compared to other States and Regions, the TDSCs are in Kayin State not (yet) actively involved in the progress monitoring of the development projects that are implemented either. VTAs send in progress reports to the TA and both the TA and the State Chief Minister personally check on progress and completion when they are visiting the area, while the Chief Minister visits the townships on a regular basis and holds a grant meeting with all VTAs to discuss progress on these projects. The 2013 Notification does not prescribe that the TDSC should be involved in project monitoring, but it would certainly enhance the visibility of the committee and increase their involvement while it will at the same time relieve the TA of doing so personally and could make the whole process more transparent. In some of the other States/Regions visited, the TA even makes transport available to the TDSC to implement these tasks.

In Kayin, the distinctive role and added value of especially the TDSC in the development process is difficult to perceive as they usually only meet as part of a larger setting in which the VTAs and the TMAC participate as well, especially when the selection of projects is concerned. Combining these meetings might be justified from a perspective of efficiency but it makes it difficult to distinguish their contribution and benefit from the added value of citizens being involved in the decision-making process as their contribution gets lost in the wider group, while at the same time adding to the confusion of TDSC and TDAC members as well.

In conclusion, it should be acknowledged that after years of top-down decision-making, this is only the first year in which citizens or stakeholder groups, through newly-established committees, are consulted by government. It will therefore take time for all parties involved to play their new role successfully. While the total combined budgets of the development funds per township are still rather small, the planning and implementation of development fund projects could play a very important role in the ongoing reform process at the township level because:

Box 4: Reflections on township level development funds

- The results are important to show citizens that the government is trying to improve public infrastructure and service delivery. This was consistently noticed during the Community Dialogues and focus group discussions with CSOs;
- The utilisation of these funds generate potentially very important learning processes for all stakeholders involved related to:
    - Collaborative planning of these projects (e.g. TA and VTAs need to work closely together)
    - Integrating the results from citizen consultations into planning at the community and at the township level
    - Government - citizens dialogue about balancing local needs with State/Region and national priorities (e.g. between TA and TDSC)
    - Management and accounting of public funds that have been spent locally
    - The involvement of various actors in project monitoring
    - The politics of democratic decision-making processes

4.3 Access to Services

One of the major stated objectives of the reform programme in Myanmar is to improve basic service delivery to the people through an allocation of more public resources and through a more effective and efficient way of service delivery that is more "people-centred". Most service delivery in Myanmar is provided by sector Ministries at the township level and below and it is therefore important to describe and analyse the planning and organisation of service delivery at the township level. This section looks at three basic service sectors **(primary health care, primary education and household water provision)** and describes how they are organised and how state service providers interact with citizens/service users in the three townships in Kayin State both in planning as well as actual service delivery.

The study looked at these sectors from a governance perspective and not at the quality of these services from a technical medical, educational or water and sanitation perspective. The picture described below presents therefore only a partial overview and should be seen as complementary to the more in depth and internally focused sector analyses that are taking place at the moment in each of these sectors.[47]

Before presenting the findings per sector, it is important to describe in more general terms the way in which service delivery and the related planning is organised at the township level in Kayin State. Depending on the size of township, **most State or Union Ministries or Departments have their own office and representation at the township level, while some only have offices at the District level** (like the Ministry of Border Affairs). All Heads of Departments in the township are accountable to their supervisor at the District or State level, while all (except for the Development Affairs Organization) receive their budget and plans from the District or State-level departments. The mandates and levels of authority and discretion of the Heads of Departments differ per Ministry, but are in general limited to implementing tasks and plans that are handed down from the top of the Ministry downwards. The **resulting structure is therefore strongly hierarchical and compartmentalized**, meaning that each department is working in isolation focusing on its own mandate to achieve its national priorities.

While there are some minor variations in the planning and budgeting process between the various sector ministries, the **actual planning and budgeting is still taking place at either the State or Union level**. Heads of Departments collect the required baseline data on staff and facilities and provide an estimate of the recurrent budget required for the following year to their supervisors, but they are normally not involved in defining priorities or in the actual planning of investments. While most Heads of Departments are involved in implementing the operational activities and the recurrent budget expenditures throughout the year, they are only marginally involved in the implementation of the more substantial capital investments that are either implemented by the State level Department and the State Level Government.

---

47   See for a general overview of government spending on the social sectors: UNICEF, 2013; Snapshot of Social Sector Public Budget Allocations and Spending in Myanmar.
See for the health sector among others: SDC, 2013; Health Assessment in Southeast Region of Myanmar, August 2013.
See for the education sector among others: MDRI, 2013; A Preliminary Assessment of Decentralization in Education: Experiences in Mon State and Yangon Region, December 2013 and JICA, 2013; Data Collection Survey on Education Sector in Myanmar, Final Report, February 2013.

With the gradual expansion and improvement of service delivery and of development support activities by key departments at the township level, the **need for horizontal** (between departments) and vertical co-ordination (between the township administration and the VTA and other government representatives at the village tract and ward level on the one hand and government at the District and State level on the other hand) **has increased substantially** over the last few years. The Government has realised this need and intends to improve coordination between the departments through the establishment of the **Township Management Committee (TMC)** and a number of committees that also includes people and local organizations.

As the main government institution at the township level, the GAD in general and the Township Administrator (TA) and his deputies in particular, are responsible for both horizontal and vertical coordination of all government activities at the township level and below.

Box 5:   Coordination at the Township level

In practice, this coordination role focuses on a broad group of functions:

- Coordination of the planning and implementation of projects and activities by the various township departments;
- Coordinating the work of various committees of which there are at least five per township (see annex 3 for an overview) and sometimes organising direct consultations with citizens;
- Coordinating and supervising the work of the VTAs and WAs;
- Coordinating the planning, implementation and monitoring of development projects not falling under the responsibility of one of the sector departments;
- Coordinating any ad hoc activities taking place in the township (visits of dignitaries, elections, disaster management, etc.).

Despite the "coordinating" role played by the TA and the formation of various coordinating committees (see annex 3), **horizontal co-ordination between departments remains a challenge in Kayin State according to most Heads of Departments interviewed**. Township departments continue to plan and deliver services in a "vertical" fashion, following the instructions from higher levels within their own ministries. They therefore also continue to collect their own baseline data according to their own definitions and requirements, resulting in differences in statistics (including the total population in the township), which makes planning and coordination almost difficult.

This challenge was confirmed and discussed during the State-level feedback workshop when the initial findings of the survey were discussed. A more strategic approach towards township planning was proposed by:
- Holding regular planning meetings among committees, departments and MPs;
- Invite different stakeholders to meetings (town elders, business people, CSOs, etc.);
- Planning priority projects for implementations.

Horizontal co-ordination between departments remains a challenge in Kayin State according to most Heads of Departments interviewed. Township departments continue to plan and deliver services in a "vertical" fashion, following the instructions from higher levels within their own ministries.

In addition, the **need for more comprehensive data collection** was acknowledged and a few initial steps were proposed:

- Township administration to make field visits to communities once a month to collect information about the needs of the citizens;
- To prioritize projects that are responsive to the needs of the people.

Regarding the coordination of planning and budgeting, the Heads of Departments send a copy of their requested budget to the **Township Planning Officer** who prepares a consolidated proposed budget. Given the fact that the actual budget decisions are made at a higher level these requested budgets are not very useful. In none of the three townships in Kayin, either the requested budget or approved budgets are discussed in the Head of Department meetings and are also not discussed with the various support committees. The Planning Officer is usually not informed about the actual approved budgets for each department until after eight months in the actual year when budgets are reviewed.

The approval for the allocated recurrent budget usually comes at the start of the financial year (which runs from April to March) while the actual transfers follow in four tranches. Interlocutors have stated that these are usually late. The capital budget approval usually comes only in June/July, 3-4 months into the financial year. Both the recurrent and the capital budgets come without any explanation or justification, which makes it very difficult for township level officers to explain their budgets to the various committees and to the public in general.

The plans that have so far been drafted are according to the Township Planning Officers only a compilation of all individual sector plans and are not based on a collective analysis and a more strategic development vision for the whole township.

The establishment of support committees at the township level is a starting point for improved service delivery and people's involvement in planning in Kayin State. As long as the responsibilities and mandates of the heads of department at the township level remain more or less the same as before, the support committees serve more as bodies for information sharing, while their impact on improved effectiveness and efficiency of service delivery and actual involvement of people in planning and decision-making will remain rather limited. It is therefore not remarkable that in practice various committees tend to merge or at least hold joint meetings (like the monthly VTA, TDSC, TDAC meetings) to avoid discussing the same topics over and over again.

4.3.1 *Basic health care services in Kayin State*

After decades of stagnation in the budget for public health, the national health budget has increased over the last three years from 92 billion Kyats (92 million USD) in 2010-2011to 652 billion Kyats (652 million USD) as budgeted for 2014-2015.[48] While this is a substantial increase, government expenditures on health as part of total government spending at present still only amount to only 3.38 percent of the total, or as percentage of GDP only 0.76 percent, which is approximately half of the average amount spent by similar countries in the region on health care.

---

48   Myanmar Times 5 May 2014

Besides increasing the public health budget, the Government of Myanmar realises that more structural measures are required to improve the quality of public health care. In its Framework for Economic and Social Reforms (FESR), which is the Government of Myanmar's major policy document for the 2012-2015 period, it mentions "The government also recognizes the importance of quickly updating its overall health strategy, reviewing current health policies and strengthening the National Health Law".[49]

"National health" remains a competency included in Schedule 1 of the Constitution, which fall under the Union Legislative List.[50] This means that the provision of public health care services is the exclusive responsibility of the Ministry of Health at Union level, without any involvement of the State or Region Hluttaws or the State or Region Governments (either legislative or executive/administrative).

Basic Health Care Service provision in the three townships in Kayin State

As elsewhere in Myanmar, primary health care in Kayin State is partly provided by private health facilities (like private clinics, dispensaries, traditional doctors and auxiliary midwifes) and partly by the Ministry of Health with support from various Non-Governmental Organisations. At the same time, in Kayin State, various Karen national organizations (either related to the KNU or independent) provide health services in the more remote villages mainly through their mobile teams (see Table 12).

Township	UN organisations, (I)NGOs and CBOs active in health services
Hlaingbwe	Adventist and Development Relief Agency (ADRA), Friends for Health (FFH), International Rescue Committee (IRC), Karen Development Network (KDN) Malteser, Population Services International (PSI), Save the Children, The Border Consortium Karen Women Organisation (KWO), World Vision, MalariaCons, UNICEF, UNHCR, WHO.
Kawkareik	Friends for Health (FFH), Help Age International (HAI), Karen Baptist Convention (KBC), Population Services International (PSI), Save the Children, The Border Consortium Karen Women Organisation (KWO), Premiere Urgence-Aide Médicale Internationale (PU-AMI), University Research Company (URC-USAID), MalariaCons, UNICEF, WHO.
Hpa-An	BIMM, Help Age International (HAI), International Rescue Committee (IRC), Karen Development Network (KDN), Malteser, Myanmar Nurses and Midwife Association (MNMA), Population Services International (PSI) Save the Children, The Border Consortium Karen Women Organisation (KWO), MalariaCons, World Vision, EMW, UNICEF, WHO.

Table 12: Non-Governmental Organisations active in the health sector in the three townships

Source: MIMU: Overview of the April 2014 Who, What, Where and VT MAP Kayin State

On the ground, the old territorial boundaries between areas of control are fading and these organisations and institutions are increasingly working together with government health facilities to complement each other's services (see Box 6).

---

49   Government of Myanmar, 2013. Framework for Economic and Social Reforms, page 30.
50   The executive power of the Union extends to administrative matters over which the Union has power to make laws (Article 216). However, the Constitution also foresees that "moreover, it also extends to the matters which the Region or State Government is permitted to perform in accord with any Union Law. Additionally, Art. 259 states that the Region or State Government shall discharge the functions occasionally assigned by the Union Government. This means that the Union can delegate the administrative functions over what constitutionally falls under Union jurisdiction to the State/Region tier of government, either through a Union Law or through executive decision by the Union Government.

A group of a dozen nurses and medics are on their way to vaccinate children and bring medicine and health care to villages in a remote region that until recently was a fearsome war zone. Their mission is symbolic of the changes sweeping Burma. Half of the nurses and medics are employees of Burma's Ministry of Health. The other half are associated with the Karenni National Progressive Party (KNPP), whose armed wing battled the Burma Army for more than 60 years until a ceasefire agreement between the two sides was signed in 2012.

The joint health mission into the heart of the former conflict zone is one of the first fruits of the ceasefire and a larger peace process that participants hope will bring stability to a country that is still grappling with inter-communal violence, human rights abuses and economic inequality.

"This is a ground-breaking and unique moment, one many here never thought they would see," says Shane Scanlon, of the International Rescue Committee (IRC), who is accompanying the group. The aid group has played a key role in training the Karenni medics and in arranging this joint mission. "This is the first time that government and ethnic health organizations have joined forces, overcoming decades of mistrust borne of conflict," he says.

 "I was afraid to talk to the government health staff when we first met," says Seh Reh, a Karenni medic. "There was a lot of suspicion. But working together and preparing for this trip has brought us closer together. Now we are learning from each other."

Table 13 presents an overview of the public health facilities available in the three townships in 2014, while in Table 14 some key health indicators are presented.

Table 13:
Key health service data for government operated facilities, Kayin State townships

Source: Township Healthcare Profiles and GAD offices, Kayin State. 2014

	Hlaing bwe	Kawkareik	Hpa-An
Population (GAD, 2013)	266,000	310,000	487,000
No. of hospitals	1 (50 bed) 5 (16 bed)	1 (100 bed) 3 (16 bed)	1 (200 bed) 1(25 bed) 4(16-bed)
Maternal Child Health Centres	1	1	1
Rural Health Centres (RHC)	8	7	17+ 1 Urban HC
Sub-rural health centres	39	30	76
Private clinics	10	14	10
No. of healthcare staff sanctioned	128	141	259
No. of healthcare staff appointed	94	121	212
No. of vacancies	34	25	47

Notes: 1.   Vacancies are mainly Public Health Ass. level 2 (42 in Hpa-An, 20 in Kawkareik and 21 in Hlaingbwe)
2.   In Kawkareik there are 5 nurses appointed above the sanctioned posts
3.   In Hpa-An there are 2 private hospitals and 5 special clinics for treatment of malaria and HIV/AIDS.

	2011			2012			2013		
	Hlaingbwe	Kawkareik	Hpa-An	Hlaingbwe	Kawkareik	Hpa-An	Hlaingbwe	Kawkareik	Hpa-An
Home deliveries by health staff (%)	62	57	35	39	39.3	32	32	32.3	60
Deliveries in RHC delivery room (%)	0.6	8.2	8.2	21.2	24	29.6	37.8	24	60
Antenatal care coverage (%)	67	78	69	71	82	78	84	86.7	80
Infant mortality rate/ 1000 live births	8	10.4	8.2	13	14.5	8	3	15	8
Under 5 years mortality rate/1000 live births	10	13.9	10.04	15	17.7	11	14	17	11
Maternal mortality rate/ 1000 live births	2	0.5	1.2	1.3	1.9	1	1	1.1	1
Children under 5 moderately underweight (%)							4.4	6.5	5.4
Children under 5 severely underweight (%)							0.3	0.6	0.1
Number of outpatients	9,012	7,718	32,531	11,963	8,567	39,917	16,829	10,752	16,558
Number of inpatients	3,779	5,285	12,001	7,275	5,744	15,452	4,965	8,278	3,045
Number of deliveries	448	838	1,575	736	1,038	1,759	698	1,229	487

Table 14: Basic healthcare indicators of the three townships in Kayin State

Source: Township Healthcare Profiles, 2014.

While the data above shows improvement in access to health services since 2011, given the short time frame, it may be difficult to draw any firm conclusions whether the health situation in the three townships has improved over the last three years.

All health providers interviewed (TMOs, 8 health facility managers and 13 health staff) acknowledged however that the provision of health services in the three townships has improved over the last three years. More facilities have been built (there are more (Sub-) Rural Health Centres (RHCs) and hospitals are upgraded) and more health staff is available. In addition, most of them mentioned improvements in the supply of medicines (essential drugs) and medical equipment and an improved knowledge of healthcare by the staff. Finally most of the health staff (77%) mentioned that they now receive a fair salary for the work they are doing.

All health providers interviewed acknowledged improvement in the provision of health services in the three townships over the last three years.

While the overall health provision situation has improved, there are according to the service providers several specific bottlenecks for improving public health services in these three townships.

- A lack of RHCs in Kawkareik and Hlaingbwe (for now there are between 6,000 and 9,000 inhabitants per one RHC; while the national standard is 2,000 per one RHC);
- Despite improvements there are still a large number of structural vacancies;
- A lack of sufficient and adequate storage capacity for essential drugs is a problem in all three townships;
- Limited or no travel allowance for medical staff to travel in order to carry out monitoring duties;
- Inadequate housing facilities, especially for female rural health staff in Hpa-An township;
- Doctors spending more time in their private clinics than at the hospital.

At the facility level, the basic infrastructure of the facility is often not optimal as there is often lack of water, electricity, and housing for medical staff. In addition, the regular supply of medicines and medical equipment (especially sterilizers and refrigerators), and the number of healthcare staff at the health facility were cited as the most important challenges for further improvement in the quality of health services. These noticed changes are in line with the Ministry of Health's priorities over the last few years as mentioned by a director in the ministry's Health Planning Department, who said that the budget increases since 2011 had initially been used to provide medicines free of charge and to replace outdated medical equipment and will now shift to further improve the infrastructure of the health facilities.[51]

Organisation and administration of public health care services

In most townships in Kayin State, the Township Medical Officer (TMO) plays both a medical and administrative role, being responsible for staff planning, quality supervision of all health facilities, the distribution of medical supplies, as well as for collecting health baseline data (see Figure 17). As in other larger townships across Myanmar, the duties of the TMO are split in Hpa-An between the TMO, who is in charge of the hospital and all medical affairs, and the Township Health Officer (THO), who is in charge off all public health matters and the provision of medical supplies to all health facilities. The TMO/THO can recruit support staff for the various health facilities directly if there is a vacancy, but is not in charge of hiring and firing or the transfer of medical staff between health facilities.

---

51   Myanmar Times 5 May 2014

An overview of the more specific tasks of the TMOs is provided in Figure 17.

Role and responsibilities	• Management and administration of all public health facilities • Planning and conducting promotional health campaigns • The Department of Health (DoH) is responsible for two streams of administration— hospital management and public health— under the remit of the TMO who leads operations, management, budgeting and planning. • Monthly, quarterly and annual reporting to regional DoH. Reports comprise of statistical data, mostly.
Monitoring and evaluation	• TMO/THO monitors the maintainance of medical standards, the staff code of conduct., but there are no specific staff performance indicators. • Township supervision teams regularly visit two Rural Health Centres per month to provide oversight and collect data on key health peformance indicators. They lack however sufficient travel budget and there is no transport available. • They are also legally mandated to supervise and monitor private clinics.
Co-ordination	• The TMO/THO chairs the Township Health Committee, which is comprised of health professionals and the TEO. It discusses and promotes public health policies and coordinates cross-cutting health issues. • TMO/THO is member of Township Education Committee, but not of the TMC, TDSC or TMAC. • The TMO is responsible for coordination of health services provided by non-governmental organisations in the township.
Complaints	• Most complaints are addressed to the TMO, who is obliged to investigate, in some cases traveling to the site of the complaint. The TMO can deal directly with minor cases. For the more serious cases an "examination group" is established to investigate the case. The group is comprised of the TMO, the head nurse and one staff member. After completing investigation, the group proposes a decision which is submitted to the regional office of the Department of Health for endorsement.

Figure 17: Key characteristics of township health administration in Kayin State

Source: Interviews with Township Medical Officers

While salaries are paid from the recurrent budget and are usually paid out in time, there is hardly any operational budget available for the staff to actually carry out their duties and functions which contributes to an inefficient use of manpower resources. While the TMOs are for example supposed to supervise and visit the Rural Health Centres on a regular basis, there is no, or in some cases, only a very limited budget for travel or transport available, forcing the staff to pay for these travel costs from their own pockets. This lack of operational budget combined with a highly centralised decision-making structure in most departments has a serious negative impact on the efficiency and effectiveness of service delivery and on the optimal use of the limited manpower available.

TMOs have the responsibility to supervise Rural Health Centres but limited budget for travel makes it difficult.

Regarding the payment for essential drugs by patients, six of the eight managers answered that patients never have to pay for those drugs, while two managers stated that patients sometimes have to pay for essential drugs when those essential drugs are not available at the health facility.

Most of the health facility managers mentioned that there was a **Village Health Committee (VHC)** in the village tract or ward that assists the staff by carrying out small repairs at the health facility. They are however not involved in the management of the health facility and are also not functioning as an intermediary between the population and the service providers.

Village Health Committee exists and provides support such as the repair of the health facility.

Planning and budgeting of public health services

As "National Health" is included in the Schedule One functions of the Constitution the **planning and budgeting in the health sector also remains centralized and is mainly taking place at the Union level.** The TMO and lower level health facility managers merely provide basic data as an input into the planning process. The TMO is requested to submit a proposal for the annual recurrent budget for township healthcare to the District Health Officer, who collates the various township requests and submits them to the State level. As there are no township strategic (health) plans, most TMOs calculate their recurrent budget needs based on the previous year actual budget and add to that any additional requirements based on e.g. an increase in number of medical staff in their township.

One major change in the planning process has been the **delegation of the procurement of medical supplies** from the Union to the State and district level, which is now handled and managed by the State DoH for more efficient allocation. As a result of these changes, the TMO can now transfer medical supplies between RHCs in order to deal with acute shortages. The TMO is not involved in the planning and implementation of capital investments (new RHCs, renovations, etc.), which is all dealt with by the MoH at the State and Union level.

"There is no use for me to be a member of the TMC or to discuss health issues with the TDSC as I can't respond to their issues anyhow."

As a result of the centralised planning system in the Ministry of Health, the ability of the TMO to coordinate planning with other sector departments and with other health service providers in the township is very limited. In addition, the TMO doesn't have the means nor the mandate to respond to specific local needs or bottlenecks in service delivery, while they are in the best position to identify such bottlenecks. As a result it takes for instance a very long time to recruit or replace medical staff once there are vacancies available. One TMO summarized his frustrations in this regard by saying: "There is no use for me to be a member of the TMC or to discuss health issues with the TDSC as I can't respond to their issues anyhow."

People's views on health services

Regarding the use of public or private health facilities, 113 respondents (or 39%) said they usually make use of public health facilities ((Sub)-Rural Health Centre (RHC), clinic, station and township hospitals), while 171 respondents (almost 60%) said they make mainly use of a private health facility (see Figure 18). There were **large differences between urban and rural respondents regarding the use of public or private health facilities.** Of the urban respondents, only 9 percent of the respondents said they make use of public facilities, while 69 percent of the rural respondents said they make use of the public facilities. As a result, respondents in Hpa-An, which is more urbanised apparently make more use of private health facilities than respondents in the other two townships.

Figure 18; Use of public vs. private health facilities in the three townships.

Source: UNDP Local Governance Mapping Kayin, April 2014 n=288

Total: 59% / 39% / 2%
Hpa-An: 69% / 28% / 3%
Kawkareik: 47% / 53% / 0%
Hlaingbwe: 63% / 36% / 1%

■ Public   ■ Private   ■ Don't know
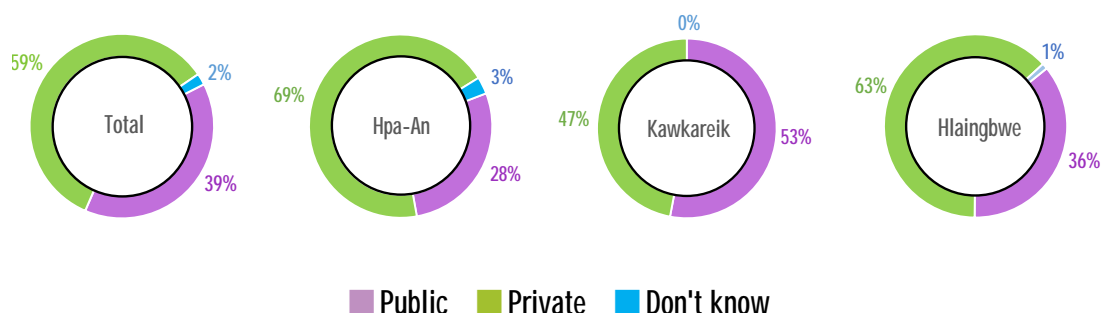
Reasons for using a public facility were: the proximity of the public health facility (70%), the quality of health staff (32%) or the fact that the respondents were just used to going to this facility (31%). Reasons for using a private facility were similar: the proximity of the private health facility (57%), the quality of health staff (32%) or the fact that the respondents were just used to going to this facility (45%).[52] It is remarkable that cost considerations were hardly mentioned at all (only by 5 percent of the respondent using a publioc health facility) as a reason for choosing a public health facility.

In order to get an impression of the awareness of citizens of the improvements made by government in the health care sector, respondents were asked whether health services in general (public and private combined) have improved in their village-tract or ward over the last three years (see Figure 19).
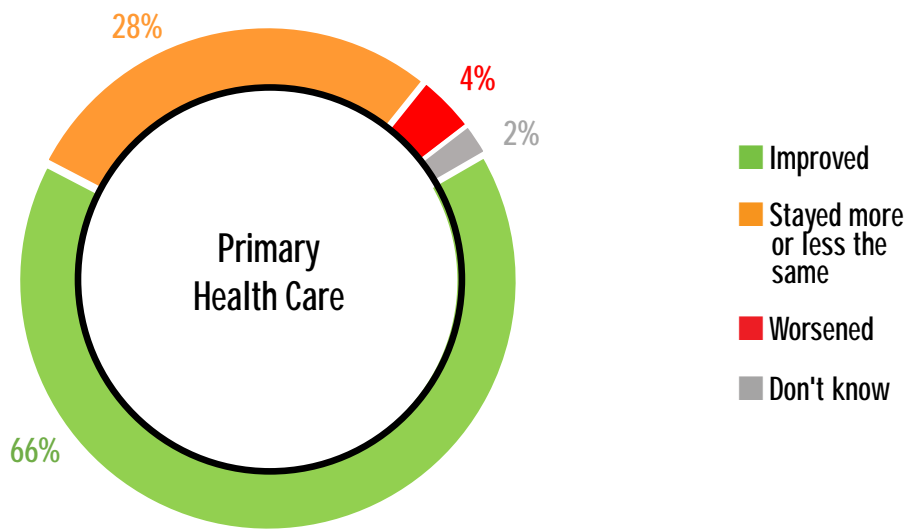
28%

4%

2%

Primary Health Care

66%

- Improved
- Stayed more or less the same
- Worsened
- Don't know

66 percent or two-thirds of the respondents mentioned that the health services in their village-tract or ward have indeed improved, while 28 percent mentioned that these services had stayed more or less the same. Only 4 percent mentioned that the quality of health services had deteriorated over the last three years. There was no significant difference between urban and rural respondents, nor between male and female respondents.

Of those respondents who mentioned that the situation had improved, the main reasons were[53]:

- Improvements were made to the health facility buildings, or new facilities were established (61%);
- Having more health staff available at the health facility (34%);
- Increased quantity of medical supplies and drugs (31%);
- The cost of health care has decreased over time (31% of the urban and 11% of rural respondents).

Taking all the above aspects of health care into consideration, respondents were asked whether they were satisfied with the quality of health care services in their village tract or ward. 55 percent of the respondents (50% of the male and 59% of the female respondents) mentioned that they were satisfied, 27 percent qualified the services to be "not good, not bad"

Almost 2/3rds of the people felt health services has improved and public health facility was favoured in the rural areas by 69% -- more due to proximity and less due to quality.

---

52   Note that more than one answer was possible
53   More than one answer was possible).

while 17 percent were not satisfied with the quality of the health care services. Kawkareik had the highest level of satisfaction, with 74 percent of the respondents qualifying the services as "good", while Hlaingbwe had the lowest number of satisfied respondents (42%) (see Figure 20).

Box 8: Examples of improvements made in health care services as mentioned by the communities during the Community Dialogues

Flexibility and health service provided based on needs, regardless of background
"Community health staff provide equal treatment to all patients regardless of income or social background or race in all corners of the community. If patients don't have money, he or she was treated on credit."

Ta-Kaung-Bo VT, Hpa-An

Good maternal care for pregnant women
"50,000 kyats (50 USD) is provided to support underprivileged people at the time of delivery of their child. There was good care. People now have access to water and electricity at the hospital. It is better for patients. Oxygen is reserved for emergency cases. The attitude of health staff has become better, there is more equipment and the number of staff has increased in the past few years."

No. 7 Ward, Kawkareik

Box 9: Examples of challenges in health care services as mentioned by the communities during the Community Dialogues

Patients were asked for money by the health staff at the hospital. If the patients were not able to give any present or money at the hospital, they would not receive good care from the health staff.

No.2 Ward, Hpa-An

There is only one midwife who serves the entire community of about 13,000 people. No ambulance and sufficient medical care exist for the community.

(Kha) Ward, Hlaingbwe

There is only one Sub-RHC and one midwife within the village tract that includes 8 villages with about 9,000 population. It is difficult to go to the SRHC by passing a muddy road. Patients from far away village and rich family do no use the service. They go to Thailand, Hpa-An and Yangon.

Tharyar Kone VT, Hlaingbwe

Both poor and rich have to pay money to seek hospital treatment and patients have to buy medicines themselves from pharmacies. There is also lack of sufficient medical equipment, or electricity and proper prenatal care services were not available.

No. 7 Ward Kawkareik
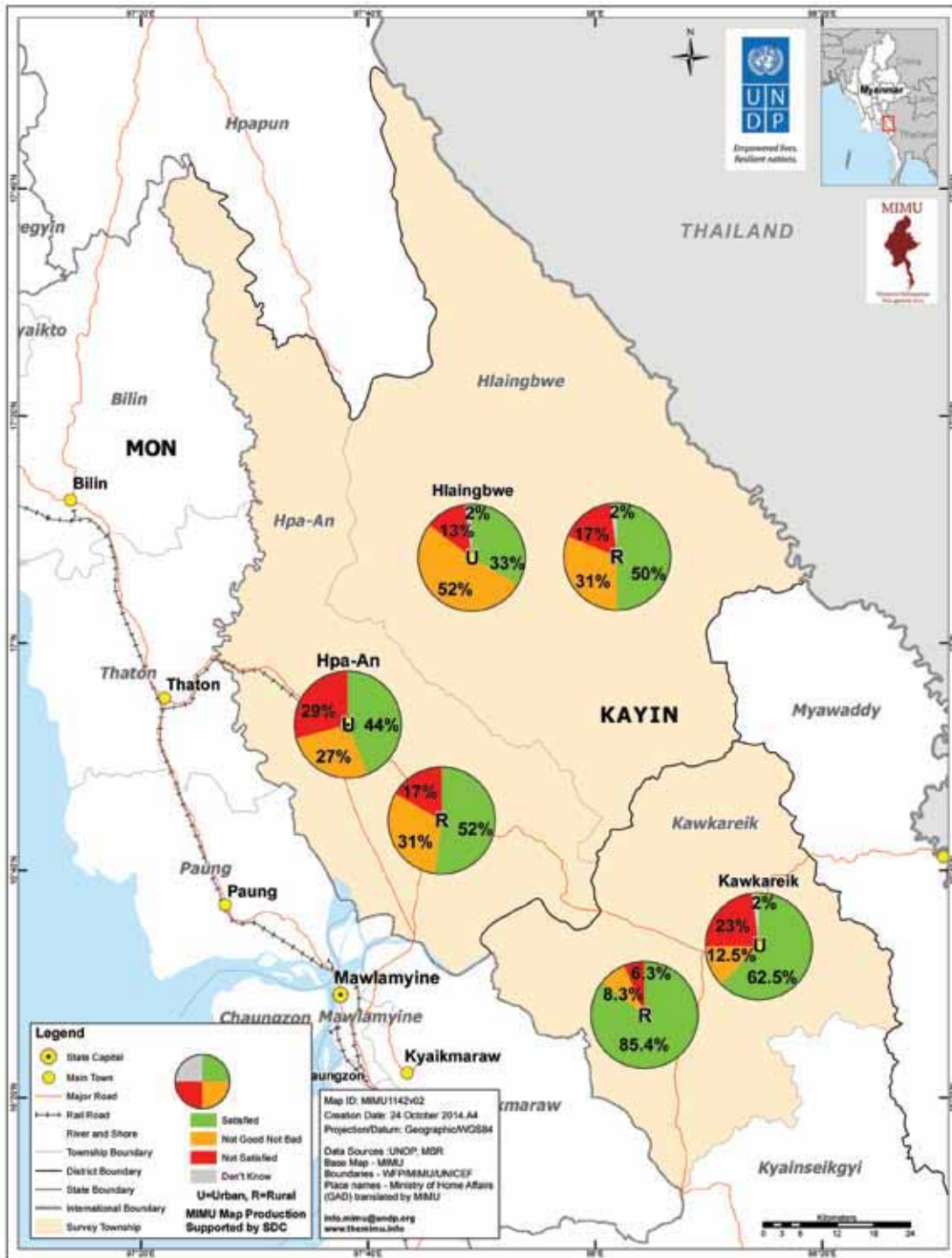
Figure 20: Level of satisfaction with health care services in their village tract or ward.

Source: Local Governance Mapping Kayin, April 2014 n=288

The respondents who usually make use of a public health facility were asked whether or not they had to pay for the medicines they received from the health staff. Their responses are presented in Figure 21 below:

Always **Sometime** **Never**
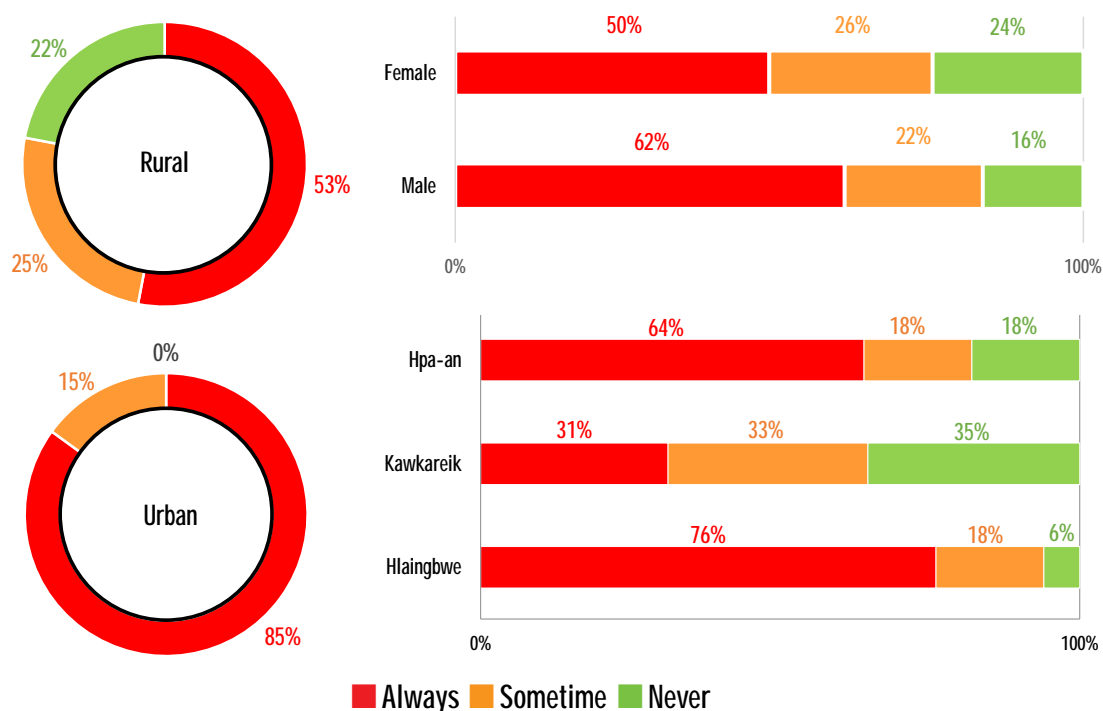
Of 56 % of people who had to always pay for the medicines, 81 % did not receive an explanation on the need to pay from the medical staff.

56 percent of the respondents said they always have to pay for medicines in a public health facility while most medicines (i.e. essential drugs, if in stock) should be provided for free. (see Figure 21). There was a large difference between urban and rural respondents using public health facilities, where 85 percent of the urban respondents said they always had to pay for medicines vis-à-vis only 53 percent of the rural respondents. Of the respondents who mentioned that they always had to pay for medicines 81 percent stated that they did not get an explanation from the medical staff on why they had to pay for these medicines. These statements seemed to contradict with what the health facility managers and the TMOs had reported.

In 2013, the MoH made generic (non-specialist) drugs available to patients at public-health facilities free of charge. The eight public healthcare facility managers interviewed all confirmed that patients were not required to pay for treatment, essential drugs and medical supplies. Further, all of them stipulated that that health staff at their facility refrained from selling drugs that should be for free. In addition, 11 out of 13 health staff interviewed mentioned that essential drugs are almost always available. Yet, 56 percent of the respondents who use a public health facility mentioned that they always have to pay for medicines and 26 percent mentioned that they sometimes had to pay for medicines.

These data, while worrisome, are also understandable in Myanmar's current context. Yet, they cannot be used as direct proof of mismanagement of healthcare resources. The rules **related to the distribution of drugs and medical supplies are not clearly articulated**, and there are some specialist medicines in circulation that are not subsidised by the MoH. In addition, health staff often assist patients with non-government supplied medicines once their regular stock is depleted, and charge people for the actual costs. At the very least, these results are indicative of a poor articulation and understanding on both sides on the rights of patients. This points to gaps in mutual understanding between service providers and users,

which, at best, **can erode trust between citizens and the public sector**, and at worst, lead to systematic and unchecked corruption in the delivery of basic services. In either case and even if there is no mismanagement of drugs, such lack of clarity will lead to allegations of misuse because people are told that in general drugs provided at the health facility should be free of charge.

Regarding **equity in treatment**, almost all respondents (96%) and both male and female respondents who made use of public health facilities felt that they received the same treatment as any other person in their village tract or ward, i.e. there was no discrimination against particular groups within the community.

Direct participation of people in the planning of health care improvements is still **very limited**. Only 3 percent of the respondents ever participated in a meeting organised by government to discuss the quality or planning of health services in their village tract or ward. As mentioned above, as long as the TMOs or the health facility managers have no resources to respond to the felt needs and can neither influence the planning of the Ministry of Health even at the lowest levels, such consultations will not be very useful. This is also part of the reason why there is **no regular contact between the TDSCs or TDACs and the TMOs**, while it is mentioned as one of the function of the TDSC in the Notification 27/2013, which says under 5f: "To give advice and coordinate for the development of education, health care and human resources…".

While the ability of the TMO to resolve issues raised by the communities is rather limited, the examples of elementary action plans made during the Community Dialogue sessions regarding the improvement of basic health care services show that there are also improvements that can be made that fall within the mandate of the health staff or that can be resolved through cooperation with the communities.

Ninety-six percent of both male and female respondents perceived equitable treatment in receiving health services.

4.3.2. Primary education in Kayin State

Similar to public health care, the quality of primary education (and of other forms of education as well) has been very poor in Myanmar for decades if compared to international standards and performance improvements in other countries[54]. The Government of Myanmar has recognized this deficit and has started to address this backlog first of all by gradually increasing the education budget from 310 billion Kyats (310 million USD) in 2010-2011 to 1,142 billion Kyats (1,142 million USD) for the current year 2014-2015. This constitutes an increase of 368 percent in 5 years' time.[55]

Nevertheless, despite this increase, the government's planned expenditures on education are still only 5.92 percent of the total government's budget for the year 2014-2015, which remains very low if compared to other countries in the region.[56] Not only has the education

---

[54]   Zobrist, Brooke and McCormick, Patrick 2013. A Preliminary Assessment of Decentralisation in Education: Experiences in Mon State and Yangon. Subnational governance in Myanmar Discussion Papers. Centre for Economic and Social Development (MDRI-CESD), December 2013.

[55]   As mentioned by President U Thein Sein during the 2014-15 fiscal year budget meeting of the Financial Commission on 7 January 2014.

[56]   UNICEF, 2013; Snapshot of Social Sector Public Budget Allocations and Spending in Myanmar. As a result, Myanmar spends a mere 1.33 percent of its GDP on education in 2014 while other countries in the region spend on average approximately 3 percent of their GDP on education, with Thailand leading the group with more than 5 percent.

sector been subject to severe underfunding for decades, in addition, "the education system is characterized by poor quality, outdated pedagogy and insufficient geographic coverage, with rural and border areas being poorly served".[57] As a result of both factors, roughly half of Myanmar's children (2011 figures) do not complete primary school. In areas affected by chronic conflict, such as parts of Kayin State, the situation has been even more dire.

In addition to the above mentioned budget increases, the education sector is under revision. Based on the initial outcomes of a "Comprehensive Education Sector Review (CESR)" several minor reforms are already being implemented or prepared. Regarding the management of education the CESR concluded:

"1) The relevant ministries, administrative bodies and schools are not fully serving their intended functions without appropriate coordination and demarcation of roles to serve for a unified and coordinated purpose;
2) The existing laws and policies have become outdated and do not reflect the realities of the education sector today". [58]

The Constitution of Myanmar does guarantee that "the Union shall provide free, compulsory primary education system." There is however no overarching policy document that presents the ideas and strategy of how government wants to transform the sector. One of the major problems blocking any meaningful transformation in the sector is the prevailing interpretation of the Constitution, according to which education as a whole sector remains firmly a legislative and administrative responsibility of the Union only. Together with "national health", a number of education related responsibilities are listed in Schedule One.[59] A recent study has found that the inclusion in Schedule One is held as "meaning that the State and Regional Hluttaw cannot enact any legislation in that sector. Nor is there formal provision for the State governments to have a role in education, or practical means for them to do so".[60]

A recent report by JICA concluded that: "the existing education administration structure does not allow each locality to respond to their local needs".[61] This last conclusion is confirmed by MDRI and the Asia Foundation, which conducted a study called "A Preliminary Assessment of Decentralization in Education".[62] Although the scope of this study was limited its main conclusion was very clear: "This study indicates that there has been little decentralization within the Ministry of Education. There has been limited, unclear 'deconcentration,' resulting in a certain amount of responsibility shifting to lower levels of administration (like minor school repairs, small scholarships, etc.), but people at these lower levels do not have decision-making authority commensurate with, or related to, their responsibilities. Government policies concerning education and decentralization have not been clearly defined. Instead, the institutional and organizational culture in the Ministry of Education continues to be top-down".[63] As a result, "the provision of these services represent a form of deconcentration, meaning that people at the lower levels have more work and responsibilities, but which give them no greater authority—only more work".[64]

---

57   Zobrist, Brooke and McCormick, Patrick. A Preliminary Assessment of Decentralisation in Education, page 10.
58   JICA 2013; Data Collection Survey on Education Sector in Myanmar Final Report. February 2013.Page 10.
59   Schedule 1, Section 9. "Social Sector": (a) Educational curricula, syllabus, teaching methodology, research, plans, projects and standards; (b) Universities, degree colleges, institutes and other institutions of higher education; (c) Examinations prescribed by the Union; (d) Private schools and training; [...]
60   Zobrist, Brooke and McCormick, Patrick. A Preliminary Assessment of Decentralisation in Education: page 8-9.
61   JICA 2013; Data Collection Survey on Education Sector in Myanmar Final Report. February 2013, page 11.
62   Zobrist, Brooke and McCormick, Patrick. A Preliminary Assessment of Decentralisation in Education.
63   Ibid, page 4.
64   Ibid, page 19.

Given this schematic overview of the education sector in Myanmar, how do local teachers and principals (service providers) and parents (service users) in the three townships in Kayin see the quality of primary education and appreciate the way in which it is delivered?

Primary education service provision in the three townships in Kayin State.

Looking at the figures for primary education in the three townships (see Table 15), one can notice a big difference in teacher-student ratio. Hpa-An has the lowest ratio of 1 teacher per 24 students, Kawkareik 1 per 37 students and Hlaingbwe 1 per 47 students while the national minimum standard is defined at 1 teacher per 40 students. While interviewing the TEOs in Hlaingbwe and Kawkareik, it became clear that it remains difficult for the more remote townships and schools to attract enough qualified teachers, even though the situation has improved a lot over the last few years. For the TEOs in these two townships, finding and retaining well qualified teachers is the main obstacle for improving the quality of primary education.

	Hlaingbwe	Kawkareik	Hpa-An
Population	266,000	301,000	487,000
Primary schools, number	228	196	393
Primary school students	31,971	27,003	48,280
Primary school teacher: student ratio	1:47	1:37	1:24
Primary school teachers appointed	681	728	1960
Primary school teachers vacant	358	?	?

The NGOs are also very active in education in these townships.

The three townships selected for this survey have the highest concentration of non-governmental organisations (whether UN, INGO or NGO) active in the education sector in Kayin State. Support is provided both to government schools as well as schools run by Karen Nationalist Organisations in the contested areas in Hlaingbwe and Kawkareik (see Table 16).

township	UN organisations, (I)NGOs and CBOs active in education
Hlaingbwe	Karen Development Network, Karen Baptist Convention, Malteser International, Save the Children, Social Vision Services, UNICEF, UNHCR
Kawkareik	Karen Baptist Convention, Save the Children, Swiss Development Cooperation, HAI UNICEF
Hpa-An	Karen Development Network, Karen Baptist Convention, Malteser International, Save the Children, Social Vision Services, Norwegian Refugee Council, UNICEF, UNHCR

According to the Township Education Officers (TEOs) and the 20 teachers and principals that were interviewed in the village tracts and wards that participated in the survey there have been substantial improvements in the provision of primary education mainly through the construction of extra classrooms and school buildings, the appointment of more and better qualified teachers and the improvement of school equipment over the last few years.

Recently it has become easier for the TEO to recruit local teachers to deal with acute staff shortages, especially in the more remote townships or villages. The TEO can recruit teachers on a daily wage basis (meaning that they are not part of the civil service system, they don't receive any additional benefits like pension, and are not paid during school holidays).

During the year 2013/14, the Hlaingbwe TEO appointed 402 new teachers of which only 25 had completed the teacher training college. The remaining 377 teachers were recruited locally, meaning that almost half of the teachers at primary schools in Hlaingbwe in 2013/14 were not formally qualified. The TEO was in charge of the selection, the examination, the appointment and training of these new teachers.

According to the principals and teachers there is however plenty of room for additional improvements to be made in order for the schools to function well. Teachers believed that improvements to school accessories and teaching support materials are the most cost-effective way to further improve the quality of teaching. In addition, more basic infrastructural improvements are also required, as overcrowding is still a significant problem for most schools (some classes have to accommodate up to 60 students). This responsibility, for the time being, lies entirely with the Ministry of Education, rather than local communities.

All principals experienced a lack of sufficient teachers and poor basic school infrastructure during the 2012/2013 school year, which was confirmed by the teachers. The majority of principals reported problems, such as the need of more school chairs, desks and textbooks, to the TEO and these were for the most part successfully resolved. On larger issues such as low teacher salaries or unqualified staff, however, respondents either felt that the procedures are too complex, or were fearful of reprisals from the higher authorities, and therefore refrained from reporting them.

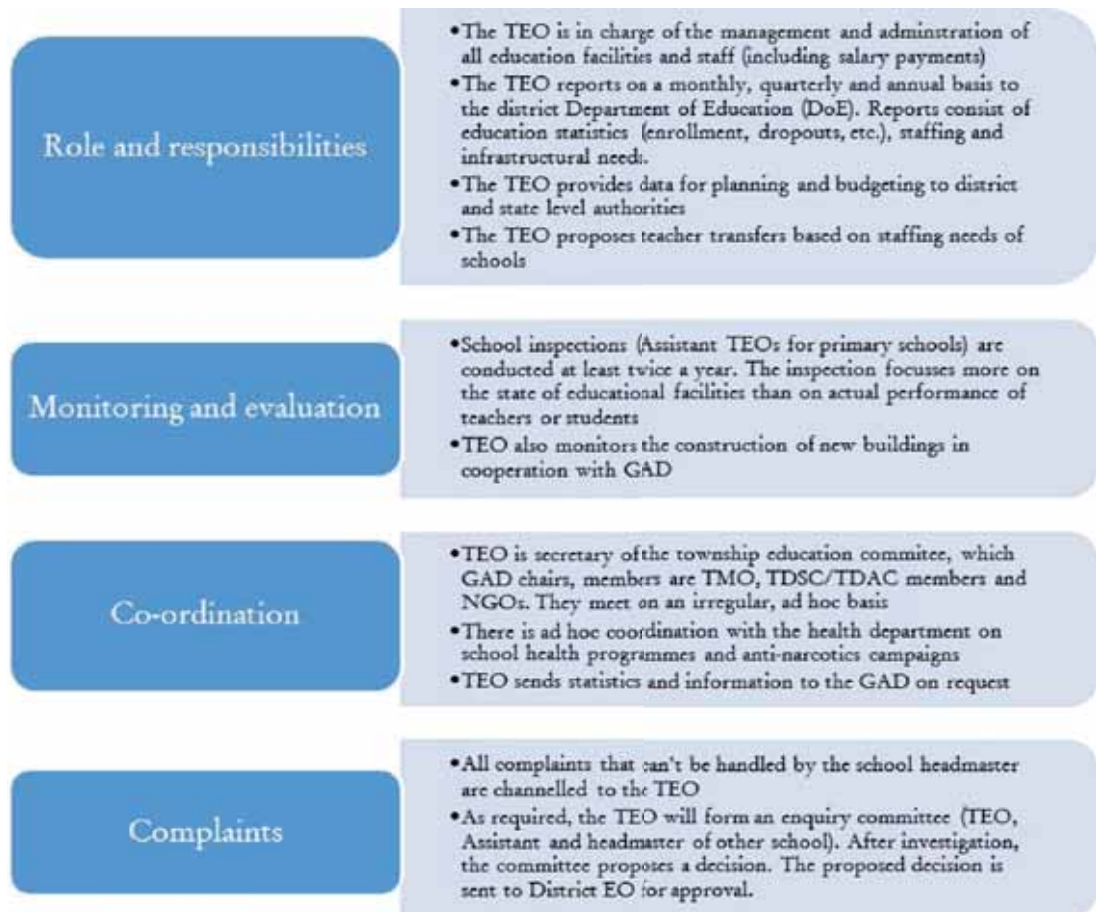### The organisation and administration of primary education.

The job of TEO is one of the most demanding jobs in the township. Together with a few assistants, the TEO manages roughly 60-70 **percent of all civil servants in the township** including their salary administration; monitors the quality of all levels of education; collects relevant educational baseline data and, resolves a multitude of practical issues especially with regard to the structural shortage of teachers in the more remote areas. This is despite the fact that the **TEO's autonomy and ability to respond to these problems is very limited**, due to the centralised way in which the Ministry of Education is organised.

The administration of primary education at township level in Kayin State is in line with standard procedures within the Ministry of Education (see Figure 22).

On one hand, the TEO can recruit local teachers to address staff shortages – on the other hand, the TEO of Hlaingbwe could recruit only 25 teachers who had completed teacher training college from the new 402 teachers that had been appointed.

Role and responsibilities
- The TEO is in charge of the management and administration of all education facilities and staff (including salary payments)
- The TEO reports on a monthly, quarterly and annual basis to the district Department of Education (DoE). Reports consist of education statistics (enrollment, dropouts, etc.), staffing and infrastructural needs.
- The TEO provides data for planning and budgeting to district and state level authorities
- The TEO proposes teacher transfers based on staffing needs of schools

Monitoring and evaluation
- School inspections (Assistant TEOs for primary schools) are conducted at least twice a year. The inspection focusses more on the state of educational facilities than on actual performance of teachers or students
- TEO also monitors the construction of new buildings in cooperation with GAD

Co-ordination
- TEO is secretary of the township education committee, which GAD chairs, members are TMO, TDSC/TDAC members and NGOs. They meet on an irregular, ad hoc basis
- There is ad hoc coordination with the health department on school health programmes and anti-narcotics campaigns
- TEO sends statistics and information to the GAD on request

Complaints
- All complaints that can't be handled by the school headmaster are channelled to the TEO
- As required, the TEO will form an enquiry committee (TEO, Assistant and headmaster of other school). After investigation, the committee proposes a decision. The proposed decision is sent to District EO for approval.

For monthly salary payments, the TEO issues cheques to each high school and middle school headmaster who pays the teachers. For the primary schools cluster group, the headmasters (60 in Hpa-An township) withdraw cash and pay all teachers in their cluster. They return the signed salary sheets the next month.

When there is a serious shortage of teachers in a certain school, the TEO can only request other schools/teachers to assist temporarily, as he/she does not have the authority to transfer any of the qualified teachers permanently. The last resort to resolve the shortage of teachers is for the Parents-Teacher Association (PTA) of a school to recruit a teacher locally and pay for him/her by collecting money from the parents. These teachers fall outside the official education system and records. The TEO doesn't keep a record of these teachers and doesn't check their qualifications or actual performance.

Since recently, primary schooling is free in Myanmar (including free text books and 6 exercise books + 1,000 Kyats (1 USD) per student at enrolment). Middle schools are also free, but parents of high school students have to pay school fees, a PTA contribution, as well as purchase textbooks and uniforms. Several NGOs and private foundations are donating school furniture and also provide financial support to students from poor families. One NGO in Hpa-An (MarGa) conducts free classes for high school dropouts by hiring retired teachers.

The scholarship award system has also been reintroduced in Hpa-An township in 2012-13, under which annual scholarship exams are held for 4th grade and 8th grade students. Outstanding students from Grade 4 get a monthly stipend of K 20,000 for continuing middle school education, and similarly, outstanding students from the middle school receive

K 30,000 monthly to continue their high school education. Their teachers are given priority for promotions and transfers, as an incentive.

The concept of **performance management** was understood by education staff as the timely reporting on basic indicators. Standards and practices for monitoring are fairly well-established for primary schools, for which there are regular inspection visits conducted typically by the Assistant and Deputy TEOs. The objective is to conduct routine inspections, evaluate personnel and audit stock, and collect data for 12 basic output indicators for primary schools (7 quality-related, 5 on physical infrastructure). Though inspectors are supposed to inspect personnel, **no data is collected with respect to staff performance (i.e. teacher absenteeism, or quality of teaching)**. Of the 6 principals interviewed, five reported two inspection visits from the township education office in 2012-13. Most principals considered the support they got from the Township Education Office to be of good quality. It is not known whether any of the performance reports are made available to parents or to the general public.

> *" Teachers believed that they adhere to the code of conduct from the Ministry of Education, that they are punctual, report honestly on their performance to the education office at township level, listen to the parents about their children's education and take any complaints from parents seriously."*

All schools had a PTA. These PTAs are mainly involved in implementing small maintenance works and in collecting donations from the parents and not in the actual management of the school.

Planning and budgeting of primary education in the three townships

Using the inputs provided by every school, the TEO drafts a recurrent budget proposal based on the previous year's figures, including the newly arrived teachers, and submits it to the Ministry via the District Education Officer (DEO). A copy of the recurrent budget request is sent to the TA. In addition, the TEO provides the DEO with the basic data for the Department of Basic Education at the Ministry of Education to conduct its planning. Based on the actual needs, the TEO can submit requests for capital investments but is not involved in the actual planning of new education facilities. The TEO only knows where a new school is going to be built and when the actual construction starts. Not knowing the capital investment plans of the Ministry beforehand, and not having a copy of the contract or specifications, makes it very difficult for the TEO to monitor construction progress.

Box 11:   School Construction Committee

School construction projects are supervised by a school construction committee which is formed at both township and village level. The committee is chaired by one of the parents and has the headmaster, a VT/WDSC and a PTA representative as members. To pass the instalment payments, the Headmaster signs the completion certificate on behalf of the school construction supervision committee.

Similarly to the TMO, as a result of the centralised planning system, the TEO is very limited in coordinating planning with other sector departments and with other education service providers in the township. It is essentially restricted to very practical coordination of e.g. anti-drug campaigns that are carried out jointly with the TMO or THO at primary and secondary schools.

People's views on primary education

Just like in health care, a large majority (78%) of the respondents were of the opinion that primary education in their village-tract or ward had improved over the last three years. In Hlaingbwe and Kawkareik this percentage was even higher at 88 percent and 86 percent, while in Hpa-An about 61 percent of the respondents were of the opinion that primary education had improved (see Figure 23).
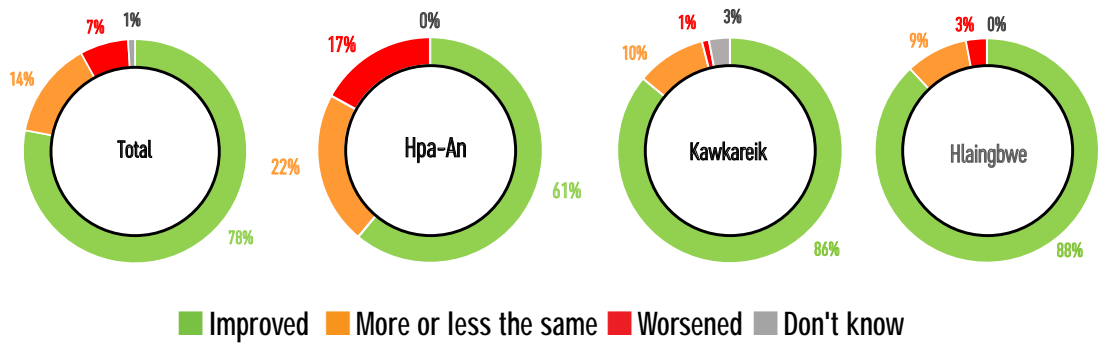
The main reasons for improvements mentioned by the respondents were[65]:
• A new or improved primary school (84%),
• More teachers at the primary school (32%),
• The attitude of the teachers has improved (16%),
• Both the quality and quantity of teaching materials and furniture has improved (15%)
• The costs of primary education have decreased (10%).
Of the few respondents who stated that primary education had worsened over the last three years, 65 percent attributed this to a lack of maintenance or deterioration of the school infrastructure.

A high perception of improvement (78%) and satisfaction (82%) appeared to be mainly due to a new or improved primary school in their locality.

119 out 288 respondents (or 41% of all respondents) had one or more children attending primary school at the moment. The respondents with children attending primary school were asked about their satisfaction with the quality of education. Eighty-two percent of the respondents with children attending primary school were satisfied, 13 percent mentioned "not good/not bad", and 6 percent were not satisfied . Kawkareik had the highest level of satisfaction (95%), while nearly a third of the respondents in Hlaingbwe (30%) were ambivalent ("not good/not bad"). Hpa-An had a relatively high percentage of dissatisfied respondents (12%) (see Figure 24)

---

65   Note that more than one answer was possible
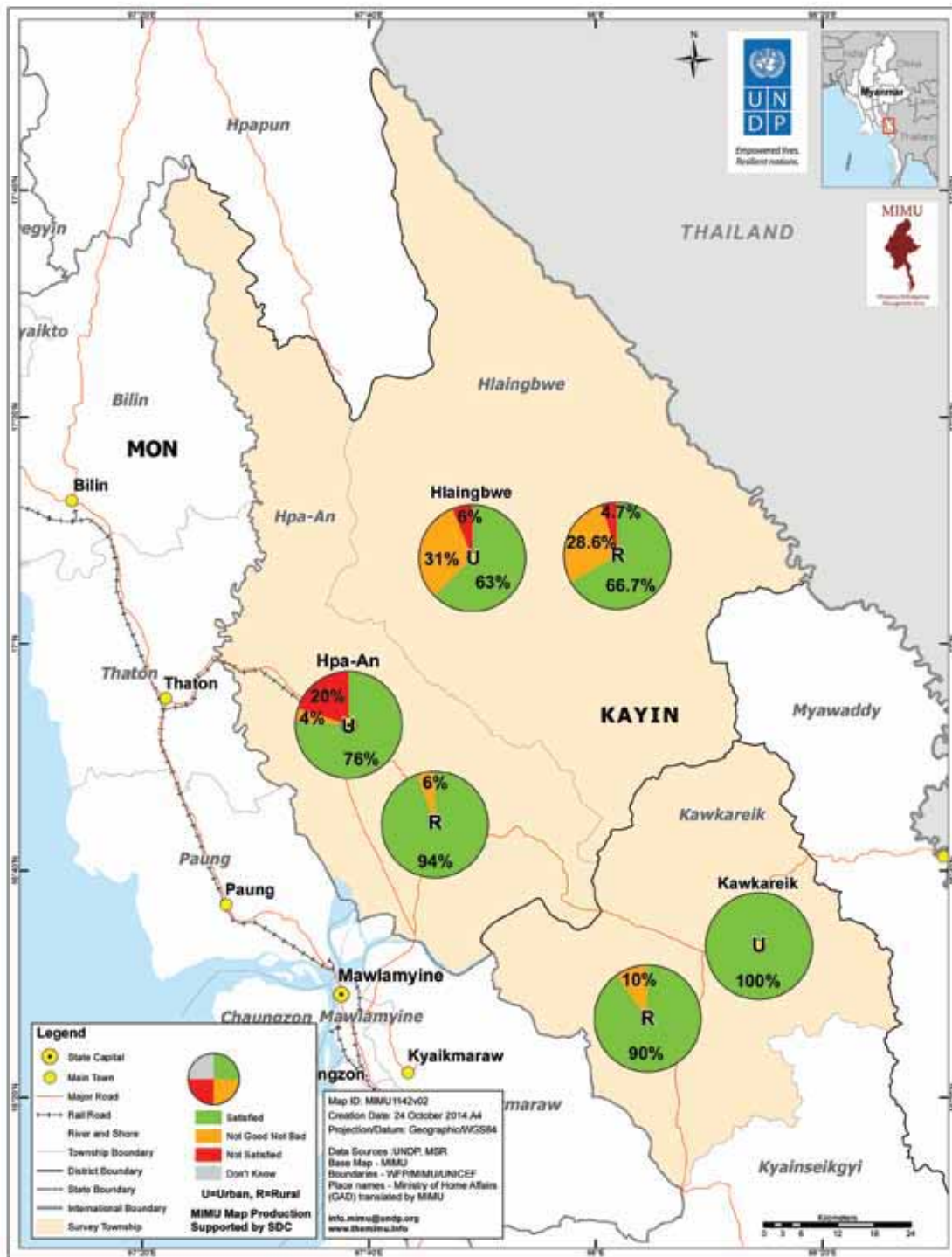
Figure 24: Overall satisfaction with the quality of primary education for respondents with primary school-going children

Source: UNDP Local Governance Mapping, Kayin State, April 2014. n=288

Box 12   Examples of improvements made in primary education as mentioned by the communities during the Community Dialogues between government service providers and community members

Government staff – highlighted several reasons such as "Better school buildings. Roads to schools are better. Introduction of free primary education. Teachers have become better qualified. More toilets – sufficient." "Solar panels for electricity supply. Sufficient amount of desks. The VTA comes to the school regularly, not necessarily for anything specific. There is weakness in teacher/parent collaborative relationship." Community members – pointed out "Number of teaching staff has increased. Teaching quality is better. Sport and theatre competitions have improved the teaching curriculum. Better school buildings. Sufficient water/drinking water. Toilets have become sufficient. Improved intellectual development as a result of various competitions (painting, drama, essays) held at the school."

<div align="right">TharyarKone VT, Hlaingbwe</div>

"There are children of South Asian origin that attend school, but, the relationship towards them is not like that of Rakhine state - we do not bear resentment towards them. There is no discrimination towards different religions."

<div align="right">TharyarKone VT Hlaingbwe</div>

Government staff said there was improvement in the quality of primary education over the last three years. "This has been due to improvements in teaching techniques, availability of more teaching aids, and other equipment, handing out back packs to children and having a water storage tank."

Community members said that there was an improvement in the quality of primary education but it still needs further improvement. "More school buildings were built within the ward. Schools have a tube well and a water tank. Teachers serve more than normal school hours."

<div align="right">No. 7 Ward, Kawkareik</div>

Box 13   Examples of challenges in primary education as mentioned by the communities during the Community Dialogues

"Since teachers are Karen and talk a lot in Karen language, children have a difficult time in understanding the school curriculum which is taught in Myanmar."

<div align="right">TharyarKone VT Hlaingbwe</div>

"There are insufficient teachers for primary school. Some teachers are unqualified. The road to school is very bad because of a broken bridge and generally poor road infrastructure due to floods."

<div align="right">Taung Kyar Inn VT, Kawkareik</div>

A number of issues were highlighted "Going to school is dangerous as it is located on the main road. Not enough school furniture, poor classrooms and buildings. The school fence is ruined. School toilet is used by outsiders. Corporal punishment cannot be meted out. Children do not study well."

<div align="right">No 7 Ward Kawkareik</div>

Regarding the accessibility of the primary schools, 65 percent of the children attending primary school had to walk between 0-15 minutes to school, 31 percent between 15 and 30 minutes and the remaining 4 percent more than 30 minutes. Eighty-five percent of the respondents mentioned that in general the teachers at the primary school were observing regular working hours (i.e. they are present when the school is open), and 90 percent also said that the teachers are polite and friendly to the parents and their children.

Parents were also asked about gift-giving, i.e. whether respondents had to pay or provide a gift to the teachers, school principal or the school, at any time during the school year, for the education of their child/children. 71 percent of the respondents with children at school responded that they 'never', 18 percent 'sometimes' and 11 percent 'always' gave gifts. Of those who said they always or sometimes gave or provided a gift almost half felt they were obliged to do so (which is close to a bribe) while the other half felt they did this on a voluntary basis.

Eighty-nine percent of the respondents with children at primary school felt that their child was treated in the same ways as all the other children. Of the small group of parents who felt that their child was not treated in the same way, most of these were living in reed/bamboo houses and they felt that children from poor households were treated differently. According to 80 percent of the respondents, different needs of boys and girls (like separate toilets) are always taken care of by the schools. This figure is higher in the urban than in the rural areas (92% compared with 68%) but there was no difference between male and female respondents.

Figure 25 presents an overview of the involvement of respondents with children at primary school (n=119) in meeting with government staff to discuss education-related issues. Seventy-one percent of all the respondents with children had never been involved in such a meeting. When comparing urban and rural respondents with children at school, it becomes clear that respondents in the rural areas have attended more often in meetings (39% rural versus 18% for urban). Male respondents with children attended such meetings slightly more often than female respondents (33% versus 25%).
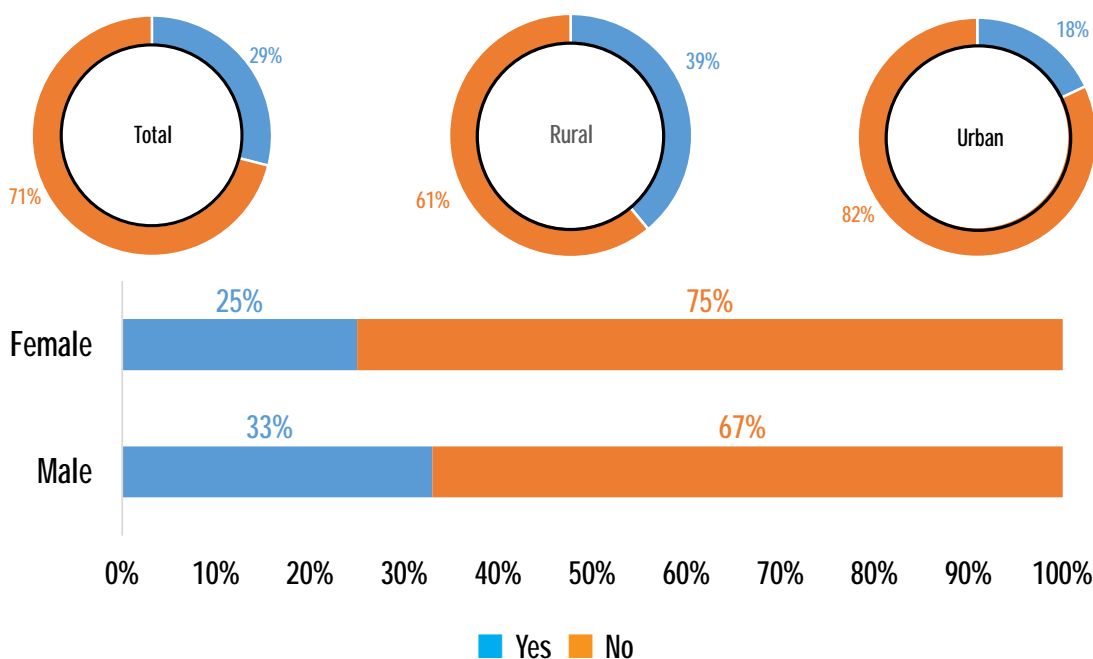
Figure 25: Involvement of respondents with primary school-going children in education related meetings with **government staff.**

Source: UNDP, Local Governance Mapping, Kayin State, April 2014 n= 119.

Box 14:   Examples of action plans for the improvement of primary education as mentioned by the communities during the Community Dialogues

Community supports the education sector by hiring teachers and by providing school furniture. The school principal will report the vacant list of teaching staff to the Education Department.

TharyarKone VT, Hlaingbwe

Teachers and parents will support the development of primary education and equal treatment to poor children. They will ask the Education Department to fulfil teaching aids and drinking water source.

Kha Ward, Hlaingbwe

Citizens are able to do voluntary work to repair the school building. The teachers would submit the report about the school building to the respective department. The parents will encourage the children to go to schools. The ward administration would distribute exercise books and stationery to students from poor families.

No.2 Ward, Hpa-An

4.3.3. Drinking water in Kayin State

Drinking water provision

Access to safe drinking water means having access to a private or public tap, a deep well or a protected hand dug well or a protected open water source all within 30 minutes walking distance. As per this definition, access to safe drinking water stood at 77.3 percent for Kayin State in 2010, which is slightly above the national average of 70 percent and has improved substantially from 55.4 percent in 2005.[66]

The responsibility for drinking water provision is shared by the Department of Rural Development (DRD) and the Development Affairs Organization (DAO) (see Figure 26). The DRD falls under the Union Ministry of Livestock, Fisheries and Rural Development, while the DAO is part of the State Ministry of Development Affairs. The DRD is among others responsible for drinking water provision in the rural areas (village tracts), while the DAO is responsible for drinking water provision in the urban areas (wards). The departments were only established late 2013 and are still in the process of being established in most townships. Especially the DRD is still seriously understaffed. In Hlaingbwe, only 4 out of 27 allocated staff are actually employed by the department at the moment. In Kayin State, the DRD aims to play an intermediary role between citizens and line ministries. It collects baseline data on water supply, roads and bridges, number of livestock etc., and carries out needs assessments, which are passed on to the relevant line ministries. Besides rural water supply, it also provides rural energy (mainly solar power) and micro-finance assistance. It has its own development budget for implementing development activities (in Hlaingbwe it had a budget of 429 million Kyats - 4,290 USD for 2013/14). All major works are carried out by contractors who are engaged by the State-level DRD.

> The Department of Rural Development plays an intermediary role between citizens and line ministries and collects baseline data on water supply and other areas and has established youth volunteer groups in Kayin for supporting data collection and project identification.

The DRD has also recently started a new initiative to involve youths more actively in rural development in Kayin. In order to monitor progress in each village, the DRD has established volunteer groups in various villages consisting of 5 youths who assist the department in data collection and project identification. After selection they receive a basic training from the department.

The Executive Officer (or Director) of the DAO is answerable to the Kayin State Ministry of Development Affairs. The financial management set up of the State Ministry of Development Affairs differs from all other departments, partly because it doesn't have a parent Ministry at the Union level. Most of the DAOs revenues are generated locally through the provision of licences (restaurants, abattoir, and market fees) through local taxes (like building and land tax, water supply tax, street light tax, waste and sanitation tax, public sanitation tax, tax on vehicles, etc.) or as payment for services provision, like garbage collection and maintenance work. Contrary to other departments, these revenues stay within the municipality (i.e. the urban wards of the township) and constitute both the recurrent and capital budget of the DAO. The DAO can either execute works itself or use local contractors for the implementation of contracts below 5 million Kyats (5,000 USD). Above 5 million Kyats (5,000 USD), the State Minister will conduct a tender. In addition, either the State Ministry of Development Affairs or the Union Government can provide grants to the DAO to implement certain infrastructure works that are beyond the financial capacity of the DAO or for emergency relief activities within the municipality.

---

66   IHLCA 2011; Integrated Housing and Living Conditions Assessment 2009-2010; Poverty Profile page 64

As per Notification 27/2013, the Kayin State Hluttaw has recently drafted and adopted a Municipal Law to establish the Township Development Affairs Committee (TDAC), thus giving it a legal basis and allocating tasks and responsibilities to the TDAC and the executive officer of the DAO, who will become to a certain extent accountable to the TDAC (see section 4.4). The Municipal Law provides greater executive responsibilities to the TDAC than DAO At the time of collecting the field data, this law had not been fully implemented and the TDAC was in practice still more of an advisory body to the DAO. Whether and how this relationship will change in practice based on the new municipal law remains to be seen (see Figure 26).

Figure 26: Administrative set up of drinking water provision.

Source: UNDP, Local Governance Mapping, Kayin State, April 2014 n=288

Role and responsibilities
- Split between the DMA which focuses on the urban areas, while the DRD which has responsibility for supporting rural water supply (since 2013).
- Management and administration
- Monthly reporting to district DRD and DMA.

Monitoring and evaluation
- The DMA along with the TDAC monitors municipal water supply in the townships.
- The DRD monitors the situation in each village through established volunteer groups, comprising of five local people selected to assist the department on the ground.

Co-ordination
- The DMA particularly receives requests to work with other departments on joint initiatives.
- TDAC serves a key coordination mechanism for water supply.
- The DRD provides various line ministries with relevant baseline data on rural development

Complaints
- The TDAC is a key mechanism for fielding municipal water grievances (though this is not a core role as originally concieved).
- In rural areas, the DRD's volunteer groups will support investigation of complaints.

Looking at the completed activities over the last half year in 2013-14 (see Table 17) and the plans for the following year, the **improvement of water provision does not appear to rank highly on the priority lists** of both the DRD and DAO. The DRDs in the three townships focussed more on the completion of several remaining infrastructural projects and the collection of rural development data, while the DAOs focused on the maintenance of internal roads in the municipalities and the establishment of its own office. Besides checking the quality of water from private shallow wells, the DAO in the three townships did not implement any activities related to the improvement of water supply since its establishment last year.

	Hlaingbwe	Kawkareik	Hpa-An
Municipal	No activities in providing water supply; only checking the quality of private wells	No activities in providing water supply	No activities in providing water supply
Rural	Over the last 6 months the DRD constructed only one artisan well	No data available	17 shallow wells in 11 villages were dug and 1 deep well in one village

Besides the DRD and DAO there are also several (I)NGOs active in providing safe drinking water in the three townships (see Table 18). In most cases, however, households and communities are self-reliant, especially in rural and remote areas, and do not get any assistance for meeting their basic water needs.

Township	UN organisations, (I)NGOs and CBOs active in water and sanitation
Hlaingbwe	Adventist and Development Relief Agency (ADRA), Malteser, Peace Winds Japan (PWJ), Social Vision Services (SVS), Karen Organisation for Relief and Development (KORD)
Kawkareik	Help Age International (HAI), UNICEF, UNHCR
Hpa-An	Malteser

Citizens' perspectives on safe drinking water provision

Eighty-two percent of the respondents that were interviewed got their water from a shallow well, 11 percent from a deep tube well and 7 percent from an open water source (river or pond). Regarding the provision of or access to safe drinking water, the respondents were asked whether the situation has improved in their village tract or ward over the last three years (see Figure 27).
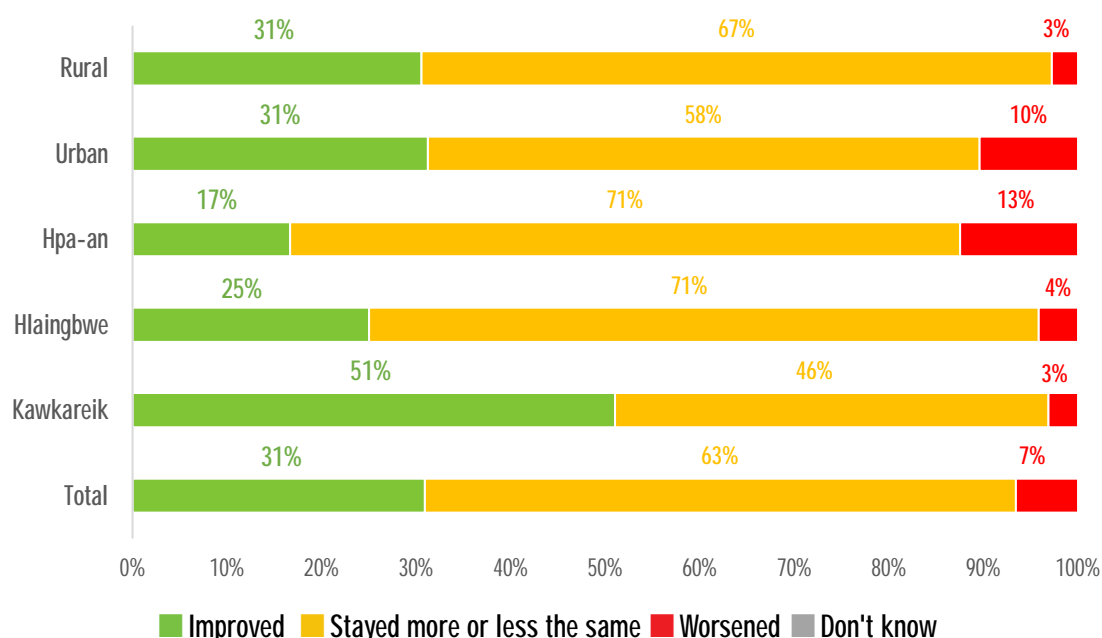
Only 31 percent of the respondents mentioned that the provision of safe drinking water has improved over the last few years. In the earlier section, the provision of safe drinking water was on the list of needs in most village tracts and wards.

As shown in Figure 27, while the number of urban and rural respondents who noted an improvement was the same (31%), more urban respondents claimed that the situation had worsened rather than stayed the same (10% for urban as compared to 3% for rural). The differences between the three townships, too, are significant. Kawkareik scored the highest percentage of respondents that mentioned that they had experienced an improvement (51%) and Hpa-An the lowest (only 17%). Note that these perceptions of improvements are much lower than for primary health care and primary education.

The main reasons mentioned by the respondents who noticed an improvement in water provision were:
- The water source is nearer (40%),
- The water source is protected/cleaner (39%),
- New taps or pumps have been installed (31%).

For those who mentioned that the water situation had worsened the main reason mentioned was the pollution of the water source (74%), or an increase in distance to their water source (26%).[67] For most of the respondents the quality of the drinking water was good or acceptable (66% and 26%). Hpa-an had the highest percentage of respondents rating the quality of their drinking water as bad (19%) (see Figure 28).

8%
26%
Total
66%

19%
Hpa-an
30%
51%

3%
14%
Kawkareik
83%

2%
35%
Hlaingbwe
63%

■ Good ■ Acceptable ■ Bad
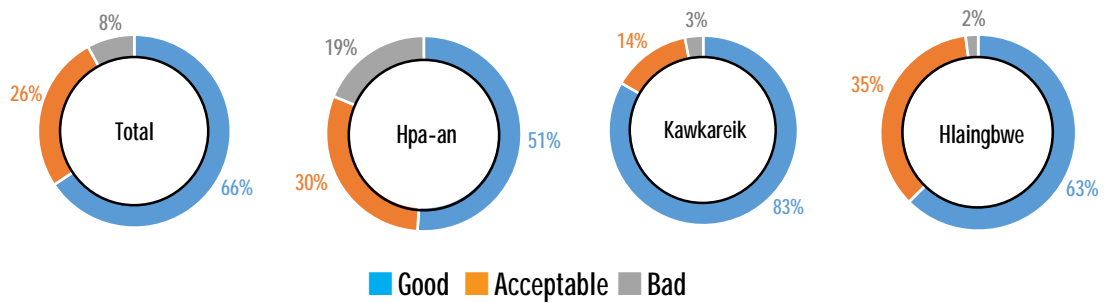
Only 31 percent said that the provision of drinking water has improved and barely 1 percent had even been involved in a meeting with government to discuss about the improvement of water provision.

Hardly any of the respondents (only 1%) had ever been involved in a meeting with government staff about the improvement of water provision in their village tract or ward.

While the situation regarding water provision seems rather good in some parts of Kayin, it nevertheless was raised as a problem both during the individual interviews as well as during the Community Dialogues. Not having access to safe drinking water emerged as the second most important issue in their village tract or ward raised by 15 percent of the respondents. In Hlaingbwe it was even mentioned by 26 percent of the respondents as the most serious problem in their village tract/ward.

Given the fact that access to safe drinking water features on the priority list of the people, while it receives only limited attention from government in terms of resource allocation shows that there is a discrepancy between citizens' needs and government's response. Hopefully in the near future when the DRD and the DAO and TDAC are fully operational in the townships this situation will change, as the DRD is expected to collect information on basic needs from the rural population and the TDAC as a representative of various groups in society will direct the DAO to spend more resources on the improvement of water provision in the municipal areas, in order to ensure reliable and safe access to all.

Concluding remarks on service delivery

The figures on both health and primary education are encouraging, as they show that service providers and people see that improvements are made at the community level. However, one has to be cautious using these figures as an indication for the actual quality of primary education or primary health care in Kayin State or in Myanmar at large. Myanmar continues to perform poorly on a number of international rankings both for primary education and health care, particularly when viewed against global standards. In education, enrolment rates are still low, and completion rates from primary school remain poor. In health, Myanmar has improved on most MDG indicators but still lags behind as compared to other countries in the region.

Since the quality of education and health care in Myanmar has been very poor over the last few decades, the starting point against which people compare progress is very low. In addition, due to Myanmar's isolated position over many decades, the reference frame for most people is the education and health care situation as it has been over the past decades in their village tract or ward, and not the better education or health care situation in other countries or even in Yangon. Furthermore, in the absence of any established standards which can help ordinary citizens compare the actual situation against the "ideal" situation, any positive change is seen as a big improvement. Moreover, given past experiences, many people are still very cautious of expressing any criticism of the authorities, in particular among ethnic minority communities.

4.4 Information, Transparency and Accountability

Transparency of government and accountability of office bearers are critical elements for a well-functioning and sustainable democratic society. In Myanmar, given its long history of a completely closed government that was not accountable to its population at all, that did not share information or justify decisions made, progress towards more transparency and accountability is very slow since it is difficult to change attitudes of both government staff and citizens that have become part of the governance culture. As described in the sections above, planning and service delivery is still done in an hierarchical manner within the "silo" of each sector, and the top-down decision-making structure that persists is not designed and suited for the integration of "the needs of the people" and neither for any form of downward or horizontal accountability. This is even more so in Kayin State with its fragile peace situation and the felt need of government to stay firmly in control.

<div style="color: purple; float: left;">The Township Committee members and the CSOs did not see evidence of government's stand on anti-corruption.</div>

While 'upwards' administrative accountability, the answerability to higher levels within the administration, and the related basic reporting and accounting mechanisms as well as the minimal institutional mechanisms for internal checks and balances are fairly well developed and implemented in Myanmar, they cannot prevent mismanagement if they are not complemented by strong political and social accountability mechanisms. Despite the Anti-Corruption Law that has been enacted in August 2013, citizens did not seem to see any significant changes in practice. During all the Focus Group Discussions with Support Committee members and the CSOs/NGOs in Kayin State, the issue of transparency and accountability was discussed. All the six groups in all three townships qualified the efforts made by the township administration to prevent corruption to be "very bad". The committee members mentioned that: "they hadn't seen any anti-corruption measures taken by the township administration and bribery is continuing as usual especially along the border routes and in the border areas", while the CSO/NGO participants mentioned that: "they hadn't seen any evidence of the government taking action against corruption". One CSO member said that: "some people think that the new Anti-Corruption Law allows officials to receive bribes up to 300,000 Kyats (300 USD) per case".

Nevertheless, some changes in the interaction between government and citizens have been taking place at the township level and below that contribute to a restoration of basic mutual trust between the citizens and the State. Some of these processes as they present themselves in Kayin State are described in the section below.

4.4.1 Aspects of Institutional and Social Accountability

Changes in accountability at the township level

The government at township level (both administration and departments) is an integral part of the State or Union government in Myanmar, and is not a separate tier of government that is primarily accountable to its own citizens, either directly (which can be called social accountability) or indirectly via elected representatives (which can be called political accountability). Being merely an extended arm of the Union or State-level government prevents the TAs and Heads of Departments from playing a more leading role in improving the accountability of governance at the local level in Myanmar.

Legally, there have been minor changes in the accountability structures at the township level over the last few years. From the beginning of 2014, the **TA** accounts for the use of the Poverty Reduction and Constituency Development funds also to the State Chief Minister as these funds fall under the State budget, but his **main line of accountability is to the Secretary of State GAD via the District Administrators.** Secondly, the adoption of the Municipal law by the Kayin State Government has changed the relationship between the TDAC and the Executive Officer of the DAO (see below).

Even though not specified in the legislations or in the notifications, the VTAs/WAs, as elected office-holders responsible for their village tract or ward, and the support committees (TDSC and TDAC) can ask questions to the Heads of Departments or the TA, but these are not obliged to provide any explanations as they are **not answerable to these structures** and there are no ways in which these structures can demand answers or implement sanctions on mismanagement, except for reporting matters to higher levels in the administration.

The State and Union level MPs often participate in meetings at the township level (when the legislatures are not in session), usually in the combined VTA-TA and advisory committee meetings. However, they have **no formal oversight function** over the township administration except in the implementation of the Constituency Development Fund in which they play an executive and oversight function at the same time.

The TA's formal role and responsibilities in Kayin State are not different from that of their counterparts across the country. Primarily, the TA is responsible for leading the GAD to promote the rule of law, maintain law and order, assist development and improve livelihoods in the township. This mapping demonstrates that in comparison to other States and Regions in Kayin State the role of the GAD in general and that of the TA in particular is strongly focused on the establishment and maintenance of peace and law and order, while its developmental role has somehow lagged behind. As stated by the Chief Minister of Kayin: "Creating a peaceful and stable situation in Kayin State is a prerequisite for further development".[68]

As a result, the **TAs in Kayin State play a rather dominant role in the management of the township**, which in turn places a lot of responsibility and workload on their shoulders. Examples are:

1. In the selection of publicly funded development projects, the TDSC only submits a list of potential projects to the GAD while the TA selects and prioritises. As a result, the TDSC members feel that they are not yet really involved in the selection processes at the township level;
2. Instead of relying on a good progress monitoring system, the TAs have to personally carry out a lot of field visits to each of the development projects in the villages to monitor progress.
3. The TMCs have a very limited composition (between five and seven members) and they deal mainly with administrative/legal and security matters and are not involved in planning or development coordination as is the case in other States/Regions.

---

68   As mentioned by the Chief Minister U Zaw Min during his opening speech at the Sensitization and Consultation for Sub-national Governance Mapping workshop for Kayin State held in Hpa-An on the 13th of February 2014.

Over the last few years a gradual shift in the role of the GAD at the township level in general and that of the TA in particular can be noticed. Next to representing the government at the township level and fulfilling his administrative, oversight and controlling functions, the TA is increasingly expected to play a more developmental and coordinating role, responding to the needs and serving the interests of the township population as well. This was illustrated by a remark made by one of the committee members saying: "the TA follows too often blindly the instructions and directives from above, not defending the interests of his citizens".

These new roles (both developmental and coordination) stretch the capacity of the GAD at the township level (in terms of number of staff, competencies and resources) to the limit. When asked whether an increase in development funds would be of help to the township, one of the TAs in Kayin mentioned that: "such an increase would only be effective if it would be complemented with an expansion of other resources (staff, equipment, etc.) of the GAD to manage these funds appropriately".

As per the Municipal Law, the staff and Executive Officer of the DAO remain accountable to the Minister of the Kayin State Development Ministry. The executive officer will serve as secretary of TDAC and manage all funds generated by the committee. The law is not explicit on the relationship between the Committee and the Executive Officer, e.g. it is not clear whether and how the executive officer is accountable to the committee, not on the extent as to how the committee can ensure that the executive officer and his staff implement tasks and works in accordance to their directions and not on the legal liabilities of the Committee and its members. All these matters will gradually have to sort itself out once these new committee are fully operational and understand and implement their responsibilities.

Changes in accountability at the village tract/ward level

The **Ward and Village Tract Administration Law of 2012** is not very clear about the formal accountability of the VTA/WA. To become a VTA/WA one has to meet certain basic criteria. The VTA/WA is elected from and by the group of 10/100 household heads. In the absence of a detailed electoral procedure law or regulation, in practice many different election procedures were applied. The TA appoints the VTAs/WAs, provides them with a monthly subsidy and can assign functions to them. The VTA/WA reports to and is subordinate to the TA; in case of vaguely defined misconduct of breaches of ethical rules, the TA can dismiss a VTA/WA. While the VTA is not a civil servant within the formal administrative structure of the government, the main accountability line is upwards, like it has been for the past hundred years or more.

Notification 27/2013, which established the **Ward or Village Tract Development Support Committee**, mentions that the VT/WDSC has to cooperate with and support the VTA/WA in performing the duties of the VTA/WA but does not make the VTA/WA accountable to the Support Committee. Implicitly, it does however add the task of village tract/ward representation to that of the VTA as it states under 7c: "to submit matters which cannot be done at the ward or village level to the meeting of the township management committee".

The 2012 W/VTA Law assigned 32 duties to the VTA/WA of which 22 are directly related to maintaining law and order, eight functions are more general administration functions and only two are a more developmental in nature:

- 13d: Helping and assisting in implementing the works relating to the rural development and poverty reduction.
- 13dd: Coordinating and assisting the functions and duties of department organization at the level of ward or village tract.

This formal, legal mandate of the VTA/WA may be significantly different from the actual roles the VTAs and WAs play in practice and how members of the community perceive this function. Partly due to the emergence of the various development funds that require the involvement of communities, the VTAs have in some cases emerged in practice more as an "elected representative" of the village tract or ward. In some village tracts/wards, they have been acting as the intermediary between the village tract/ward and the township (informing community members on the one hand and bringing relevant village tract/ward problems or needs to the attention to the TA on the other hand). In addition to being the person in charge of maintaining law and order, they also play in practice an important role in mediation and settling disputes which could be seen as an extension of the maintaining law and order functions (see Figure 29). To what extent this practical role and function of VTAs depends on personalities and local circumstances, and to what extent these roles have been changed by the fact that the VTAs have recently been indirectly elected, cannot be determined with certainty on the basis of the available data.
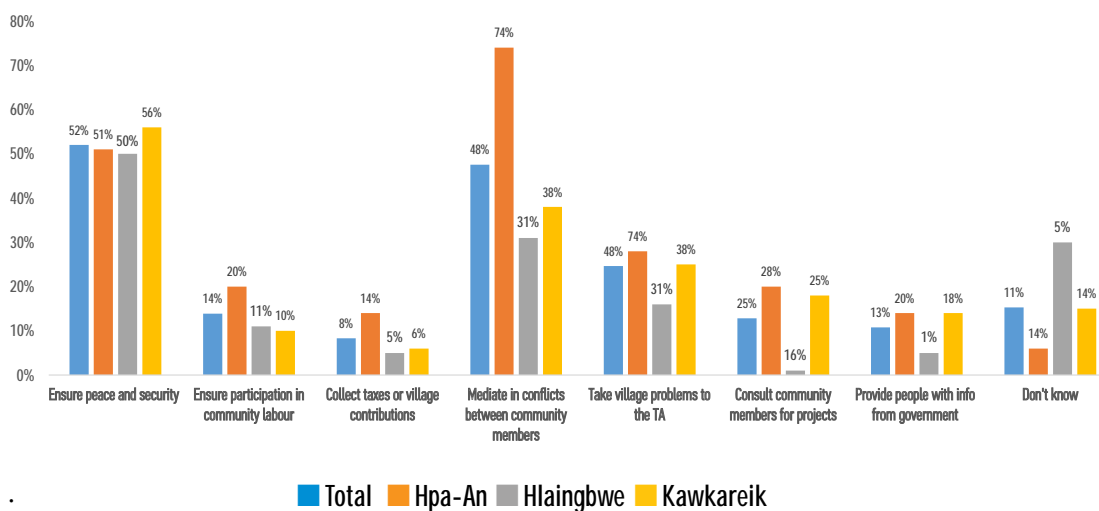
Only 15 percent of the respondents could not mention any function at all, while other respondents could mention one or more functions. "Ensuring peace and security" and "mediating in conflict situations" were mentioned as the most important functions by 48 percent and 47 percent of the respondents, respectively followed by "bringing village problems to the attention of the township administrator" mentioned by 25 percent. Remarkably, in Hpa-An, the mediating function of the VTA/WA was mentioned more often by 73 percent of the respondents.

The VTAs/WAs of the six village tracts and wards that were interviewed put themselves **more emphasis on their bridging role than on maintaining law and order** as well. Four out of six gave a higher priority to "bringing the needs of the people in the village tract/ward to the attention of the government at township level" than to "maintaining peace and security". Also during the Community Dialogue sessions in which the VTAs/WAs participated they showed that they feel to be the link between their village tracts or wards and the township and that they are at least informally accountable to the people in their community (see annex

2 with examples of village tract/ward action plans, which often include as an important component the VTA/WA reporting the problem to the TA). As a result of being on the one hand integrated into the government machinery (since they report to the TA, receive instructions from the TA, and are paid by the GAD) and on the other hand being elected and feeling part of and responsible for the wellbeing of the community, the VTAs/WAs are often caught between the genuine demands and needs of their communities that they bring to the attention of the government at township level and the limited ability of the township administration to address all issues at the same time.

In practice however, it was learned from the interviews with the VTAs that since they are now elected (either through secret ballot by all male and female community members (4 out of 6) or by the 10/100 household heads (2 out of 6), most of them do feel more accountable to their community members.

Grievance redressal

The way in which government is dealing with individual cases of complaints or grievances from citizens regarding how they are treated by government is an important element of being accountable and adhering to rule of law, and will help to protect people from misuse of power or arbitrariness and will therefore affect the level of trust people have in their government.

Across the three townships participating in the mapping in Kayin State, the number of complaints and requests for conflict resolution by citizens has increased, which shows the increased confidence from the public that there will be no reprisals in a new environment of openness and the expectation that their grievances are treated seriously and fairly.

As part of the CRC survey, respondents with children at primary school were asked whether complaints by parents are taken seriously by the school management and are properly dealt with. While still a large percentage of 29 percent mentioned that they don't know how complaints are dealt with, the other 71 percent mentioned that complaints would always or usually be treated seriously. The school principals and the TEOs confirmed that they do take complaints seriously and that mechanisms are in place to deal with them. Depending on the gravity of the complaint, either the headmaster resolves the case or reports it to the TEO who will appoint an ad hoc team of three "independent persons" to investigate the matter. If the matter cannot be resolved at the school or township level it will be forwarded to higher level authorities. Appeal procedures are in place as well. Four out of five respondents who submitted a complaint related to the schooling of their child in the past were satisfied with the result and the way in which it was dealt with. Similar procedures were mentioned to be in place in the health sector.

For most citizens, the VTA is the first person to approach to resolve civil cases like heritage disputes, domestic violence or land disputes (see Figure 30). The VTA/WA is for most respondents also the first person to approach to resolve a land dispute if they would have one. Sixty-eight percent of the respondents would turn to the VTA/WA for assistance in land disputes, 20 percent to the 10 or 100 Household Heads and only 1 percent to the TA or to the township court judge. If however they were not happy with the outcome of the first decision, or the problem was not resolved, 36 percent of the respondents would turn to the TA for appeal against the decision of the VTA.
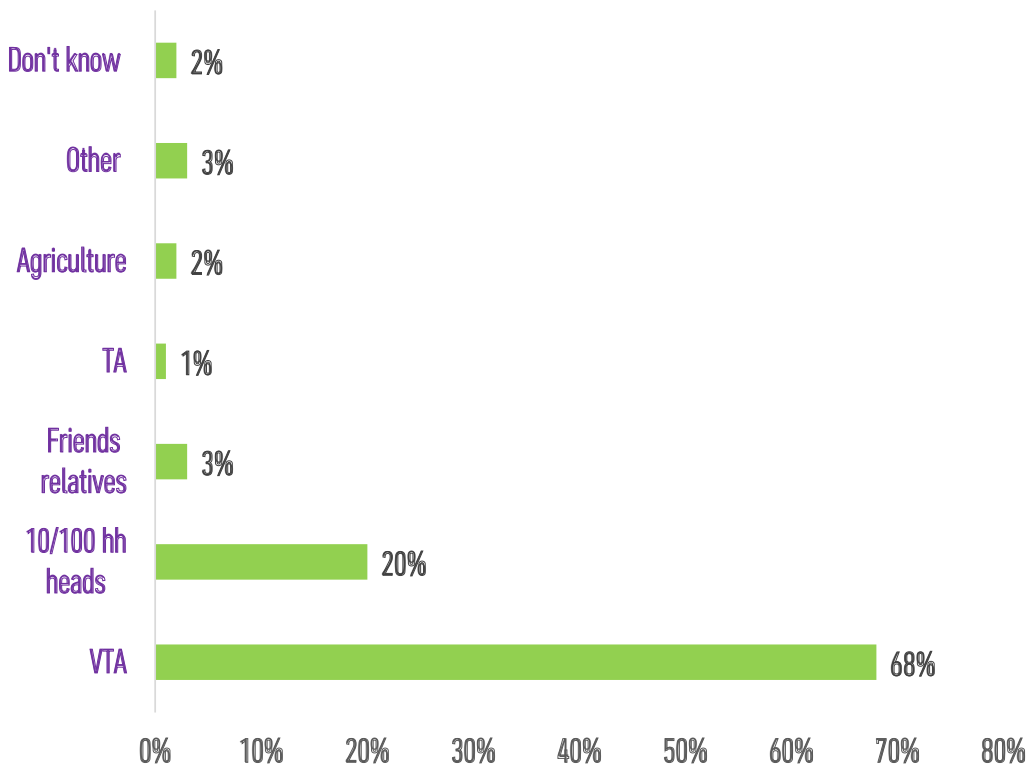
With VTAs being directly or indirectly elected, they felt accountable to the community members even though community perception reveals an emphasis of their law and order role.

The number of complaints for resolution by the citizens has been rising and the VTA is the first point of contact for addressing conflicts and almost 2/3rds go to the VTA for land disputes. The TA has also been receiving complaints and in Hlaingbwe, the TA has allocated a special officer to handle the incoming cases. However rules and regulations in resolving complaints remain unclear.

In Kayin State, contrary to other States and Regions, the GAD at township level is dealing with most of the complaints (except land related issues) internally. The TMC or any of the other township committees are not often actively involved in resolving such issues as is becoming the common practice in other States and Regions. In Hlaingbwe, the TA has allocated a special officer to handle the incoming cases, resolve the more straightforward ones and prepare the more complicated matters for the TA to resolve. If necessary, the TA will appoint an ad hoc committee to investigate the matter and advise him on the most appropriate resolution or way forward. None of these mechanisms are however an independent and impartial adjudication on the basis of and ensuring the full protection of the rights of the claimant.

The fact that more complaints are being channelled to the GAD justifies more in-depth research as part of an effort to further improve the complaint handling mechanisms of the government. Some questions that emerged but could not be tackled by the research team were: Why are other conflict handling mechanisms like the regular formal legal system not used more often by the people? Are they not trusted or are they not functioning adequately? Are most of these grievances/conflicts between citizens and government or between citizens themselves? Are these conflicts the result of the implementation of "new" regulations and government actions, or do people feel more confident to bring up issues of land grabbing in the past without fear of reprisal, indicating an improvement in both civic awareness about their citizen rights and confidence in the fairness of the present mechanisms and of receiving a fair treatment by government?

As confirmed during the State level workshop to validate the findings there is a lot of room for **discretion in the decision-making by the TA in resolving grievances and complaints** as there are no clear rules and regulations. **There is also lack of transparency** in the handling of most cases. More in-depth research would be required in order to come up with improved and more transparent and verifiable complaint handling mechanisms, which

would contribute to a further increase in the level of confidence and trust people would have in their government.
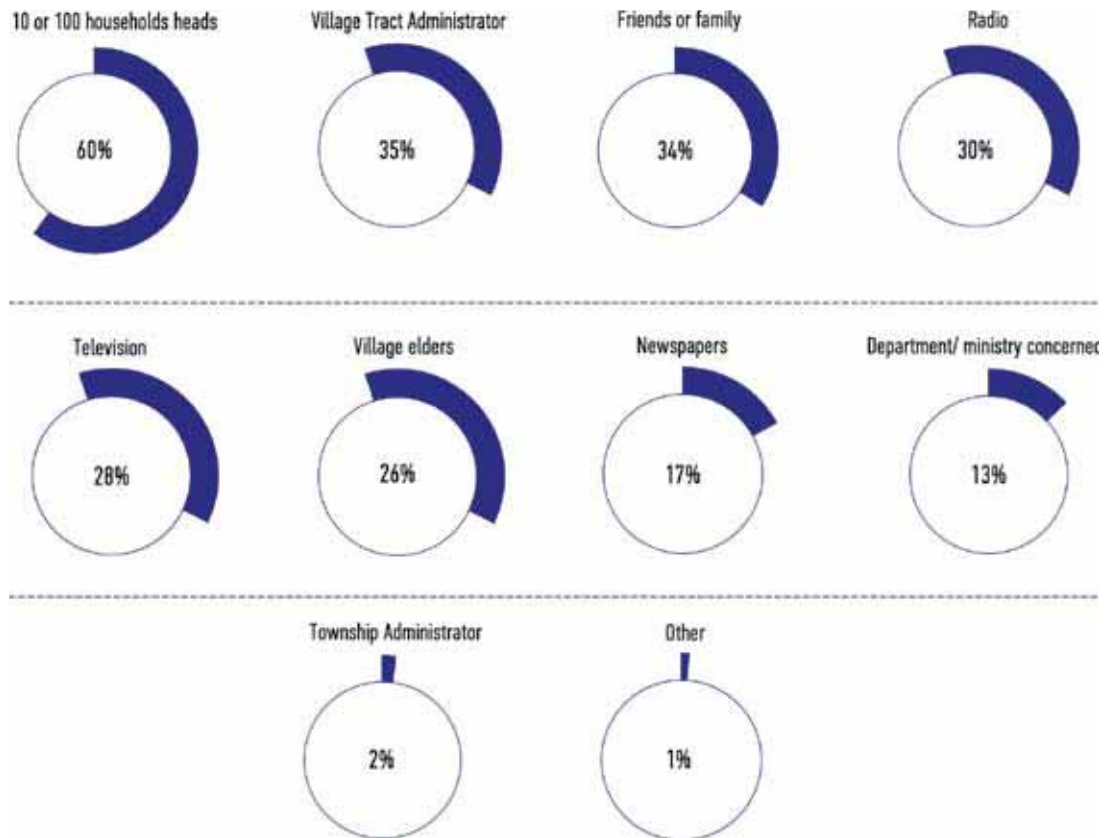
4.4.2 Transparency and Access to information

Easy access to information by citizens is a prerequisite for a government to become more transparent and accountable to its citizens. In Kayin State, the traditional channels of information provision (the 10/100 household heads, the village Elders and Respected People and the VTAs/WAs)[69] play an important role in the information flow from government to citizens as is shown below.

Sixty percent of the respondents mentioned that they receive information on new laws and directives from government or about community meetings through their 10/100 Household Heads, 35 percent through the VTA, 34 percent via friends/family and 26 percent via the village elders or respected persons[70] (see Figure 31).

Figure 31: Ways in which respondents are informed about new laws or directives from government.

Source: Local Governance Mapping Kayin April 2014. n = 288, note that more than one answer was possible

| 10 or 100 households heads | Village Tract Administrator | Friends or family | Radio |
| 60% | 35% | 34% | 30% |

| Television | Village elders | Newspapers | Department/ ministry concerned |
| 28% | 26% | 17% | 13% |

| Township Administrator | Other |
| 2% | 1% |

---

69   The 10/100 household heads or village heads or village administrators, have been incorporated in the administrative system during the British colonial rule and still play an important role in assisting the VTA who usually oversees 4-6 villages. They are not part of the formal government structure, and are either elected by the community or self-appointed. The Village Elderly and Respected People (VERP) is a kind of advisory committee to the VTA. There is no division of responsibilities between members but one will often assume the role of chairman. They meet in an informal manner and on an occasional basis. The selection process for VERPs is not clear. Typically, they are chosen by the Village Tract Administrator with advice from other elders in the village or are self-appointed. Most of them are former VTAs or 10/100 household heads who automatically assume a VERP position upon leaving their post. In some villages the VERPs occupy a more permanent position than the VTA and so outlast several VTAs. Members are generally older men of a medium to higher socio-economic background. With the establishment of the VT/WDSC they are sometimes incorporated in these new committees and sometimes continue to exist next to the VT/WDSC. See for more detail: Kempel, Susan 2012; Village Institutions and Leadership in Myanmar: A View from Below, UNDP 2012.

70   More than one answer was possible.

The same pattern emerged regarding the way in which respondents were informed about the national elections in 2010 (see Figure 32). Seventy-nine percent had received information via the 10/100 Household Heads, 56 percent via the VTA/WA and via the village elders, between 28 and 41 percent via TV, radio or newspapers and only 15 percent via the TA[71].
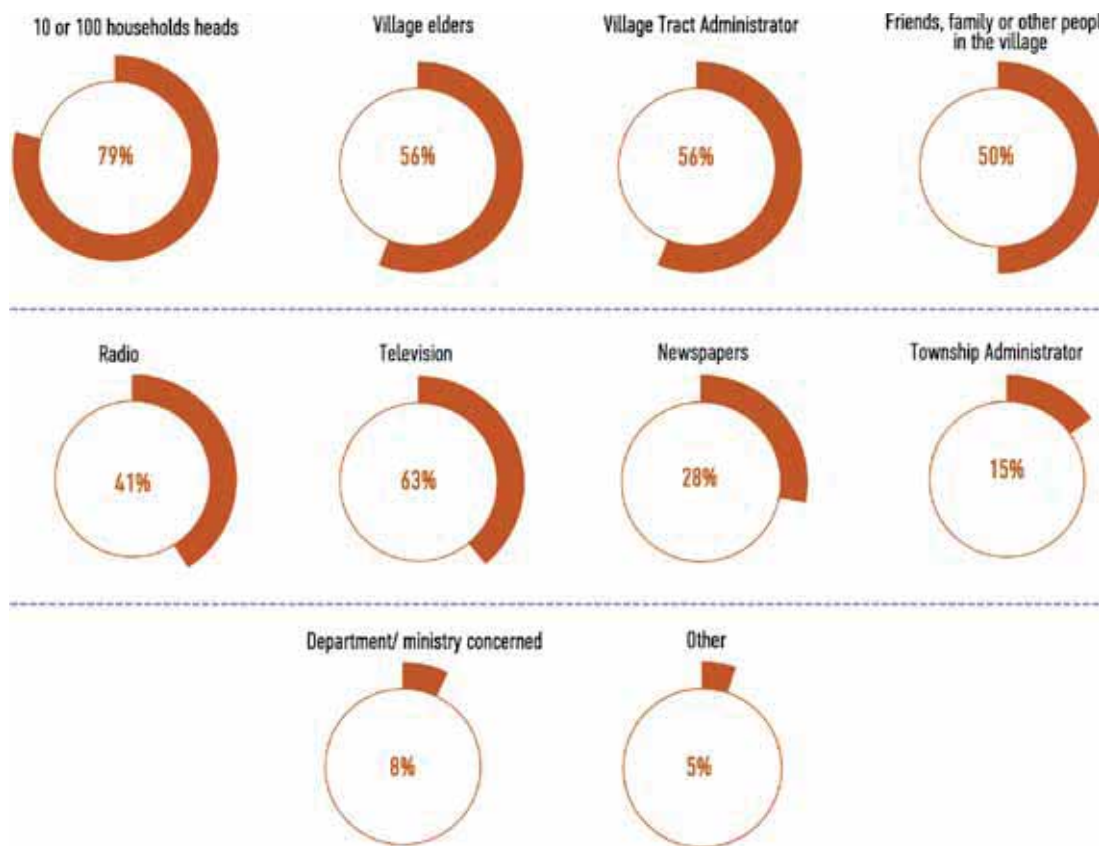
Interestingly, female respondents seemed to rely slightly more on the "traditional" sources of information (VTA/WA, 10/100 Household Heads, etc.), while male respondents tend to rely more on media (radio, TV, newspapers, etc.).

In order to get an idea about the knowledge respondents have about government, they were asked to mention the name of their VTA/WA, the name of the President of Myanmar, and the name of their MP in the Kayin State Hluttaw (see Figure 33).
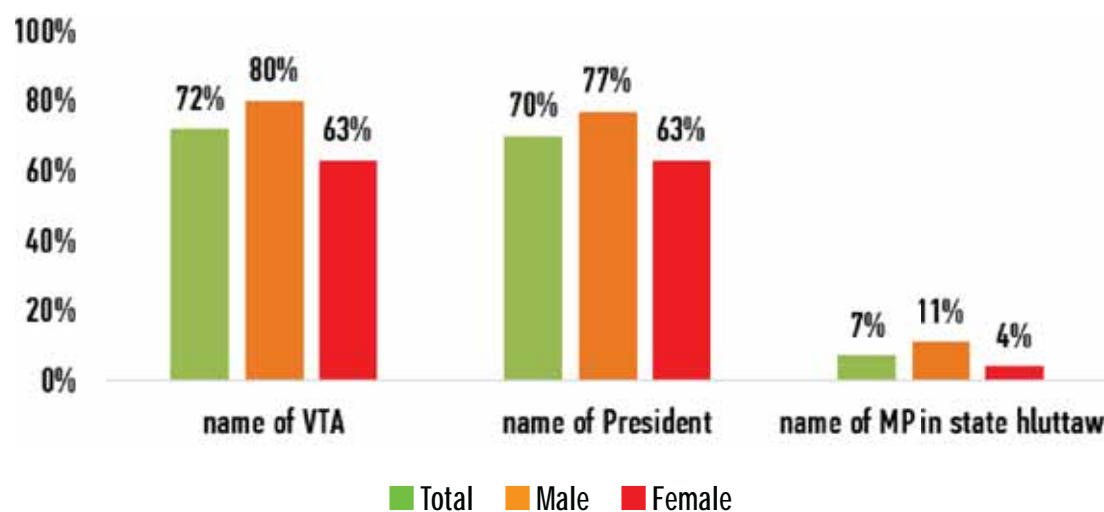
---

71   More than one answer was possible.

Male respondents had a slightly better knowledge about the names of these government representatives than female respondents. Similarly, respondents living in urban areas had a slightly better knowledge about the names of the president and State Hluttaw MP as compared to respondents living in the rural areas, who had a better knowledge of the name of the VTA.

Regarding the amount and relevance of information, the six VTAs/WAs interviewed all mentioned that the township administration and other government departments inform them sufficiently about the plans they have for new projects in their community regarding construction and renovation of schools, roads and health facilities etc. (four qualified the information provision as "good", two as "not good, not bad"). The most important means of receiving information from the township level are either direct information from the TA or through a TA-VTA information sharing meeting.

Government staff at the township level as well as the VTAs were of the opinion that they are informing citizens well enough about important government directives or news and about planned projects in their villages, either through notice boards and or via the VTA or support committee members. This contradicts strongly with the views of citizens. Seventy-one percent of the citizens interviewed mentioned that the information provision by the township administration about important government information and new projects was not enough. Respondents in the urban areas were even less satisfied about the information they received (81%) as compared to respondents in rural areas (61%) (see Figure 34 and 35). These perceptions of individual respondents were confirmed during the Community Dialogue meetings by both citizens as well as by the service providers in these villages.

<div style="float:left; width:30%;">

There was a difference in perception between W/VTAs who felt that they were keeping citizens well informed about the government directives whereas almost 70 percent of citizens did not feel adequately informed with the numbers rising to 80 percent in urban areas.

Figure 34: Level of satisfaction with information provision by township government.

Source: UNDP Local Governance Mapping, Kayin State, April 2014 n=288

</div>
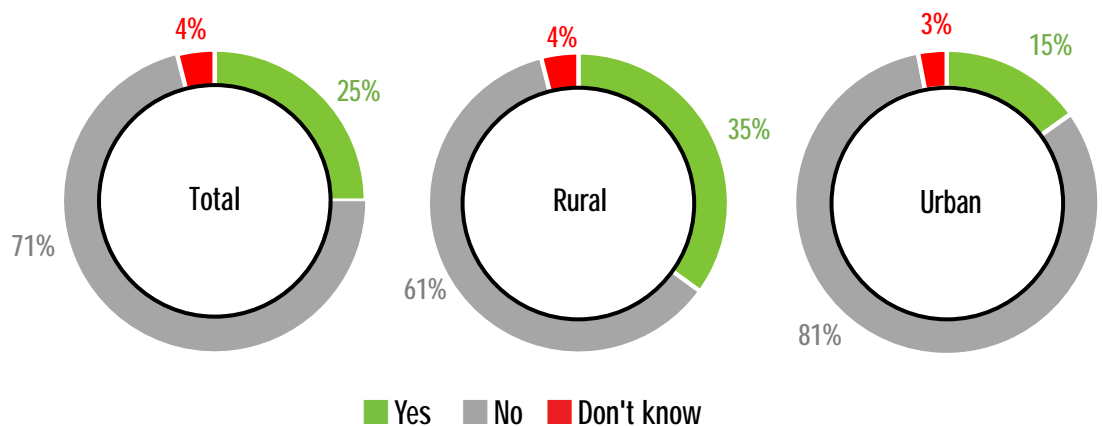
Citizens' knowledge of what is happening at the township level is very limited. Only 4 percent of the respondents had heard about the newly established support committees.. If these committees are intended to represent the interests of citizens and the government wants to use them in order to involve citizens more actively in planning, there is clearly a need to raise more awareness about their existence, role and functions.
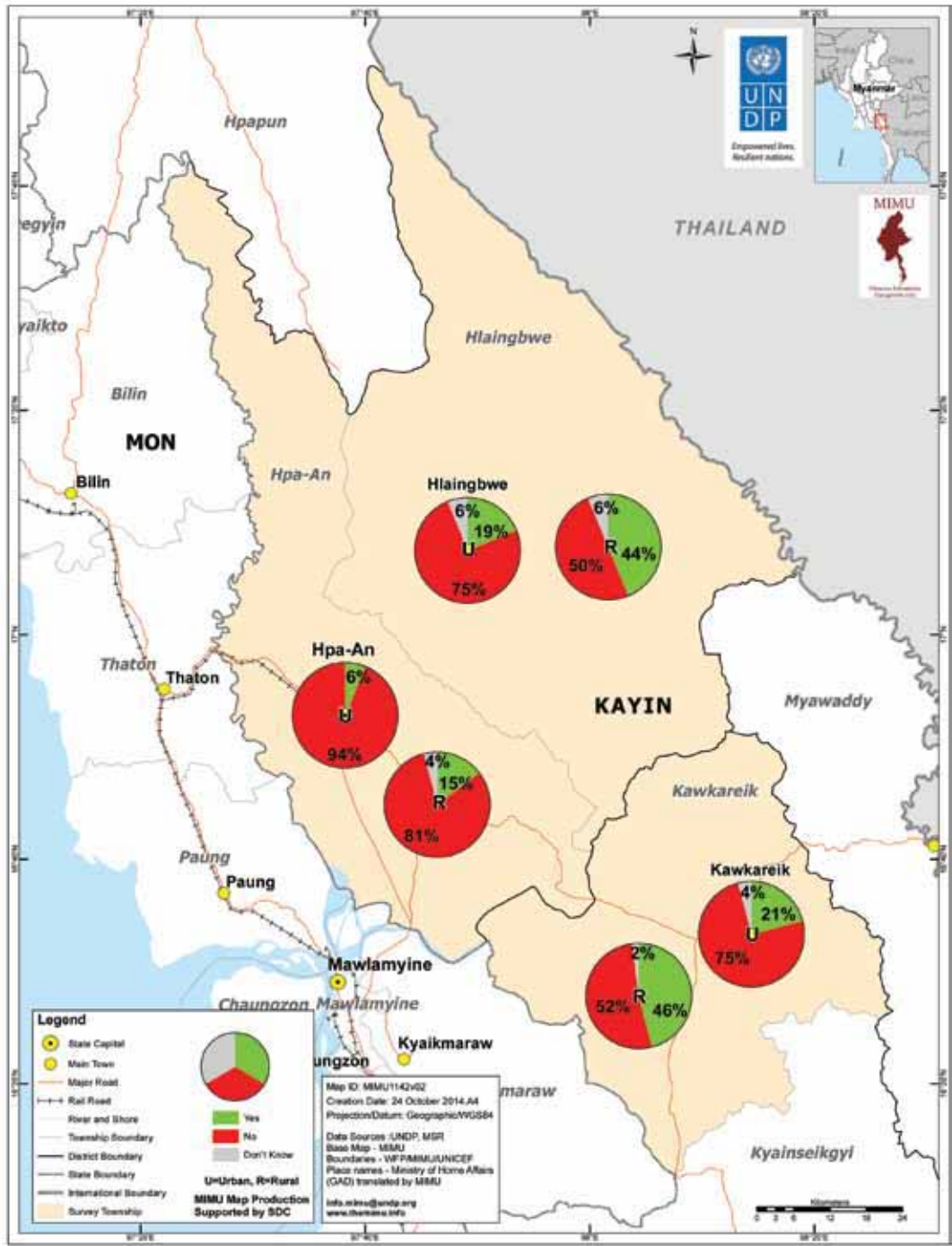
TDSC and TDAC committee members who participated in the Focus Group Discussions acknowledged that although more and more government information is available nowadays and is actively shared by the township administration, it is not reaching the citizens in the communities yet. In their views, the main bottleneck in information flow is at the village tract/ward level. Information from the Community Dialogue sessions suggests that a lot depends on the willingness and active attitude of the VTA to share information either directly with citizens and/or via the 10/100 heads of households as the Box below illustrates. However, both the public information disconnect per se and the underlying attitudes towards transparency and government-to-citizen communication within government administration show a drastic need for introducing modern and adequate means of communication and a fundamental change to this crucial aspect of the relationship between state and people.

While the TDSCs and the VTAs are involved in the selection process of certain development projects, and they mentioned that the government is sharing more information than before about these type of activities, information to the wider public about these funds and the selection of projects is still very limited. According to the CSOs that were interviewed, there is no transparency in how projects are selected and neither in the use of the funds. An example of this was provided by one of the participants: "At a certain moment the TA asked the VTAs whether they would be able to improve the local roads using local labourers. They said yes but later on the road upgrading was given to a contractor anyhow without any explanation". Of course there might have been a good reason for involving a contractor, **but not explaining the decision to the citizens creates suspicion and mistrust.**

This lack of transparency in project selection was taken up by the State-level actors during the State-level workshop to discuss interim mapping findings. They proposed to **define better selection criteria and guidelines** for project selection and to establish project monitoring committees that visit the projects on a regular basis to ensure that implementation is in accordance with the proposal and minimum standards.

CSOs and NGOs qualified the information sharing by the township administration as "very bad" as well, stating that they as citizens are not aware of the establishment of the support committees, how the members of these committees were elected/selected and what their roles and functions are. In addition, they are not informed about the budgets for development projects, the selection criteria and the decisions made regarding the approval of projects.

In order to understand and if possible resolve these bottlenecks, one needs to place these findings in the historical context of Myanmar. Government and administrative information

has not been shared freely with the public in the past, and focused more on informing people about their duties than on their rights, though high-profile examples such as the publication of the national 2012-13 budget represent a certain break with the past.[72]

Government staff were in the past hardly required to explain or justify decisions made by government to the public, while government staff at the township level were themselves often not informed by their superiors about departmental plans and they were neither provided with an explanation for decisions taken. As was shown above with regard to the lack of justification provided by the State GAD regarding the selection of development projects or lack of explanation regarding the approved township plans and budgets within the various line ministries this attitude still persists in Kayin State which "disempowers" lower ranked government staff and inhibits them to become more proactive. It therefore depends a lot on the discretion and attitude of the TA as to what type of information is shared with the population of the township and in what way. Citizens on the other hand were not used to ask for information and explanations and are still reluctant to do so at present.

During the Kayin State-level workshop to share interim-findings it was confirmed that there are bottlenecks in information flow from government to the people at the village tract/ward level. The group representing the village tract/ward level came up with the following practical suggestions:
- To make information about development projects available to public
- To announce information with notice boards and pamphlets
- To hold meetings in order to provide information about public budget expenditures

While the township level stakeholders suggested:
- To improve the capacities of village/ward administrators
- To build more cell phone towers

4.4.3 Civil society's role in transparency and accountability

Being independent from government and working closely with citizens, civil society, including the media, can play an important role in improving the quality of governance if they can operate freely and without fear and have the capacity and ability to monitor government's performance.

The number and size of CSOs in Kayin is rather limited if compared to those in other States and Regions. Most organisations are active in health and education, providing direct support to people in need. In character they are more Community Based Organisations (CBOs) than NGOs. Most are volunteer organisations receiving donations from the public while only a few receive funds and support from (I)NGOs. Even though their outreach is limited, it became clear from the interviews held that their work is appreciated by committee members and government staff. So far they haven't been mapped systematically, partly because most of them would be very hesitant to provide such information at this stage. As a result, there is not much information on their membership, their outreach, their organisation, funding etc. Like government institutions, NGOs equally owe the general public a degree of transparency and accountability, in particular if they aim at holding the state and its officials to account over such issues.

---

72   "Sub-national Budgeting in Myanmar." Soe Nandar Linn, MDRI-CESD, September 2012.

From the discussions with the CSOs in the three township in Kayin, it became clear that they are still rather ambivalent with regard to the new more stable and open and relaxed atmosphere that is emerging in Kayin State. On the one hand, they would like to meet more

often as a group of CSOs and also meet with the township administration to coordinate activities and to discuss issues that are of their interest, like registration, taxation, etc. On the other hand, they are hesitant to do so as they don't know how government would respond to such initiatives. This situation could easily be resolved if the township administration would make a clear statement and/or invited the CSOs for a regular meeting to discuss their present status, explain the new regulations regarding CSO registration, and explore in what way the township administration and the CSOs could work together to contribute to the development of the township. By doing so, it would again enhance the trust the CSOs and people have in the township administration and in the direction of the transformation process.

While CSOs tend to feel that they are closer to the people and know better than government what their needs are, they are reluctant to participate actively in the governance process at the township level. They not are only hesitant because they are afraid of possible negative repercussions which would hamper them to carry out their normal support activities and charity work, but also because they lack the experience and capacity to lobby and advocate and do not receive any support from national or international assistance providers who could train them and act as an intermediate between them and the government.

The establishment of a platform or network of CSOs and NGOs that are active within each of the townships could form an umbrella under which they could meet on a regular basis without the fear of being seen as too critical or counterproductive. Once such network is well-established the CSOs could engage with the township administration on a regular basis to discuss and resolve issues of mutual interest and see how they can complement the efforts from the government to speed up development in the townships.

The CSOs and NGOs in each of the three townships made several suggestions as to what could be done in their township to improve their functioning or to speed up development:

- Citizens and NGOs should be invited to play a bigger role in making decisions on the development plans. There is need for more dialogue;
- Contact between CSOs and INGOs is very limited. According to the CSOs the INGOs don't provide any support to the smaller CSOs. The CSOs are still afraid to meet each other. They would like to meet more often and also meet with the government on a regular basis;
- In order to enhance citizen awareness and to stimulate responsible citizenship, the education curriculum should stimulate creative thinking and raise the intellectual level of people;
- To build leadership among young people the Government should support the community to set up youth clubs and to provide vocational trainings for school dropouts and unemployed youths;
- There should be full transparency in tax collection. It should be clear and fair and people should have insight in what happens with the money collected at so many checkpoints on the border trade route;
- Improve rule of law (e.g. ban gambling and drug abuse and enforce traffic rules).

During the Kayin State-level workshop to share interim mapping findings it was acknowledged that **CSOs work too much in isolation**. The following suggestions were made to improve on this:
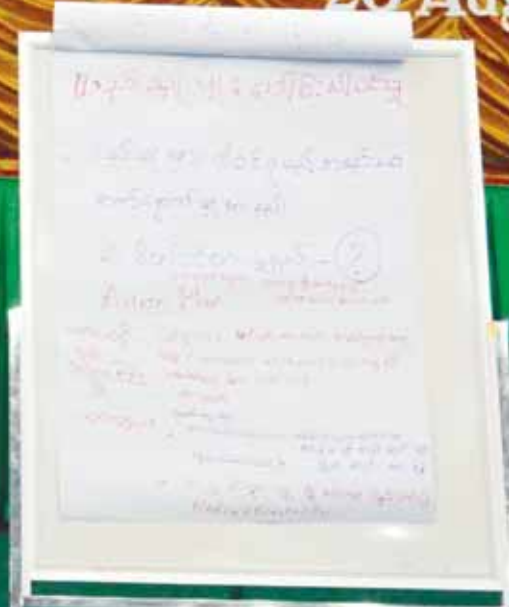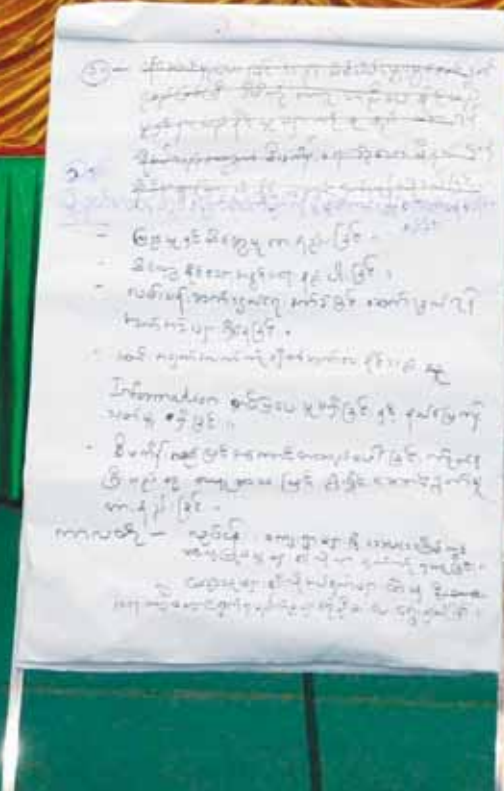
- The organizing groups/departments should inform/invite other relevant organizations to attend meetings.
- To hold regular meetings among CSOs, administrators and development committees.
- To improve the information dissemination channels and communication platforms.

5. Conclusions

A number of different views were presented during the local governance mapping in Kayin State. This included perspectives of the government officials at the State and the Township level, committee members and representatives of civil society organisations. It did not however include representatives of the ethnic armed organisations. All stakeholders agreed that the peace and security situation in Kayin has improved over the last few years resulting in more stability and economic development in the State. At the same time, they also held the view that much more needs to be done in order to establish a more sustainable peaceful and harmonious society. Lasting peace (or at least a complete ceasefire) is a prerequisite for further socio-economic development in the State. But economic and social development and a restoration of trust between citizens and their government are also seen as necessary preconditions for an intensification of the dialogue process and a settlement of the existing conflicts between the various parties and therefore for the establishment of a more sustainable peaceful situation in Kayin State. One will not be achieved without the other.

Government operations, including all development-related activities implemented by the government in Kayin State as well as the township-level governance reforms, are carefully balanced against their potential impact on the **still-precarious peace and security situation** in the State. This results in the State Government at all levels being rather cautious in relaxing its control and in a relatively slow pace of introducing the reforms in Kayin in comparison to other States and Regions in Myanmar. As the Chief Minister mentioned, the situation in Kayin is unique, so it needs to find distinctive solutions that fit its specific context.

5.1 The role of local governance institutions and internal coordination

The TMCs in Kayin State focus more than those in other States and Regions on **maintaining law and order and peace** and security in the township, which is reflected in its limited composition. In addition, the TMCs deal with administrative matters like valuing township land for taxation and other legal affairs, while they are not involved in coordination between departments and neither in development fund project prioritisation/monitoring nor in complaint handling as these functions remain within the prerogative of the TA to deal with. In other States and Regions the TMC is more the coordinating body for Heads of Departments. While the ability to coordinate and adjust planning at the township level to local priorities is still limited and formal accountability lines have not changed, the TMCs in other States and Regions start to function as a platform where Heads of Department can hold each other mutually accountable for collective decisions made, which is not (yet) the case in Kayin State.

A limited capacity of the GAD has been identified at township level to implement its "developmental role" properly. More personnel may need to be employed for township GADs. Moreover, a weakness has been detected in coordination among committees, departments concerned and members of parliament in planning and implementing projects. Clear instructions may need to be given to the township committees for their respective duties in timely manners.

If the developmental functions of the TA/GAD intensify even more in the near future, which is likely to happen, it might become necessary for the GAD to reconsider whether these more developmental functions of the TA/GAD should remain where they are or whether a reorganisation including a reallocation of roles and responsibilities within the GAD or even between departments at the township level is required.

5.2   Developmental planning and participation

The availability of the various **development funds** at the township level and the mechanisms that have been put in place to involve people in the identification of projects act as an important catalysts for reform at the township level. Even though the combined volume of these funds is still rather limited, they trigger a new way of interaction between government and citizens, while they act at the same time as a positive incentive to become more responsive to the needs of the people. As mentioned in the report, there are sufficient areas for further improvement in the allocation and implementation of these funds, especially related to improved transparency and accountability, but these funds have only recently been introduced and all parties involved are still learning to play their role in these processes. In order to make full use of these potentials and enhance this collaborative process, a gradual expansion of the role of the TDSCs in the actual selection, prioritisation and monitoring of the projects could be considered.

In Kayin, **TDSCs and TDACs** have been established in all townships but do not function optimally yet:
- They were selected (not elected) from the urban wards: women and village tracts are not represented so they are not being seen as fully representative.
- The existence and therefore also the role and function of the TDSC and TDAC are generally not known by the wider public, while they are intended to improve participation of public. Creating stronger linkage between the TDSCs and the VT/WDSCs could improve their functioning as they receive information from different sources while they will at the same time become better known at the village tract/ward level.
- The TDSCs are in Kayin State consulted for the selection of development projects but are not yet involved in progress monitoring. A more active involvement of the TDSCs would make them more visible and increase their relevance for citizens, which will make them better known as well.
- The TAs do consult the TDSCs, but the GAD decides on prioritisation and selection of development projects. According to the notification, this indeed remains their prerogative, but it would enhance the legitimacy and status of these committees if their advice would be considered to have more relevance, e.g. if the TA would have to provide reasons for deviating from the recommendations made by the TDSC.
- The support committees do not yet have clear guidelines for their operations and there is unclarity about the overall mandate, which hampers their effective functioning. Especially for the TDACs which will play a more executive and oversight role in future it will be important to establish guidelines and train the members to fulfil their functions in accordance with the intention of the Municipal Law.
- Equally, forming monitoring committees for implemented or planned projects, and standardizing the process and criteria of project selection would increase effectiveness as well as accountability.
- At this stage, people have very little interest in participating in public affairs and attending meetings. Only if such meetings and forums are genuinely empowered to make a difference will they be able to find common interests among people and encourage public interest and participation.

Discussions with Heads of Departments revealed that not much has changed in the **planning processes** of sector departments at the township level over the last few years. The actual planning in most departments still takes place at the State or Union level, making it almost impossible for Heads of Departments at the township level to adjust their plans to any agreed upon township priorities or to the plans of other departments. Their ability to become more responsive to the needs of the specific township citizens is therefore limited. In this sense, Kayin State is not much different from the other States and Regions in Myanmar.

Absence of women in local governance

TDSCs and TDACs are only composed of men which was selected (not elected) from the urban wards: women and village tracts are not represented so they are not seen as being representative. Given the fact that there are no strong organisations that will push for equal representation of women and that women themselves are not yet very vocal to claim their rights, it would be worthwhile to consider a (temporary) quota system for all representative institutions at the township and village tract/ward level (like the TDSC, the TDAC and the VT/WDSC) to ensure that women are more involved in consultation and decision-making processes and gain experience and confidence in playing a more active public role in society.

5.3   Basic service delivery

From the community level interviews and dialogues we can draw two important conclusions: First of all, people and service providers, especially in the health and education sector acknowledge that significant improvements in service delivery have been made over the last three years. While we should use these findings with caution since the starting point against which people compare the present situation in service delivery in health and primary education was very low and small improvements might be seen as big steps forward they nevertheless confirm a positive trend.

Secondly, the response from community members show that the needs and problems of people differ significantly per township or even per village tract/ward and that therefore tailor made solutions and responses are required if government wants to become more responsive to these needs and become more "people centred". If so, it is critical for government to be able to assess and record these different needs on the one hand and have on the other hand the necessary mechanisms in place that enables it to respond to each of these issues adequately. This will not only require more capacity within the key service delivery sectors at the township level to assess, monitor and respond to specific needs working together with the communities, but it will in the end also require more autonomy of township level government staff to respond to these needs, since they are in the best position to evaluate and weigh the different demands from the various communities and prioritise and implement the most effective and efficient response.

5.4   Information, transparency and accountability

Regarding **transparency and accountability of government** at the township level, the corner stones of a sustainable democracy, only small improvements have been made in Kayin State over the past few years according to the various stakeholders involved in the study. Access to information is critical for improving transparency and accountability. More information is flowing downward from the township administration and departments to

the VTAs and to the committee members but this information is not reaching citizens at the community level yet. In addition, it is left to the discretion of the Heads of Departments and the TAs to decide what information they share with the public, making the availability of information dependent on the personality of these government staff rather than on clearly defined procedures.

Formally, there have been no changes in existing accountability mechanisms as each government officer is only accountable to his/her supervisor in the same department and there are no political and social accountability mechanisms in place at the township level. Informally however, the fact that VTAs are now elected has changed the relationship with their communities as they feel more than before to be the representative for their community and the link between the township and the village tract/ward (also because they are actively involved in the consultations regarding the use of the development funds) and as a result they do feel more answerable to them.

One recent development is the establishment of the TDAC as described in the Kayin State Municipal law. As described in the report, the law allocates executive and oversight functions to a Committee in which citizens participate as well, which has implications for transparency. However as the law doesn't define nor prescribe any additional accountability mechanisms, while the committee will be dealing with issues that are high risk from a financial management perspective, it will be interesting to see how this new construction will work in practice and will be able to deliver municipal services efficiently and according to the rule of law.

Communication and information

An important aspect of transparency and accountability is the manner in which government communicates with the public at large, both on general issues and in individual cases. In order to make gains in terms of transparency, and as a consequence, trust, it appears necessary to significantly improve the **information dissemination channels and communication platforms**. The mapping has found limited capacities (skills, resources) of VTAs to inform and communicate with citizens. Notice boards and pamphlets could be used more effectively to keep people well informed with their most concerned issues, such as development projects and public budget expenditures. Community information hubs have also been suggested. Poor information flow from township management to citizens and other stakeholders, has been identified as a bottleneck at village tract/ward level, but could also be addressed by embracing more modern, contemporary forms of mass communication. It also appears necessary to improve the information dissemination capacities at village/ward level.

Data collection and research

More comprehensive data should be collected at the township level. The township administration could make field visits to communities once a month to collect information and then prioritize projects based on the needs of people. The recent hiring of statistical officer by the MoNPED to each of the 330 townships might improve the situation over the years to come.

Grievances and complaints

It became clear that existing grievance complaint-handling mechanisms need to be improved. In all three townships that participated in the mapping, the TA (or a subordinate dedicated staff member) is dealing with most **grievances and dispute cases** regarding land on an ad hoc basis, except for cases that can be handled by the Township Farmland Management Committee. In some other States and Regions the more serious disputes or grievances are dealt with by the TMC or by ad hoc sub-committees that are reporting to the TMC. In such instances, the TMC investigates and provides the TA with a proposed settlement/verdict, while it remains the prerogative of the TA to take a final decision. By doing so it not only reduces the workload of the TA but it also enhances transparency in decision-making and reduces potential arbitrariness. Based on these experiences, the GAD in Kayin State could consider a revision of the complaints handling mechanisms to make them uniform across the townships and especially to make them more transparent and less prone to arbitrariness..

Enhancing the role of civil society

Existing CSOs operate in isolation, since they barely engage in networking among themselves and have little cooperation with township administration. CSOs could hold regular meetings and invite other relevant organizations, such as VTA and development committees to attend.

6. Annexes

Annex 1: Citizen Report Card interviews

In April 2014, 288 respondents in 6 village-tracts and wards across the three townships in Kayin State were interviewed on their perceptions and experiences regarding service delivery and local governance by means of a Citizen Report Card (CRC) questionnaire. The Citizen Report Card requested people to reflect on the basic social services that are provided by government (like education and health) and to assess the quality of these services from a citizen perspective. In addition, they were asked to appraise the quality of governance by answering questions about key governance issues (like participation, access to information, corruption, etc.) that have a direct impact on their livelihoods.

In each of the three townships, one ward and one village-tract were randomly selected and in each of these 48 adults were interviewed using a random selection process. By alternating between male and female respondents it was ensured that 50 percent of the respondents were male and 50 percent were female.

Demographic and socio-economic characteristics of respondents

Of the 288 respondents 50 percent were male and 50 percent were female. The largest group of them belonged to the group of 41-50 years and they accounted for 25 percent of the total respondents. The proportions of two other age groups of 31-40 years and 51-60 years followed closely the majority group. 22 percent of the respondents fell between 51 to 60 years of age and the other group (61-70 years) made up about 16 percent of the total respondents.
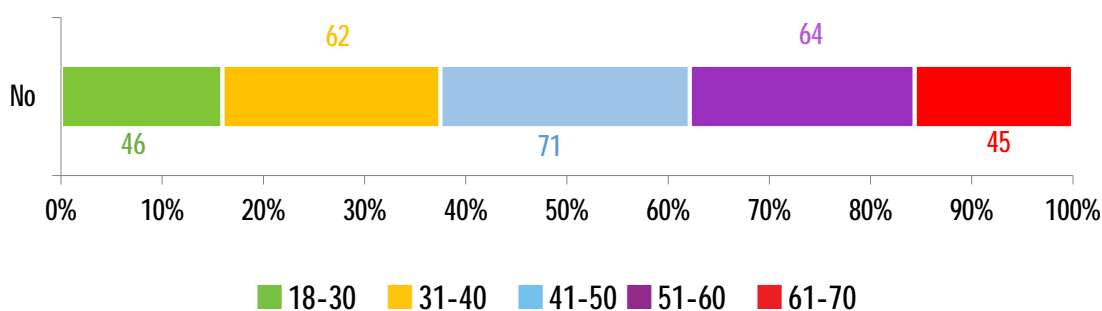

Figure 1.1: Number of respondents per age group

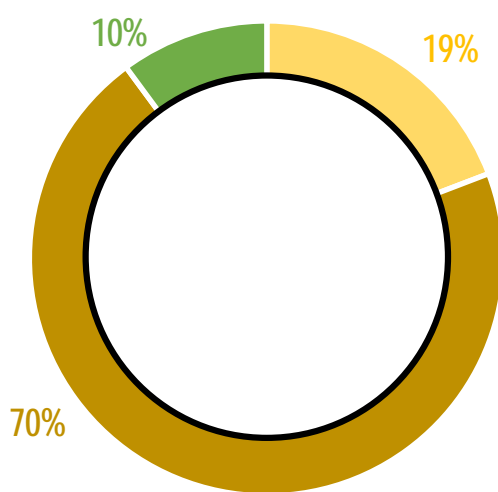Source: UNDP Local Governance Mapping, Kayin State, May 2014 n=288

Figure 1.2: Type of housing of respondents

Source: UNDP Local Governance Mapping, Kayin State, May 2014 n=288

27%

1%

57%

15%

■ Kayin ■ Bamar ■ Shan ■ Other

45%

55%

■ Kayin ■ Bamar

8%   1%

7%

35%

21%

27%

■ **No education or not finished primary school**   ■ **Primary school (finished grade 5)**

■ **Middle school (finished grade 9)**   ■ **High school (finished grade 11)**

■ **Graduate training or higher**   ■ **Literacy group**
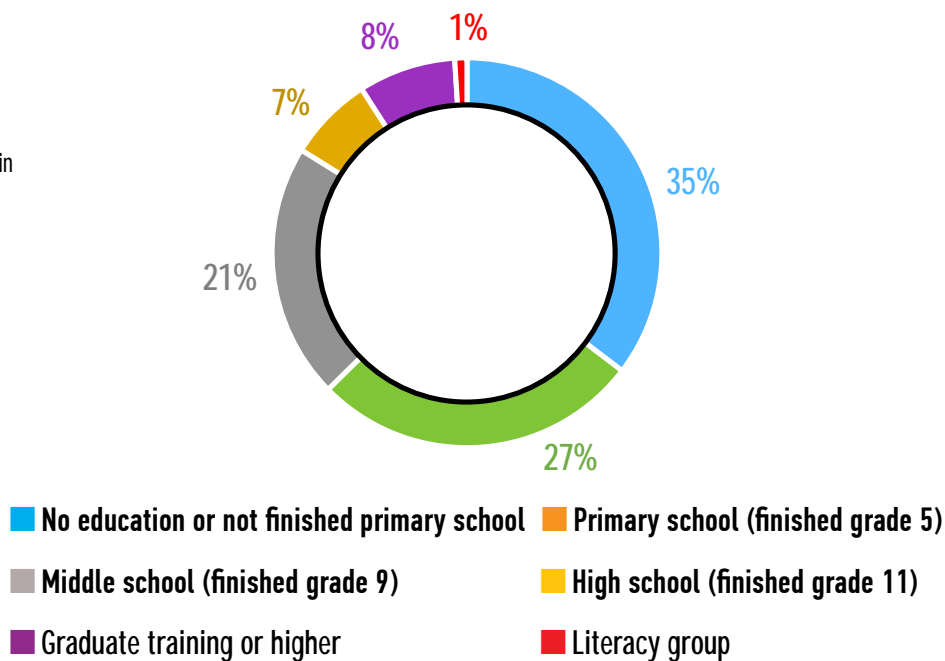
Over one third (35%) of the respondents had no education or did not finish primary education while about one fourth (27%) completed primary education. In total, more than one-half (62%) of the respondents had education at most up to primary school. About one-fifth of the respondents reported to have finished middle school (grade 9) while only 7

percent of the total respondents said to have completed high school (grade 11). Despite fairly equal gender distribution among those who completed primary and middle schools, there was a wider gender gap among those with no formal education – 45 males vs. 55 females – suggesting that women in older generation are more likely to lack formal education. There was also a significant difference between males and females for higher levels of education. While more than twice the number of males (15 males vs. 6 females) reported to have graduated from high school, nearly twice more females (8 males vs. 15 females) finished university education. The difference implies that more males are likely to remain at school up to high school; after high school, however, it is more likely for women to continue the higher level education.
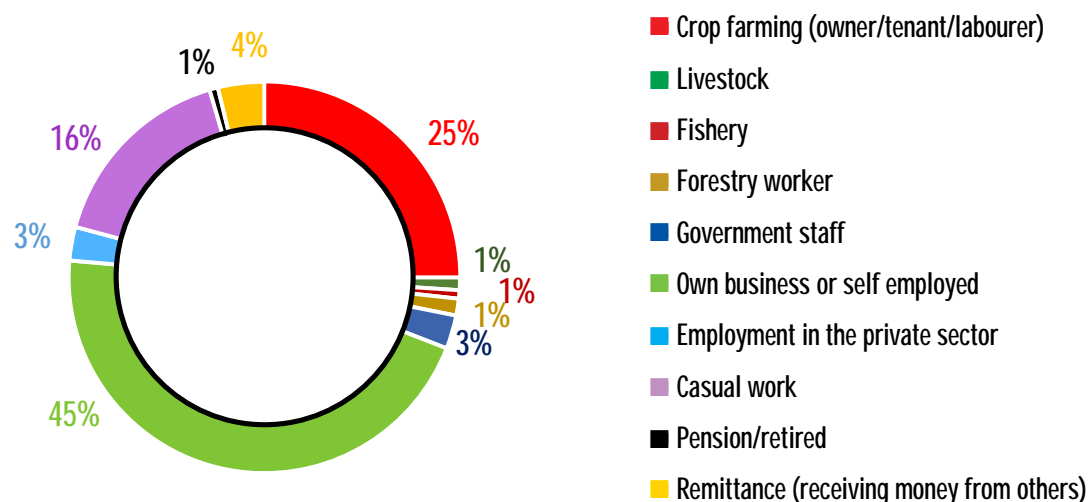

Figure 1.6: Main livelihood of the household of the respondent

Source: UNDP Local Governance Mapping, Kayin State, May 2014 n=288

Legend:
- Crop farming (owner/tenant/labourer)
- Livestock
- Fishery
- Forestry worker
- Government staff
- Own business or self employed
- Employment in the private sector
- Casual work
- Pension/retired
- Remittance (receiving money from others)

In order to gain insight into the knowledge people have about services provided by government, we asked those respondents who mentioned crop farming as their main economic activity and were owning the land on which they grew their crops (n=66) whether they had registered their farmland. This is only possible since 2012 and not only provides more security for the household against land grabs and claims from others, but it also can be used as a collateral to obtain loans.

Annex 2:   Community action plans

At the end of each Community Dialogue session the citizens and services providers agreed upon a simple action plan to resolve some of the issued identified in the meeting that could be resolved at their level. These rudimentary action plans are presented below not with the intention to monitor actual progress, but more to show how a half-day Dialogue Session can be instrumental in bridging the differences in perception between service users and service providers and in stimulating community self-help activities.

Table 2.1: Overview of community action plans resulting from the Community Dialogue sessions in the six village tracts/wards.

VT/ Ward	Issue 1 (Educaiton)	Issue 2 (Health)	Issue 3 (information flow)	Issue 4 (other issues)
Tharyar Kone VT, Hlaingbwe	Community supports the education sector by hiring teachers and by providing school furniture. Local education staff will report the vacant list of teaching staff to the Education Department.	To get more sub RHC, the health staff report to MOH. Citizens are able to provide the land space for S-RHC and support to build the building. It is required to assign more BHS to community by the government.	VTA should disseminate information accurately through relative associations and 100 HHs then the flow of information will improve. More programmes which educate both local administration and local citizens are required.	People and CBO will help to convince the armed groups to make peace.
Kha Ward, Hlaingbwe	Everyone would try to support the development of primary education and ensure equal treatment of poor children. They will ask Education staff to fulfil teaching aids and drinking water source.	Health staff will report the insufficient staff issue to their superior. Health staff will try to treat all patients equally	Ward administrator promised to provide information about development project to community through development support committee.	For next time, the ward administrator will inform community to elect the members of the ward development support committee.
Taung Kyar Inn VT, Kawkareik	With support from the government the villagers will build a bridge to solve the issue regarding the bad road to the school.	The health care staff will report the housing problem, of the staff to the Township management.		
No. 7 Ward, Kawkareik	Improvements for school could not be done by the community members alone and by the township level management. Those issues have to be solved by the State or Union level government.	The health staff agreed to report the requirement of extra health facilities though they mentioned that only the government can resolve cases related to the supply of medical equipment.	Ward Administrator agreed to inform citizens who had been absent from meetings through their representatives. Community members supported the WA suggestion.	Service providers agreed to report the electricity issue to the parliament.

Ta-Kaung-Bo VT, Hpa-An	Citizens are willing to repair the school building by assisting with labour.	Health service providers proposed to form a health support group to reduce illnesses and disease. Citizens can collaborate together regarding healthcare.	Citizen will support healthcare staff for providing health service during the night.	The VTA should inform people about tasks they have to carry out, Citizens agree to attend meetings if VTA give prior information about the project
No.2 Ward, Hpa-An	Citizens are able to do voluntary work to repair the school building. The teachers would submit the report to the department. The parents will encourage the children to go to schools. The ward administrator will distribute exercise books and stationery to students from poor families.	The ward administrator will report the request for a health centre. The health staff will report the lack of health staff to the department. The VTA will cooperate with the Township management to solve the problem regarding lack of water. The citizens will contribute money as much as they can.	The ward administration said that people will be invited to the meetings and that the people should cooperate with ward administration. The ward administration will try to cooperate with the Township management more.	The ward administrator responded that they will share the information about security more actively.

Annex 3: Composition of management, support and coordinating and committees in the three townships in Kayin State.

3.1 Management Committees

Although the two Management Committees have decision making power, in practice, certainly in Kayin they are more advisory to the TA, since the TA as the most senior officer and the chairperson of both committees can overrule any collective decision, while decision made by the committees need to be endorsed by the TA.

Township Management Committee (TMC)
In all three Townships in Kayin State, the Township Management Committee is rather small as compared to the size of the TMC in other States/Regions .

Table 3.1: Composition of TMCs in the three townships

Role	Position	Hlaingbwe	Kawkareik	Hpa-An
Chair	Township Administrator - GAD	X	X	X
Secretary	Township Immigration Officer	X	X	X
Joint Secretary	Deputy Township Administrator - GAD	X	X	X
Member	Head of Police	X	X	X
Member	Township Planning Officer	X	X	X
Member	Township Education Officer			X
Member	Township Municipal Affairs Officer		X	X

In all three townships, the TMC meets on an irregular basis (between once a week and once a month), and when it does, the TMC meetings usually take place after the weekly Heads of Department meeting, if issues have come up that require the attention of the TMC.

Township Farmland Management Committee (TFMC)
There are two committees dealing with land in Kayin State. The Land Allocation Committee (LAC) dealing with the allocation of land for farming, for residential or commercial use and the Township Land Management Committee dealing with land conflicts and complaints.
Membership of TFMC: TA chairs, the Land Record Officer is secretary, Agriculture, Planning and livestock/fisheries officers are members. The LAC has the same membership, but includes the chairpersons of the TDSC and the TMAC as members. According to several government officers, the LAC has never met so far in any of the three townships partly because there is still a lot of confusion about the roles, the mandates and procedures of these committees.

3.2 Support Committees

The Township Development Support Committee (TDSC) and the Township Development Affairs Committee (TDAC) are a starting point for the inclusion of the perspectives of interest groups and citizens in the decision-making processes at the township level – as specified within the notification directing State or Region governments to form these bodies. Only the secretary and one member of these committees are government staff while the rest of the members are selected by "popular vote" of town elders and representatives of wards/village tracts and from the various social and economic organizations (like business,

farmers and workers), thus ensuring the participation of "local organisations and private individuals" in township development.

Township Development Support Committees
The TDSC were established to support the township management in the planning and implementation of development activities by involving citizens actively in township development. Their formal role is limited to be an advisory body, primarily intended to support the TMC, which is made up of the Township Administrator (a GAD official) as well as the other heads of department.

The TDSCs in Kayin were established in October 2013. They consist of 9 members each, 7 representatives (elders) from different wards and two from government (Deputy TA and the Rural Development Officer) (see Table 3.2). All 27 members of the three TDSCs are male. One of the citizen representatives is elected by the committee members as chairperson.

Role	Position	Hlaingbwe	Kawkareik	Hpa-An
Chair	Elderly and Respected Person	X	X	X
Secretary	Elderly and Respected Person	X	X	X
Member	5 Elderly and Respected Persons	X	X	X
Member	Rural Development Officer	X	X	X
Member	Deputy TA from GAD	X	X	X

Table 3.2: Composition of TDSCs in the three townships Kayin State

Members of the TDSC are nominated by the wards in the central town (one or two Elderly and Respected Persons per ward depending on the number of wards) and do not (as is the case in other States/Regions and as described in the notification) represent specific interest groups. There is no representation from wards from other municipalities in the township (if any) and nor from village tracts in the TDSCs because they were considered to be too far away from the central town, which would make it difficult to meet on a regular basis. According to the TDSC members this is not a problem as the village tracts are consulted via their VTAs. As the township covers both urban and rural areas, and as the Support Committee is involved in discussing plans and development priorities for the whole township, this issue illustrates the tenuous nature of the claim that these bodies are in fact elected and representative, which could constitute a problem in further efforts to build legitimacy and wider public support for such these new institutions.

The TDSCs meet on a regular basis, usually twice a month and often together with the TA-VTA meeting, which takes place once a month. According to the members, no minutes of meetings are made when they meet as a group separately. During their meetings they are informed by the Deputy TA about issues relevant to their township, directives, development projects, etc. In Kayin State the active role of the TDSC limits itself to the discussion, selection and proposal of development projects only. They do not, as in other States and Regions, discuss citizens' concerns or progress related to specific sectors and are not formally involved in the active monitoring of the progress of development projects.

Besides some general instructions, the TDSC members did not receive any form of training when the committees were installed. As a result, their mandate, status and way of operation is not fully clear to them.

Township Development Affairs Committee

The TMACs were also established in October 2013. In all three townships, they consist of four ward representatives (Elderly and Respected Persons) and three government staff (Municipal Affairs Officer, Deputy TA and Rural Development Officer) (see Table 3.2). All members in all three township TMACs are male. One of the citizen representatives is elected by the committee members as chairperson.

Role	Position	Hlaingbwe	Kawkareik	Hpa-An
Chair	Elderly and Respected Person	X	X	X
Secretary	Municipal Affairs Officer	X	X	X
Member	GAD Deputy TA	X	X	X
Member	Rural Development Officer	X	X	X
Member	3 Elderly and Respected Persons	X	X	X

The TDACs usually meet twice a month, while some of their meetings overlap with those of the TDSC and TA-VTA meetings. No minutes of meetings are made or made available to its members. Similar to the TDSCs, the TDACs play a minimal role in municipal management and development in Kayin as compared to the functions that the TDAC fulfil in other States and Regions. The TDACs discuss issues related to garbage collection, water for household consumption (contamination of wells, etc.), roads and storm drainage in the town.

As mentioned in the main text, with the adoption of the municipal law, the character of the TDAC is changing slightly from purely advisory to more executive, even though any major decision needs to be endorsed by the State Minister of Development Affairs.

3.3 Coordinating Committees

Like in other States and Regions various formal and informal committees have been established at the Township level in Kayin State with the intention to improve coordination between the various government departments or to implement functions that involve more departments[73]:
• The Township Planning and Implementation Committee (TPIC),
• The TA-VTA coordination meetings,
• and the more informal weekly Heads of Department meetings

Township Planning and Implementation Committee

The TPIC was conceived by the Ministry of National Planning and Economic Development (MoNPED) as a vehicle for channelling "bottom-up planning" in the development of national plans and budget allocation. In addition, the TPIC is charged with gathering the relevant data to calculate the township GDP and to support the work of the Township Planning Officer (TPO).

In all three townships in Kayin the TPIC was dormant, according to the Township Planning Officers.

TA-VTA coordination meetings

The TA and the VTAs meet on a regular base either once a month (Hlaingbwe and Hpa-An) or bi-weekly (Kawkareik). The VTAs report progress on development projects in their

---

73   See Local Governance mapping in Myanmar: Background and Methodology for the legal basis of these committees

village tract wards, and on urgent matters within their village tracts or wards that require the attention of the higher level government. The TAs use these meeting to collect information from the VTAs, to inform the VTAs of important directives, decisions and planned activities or visits, etc.

The VTA meetings are once in a while (usually once every month) combined with meetings of the Township Development Support Committee and the Township Development Affairs Committee especially when the selection of development projects is discussed or when the TA announces which proposed development projects have been endorsed by the Kayin State Government.

Head of Department and Head of Office meetings
The TA chairs the Heads of Departments meetings, which take place almost every week. These meetings are more informal and focus on the more practical and **operational matters within the township.**

Table 3.4 presents an overview of the presence of key departmental representatives in the various coordinating and consultative committees at township level in the three townships in Kayin State. While the Ministry of Health plays a key role in basic service delivery in the township, it is remarkable that the Township Medical (or Health) Officer is not part of any of these formal structures. TMOs do however participate in the Heads of Departments meetings but often not on a regular basis.

TA = Township Administrator, DTA = Deputy TA, TPO = Township Planning Officer, TEO = Township Education Officer, EO = Executive Officer.
Source: Adapted from GoM documentation on committee composition and interviews with TAs in the three townships.

	GAD	Department of Planning	Department of Health	Department of Education	Development **Affairs** Organization	Department of Agriculture	Department of Rural Development
Township Management Committee	TA, chair DTA, joint secretary	TPO, member		TEO, member in 1 township	Member in 2 townships		
Township Farmland Management Committee	TA, chair	TPO, member				Member	
Township Development Affairs Committee	DTA, member				EO, secretary		Member
Township Development Support Committee	DTA, member						Member

Table 3.4: Inclusion of key departments (related to governance and basic service delivery) in the various township committees in Kayin State.

Annex 4: Summary of focus group discussions with TDSC/TDAC and CSOs/NGOs

Question	Combined Score	Reasons
1. How do you rate the information the township administration is sharing with the support committees and citizens about its activities, projects and budgets?	3 Not good/ not bad	• The committee members in all three townships acknowledged that the township administration is providing much more information about its development activities than a few years ago through the VTA meetings and the support committee meetings. • However, they lack information on budgets available for projects and the information is not reaching most villagers yet.
2. How do you rate the involvement of the township level support committees (TDSC and TMAC) in decision-making processes?	1 Very bad	• All committees agreed that they are consulted regarding the selection of projects for the various development funds, but they are not involved in the actual decision-making process. • Very often the actual selection of projects differs at lot from the ones that they have proposed and the government does not provide them with a justification as to why some were rejected and other approved. • The committee members on the other hand acknowledged that their voices were still too weak to demand more explanations.
3. How do you rate the interaction between the support committee members and citizens in this township?	4 Good	• According to the committee members they do what they can to meet with citizens formally or informally but citizens are ignorant and will not come to meetings without incentives. The fact that they only represent interest groups from the municipal area and not from the village tracts was not seen by them as problematic because as they said: "the villagers are represented by their VTAs".
4. How do you rate the activities implemented by the township administration to prevent corruption in this township?	1 Very bad	• The committee members mentioned that they hadn't seen any anti-corruption measures taken by the township administration and that bribery is continuing as usual especially along the border routes and in the border areas.
5. How you do you rate the overall performance of the township government?	3 Not good/ not bad	• The performance of the township administration has improved, but much more can be done, for example: • When the TA/government invites people to a meeting they should explain the topic of the meeting in advance so that people can decide whether it is important to attend; • Minutes of meetings should be shared with everyone and easily available, which will help the committees to do their work and show that they are active; • The GAD should meet more often with the support committees and take their advice seriously. Once this happens citizens will have more confidence in the work of the committees.

Question	Combined Score	Reasons
1. How do you rate the information the township administration is sharing with the support committees and citizens about its activities, projects and budgets?	1 Very Bad	• **There is very little information about these support** committees, how the members were selected and what they are doing. • **There is no transparency in how projects are selected and** neither in the use of the funds. An example of this was provided by one of the participants: "At a certain moment the TA asked the VTAs whether they would be able to improve the local roads using local labourers. They said yes but later on the road upgrading was given to a contractor anyhow without any explanation".
2. How do you rate the involvement of the township level support committees (TDSC and TMAC) in decision-making processes?	1 Very bad	1. The CSOs didn't know that they can also submit project proposals via the TDSC members. In addition there is no consultation between the committee members and citizens and they don't inform citizens about what they discussed in their meetings.
3. How do you rate the r esponsiveness of the government to needs of people?	3 Not good/ not bad	• **According to the CSOs there has been some improvements,** like the establishment of a pre-primary school, but these are not enough.
4. How do you rate the contact between the CSOs and citizens in this township?	3 Not good/ not bad	1. On the one hand most CSOs reach out to the population irrespective of race or religion, but they also realise that they could do much more and should also lobby and advocate on behalf of the people they are working for. They are however still reluctant to do as this might be seen by government as being too critical, and they also lack the experience.
5. How do you rate the activities implemented by the township administration to prevent corruption in this township?	1 Very bad	2. The CSOs mentioned that they hadn't seen any evidence of the government taking action against corruption. According to one CSO member: "some people think that the new Anti-Corruption Law allows officials to receive bribes up to 300,000 Kyats per case".

4.2: Rating of the township performance on key governance indicators by the CSOs and NGOs in the three participating townships.

Source: Focus Group Discussions with CSO and NGO representatives in Hlaingbwe, Kawkareik and Hpa-An.

Annex 5: Proposed action plans from village tract/ward, township and State level stakeholders to address some of the identified governance issues in Kayin State.

Key issue	Action(short term)	Action (medium-term)	Actors	Capacity-building support required
Existing CSOs operate in isolation	• **Departments** invite relevant CSOs to attend meetings • **Regular** meetings to be held among CSOs and development committees	• Improve information dissemination channels and communication platforms	• Village/ward administration • School teacher/ health staffs • Village/ward elders • Citizens • CSOs and CBOs • Religious leaders	• **Leadership training** • **Capacity building** and skills development training • **Project** development training • **Setting up Libraries** • **Administration** and management training • **Distributing duties** and responsibilities workshops
Limited capacities (skills, resources) of VTAs and VTCs to inform and communicate with citizens	• **Make** information about development projects available to the public using notice boards and pamphlets • Hold meetings in order to provide information about public budget expenditures	• Establish community information hubs	• Local authorities • Community members	• **Holding workshops** • **Disseminating** information in local languages • **Creating village** development funds • **Improvements** in roads and transportation so that people can participate in implementing projects.

Limited engagement and participation in decision-making by women	• Raise public awareness about equal opportunities for women to participate in public affairs • Distribute pamphlets and flyers about women's rights amongst the public. • Hold monthly meetings for women about opportunities and rights	• Institutionalise a quota/ratio of women in committees/ organizations in order to encourage women participation • Allow more women to participate in village development activities • Encourage women's participation through women organizations (Women Affairs Organizations, Maternal and Child Care Organizations)	• Women's organizations • NGOs • Village authorities and elders	• Leadership trainings for women • Organizing workshops • Improvement of the education of the women • Vocational trainings that are applicable where women live

Key issue	Action (short term)	Action (mid-term)	Actors involved	Capacity-building support required
Non-integrated and inefficient data collection at the township level	• Township administration to make field visits to communities once a month to collect information about the needs of the citizens • Township administration to prioritise projects based on the needs of people	• Formation of township sub-committees to provide needed support	• Citizens • Village authorities • Township management	• Transportation facilities (cars/ motor cycles) to do the field trips • Gasoline for transportation • Daily allowance for field visits
Poor information flow from township management to citizens and other stakeholders, with the main bottleneck being at village tract/ ward level		• Improve the capacities of village/ward administrators • Build cell phone towers	• Government • Village/ward and township authorities • Private companies	• Capacity building trainings for • the village/ward administrators.

Weak grievance/ complaint-handling mechanisms	• **Report complaints** to the relevant government departments effectively	• **Set up a complaint-handling department** to deal with citizens' complaints. The department should include government officials and citizens from the community. • **Take necessary actions** against responsible persons who do not take complaints seriously	• **State MPs** • **Citizens** • **Government officials** • **State government**	• **Cooperation** from the regional MPs • **State government's** approval to form a complaint-handling department • **Equipment such** as computers for internet and emails • **Human resource** • **Technology for** computerized complaint handling systems.
Limited capacity of GAD at township level to implement its "developmental role" properly	• **Provide clear and timely instructions** to the township committees for their respective duties	• **Employ more** personnel for township GADs (e.g. increased number of Deputy Township Administrators and number of office clerks)		• **Professional** development trainings for the office staff • **Improved** technology

Key issue	Action (short term)	Action (mid-term)	Actors involved	Capacity-building support required
Weakness in coordination among committees, departments concerned and members of parliament in planning and implementing projects	• Hold regular meetings among committees, departments and MPs • Invite different stakeholders to meetings (town elders, business people etc.) • Collectively prioritise projects for implementation	• Carry out projects in accordance with current policy and procedures	• Project planning committee	• Trainings • Technical assistance
People have very little interest in participating in public functions and attending meetings	• Find common interests among people in order to encourage public interests and participation • Communicate to/ inform people in common language	• Provide for the basic needs of people • Improve socioeconomic conditions of people		• To hold public discussions and workshops
Lack of clear guidelines and selection criteria for various development funds and limited monitoring of projects implemented	• Form a monitoring committee for implemented or to-be-implemented projects	• Formulate standards and criteria for selecting projects		

United Nations Development Programme
No. 6, Natmauk Road, Tamwe Township
P.O. Box 650, Yangon 11211
Myanmar

www.mm.undp.org